U.S. Congress.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

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VOLUME XLVIII, PART VIII.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

WEDNESDAY, *May 29, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SPECIAL AGENTS AND SECRET SERVICE (S. DOC. NO. 728).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 29th ultimo, certain information relative to the money for special agents and secret-service men, the number of agents employed, and methods of investigation pursued by them with reference to homestead entries. The communication, with the accompanying papers, will be referred to the Committee on Public Lands and printed.

Mr. HEYBURN. I suggest that it lie on the table. I think my colleague [Mr. BORAH] introduced the resolution and wishes to discuss the subject.

The VICE PRESIDENT. Without objection, the communication and accompanying papers will be ordered printed and lie on the table, subject to future disposal.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the follow causes:

Spencer Gordon, administrator cum testamento annexo of the estate of Charles Harris Lester, deceased, *v.* United States (S. Doc. No. 729); and

Ida C. Hughes and Ellen C. McNally, daughters and sole heirs at law of Christopher H. McNally, deceased, *v.* United States (S. Doc. No. 727).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, its assistant enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership, situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under or by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of 9th day of August, 1814;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Presbyterian Church of Roseland, Chicago; the Bethany Reformed Church, of Roseland, Chicago; and of the Bethesda Evangelical Free Church, of Chicago, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Greelyville, Rock Hill, and Chester, all in the State of South Carolina, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of Rumford Grange, No. 109, Patrons of Husbandry, of East Concord, N. H., and the petition of Sam B. Tarrante, of Manchester, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Petworth Citizens' Association, of the District of Columbia, and of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the General Federation of Women's Clubs, remonstrating against the enactment of legislation to limit the term of office of civil-service employees to five years, which was ordered to lie on the table.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. SMITH of Maryland presented a memorial of members of the Stationers' Association of Baltimore, Md., remonstrating against the enactment of legislation to prevent manufacturers of patented articles from fixing the retail selling price, which was referred to the Committee on Manufactures.

He also presented memorials of sundry citizens of Salisbury, Gapland, Brownsville, Hagerstown, and Rohrersville, all in the State of Maryland, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of Johnstown, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. WARREN presented sundry papers to accompany the bill (S. 6961) granting a pension to Annie Walker Burch, which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of 39 citizens of Pawtucket, R. I., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which was referred to the Committee on Territories.

Mr. ROOT presented petitions of the congregations of the Baptist and Methodist Churches of Waverly, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. POMERENE. I present telegrams from a number of commercial organizations throughout the country relative to the bill (S. 6810) relating to bills of lading. I do not ask that the telegrams be read, but that they lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CINCINNATI, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association strongly indorses and urges passage of Pomerene substitute Senate bill 6810 relating to bills of lading.

G. M. FREER,
Commissioner the Receivers' and Shippers' Association.

COLUMBUS, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association earnestly desires that Pomerene substitute bill 6810, containing amendments agreed to by bankers and shippers May 22, be enacted. We believe its provisions just and equitable to all concerned. We hope you can give it your active support.

OHIO GRAIN DEALERS' ASSOCIATION,
J. W. MCCORD, *Secretary.*

COLUMBUS OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association earnestly desires that Pomerene substitute bill 6810, containing amendments agreed to by bankers and shippers May 22, be enacted. We believe its provisions just and equitable to all concerned. We hope you can give your active support.

OHIO SHIPPERS' ASSOCIATION.
J. W. MCCORD, *Secretary.*

BALTIMORE, MD., *May 28, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

On behalf of the Council of Grain Exchanges of North America, I strongly urge passage of Pomerene substitute bill 6810 regarding bills of lading. This measure meets some of the reasonable demands of the business interests and does not impose conditions that should not apply to common carriers.

CHARLES ENGLAND.

BALTIMORE, MD., *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The Baltimore Chamber of Commerce indorses Pomerene substitute Senate bill 6810, believing the better safeguarding of bills of lading to be an imperative necessity which should be recognized by the railroads.

F. A. MEYER, *President.*

PHILADELPHIA, PA., *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

Philadelphia Chamber of Commerce strongly indorses Senate bill 6810, relating to bills of lading, and urges upon Congress its early adoption.

N. B. KELLY,
Secretary Philadelphia Chamber of Commerce.

KANSAS CITY, MO., *May 29, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The transportation bureau of the Commercial Club of Kansas City indorses Senate bill 6810 and strongly urges its enactment into law.

G. H. WILSON.

—

CHICAGO, ILL., *May 29, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

I strongly indorse Pomerene substitute Senate 6810 and hope it will be enacted into law at an early date.

W. F. PRIEBE,
Chairman Transportation Committee,
National Poultry, Butter, and Egg Association.

—

BOSTON, MASS., *May 28, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

Favorable action on bill 6810 very desirable, as it will give all concerned much needed protection and guidance on this matter, the present status of which is very unsatisfactory.

D. O. IVES,
Manager Transportation Department
Boston Chamber of Commerce.

—

EVANSVILLE, IND., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Evansville Manufacturers' Association heartily indorses Pomerene substitute Senate bill 6810, relating to bills of lading, fully realizing that its terms are fair and satisfactory to shippers and receivers of freight, and is also impartial.

J. C. KELLER,
Manager Traffic Department.

—

KANSAS CITY, MO., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senator, Senate Building, Washington, D. C.:

Realizing the importance of proper legislation covering bills of lading, we hereby heartily indorse Pomerene substitute Senate bill 6810, and we hope to see its speedy passage by both Houses of Congress.

GEO. H. DAVIS,
President Kansas City Board of Trade.

—

SIOUX CITY, IOWA, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The commercial, jobbing, and manufacturing interests of Sioux City heartily indorse your bill regarding bills of lading, known as Pomerene substitute Senate bill 6810. This legislation is badly needed, and the terms of your substitute bill will go a long way toward preventing confusion and litigation and will make for uniformity of laws on this subject.

SIOUX CITY COMMERCIAL CLUB.
W. E. HOLMES, *Secretary.*

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 816); and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 817).

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, to report it with amendments, and I submit a report (No. 818) thereon.

Mr. CURTIS. Mr. President, I hope the acting chairman of the committee will give notice when he expects to call up the bill he has just reported. I desire to say to Senators that it increases appropriations over and above estimates to the extent of some $3,000,000; that it increases appropriations over those contained in the bill as it passed the House by some $4,000,000, and that it carries general legislation, private claims, and other kinds of legislation. I desire the opportunity to be here when this bill is taken up and to make points of order against those items.

The VICE PRESIDENT. The bill will be placed on the calendar.

CLINTON & OKLAHOMA WESTERN RAILWAY.

Mr. SMOOT. From the Committee on Public Lands I report back favorably the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes, and I submit a report (No. 815) thereon. The Senator from Oklahoma [Mr. GORE] informs me that it is very necessary that the bill shall become a law, and if there is no objection to it, I should like to ask for its immediate consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FALL:

A bill (S. 6980) to amend section 11 of an act entitled "An act to enable the people of New Mexico to form a constitution and State government," approved June 20, 1910, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. FALL. Section 11 of the act refers to the selection and location of public lands, and therefore the bill should go to that committee.

The VICE PRESIDENT. The reference will be to the Committee on Public Lands.

By Mr. FALL:

A bill (S. 6981) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; and

A bill (S. 6982) for the relief of E. H. Biernbaum; to the Committee on Claims.

By Mr. KERN:

A bill (S. 6983) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana; to the Committee on Commerce.

A bill (S. 6984) granting an increase of pension to Noah W. Carr (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6985) granting an increase of pension to Jerome S. Pinney; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6986) for the relief of the estate of Henry Ware, deceased; to the Committee on Claims.

A bill (S. 6987) granting an increase of pension to James Garnett (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6988) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River (with accompanying papers); to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 6989) granting a pension to James, alias John H., Fithian (with accompanying papers); and

A bill (S. 6990) granting an increase of pension to George W. Graves (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6991) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land in the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; to the Committee on the Library.

By Mr. SHIVELY:

A bill (S. 6992) granting a pension to Naomi Fiedler (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6993) granting an increase of pension to Annie Mellinger (with accompanying papers); to the Committee on Pensions.

A bill (S. 6994) to grant an honorable discharge to George Webb; to the Committee on Naval Affairs.

By Mr. CRANE:

A bill (S. 6995) for the relief of Sardine G. Williams and others (with accompanying papers); to the Committee on Claims.

Mr. GORE. At the request of my colleague [Mr. OWEN], I introduce a bill and ask that it be referred to the Committee on Military Affairs.

The bill (S. 6996) to correct the military record of Joseph Hawkins was read twice by its title, and (with accompanying paper) referred to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 6997) to incorporate the Giesboro Railroad Co. (with accompanying paper); to the Committee on the District of Columbia.

Mr. GORE. At the request of my colleague [Mr. OWEN], I introduce a joint resolution and ask that it be referred to the Committee on Post Offices and Post Roads.

The joint resolution (S. J. Res. 113) calling upon the Postmaster General for report upon the practicability and cost of establishing a telegraph and telephone system as part of the postal service, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $10,000 to enable the Secretary of War to prepare an estimate of the cost per mile and the aggregate cost of widening and surfacing the main traveled roads and bridges of the Yellowstone National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the number of nautical experts in the Hydographic Office, at $1,800 per annum, from one to two, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

HUDSON RIVER IMPROVEMENTS.

Mr. BURTON submitted the following resolution (S. Res. 323), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate all correspondence and documents, or copies of documents on file in his office or in his possession, relating to the attitude and action of the State of New York regarding the conditions imposed upon the appropriation of $1,300,000 for the improvement of the Hudson River, made by the act of June 25, 1910, together with any other information that it may be appropriate to transmit therewith.

MISSOURI RIVER BRIDGE NEAR COUNCIL BLUFFS, IOWA.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended. I only do so because it is of very great importance that the bill be passed.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act to authorize the Central Railroad & Bridge Co. to construct a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, and amended February 27, 1909, and June 25, 1910, so as to give to the Central Bridge Co., of Council Bluffs, Iowa, all the authority and rights granted under the act, if the actual construction of the bridge authorized by the act is commenced within one year and completed within three years from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL ARBITRATION TREATIES.

Mr. OVERMAN. I send the following letter to the desk and ask that it be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read the communication presented by the Senator from North Carolina.

The communication was read and referred to the Committee on Foreign Relations, as follows:

371 CENTRAL PARK WEST,
New York City, May 13, 1912.

Hon. LEE S. OVERMAN,
United States Senate.

MY DEAR SENATOR OVERMAN: I noted in March the press reports of the terms upon which the Senate consented to the ratification of the proposed arbitration treaties between the United States, France, and Great Britain. I have secured a certified copy of these documents, and find that the Senate's resolution of approval expressly declares, among other things, that these treaties do not authorize the arbitration of any question "concerning the alleged indebtedness or money obligation of any State of the United States." As the Senate thought it worth while to include these words in its resolution of approval, and as you represent the State of North Carolina in the Senate, I deem it my duty to inform you that in 1906 a committee of eminent citizens of this country tendered to the Government of Colombia a large donation of repudiated North Carolina bonds, together with an expression of the committee's regret at the course pursued toward Colombia by the United States as regards Panama. At that time I was acting as counsel to the Colombian Legation at Washington, and was consulted by the Colombian minister in regard to this proposal. I advised against acceptance of this offer, and in due course the committee of American citizens was informed that the Government of Colombia was unwilling to receive the bonds.

The circumstances under which this proposal was made to and rejected by Colombia are worthy of comment. Before I became counsel to the Colombian Legation a proposal to arbitrate the Panama matter was made by Colombia and refused by the United States. The proposal charged violation of the law of nations by collusion between high officials of the United States and citizens of Colombia, prior to the declaration of Panama's independence, and violation of the treaty of 1846 by acts of the United States after the declaration of Panama's independence.

The refusal to arbitrate was based principally on two grounds: First, that the proposal involved the honor of the United States; and, second, that Colombia sought thereby to subject the policy of the United States to foreign dictation. When I was consulted by the Colombian minister, soon after receipt of this unfavorable note from our State Department, I advised him that, in my opinion, Colombia had a complete case against the United States, taking into account only admitted acts of this Government after the declaration of Panama's independence, and that the objection to arbitration made in the note under consideration could be obviated by proposing to arbitrate the alleged violation of international law and of the treaty of 1846 by admitted acts of the United States, leaving out entirely all reference to the alleged secret and unlawful intercourse between high officials of the United States and citizens of Colombia prior to Panama's declaration of independence. I pointed out that this would reduce to a minimum the difficulties of securing an arbitration during that administration, whose high officials committed, or were believed to have committed, the acts complained of, and that in case the administration then in control of the United States should decline this offer a subsequent administration could be expected to arbitrate the entire question at an opportune time.

The Colombian minister accepted this advice and filed such a proposal with the State Department, disclaiming any desire to interfere with the governmental policy of the United States further than to secure an impartial judgment as to whether the United States had violated principles of international law to which it had assented, or the terms of a treaty which it had solemnly concluded with Colombia.

In this proposal the loss of Panama was accepted as irreparable and the question resolved itself into one of financial recompense to Colombia in case a violation of legal duties on the part of the United States was found by the arbitrators. Perhaps I should add that an arbitral court of The Hague Tribunal was proposed, or a court constituted in some other way as the United States might prefer.

The Colombian minister was waiting in vain for a reply to this proposal when the tender of repudiated North Carolina bonds was made to and rejected by Colombia. Shortly after that the minister, who had consulted me, resigned his post, and I thereupon ceased to have any professional relation with Colombia or to its legation at Washington. But, as an American citizen and an advocate of justice, I have continued to follow with interest all the published incidents in the progress of this case, and have never for one moment lost faith in the ultimate consent of this country to let justice be done to Colombia as regards Panama.

Recent events convince me that the time for this is near at hand, and I take this opportunity to refer to some of these: for example, the recent action of President Taft in proposing, and of the Senate in agreeing to, the arbitration of all justiciable questions that may hereafter arise between the United States and Great Britain or France. I observed with great satisfaction the almost unanimous acceptance of that proposal by the Senate, also the declaration in the majority report of the Senate Committee on Foreign Affairs that a similar treaty would be in order with all friendly nations. As I see it, the point of difference between the Senate and the President in regard to one paragraph of these treaties was of small importance, though the public discussion of the treaties made the difference appear large, and resulted in the misrepresentation of the Senate's position. The fact that the Senate wished to mark out by its own deliberate decision, as particular cases arise, the rather indefinite boundary line of the arbitration area, as determined by these treaties, was taken as a sufficient reason for calling the Senators obstructionists. The wisdom and integrity of the Senate, as proven by its actions during more than a century, were apparently lost sight of for the time being.

Having solemnly agreed to arbitrate questions capable of solution by the application of principles of international law, the Senate can be implicitly relied upon, in my humble judgment, to keep that promise as certainly as it can to uphold the Constitution and the laws of the United States duly enacted. To distrust the Senate in this respect is to distrust the operation of the principle of democratic government, for the Senators are those citizens of the various States who are placed by the operation of this principle in a position of joint responsibility with the President in the conduct of the foreign affairs of our country.

The framers of our Constitution placed so much reliance upon the Senate that one-third plus one was given the power to prevent an action in our foreign affairs proposed by the President and approved by the other two-thirds of the Senators less one. The vitalest rights of Americans are dependent upon the wisdom and the integrity of the Senate in upholding the Constitution and the enacted laws of the United States. Why can not the Senate be equally trusted to fulfill a bounden duty as respects international arbitration, self-imposed by its own deliberate act, and becoming by such act a part of the law of our land?

As the Senate passes over to courts of arbitration under the terms of the Taft treaties the various justiciable questions that are outstanding or that may hereafter arise, this action will gradually define the arbitration boundary line as described in these treaties, so that questions of various kinds will thereafter go to the court of arbitration almost as a matter of course. Until that line is clearly defined it would be difficult to find safer men for its demarcation than the President and the constitutional two-thirds of the Senators present at any session duly called.

The Panama case is justiciable, because it can be fully settled by the application of well-recognized principles of international law to which the United States has assented (for violation of which it has held Great Britain accountable) and by the judicial construction of a treaty solemnly concluded by the United States and Colombia, by the terms of which the United States assumed certain obligations for a calculable consideration, paid by Colombia and received by the United States and now being enjoyed by it and by its citizens.

The Panama Canal will soon be completed. The charge that the United States violated the law of nations and the treaty of 1846 in its acquisition of the right to construct the canal ought to be settled before the canal is finished. The charge that there was collusion between disloyal citizens of Colombia and high officials of the United States Government resulting in the declaration of Panama's independence and in Colombia's loss of a member of her body constitutes a stain upon the honor of the United States so long as the United States refuses to permit a judicial investigation of that charge. For the protection of our own honor, therefore, as well as for the proper administration of justice, the completion of the canal should be accompanied by the judi-

cial determination of all questions growing out of the manner of our acquisition of the right to build it. Even if the United States has done no wrong in the Panama matter, a judicial decision of the claim to the contrary is essential in order to uphold the reputation of our country for justice and equity.

In addition to the foregoing considerations there are several others which call for the judicial settlement of this case at an early date. I will mention briefly only three more.

The third Hague conference is expected to assemble during 1915. The United States should enter that conference with the prestige of having secured a judicial determination of all the outstanding controversies to which it is a party and which are justiciable, as that word is defined in the Taft treaties. Decisions can not be expected prior to the assembling of the Hague conference, unless the preliminary steps for the arbitration of the cases are taken at an early date.

The Panama case is between one of the heaviest-armed nations of the world and one of the lightly armed republics of South America, a republic which was supposed to have not only a general guaranty for its protection through the maintenance of the Monroe doctrine by the United States, but a specific guaranty of continued sovereignty over Panama through faithful observance by this country of the promise contained in the treaty of 1846. Claiming that this treaty warranted the use of our armed forces to prevent Colombia from maintaining her own sovereignty over the Isthmus, when one of the express objects of the treaty was to perpetuate Colombia's possession of Panama by the armed power of the United States, and then refusing to let the question thus raised be judicially determined, does not satisfy the demands of justice or comport with the former high character and present reputation of the United States. As I see it, the claim that this country is entitled to leadership in the movement for peace and justice is to be determined by the willingness of this country to submit its conduct to arbitration not merely in cases that may hereafter arise, but in cases that have already arisen, when these cases can be settled by the application of principles of international law or the terms of treaties to which this country is a party.

The newly appointed Colombian minister will come to Washington as the result of a highly honorable act on the part of Colombia toward the United States. I refer to the proffered welcome of Secretary Knox on Colombian soil, notwithstanding continued refusal of this country to arbitrate the Panama case during the past nine years, necessitating, as it did, the recall of a valued Colombian official who had "done the State some service."

Knowing your devotion to justice and right, I feel that you will take any steps that may be proper to secure the earliest possible settlement of this and all other justiciable questions in exact accordance with the law of nations and with the treaties to which our country is a party.

Thanking you for your courtesies to me, I remain,

Very sincerely, yours,

HAYNE DAVIS.

REFUND OF PENALTIES ON ALCOHOL.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated section 3297 and 3297a of the Revised Statutes and the regulations thereunder.

The VICE PRESIDENT. The Senator from Maryland asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. RAYNER. I want to say a word about the bill. It was unanimously reported by the Committee on Ways and Means of the House; it unanimously passed the House; it was reported favorably unanimously by the Committee on Finance of the Senate; and has been approved by different departments of the Government. It is to refund certain penalties that have accrued against the hospitals of the country for not properly denaturing alcohol. The alcohol was never used as a beverage, and the bill is an eminently just measure. I do not think there is any objection to it at all.

The VICE PRESIDENT. The bill will be read by the Secretary for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, on appeal to him made to abate, remit, and refund all taxes or assessments for taxes the liability for which is asserted against any scientific institution or college of learning on account of any alcohol withdrawn from bond free of tax in accordance with the provisions of sections 3297 and 3297a, Revised Statutes, and not used as authorized by the above-mentioned law and regulations thereunder; but no assessment made of tax imposed shall be abated or refunded as to any alcohol so withdrawn and used for beverage purposes; and all applications for relief under this act shall be filed in the office of the Commissioner of Internal Revenue within one year from the date of the approval of this act, and no liability incurred on or after March 1, 1912, shall be relieved against hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR ST. LOUIS, MO.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of a bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery. I call the attention of the Senator from Nebraska [Mr. HITCHCOCK] to the request, because I think he has heretofore objected.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I object.

The VICE PRESIDENT. Objection is made.

BATTLE OF GETTYSBURG.

Mr. OLIVER. Mr. President, having given notice to the Senate yesterday that I would do so, I now ask unanimous consent for the present consideration of Senate bill 6964.

The VICE PRESIDENT. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed: First. To make all necessary and proper detail of officers of the United States Army to make such surveys, measurements, and estimates as may be necessary in providing a sufficient supply of good water for public use upon the 1st, 2d, 3d, and 4th days of July, 1913, upon the battle field of Gettysburg, in the Commonwealth of Pennsylvania, upon the commemoration of the fiftieth anniversary of the Battle of Gettysburg, and to make all necessary provisions and perform all necessary acts in connection with bringing upon said battle field upon said occasion such sufficient supply of good water fit for drinking and other purposes connected with and incidental to such occasion.

Second. To provide for all necessary sewerage, sanitation, and hospital service necessary for the health and accommodation of persons attending upon such occasion.

Third. To provide and furnish all necessary camp and garrison equipment for visiting veterans of the Civil War, together with all necessary rations and supplies for such veterans during said celebration.

SEC. 2. That the steps hereinbefore authorized to be taken by the War Department shall be fully completed before the 1st day of July, 1913, and that all camp equipment, supplies, and rations shall be fully ready for occupancy and use.

SEC. 3. That the Fiftieth Anniversary of the Battle of Gettysburg Commission of the Commonwealth of Pennsylvania shall have charge of the order of exercises during the celebration; that the physical control of the camp and grounds and the movements of troops and marching bodies therein shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose.

SEC. 4. That there is hereby appropriated from the Treasury of the United States, out of any funds not otherwise appropriated, one-half of such sum as may be necessary to carry out the foregoing provisions of this act, not to exceed the sum of $150,000: *Provided*, That out of the sum of $250,000 heretofore pledged by the Commonwealth of Pennsylvania by act of the general assembly of that Commonwealth, adopted on the 14th day of June, 1911, the commission appointed by the governor of Pennsylvania, in accordance with said act and having charge of such celebration, shall set aside and appropriate a sum equal to the amount above appropriated, to wit, the sum of $150,000; so much of which as may be necessary shall be expended for the purposes provided in this act, under the sole direction of the Secretary of War: *And provided further*, That until the said commission shall adopt a resolution agreeing that the Commonwealth of Pennsylvania shall bear one-half of the expenses incurred in carrying out the provisions of this act, and shall furnish to the Secretary of War a certified copy of such resolution, no part of the sum hereinbefore appropriated shall be expended.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. SIMMONS. Mr. President, I dislike to object to the consideration of this bill, and I will not do so if it will not provoke any debate. If it does——

Mr. OLIVER. I hope the Senator will not object. I do not think there will be any extended debate upon the bill.

Mr. SIMMONS. If there is any extended debate, I hope that the bill will be laid aside.

Mr. OLIVER. I will say that if there is a disposition shown to extend the debate, I will not insist upon the consideration of the bill to-day; but there is very great necessity for action upon this subject at this session of Congress, if it is to be acted upon at all, and I trust that Senators will allow the bill to pass.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHIVELY. Mr. President, is the bill accompanied by a written report?

Mr. OLIVER. The bill is accompanied by a very extensive report, I will say to the Senator. The matter was referred to the War Department, which presented a very elaborate report,

estimating that this work would cost $285,943.34, of which the State of Pennsylvania has agreed to contribute one-half. If I had time I could explain the matter in detail; but I think there is a general disposition to assist the veterans of the Civil War on both sides in celebrating this epochal battle, and I trust that no objection will be made.

Mr. SHIVELY. What is the exact amount carried by this bill?

Mr. OLIVER. Not to exceed $150,000. I will state that the State of Pennsylvania has appointed a commission and has pledged itself to contribute a sum not to exceed $250,000. Out of that sum the commission having charge of the affair has agreed to contribute sufficient to pay half the expense of establishing this camp, all to be done under the supervision of the War Department; so that the limit to which this measure goes will be $150,000.

Mr. SHIVELY. Let me understand the Senator. Does the Senator say that in no event will this cost the Federal Government a sum to exceed $150,000?

Mr. OLIVER. I state that most emphatically.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 321, requesting the President to send to the Senate a compilation of the returns of corporations for internal-revenue purposes for the year 1911.

Mr. SIMMONS. I object.

The VICE PRESIDENT. Objection is made.

Mr. CULLOM. Regular order!

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

THE METAL SCHEDULE.

Mr. SIMMONS. Mr. President, is the morning business over?

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS. Then I ask unanimous consent that the Senate proceed to the consideration of the metal-schedule bill.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Georgia [Mr. SMITH], which the Secretary will state.

The SECRETARY. It is proposed to amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes appear to have it.

Mr. SIMMONS. I ask for a division.

The VICE PRESIDENT. A division is requested.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. I should like to have the amendment again stated.

The VICE PRESIDENT. The amendment has just been stated; but, without objection, the Secretary will again state it.

The Secretary again stated the amendment.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], and therefore withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and therefore withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I do not see him present. I therefore withhold my vote.

Mr. PERCY (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair to the Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. HEYBURN (after having voted in the negative). I should like to inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted.

The VICE PRESIDENT. He has not.

Mr. HEYBURN. I saw him present. I am paired with him. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and will let my vote stand.

The roll call was concluded.

Mr. GARDNER. I have a general pair with the Senator from Massachusetts [Mr. CRANE]. For that reason I withhold my vote.

Mr. BRANDEGEE (after having voted in the negative). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and I should like to ask if he has voted.

The VICE PRESIDENT. The Senator from New York withheld his vote because of his pair with the Senator from Connecticut.

Mr. BRANDEGEE. I was not on the floor when that happened. Therefore I withdraw my vote.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is detained from the Senate Chamber on important public business.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Senate necessarily. I do not know how he would vote on this question.

Mr. DU PONT (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and as he is not in the Chamber I withdraw my vote. If he were present and I were free to vote, I would vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Nebraska [Mr. BROWN].

The result was announced—yeas 33, nays 35, as follows:

YEAS—33.

Ashurst	Gronna	Newlands	Smith, S. C.
Bacon	Hitchcock	Overman	Swanson
Bryan	Johnson, Me.	Paynter	Thornton
Chamberlain	Johnston, Ala.	Pomerene	Tillman
Chilton	Kern	Rayner	Watson
Clarke, Ark.	Lea	Shively	Williams
Fletcher	Martin, Va.	Simmons	
Foster	Martine, N. J.	Smith, Ariz.	
Gore	Myers	Smith, Md.	

NAYS—35.

Borah	Curtis	Nelson	Smoot
Bourne	Dillingham	Nixon	Stephenson
Bradley	Fall	Oliver	Sutherland
Bristow	Gallinger	Page	Townsend
Burnham	Guggenheim	Penrose	Warren
Burton	Jones	Perkins	Wetmore
Catron	Lippitt	Richardson	Works
Cullom	Lodge	Root	
Cummins	McLean	Sanders	

NOT VOTING—27.

Bailey	Crane	Gardner	Percy
Bankhead	Crawford	Kenyon	Poindexter
Brandegee	Culberson	La Follette	Reed
Briggs	Davis	Lorimer	Smith, Ga.
Brown	Dixon	McCumber	Smith, Mich.
Clapp	du Pont	O'Gorman	Stone
Clark, Wyo.	Gamble	Owen	

So the amendment of Mr. SMITH of Georgia was rejected.

Mr. POMERENE. I offered an amendment yesterday, which I ask may be considered.

The VICE PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 20, line 21, after the word "development," insert "machine tools, 20 per cent ad valorem," and on page 22, line 9, strike out the words "machine tools."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. POMERENE. Mr. President, the rate fixed in the Dingley law on machine tools was 45 per cent ad valorem. In the

hearing on the Payne-Aldrich bill the manufacturers asked to have this duty reduced to 30 per cent ad valorem. Under the bill as it comes from the House machine tools, with sewing machines, cash registers, and similar manufactures, were placed on the free list.

It seems to me, in view of the character of the manufacture of machine tools, they ought not to be placed on the free list, particularly at this time. The duty on the raw material, particularly steel, which enters into their manufacture, is levied at 15 per cent ad valorem, and the effect of the proposed amendment is to take machine tools out of the free list and transfer them to the dutiable list under a duty of 20 per cent ad valorem. In other words, a reduction of 33⅓ per cent from the present duty; and I call the attention of the Senator from North Carolina to this amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. POMERENE. Certainly.

Mr. SIMMONS. We will accept the amendment.

Mr. SMOOT. Mr. President, I can not altogether understand the present situation. This item of machine tools was discussed in the committee. Every member of the minority of that committee voted against any change in the House bill. We had testimony, pages and pages of it, and now a Democratic Senator offers an amendment placing machine tools on the dutiable list, and the minority members of the committee accept the amendment.

Of course, I understand why this is done. That is, I think I do. A delegation from Ohio came to Washington—and, by the way, most of the machine-tool manufacturers are in Ohio—and we find the Democratic Senator from Ohio offering an amendment to place machine tools upon the dutiable list and to take them from the free list as provided for in the Democratic House bill. The Democratic members of the Finance Committee had ample opportunity to make that change before the bill was reported to the Senate, and did not. Are we to understand that this amendment, offered as it is at this time, is the sentiment of the Democrats of the Senate?

I merely wanted to call attention to the fact that it looks to me like trying to play politics with this item, and I hardly think it is the proper thing to do.

Mr. WILLIAMS. Mr. President, I do not know of anybody who could with worse grace make an objection to playing politics on a tariff schedule than the Senator from Utah. But we are not playing politics at all. The minority representatives on the Finance Committee were not convinced by the hearings that were had that these articles ought to be placed upon the dutiable list, and did, as the Senator says, make a report in favor of the bill with them upon the free list. Very largely the failure to convince the minority members was because of the character of the testimony, so called. Speaking for myself I attached very little importance to it. I generally attach very little importance to the utterances of interested witnesses who are volunteer witnesses. But since that time we have come to the conclusion that that was too drastic a cut upon that particular article in the schedule.

Mr. SMOOT. Has there been any additional testimony?

The PRESIDING OFFICER. Senators should get permission of the Chair before interrupting each other.

Mr. SMOOT. Has there been any additional testimony received by the Democratic members of the committee?

Mr. WILLIAMS. So far as I am concerned, upon reading and an examination of the testimony—not additional testimony in the sense of additional witnesses, or so-called witnesses—I have come to that conclusion just as I have come to a conclusion on the duties on several other articles.

Mr. RAYNER. May I ask the Senator a question? As I understand the two bills, it is on the free list in the House bill, and the Senate Finance Committee has put it on the dutiable list?

Mr. WILLIAMS. The Senate Finance Committee bill will put them on the dutiable list.

Mr. RAYNER. If this amendment is adopted?

Mr. WILLIAMS. Yes; if it is amended. The present duty is 30 or 35 per cent.

Mr. SMOOT. Thirty per cent.

Mr. WILLIAMS. This amendment will make it 30 per cent, which is a reduction of 33⅓ per cent on machine tools.

There was before the committee some testimony that put us, I may say, upon a line of inquiry with regard to another matter right in connection with this schedule. That was with regard to what might possibly be the construction and meaning of the words "machine tools." It seemed evident that the Ways and Means Committee of the House had one idea in their minds, and various people connected with the trade either had or pretended to have a different idea of what the phrase "machine tools" meant. If the phrase "machine tools" was extended to mean all the things that these people in the trade say that the trade means by the phrase, then I do not think it was the intent of the author of the bill as it came from the House to put all these things upon the free list at one fell swoop.

Mr. SMOOT. I want to say that this same program proposed will be carried out still further as we progress in the consideration of the Democratic bills. I think it will be found that as soon as we reach the chemical bill we will have indigo, that the House bill provided a duty on, carried over to the free list. Of course I know why it is done, Mr. President, and so I suppose every other Member knows. It is only the carrying out of the policy that I desire to call attention to later.

Mr. WILLIAMS. Mr. President, the Senator from Utah has shown no great degree of detective ability in his ascertainment of the fact that certain things that were put upon the dutiable list in the chemical schedule by the House will be placed in the bill which will be offered here by the minority members of the Finance Committee upon the free list, among other things, indigo, Chinese nut oil, and some things that go into the making of varnish. We thought we had good reasons for doing that, and it was announced to the entire Finance Committee, as the Chair will remember [Mr. GALLINGER in the chair] that we would do it.

So the bill which we will introduce upon the chemical schedule already contains those amendments to which the Senator refers, the bill as amended being offered as a substitute for the House bill. We did that for the same reason we did this, because after full reflection and thought, as far as we were capable of it, we thought it was the right course to take for men viewing the question from our standpoint.

Mr. SMOOT. Of course I know that the Senators on the other side found a good excuse for putting indigo on the free list. It was because it is used for the dyeing of cotton goods that are made in the South. I know the protest which came from the manufacturers of the South has been heeded, and I will guarantee that that will be the action taken by the Democratic Members when we reach the chemical bill.

Mr. WILLIAMS. Mr. President, one word more. It is astonishing, it is more than astonishing, it is astounding that any Senator of the United States should have the audacity to suggest that tariff legislation of this country either was or could be sectional in the interests of the South. If there is any objection to the whole tariff system at all it is that it has been uniformly the history of sectionalism against the South, and the Senator from Utah knows it as well as I do.

Now, then, we are going to vote to keep indigo upon the free list. It is true that indigo enters as a coloring matter into the production of cheap cotton goods, and it is true that a good number of cheap cotton goods are made in the South, but it is not true that the South alone makes that grade of goods—overalls and things of that sort—dyed with indigo.

Mr. SMOOT. I did not say that.

Mr. WILLIAMS. Ah, but the Senator threw out the statement that it was done because it would help the South. Your side has not been tender toward this, and God knows none of you have been tender toward us. From the beginning of the history of tariff legislation down to now you have robbed the agricultural masses of the South in order to enrich the manufacturing capital of the Northeast.

Mr. POMERENE. Mr. President, I offered this amendment in good faith. The Senator from Utah has seen fit to charge me with playing politics, and perhaps, if he is judging of me by his own conduct, he is justified in forming that judgment of me in this matter.

It is true that quite a number of these machine-tool people came to me and placed their case before me. I suggested their appearing before the Finance Committee, and they did so appear.

As a matter of fact, the duty under the Dingley law was 45 per cent ad valorem. The machine-tool people appeared before the Finance Committee, as I have been advised, at the time of the consideration of the Payne-Aldrich bill and voluntarily asked for a reduction of the duty from 45 per cent ad valorem to 30 per cent ad valorem, and some of the so-called stand-pat element in that committee, as I am told, criticized them severly because they presumed to come before that committee and ask for a reduction of the duty on that or any other article. They were regarded as curiosities, and I think to some extent they are curiosities when they appear before a committee and ask for a reduction of duties. As a rule the committee has been accustomed to have men come and ask for an increase of duties.

Now, I recognize the fact that an injustice, as I believe, has been done to these people. I believe that will be the feeling of all who will study the proposition. I believe in a gradual reduction of these protective tariff duties to a revenue basis, just as our party has declared time and time again. I do not believe we should reduce them from a highly dutiable rate to the free list, particularly when the raw material is placed upon the dutiable list.

I feel that these duties could be reduced 33⅓ per cent without causing any harm or suffering to anyone or to any class of people. I do not think that at the present time they should be put upon the free list. I had supposed that instead of my proposition being one of dissatisfaction to the opposite side of the Chamber they would be entirely satisfied therewith. It is not my desire, and it is not the desire of those on this side of the Chamber, to injure any industry of any kind, but I feel that in these tariff rates we should be just in the matter, and it was to that end that I offered the amendment.

Mr. LODGE. Mr. President, I move to amend the amendment of the Senator from Ohio by striking out "twenty" and inserting "thirty."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the amendment offered by the Senator from Ohio, before the words "per cent," strike out "twenty" and insert "thirty," so that if amended it will read:

Machine tools, 30 per cent ad valorem.

Mr. SMOOT. Mr. President, the Senator from Ohio just made the statement that he did not think it was right to have machine tools put upon the free list or any other article in which the raw material was made dutiable, as I understood him. Is that his position?

Mr. POMERENE. I made that statement.

Mr. SMOOT. Then, I hope to see the Senator from Ohio vote against free cotton ties, as there is a duty upon the wire that makes the cotton ties.

Mr. POMERENE. We will cross that bridge when we come to it.

Mr. SMOOT. And I know exactly how the Senator from Ohio will cross it, too.

Mr. RAYNER. Mr. President, I shall vote against the amendment of the Senator from Ohio, and vote, of course, against the amendment to it offered by the Senator from Massachusetts. I believe in keeping everything on the free list that can be kept on the free list consistent with the revenues of the Government. I do not think it is possible for us to maintain any such position as is suggested in the amendment of the Senator from Ohio. I dislike very much not to accommodate him, but if we can maintain the proposition the Senator from Ohio is now making we ought to maintain it everywhere. Then every man has a right in his own State and in his own district to favor protection and vote for reducing the tariff on every article produced in everybody else's State and in everybody else's district. I do not believe in that sort of politics. I think it is our duty to stand by the House bill. I say no sufficient argument has been adduced to show why this industry should have protection in Ohio and why other industries in other States should not have protection. If that argument is made, every man has a right to stand by his State and ask for protection. I have declined to ask for protection in favor of any protected industry in the State of Maryland, and I think that is the Democratic position. I propose to stand by the House bill.

Mr. CUMMINS. Mr. President, I wish to suggest that there is a little bit of inconsistency on both sides. In the amendment which I proposed yesterday, and which was voted upon yesterday and voted down with the help of the Senator from Utah, a duty upon machine tools of 25 per cent ad valorem was proposed. He voted against that amendment and in favor of a bill which put machine tools upon the free list. I therefore think he is a little bit inconsistent in expressing indignation now with respect to the amendment of the Senator from Ohio which proposes to restore 20 per cent upon this article.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. The Senator is speaking as if the condition about machine tools was the only item in the schedule. It was a better item than the others, but there were many much worse than in the Democratic bill.

Mr. CUMMINS. On the contrary, from a practical standpoint, as has been asserted here over and over again, the very great majority of the items in my amendment carried higher duties than the bill from the other side. But there is the same inconsistency on the part of my Democratic friends. They have just voted for an amendment which proposes to put a very large list of articles upon the free list. No one of them has any better right to be on the free list than machine tools, which they now propose to put on the dutiable list. I hope you will all conclude before you have finished this that the real systematic proposal was that made by the Senator from Iowa, and that you all made a great mistake in not voting for his amendment.

Mr. SMOOT. Mr. President, I simply want to state to the Senator from Iowa that I was not inconsistent, because of the fact that I made the statement, before ever I voted, that I was not in favor of either one of the bills as they were presented. There are a good many items in the Senator's bill that I would gladly have voted for, but it was presented as a whole, and I had no chance to vote for satisfactory rates without voting for unsatisfactory ones.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. SMOOT. Certainly.

Mr. BACON. I notice the Senator and his colleagues on the committee representing the majority have given notice of an amendment to the woolen bill. I judge by that that he recognizes the fact that the woolen schedule should be changed, and there should be a revision and reduction.

As Senators have not offered any amendment to the metal bill, I want to inquire if my conclusion is correct that by their failure to do so they intend to be understood as favoring the present tariff duties in the Payne-Aldrich law on metals?

Mr. SMOOT. Until there is a report from the Tariff Board or some information more than we have at the present time.

Mr. BACON. The Senator was on the committee when the present law was enacted and did not have any Tariff Board then. I take the liberty of inquiring of the Senator whether, when the Payne-Aldrich bill was enacted, and he himself on the Finance Committee assisted in its framing and advocated it on the floor of the Senate, he thought he had all the information necessary for him to determine what the rates of duty should be in that schedule?

Mr. SMOOT. We had at that time all the information that it was possible to get, so far as the cost of manufacturing goods in this country is concerned.

Mr. BACON. The Senator had all the information he then thought was necessary to enact the law, did he not?

Mr. SMOOT. All that it was possible to get.

Mr. BACON. The Senator does not answer my question. I ask the Senator the question, if he will pardon me for repeating it, Whether they then had all the information that they then thought necessary in order to enable them to frame a correct rate of duty on that metal schedule?

Mr. SMOOT. We had the information and testimony that was presented to the committee, and upon that information and testimony we framed the bill to the best of our ability.

Mr. BACON. But the Senator——

Mr. SMOOT. But not only that, the Senator must know that the rates in many instances were cut at least in two, as has been stated. As far as I am concerned I have stated to the Senate and to the Senator that until we have more information on what is the difference between the cost of producing in this country and abroad, I think it unwise to undertake to revise the metal schedule.

Mr. BACON. If the Senator will pardon me, I wish to see if I can get him to answer the particular question which I asked. I do not ask him to answer yes or no, but I ask him to answer the question. He has not answered it yet, and that is, Whether, when the Payne-Aldrich tariff bill was framed and when the Senate Finance Committee, of which the Senator was then a member, reported that bill favorably to the Senate, did the Senator at that time think they had all the information which was necessary to then frame a bill which should impose the correct rates of duty upon that schedule?

Mr. SMOOT. I will state that we thought we had all the information we could possibly obtain, and we did have the information necessary to make the changes that were made in that bill. But I call the Senator's attention to the fact that this bill to-day was written in the Democratic House without any information or any desire to obtain any information.

Mr. BACON. I am not talking about that bill; I am talking about the Payne-Aldrich bill. I want to find out whether the Senator thinks the Payne-Aldrich bill is correct in its various rates of duty imposed?

Mr. LODGE. Mr. President——

Mr. SMOOT. It is as correct——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMOOT. I have the floor. I yield to the Senator from Massachusetts if he desires to speak.

Mr. LODGE. I will take the floor in my own time, Mr. President.

Mr. SMOOT. I simply rose in the first place to call attention to the inconsistent attitude of the Senator from Ohio in the statement that he made a short time ago.

Mr. BACON. I was trying to counterbalance that by directing attention to the inconsistent attitude of the Senator from Utah.

Mr. SMOOT. The position of the Senator from Ohio is this: He does not want machine tools to be put upon the free list because the material that goes into machine tools is dutiable, and not 10 minutes before he made that statement he had voted to put implements of all kinds—thrashing machines, shovels, hoes, stay chains, and nearly all the tools that are used around a farm—upon the free list.

Mr. LODGE obtained the floor.

Mr. BACON. I will say——

The PRESIDING OFFICER. The Senator from Massachusetts has been recognized.

Mr. LODGE. I am taking the floor in my own time.

Mr. BACON. I congratulate the Senator.

Mr. LODGE. I think the Senator has reason to congratulate me. My friend the Senator from Georgia seems to be hungering and thirsting for information as to our view about this matter. I can tell him my view in a moment. When he asks if in acting on what is called the Payne-Aldrich bill we had all the necessary information, no, and no committee ever in making a tariff bill had all necessary or possible information. We had some information and on that we did the best we could. This bill is an evidence on its face that it was made without any information or with misinformation.

I take the single item of the ferro-alloys. Apparently the same great mind that defined a wether as "a sheep after the first shearing" thought that ferro-alloys were all alike and all made in the same way. So he takes ferromanganese out of this classification and dumps it in with a lot of other high-priced ores made by the electric-furnace system; takes that blast-furnace product, puts 15 per cent on it, and more than doubles the duty. That is an example of the condition of information on which this bill was made.

I prefer the schedule as it stands in the Payne-Aldrich bill, where large reductions were made; I prefer that schedule in that bill to anything that has been offered. I have not the least objection to saying that to the Senator from Georgia or to anybody else.

As to local feeling, there is no need to apologize for it. It is perfectly natural in the Senator from Ohio. When I first came into the Senate I heard a distinguished Senator from the State of Alabama say here—and the remark always remained with me—that in the course of a long life he had observed that human nature was pretty evenly distributed throughout the United States. Human nature is pretty evenly distributed now; and everybody in the Senate—and I have seen evidences of it time and again on both sides—is not in a hurry to sacrifice the industries of his own State. I have seen many an occasion when the revenue duty became so elastic that it furnished protection for a particular locality, and I do not think any Senator needs to apologize for looking after the industries of his own State. We all do it in one way or another, except the Senator from Maryland [Mr. RAYNER], who says that he does not; but most of us are not quite so Roman, and we are generally looking after our own industries.

Mr. RAYNER. Mr. President, I am sorry that I can not agree with the Senator from Massachusetts that the most of us are looking after our own industries. I do not think that is the case at all. This is the first time I have known a Democratic Senator to rise here and ask for protection for an industry of his own State; and I would like the Senator from Massachusetts to select Members on this side who are looking after the industries of their States; I would like the Senator to select——

Mr. LODGE. Mr. President——

Mr. RAYNER. One moment now. I would like the Senator to select Senators, as a rule, who stand in any different position from that I occupy. For instance, I was asked years ago—and the Senator will recollect it, because he served in the House of Representatives with me—I was asked whether I would vote for free coal, the production of coal being one of the principal industries in my State, and I said "yes." One industry after another was quoted there in the House of Representatives, and I was challenged to say whether or not I would vote for protection. I made the same reply that I have made to-day, that we have no right to stand here—and I think Senators will agree with me, as a rule, on the Democratic side—to vote for protection in our own States and in our own districts and to vote for free trade in everybody else's State and in everybody else's district. The doctrine of tariff for revenue goes to the ground if that is done. I deny that the statement of the Senator from Massachusetts is a correct statement. I would like very much to accommodate our friend from Ohio; but, as I understand, this is the first amendment that the Democratic minority of the Finance Committee have agreed to make to the bill as it came from the House—I do not know whether I am right about that—but I understand that in all the different schedules and parts of schedules that have come from the House the Democratic minority of the Finance Committee have agreed to make this one amendment in order to protect an industry in Ohio. I say that we have no right to do it.

The point has been made that the raw materials that go into the manufacture of this industry are taxed. I think that is wrong. I think wherever you can lower the duty on the raw materials that you ought to do it, and wherever you can make raw materials free, it ought to be done; but there are any number of cases in the schedules where this can not be done. There are any number of cases in which you can not take off the duties upon the raw materials. This furnishes no reason why we should not keep the manufactured article upon the free list if it is possible to do so.

The House of Representatives has passed a Democratic tariff bill, and I have been given no reason and I have heard no reason why we should abandon our doctrine and protect an industry in any State, I do not care in whose State it is, whether it is in my State or in any other State. I would not stand on this floor as a representative of the Democratic Party and claim protection for any industry of the State of Maryland. That is my doctrine.

Mr. LODGE. Mr. President, I took pains to except the Senator from Maryland——

Mr. RAYNER. But the Senator from Massachusetts had no right to take pains to except me, because I am not an exception.

Mr. LODGE. Mr. President, who has the floor?

Mr. RAYNER. I stand with every other Democratic Senator upon this side of the Chamber, and the Senator had no right to isolate me and except me.

Mr. LODGE. I thought I had been recognized.

The PRESIDING OFFICER. The Senator from Massachusetts had been recognized. The Chair will now take occasion to admonish Senators—for the rule has been violated in countless instances to-day—that they should address the Chair and get permission to interrupt other Senators.

Mr. RAYNER. I beg the Senator's pardon.

Mr. LODGE. I wanted to complete my sentence. I said that I carefully excepted the Senator from Maryland, and pointed out that his attitude was Roman. I cast no reflection upon him, but I say that this is the first instance, perhaps, where it has occurred on this schedule. But, Mr. President, is it necessary to go back over the past to remind Senators of sugar and lumber and rice and alligator skins and pineapples? Must I go on with the list? I have seen some pretty good protectionist votes cast on the other side of the Chamber. I remember that as to quebracho and chestnut juice—the duty on those articles emanated from Virginia. I am reminded, too, of peanuts, and long staple cotton, and tea in South Carolina—all of those have been offered on the other side of the Chamber in my time as articles to be protected. I do not hold that as a reflection against those Senators. It is perfectly natural. I do not hold such a strong and rigid virtue as that. I know that the Democrats are in general for a tariff for revenue only; but if they can soften the asperities of a tariff for revenue for the localities in which they are peculiarly interested, I can not see any harm at all in their doing so.

Mr. RAYNER. I do not think the Senator from Massachusetts——

Mr. LODGE. I can mention other cases if the Senator wishes me to do so.

Mr. RAYNER. Yes; I would like the Senator to mention some others, because I do not think he has mentioned a single case that is applicable to this subject.

Mr. LODGE. Mr. President, how about Louisiana sugar, to begin with?

Mr. RAYNER. Mr. President, with that exception, every case which the Senator has mentioned is a case where Senators on this side voted for a duty for revenue, and not a duty for protection.

Mr. LODGE. How about the duty on pineapples that was moved by a Democratic Senator when the Payne-Aldrich bill was pending?

Mr. RAYNER. That duty, Mr. President, was defeated. There is a reduced duty on pineapples; and the large majority of us stood up here and voted for a reduction of the duty. There is no necessity for the Senator from Massachusetts selecting a

single Senator and saying that that Senator, for some reason or other, represented the principles of the Democratic Party. Why does not the Senator pick out a majority of the Democratic Senators on this side? There is not a Senator on this side who ever voted against a revenue duty and for a duty for protection. I challenge contradiction.

Mr. LODGE. Mr. President——

Mr. RAYNER. I yield.

Mr. LODGE. I thought I had the floor; but I yield.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. RAYNER. I thought the Senator had finished.

Mr. LODGE. I had not.

Mr. RAYNER. I yield.

Mr. LODGE. I do not want the Senator to yield. I will take the floor in my own right.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. I yield to the Senator from Maryland.

Mr. RAYNER. I shall be done in a moment. I do not speak continuously for three or four days. I generally finish in about three or four minutes. I have very little to say here, except this: I do not like the idea of being singled out; I do not like the idea of being made an exception to the Democratic side.

The Senator talks about free sugar. I recollect the day when the whole Democratic side of the House of Representatives stood up, man after man, unanimously voting in favor of free sugar. We are not responsible for things that took place in the Senate afterwards. It is not fair to select a single Senator upon this side any more than it would be fair to select some single Senator on the other side as representing the principles of the party. The overwhelming majority of the Senators on this side have always voted for a tariff for revenue as against a tariff for protection. There may be isolated instances to the contrary; and I think in the case of lumber good reasons were given. The tariff on lumber was a revenue tariff. So far as the tariff on tea was concerned, the Senator from South Carolina [Mr. TILLMAN] had no idea that his amendment would succeed.

Now, let us get to the point and stop talking about the Payne-Aldrich bill and matters that have no reference to this subject. Let us talk about the amendment before the Senate. I certainly do not desire to comment upon the Senator from Ohio; that is the last thing in the world that I would do; but the Senator from Ohio comes here—let us be perfectly frank about it—and asks for protection upon an Ohio industry, and he asks the Democratic side to aid him in protecting an Ohio industry. I am opposed to that.

Mr. LODGE. Mr. President, the Senator from Maryland accused me of picking him out alone as unassailable, whereas I said everybody was. He asked me to name others besides the Senator from Ohio on the Democratic side who in the past had manifested an interest in the industries of their own States. I named 8 or 10, and I can name a good many more. The Senator says they were individual Senators. Of course they were; that is why I named so many articles, because each article meant one or two more Senators. I wanted to cover as many as I could. I have found no fault with them for doing so, and I do not see why they should not have done so.

The Senator says there were good reasons for the revenue duty on lumber. There are always good reasons for a protective duty for the locality that needs it. There is nothing so flexible as a revenue duty. You can fix the rate at a protective point or you can fix it lower, just as you please; there is nothing stable about the revenue point. I do not blame Senators for doing it, and I am criticizing nobody for doing it; but, on the contrary, I simply was pointing out that it had been done many times and it will be done a great many more times before we get through talking about the tariff.

Mr. RAYNER. Mr. President, I certainly do not object to the Senator's stand. I admire the stand the Republican Party has taken for protection, and I have nothing to say about that. Any man who is for protection as a principle certainly deserves the respect of the other side, to say the least.

So far as lumber is concerned, of course I voted for free lumber, but there were other Senators who voted differently. What I contend for is this: I contend for the proposition that we have not any right to protect the industries of our own States. I am for a tariff for revenue; I am for putting everything on the free list that can be put upon the free list consistent with the raising of revenue. If a tariff for revenue gives incidental protection I can not help it, but I am for a tariff for revenue. I am not for a tariff for protection with incidental revenue, and I believe that the vast majority of Senators on this side agree with me in the views I have expressed.

Mr. BACON obtained the floor.

Mr. RAYNER. I want to say this before the Senator from Georgia commences. The Senator from Georgia, after an exhaustive examination, compiled a table of yea-and-nay votes taken during the tariff session of 1909. It was one of the most instructive tables used during the last campaign, showing exactly how each Senator voted on all amendments proposed to the tariff bill. I think that table absolutely sustains the views I am expressing, that nearly every Senator on this side all the time, through all the schedules, in all the votes, voted for a tariff for revenue and not for a tariff for protection.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia was recognized. Does he yield to the Senator from Ohio?

Mr. BACON. In a moment. What the Senator from Maryland has said about the votes cast by the Democrats during the consideration of the Payne-Aldrich bill is true, as shown by the RECORD; but that is not what I rose to say. I rose to say simply this: That I was trying to get the Senator from Utah and others who think with him to state plainly whether they favor the present metal schedule as found in the law. I have not been able to get them to say whether they do or not.

Mr. LODGE. Mr. President, if the Senator will permit me——

Mr. BACON. I beg the Senator's pardon. I will yield to the Senator in a moment; I want to finish my statement. This is as far as the Senator from Massachusetts would go, that he preferred the metal schedule of the Payne-Aldrich law to anything else that was offered. That is what the Senator said. That is also true, I presume, of the woolen bill—that he prefers the woolen schedule as it is now found in the law rather than anything which has been offered. But the point that I was trying to get the Senator's attention to was that, while in the case of the woolen schedule they do recognize that there should be a reduction by giving notice that they themselves intend to offer a bill which will reduce the duties to a certain extent, they have failed to make any such offer in the case of the metal schedule, from which I drew the conclusion that they favor the metal schedule as it stands. That is all I want them to say. They shelter themselves behind the excuse that, in the first place, it is better than anything which has been offered, which is not an answer, because the same thing is true, in their opinion, as to the woolen bill; and, second, that they have not had information from a Tariff Board, when Congress has been legislating for over a hundred years on the tariff without the assistance of a Tariff Board, and when the Congress, then strongly Republican in both branches, three years ago did not express any hesitation as to whether or not their conclusions were then correct as to what should be the real duties in the metal schedule; but all at once there has developed a great amount of uncertainty, to put it as mildly as possible. They do not know now what it ought to be, forsooth; they must wait until they can have the report of a Tariff Board before they can express an opinion whether the present law is as it should be or is not as it should be.

I want to say another word, Mr. President, and that is this: This is the first Congress for a long time in which the Democrats have had responsibility, in part, as to the framing of a tariff law. The Democratic House has sent us a bill and, whatever may be said about the past, Senators on the other side of the Chamber will have the opportunity, if they wish to do so, to vote for a revenue tariff bill, and they will find that Senators on this side of the Chamber will sustain the Democratic House in an effort to reduce the tariff; and they will not be distinguished by any such want of fidelity to principle as the Senator from Massachusetts and the Senator from Utah would suggest.

Mr. RAYNER. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Maryland raises the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	McLean	Shively
Bacon	du Pont	Martin, Va.	Simmons
Bankhead	Fall	Martine, N. J	Smith, Ariz.
Borah	Fletcher	Myers	Smith, Ga.
Bourne	Foster	Newlands	Smith, S. C.
Bradley	Gallinger	Nixon	Smoot
Bryan	Gardner	Oliver	Stephenson
Burton	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Townsend
Chilton	Johnson, Me.	Penrose	Watson
Clapp	Johnston, Ala.	Perkins	Williams
Clarke, Ark.	Jones	Pomerene	Works
Cullom	Kern	Rayner	
Cummins	Lodge	Richardson	
Curtis	McCumber	Sanders	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

The question is upon the amendment of the Senator from Massachusetts to the amendment offered by the Senator from Ohio.

Mr. RAYNER. On that I ask for the yeas and nays.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. BACON. I raise the point of order that when a Senator addresses the Chair, even if the yeas and nays have been demanded, the question ought not to be put as to the yeas and nays until after the Senator has finished. How does anyone know whether or not it will be two hours before the yeas and nays are called, and the contemplation of the law is that the yeas and nays will be called for by those who are present at the time and who are going to participate?

The PRESIDING OFFICER. The present occupant of the chair does not agree with the Senator from Georgia. The Senator from Ohio is recognized.

Mr. POMERENE. Mr. President, I do not intend by the amendment which I have offered or by the remarks which have been made by several Senators to be placed in a false attitude. I did not offer this amendment as a protectionist. I do not offer it as a protection duty. I am not asking for protection for any single industry in Ohio. I am asking simply that justice be done under all the circumstances of the case.

Neither the Senator from Massachusetts [Mr. LODGE] nor the Senator from Utah [Mr. SMOOT], nor anyone else, I think, who has studied this question, will say that a duty of 20 per cent would be a protective duty. It is a revenue duty, and nothing more and nothing less than that. In fact, some of the testimony before the committee shows that in order to make it a protective duty they desire an increase to 45 per cent, and I have letters to that effect from some of the men interested in that business.

Under the Dingley bill it was on a protective basis of 45 per cent. Under the Payne-Aldrich bill it was reduced to 30 per cent. Under the Underwood bill it is proposed to put it upon the free list. I think by reducing it from 30 per cent, as it now is, to a duty of 20 per cent ad valorem, we will leave it on a revenue basis. It certainly is not on a revenue basis when it is placed on the free list.

Am I extreme in this? Is my position wrong or different from that of my party? Let us see what the platform says on the subject:

We favor immediate revision of the tariff by the reduction of import duties.

This is a reduction of 33⅓ per cent.

Articles entering into competition with trust-controlled products should be placed upon the free list.

It is not contended here that the machine tools are trust made, by any means.

Material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home.

And that is true with regard to most of the articles placed on the free list, or the greater proportion of them, under the amendment proposed by the Senator from Georgia. I do not have the memorandum at hand now. They have been sold at times, at least, at a lower price abroad than at home.

Then the Democratic platform further reads:

And gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

That is what I propose in this amendment. Here are these articles, which are manufactured not by the trust, but by people of modest means. We are reducing their tariff, and I hope to have it, as it will be some day, on a free-trade basis; but under our platform and in harmony with my views on this subject I do not think it is proper that these articles should be taken entirely from a protection basis and placed on a free-trade basis at once, but let us do so gradually, and it is to that end that I offer the amendment.

The PRESIDING OFFICER. The Secretary will call the roll on the question of agreeing to the amendment to the amendment.

Mr. BACON. I rise to a parliamentary inquiry. As I understand it, the vote is now on the amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is correct.

Mr. BACON. I did not know that all Senators knew that fact.

Mr. LODGE. To make it 30 per cent instead of 20 per cent.

The PRESIDING OFFICER. That is the fact.

The Secretary proceeded to call the roll.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. If I were at liberty to vote upon this proposition, I should vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. I transfer the pair to the junior Senator from Oklahoma [Mr. GORE], who is now absent and will be for some time. I will continue the transfer during his absence. I shall vote during the day without any further explanation. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I desire to announce that the senior Senator from Louisiana [Mr. FOSTER] is paired with the Senator from Wyoming [Mr. WARREN].

Mr. WATSON. I announce the transfer of my general pair to the Senator from Missouri [Mr. REED].

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "yea."

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent from the Chamber. If he were here, he would vote "nay."

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer it to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. JONES. My colleague [Mr. POINDEXTER] is necessarily detained from the Chamber. I think if he were present he would vote "nay."

The result was announced—yeas 27, nays 37, as follows:

YEAS—27.

Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	du Pont	Nixon	Smoot
Burnham	Fall	Oliver	Stephenson
Burton	Gallinger	Page	Sutherland
Catron	Heyburn	Perkins	Wetmore
Cullom	Lippitt	Richardson	Works
Curtis	Lodge	Sanders	

NAYS—37.

Ashurst	Cummins	Myers	Smith, Ga.
Bacon	Fletcher	Nelson	Smith, S. C.
Bankhead	Gronna	Newlands	Swanson
Borah	Hitchcock	O'Gorman	Tillman
Bourne	Johnston, Ala.	Overman	Townsend
Bristow	Jones	Pomerene	Watson
Bryan	Kern	Rayner	Williams
Chamberlain	Lea	Shively	
Chilton	Martin, Va.	Simmons	
Clarke, Ark.	Martine, N. J.	Smith, Ariz.	

NOT VOTING—31

Bailey	Davis	Kenyon	Poindexter
Briggs	Dixon	La Follette	Reed
Brown	Foster	Lorimer	Root
Clapp	Gamble	McCumber	Smith, Md.
Clark, Wyo.	Gardner	Owen	Stone
Crane	Gore	Paynter	Thornton
Crawford	Guggenheim	Penrose	Warren
Culberson	Johnson, Me.	Percy	

So Mr. LODGE's amendment to Mr. POMERENE's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. BURTON. I suggest an amendment to the amendment of my colleague, to strike out the word "twenty" and insert the word "twenty-five."

The VICE PRESIDENT. The Senator from Ohio offers an amendment to the amendment, which will be stated.

The SECRETARY. Before the words "per cent," strike out "twenty" and insert "twenty-five."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, I rise to ask a question for information. I should like to ask some Senator on the other side, as well as on this, as to the line of demarcation between a protective duty and a revenue duty. If I understood the Senator from Ohio correctly, he said that under the Dingley bill this identical article bore a 45 per cent duty. It was then reduced in the Payne-Aldrich law to a 30 per cent duty. The Senator from Ohio proposes to reduce it to a 20 per cent duty, and the gentlemen on the other side have taken occasion to criticize the Senator from Ohio with the statement that 20 per cent would be still protective. Now, by a logical deduction, if 45 per cent was protective and 30 per cent was protective and 20 per cent is protective, then a duty of 25 per cent must of necessity be protective. I do not see exactly

wherein lies the argument in twitting the Senator from Ohio with a protective duty, when he proposes to reduce it to 20 per cent and it is still protective, and when the claim has been made by Members on the other side that they simply want a rate of duty that will measure the difference between the cost of production at home and abroad, with a reasonable profit to the manufacturer.

I am not standing here to say that I am advocating the amendment offered by the Senator from Ohio. I am going to vote for that article to go on the free list for the reason that, as a Democrat, believing in protection for revenue, I believe that the principle of a protective duty being necessary for the support of the Government has been so abused by the other side that we can not even vote for a revenue duty without being twitted with having a special interest in view.

As one of the Senators from South Carolina, I want to say that I have been consistent wherever it was possible for me to be so, and that I have voted, as near as possible, for all articles to go on the free list, not because it was strictly in accord with the doctrines of my party, but because the mere fact of a revenue duty had been so abused by protectionists that I could not vote even for this revenue duty without laying myself open to the charge that I was attempting to hide behind a revenue duty rather than to come out in the open and say that I wanted protection. It is better for the people of this country to suffer for the lack of sufficient revenue than to be put in the attitude of being open to a charge that a Senator is using a subterfuge to hide behind a special interest in his own part of the country.

Mr. HITCHCOCK. Mr. President, it seems to me that the amendment offered by the Senator from Ohio [Mr. POMERENE] can be defended on purely Democratic doctrine and as being in line with the bill itself. The average tariff on the metal schedule as existing at present is 35 per cent. The bill sent to us by the House of Representatives represents an average of 22 per cent. The Senator from Ohio proposes a duty of 20 per cent on an article that is rather highly finished. It seems to me that for that reason his amendment can be defended as Democratic and as being in harmony with the other provisions of the bill.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Ohio [Mr. BURTON] to the amendment of the Senator from Ohio [Mr. POMERENE].

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE], and withhold my vote. As I understand that Senator from Missouri is absent for the day I desire this statement to stand for the day.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER], and vote. I vote "yea."

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE], and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. I do not observe that he is in the Chamber, and so I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber, and I therefore withhold my vote.

Mr. WATSON (when his name was called). I again transfer my general pair with the Senator from New Jersey [Mr. BRIGGS] to the Senator from Missouri [Mr. REED], and vote. I vote "nay."

The roll call was concluded.

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If the junior Senator from South Dakota were here he would vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Then I, having a pair with that Senator, withdraw my vote.

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. GAMBLE] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. McCUMBER. I understand that the Senator from Mississippi [Mr. PERCY], with whom I am paired, would probably vote the same way that I would vote on this question. So I withdraw the announcement of the pair, and vote "nay."

Mr. FOSTER. In the absence of my pair, I withhold my vote.

Mr. SMITH of South Carolina (after having voted in the negative). I ask if the junior Senator from Delaware [Mr. RICHARDSON] has voted? He intimated to me that he might be absent.

The VICE PRESIDENT. The junior Senator from Delaware has not voted.

Mr. SMITH of South Carolina. Then I transfer my pair with that Senator to the Senator from Mississippi [Mr. PERCY], and will let my vote stand.

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Borah	Catron	Lippitt	Poindexter
Bourne	Cullom	McLean	Root
Bradley	Cummins	Nelson	Sanders
Brandegee	Curtis	Nixon	Sutherland
Bristow	du Pont	Oliver	Wetmore
Burnham	Fall	Page	Works
Burton	Gronna	Perkins	

NAYS—33.

Ashurst	Hitchcock	Myers	Smith, S. C.
Bacon	Johnson, Me.	Overman	Smoot
Bryan	Johnston, Ala.	Pomerene	Swanson
Chamberlain	Jones	Rayner	Townsend
Chilton	Kern	Shively	Watson
Clarke, Ark.	Lea	Simmons	Williams
Fletcher	McCumber	Smith, Ariz.	
Gallinger	Martin, Va.	Smith, Ga.	
Heyburn	Martine, N. J.	Smith, Md.	

NOT VOTING—35.

Bailey	Davis	La Follette	Reed
Bankhead	Dillingham	Lodge	Richardson
Briggs	Dixon	Lorimer	Smith, Mich.
Brown	Foster	Newlands	Stephenson
Clapp	Gamble	O'Gorman	Stone
Clark, Wyo.	Gardner	Owen	Thornton
Crane	Gore	Paynter	Tillman
Crawford	Guggenheim	Penrose	Warren
Culberson	Kenyon	Percy	

So Mr. BURTON's amendment to Mr. POMERENE's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. RAYNER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present and I will therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is not present, and therefore I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again transfer my pair to the senior Senator from Mississippi [Mr. PERCY] and vote. I vote "nay."

Mr. WATSON (when his name was called). I make the same announcement as to the transfer of my pair as on the previous vote. I desire this announcement to stand for the day. I vote "nay."

The roll call was concluded.

Mr. HEYBURN. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. DILLINGHAM. Because of the absence from the Chamber of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. JOHNSON of Maine. I wish to announce the pair of my colleague [Mr. GARDNER] with the junior Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 17, nays 43, as follows:

YEAS—17.

Borah	Cummins	Newlands	Williams
Brandegee	Gronna	Oliver	Works
Bristow	Hitchcock	Perkins	
Catron	Johnston, Ala.	Poindexter	
Chamberlain	Kern	Pomerene	

NAYS—43.

Ashurst	Fall	Martin, Va.	Smith, Ariz.
Bacon	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Gallinger	Myers	Smith, S. C.
Bradley	Heyburn	Nelson	Smoot
Bryan	Johnson, Me.	Nixon	Stephenson
Burton	Jones	O'Gorman	Sutherland
Chilton	Lea	Overman	Swanson
Culberson	Lippitt	Page	Thornton
Cullom	Lodge	Rayner	Townsend
Curtis	McCumber	Sanders	Watson
du Pont	McLean	Shively	

NOT VOTING—35.

Bailey	Brown	Clark, Wyo.	Crawford
Bankhead	Burnham	Clarke, Ark.	Davis
Briggs	Clapp	Crane	Dillingham

Dixon	Kenyon	Percy	Smith, Mich.
Foster	La Follette	Reed	Stone
Gamble	Lorimer	Richardson	Tillman
Gardner	Owen	Root	Warren
Gore	Paynter	Simmons	Wetmore
Guggenheim	Penrose	Smith, Md.	

So Mr. POMERENE's amendment was rejected.

Mr. NEWLANDS. I ask the Secretary to read the amendment I offer.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Insert the following as a new section at the end of the bill:

That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

Mr. NEWLANDS. Mr. President, the purpose of this amendment is to bring the two great parties of the country in harmony in accomplishing a needed reduction in the tariff, such reduction to be accomplished in a manner consistent with the principals of both parties.

For many years a reduction in the tariff has been urged. The Democratic Party has been urging it ever since the Civil War, and, with the exception of a few years, when it secured a temporary reduction of the tariff, its efforts have been without result. The Republican Party has recently declared for a revision and reduction of the tariff. The Republican Party proposes to establish that reduction by ascertaining the difference in the cost of production at home and abroad. The Democratic Party in its platform has pledged itself to a gradual reduction of duties toward a revenue basis.

This amendment accomplishes a reduction without violating the principles of either party. It provides for an immediate reduction of 10 per cent upon all existing duties and a reduction at the rate of 5 per cent per annum for four years thereafter, making a total reduction of 30 per cent. But the amendment contains a proviso that this reduction shall not apply to any duty fixed at this session of Congress or to any duty the importations under which to-day equal one-tenth of the domestic production, and therefore the reduction does not apply to any duty in the existing tariff which can be fairly termed a revenue duty.

The proviso also declares that the annual reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the total domestic production of such article, thus accomplishing a termination of the reduction whenever we reach the importing level and when increased importations may seriously disturb American labor or American industries.

It may be said that this involves an indorsement of the Republican principle of protection. I deny that. It does not affirm or approve in any way the Republican principle of protection. It simply recognizes the fact of protection, and that under a protective system industries have been so stimulated that if a radical change is made serious readjustments may follow.

The Democratic Party recognizes the fact of protection in its platform, for it provides for a gradual reduction of duties. Every Democratic platform has declared its intention not to affect American wages or to seriously impair American industries. The Democratic Party has wisely recognized the fact of protection and is determined to legislate so gradually and so progressively as not to injure the American workingmen or American industries. It has recognized the fact that a sliding reduction is essential in order to reach safely the goal of a revenue basis which it has in view.

Mr. President, the debate which has just ensued——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. Mr. President, I should like to suggest to the Senator from Nevada that the amendment which he has introduced is a very important amendment, but it has not been referred to the Committee on Finance, and they have had no opportunity to give it consideration. The amendment can be offered to some other of these bills which will be brought before the Senate, and I suggest to the Senator that, instead of pressing it as an amendment to this bill, he withdraw it, and let it be referred to the Finance Committee for consideration, and then to offer it later on to some other of the tariff bills.

Mr. NEWLANDS. Mr. President, I ask the Senator from North Carolina how many other revenue bills are there to which this amendment could be offered?

Mr. SIMMONS. There are four others.

Mr. NEWLANDS. What are they?

Mr. SIMMONS. One is the sugar schedule, another is the excise bill, another is the chemical bill, and the other is the woolen bill. I think probably the Senator's amendment would come better in connection with the excise bill than with any other, but that would be a matter for the determination of the Senator from Nevada.

Mr. NEWLANDS. Well, Mr. President, I will accept the suggestion of the Senator from North Carolina and will frame the amendment so that it may be applicable to any of the pending revenue bills. I recognize the force of what he says. I regard this as a very important amendment. I hope that it will receive the careful consideration, the nonpartisan consideration, of the Committee on Finance, for I regard it as a rational solution, which will bring about gradually and progressively a reduction in the tariff, which all desire, without in any way prejudicing American interests.

I will add—and I shall be brief upon the subject—that the discussion which has recently taken place upon the amendment offered by the Senator from Ohio [Mr. POMERENE] in regard to the duty on machine tools demonstrates the necessity of some such action as I suggest. The bill came from the House of Representatives to this body and was reported by the minority of the Finance Committee. It contained a free list including machine tools. Machine tools are suddenly transferred from a dutiable list involving a tax of 30 per cent, I believe, to the free list.

Workingmen employed in this industry in the State of Ohio complain that the reduction is too radical, and the Senator from Ohio, a Democrat, recognizing that fact and justifying himself by a Democratic platform which he has quoted, offers a duty of 20 per cent upon machine tools, a reduction of 33⅓ per cent upon the existing duty, and that amendment is accepted by the minority members of the Finance Committee, but rejected by the Senate, and rejected by a divided vote among the Democrats themselves, the Senator from Maryland [Mr. RAYNER] declaring that he was going to stand by the free list. Why? Did he assert that he had any knowledge upon the subject? No. He simply declared that the other House had put these articles upon the free list, and that he proposed to stand by the House. I assume that each member of the Democratic Party in the House took the same position when it came from the Ways and Means Committee. We should probably find, if we made inquiry of the Ways and Means Committee, that the placing of these machine tools upon the free list was the act of one member, who had made the investigation. Thus we find the action of an entire body relegated finally to the judgment and the decision of an individual member of the Ways and Means Committee in the other House. I do not say it is so, but it is quite possible that it is so.

With these differences of views amongst Democrats themselves, how are we to arrive at any harmony of action? Is it not a great deal better to feel our way down toward a revenue tariff than to jump down from a high protective tariff to a revenue tariff, to jump down from high protective duties to a free list? If we gradually reduce these duties, what possible harm can be accomplished? I do not propose to reduce by this amendment a single revenue duty. The reduction does not apply to any duty the importations under which equal one-tenth of the total domestic production of any article. Is there any Democrat who will insist upon it that importations shall exceed one-tenth of the total of domestic production? If so, let him name his limit. Surely the importation of one-tenth of the articles produced in our domestic manufactures will give a revenue; and the effect of my amendment will be to absolutely destroy every prohibitory duty. That is an object which the Democrats wish to accomplish, and which every reasonable Republican ought to wish to accomplish. The Republicans should not be in favor of prohibitory duties; they wish duties that will enable American producers to command the American market, according to the statement of the leaders of that party—both stand pat and insurgent—the other day. By that I assume they do not mean the command of the American market to the absolute exclusion of all foreign goods, but they must be desirous that some portion of foreign manufactures in each grade of industry shall slip over the tariff wall as a regulator against extortion and exaction.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. GRONNA. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Fall	McLean	Smith, Md.
Borah	Fletcher	Martine, N. J.	Smith, Mich.
Bradley	Gallinger	Myers	Smoot
Brandegee	Gardner	Nelson	Stephenson
Bristow	Gronna	Newlands	Sutherland
Burton	Heyburn	O'Gorman	Thornton
Catron	Hitchcock	Page	Tillman
Clark, Wyo.	Johnson, Me.	Perkins	Townsend
Culberson	Johnston, Ala.	Poindexter	Williams
Cullom	Jones	Root	Works
Cummins	Kern	Sanders	
Dillingham	Lea	Shively	
du Pont	Lodge	Simmons	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I am aware that the Senator from North Carolina [Mr. SIMMONS] wishes to bring this bill to a vote this afternoon, if possible, and I will simply close what I have to say on this subject by stating that my amendment will absolutely do away with every prohibitory duty and will change every prohibitory duty into a revenue duty; that whilst accomplishing this, the reduction is so shaped as that the reduction shall cease when the importation of any article equals one-tenth of the total domestic production, thus relegating the whole matter to Congress, and thus preventing a flood of importations which may prostrate American workmen or injure American industries. The amendment does not apply to any duty which shall be specifically fixed at this session of Congress or hereafter fixed, so that the whole range of tariff duties is before us for future special revision.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Yes.

Mr. CULBERSON. If this amendment does not apply to any duties which may be fixed at this session or at any subsequent session, to what duties can it apply?

Mr. NEWLANDS. It applies to all the duties that are not fixed at this session; so that if legislation should fail entirely, it would apply to every duty in the Payne-Aldrich Act.

Mr. CULBERSON. The contemplation is, then, that nothing will be done at this session?

Mr. NEWLANDS. Well, I very much fear that nothing will be done. I hope to accomplish something myself, and will use every effort in that direction, but I have assumed that all legislation might fail, and that, at all events, only partial legislation would be secured.

Mr. CULBERSON. My inquiry was to secure information. The first proviso of the amendment of the Senator from Nevada reads:

> *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law.

I was concerned with knowing to what that did apply, and it was purely for information that I asked the question.

Mr. NEWLANDS. The Senator understands, of course, that if we should revise, say, the metal schedule, and it should receive the approval of the President, this amendment would not apply to that, because that metal schedule would contain duties specifically fixed at this session of Congress, and the proviso would apply to it; but the amendment would apply to every other schedule with reference to which no duties have been changed, and thus work a gradual and automatic reduction of excessive duties.

Mr. CULBERSON. Then, if we should pass a law fixing a tariff at this session on one schedule, Schedule K, for instance, and not upon any of the others, this automatic reduction would go on with reference to the others for four years, but not with reference to Schedule K?

Mr. NEWLANDS. Yes; it would not apply to Schedule K in that event, because presumably——

Mr. CULBERSON. Would that not be unequal and inequitable and disarrange the whole tariff procedure?

Mr. NEWLANDS. I do not think so, Mr. President. We have already adopted the policy of considering each schedule by itself, without relation to the others; and if Congress does exercise its judgment with reference to the revision of a particular schedule, and that judgment is confirmed by the President of the United States, there is no reason why the automatic reduction provided for by this amendment should apply to it; but, with reference to all the other schedules concerning which legislation is either unsought or fails, it is extremely desirable that a gradual reduction, running over a period of four years, should be accomplished which would destroy the prohibitory duties, change them all into revenue duties, and yet, at the same time, accomplish a reduction without seriously increasing the importations of the country. The bill guards against a flood, which might prove serious, and applies a brake to the reduction when it threatens injury.

This amendment is tariff reduction with a brake, to be applied under a rule fixed by Congress—a self-acting brake. The tariff commission which this amendment provides for has no power to fix duties and no power to reduce duties, but is simply to ascertain the facts upon which the reduction shall take place; and we thus in this amendment simply fix the rule of action.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I am through, Mr. President. I will state that I will accept the suggestion of the Senator from North Carolina, withdraw the amendment which I have offered to this bill, and present it to another revenue bill, so that it can be considered by the Finance Committee. I would suggest that it be added to that bill which is most likely to receive the signature of the President.

The VICE PRESIDENT. The Senator from Nevada withdraws his amendment.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk, and I ask that it may be read. I offer it to be inserted as a new section on page 22, after the word "parts," in line 14.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after line 14, it is proposed to insert the following:

> That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. GRONNA. Mr. President, I offered this amendment some time in February last, and I asked to have it referred to the Committee on Finance. Whether that committee has considered it or not, I do not know.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. I can give the Senator some information. The Committee on Finance considered the question, including the entire reciprocity act, and reported favorably a bill which is now on the calendar. On the first day of this session of Congress I introduced a bill providing for the repeal of the entire act, so that, having provided for that, it did not seem necessary to the committee to provide for the repeal of particular sections.

Mr. GRONNA. If the Senator will permit me, I wish to ask him this question: Does the Senator from Idaho think that his bill will be passed at this session of Congress?

Mr. HEYBURN. Yes; I expect it to pass.

Mr. GRONNA. This amendment, Mr. President, does not provide for the repeal of section 2 of the reciprocity act.

Mr. GALLINGER. Now, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Yes.

Mr. GALLINGER. Can the Senator give any good reason why that section should not be repealed, as well as the other sections, if we are going into the matter of repealing the law?

Mr. GRONNA. I can give a reason why from my standpoint the Senate should not initiate it. Section 2 is now a law, and as I understand the Constitution of the United States all revenue measures must originate in the House. The reciprocity law is as much a revenue measure as any other tariff law which we have upon our statute books.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield further?

Mr. GRONNA. I yield.

Mr. GALLINGER. That section does not provide any revenue at all.

Mr. GRONNA. Section 2 is operative whether it is accepted by Canada or not; it is a law whether the Canadian Government rejected it or not. About a year ago this iniquitous measure was passed by Republican votes. We, who have believed——

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes; I yield.

Mr. HEYBURN. I think the Senator's recollection is at fault. My recollection is that it was not passed by Republican votes, but that Democratic votes, with a few Republican votes, passed the measure. A majority of the Republicans voted against it in both Houses.

Mr. GRONNA. I should like to have the Senator from Idaho tell me who those Republicans were who voted for that measure, and whether they are the ones who are now known as "stand-pat protectionists," or whether those who are generally known as "insurgents."

Mr. HEYBURN. Well, there is only one kind; no man is a Republican who is not a protectionist.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. GRONNA. Certainly.

Mr. CLARK of Wyoming. Accepting the division which the Senator from North Dakota is pleased to make, I will say that some of the strongest opponents of this measure on the floor of the Senate and on the floor of the other House were those who are called "stand-pat" Republicans; and some of the most earnest speeches—perhaps not the most effective, but the most earnest—against this bill upon the floor of the Senate were made by what are sometimes called "stand-pat" Republicans.

Mr. GRONNA. Is it not also true that the measure did pass by the support of what is known as the "standpatters" of this body?

Mr. CLARK of Wyoming. It is true, Mr. President, that the bill was passed by the Democratic Party, assisted by certain Republican Members on this floor.

Mr. GRONNA. Yes.

Mr. CLARK of Wyoming. If there are two Republican Members on this floor who are classed as "standpatters," they are the Senator from Idaho [Mr. HEYBURN] and the Senator from New Hampshire [Mr. GALLINGER]; and my recollection is that both of those Senators opposed the bill——

Mr. GALLINGER. And spoke against it.

Mr. CLARK of Wyoming. And I know that for myself I opposed it, as did other Republican Members upon the floor of the Senate.

Mr. GRONNA. That is true. I should not have referred to the two factions in the Republican Party were it not for the fact that we have been taunted by men of our own party, men on this side, and I want to make the statement, without fear of successful contradiction, that if the Republicans had enacted the Payne bill as it passed the House there would, in my opinion, have been no great dissatisfaction on the part of the American people. That measure, when it passed the House and when it was known as the Payne bill, before it became known by any other name, provided a reduction of tariff duties.

Mr. HEYBURN. Mr. President, I do not want to interrupt the Senator unless he is willing to be interrupted——

Mr. GRONNA. I yield to the Senator.

Mr. HEYBURN. What promise was ever made that the tariff legislation of that Congress would be a reduction? I read it in the Democratic platform, but it never was written into the Republican platform. I think, probably, some of the men who advocated it outside of this body and some in the body must have turned two pages at once and confused the Democratic declaration in favor of reduction with the Republican declaration that did not contain any such promise. Why should we have adopted a bill that was a reduction? It was a fulfillment of a Democratic promise when it came over here, and we took that sting out of it.

Mr. GRONNA. Mr. President, I will try to answer frankly the Senator from Idaho. It was understood, I believe, by every Republican in this country——

Mr. HEYBURN. Oh, no.

Mr. GRONNA. That an extra session of Congress would be called for the purpose of revising the tariff. There was not a single Republican who had the courage to go upon the stump and advocate any increase in the tariff; at least I never heard of any in the country where I live, and where I help to elect Republican candidates. It was announced from every platform that the revision called for meant a downward revision.

Mr. HEYBURN. Mr. President, the country at large understood no such thing. The Senator probably did not hear the echo of the voices of Republicans who were speaking along straight, well-established Republican lines. Not only did we not concede in our country that it was to be a revision downward, but we took occasion at all times to assure the people that it was not to be a revision downward.

Mr. GRONNA. Well, Mr. President, there may be an honest difference of opinion about that. I have made the statement, and I emphasize it now, that the extra session of Congress was called for the purpose of revising the tariff and that it was understood as clearly as it could be understood that an honest revision would be a downward revision, not on all the 4,000 items contained in the tariff bill, but on items where the tariff was unduly high. Tariff rates that had been prohibitive for many years, rates that simply applied to industries owned and controlled absolutely by monopolies, were the rates the American people wanted to have revised.

It is true, as the Senator says, that there was no demand for a reduction in the duties on agricultural products. Personally I have no objection to reducing them. If they are too high, reduce them. But there was no demand by the American people that the agricultural schedule should be revised and reduced. The agricultural industry is not owned and controlled by a monopoly. It never has been and it never will be. There are more than 35,000,000 people who depend upon this great industry. There are some ten or eleven million people who own and operate these farms, and it is an absolute impossibility to build up a monopoly in this industry.

We showed conclusively to the Committee on Finance a year ago when this iniquitous measure was passed in this body that the farmers were not receiving any unduly high prices for their agricultural products. We proved it beyond a question of doubt that they had not unduly profited in their industry.

I believe the Senator from Idaho [Mr. HEYBURN] will agree with me on this: I may not personally be regarded as being so good a protectionist as he is, but I believe in protection. It is true that just a moment ago I voted to place agricultural implements on the free list. I acknowledge as a protectionist, as a genuine 100 per cent pure protectionist, perhaps I should not have voted for it; but I do not know how I could justify my position by voting for a duty upon agricultural implements and then say to those who are engaged in the farming industry that their products shall be placed upon the free list.

When we gave Canada reciprocity with our country in agricultural products we might just as well have placed them on the free list for all the world. We proved to the Senate a year ago that it would be an injury to the farmers of this country if that bill was passed. It is still a law in this country as much as we can make it so, and if it had not been for the action the people of Canada took we would to-day be facing the question of free trade with Canada, not in manufactured products, but in what you call raw materials.

Mr. President, I did not intend to make a speech upon this question at all. I did not intend to say as much as I have already said, but I make the statement, based upon the importations of the year 1907, the Payne bill as it passed the House was, on the average, a small reduction.

Computed on the basis of the dutiable imports for the year 1907, the average rate of the Dingley law is 41.12 per cent, while the average rate of the Payne-Aldrich law is 41.58 per cent—on the whole an increase. The figures from which these average rates are calculated are those prepared under direction of the Finance Committee. If we take both the free and dutiable imports, we find that the average rate of the Dingley law was 23.25 per cent, while the average rate of the new law is 23.51 per cent. There can therefore be no doubt as to whether the revision was upward or downward. The average rate of the new law is clearly higher than that of the Dingley law.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. Was there an increase on the imports of agricultural implements and products?

Mr. GRONNA. No, there was not; it was a small reduction.

Mr. HEYBURN. It was a reduction?

Mr. GRONNA. Yes, there was a small reduction; I do not recollect just how much.

Mr. HEYBURN. That was not in response to any platform demand?

Mr. GRONNA. Taking the whole bill, I think the average duty, taking the goods on the dutiable list in the Dingley law, was some 43 or 44 per cent; and when it passed the House there was a decrease, a small decrease, but there was a decrease.

Mr. HEYBURN. I would ask the Senator, Was that decrease confined to a class of items or was the decrease he mentions applicable to the entire bill?

Mr. GRONNA. I have reference now to the entire bill.

Mr. HEYBURN. Now, what decrease was there in agricultural implements, and did the Senator favor a decrease in duties upon agricultural implements and products?

Mr. GRONNA. I want to be perfectly frank with the Senator from Idaho. I voted for the Payne bill as it passed the House.

Mr. HEYBURN. The Senator did not object to the protection given to agriculture and the related products.

Mr. GRONNA. I do not believe I have any right to refer to what happened in the House; only that which has been printed in the RECORD. The Senator from Idaho knows as well as I do that the Members of the House were permitted to vote on only 5 as against 4,000 items in the bill. We either had to vote against the whole bill or vote for it. Under the rule adopted by the House, we were not permitted to offer amendments and to vote upon them separately, and I have acknowledged that I voted for the bill as it passed the House, but I did not vote for it when it came back from the Senate, because I found that the rates had been increased.

Mr. HEYBURN. Did the Senator vote on it in both bodies?

Mr. GRONNA. I did not vote for the bill as it came back to the House from the Senate.

Mr. HEYBURN. Did the Senator vote upon the question in both branches? In other words, is it a fact that the Senator was in the House at one stage of the legislation——

Mr. GRONNA. No.

Mr. HEYBURN. And before final action came here?

Mr. GRONNA. No.

Mr. HEYBURN. That is true of one or two Members.

Mr. GRONNA. I was a Member of the House, and I voted against it when it came back from the Senate because there had been an increase made.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Certainly. I shall be through in a few moments.

Mr. GALLINGER. The Senator recognizes the fact and will he not admit that the aggregate duties in the so-called Payne-Aldrich bill, as it became a law, were a decrease over the bill then upon the statute books?

Mr. GRONNA. I took the bill and figured it, taking the rates and basing them upon the importations of the year 1907. I took that year because that was a normal year, and any man who figures the bill will agree with me that the bill as passed by the Senate, on the average carries a higher rate of duty than the Dingley law.

Mr. GALLINGER. Why did the Senator take the importations for 1907 instead of some later year?

Mr. GRONNA. I took that year because I thought that was a fair average to base my figures upon, and for no other reason. It was neither the highest nor the lowest. It occurred to me that it was only fair to find an average, and I considered that the year 1907 was an average year for importations.

Mr. GALLINGER. If the Senator will permit me one moment, I will not disturb him again. Of course, we have not seen the Senator's figures, but I want to say to the Senator in all seriousness when he says that the Payne-Aldrich bill increased the duties as a whole, in the aggregate, the Senator differs with every other Senator who has made an estimate or who has examined the rates.

Mr. GRONNA. It is hardly fair to state it that way. I think the Senator should allow me for basing my figures upon the importations of a particular year. It may be that, figuring on some other year, my statement might be incorrect; but I contend that, based upon that particular year, upon the importations of 1907, there was an increase instead of a reduction. At least that is the way I estimated it.

Now, Mr. President, I hope that the Senators who believe in protection will accord the same privilege and will do equal justice to all industries, and I hope there will be no objection, at least on this side of the Chamber, to accepting the amendment I have offered. The people have again spoken on political questions, and we ask ourselves the question why they have spoken in the manner they have. But any Senator who will take the time to visit the people will become as fully convinced as I am that they believe there was a great injustice done to the people engaged in this great industry.

If it had been in the interest of the consumer, as some people in the cities were led to believe, then, Mr. President, it would be a different question. How are you going to benefit the consumer by taking the tariff off of the raw material—and I should not use the term "raw material," because it is the farmer's finished product—how are you going to favor the consumer by taking the tariff off of wheat and laying it on flour? I do not believe any one of you is going to eat whole wheat. How are you going to benefit the American people by taking the duty off of cattle and leaving a duty on beef? It is obvious, Mr. President, that the Milling Trust and the Beef Trust would reap the benefit and not the consumer.

Mr. President, I have occupied more time than I intended when I rose; and upon the question of agreeing to the amendment I will ask for the yeas and nays.

Mr. GALLINGER. I have a substitute which I desire to offer for the amendment proposed by the Senator from North Dakota.

Mr. SIMMONS. While the Senator from New Hampshire is preparing his substitute, I ask that the amendment be again read.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 22, after line 14, insert:

That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. GALLINGER. Without much hope that the substitute I offer will be agreed to—it ought to be agreed to—I submit it and ask for a vote on it.

The PRESIDING OFFICER. The Senator from New Hampshire offers a substitute for the amendment of the Senator from North Dakota, which will be stated.

The SECRETARY. It is proposed to insert as a substitute the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed.

The PRESIDING OFFICER. The question is on agreeing to an amendment in the nature of a substitute offered by the Senator from New Hampshire.

Mr. POINDEXTER. Let me make an inquiry. Does the Senator from New Hampshire offer a substitute repealing the entire act?

Mr. GALLINGER. The entire act.

Mr. WILLIAMS. On that let us have the yeas and nays.

Mr. McCUMBER. I want to ask the Senator from New Hampshire if he believes that we on this bill should attempt to change a law that has already been passed, which originated in the House, with reference to the tariff? I have supported always the other two propositions, because I did not want to get into conflict with the universal practice. Very probably the constitutional way of arriving at these things, where we repeal a portion of existing law, is for the act to repeal to originate in the House, although I would like to repeal the law.

Mr. GALLINGER. I have not any doubt in the world as to our constitutional right to repeal any act.

Mr. WILLIAMS. In order that we may get a ruling, I make the point of order that this would be virtually the origination of a revenue act in the Senate; that it is not germane to the metal schedule, and if in order at all, it would be in order upon its own merits. I make the point of order that under the Constitution——

Mr. CLARK of Wyoming. Mr. President, we can not hear the Senator from Mississippi.

Mr. WILLIAMS. I make the point of order that under the Constitution we can not originate a revenue measure.

The PRESIDING OFFICER. The Chair will state that the amendment is offered as a substitute for an amendment to a tariff measure; and the Chair is of the opinion that the amendment offered by the Senator from New Hampshire, as a substitute for an amendment to a tariff measure, is in order. The question is on agreeing to the substitute offered by the Senator from New Hampshire.

Mr. HITCHCOCK. I should like to have it stated.

The PRESIDING OFFICER. The substitute will again be stated for the information of the Senate.

Mr. CULBERSON. Let the amendment of the Senator from North Dakota be reported again.

The PRESIDING OFFICER. The amendment of the Senator from North Dakota will again be reported for the information of the Senate.

Mr. HEYBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Lodge	Pomerene
Borah	Fletcher	McCumber	Sanders
Bourne	Gallinger	McLean	Simmons
Bryan	Gardner	Martin, Va.	Smith, Ariz.
Burton	Gore	Martine, N. J.	Smith, Md.
Catron	Gronna	Myers	Smoot
Chamberlain	Guggenheim	Nelson	Stephenson
Chilton	Heyburn	O'Gorman	Sutherland
Clapp	Hitchcock	Oliver	Watson
Clark, Wyo.	Johnson, Me.	Page	Williams
Culberson	Johnston, Ala.	Paynter	Works
Cummins	Jones	Penrose	
Curtis	Kern	Perkins	
du Pont	Lippitt	Poindexter	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. CULBERSON. Before the roll was called I made a request that the two amendments be reported.

The PRESIDING OFFICER. The amendment offered by the Senator from North Dakota and the substitute therefor offered by the Senator from New Hampshire will be reported for the information of the Senate.

The SECRETARY. The amendment proposed by the Senator from North Dakota reads as follows:

That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

The substitute offered by the Senator from New Hampshire reads:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed.

Mr. HEYBURN. Mr. President, this is about the first real meritorious question that has been considered for a long time. The so-called tariff questions have afforded means of exhausting the time of the Senate and postponing the consideration of the appropriation bills. But we have a glint of sunshine here in the nature of needed legislation—legislation that will meet with the approval of the country, to wit, the repeal of a mistake that was condemned not only at home but abroad. That is a combination of condemnation not to be overlooked.

I am not going to expand on the question of Canadian reciprocity; not that it has been exhausted, but I just want to say to the Republicans of this body that they have an opportunity, as one Senator suggested, to purge their record. They have an opportunity to come out as real protectionists in voting upon this substitute.

I have on several occasions made an attempt to obtain unanimous consent for the consideration of a bill now on the calendar providing for the accomplishment of the same purpose, and there has been objection to it, not much to my surprise. I asked for a roll call that Senators might have an opportunity to come into this Chamber and vindicate themselves, those who made the mistake of voting for what was known as the reciprocity treaty. I hope they will come in. If I could send my voice out to the various recesses where they are now I should like to have an opportunity to do it.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. I do.

Mr. GRONNA. If the Senator will allow me, I wish to call attention to the fact that when the Senator from Idaho asked me the question as to the rate on agricultural products I had reference to agricultural machinery. I did not mean to say that the Senate did not increase the duty on agricultural products.

Mr. HEYBURN. I was not going to hold it against the Senator. I had the fact in my mind when I asked the question, but I do not expect Senators always to be ready with quick and accurate information on subjects to which their attention has just been called.

Mr. GRONNA. I understood the Senator to refer to agricultural machinery instead of agricultural products.

Mr. HEYBURN. That tariff legislation is ancient history now. Those who led the consideration of it upon this floor have passed out into the business world or elsewhere. Probably not over half the Senators are here who were here at that time. I would not want to revive the consideration of that question under those circumstances.

There is no room for doubt in regard to the suggestion that was made that this amendment could not originate in this body. If the Senator is still of that opinion, I will take the time of the Senate to refer to the decisions interpreting the constitutional provision. I will read that in order that it may be in the RECORD in connection with it. I have not heard it stated correctly once out of ten times when it has been stated on the floor of this body. It is less than three lines. It is section 7 of Article I of the Constitution of the United States, and it reads:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as with other bills.

That is an accurate reading of the constitutional provision. It has been before the courts three times, and at no time has it involved the question raised in this case. Now we are going to have a yea-and-nay vote on this amendment. I understand that the Senator from North Dakota will be content to see the substitute adopted.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. GRONNA. So far as I am able to do so, I am willing to accept the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. Then the Chair understands the Senator from North Dakota withdraws his amendment.

Mr. GRONNA. Yes; for the present I withdraw the amendment.

The PRESIDING OFFICER. Then the substitute offered by the Senator from New Hampshire becomes the amendment before the Senate.

Mr. GALLINGER. It becomes the original amendment.

Mr. HEYBURN. The question, then, is on the substitute, which becomes the original amendment. I do not suppose it is necessary to call attention to decisions of the United States Supreme Court, which I have before me, interpreting this provision of the Constitution. If I thought any Senator would be deterred from voting for this provision because of any lurking idea that he would in doing so be transgressing the organic law of the land, then I would feel it necessary and proper to refer to the decisions.

Mr. GRONNA. Will the Senator permit me to make a parliamentary inquiry of the Chair?

Mr. HEYBURN. I yield for that purpose.

Mr. GRONNA. By withdrawing my amendment and accepting the substitute offered by the Senator from New Hampshire, would it be in order for me to again offer my amendment?

Mr. LODGE. Oh, yes.

Mr. GALLINGER. Yes; if it is defeated.

The PRESIDING OFFICER. The Senator can offer the amendment at a later time.

Mr. GALLINGER. If the pending amendment is defeated.

Mr. HEYBURN. On that I ask for the yeas and nays.

Mr. CUMMINS. Mr. President, I was very much in favor of the amendment proposed by the Senator from North Dakota. It is impossible for me to vote for the substitute presented by the Senator from New Hampshire. If I understand the effect, it will be to restore a duty of $3.75 per ton upon print paper. The duty is too high. It is not defensible upon any testimony or evidence or any report ever presented to Congress.

To me in 1909 it seemed clear that there should be a duty of $2 per ton upon paper. I am not willing to cast a vote the effect of which would be to re-create a duty of $3.75 per ton on paper. Therefore I offer the following amendment to the amendment proposed by the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be read.

The SECRETARY. Add at the end of the amendment the following proviso:

Provided, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in said section 2.

Mr. GALLINGER. I will say to the Senator from Iowa that I will vote for his amendment to the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire accepts the amendment offered by the Senator from Iowa. The question is now on agreeing to the amendment of the Senator from New Hampshire as modified by the Senator from Iowa.

Mr. GALLINGER. Yes; I modify it.

Mr. POINDEXTER. I did not hear the amendment offered by the Senator from Iowa.

Mr. GALLINGER. Let it be read.

The PRESIDING OFFICER. The Secretary will read the amendment as modified for the information of the Senate.

The SECRETARY. On page 22, after line 14, insert the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in said section 2.

The PRESIDING OFFICER. The yeas and nays have been asked for on agreeing to the amendment as modified. Is there a second?

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Iowa exactly what the effect of that provision is? Does it reduce the duty on all paper?

Mr. CUMMINS. Prior to 1909 the duty on paper that would be embraced in the amendment was $6 a ton. In the House revision of 1909 the duty was reduced to $2 a ton. The Senate increased the duty to $3.75 a ton, and that is the law at the present time, or was the law until the passage of the so-called reciprocity act with Canada, which made paper of that sort free, and it is now entering our customhouses without the payment of any duty whatsoever under certain circumstances.

Mr. LIPPITT. I understand that that applies to the whole world except simply as to Canada.

Mr. CUMMINS. The rate of $3.75 applies to the world.

Mr. LIPPITT. The rate of $3.75 applies to the world, and the free entrance of paper applies to Canada.

Mr. LODGE. No. If the Senator will excuse me, that point was made in regard to the favored-nation clause, and all the favored nations having with us a treaty and that made paper out of wood-pulp are now asking the free entry of the paper which was protected at the time of the passage of the reciprocity act.

Mr. LIPPITT. What is the situation in regard to granting that request? It has not been granted as yet?

Mr. LODGE. It has not been granted.

Mr. LIPPITT. The duty of $3.75, I understand, applies everywhere except as to Canada?

Mr. LODGE. Except as to Canada, the principal source of wood-pulp paper.

Mr. LIPPITT. The effect of the amendment proposed by the Senator from Iowa would be to make the duty $2 per ton on paper from Canada, and would it remain $3.75 on paper from all other countries?

Mr. CUMMINS. It would not. If this amendment is adopted and the law of which it is sought to be made a part finally passes, the duty on paper of all the world would be $2 per ton.

Mr. LIPPITT. The effect of it would be that instead of free entry from Canada there would be a duty of $2 a ton and a reduction of the duty of $3.75 from all other sources to $2?

Mr. CUMMINS. Precisely. I think no one will question that the report of the Tariff Board fails to sustain a duty of $3.75 per ton from any quarter of the earth.

Mr. LIPPITT. I was simply asking so that I might have it clearly in my mind.

Mr. GALLINGER. The phraseology of the Senator's amendment ought to be changed. Where it says "in said section 2" it should read "in section 2 of said act."

Mr. CUMMINS. I think so. I wrote it very hastily.

The PRESIDING OFFICER. The Senator modifies his amendment.

Mr. CUMMINS. I think it ought to be rewritten, but I found it necessary to produce it quickly.

Mr. HITCHCOCK. I should like to ask the Senator from Iowa a question. Should his amendment pass, would the duty on Canadian paper be $2 a ton while the duty on paper from other countries would remain at $3.75 a ton?

Mr. CUMMINS. No; if the amendment I have proposed should finally become a law, there would be a duty on print paper of $2 a ton, no matter from whence it might enter our ports.

Mr. HITCHCOCK. I did not hear the Senator.

Mr. CUMMINS. The duty of $2 a ton would apply to the whole world under the amendment that I have proposed.

Mr. CULBERSON. It would repeal the free-of-duty proposition from Canada?

Mr. CUMMINS. Yes. We have now a certain law with regard to the duty on print paper. The law was, prior to the reciprocity act, $3.75 per ton. The reciprocity act allowed certain papers manufactured or originating in Canada to come in free. It is now sought by the substitute of the Senator from New Hampshire to repeal that act, and I have added to that as an amendment that after the act is repealed all paper described there shall enter our ports at $2 per ton.

Mr. HITCHCOCK. One other question. I should like to ask whether the Senator from Iowa or the Senator from New Hampshire has any evidence that section 2 of the Canadian reciprocity bill has resulted in any disastrous consequences, as were predicted at the time it was passed, by reason of admitting Canadian paper free of duty?

Mr. CUMMINS. I do not know; but I had an opinion with regard to the duty on paper in 1908, and again in 1910, when we investigated the subject. I reached the conclusion that the duty ought to be $2 per ton.

Mr. HITCHCOCK. On what theory?

Mr. CUMMINS. On the theory that it costs that much more to make it in this country than to make it abroad.

Mr. HITCHCOCK. Then, as we have had free paper for a year, I ask the Senator if he can point to any disastrous consequences to American industries as the result of having paper on the free list?

Mr. CUMMINS. In the first place, we have not had free paper. The Canadian arrangement, I take it, has not possibly fulfilled all the hopes of those who originated it. But that does not alter the opinion I then formed, and that I still hold, that there ought to be a duty of about $2 a ton upon print paper.

Mr. GALLINGER. If the Senator will permit me, the question of revenue is of some consequence.

Mr. CUMMINS. Precisely.

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Iowa whether the proposition to impose a duty of $2 or any other amount is not a revenue where there is now no duty, and whether it would be a violation of the constitutional provision?

Mr. CUMMINS. I do not think, Mr. President, that it would be a violation of the Constitution. It has been held that if the House passes a bill which changes the duty on a single article, around that bill there can be gathered a full and complete revision of the tariff.

Mr. HEYBURN. I recognize that.

Mr. CUMMINS. I hesitated to offer the amendment because, generally speaking, I thought we ought to confine ourselves to the schedule under consideration. But inasmuch as the amendment of the Senator from New Hampshire was offered, I could not see it pass without expressing my view.

Mr. GALLINGER. The Senator from Iowa does not question our right to transfer an article from the free list to the dutiable list in the House bill?

Mr. CUMMINS. I do not.

Mr. GALLINGER. Certainly not.

Mr. HEYBURN. No; and I am not going to press the suggestion further than that it may not appear hereafter that we overlooked it, so that in interpreting it no one may be in a position to say that we overlooked it. Upon this article there is now no duty, and we are going to impose one of $2 by a piece of original legislation. I merely made the suggestion for the reason that I have stated.

Mr. CUMMINS. I have no doubt about our power constitutionally to do what has been proposed. Of course, that power ought to be exercised with wisdom and properly when necessary.

Mr. GRONNA. Mr. President, I merely want to say a word in regard to the inquiry made by the Senator from Nebraska with regard to print paper. The Senator from Nebraska knows as well as I do that a commission was appointed to investigate this question. There were Republicans and Democrats upon that commission, and they brought in a report that there should be a duty of $2 instead of $6, which was the law at that time. No attention was paid to it, or at least the report of that commission was ignored. Instead of lowering it to $2 it was reduced to $3.75.

The PRESIDING OFFICER. The yeas and nays have been asked for. Is there a second?

Mr. CULBERSON. Now, let us have the amendment as amended read so that we can understand the question.

The PRESIDING OFFICER. The Secretary will read the amendment as perfected, for the information of the Senate.

The Secretary read as follows:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

The PRESIDING OFFICER. The yeas and nays have been asked for. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I will transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. If he were present, I should vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. SMITH of South Carolina was called). I was requested to state that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. BACON. I wish to add to what the Senator from New Jersey has stated, that the Senator from South Carolina has been called away by illness in his family.

The roll call was concluded.

Mr. SHIVELY (after having voted in the negative). I am paired on this vote with the senior Senator from Rhode Island [Mr. WETMORE]. I voted inadvertently, and I desire to withdraw my vote.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] has been called from the city. He is paired with the Senator from Nevada [Mr. NIXON]. I also announce that the Senator from Tennessee [Mr. LEA] is unavoidably absent.

Mr. FOSTER. On account of the absence of my pair, the junior Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I inadvertently voted. I transferred my pair to the Senator from Oklahoma [Mr. GORE], but the Senator from Oklahoma is now in the Senate. I withdraw my vote.

Mr. HEYBURN (after having voted in the affirmative). Because of the absence of my pair from the Chamber I will withdraw my vote.

Mr. GORE. My colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired with the Senator from South Dakota [Mr. GAMBLE]. I will let this statement stand for the day.

Mr. BURNHAM. I inquire if the junior Senator from Maryland [Mr. SMITH] has voted.

The PRESIDING OFFICER (Mr. CURTIS in the chair). He has not voted.

Mr. BURNHAM. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Kentucky [Mr. BRADLEY] is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Borah	Curtis	McCumber	Smith, Mich.
Bourne	Dillingham	McLean	Smoot
Brandegee	du Pont	Nelson	Stephenson
Burton	Gallinger	Oliver	Sutherland
Catron	Gardner	Page	Thornton
Clapp	Gronna	Penrose	Townsend
Clark, Wyo.	Guggenheim	Perkins	Works
Crane	Johnson, Me.	Root	
Cullom	Jones	Sanders	
Cummins	Lodge	Simmons	

NAYS—27.

Ashurst	Fall	Martine, N. J.	Pomerene
Bacon	Fletcher	Myers	Rayner
Bristow	Gore	O'Gorman	Smith, Ariz.
Bryan	Hitchcock	Overman	Tillman
Chamberlain	Johnston, Ala.	Paynter	Watson
Chilton	Kern	Percy	Williams
Culberson	Martin, Va.	Poindexter	

NOT VOTING—31.

Bailey	Davis	Lippitt	Smith, Ga.
Bankhead	Dixon	Lorimer	Smith, Md.
Bradley	Foster	Newlands	Smith, S. C.
Briggs	Gamble	Nixon	Stone
Brown	Heyburn	Owen	Swanson
Burnham	Kenyon	Reed	Warren
Clarke, Ark.	La Follette	Richardson	Wetmore
Crawford	Lea	Shively	

So Mr. GALLINGER's amendment was agreed to.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. GALLINGER. Mr. President, I am informed that the Vice President will be necessarily absent from the city on Thursday, Friday, and Saturday of this week and Monday of next week. I rise to ask unanimous consent that the Senator from Georgia [Mr. BACON] be designated to act as President pro tempore of the Senate on those days.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER submitted the following resolution (S. Res. 324), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, Friday, Saturday, and Monday next, May 30, 31, June 1 and 3, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 325), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, Friday, Saturday, and Monday next, May 30 and 31, June 1 and 3, 1912.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. WATSON. I offer the following amendment. I hope the Senator in charge of the bill will accept it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add a new section to the bill to read as follows:

SEC. 3. That the President is hereby authorized, in any case of emergency, to suspend the collection of customs duties on any article included for taxation in the tariff law in effect on the day the President issues his proclamation suspending the collection of duty on any article, so that such article may be imported free of duty for not exceeding the period of six months. When the President decides to suspend the collection of duties on any article, he shall issue his proclamation to that effect. Such suspension of the collection of customs duties for the period named by the President in his proclamation shall take effect on the day following the issuing of said proclamation, and shall continue for the period named.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. SIMMONS. Mr. President, that is a very important amendment, dealing not only with this schedule but with all tariff schedules. It has not been referred to the Committee on Finance; there has been no opportunity to give it consideration; and I hope the Senator from West Virginia will withdraw the amendment and let it be referred to the committee. He can offer it to some other of the tariff-schedule bills hereafter.

Mr. WATSON. Mr. President, I withdraw the amendment, and ask that it be referred to the Finance Committee.

The PRESIDING OFFICER. Without objection, the amendment will be printed and referred to the Committee on Finance.

Mr. HITCHCOCK. Mr. President, I move to amend the bill by inserting, on page 2, line 6, after the word "steel," the word "six" in place of "eight," so that the provision will be for a duty of 6 per cent on pig iron instead of 8 per cent.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In section 1, on page 2, line 6, before the words "per cent," it is proposed to strike out "eight" and to insert "six," so as to read:

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 6 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HITCHCOCK. Mr. President, I wish to say a word in reference to the amendment. The present law provides for a duty of something less than 15 per cent on these articles. The House bill provides a duty of 8 per cent. The substitute offered by the Senator from Iowa [Mr. CUMMINS] provided a duty of slightly less than 6 per cent, and I think it is fair to say that the Senator from Iowa demonstrated in the address which he delivered that there is no need for any duty larger than the one which he proposed.

The product of pig iron in this country amounts to almost $400,000,000 worth annually, and we practically export as much pig iron as we import. I believe that the duty of 6 per cent is applicable for revenue purposes and in harmony with the rest of the bill. I should like to have the Senator in charge of the bill accept the amendment, if possible.

Mr. SIMMONS. Mr. President, I am not in a position to accept the amendment.

Mr. HITCHCOCK. Then I ask a yea-and-nay vote on the amendment.

Mr. SIMMONS. In making that statement I did not intend to express any personal opinion about it; but I am not authorized, as in other instances where I have accepted amendments by the minority members of the committee, to do so in this case.

The PRESIDING OFFICER. The Senator from Nebraska asks for the yeas and nays. Is there a second? Not a sufficient number, in the opinion of the Chair, have risen to second the demand. The question is on the amendment. In the opinion of the Chair, the ayes have it.

Mr. MYERS. I call for a division on the demand for the yeas and nays.

Mr. HEYBURN. Mr. President, I did not distinctly hear just what became of the amendment proposed by the Senator from West Virginia [Mr. WATSON]. Was it withdrawn?

The PRESIDING OFFICER. It has been referred to the Committee on Finance.

Mr. HEYBURN. So that the only amendment now pending is the one offered by the Senator from Nebraska [Mr. HITCHCOCK]?

The PRESIDING OFFICER. That is carried, unless, in the opinion of the Chair——

Mr. GALLINGER. Mr. President, I thought the Chair declared that the negative vote had prevailed. However that may be, I will first ask that the amendment shall be again stated.

The PRESIDING OFFICER. Without objection, the Secretary will restate the amendment.

The SECRETARY. On page 2, line 6, before the words "per centum," it is proposed to strike out "eight" and insert "six," so as to read:

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 6 per cent ad valorem.

Mr. GALLINGER. I ask for the yeas and nays on that amendment.

Mr. HITCHCOCK. I understood that the yeas and nays were refused.

The PRESIDING OFFICER. There has been a division called for.

Mr. HITCHCOCK. And that the Chair had so decided.

The PRESIDING OFFICER. That was on the request of the Senator from Nebraska, since which time there has been a vote,

and now the yeas and nays are demanded. The Chair thinks the question should be put.

Mr. HITCHCOCK. I understood that the Chair had announced the result of the vote.

The PRESIDING OFFICER. In the opinion of the Chair the "ayes" had it, but that vote was challenged by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HITCHCOCK. And there was no call for the yeas and nays until subsequent business had intervened.

The PRESIDING OFFICER. The Chair will hold that it is not too late to demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, I withhold my vote.

Mr. FOSTER (when his name was called). In the absence of my pair, the Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired for the day with the senior Senator from Virginia [Mr. MARTIN].

I am also requested to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Nevada [Mr. NEWLANDS].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], so that I shall not vote. I make that announcement for the day.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). I would ask if the senior Senator from Alabama [Mr. BANKHEAD], with whom I am paired, has voted?

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The senior Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I desire to announce for the day that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

Mr. SHIVELY (after having voted in the affirmative). I desire to inquire whether the Senator from Rhode Island [Mr. WETMORE], with whom I am paired, has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SHIVELY. Then I withdraw my vote.

The result was announced—yeas 36, nays 20, as follows:

YEAS—36.

Ashurst	Cullom	Jones	Rayner
Bacon	Cummins	Kern	Simmons
Borah	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Md.
Bryan	Gore	O'Gorman	Thornton
Chamberlain	Gronna	Overman	Tillman
Chilton	Hitchcock	Percy	Watson
Clapp	Johnson, Me.	Poindexter	Williams
Culberson	Johnston, Ala.	Pomerene	Works

NAYS—20.

Burnham	Fall	Page	Sanders
Catron	Lodge	Paynter	Smith, Mich.
Crane	McLean	Penrose	Stephenson
Curtis	Nelson	Perkins	Sutherland
du Pont	Oliver	Root	Townsend

NOT VOTING—39.

Bailey	Crawford	La Follette	Richardson
Bankhead	Davis	Lea	Shively
Bourne	Dillingham	Lippitt	Smith, Ga.
Bradley	Dixon	Lorimer	Smith, S. C.
Brandegee	Foster	McCumber	Smoot
Briggs	Gallinger	Martin, Va.	Stone
Brown	Gamble	Newlands	Swanson
Burton	Guggenheim	Nixon	Warren
Clark, Wyo.	Heyburn	Owen	Wetmore
Clarke, Ark.	Kenyon	Reed	

So Mr. HITCHCOCK's amendment was agreed to.

Mr. WATSON. On page 2, line 13, I move to strike out the word "fifteen" and insert the word "ten."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. SHIVELY. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 13, before the words "per centum," it is proposed to strike out "fifteen" and to insert "ten," so as to read.

Ferromanganese, chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, 10 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be offered, the bill will be reported to the Senate.

Mr. HEYBURN. Mr. President, for some reasons I regret that the bill is not yet ready to be reported to the Senate. I was calling attention yesterday when the Senate closed its session to the position in which the Republican Party stands in regard to this question. It ought to interest them, and it would interest them if they were as zealous as the Democrats. I have been somewhat interested during the discussion of this question to observe that, while the Democrats have raised the cry—and I am afraid have impressed some Republicans with the seriousness of that cry—that there is a great demand for this legislation; that the interests of the people individually and collectively are at stake—I have been interested to see the measure of zeal shown by the attendance of Members upon the other side and their participation in this debate.

If I thought this measure, this Democratic destruction of prosperity, was so vital as they seem to think it is, I would stay in my seat, if I sat on the other side, as long as my physical condition would permit, and I would speak on behalf of my belief as long as my voice could be heard. They have been content in the arrogance of power—and I do not use that word in an invidious sense—and in the possible expectation of an alliance with some Members of the Senate on this side to allow it to go without a word of recommendation or defense. I am rather astonished. Are you so sure that you are going to get the assistance on this side that you anticipate? Senators on the other side must be well aware of the fact that without it they can not pass the bill, and yet they are going along gloriously, assuming that they will pass this bill. I say—and I base my statement upon my faith in Republicans—that they will not pass it. If I lose in that proposition, it will be because I have made a miscount of the Republicans. I used to know how to count them.

Mr. BACON. Will the Senator from Idaho permit me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Yes.

Mr. BACON. I want to say that whatever confidence we have had in regard to that matter has been due to the assurances we have had from the other side of the Chamber. The Senator from Pennsylvania [Mr. OLIVER] on yesterday or the day before boldly announced that it was the purpose of the majority to absent enough of their Members to permit this side to carry the vote, and he defended his course in that regard.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Yes.

Mr. OLIVER. Mr. President, I certainly made no such statement. I think the Senator from Georgia undoubtedly misunderstood what I said. I said that I was opposed to this bill and that I was opposed to the substitute offered by the Senator from Iowa [Mr. CUMMINS], and, speaking for myself, and for myself alone, I held myself at liberty to defeat both measures, either by voting against them or by abstaining from voting, and I proposed to use my own judgment as to which course I would pursue; but I did not declare to the Senate my intention of doing anything in the premises.

Mr. BACON. Mr. President, with the permission of the Senator from Idaho, I will recall to the recollection of the Senate that the Senator from Iowa [Mr. CUMMINS] had asserted in no ambiguous terms, but, on the contrary, in the most emphatic terms and with iteration and reiteration, that that was the purpose of Senators belonging to the majority; and the Senator from Pennsylvania made the utterance of which he now speaks in response and in reply to the charge which had been made by the Senator from Iowa. If he did not mean to be taking the position that he was justified in doing exactly what the Senator from Iowa charged was intended to be done, then I do not understand the use of the English language. I simply repeat that whatever confidence we have in the matter is not because of any majority of votes on this side, but because of that announced intention on the part of the Republicans. Of course, we are ready to pass our bill, expect to do so, and will endeavor to do so.

Mr. HEYBURN. By what kind of votes does the Senator expect to pass the bill?

Mr. BACON. By Democratic votes exclusively.

Mr. HEYBURN. Entirely?

Mr. BACON. Yes, sir.

Mr. HEYBURN. Then the Senator counts every man a Democrat who votes for that bill?

Mr. BACON. Well, I have no right to speak about others.

Mr. HEYBURN. I merely want to get a line on the thing.

Mr. BACON. I did not say that every man who votes for the bill is a Democrat, because I think that properly a good many Republicans could vote for it and should do so. What I did say was that the Democrats would vote for it; I did not say that all who voted for it would be Democrats.

Mr. HEYBURN. The Senator used the word "exclusively."

Mr. BACON. I meant that, according to the announced program as stated by the Senator from Iowa, who seemed to be sure of his ground, and which was not denied by any Senator, but which, on the contrary, was defended on the other side, I supposed they were not going to vote for this bill——

Mr. BRISTOW. Mr. President——

Mr. BACON. But that they had the information that enough Senators who occupy the same relation to the bill which the Senator from Idaho occupies would abstain from voting, and that that would leave a majority for the Democrats, the Senator at the time saying that the Senator from Idaho would not be one of them.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes.

Mr. BRISTOW. I should like to inquire of the Senator from Idaho what he would call the Senator on this side of the Chamber who absents himself from the Chamber so as not to vote and thereby permits the Democratic bill to pass?

Mr. HEYBURN. I never call names.

Mr. President, it is obvious that the other side rely upon gaining some votes upon this side; but we have made some history to-day. We had a vote here a few moments ago in which there seemed to be a degree of harmony most gratifying and which has not always existed. I will pin my faith in men on very small things sometimes, and I believe that men who go wrong on their judgment may always be brought back to a proper conception of the right. I have faith, a vast amount of it, and I am not going to yield it up until I see somebody who comes here wearing a Republican badge voting with the Democrats. So I am in rather a happy and contented frame of mind on that subject.

Do you suppose, Mr. President, that a Senator representing the great industry of lead mining could be counted upon by the other side to vote for a reduction of the duty upon lead? Yesterday the Senator from Iowa introduced an amendment that proposed a reduction of $5 a ton upon lead bullion. He provided for a duty upon lead ore and proposed a reduction of $5 a ton upon lead bullion. I have been in the lead country a long time, and supervised a good many settlements for ore. The settlement for lead ore is based upon the bullion value and contents, so that the proposition really struck at the whole lead industry. The reduction suggested by the Senator would merely be a temptation to those who deal in Mexican mines and Mexican ores to build their smelters on that side of the line, reduce their ores into bullion, and send it over to compete in our field of production with our bullion——

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Just a moment, until I finish the thought—and inasmuch as the product of lead and the use of it in our country are about the same, that is a very material proposition.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; I yield.

Mr. CUMMINS. The Senator has stated the case accurately, but possibly all Senators did not follow the lead schedule with sufficient care to know just what the statement of the Senator from Idaho means. At the present time the duty on lead in ore is $30 per ton, and the duty on lead in bullion is $42.50 per ton. My amendment did not reduce the duty on lead in ore, but it reduced the duty on lead in bullion from $42.50 per ton to $37.50 per ton; and if the Senator from Idaho can convince the Senate that in this country it costs to reduce lead ore to lead bullion in excess of $7.50 a ton over the cost in other countries he will have convinced me of error. I simply wanted the Senate to know what the total duty was on lead bullion and lead ore.

Mr. HEYBURN. Mr. President, the difficulty with the Senator from Iowa is that he starts to reason from a false premise. In the first place, it is the bullion that regulates the price of the ore, and the displacement of our product in bullion by Mexican bullion would diminish our market for the bullion that we produce. Nobody uses ore; it has to be reduced to bullion before it is ready for use.

Mr. President, this is not only a large item, but, inasmuch as we produce the lead that we use in this country in equivalent quantities, it is more important than the ordinary schedules, and there is a wide margin between the production and the use.

Mr. President, I merely started out with that as an example of the discrepancy between the contention of the Senator from Iowa and the facts in this case. I know that in some commodities the line of reasoning adopted by the Senator from Iowa would be a true line of reasoning, but it does not apply to this commodity.

Let us see something about it. In the first place, to produce a ton of ore you mine 6 tons; I will say 5 tons to be conservative. You mine 5 tons of raw material out of the ground. You break it down, and hoist it to the surface, and you carry it to the mill in order to get 1 ton of lead ore. That ton of lead ore, when you have reduced it by concentration or other processes, will contain about 60 to 62 per cent lead, and the balance is waste, and when you send that to the smelter you pay the wages incident to the transportation and you pay the freight on the waste, and when you get to the smelter you pay the smelting charges on the waste. So you have been mining and shipping and smelting waste all along the line in order to get a ton of ore, and when you have that ton of ore, it represents the wages and the expense incident to the mining of 5 tons of rock.

It costs just as much to mine barren rock as it does rich ore. It costs just as much to send it over the railroad or the transportation line. It costs just as much to put it through the smelter. In fact, it costs more, because you have to introduce into the charge certain other metals or minerals in order to fuse the lead ore.

So I have been somewhat impatient with the discussion of the question of the duty on lead based upon the assumption that you mine lead. We do not mine lead. We mine vast quantities of rock in which there is lead. If you sell the ore without treating it, you get the bullion value. If you treat it, you reduce it to bullion.

There is the difficulty with the proposition of the Senator from Iowa. You pay exactly the same wages to the man who breaks the barren rock that stays in the mine or goes over the dump. You not only spend your money for the 5 tons that goes to the concentrator, but you spend in addition to that your money for rock that never goes anywhere, but stays on the dump of the mine.

No one has taken that into consideration at all. It was assumed, I say, that you mine lead. Nobody mines lead. The reason the industry is of such supreme importance is because it has been the foundation of States. There are great States in the Union to-day which would not have existed except for the mines. The pioneer goes there, not because of the climate or the scenery or the soil, but because of the existence or supposed existence of these ores, and being there he first directs his attention to the thing he went for, and not being fortunate in securing a foothold in mining and being in the country looking around for other possibilities, staying there for other purposes, he, with the other men coming in, have developed the foundation upon which the State rests.

The State of Colorado was a mere prospecting ground. It was not known for anything within its boundaries except the metals and ores. The same is true of the States of New Mexico and of Arizona.

The same is true of the States of Montana and Idaho and California. Nobody ever went to those States originally with any idea of doing anything except to mine. Idaho had passed through its gold-mining experience for years and had produced more real wealth than any State east of the Mississippi River, and there was an interval during which time men were estimating the possibilities and reaching out for new discoveries. It resulted in developing agriculture and horticulture and industries of all kinds that were a safe foundation for a State.

That is something in the making of a State. The miner either realizes his desire in mining or goes down into the valleys or into the fertile portions of the State and stays permanently. He never would have gone there to settle except that he went there to mine. The people who engage in mining in all its branches, seeing around them possibilities for home building, engage in it. So there is a whole lot more involved in this question than the mere matter of how many dollars were taken out of the ground. There are the growth and the increase of the resources of the State in timber, in agriculture, in horticulture, and grazing that stand very high in the estimate of the wealth of this country.

We are not to be overlooked by the trader, by the money changer, by the huckster, and the broker. They can not stand and point the finger of superiority at us. We furnish them with the material with which they do business. A city is merely a place of exchange. It produces nothing except the energy and the disposition of the men to engage in gainful enterprise. That is all a city does.

It is fashionable for those who live in cities to assume a superiority over those who live in the country. No greater mistake ever was made in the world. You picture a man from the country in lines of derision, when, as a matter of fact, he is the furnisher of everything upon which you base your prosperity.

Mr. President, that applies to this industry. It supports 100,000 families in the United States. If it did not support them, who would? Can some Senator tell me who would support these 100,000 families if you withdraw or destroy this industry? Could they be taken up by the commercial world of the East? They are the customers of the commercial world. Without them the profits of the commercial activities of the country would be diminished, if not destroyed.

It is my intention that when this measure goes out—whether according to the prophecy of the Senator from Georgia or not—it shall be accompanied with a biography and a history; that it shall go out tagged, so to speak, that those who come to inspect it two years and four years from now will know what it means. You have seen things written in invisible ink, and when you hold them up to the light there will appear something you did not suspect existed. When, two or four years from now you hold up to the light the tag which I propose to place upon this bill, you will find written upon that tag, "Destruction to American industry and prosperity." That is what this legislation means.

I do not believe that Senators have the right to legislate by general consent in regard to these measures. There is a duty resting upon Members of this and the other branch of the Congress of the United States to give their reasons, because the people will want to know their reasons. I want to call attention to just one item of history that I have here before me, in which I participated, and in which I see other Senators present who participated.

I refer to the mistake of 1892. In 1892 the Republican Party in convention made a cowardly platform. They confessed themselves scared by the noise that was being made by the Democrats, and the country said "If you are not brave enough to have a principle and stand up to it we will have none of you," and they turned the Republican Party out of power and turned into power a party that professed what they would do rather than recited what they had done. Just think of a platform of a national party going before the people, situated as our people are, making this declaration:

> We believe that all articles which can not be produced in the United States, except luxuries, should be admitted free of duty—

The Democrats had said that before and we had repudiated it.

> And that on all imports coming into competition with the products of American labor there should be levied duties equal to the difference between wages abroad and at home.

They deserved defeat, and they got it. They not only defeated the political organization but they defeated the American people in their homes. They took away from them their prosperity by substituting the pretentious pretensions of the other party. It was my fate to be a member of the committee that made this platform. Those words were not written in it with my consent.

What does it say? Let us look at it. That there should be duties levied equal to the difference between wages at home and abroad. I want to make a reference to that. That was equivalent to saying that in this country those who sustain it in war and in peace should have no better standing than the people of other countries who contend with it in both war and peace. A more unreasonable declaration never was made in a platform. The men who made it—a number of them were my friends and still are my friends—forgot that they lived in the United States of America. They did not know in that hour of unwisdom that an American citizen is entitled to more, in or out of the United States, than any foreigner is entitled to.

They talk about putting us upon an equal footing with Germany, France, and England without making any provision for the fact that we support this Government and the foreigners contribute nothing to it; that we maintain the institutions and pay the taxes and they do not; that we pay taxes upon the very goods which they send here under the doctrine of free trade. If a cargo comes in from England or Germany and lands in New York, upon landing it becomes the property of an American citizen, and he has to pay taxes on the very thing that destroys his market. The people with whom they are seeking to put us on an equal footing pay no taxes upon the articles of manufacture either there or here.

And then again this cheeseparing has fretted me from the beginning of this discussion—to see Senators stand here and shave down to the very quick in estimating how much torture the American producer can stand; upon how low a basis he can live; with how little he can get along without starving. That has been the spirit of too much of the discussion on the tariff question.

I look at it from just the opposite standpoint. The question with me is how prosperous can we make the American citizen; how can we improve the conditions that surround him; how easy can we make it for him to compete in the markets or abroad? That is the point of reason from which the tariff should be considered by Americans, and not how tolerable it might be for him were conditions changed.

I should like to see more of it. Senators have fled from the consideration of this question who were pledged to the consideration of it by their constituents. They flee from it and propose to absent themselves when the responsible hour comes. I will have none of it. The legislation and the consideration of questions should be in this Chamber, not in the committee rooms, which are adjuncts to a Chamber, not out in the byways and highways and secret corner where two men may come together and whisper how they can jockey in the political controversy. They will jockey themselves out of office. They always do. They will jockey the country into difficulties. I call it "jockeying" when a man says "Let us stay away from our duty. Let us not perform our duty, in order that we may accomplish something." That is jockeying. I have not been, and I know I never will be, able to bring myself to such an agreement.

This is a place for controversy and contest and decision; not a place to come in and put a ticket in the slot to record your action. This is a chamber for consideration, and consideration among men in council of responsibility means an interchange of ideas. What we say here goes to the country; it goes to our masters. They elected us to this position in order that we may use our judgment and wisdom in the best manner for the benefit of their best interests. If we come here and divide up into coteries and then absent ourselves when the hour of responsibility comes, the people will know what to do. They will not need any recall. They will forget the men who did it at the next election, and they ought to forget them. One might imagine in this Chamber sometimes that there was nothing of interest before the Members of this body except what they may be chattering about among themselves in their little coteries of two or three. That is doubtless interesting to them.

Now, Mr. President, of course, we will assume that when we come to vote every Senator will have mastered every question upon which he votes, and the people will probably accept that hypothetical condition until they learn better. A man makes a promise, upon the strength of which he comes to Congress, that he will support legislation imposing protective duties upon wool and lead and lead ores. The people expect him to keep that promise. That is the solemn pledge of the Republican Party.

In 1892 they did not get a chance to put it in operation. They had just before that declared themselves so inefficient or their intentions so uncertain that the people said, "Just go home and stay there until you know what you want to do, and then present yourselves to us and we will tell you whether we want you to do it or not." They did send the Republican Party into retirement at that election and they elected a Democratic President and Congress. I am not going to dwell upon their action. I never was fond of these exhibitions of chambers of horrors. I never visit them. I let that rest. There will be some chambers of horrors for the individuals who have forgotten the pledges that the party placed them under in regard to this tariff question, but they will each of them enjoy it in their own way.

How can a man be a Republican and not be in favor of a protective tariff that protects? How can a man be a Republican and come here and engage in cheeseparing down to the very quick to determine whether or not the people of the country can barely live rather than how they can be certainly prosperous?

The Republican Party has stood for prosperity in the past when it was sane. I will pass from that platform of 1892, which was the Waterloo of the Republican Party, and, in my judgment, forfeited all claim that the party might have upon the people, and I will go to 1896, after the earthquakes, and the volcanoes, and the nightmares, and the distress, and the poverty of four years, and I find new leaders at the head of the columns. I find constructive statesmen in the place of the shivering time servers of four years before. I find men who knew what they wanted and dared to proclaim it in the great convention of 1896. They knew how to take the rank and file of American industry and organize it so that its march would be to the certain goal of prosperity. They did it with as true a hand as ever guided a purpose to a destiny.

I am looking about among the men for such men in this hour that confronts us. I have not yet been able to see through and beyond the ranks of selfish speculation, the ranks of the

men who conceive it the very acme of their purpose and of their glory to hold an office. I would rather stand down among the masters than to be their servant. Serve them, if they choose you so to do, but if you undertake it, do it according to their purpose and their will. The man who cares more to be elected to office that he does to fight for the principles of a great party is not fit for any office. The man who considers, rather, how he can be elected or reelected than how he can keep the pledge given the people ought not to be in office. The man in office does not outrank the creator of the office. This is not a Government of politicians. It is a Government of the people who make jobs for politicians, but the people are the masters. When I see in this hour consideration given not to how we can insist upon and fix the principles of the party upon our Government, but rather what position we can gain for our selfish advancement, I am startled. The fact is that it would be a fair conclusion that there were only a few men in this body who care anything about the question of the tariff and tariff legislation. That is a fair conclusion to be drawn. There are only a few of them. That is borne out by the measure of attention that they give to the consideration of these questions.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. JONES. I suggest the absence of a quorum.

Mr. HEYBURN. The Senator need not call for a quorum on my account. I am talking to the whole country. I have a pretty big audience.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Kern	Pomerene
Bacon	Dillingham	Lodge	Root
Brandegee	Fletcher	McCumber	Shively
Bristow	Foster	Martine, N. J.	Simmons
Bryan	Gallinger	Myers	Smith, Ariz.
Burnham	Gardner	Nelson	Smith, Ga.
Catron	Gore	O'Gorman	Smith, Md.
Chamberlain	Gronna	Oliver	Smith, Mich.
Chilton	Guggenheim	Page	Sutherland
Clapp	Heyburn	Paynter	Thornton
Clark, Wyo.	Hitchcock	Penrose	Townsend
Culberson	Johnson, Me.	Percy	Watson
Cullom	Johnston, Ala.	Perkins	Williams
Cummins	Jones	Poindexter	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HEYBURN. Mr. President, we have heard nothing in the consideration of this bill on behalf of the real merchants and the people who deal with them. The large manufacturing establishments could not reach the people except through lesser establishments that constitute the means of distribution of what the larger concerns produce. They have not been heard. They were not heard before the committee that prepared this bill for consideration. Yet it depends upon those people as to whether the products of the large mills will ever reach the people at all. They are the medium of distribution. Their prosperity tells infinitely more for the welfare of the people than does the prosperity of the large manufacturing plants. They are the people who are looking most anxiously to Congress awaiting its action. You strike down their prosperity and the climax is close at hand.

You may take away all the profits of the large plants that have been discussed so much, and the owners probably would go down to the Waldorf-Astoria or to the seashore or to Europe and live the rest of their lives without any suffering, while these industrial enterprises that depend upon them would suffer all the agony that belongs to poverty, disappointment, and distress. It would change the lives and the destiny of millions of people who never saw the United States Steel or any of these large enterprises that have been discussed as though they were all there was to be considered. You strike down the prosperity of the country for a day and you change the destiny of millions of people any day and change their course of life from that time to the end. You shut down the mills in a village or any one of these manufacturing centers for six months and thousands and thousands of people will have been compelled to change their residence, to change their plans of life, both in regard to the adult members who toil and in regard to the children who depend upon them. The possibilities of the education of the hundreds of thousands of children in this country are vitally affected by every shutdown or strike from whatever source it may originate. You bring about a condition such as we had in 1893, 1894, and 1895, and you have changed the destiny of the American people; millions of them, who with that four years of standing ground would have attained their cherished ambition, never again can reinstate themselves. The period of education passed for many during those four years of financial distress. The period that was selected by their parents in which they were to be educated passed, and their opportunity was lost because of the inability of the parent to carry out the purpose. Instead of being well-equipped citizens, they were forced to this shuffling industry of opportunity.

Who was responsible? The Democratic Party as a party and the people they were able to deceive into supporting or believing in the doctrine of comparative free trade. How many millions of people in this country were so affected by that period of stagnation that they never can recover from it? Industry closed, the door of opportunity to the apprentice is closed. The boy who would have entered without difficulty to learn his trade or occupation in the mills and industries of the country was deprived, because the mills and industry had no opportunity to afford him, and instead of being on the way to prosperity, he was a victim of conditions and circumstances over which he could exercise no control.

This question of the prosperity of the people is a very serious thing; and when we are dealing with those questions that will affect it one way or the other we can not be too serious. We can not grow impatient—we dare not—with the consideration of them. The Congress of the United States that passed the first tariff bill spent three months in its consideration. We read it on three pages, and we are apt to think they did it over night. They gave serious consideration to those questions, realizing that they were laying the foundation of the prosperity of the people of that age. Well, we lay the foundation of the prosperity of the people every two years or four years in this country, or every time we take up the question whether our people shall be classed as the people of other countries, on an equal footing, as was laid down in that foolish platform. I have never yet forgiven the unwisdom of that hour, notwithstanding that I participated in the making of the platform; but I did not agree to the provisions that lost us the election.

What was done in the last national platform? I want to read a phrase, however, in the intermediate platform. These were the days when Republicans were really Republicans, and they were not dickering and trading as to how they could support this and that amendment and receive in return the support for some other. These are the closing words in the tariff platform of 1896, when intelligence and patriotism ruled the convention. After declaring in favor of the protective tariff policy of the party, they say:

> The country demands a right settlement, and then it wants rest.

In referring to the duties not agitated every day, not revision by schedules, not revision by fugitive amendments upon other bills, after that nightmare of Democracy, they said the country wants to return to the conditions under which it was prosperous, upon the theory that like conditions produce like results. When they said that they put the clinch on it. Let me read the words——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. In a moment. I do not want to break in now on this:

> The ruling and uncompromising principle is the protection and development of American labor and industry. The country demands a right settlement, and then it wants rest.

That is the way to talk. Now, I yield to the Senator.

Mr. CUMMINS. I agree to that. There is nothing in the world that we need so much as a right settlement of the tariff question, followed by a long rest. I want to say to the Senator from Idaho that personally I very greatly prefer the platform of 1896 on the tariff question over the platform of 1908.

Mr. HEYBURN. So do I.

Mr. CUMMINS. And if the Senator from Idaho has read all of that platform which relates to the question of protection, he will discover why I think it is a better expression of our doctrine than that which occurred in 1908.

Mr. HEYBURN. It does not require very close study to determine that question.

Mr. CUMMINS. Has the Senator the whole platform before him?

Mr. HEYBURN. Yes; I have all the platforms of the Republican Party right here in my hand.

Mr. CUMMINS. Might I be permitted——

Mr. HEYBURN. Is the Senator referring to the platform of 1908?

Mr. CUMMINS. No; the platform of 1896.

Mr. HEYBURN. Here is the platform of 1896. The Senator will get some indication as to what I think about it by the marks and interpolations I have made in it. Of course I do not approve of the tariff plank in the platform of 1908. The Re-

publicans of the country will denounce it on the first opportunity.

Mr. CUMMINS. I do not want it to be inferred that I ever intend to denounce the platform of 1908. On the contrary, I think, if fairly construed, it means just what the protectionist believes; but I do think it was an unfortunate expression.

Mr. HEYBURN. I will state about it in a minute.

Mr. CUMMINS. Will the Senator from Idaho listen to me while I read a part of the platform which he may have overlooked?

Mr. HEYBURN. I have already read it into the RECORD, but I will listen to the Senator with patience.

Mr. CUMMINS (reading):

We renew and emphasize our allegiance to the policy of protection——

Mr. HEYBURN. Is the Senator commencing at the beginning?

Mr. CUMMINS. At the beginning—

as the bulwark of American industrial independence and the foundation of American development and prosperity.

This true American policy taxes foreign products and encourages home industry. It puts the burden of revenue on foreign goods. It secures the American market for the American producer. It upholds the American standard of wages for the American workingman. It puts the factory by the side of the farm and makes the American farmer less dependent on foreign demand and price. It diffuses general thrift and founds the strength of all on the strength of each. In its reasonable application it is just, fair, and impartial; equally opposed to foreign control and domestic monopoly, to sectional discrimination and individual favoritism.

I have oftentimes in my political life attempted to enforce upon the American people this wise declaration that the doctrine of protection fairly applied is "equally opposed to foreign control and domestic monopoly." It is therefore that I have endeavored to stand for a system of duties that would not permit domestic monopoly and the exactions of a profit which domestic monopoly always secures.

Mr. HEYBURN. Mr. President, the Senator has read with splendid emphasis the doctrine of the Republican Party, but it occurred to me while he was reading it that he was rather within the scope of those that I mentioned the other day who read the commandment:

Six days shalt thou labor and do all thy work, but the seventh day * * * thou shalt not do any work.

The last part of it is the only part that he practices.

Mr. CUMMINS. No, Mr. President; I disclaim that. Every part of the platform is attractive to me. I see no inconsistency in it. It expresses, taking it all together, the fairest and justest doctrine that ever became a part of a governmental policy. I only wish that we had retained and reiterated in 1908 the expression of 1896.

Mr. HEYBURN. Mr. President, I said a few moments ago—I think before the Senator from Iowa returned to the Chamber—that I am looking now into the Republican rank and file in this country for the man or men who can duplicate the wisdom of that convention. I am looking for the man who can get away from personal advantage and skirmish for office, write a platform like that, and go before the people with the result that those men went before the people. That is what I am looking for. This cheeseparing, lead-pencil tariff declaration of the last platform, which meant, if it meant anything, that the Government would guarantee a reasonable profit without determining the tribunal in which the question of reasonable profit should be determined. That is what I call "a lead-pencil platform." This is not.

This true American policy taxes foreign products.

It taxes them. They were not afraid to use the word "tax" merely because it was hurled back at them by the Democracy. The Democracy has succeeded in making a lot of people believe that the word "tax" is a word of opprobrium. I have heard it used here and before the committee in considering these tariff questions as though it was enough to condemn a man to charge him with wanting to tax the foreign producer for coming into our market; but those men were not afraid to do it, and the American people sustained them. Just look at this phrase:

And encourages home industry—

They do not say by what per cent. You do not require any lead pencil to determine what the Republican Party meant that wrote that platform.

It puts the burden of revenue on foreign goods; it secures the American market for the American producer.

That is the law and the gospel of the Republican Party that we ought to be sounding here and up and down the land as we march against the common enemy of the American people.

It upholds the American standard of wages for the American workingman.

It does not say how nearly it can put the American workingman on a par with the German or the English or the French or the Mexican or the Canadian workingman; it declares that it is in favor of putting him before those people—above them—in the standard and scale of compensation and prosperity.

It puts the factory by the side of the farm.

We here have lost sight of that. Who has considered the effect upon the sale of farm products and the encouragement to the productions of the farm in dealing with the steel schedules? With the billions of dollars represented by the enterprise, they have sought only to account for it along the trail of the money changers. How much of it have they traced into the country and sought to apply to the development of the resources of that great element of our population, with 16,000,000 of laborers, wage earners, and with 35,000,000 of population? How much of this great wealth have they sought to trace to them? In those days of Republicanism that was the first thought in their minds; that was the front banner in the procession—the relation between these industries and the people who supported them. Let us get back to those lines of protection, and we shall have the confidence and the support of the American people. Those are grand words.

It diffuses general thrift, and founds the strength of all on the strength of each. In its reasonable application it is just, fair, and impartial; equally opposed to foreign control and domestic monopoly.

I am speaking against the foreign control of our markets; I am speaking against the foreign influence or competition in the field of production and sale. The farmer is interested in having a market, and his market can only be based upon the purchasing power of the people of the country. If you destroy or impair their purchasing power, it affects the market of every man and woman in this country for whatever they may have to sell, whether it be the skill and energy of the man or the woman, or whether it be the fertility of the soil or the vicissitudes of life. They are all at stake in this balance.

When we made our declaration in regard to domestic policy, we were speaking of recent history. We did not have to read it; we knew it; we had lived through it. It had been subjected to the sifting process of no man's reasoning power. We knew that yesterday and last year and last month. There was desperate poverty; there was a lack of reward for industry; there was no market for industry. We knew those things, and when we wrote into the platform—

We denounce the present Democratic tariff as sectional, injurious to the public credit, and destructive to business enterprise—

We knew what we were talking about; it was not a question of cheeseparing and hairsplitting.

Then, there is the threat—because it is a threat—that is continually going out that we are going to elect to buy of a foreigner unless our people at home will be dictated to by somebody else as to what they shall receive for their labor or enterprise.

If I had my way, so far as the disclosures of the tariff are concerned, you would not know there was another government or another people on the face of the earth, except as we saw them come creeping through subject to our control, not coming through with a mandate as to what our markets should do with them when they came, but with a plea for admission to the advantages belonging to our Government. I would maintain this Government for its own people first, and I am not envious of those who grow rich; I am not envious of the men of millions, about whom we have heard so much. There is one solution to all ambition, and that is that we all die. It has solved many a question in this world among men. There are not 2 per cent of the fortunes to-day in the hands of men whose fathers had them. The field of opportunity has opened the door of fortune to those whose fathers knew only labor. What is the use in bothering ourselves because some man is rich? If he is rich within the law, it is his right. If the law is wrong that enables him to be rich, change the law as to the man affected, but do not repeal and amend laws affecting a hundred thousand other people in order to get at the one man. Go after the man himself.

These are pertinent considerations in dealing with this great business question of the country, because it is the Government itself. The issues that have been headlined in the papers for the last few weeks and months, and which have been discussed and wired over the world, are of no consequence to the people; they do not affect the prosperity of the people nor their happiness or comfort; they represent only the rivalries among men, the strife of men to attain not something for the benefit of their generation and their country, but something that will add to their physical or mental comfort as individuals. I am not interested in that question. They can have what they gain under the law and keep it without making me envious or jealous. We have been dealing with the wrong end of the question; and I do not suppose, from the conditions that surround this discussion now, that we are going to get back into

the right track until the people put us there. It may be in this generation, or it may be in the next. I merely call attention now to the fact.

It may not seem a reasonable thing for me to stand here and criticize the platform made by the last Republican national convention, but I am speaking to Republicans when I refer to it, and I am doing so because there seems to me to be a disposition here to disregard the old lines and the old principles under which the party dominated the country for the country's good and the good of the people. Think of adopting a plank like this and then attempting to live up to it and misconstruing it and adding to it:

The Republican Party declares unequivocally for a revision of the tariff by a special session of Congress immediately following the inauguration of the next President.

That was a concession to the taunts of the Democracy. We were then living under a Republican system of tariff and we ought to have obtained a reputation by that time for wisdom enough to ask the people to trust the Republican Party to do the thing without putting it in those apologetic terms, apologizing for the Democracy, trying to look more like a Democrat than a Democrat in the hope that Democrats would support us, not knowing us from the Democrats, and hoping that the Republicans would remember us when we took off the disguise. That is what we were confronting and what we have been confronting of late.

Here was a Republican convention promising to jump at the snap of the Democratic whip and telling them just how we would do it. We were not content to say, "Well, Miss Democracy, we have dealt with this question before, and I guess you will have to trust us to deal with it again, relying upon our wisdom and conservative judgment to do it right." That was not enough—that was not bid enough for Democratic support, for the support of the discontented between the lines.

Then, again, see what we said:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad—

That is, the cost of production abroad—

together with a reasonable profit.

Whoever conceived that last sentence would be a curiosity to me—"a reasonable profit." Who is going to determine? The profit to no two men is equal. The profit of men engaged in the same business on the same block, buying of the same man and selling to the same class of customers, would not be equal. Profit depends upon skill and management and expense and all the other considerations that enter into it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. I will ask the Senator if it is not equally as absurd for any man to suppose that we can determine the cost of production abroad, which is a varying matter from day to day and month to month?

Mr. HEYBURN. It varies every day.

Mr. GALLINGER. It is absolutely impossible to determine that accurately.

Mr. HEYBURN. There was the underlying fallacy of it. The cost of production of one article that I have in mind in Germany varied more than 100 per cent in 90 days—I referred to it the other day in my remarks—and it did so because there had been certain strikes and economic conditions surrounding that particular productive section of the country, and the cost of the item there had been enhanced. Then when they resumed work under the conditions of the employers the price went clear down below where it was when they started.

It is the fluctuation. How could a manufacturer in this country know the cost of production abroad unless he cabled every day? You have only to take up their trade sheets to see the vast shipments and the frequent and continuous change in the cost of production. Men go out on a strike for 25 per cent increase in their pay, and they get it. That adds to the cost of production. Times are hard and men are hunting employment in numbers, and that depreciates the cost of labor.

Then, again, this proposition takes no account of the different conditions—the cost of the buildings, and so forth. I think anyone who has been personally in a position to inspect it will agree with me when I say that the large majority of the manufactured products in countries like Germany and especially in Germany are made in inexpensive buildings. There are great workshops, there are finely equipped establishments, but the great majority of the products of that country are made in cheap workshops, made by people who live in cheap homes, made by people who are content to work for low wages.

What kind of a basis to rest on is the declaration in that platform—the difference in cost between abroad and home? Where is the element of stability and certainty that the business world requires as the condition of doing business? That was written in that platform. They first tried to forge new principles. They undertook to write into it a phrase from the Democratic platform of the same year—a pledge of the party to a revision downward.

Now I am going to ask the Senator from Iowa whether or not, in his judgment, there was in the Republican platform any pledge for a revision downward?

Mr. CUMMINS. I think there was a pledge for revision downward——

Mr. HEYBURN. I said in the Republican platform.

Mr. CUMMINS. Not in the words of the platform, but when it is remembered that that part of the platform was adopted after a very long campaign insisting upon a reduction of duties, I am sure the Senator from Idaho can not doubt that it was the general understanding that the platform would be followed by a revision reducing generally the tariff duties.

Mr. HEYBURN. That is rather a secondary process of reasoning. There had been agitation upon this subject, and the minds of the people were alert, and presumably the men in the convention had in mind whether they would adopt it, and they affirmatively did not, and the Senator arrives at the conclusion that they meant something just the opposite of what they did when they were alert. If the question had not been agitated at all, if men's minds were not alive to it, he might have claimed that it was through lack of attention and by inadvertence that they did not say they were in favor of revision downward, but the Senator's statement that the minds of the people were alert precludes the possibility that they omitted it through inadvertence.

The Democratic platform had declared for a revision downward; and were we in such harmony with the Democratic convention and the Democrats that we would go and write into our platform in specific language the declaration of the Democratic platform?

I do not think that anyone is justified in concluding that the national Republican Party and those who sent the delegates there ever for a moment intended to concede that there was error in Republican legislation and that the Republican duties should be written down under a pledge to get up in the morning before breakfast and do it.

Now, Mr. President, they went on. They said they would do this on the basis of a reasonable profit to American industries. There never was such reckless language written into a platform as those words—a reasonable profit to American industries. Who was to determine the reasonable profit? Can the man who does business in an expensively equipped business house make the same profit as the man who does it under a tent? Can the man who has a large investment in buildings in which he does business compete on the basis of profits with the man who has no expense? Do not the rents and the cost of the buildings enter into the question whether or not he can make what may be termed a reasonable profit? Is it a reasonable profit for the man who sells $10,000 worth of goods in a year to make 5 or 6 per cent on them as against the man who sells a million dollars worth of goods out of a less expensive establishment and makes 6 per cent on them? Can you possibly take that as a basis?

This platform is history, and I am only speaking, as I say, to Republicans a word of warning along Republican lines, that they may not repeat such mistakes, and inasmuch as we were not pledged in dealing with the question of tariff duties to reduce them downward or at all, I feel perfectly free, without being open to the charge of attacking my party or its platform, in calling attention to a just and proper interpretation of this language. No matter what the men who wrote it intended, we are entitled to interpret it by the dictionary of Republicanism.

I have been for three years here in this body fighting and contending against the assumption that the Republican Party was pledged to that which Senators have been continually insisting it should do; that is, to revise the tariff downward. Republicans here have become so obsessed with that idea that I think they really believed there was moral obligation resting upon them to revise the tariff downward. Their wires had become crossed. They had been reading the declaration of the Democratic platform probably without knowing it. The very fact that it was written in a Democratic platform would put me on notice.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. POINDEXTER. The Senator will concede, I suppose, that this part of the Republican platform of 1908 was adopted on account of the public agitation of the tariff question for a

long time preceding it. Does the Senator contend that there had been any agitation to increase the duties on any important schedules of the tariff law?

Mr. HEYBURN. We had made a declaration in favor of a tariff system, and we had followed that with a declaration "Let that stand," and we were not agitating it. The worst thing that happens in this country is the frequent agitation of this question.

Mr. POINDEXTER. I agree with the Senator there.

Mr. HEYBURN. And changes in conditions do not warrant——

Mr. POINDEXTER. The Senator——

Mr. HEYBURN. Pardon me. And changes in conditions do not warrant interference with the tariff unless you proceed upon the assumption that you will make a change every day to comply with extraneous or outside conditions. Then you would have to change it every day. If you are going to revise or make a tariff based upon the changing conditions you would have to make it every day.

I now yield to the Senator from Washington.

Mr. POINDEXTER. I agree with the general statement which the Senator makes. Of course, that has nothing to do with the particular inquiry as to the proper construction of the platform of 1908. I think myself the tariff ought to be taken out of political campaigns. It could be taken out, and the country ought not to be continually agitating the question. But it was agitated; it was the subject of general agitation and the leading public question in this country for a long time before the platform of 1908 was adopted, and the only insistent demand that was made with regard to changing the tariff in any way whatever was that it should be reduced and not increased.

Mr. HEYBURN. The Senator has evidently been unconciously in a Democratic environment.

Mr. POINDEXTER. I am speaking of the——

Mr. HEYBURN. There was no such demand among Republicans.

Mr. POINDEXTER. This was a Republican convention and a Republican platform.

Mr. HEYBURN. But it did not demand a reduction of duties.

Mr. POINDEXTER. That is a question——

Mr. HEYBURN. It does not even mention the reduction of duties.

Mr. POINDEXTER. That is a question we are just discussing.

Mr. HEYBURN. We have only to read it.

Mr. POINDEXTER. My understanding is that it meant a reduction of duty.

Mr. HEYBURN. It does not say so here.

Mr. POINDEXTER. My understanding is that it meant a reduction of duty, because it was in response to a demand in the Republican Party——

Mr. HEYBURN. No.

Mr. POINDEXTER. For a reduction of duty; and there was no general demand in the Republican Party for an increase of duty.

Mr. HEYBURN. No. That demand came from such communities and such people as demand a change in the Constitution every day and a change in the system of government every day; the people who want everything submitted by initiative and referendum. Those people are always making a noise, and a great noise. You have to be very careful to distinguish. They understand the art of ventriloquism. They can throw that voice into the most respectable circles at times and you do not know whether you are hearing the voice of the present or of the absent.

Mr. POINDEXTER. On the question of ventriloquism I do not think we are confined to one side. There are those who are willing, when the proper occasion presents itself, to amend the Constitution if necessary, and there are those who are not willing to amend it at all.

Mr. HEYBURN. Let us not get into that question. I have thought some of proposing an amendment, merely for educational purposes, to change the oath of office that the Senator took and the President took and I took. Let it be that "we will support and amend the Constitution."

Mr. POINDEXTER. The only difference between the Senator and myself in this regard is this: The Senator constitutes himself as the instructor and the educator, for he says he is willing in that capacity to introduce an amendment for educational purposes. I am perfectly willing to sit at his feet and learn from him either in regard to the tariff or in regard to the Constitution, but when we come to fix the standards of Republicanism I prefer to accept the Republican national convention and the Republican national platform of 1908, which the Senator now says resulted from these people who are always talking and always making a noise, I am more willing to accept them as the standards of the party than simply the assertions of the Senator from Idaho.

Mr. HEYBURN. I am accepting them as standards, but I want them correctly interpreted. I do not want anything written into them. I do not want the word "downward" written in when it says we will revise the tariff. It is bad enough as it was. I do not want it improved in that way.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; although I did want to answer an assertion of the Senator from Washington, but probably I can consolidate them.

Mr. CUMMINS. In any event, the Senator from Idaho ought to feel much gratification, because if any influence arose out of the platform of 1908 for a downward revision the Congress of the United States very successfully resisted that influence.

Mr. HEYBURN. I do not know that they did. I am not going into that phase of it now. I may later.

I want to say something to the Senator from Washington. This is an opportune time. The Senator from Washington says the sentiment was in favor of tariff reduction, outside of Congress. That is the effect of what he said. There never was a sentiment of that kind that met the favor of the American people and there never will be. There are a lot—I do not know how I ought to designate them and still be respectful—of unoccupied, would-be politicians who can always tell how the other man can perform his task; but, fortunately for the people, they never perform any of their own. They are like the man on the fence who tells the farmer how he can plow a furrow or a man who sees a mechanic at work and tells him how to do the work. There is no one I know of that favored such a proposition who was ever intrusted by the people—I mean originally; I know where it started—with the responsible duties of Government. They started the propaganda and it afforded a convenient nucleus for the men who wanted something the people would not give them. By and by it got to be quite a big, floating body. Senators have seen seaweed start from one little plant or leaf and others attach themselves to it, until it begins to think it is an island, and by and by a continent, and now these people begin to think they are the earth.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Certainly.

Mr. SIMMONS. I wish to inquire of the Senator from Idaho if we will not agree on some hour to-morrow at which to take a vote on this bill?

Mr. HEYBURN. Let me say to the Senator that I have a work to perform. I am performing it at the right place. It is not the work of converting the Democracy. I have converted only a few Democrats, to my own personal knowledge. I have had some who were influenced in their judgment by what I have said; but I am talking for the Republican Party, I hope and believe, beyond the walls of this building as well as within it. I am trying to do that which will help to lay the foundation for the success of Republican principles—if not to-day, then some other day.

The work that I am engaged in is too serious for me to pause and consider whether or not my own convenience or that of others would be served by fixing a time to vote. I do not for a moment imagine that I can stand here and talk on this question indefinitely. But I am going to talk it until I have said what I think ought to be said, and as I think it ought to be said, as nearly as I can. I am not at all impatient with the duties of government. I am not at all impatient that we should make a mistake in this hour by our action. I am not at all impatient that we should be left in a position where the Republicans of the country will say, "You had the opportunity and the power to say to the American people where you stood and why you stood there, and merely because a combination was made between Democrats and some other people you thought best to retreat from the field." I would never retreat from a field of action or controversy where my duty required me to remain and fight it out.

Mr. SIMMONS. If the Senator will permit me, I will state to him that there is no such combination and agreement, so far as I know, between this side and the other side or any part of the other side of the Chamber.

Mr. HEYBURN. I will take that in absolute verity if the Senators who voted in a certain way to-day will stand up in their places and say that they will stay by their party when the vote comes upon this bill. I am not afraid to stand up and say how I will vote. If by a poll of Republican Senators with which we are credited it appears that the Democratic minority is not

to be allowed to pass this Democratic measure in a Republican Senate, then we can probably talk about a vote.

Yesterday, when the senior Senator from Iowa [Mr. CUMMINS] was closing the debate upon his amendment, he made certain declarations which really brought some hope to my heart. He said he would not vote for the Democratic bill. Now, let the Democrats stand up and say they will not vote for the Cummins substitute, and we will begin to untangle this tangled skein.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes; I yield.

Mr. SIMMONS. I did not rise for the purpose of getting into any controversy with the Senator about how Senators on that side of the Chamber are going to vote.

Mr. HEYBURN. But, Mr. President, the question is to be solved on that side as well as this.

Mr. SIMMONS. I simply rose for the purpose of seeing if it was not possible to accommodate the Senator and fix an hour to-morrow. I have no disposition, I assure the Senator, to interfere with his speaking as long as he desires. I thought possibly that by meeting to-morrow at 11 o'clock we could agree to vote at 5 or 6 o'clock to-morrow evening, as no one shows any disposition to further discuss this question except the Senator from Idaho. That would allow him probably as long a time as he would desire. I simply meant to ask the Senator, in all kindness, whether that arrangement would be satisfactory to him.

Mr. HEYBURN. I give the Senator the fullest credit for sincerity and candor in this matter, and I have no feeling, of course, as he knows, one way or the other.

Mr. SIMMONS. I am sure of that.

Mr. HEYBURN. We are both proceeding along lines that seem to us wise and patriotic. Suppose we were to fix a time to vote to-morrow. To-morrow is a holiday outside of this Chamber. I do not know, but I believe we are going to sit to-morrow.

Mr. SIMMONS. My understanding is that we will not adjourn over to-morrow.

Mr. HEYBURN. If we should fix a time to vote to-morrow evening, there would be vacant seats here all day to-morrow waiting for the evening to come. If I have any words of wisdom, or that I deem to be words of wisdom, they would fall upon empty seats. Now, why should I do that? If I were filibustering or speaking merely for the purpose of making a speech, I might do that; but I am sincere in my endeavor to awaken a response in the minds and hearts of my fellow Senators. That being the case, I can not conscientiously take any chance to meet the conditions that to-morrow nobody will attend the Senate. Senators would wait until the hour for voting. To-morrow morning I have made an arrangement to perform a patriotic duty that is always a pleasure to me, and I intend to do that during the morning hours, unless the Senate controls me in some other way.

Mr. SIMMONS. If the Senator will pardon me, I suppose there is a way in which the Senator might be assured of a good audience all the while to-morrow. If we would agree to vote to-morrow immediately after the conclusion of the Senator's speech, he would have a good audience all day probably.

Mr. HEYBURN. I gathered that from a somewhat familiar acquaintance with the rules of procedure. I had realized that that might be done. I am not impatient with the existing conditions.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas.

Mr. HEYBURN. I do.

Mr. CURTIS. I wish to suggest that to-morrow being Decoration Day, we adjourn over until Friday.

Mr. HEYBURN. That question is, I think, under consideration, and I want to say this——

Mr. CURTIS. I hope the Senator will agree to that

Mr. HEYBURN. Of course I would be very glad to see it that way, but I desire to see this. It is no pleasure to me to detain the Senate here after the ordinary hour of adjournment. I have not any patience with a condition of affairs that would punish a man because he dares to perform his duty. I am not speaking frivolously—I trust I am not—and I am speaking for a cause that is worthy to be spoken for. Why the ordinary hour of adjournment can not be observed I am unable, from my point of view, to understand; but if they are not to be observed, then there is only one thing left to do and that is to do my duty; that is all.

Mr. CURTIS. Will the Senator yield to me to make a motion?

Mr. HEYBURN. What motion is it?

Mr. CURTIS. That when the Senate adjourns it be to meet on Friday.

Mr. HEYBURN. Yes; I will yield to the Senator to make the motion.

The PRESIDING OFFICER. The Senator from Idaho yields to the Senator from Kansas?

Mr. HEYBURN. For the purpose of making the motion. I do not yield the floor.

Mr. CURTIS. I wish to state that the House has adjourned over, so I am advised, until Friday, and I move that when the Senate adjourns to-day it adjourn to meet on Friday at 12 o'clock.

Mr. SIMMONS. I rose to move to amend the motion by moving that when we adjourn we adjourn until 11 o'clock to-morrow; but at the suggestion of Senators around me I will modify the amendment. I had understood it was not the desire of the other side to adjourn over to-morrow, and I had been relying upon that; but if it is the desire of the other side to adjourn over to-morrow, of course I would not want to antagonize an adjournment over Memorial Day. So I will change my amendment so as to make it 11 o'clock on Friday.

Mr. HEYBURN. Has the Senator taken into consideration the committee meetings on that day? The 11 o'clock meeting interferes with committee meetings very much.

Mr. SIMMONS. We all have committee meetings, but near the close of a session, when we are anxious to get through, we have to sit a little longer hours.

Mr. CURTIS. So far as I am concerned I am willing to accept the suggestion, and I will move that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock.

The PRESIDING OFFICER. The Senator from Kansas moves that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock a. m.

Mr. CLARK of Wyoming. Of course I am aware of the patriotic sentiment which moves the Senator from Kansas in making the motion, but at the same time I for one am not in favor of adjourning over to-morrow. The patriotic exercises of to-morrow are nearly all confined to the forenoon, and those of us who desire so to do can well attend to that duty and still have the full legislative day here in the Senate to work. There are very many and very important matters pending before the Senate now that will sorely try our patience and strength before we get through. I for one am anxious to sit as long as we consistently can until the work of the Senate and of Congress shall be wound up and finally disposed of.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

Mr. GALLINGER. I am aware of the fact——

Mr. CULBERSON. Mr. President, I have not objected heretofore, but this debate will be interminable if no one raises a question of order. A motion to adjourn is not debatable.

Mr. GALLINGER. No; it is not. I recognize the fact that it is not debatable, and I was simply going to ask unanimous consent to say a word, and then I hope the vote will be taken. It is not a debatable question.

The PRESIDING OFFICER. In order that we may keep strictly within the rule, the Chair will put the unanimous-consent request of the Senator from New Hampshire.

Mr. GALLINGER. I ask unanimous consent that I may be permitted to say a few words.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. LODGE. Mr. President, if I may say a word on the point of order, this is not a motion to adjourn to a day certain. It is not a motion to adjourn at all.

The PRESIDING OFFICER. The motion is that when the Senate adjourns it shall adjourn to meet on Friday.

Mr. LODGE. That is a very different motion. It is a debatable question, in my opinion.

Mr. GALLINGER. Mr. President, I may be wrong about it, but I had an impression that any motion relating to adjournment is not a debatable question. But whether that be so or not, I am going to say only a single word. I had said to some Senators on the other side as well as to Senators on this side that I thought we ought to sit to-morrow. I have not changed my mind, and I hope the motion to adjourn over will not be agreed to.

The PRESIDING OFFICER. The question is on the adoption of the motion of the Senator from Kansas that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN], and I will withhold my vote. If privileged to vote, I would vote "nay."

Mr. O'GORMAN (when his name was called). In the absence of the senior Senator from Connecticut [Mr. BRANDEGEE], with whom I am paired, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber, and therefore I withhold my vote.

Mr. SHIVELY (when his name was called). In the absence of the senior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. I notice that he is not in the Chamber, and therefore I withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the senior Senator from Virginia [Mr. MARTIN]. I am sure that that Senator would vote "nay" if present, and therefore I will vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I announced the transfer of my pair to the Senator from Oklahoma [Mr. GORE]. As that Senator is now present, I transfer my pair to the senior Senator from Mississippi [Mr. PERCY], and I will let my vote remain.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not here, and I desire to withdraw my vote.

The result was announced—yeas 22, nays 30, as follows:

YEAS—22.

Bourne	Gronna	Nelson	Smith, Mich.
Burton	Heyburn	Page	Thornton
Clapp	Jones	Perkins	Townsend
Curtis	Kern	Poindexter	Works
Dillingham	McCumber	Root	
Foster	Martine, N. J.	Sanders	

NAYS—30.

Ashurst	Culberson	Hitchcock	Pomerene
Bankhead	Cullom	Johnson, Me.	Simmons
Borah	Cummins	Johnston, Ala.	Smith, Ariz.
Bristow	du Pont	Lodge	Smith, Ga.
Bryan	Fletcher	Myers	Tillman
Catron	Gallinger	Newlands	Watson
Chilton	Gardner	Overman	
Clark, Wyo.	Gore	Penrose	

NOT VOTING—43.

Bacon	Davis	Martin, Va.	Smith, Md.
Bailey	Dixon	Nixon	Smith, S. C.
Bradley	Fall	O'Gorman	Smoot
Brandegee	Gamble	Oliver	Stephenson
Briggs	Guggenheim	Owen	Stone
Brown	Kenyon	Paynter	Sutherland
Burnham	La Follette	Percy	Swanson
Chamberlain	Lea	Rayner	Warren
Clarke, Ark.	Lippitt	Reed	Wetmore
Crane	Lorimer	Richardson	Williams
Crawford	McLean	Shively	

So Mr. CURTIS's motion was rejected.

Mr. CULBERSON. Mr. President, it is a small matter, but a moment ago I made the point of order that the motion that the Senate adjourn, or that when it adjourn it adjourn to a day certain was not debatable. The Senator from Massachusetts [Mr. LODGE] took issue, and said that it was debatable. I ask the Secretary to read Rule XXII for the benefit of the Senate, so as to show that no motion relating to adjournment is debatable.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit
To amend.
Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. LODGE. Mr. President, I think the Senator from Texas is right. I think the rule covers a motion to adjourn to a day certain.

Mr. GALLINGER. Undoubtedly.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow (Thursday, May 30, 1912) at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 29, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great men who in thought and deed have contributed to the dignity of life. We do not build monuments to the evildoer; his acts we would forget. We build monuments to the men who think great thoughts and do noble deeds that we may perpetuate their memory and emulate their virtues. To wait on destiny is futile, since destiny waits on us. Do the opportunity of to-day and we are prepared for the opportunity on the morrow. Live well to-day and we shall be prepared to live better to-morrow. Every good thought, every noble deed, weaves itself into our being and is its own reward. "For he that hath, to him shall more be given; and he that hath not, from him shall be taken even that which he hath."

Help us, we beseech Thee, to build monuments for ourselves which shall survive the wrecks of time, that we may glorify ourselves by glorifying humanity and our Maker. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following telegram, which the Clerk will read.

The Clerk read as follows:

JAMAICA PLAINS, MASS., *May 27, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:

I request leave of absence for one week, on account of illness of my father, who is in a very critical condition.

GEORGE EDMUND FOSS.

The SPEAKER. Without objection, the leave will be granted; and the Chair ought to state, in justice to Mr. Foss, that this telegram came to him yesterday morning, but was misplaced in some way, and the Chair had forgotten who it was who asked leave, and the Chair has no doubt that yesterday was the particular day the gentleman wanted to have the leave granted.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railroad Co. in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to adjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do, to authorize and direct the Secretary of the Interior to readjust said rights of way;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North;

H. R. 16661. An act to relinquish, release, remise, quitclaim all right, title, and interest of the United States of America in and to all of the lands held under claim or color of title, by individuals or private ownership or municipal ownership, situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians

on March 24, 1832, and under or by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814; and

H. J. Res. 319. A joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the Schuylkill River.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print some remarks in the RECORD on the Schuylkill River. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MCMORRAN was granted leave of absence, for two weeks, on account of illness in family.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 17260.

BUREAU OF MINES AND MINING.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that we may close debate on the bill H. R. 17260 after 1 hour and 30 minutes time.

The SPEAKER. Who is to control the time?

Mr. FOSTER. I would ask that I be permitted to control one half and any gentleman who may be opposed to the bill control the other half.

The SPEAKER. Who is the chief opponent of this bill? The gentleman from Illinois asks unanimous consent that general debate on this bill be confined to 1 hour and 30 minutes. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

Mr. MARTIN of Colorado. I was going to reserve the right to object.

Mr. FOSTER. Then, Mr. Speaker, I move that general debate close in two hours.

SEVERAL MEMBERS. Make it an hour and a half.

Mr. FOSTER. I ask to modify that by making it 1 hour and 30 minutes.

The SPEAKER. The gentleman from Illinois moves that all general debate on this bill close in 1 hour and 30 minutes.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. MARTIN of Colorado) there were—ayes 58, noes 6.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 6, answered "present" 10, not voting 142, as follows:

YEAS—234.

Adair	Conry	Godwin, N. C.	Kinkaid, Nebr.
Ainey	Crumpacker	Goldfogle	Kitchin
Akin, N. Y.	Cullop	Good	Knowland
Alexander	Dalzell	Goodwin, Ark.	Konop
Ames	Danforth	Graham	Kopp
Anderson, Minn.	Davis, Minn.	Green, Iowa	Korbly
Ansberry	Davis, W. Va.	Greene, Mass.	Lafean
Anthony	Dent	Gregg, Tex.	Lafferty
Austin	Dickinson	Griest	La Follette
Ayres	Dies	Gudger	Lamb
Barnhart	Difenderfer	Hamilton, Mich.	Langham
Bartlett	Dixon, Ind.	Hamlin	Lawrence
Beall, Tex.	Donohoe	Hammond	Lee, Ga.
Bell, Ga.	Doremus	Hardwick	Lee, Pa.
Blackmon	Doughton	Hardy	Lenroot
Booher	Draper	Harris	Lever
Bowman	Driscoll, D. A.	Harrison, Miss.	Lewis
Brantley	Dupré	Hawley	Lindbergh
Broussard	Edwards	Hay	Linthicum
Brown	Ellerbe	Hayden	Littlepage
Buchanan	Esch	Hayes	Lobeck
Bulkley	Estopinal	Heflin	Longworth
Burgess	Evans	Helgesen	McCall
Burke, Pa.	Faison	Henry, Conn.	McCreary
Burke, Wis.	Fergusson	Henry, Tex.	McDermott
Burnett	Ferris	Hensley	McGillicuddy
Butler	Finley	Holland	McGuire, Okla.
Byrnes, S. C.	Fordney	Howard	McKellar
Byrns, Tenn.	Fornes	Howell	McKenzie
Callaway	Foster	Howland	McKinley
Campbell	Fowler	Hughes, Ga.	McKinney
Candler	Francis	Hull	McLaughlin
Carlin	French	Humphrey, Wash.	Macon
Carter	Gallagher	Humphreys, Miss.	Maguire, Nebr.
Cary	Gardner, Mass.	Jacoway	Maher
Claypool	Garrett	Jones	Martin, S. Dak.
Cline	George	Kahn	Miller
Collier	Glass	Kennedy	Moon, Tenn.
Moore, Pa.	Prouty	Slayden	Tribble
Morgan	Pujo	Sloan	Turnbull
Morse, Wis.	Rainey	Smith, Tex.	Underhill
Moss, Ind.	Raker	Speer	Utter
Murdock	Rauch	Steenerson	Volstead
Murray	Rees	Stephens, Cal.	Warburton
Needham	Reilly	Stephens, Miss.	Watkins
Neeley	Richardson	Stephens, Nebr.	Wedemeyer
Nye	Robinson	Stephens, Tex.	Weeks
Oldfield	Roddenbery	Sterling	Whitacre
Palmer	Rodenberg	Stone	White
Parran	Rothermel	Sulloway	Wickliffe
Patten, N. Y.	Rubey	Sweet	Wilder
Patton, Pa.	Rucker, Colo.	Taggart	Willis
Payne	Sabath	Talbott, Md.	Wilson, N. Y.
Peters	Sells	Talcott, N. Y.	Wilson, Pa.
Post	Shackleford	Taylor, Ala.	Witherspoon
Pou	Sharp	Taylor, Colo.	Young, Kans.
Powers	Sherwood	Thistlewood	Young, Tex.
Pray	Simmons	Tilson	
Prince	Sims	Towner	

NAYS—6.

Farr	Martin, Colo.	Page	Sisson
Fitzgerald	Mondell		

ANSWERED "PRESENT"—10.

Adamson	Davenport	Dyer	Underwood
Browning	Davidson	Garner	
Cannon	Driscoll, M. E.	Riordan	

NOT VOTING—142.

Aiken, S. C.	Dwight	Kent	Roberts, Mass.
Allen	Fairchild	Kindred	Roberts, Nev.
Anderson, Ohio	Fields	Kinkead, N. J.	Rouse
Andrus	Flood, Va.	Konig	Rucker, Mo.
Ashbrook	Floyd, Ark.	Langley	Russell
Barchfeld	Focht	Legare	Saunders
Bartholdt	Foss	Levy	Scully
Bates	Fuller	Lindsay	Sheppard
Bathrick	Gardner, N. J.	Littleton	Sherley
Berger	Gillett	Lloyd	Slemp
Boehne	Goeke	Loud	Small
Borland	Gould	McCoy	Smith, J. M. C.
Bradley	Gray	McHenry	Smith, Saml. W.
Burke, S. Dak.	Gregg, Pa.	McMorran	Smith, Cal.
Burleson	Guernsey	Madden	Smith, N. Y.
Calder	Hamill	Malby	Sparkman
Cantrill	Hamilton, W. Va.	Mann	Stack
Catlin	Hanna	Matthews	Stanley
Clark, Fla.	Harrison, N. Y.	Mays	Stedman
Clayton	Hartman	Moon, Pa.	Stevens, Minn.
Connell	Haugen	Moore, Tex.	Sulzer
Cooper	Heald	Morrison	Switzer
Copley	Helm	Mott	Taylor, Ohio
Covington	Higgins	Nelson	Thayer
Cox, Ind.	Hill	Norris	Thomas
Cox, Ohio	Hinds	Olmsted	Townsend
Crago	Hobson	O'Shaunessy	Tuttle
Cravens	Houston	Padgett	Vare
Curley	Hubbard	Pepper	Vreeland
Currier	Hughes, N. J.	Pickett	Webb
Curry	Hughes, W. Va.	Plumley	Wilson, Ill.
Daugherty	Jackson	Porter	Wood, N. J.
De Forest	James	Randell, Tex.	Woods, Iowa
Denver	Johnson, Ky.	Ransdell, La.	Young, Mich.
Dickson, Miss.	Johnson, S. C.	Redfield	
Dodds	Kendall	Reyburn	

So the motion to close debate was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SMALL with Mr. WILSON of Illinois.

Mr. SULZER with Mr. WOOD of New Jersey.

Mr. TOWNSEND with Mr. YOUNG of Michigan.

Mr. WEBB with Mr. MCMORRAN.

Mr. SMITH of New York with Mr. KENDALL.

Mr. JOHNSON of Kentucky with Mr. MOTT.

Mr. KINDRED with Mr. NELSON.

Mr. KINKEAD of New Jersey with Mr. PICKETT.

Mr. KONIG with Mr. PLUMLEY.

Mr. LEGARE with Mr. PORTER.

Mr. LEVY with Mr. REYBURN.

Mr. LLOYD with Mr. ROBERTS of Massachusetts.

Mr. MCCOY with Mr. ROBERTS of Nevada.

Mr. O'SHAUNESSY with Mr. SAMUEL W. SMITH.

Mr. PADGETT with Mr. SWITZER.

Mr. PEPPER with Mr. VREELAND.

Mr. REDFIELD with Mr. VARE.

Mr. RUSSELL with Mr. GUERNSEY.

Mr. HUGHES of New Jersey with Mr. MATTHEWS.

Mr. HELM with Mr. KENT.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GREGG of Pennsylvania with Mr. HILL.

Mr. HAMILTON of West Virginia with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York with Mr. JACKSON.

Mr. GOULD with Mr. HINDS.

Mr. FLOYD of Arkansas with Mr. HIGGINS.
Mr. FLOOD of Virginia with Mr. HEALD.
Mr. CRAVENS with Mr. HAUGEN.
Mr. CURLEY with Mr. FOSS.
Mr. COX of Ohio with Mr. FOCHT.
Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.
Mr. CLAYTON with Mr. DODDS.
Mr. CONNELL with Mr. CURRY.
Mr. BURLESON with Mr. CURRIER.
Mr. BATHRICK with Mr. COPLEY.
Mr. BOEHNE with Mr. CRAGO.
Mr. ALLEN with Mr. BARTHOLDT.
Mr. ANDERSON of Ohio with Mr. BATES.
Mr. AIKEN of South Carolina with Mr. BARCHFELD.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. GOEKE with Mr. DE FOREST.
Mr. JAMES with Mr. CALDER.
Mr. COX of Indiana with Mr. SMITH of California.
Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. CLARK of Florida with Mr. GARDNER of New Jersey.
Mr. SCULLY with Mr. BROWNING.
Mr. LITTLETON with Mr. DWIGHT.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. SHEPPARD with Mr. BATES.
Mr. FIELDS with Mr. LANGLEY.
Mr. SHERLEY with Mr. MALBY.
Mr. GRAHAM with Mr. SLEMP.
Mr. TUTTLE with Mr. J. M. C. SMITH.
Mr. RANDELL of Texas with Mr. WOODS of Iowa.
Mr. STEDMAN with Mr. HANNA.
Mr. BORLAND with Mr. OLMSTED.
From May 25 to May 31:
Mr. MORRISON with Mr. MADDEN.
May 29 to May 31:
Mr. SAUNDERS with Mr. CATLIN.
May 20, for two weeks:
Mr. ROUSE with Mr. FULLER.
Ending June 1:
Mr. THOMAS with Mr. HUBBARD.
Ending June 5:
Mr. ASHBROOK with Mr. HARTMAN.
May 15, for two weeks:
Mr. CANTRILL with Mr. LOUD.

Mr. BROWNING. Mr. Speaker, I want to change my vote. I voted "yea." I want to be marked "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BROWNING, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. General debate is limited to 1 hour and 30 minutes. A quorum is present, and further proceedings are suspended under the call. The Doorkeeper will unlock the doors. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, and the Chair will ask the gentleman from Colorado [Mr. MARTIN] to take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910. By order of the House, general debate is limited to one hour and a half.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that this one hour and a half be divided equally between those who may be opposed to the bill and those who favor it, and that I may control one half of the time and some one who may be opposed to it may control the other half.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the time be controlled, one half by himself and the other half by some one opposed to the bill.

Mr. CANNON. Is this general debate?

Mr. FOSTER. General debate.

Mr. CANNON. The gentleman from Illinois [Mr. FOSTER] is entitled to an hour.

Mr. FOSTER. I will say to my colleague that I do not desire to use any time myself.

Mr. MILLER. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman from Illinois [Mr. FOSTER] whether he anticipates there are enough gentlemen on the floor opposed to this bill to occupy one-half of the time? My impression is that there are very few who are opposed to the bill, and therefore a division of time between those who are in favor of the bill and those who are opposed to it would not be fair.

Mr. BARTLETT. How much does the gentleman estimate this bill will cost the Government in addition to what the Bureau of Mines costs now?

Mr. FOSTER. I do not think it would cost much, but I will say to the gentleman that that matter is entirely under the control of Congress.

Mr. BARTLETT. I know; but the gentleman proposes to establish certain offices and require certain things to be done. If the bill becomes a law, the duty will devolve upon Congress to make appropriations.

Mr. FOSTER. The bill especially provides "as Congress may from time to time appropriate."

Mr. BARTLETT. Of course Congress could appropriate or it could abolish the offices on the ground that it would retrench expenditures under the Holman rule.

Mr. FOSTER. If Congress should decide in one Congress to take up certain problems and appropriate for those particular problems in that year, the other problems would be taken up at a subsequent time.

Mr. BARTLETT. Unless the Holman rule should be invoked in the next Congress or the Congress succeeding. If you appropriate for an office and do not create a salary, the officer might have a suit against the Government for recovery.

Mr. FOSTER. I suggest to the gentleman from Georgia that while the present Committee on Appropriations is in power I do not think there will be any trouble about that.

Mr. BARTLETT. But there may be a change in the party, but I hope not.

Mr. FOSTER. I think the gentleman will watch this in the next Congress.

Mr. MILLER. I would like to ask the gentleman from Illinois one further question. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MILLER. Has the gentleman in mind any gentleman on the floor of the House who cares to act in opposition to the bill and cares to have the disposal of 45 minutes?

Mr. FOSTER. No. I will say to the gentleman from Minnesota that I do not desire to use any time myself at all.

Mr. MILLER. I understand that.

Mr. FOSTER. But I wanted to arrange that Members who did desire to have time could have it.

Mr. MILLER. I suggest that the gentleman from Illinois [Mr. FOSTER] be allowed to control all of the time.

Mr. FOSTER. I would not ask for that.

Mr. MILLER. I know the gentleman's modesty would forbid.

Mr. CANNON. The gentleman is entitled to an hour, and then whoever might be recognized would be entitled to the remainder of the time. Then the bill is to be considered under the five-minute rule. It seems to me the gentleman had better take his hour.

Mr. FOSTER. I simply want to be perfectly fair.

Mr. CANNON. That is fair.

Mr. FOSTER. Then, Mr. Chairman, I ask to be recognized in my own right.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. FOSTER. I yield 15 minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Chairman, we are all of us apt to be most interested in the working of those agencies of Government which come in the closest touch with our own people.

Two years ago or thereabouts when the bill to organize the Bureau of Mines was offered in the House I gave it my cordial support, and I doubtless would have done so if there had been no miners and no mines in my own district, because I recognized the great value which this bureau could be to the mining industries of the entire country and to the people at large. We all at that time assumed, however, that the principal activity of this bureau would be with respect to the coal mines of the country, and on account of the local interest in that business in my own district I gave it my support even more gladly than I otherwise would have done.

I come from the anthracite coal district of Pennsylvania. In one of the counties in my district—Carbon County—anthracite coal was first mined in this country and used for commercial purposes nearly 100 years ago. From that time down to the present the people of that county have been engaged in large numbers, and with an immense amount of capital, in the business of mining and selling anthracite coal.

At the time this bureau was originally created I indulged the hope that the interpretation of the language giving powers to the bureau would be broad enough to cover the activities of certain other mining industries in my State and district, and

I myself believed that the language of the law was sufficient for that purpose. I want to say that so far as my observation has gone, and so far as I have learned from the people interested in coal mining especially, the work of this bureau, under the efficient and able management of its chief, Dr. Holmes, has fully justified its creation. And although the time of its operation has been comparatively short, the work which it has done has fully come up to the expectations of those who devised the plan that resulted in the creation of this bureau.

But, Mr. Chairman, there are, as I intimated, other mining industries besides the coal-mining industry which are in need of the kind of service that this bureau has been giving in the coal-mining regions, and the present bill, as I understand it, is intended, in the creation of a new organic act for this bureau, to widen its jurisdiction and enlarge the scope of its work in order to include metal mining and quarrying. It is in relation to the quarrying business that I particularly desire to address myself to-day, and it is because of this addition to the jurisdiction of the bureau, permitting it to cover the operations in stone, cement, and slate quarrying, that I believe the bureau, with these enlarged powers, will be even more eminently useful to the people of the country than it has been since it was first organized.

After the bureau began its operations it was learned that it was paying no attention to conditions in the quarrying business, and I introduced a bill (H. R. 15784) to amend the organic act of the Bureau of Mines in section 2, so that it should be the—

province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining and quarrying in slate, cement rock, granite, and other quarries,

And so forth. That bill went to the Committee on Mines and Mining, which gave it careful and close consideration. The committee granted a hearing to the interests affected by it and to those men who desired that the operations of the bureau should be extended in this manner. While I had hoped that the language of the new organic act, as reported in the Foster bill, would be a little more definite with regard to the operations of the bureau with respect to cement rock, slate, and granite quarries, I am satisfied, and I believe the persons interested in those business operations are satisfied, that under the new language contained in this bill their interests will be safeguarded.

I submitted that bill to the chief of the bureau, who replied that in his judgment such an amendment to the organic act would be eminently proper and wise, and concluded a letter to me by the statement:

I quite agree with you that such work should not only be authorized in the organic act of the Bureau of Mines, but that it is important that such work should be done.

Members should not minimize the importance of this addition to the jurisdiction of this bureau. It is of itself a sufficient argument to pass this bill. In my own district in Pennsylvania, Mr. Chairman, 85 per cent of the slate mined, manufactured, and produced in the United States is taken out of the earth. It comes from enormous quarries, holes in the ground, which are sometimes 500 feet deep and often deeper, and have reached as high as 1,000 feet in diameter at the opening. The refuse from these quarries is piled in immense heaps on the quarries' edge, so that frequently there is a distance from the top of the refuse pile to the bottom of the quarry of 1,000 feet. Men are compelled to work in these quarries hanging almost literally on the side of a perpendicular rock declivity; they are transported from the bottom to the top in baskets, and across the quarry in baskets or buckets, and it is an extremely dangerous occupation.

The same condition exists in the granite quarries in Vermont and in other parts of the country, although I am not prepared to say that the holes in the ground are as large as in the slate belt of Pennsylvania.

Mr. CANNON. Will the gentleman yield?

Mr. PALMER. I will.

Mr. CANNON. The slate quarries that the gentleman speaks of are in the State of Pennsylvania?

Mr. PALMER. The slate quarries to which I have just referred are in the State of Pennsylvania.

Mr. CANNON. And the granite quarries are in Vermont?

Mr. PALMER. The largest granite quarries are in Vermont, and there are many granite quarries in other States of the Union, as the gentleman knows.

Mr. CANNON. Has the State of Pennsylvania paid any attention to this industry under its police powers?

Mr. PALMER. The State of Pennsylvania has passed very adequate laws relating to the inspection of anthracite and bituminous coal mines, but they have not passed any such legislation requiring inspection in quarries.

Mr. CANNON. Has any effort been made to have them?

Mr. PALMER. Yes; an effort has been made to have Pennsylvania pass a comprehensive system of inspection laws for these quarries along much the same lines as the inspection of the anthracite and bituminous coal fields. I myself drafted a quarry-inspection bill, which I have twice presented to the Pennsylvania Legislature and which I have argued before their committees time and time again, but for some reason, generally suspected to be the close affiliation between certain of the operators of these quarries and the organization which has been all-powerful in that legislature, it has so far been impossible for the people of Pennsylvania to get this service for their own State.

Mr. CANNON. I will ask the gentleman further: If the only power under the police powers does not reside in Pennsylvania to go with "thus saith the State of Pennsylvania," and is there any power in the Congress of the United States as to these slate quarries to go with "thus saith the United States do so and so"?

Mr. PALMER. I think we passed that question when we passed the original act creating this bureau. If it is lawful, if it is proper, if there is power in this Congress to do these things with relation to other mining enterprises which the Bureau of Mines has been engaged in since its creation, certainly there is no reason why the activities should not be extended to the slate and rock quarries. Every quarry and every mine is in one State or another; is within the jurisdiction of some one State and subject to its laws. As far as coal mining is concerned, the States may have exercised their right to inspect the conditions under which men are compelled to work, and the fact that they have not done so with respect to granite, slate, and cement quarries is no reason why, after we have given the assistance of the Government to men engaged in the mining of coal, we should not extend it to those in the dangerous occupation of mining rock and cement.

Mr. CANNON. If the gentleman will allow me, Alaska belongs to the United States, and we are responsible for the Philippines. There is no doubt about the Bureau of Mines, where we can go with "thus saith the United States," where we can make all manner of investigation, and go with authority. Now, so far as the slate quarries of Pennsylvania are concerned, Uncle Sam must pull off his hat and say to Pennsylvania, "Will you be kind enough to come in and make an investigation and employ my force?" I merely want to say if the gentleman and his State had been as vigilant touching the slate quarries as they have touching the mining of coal, would there have been any necessity for this legislation touching slate?

Mr. PALMER. Oh, yes; I think there would, because the work of the Bureau of Mines is totally and entirely different from the work of the mine-inspection bureaus in the various States. I will not go into detail about what the Pennsylvania law is with respect to inspection, but, in a word, it divides the State into districts, appoints State officers, who see that the laws which have been passed by the State for the safety and health of miners are observed.

It would be a good thing, undoubtedly, if the State had done the same thing with respect to these quarries. But this Bureau of Mines does not propose to inspect the quarries, does not propose to endeavor to enforce any laws relating to the safety of quarrymen, but it proposes, as I read the organic act of the bureau, to make investigations of conditions under which men must work, and from a scientific standpoint, after examination by experts, to issue bulletins giving the country the benefit of that examination in order that the owners and operators of slate and cement and rock quarries may, if their judgment approves—and there is no way to enforce it—adopt improved methods and adopt such means of insuring the safety of the miners as may be recommended.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman shall proceed for such time as he may desire.

Mr. PALMER. I do not want to take that privilege. I do not want more than 10 minutes.

Mr. CANNON. I ask unanimous consent that the gentleman proceed for 10 minutes.

The CHAIRMAN. The time for debate was limited in the House to 1 hour and 30 minutes.

Mr. PALMER. The gentleman from Illinois took the floor and was entitled to an hour and he yielded me 15 minutes.

Mr. CANNON. I ask unanimous consent that the gentleman have 15 minutes, not to be taken out of the time.

Mr. BARTLETT. But the House has already ordered, on a roll call, a limit of one hour and a half debate.

The CHAIRMAN. The Chair understands the gentleman from Illinois took the floor in his own right for an hour and yielded 15 minutes to the gentleman from Pennsylvania; and he can yield as much more time as he wishes.

Mr. CANNON. I understand that the gentleman from Illinois [Mr. FOSTER] was recognized for an hour and yielded 15 minutes of that time to the gentleman from Pennsylvania [Mr. PALMER]. That leaves him 45 minutes. If the gentleman from Illinois [Mr. FOSTER] would yield the floor, reserving his 45 minutes, then it would be in order for the gentleman from Pennsylvania [Mr. PALMER] or myself to ask that the gentleman's time be extended for 15 minutes. That would take 15 minutes of the remaining time.

Mr. BARTLETT. Mr. Chairman, I have no objection to that or to the gentleman having time. In fact, I have no objection to any arrangement, except that the House, having by vote on a roll call limited the amount of debate to an hour and a half, we can not, in Committee of the Whole, change that.

Mr. CANNON. Precisely. We can not do that, but the 15 minutes would come out of the hour and a half.

Mr. FOSTER. Mr. Chairman, I yield 10 minutes more to the gentleman from Pennsylvania [Mr. PALMER].

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. PALMER. Which, I hope, begins now.

Mr. CANNON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. PALMER. Mr. Chairman, I have no objection to interruptions. The subject which I am discussing is not a large one, and I hope it will not take very much time. I have referred to the slate quarries in the slate belt of Pennsylvania, because I have personal knowledge and information about conditions there. I know, as every man who is familiar with the slate belt knows, that two-thirds of the enormous number of accidents resulting in loss of life and injury to limb in those quarries could be prevented if the foremen and superintendents of the plants had been instructed by some expert who had studied conditions in all the quarries everywhere. In some quarries these accidents almost never happen and in others they are very common, which of itself is evidence that in many cases it is ignorance or carelessness which causes the accidents.

The constant temptation in slate quarries is to save the excavation of waste. Slate is apt to be beneath the soil, and the top is taken off in order to get to it. Unless all of that top is removed and removed far enough away so that there will be no danger of a slide, then every man who goes into such a quarry takes his life into his hands.

I have taken the trouble to investigate through the coroner's office of one county in Pennsylvania—Northampton—the number of deaths which have occurred in these quarries in the past 10 years. They are only the deaths on which the coroner sat. Manifestly there have been a large number of others resulting from injuries some time after the injury was inflicted. The record is by no means complete, and yet I have from that single county a list of 232 names of men who have thus lost their lives in accidents of that character in those quarries.

Mr. MILLER. Over how long a period of time?

Mr. PALMER. Ten years in one county.

Mr. MILLER. How many men are employed in that county in that kind of work?

Mr. PALMER. It is difficult to say how many men are employed in that county, but I would say the number does not exceed 4,000 at the outside. In addition to this list there is an enormous list of injuries to these people. They are a high class of workmen—not cheap foreign labor—principally Welshmen coming from the quarries of Wales to go into the slate business of Pennsylvania.

Mr. MILLER. Can the gentleman give us any comparison between the mortality statistics in that quarrying industry and coal mining?

Mr. PALMER. Not of my own authority, but an officer of the International Union of Slate Workers, which I think is the name of their organization, has made the statement over his signature that after investigation the proportion of injuries and casualties in the slate business is found to be larger than in the coal-mining business in Pennsylvania.

Mr. MILLER. I thought likely it was, and that is the reason I made the inquiry.

Mr. TILSON. Mr. Chairman, may I interrupt the gentleman to ask him a question for information?

Mr. PALMER. Certainly.

Mr. TILSON. Is the slate industry confined to excavation from above, or are there shafts and runs underground the same as in coal mining?

Mr. PALMER. No; they are all quarries; but they may be in a mountain side, where the entire side of a mountain is taken out and the men are compelled to work 500 feet above the level of the ground, or there may be enormous holes in the ground where men will be compelled to work 500 feet below the surface of the ground.

Mr. TILSON. The principal danger is from slides?

Mr. PALMER. Yes. Of course there is also the danger of premature explosions from blasting operations. There is a danger from overloaded baskets or buckets carrying the slate to the surface. These accidents happen in half a dozen or more different ways. I have a list, prepared by the men themselves, in which they name two-thirds of the accidents as easily preventable if proper precautions had been taken. I do not say that the operators have been careless or negligent. They have fierce competition and they are bound to operate so that they can make the most money, but they have not in some cases taken the pains and time and trouble to investigate the methods by which these serious accidents could be avoided. Methods are adopted in some quarries which could be duplicated everywhere, and which would be, without increasing the expense or operation of the quarries, if a bureau like this so advised it in a report.

Everything that I have said with relation to slate quarries applies with equal force to the cement-rock quarries of the country. They are not confined to Pennsylvania, and are all over the country. I do not know exactly how the cement rock is taken out of the ground in other parts, for I have never visited those quarries or mines, but in Pennsylvania I do. In my district there is the largest cement mill in the world, a plant large enough to take a single order for 5,000,000 barrels, and it is now completing that order by sending cement to the Panama Canal for the United States Government. The cement rock is taken out of the mountain side. Enormous quarries are chiseled into the sides of the mountains in the south and west sides of the Blue Ridge Mountains of Pennsylvania. I have stood at the bottom of those quarries and looked at men clinging, like flies to a window pane, on the side of a rocky declivity which marks the boundaries of those quarries, so high up that their features could not be distinguished. They looked one-third their size.

The danger there is just as great as in the slate quarries, and the extraordinary development of the cement business growing out of the large increase of the use of concrete everywhere has opened up so many of these giant quarries, has made competition in the business so considerable, has encouraged men engaged in the business to operate so rapidly, that I am convinced that, as in the slate quarries, a suggestion from experts having the confidence of the people, such as the Bureau of Mines would have, would result in an enormous saving of life and limb of the men who are compelled to work in those quarries.

Now, Mr. Chairman, there are many other features of this reorganization of the bureau, if I might call it such, that appeal to me. There are many other reasons why this act should be passed, but in my judgment, as I said a moment ago, there need be no other reason advanced than that under the new organic act the Bureau of Mines would be permitted to make investigations of those conditions to which I have referred, in the confident belief on the part of those most interested that such investigations would result in great benefit to the men engaged in those enterprises. I cordially approve all that this bureau has done in the interest of the coal miner. I know that it has been of tremendous value to the coal mines of the country, and especially to the men engaged in that work. I want to say that those men who go down hundreds of feet into the bowels of the earth to take out the slate, or climb the mountain sides for hundreds of feet to blast out the cement rock, are entitled to just as much consideration at the hands of the Government as are those men who go down beneath the soil and, with lamps on their hats, dig out the anthracite and bituminous coals which feed the insatiable maw of industry everywhere. If there is reason for the protection of the one, there is reason for the protection of the other. If there is value in the work of this bureau for the coal miner, there is value in it for the quarryman, and I shall be glad, for the sake of those men who have long struggled to secure legislation in their own State by which their safety would be improved, if they will finally secure some relief out of this legislation which is before the House to-day. [Loud applause.]

Mr. FOSTER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, when this House passed the original act providing for a Bureau of Mines there was a great deal of hostility to the legislation. It was claimed at that time that it was unnecessary and inexpedient, because other branches of the Government service could adequately carry on the same kind of work. There was necessarily at that time a prognostication in a somewhat speculative manner as to the probable work of the Bureau of Mines and its probable value and effect upon the important industry of mining in this country. After an experience of two years we are now able to tell

what this Bureau of Mines can do and should do, and therefore we are able to state the exact terms of the organic act that creates it. Also I think we are now agreed that instead of the hostility that originally was to be found with respect to the establishment of the bureau we have an atmosphere entirely friendly, but inclined to keep proper restrictions upon the activities of this as in the case of any other bureau. I remember it was particularly stated two years ago tnat the reason for the establishment of the Bureau of Mines was to promote the safety of the men engaged in mining, and particularly coal mining. We had served up to us with a good deal of dramatic strength the horrors of coal mining, how many accidents had occurred that resulted in the death even of hundreds in single cases. The House no doubt had in mind largely in the framing of the phraseology of the bill at that time that the activities of the bureau should be largely exercised in investigation of conditions concerning the coal-mining industry, and as a result the Bureau of Mines has largely confined its activities to health conditions, safety appliances, and protective measures in this class of work. I recall a short time ago when the gentleman from Pennsylvania, who has just delighted the House with a splendid speech, occupied the floor with respect to a tariff bill, of which he was the author. During the course of his remarks, which were both eloquent and instructive, I remember he said that iron was king and that the palace of the king was the State of Pennsylvania. I took no exception to the remark at that time and do not now, but at this moment I would add a little to that and say that if it were not for the iron-ore mines in the State of Minnesota that king's palace would be but a whited sepulcher for dead men's bones. The time will not be far away when the grand State of Pennsylvania, that I admire as all do, will depend for its prosperity upon the great mines of regions far to the west. She must turn to these western areas that the wheels of industries within her borders may turn and that prosperity may be promoted among her people. In the county in which I live is mined one-half of all the iron ore mined in the United States, so I am more interested in that side of the question than in quarrying or in coal mines. I may confess that two years ago I was somewhat impressed with the great number of accidents of a horrible nature that were held up to view, accidents that were largely confined to the coal-mining industry; but after some investigation I find that the number of men each year who fall in the industrial army by fatal accidents in iron mines of the country is a greater total in proportion to the men engaged than those who fall in the same way in the coal-mining industry.

In other words, fatal accidents in iron mines to-day are more numerous in proportion to the men engaged in the work than in the coal-mining industry. As a result, therefore, it is certainly proper that this Bureau of Mines should have full and enlarged power and be given instructions, I will say, Mr. Chairman, to undertake in reference to iron mines all of the activities they have hitherto displayed in respect to coal mines. I agree to all that the gentleman has said in respect to quarrying both limestone or cement stone and slate in the country. I think I could make a similar argument in respect to nearly every mining industry within the borders of the United States. To-day many of the western States are largely given to copper mining, an extremely hazardous occupation, because the men are nearly all deep down in the bowels of the earth, and while fire damp and some of the gases attendant upon coal mining are not prevalent, there are other many and important dangers. So, Mr. Chairman, I think it is highly proper that at this time, at the expiration of two years of activity, we should give to the Bureau of Mines the enlarged powers and full authority to carry on the work for which they have already demonstrated complete competence. Again, I do not know of any work more important from an industrial and purely financial standpoint. We are actuated largely, of course, in the consideration of a measure of this kind by humanitarian considerations, and it is proper. We think of the men who are injured, who are suffering, and of the suffering of those who are dependent upon them. But the community has an interest in the matter beyond that of sympathy. Whenever a man falls a victim to an accident in a mine, leaving a family, the community must bear the expense of the support of that family, and if we multiply these by the hundreds, as we must, the consideration is an important one.

The gentleman from Pennsylvania [Mr. PALMER] has called attention to the fact that two hundred and forty-some men had met their death in the quarrying business in one county of Pennsylvania during the past 10 years. I want to say to him that almost that number annually falls in two counties in Minnesota. If we are to take into consideration the large number who are injured in such a way as to prevent their ever again engaging in gainful occupations or manual labor, we would have the number multiplied several times. By reason of the lax methods that have in many instances been employed in the mining industry we have been gradually collecting in every mining community a large number of people who belong to the dependent class who have become public charges, and by reason of that consideration the public at large is interested in every kind of preventive measure that can be found.

And yet there is a field for this Bureau of Mines independent of this, and it is well worth mentioning while the subject is up for consideration. I have had an opportunity to get a little insight into some of the activities of the Mining Bureau. To illustrate, we have had recently an investigation by an important committee of this House to see what ought to be done with one of the great corporations of the United States, namely, the United States Steel Corporation; an investigation not yet completed. I believe it was thought at one time that the Steel Corporation probably controlled a majority of the steel-manufacturing industries of the country and controlled more than half of all the iron ore deposits. Quite likely they do control a majority of the steel-manufacturing plants and over one-half the iron ore now merchantable, but it is only a small part of that which can be made merchantable. There is a region along the northern shore of Lake Superior in my own State that contains iron ore of a peculiar kind. It is mixed with titanium and is called titaniferous ore. The number of tons of that ore that lie there exposed to the naked eye runs up into the thousands of millions. I repeat it—thousands of millions—and nobody wants it, because it is not merchantable, because it can not to-day be reduced in furnaces. It has been the dream of metallurgists and the dream of mining experts that some man would find a method of reducing this class of ore. The Bureau of Mines has taken into consideration this problem, having secured the activities of one of the best mining engineers of the country, and I think I am not exceeding the limits of propriety when I say that he has almost solved the problem. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FOWLER] five minutes.

Mr. CANNON. I again ask the gentleman to reserve his time and yield the floor just for the present and let the gentleman from Minnesota [Mr. MILLER] be recognized further, so that he can utilize part of the half hour.

Mr. FOSTER. I will say that I think he has probably used all the time he desires.

Mr. MILLER. I could use five more minutes if the gentleman could give them.

Mr. FOSTER. I regret I can not do so. For the present I yield five minutes to my colleague from Illinois [Mr. FOWLER].

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] is recognized.

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. CANNON. Is the gentleman from Illinois [Mr. FOSTER] going to yield any more time to his colleague?

Mr. FOSTER. No; I have not any more time.

Mr. CANNON. Mr. Chairman, this is a very interesting question, and an old one. It ought to receive full consideration.

I have counted, and I find that out of the nearly 400 Members of the House there are just 26 here. They ought to hear this discussion, and I therefore make the point that no quorum is present. I want to compel gentlemen to come and listen during the consideration of an important bill like this.

The CHAIRMAN. The Chair counts 32 gentlemen present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Cooper	Goldfogle	Kent
Allen	Copley	Gray	Kindred
Ames	Covington	Gregg, Pa.	Kinkead, N. J.
Anderson, Minn.	Cox, Ind.	Guernsey	Konig
Anderson, Ohio	Cox, Ohio	Hamill	Kopp
Andrus	Crago	Hamilton, W. Va.	Lafferty
Anthony	Cravens	Hanna	Lamb
Ashbrook	Curley	Harrison, Miss.	Langley
Barchfeld	Currier	Harrison, N. Y.	Legare
Bartholdt	Daugherty	Hartman	Levy
Bates	Davenport	Haugen	Lindsay
Bathrick	De Forest	Hayden	Littleton
Berger	Denver	Hayes	Lloyd
Boehne	Dickson, Miss.	Heald	Longworth
Borland	Dodds	Helm	Loud
Bowman	Dupré	Higgins	McCoy
Bradley	Dwight	Hinds	McCreary
Broussard	Estopinal	Hobson	McGuire, Okla.
Brown	Fairchild	Hubbard	McHenry
Burke, S. Dak.	Fields	Hughes, N. J.	McKinley
Burleson	Flood, Va.	Hughes, W. Va.	McMorran
Campbell	Focht	Humphreys, Miss.	Madden
Cantrill	Foss	James	Maher
Carlin	Fuller	Johnson, Ky.	Malby
Catlin	Gardner, N. J.	Jones	Mann
Clark, Fla.	Gillett	Kendall	Matthews
Connell	Goeke	Kennedy	Mays

Moore, Tex.	Pujo	Slemp	Talbott, Md.
Morrison	Randell, Tex.	Small	Taylor, Ohio
Mott	Reyburn	Smith, J. M. C.	Thayer
Norris	Rouse	Smith, Samuel W.	Thistlewood
Olmsted	Rucker, Mo.	Smith, Cal.	Thomas
O'Shaunessy	Russell	Smith, N. Y.	Townsend
Padgett	Saunders	Sparkman	Tuttle
Palmer	Scully	Speer.	Utter
Pepper	Sells	Stack	Vare
Peters	Shackleford	Stanley	Vreeland
Pickett	Sharp	Stedman	Wickliffe
Plumley	Sheppard	Steenerson	Wood, N. J.
Porter	Sherley	Sulzer	Woods, Iowa
Post	Sherwood	Switzer	Young, Mich.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had found itself without a quorum, whereupon he had directed the roll to be called, whereupon 228 Members, a quorum, had answered to their names, and he reported the names of the absentees to the House.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. FOSTER. Mr. Chairman, I reserve the balance of my time.

Mr. MONDELL. Mr. Chairman, I desire to be recognized in my own right.

The CHAIRMAN. The gentleman from Wyoming is recognized in his own right.

Mr. MONDELL. I yield 10 minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman and gentlemen, we are all apparently agreed that the establishment of the Bureau of Mines was a splendid piece of constructive legislation. Apparently the Members here all agree that during its existence it has done splendid work. I have heard on the floor of this House no criticism offered concerning the management of the bureau or the efficiency and proficiency of the men in charge of same. All agree that Prof. Holmes, the director of the bureau, and those associated with him are peculiarly fitted for the great work which has been intrusted to their care. Apparently it is the sole purpose of the Members of this House to amend the law as it now exists in such a way as will give this bureau more power and more authority and widen and broaden the sphere of its usefulness. The bill now under discussion by this House was prepared and brought forward by the Committee on Mines and Mining, of which Congressman FOSTER is the chairman. I have not a doubt but that this committee has given this subject careful consideration. I have no doubt but that it is the intention and purpose of the Committee on Mines and Mining to so amend the law as will give the Bureau of Mines more, and not less, power and authority. But, with all due respect to the able gentlemen who compose this committee, I submit that the framers of the Foster bill, which we are now considering, will be disappointed in the power and authority given the Bureau of Mines if the Foster bill should become a low without amendment.

Section 2 of the law as it now is and section 2 of the Foster bill are the ones which give life, authority, and vitality to the Bureau of Mines. These are the sections which regulate its scope of operation. These are the ones which give it the power to investigate. These are the ones which enable it to accomplish the work for which the Bureau of Mines was created.

Section 2 of the present law reads as follows:

SEC. 2. That it shall be the province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to said industries, and from time to time make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

That is the law as it now exists. Section 2 of the Foster bill provides:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to investigate explosives and fuels and unfinished mineral products belonging to or for the use of the United States, with a view to their most efficient use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

With these provisions before us we are in a situation to judge whether or not the Foster bill unamended will come up to the expectation and meet the requirements for which the Bureau of Mines was originally established.

It will be remembered that some years ago there followed in this country one terrific and appalling mine accident after another in which hundreds and thousands of the lives of our brothers working beneath the soil were snuffed out. They were so frequent and so terrible that the public mind and conscience were so aroused as to their cause and cure that more stringent laws were demanded looking to the proper care, safety, and protection of the miners. Upon investigation it was discovered that in many, if not all, of the States in the Union the laws on the statute books and the power of the State authorities were inadequate to afford the proper amount of protection. It was believed that the National Government alone could deal adequately with this great subject—one involving the safety and protection of the great army of miners scattered throughout the length and the breadth of this country. It was under these conditions and by reason of this necessity that the Bureau of Mines of the United States Government was established. Section 2 of the law creating the Bureau of Mines says that it shall be the duty of the Bureau of Mines and its director—

to make diligent investigation of the methods of mining, especially in relation to the safety of mines and the appliances best adapted to prevent accidents, the proper improvement of conditions under which the operations are carried on, * * * the prevention of accidents, etc.

These constitute the principal work for which the Bureau of Mines was originally established and intended. These provisions have been left out of the Foster bill. It has been contended by its advocates that its language is sufficiently broad and comprehensive to cover and provide authority for all the things embodied in the old law; but, as a friend to the miners, as one interested in their welfare, I object to leaving anything to chance.

I do not want their rights and interests under the law to be left to interpretation, implication, or construction. Their rights should be specifically provided for. The old law in this respect ought to be reenacted in the Foster bill, together with some amendments to the old law. At the proper time I shall offer amendments to this bill reembodying this part of the old law in the Foster bill, together with an amendment or two to the old law as it now exists. The Bureau of Mines should be given power and authority to investigate the cause and prevention of mine fires. This is left out of the present law. It should be given power and authority to inaugurate rescue and first-aid work. This is left out of the law as it now exists. All this is left out of the Foster bill. It is true that section 3 of the Foster bill provides that it shall be the duty of the Bureau of Mines to—

prepare, publish, and distribute, subject to the direction of the Secretary of the Interior * * * reports of inquiries and and investigations * * * concerning the nature, cause, and prevention of accidents—

also concerning the safety, methods, and appliances; also concerning rescue and first-aid work; also concerning causes and prevention of mine fires. But I submit that under section 2 of the Foster bill the Bureau of Mines will have neither the power nor the authority to make any investigations concerning these subjects; and having no power and authority to make investigations concerning them, it will have no power or authority to make reports about them. These are the things concerning which the miners of this great country are vitally concerned. The power of the Bureau of Mines to make investigations and inquiries concerning these vital subjects is the one in which the miners of this country are most concerned. It was to make inquiries and investigations concerning these subjects and afford relief to the miners that the Bureau of Mines was originally established.

I trust that before this bill is passed these vital provisions will be embodied in it, to the end that those things which are most dear to the hearts of the miners and most essential to their safety and lives will not be left to interpretation or construction. These provisions ought to be made so clear and so explicit that there could be no chance for misinterpretation or misconstruction, no opportunity to deprive the miners of the things for which the Bureau of Mines was established.

This Bureau of Mines has done a splendid service, and I want to see this Foster bill so amended as to put in it the things to which I have called your attention. In that event there will be no question as to the jurisdiction of the Bureau of Mines over these vital subjects.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. POWERS. I will.

Mr. TAYLOR of Colorado. Does not the gentleman think that the language of the Foster bill, authorizing the Bureau of Mines and its employees to look after the health and safety of persons employed in mining and quarrying, is broad enough to cover what the gentleman refers to?

Mr. POWERS. I do not. On the contrary, under section 3 of your bill you provide that it shall be the duty of the Bureau of Mines to make reports concerning the nature, the causes, and prevention of mine accidents, and so forth. But I

submit that under section 2 of your bill you strip the Bureau of Mines of the power to make these investigations, and you require a report on matters concerning which it has no power to investigate.

Mr. TAYLOR of Colorado. Has the gentleman carefully studied the report of the department on it?

Mr. POWERS. I have studied the bill and the reports on it with what intellectual powers I have.

Mr. TAYLOR of Colorado. I will say as one of the members of the committee that this bill was considered with Dr. Holmes, of the Bureau of Mines, with the Department of the Interior, and we had a number of hearings on it. We all of us intended to do the very thing the gentleman feels ought to be included, and after various drafts of the bill not only Dr. Holmes and the other officials, but the mining people themselves in the coal and the metaliferous mines, decided that the language was broad enough. So we felt that if we made it broader than we have we might be open to just criticism and thereby probably defeat the bill. We could not open up the field so broad as to take the whole Treasury of the United States, and we had to put some restrictions on it. We feel that this language is sufficient to cover all that the gentleman desires to include.

Mr. POWERS. Mr. Chairman, I have not a doubt but that the committee framing this bill had the very best intentions regarding the good of the Bureau of Mines and the splendid work it is accomplishing. I have no doubt but that Dr. Holmes and others are intensely and vitally concerned with regard to this matter; but I submit that under the language of the bill as now framed it will not cover the ground that the framers of this bill think it will cover. I do not believe in leaving anything to chance. This bureau has done a great work. There are a number of mine-rescue stations scattered throughout the United States. These rescue stations are headquarters for a group of Government employees engaged in rescue and instruction work. They have with them at these stations at least one car equipped with all the modern devices and appliances for the purpose of doing mine-rescue work. They go from place to place throughout the country instructing the mine operators and miners how to prevent mine accidents and the best methods of rescuing entombed miners. I applied to this Bureau of Mines for a mining-rescue car with a corps of trained and skilled employees to go to the district I have the honor to represent and give what instructions in their power to give to those engaged in the coal-mining industry. I am glad to say that the Director of the Bureau of Mines complied with my request and sent to the eleventh district of Kentucky a mining-rescue car well equipped and in charge of trained operators. This was the first time that such a mining-rescue car ever entered the eleventh congressional district. They went from mine to mine, and were received with glad hands by both the operators and the miners. Much interest was taken in this work, much instruction given, much good accomplished. I have the promise of the director of the bureau that he will each year send to the eleventh district this mining-rescue car for such time as he will be able to spare to it. Those in charge of the rescue car are required each day to telegraph their exact whereabouts to the Bureau of Mines, so that in case of a mine disaster anywhere the Bureau of Mines will know just where all of its mining-rescue cars are and just how long it will take them to be rushed to the scene of the disaster. From time to time I get a letter from some mine operator or from some miner making a request that the Government send to his locality this mining-rescue car for the purpose of giving instructions in the best methods of preventing mine accidents and what to do in case of them. I file those letters carefully away, and when the mining car reaches the district I see to it that those making the request are supplied with the best instructions in the power of the Government to give.

This Bureau of Mines is accomplishing great good, as I have before stated. Its power of usefulness should not be hampered by the lack of specific legislation defining what it can and what it can not do; and I hope that the amendment which I shall later offer will be incorporated into and made a part of this bill and thereby a part of the law.

Mr. MONDELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, at this time I desire to read some extracts from a speech delivered by Abraham Lincoln before the Young Men's Lyceum of Springfield, Ill., on January 27, 1837.

It seems to have been a prophetic utterance and it deserves to be reproduced at this time for the guidance of the American people. So much has been recently quoted from Abraham Lincoln to justify all sorts of vagaries in governmental affairs that this may appeal to the sober senses of the people and make them, before it is too late, awaken to some of the dangers which confront our Government.

Mr. Lincoln said:

"All the armies of Europe, Asia, and Africa combined * * * could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point, then, is the approach of danger to be expected? I answer, If it ever reaches us it must spring up amongst us; it can not come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide.

"I hope I am overwary; but if I am not, there is even now something of ill omen amongst us. I mean the increasing disregard for law which pervades the country—the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of courts and the worse than savage mobs for the executive ministers of justice. * * *

"I know the American people are much attached to their Government; I know they would suffer much for its sake; I know they would endure evils long and patiently before they would ever think of exchanging it for another; yet, notwithstanding all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property are held by no better tenure than the caprice of a mob, the alienation of their affections from the Government is the natural consequence; and to that, sooner or later, it must come. * * *

"When I so pressingly urge a strict observance of all the laws let me not be understood as saying there are no bad laws or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing. But I do mean to say that although bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example, they should be religiously observed. * * * There is no grievance that is a fit object of redress by mob law. * * *

"But it may be asked, 'Why suppose danger to our political institutions?' * * * We hope there is no sufficient reason. We hope that all danger may be overcome; but to conclude that no danger may ever arise would itself be extremely dangerous. There are now, and will hereafter be, many causes, dangerous in their tendency, which have not existed heretofore, and which are not too insignificant to merit attention. That our Government should be maintained in its original form, from its establishment until now, is not much to be wondered at. It had many props to support it through that period, which are now decayed and crumbled away. * * * Then all that sought celebrity and fame and distinction expected to find them in the success of that experiment. Their all was staked upon it; their destiny was inseparably linked with it. * * * If they succeeded, they were immortalized; their names were to be transferred to counties and cities and rivers and mountains, and to be revered and sung, toasted through all time. If they failed, they were to be called knaves, and fools, and fanatics of a fleeting hour; then to sink and be forgotten. They succeeded. The experiment is successful, and thousands have won their deathless names in making it so. But the game is caught. * * * This field of glory is harvested, and the crop is already appropriated. But new reapers will arise, and they, too, will seek a field. It is to deny what the history of the world tells us is true to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do, they will naturally seek the gratification of their ruling passion as others have done before them. The question then is, Can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it can not. Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; but such belong not to the family of the lion or the tribe of the eagle. What, think you these places would satisfy an Alexander, a Cæsar, or a Napoleon? Never. Towering genius despises a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and if possible it will have it, whether at the expense of emancipating slaves or enslaving freemen. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does, it will require the people to be united with each other, attached to the government and laws, and generally intelligent, to frustrate his designs. Distinction will be his paramount object, and although he would as willingly, perhaps more so,

acquire it by doing good as harm, yet that opportunity being passed and nothing left to be done in the way of building up, he would set boldly to the task of pulling down."

How prophetic those words were can easily be illustrated by something which happened a few years ago. Plans were initiated for the remodeling of the White House, known officially as the Executive Mansion. Conferences were had between the then Executive, former President Roosevelt, and the Congress as to the extent to which the remodeling should go. As a result of certain conferences a memorandum was prepared by the architect selected for the purpose of making the changes in the White House, and the memorandum covered not only the plans for the reconstruction, but a provision for the so-called executive offices, which at that time were built. Under the head of "Temporary Executive Offices," the memorandum transmitted from the White House to the Capitol for the information of Members of Congress has a statement, and the entire page is herewith reproduced in facsimile:

PAGE ——

Memorandum in regard to the White House.

The White House was planned and constructed as a residence. The office features of the house are maintained at the expense of space which should be at the disposal of the President's family; and at the same time the public business is done in the present cramped quarters with serious inconvenience, and under unhealthful conditions for the secretaries and clerks.

TEMPORARY EXECUTIVE OFFICES.

The problem of the location of a permanent building for the offices of the President involves many considerations as to the amount of accommodation needed and the scope and variety of the functions to be carried on in such a building. Provision for temporary quarters for the Executive offices is comparatively a simple matter. A building of brick, one story high, and containing from 50 to 75 per cent more room than the offices now occupy, can be constructed in the grounds of the White House, opposite the entrance to the Navy Department. The building would take the place now occupied by a brick wall, which screens a number of hot-houses and forcing beds for plants——functions which may well be provided for elsewhere, in connection with the propagating gardens.

(To be permanent during my Office; T.R.)

The temporary building would include:

1. A Cabinet room.
2. President's office and retiring room.

The problem of the erection of a permanent building for the offices of the President involves many considerations as to the amount of accommodation needed, the scope and variety of the functions to be carried on in such a building. Provision for temporary quarters for executive offices is comparatively a simple matter.

The word "temporary" was underscored by President Roosevelt, and on the margin of the memorandum, in his own handwriting, is this statement: "To be permanent during *my* lifetime. T. R." It will be noticed that the word "my" is underscored.

If anybody misunderstands the purposes of this gentleman, so accurately pictured by Abraham Lincoln in 1837, he need but refer to this document, which perhaps will become historic, to see what he had in mind just 10 years ago. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEPAGE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6964. An act authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; and

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

The message also announced that the Senate had passed the following resolution (S. Res. 325):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, May 30, Friday, May 31, Saturday, June 1, and Monday, June 3, 1912.

BUREAU OF MINES.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, the gentleman from Kentucky [Mr. POWERS] expressed some doubt as to whether the enactment of this legislation would bring about conditions satisfactory to those responsible for it. He suggested that the framers of the measure would be disappointed in its administration, in that the authority conferred is not as wide as it is supposed to be. I am glad that, to a certain extent, that in a certain sense, the fears of the gentleman from Kentucky are justified. I am heartily in favor of this legislation. I believe it is wise, but I should hesitate to vote for it if it proposed some things that some gentlemen supporting it suggest that it does propose. I should be inclined not to support the bill if I thought its provisions were as broad as some gentlemen have suggested they are.

We all understand that the Federal Government has in the ordinary sense no police authority or powers in the States. We can not confer upon the Federal Government any such power or authority. We ought not do it if we could, because to do it would be to relieve the people locally of those duties and responsibilities in the performance of which alone can a free government be founded and maintained. But fortunately we can not do it. The fundamental law prohibits us from doing it. The people have conferred no such powers on the Federal Government. Nor is there anything in this bill that warrants any suggestion that it proposes to attempt to extend the police power, authority and control of the Federal Government.

The gentleman from Kentucky [Mr. POWERS] is correct in saying that all of the power conferred on this bureau is conferred in section 2; that section 3 adds nothing to the jurisdiction of the bureau, but simply is declaratory on the matter of reports. What the act proposes is that the bureau shall make inquiries and investigations of mining and of the preparation, treatment, and utilization of mineral substances, and what for? For the purpose of improving health conditions and increasing the safety, efficiency, economic development of mines, and the prevention of waste in mining, quarrying, metallurgical, and other mineral industries.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield at this time. That is an enlargement of the present authority of the bureau. It does enlarge the scope of its operations, but does not enlarge the scope of those operations by pretending or attempting to do the impossible thing of extending within the States police powers to be exercised by the Federal Government. All that the Federal Government should do in these matters is to aid and stimulate the people locally to live up to their responsibilities to do their duty and to perform the proper and necessary functions of a local government.

That is all this proposes to do. It is legislation providing for a bureau to stimulate and inform and disseminate information. So that it does not, fortunately, go as far as some gentlemen seem to think it does. On the contrary, in my opinion, it goes much further in other directions than the gentleman from Kentucky imagines it does, and I do not think it is open to the criticism or objection that he makes, and if the gentleman will allow me I will now refer to that matter.

The gentleman from Kentucky objects to section 2 on the ground that it does not enlarge the present scope and authority of the bureau. I think it does. He thinks it leaves out some things that are now contained in the fundamental law of the bureau.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. That it does not confer all the jurisdiction that the law now does, particularly with regard to reducing accidents in mining operations, as I understand it. I yield to the gentleman from Kentucky.

Mr. POWERS. I suggest to the genleman that the Foster bill does enlarge the powers of this bureau along certain lines, but it restricts the power of the bureau along the lines for which the bureau was originally created.

Mr. MONDELL. My opinion is that the gentleman is entirely mistaken. Certainly the inquiries, the investigations concerning mining with a view of improving health and increasing safety herein provided for cover all that is covered by the language of the present law. In other words, not only is the scope of the bureau enlarged by this legislation, but it retains all the authority that it now has, and particularly in regard to the matters referred to by the gentleman from Kentucky.

The enlargement of the scope and authority and jurisdiction of the bureau is a very important one. The enlargement is particularly in the field of investigation and inquiry relative to metalliferous mining, quarrying, and operations of that character—operations over which the bureau, except by the very broadest interpretation of present law, has no jurisdiction whatever. It is exceedingly important that a mining bureau shall have authority to make investigations and inquiries with regard to all classes of mining and allied industries. I congratulate the committee that in doing this they have accomplished all that ought to be done without so supplanting or reducing the necessity of local control or activity as to leave the entire responsibility in the hands of the Federal Government. That could not be legally done. It ought not to be done, for within the States is the sovereign control over all these matters. The operations of the Bureau of Mines since it was established have fully justified the expectations and the hopes and confidence of those who were instrumental in the enactment of that legislation. They have been wonderfully effective in the best possible way in awakening the people of the States and of the communities to their duties and responsibilities and in quickening them in the discharge of their duties and responsibilities in bringing the mining companies and those operating mines to adopt improved methods of safety in mining operations and in educating the miners in methods and practices which will reduce the danger of accidents. We look forward to still wider activities on the part of the bureau in the interest of our miners and our mining industries.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Chairman, I take it that this is an excellent bill, and I think we are unanimous in our support of it, perhaps, with some amendments; but it only occurred to me to say in connection with the bill that there is a subject to come before this House—I hope very soon—which is so closely allied to this bill that I thought it proper to mention it.

That is the subject embraced in the bill known as the workmen's compensation act. I am very much in hope that that will come out of the Committee on the Judiciary within a few days, although I understand there will be some opposition. I attempted to say the other day when I had the floor that I believed there is an indication of better feeling between the employers and employees of this country than there has been heretofore, and from what I can learn of the hearings before the distinguished commission that have had this bill under consideration I understand that those hearings were remarkable in that there was an evident purpose down deep in the hearts among the em-

ployers and employees to come to a better understanding than they have ever done before. I believe this legislation which I have mentioned and which I trust the House will pass this session is a door and avenue through which greater things will be done in support of friendly legislation for the benefit of both capital and labor, employer and employee. People are thinking as never before, and this bill now before the House indicates that we are recognizing that all industrial legislation should have primarily at its base the interest and welfare of the workingman. I simply want to say I hope that the report which I have heard that the bill will be opposed by prominent gentlemen on the other side of the House is not correct; that the bill will be reported by the committee, and, if necessary, I should be glad to support a special rule by which it could come before the House and be passed. The commission which has had it under consideration are among the ablest men in the Nation, in both the Senate and the House, and representatives both of labor and capital have given their thought and best energies to a solution, at least for the present, of a question which will be for the common good of our people, industrially and socially. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder;

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; and

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6459. An act for the erection of a public building at Waynesville, N. C.; and

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean.

BUREAU OF MINES.

The committee resumed its session.

Mr. FOSTER. I yield 10 minutes to the gentleman from Pennsylvania [Mr. FARR].

[Mr. FARR addressed the committee. See Appendix.]

Mr. FOSTER. I do not care to consume any more of my time.

The CHAIRMAN. The time for general debate having expired, the Clerk will report the bill for amendment.

The Clerk read as follows:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to increasing health, safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries, and concerning explosives and fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 2, line 16, strike out the word "increasing" and insert in lieu thereof the word "improving."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, line 16, after the word "health," insert the words "conditions and increasing."

Mr. RAKER. Mr. Chairman, that comma should go out after the word "health."

Mr. FOSTER. I think we should take up the committee amendments first.

The CHAIRMAN. The question is on agreeing to the committee amendment which has been read.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 19 and 20, strike out the comma after the word "industries," in line 19, and the word "concerning," insert a semicolon, and add the words "to investigate."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Now, Mr. Chairman, I move to strike out the comma after the word "health," on line 16 of page 2.

Mr. FOSTER. Let us have that reported.

The CHAIRMAN. The gentleman moves to strike out the comma after the word "health," on line 16 of page 2.

Mr. RAKER. It does not mean "health." It means "health conditions." That is what the language is intended to mean.

Mr. FOSTER. Yes; "not health," but "health conditions." The comma was printed there inadvertently.

Mr. RAKER. The comma was there when the amendment was made, and of course it remained there when the bill was reprinted. If you strike out the comma, you carry out the intent and meaning of the committee by taking up the subject of the health conditions.

Mr. CANNON. I think it is broader than that. I am not much on punctuation. I frequently have great trouble with badly written manuscript, in telling a comma from a fly speck, and after all, the punctuation does not control. But is the gentleman correct? Let us see. The language reads, "with a view to improving health, conditions."

Mr. RAKER. Conditions of what?

Mr. CANNON. Conditions of increasing safety.

Mr. RAKER. That is all right; but that condition would mean nothing if it is left in there, if it stands alone.

Mr. LOBECK. It might be "improving conditions."

Mr. MONDELL. It seems to me, if the gentleman will yield to me——

Mr. CANNON. Certainly——

Mr. MONDELL (continuing). That the comma might either remain or be stricken out, depending on the intent of the House. If the comma remains, then the proposition is that these things are to be done for the purpose of improving health, for the purpose of improving conditions, and for the purpose of increasing safety. But if stricken out, then these things are to be done for the purpose of improving health conditions.

Mr. RAKER. From a reading of the report of the committee and the hearings of the committee, the gentleman will notice that this was so intended, and the language was put in for the purpose of improving health conditions.

Mr. MILLER. There can not be any difference between "improving health" and "improving health conditions," can there?

Mr. RAKER. Possibly not.

Mr. MILLER. Undoubtedly it was meant that the comma should go out.

Mr. RAKER. Yet, when the distinguished gentleman from Wyoming and the distinguished ex-Speaker take up a matter like that here, I think it is worthy of the attention of the House.

Mr. CANNON. Let me read it with the comma in: "With a view to improving health, conditions, and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying," and so forth. Now, reading it with the accent which I have given it, it has a meaning, and the comma ought to be there.

Mr. RAKER. Will the gentleman yield right there?

Mr. CANNON. Certainly.

Mr. RAKER. While the House can readily and fully appreciate the emphasis of the gentleman from Illinois, the public and those construing this act will never have the benefit of that emphasis.

Mr. CANNON. Oh, but anybody that reads it correctly, with the comma in, will read it just as I have read it.

Now, then, as the gentleman claims it should read, without the comma, "improving health conditions." "Health" is not improved by putting on "conditions." "Health conditions"—the word "health" qualifying "conditions"; "improving health conditions and increasing safety," and so on. I think the gentleman perhaps punctuates better than I do, but I doubt the wisdom of striking out the comma.

Mr. FOSTER. I will say to my colleague that before this bill was printed as it is here, in reference to striking out the word "increasing" and putting in the word "improving," it was thought it would be better to use the word "improving" instead of "increasing."

Mr. CANNON. I think that is wise. That we have agreed to.

Mr. FOSTER. Now, the word "increasing" is changed to "improving health." Leaving the comma there was all right, but after we struck out the word "increasing" and inserted

the word "improving" and inserted also the word "conditions," of course the comma was overlooked. It seems to me what we are trying to get at here is improving the health conditions of the miner.

Mr. CANNON. Yes. That is the only kind of conditions you could improve—health conditions. But if you should say, "with a view to improving health, conditions, and increasing safety," then "conditions" would add something. But you limit it by striking out the comma to improving health. That is just one subject.

Mr. MILLER. What conditions?

Mr. CANNON. Any possible conditions.

Mr. MILLER. Convenience and enjoyment of work, and things like that?

Mr. CANNON. Yes.

Mr. BURKE of Pennsylvania. Does not the word "conditions" cover all that is contemplated by the committee?

Mr. FOSTER. No. The intention is that only the conditions under which the miners work, as affecting health, shall be investigated by this bureau.

Mr. BURKE of Pennsylvania. Either would suit me; but if you strike out the word "conditions," you accomplish all that is desired. What is the difference between "improving health" and "improving health conditions," as contemplated by the committee?

Mr. FOSTER. The conditions under which the miners work as they affect health. For instance, in some mines of the country the miners contract hookworm disease. Now, if you can improve the conditions under which a miner works, that is what is intended in this provision.

Mr. BURKE of Pennsylvania. Does it mean sanitary conditions?

Mr. FOSTER. Yes; sanitary conditions surrounding the mine, but not outside of it.

Mr. KOPP. I call the gentleman's attention to the fact that the work of improving health would properly be something for a physician. It would be very improper for a bill to attempt to do that. But improving health conditions is improving the conditions under which health can be had.

Mr. FOSTER. I think there is something in what the gentleman says—that a physician improves the health; but the conditions under which workmen operate is something that this bureau can consider.

Mr. CANNON. Apollos may water, but the Lord giveth the increase. The physician may prescribe, but nature does the work.

Mr. FOSTER. With all his other accomplishments, I see that my colleague knows something about the healing art.

Mr. CANNON. The gentleman from Illinois [Mr. FOSTER], being a friend of the bill, and the gentleman from California [Mr. RAKER] being also a sponsor for it and having its well-being in keeping, I suggest to them that they limit its operation by striking out the comma; but I give way to their superior investigation of the subject.

Mr. FOSTER. I will say frankly to my colleague that I think it ought to be restricted to just those conditions, and I believe it is proper that it should be done.

Mr. SISSON. Mr. Chairman, I am sure the gentleman from California [Mr. RAKER] is absolutely correct in his reading of this paragraph, because if you leave the comma there, as suggested by the gentleman from Wisconsin [Mr. KOPP], you will perhaps extend this power to the right to employ physicians to go and minister to the sick. If the representative of the bureau finds a man sick in a mine, he will have a right to go and employ a physician. He would have the right to minister to the patient, if the patient was willing to take the medicine. So the result would be that it would broaden the power of the department to the extent that they would have regular hospitals established by the Federal Government for the purpose of caring for the sick in the mines.

Mr. MILLER. I call the gentleman's attention to the previous part of the sentence, of which those words are a constituent part, which would rather preclude the idea he presents. It would not permit them to employ a physician even in that case. It would permit them to employ a physician to conduct an investigation to ascertain whether or not the man was sick.

Mr. SISSON. It is very doubtful whether it would be limited by the language that precedes it or not.

Mr. MILLER. Oh, yes. It says—

Inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions.

Mr. SISSON. Improving the health of whom? Of the miners.

Mr. MILLER. That is evidently what was contemplated, of course.

Mr. SISSON. If you place that power in the hands of the bureau, why would they not have the right to employ a physician?

Mr. MILLER. They might order a physician to go and conduct an investigation to see whether a man was sick or not, but he could not prescribe for him.

Mr. SISSON. If the man was willing to take the medicine prescribed, unquestionably the physician could prescribe for him, and he would have the right to visit the patient; but I do not understand that to be the purpose of this bill. The purpose of this bill is to improve the conditions in the mines, so as to make a comfortable and healthful place for men to work.

Mr. MILLER. The gentleman is undoubtedly correct.

Mr. SISSON. Then, why leave the comma there?

Mr. MILLER. I think the comma ought to go out.

Mr. SISSON. I support the amendment of the gentleman from California [Mr. RAKER].

Mr. TAYLOR of Colorado. I move that all gentlemen be allowed to extend their remarks regarding this comma.

Mr. MONDELL. Mr. Chairman, sometimes a punctuation mark is very important. And I think that we are under obligations to the gentleman from California [Mr. RAKER] for having called our attention to this superfluous comma. It is not only superfluous, but if left in it would be unfortunate in its effect on this legislation. The striking out of the comma has the effect, as the gentleman from Illinois [Mr. CANNON] has stated, of limiting the authority conferred by the language in the bill. If the comma remains in the bill, the bureau might conduct inquiries and investigations with a view to improving health. In other words, it could conduct medical investigations with a view to improving the health of those who might be found to be suffering from one disorder or another.

Of course, nothing of that sort is contemplated, for this is a bureau of mines, not a bureau of health. But more than that, if the comma remained in the bill, it would authorize the bureau to investigate all sorts and kinds of conditions in and around and pertaining to mines, which would clearly be an attempt to invade the police powers of the State and to legislate in the direction of giving Federal control over all the operations of mining, never contemplated by the legislation.

Mr. CANNON. Does the gentleman claim there is any provision in this bill which, if it was forced and there was not consent given, does not invade the police powers of the State?

Mr. MONDELL. I do not understand the gentleman's question.

Mr. CANNON. This bill is a mere matter of investigation to disseminate knowledge. What would happen if any State should say to the Federal Government, "You shall not go into the mines"?

Mr. MONDELL. If the gentleman listened to my remarks a short time ago, he will understand that I am supporting the bill, because I do not understand that it invades the jurisdiction of the States. Yet if this small and relatively insignificant but still important comma were to remain in, I think it might be interpreted as an attempt to invade the jurisdiction of the States in certain matters.

The CHAIRMAN. The question is on the motion of the gentleman from California [Mr. RAKER] to strike out the comma in line 16, on page 2.

The question being taken, the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, after the word "and" and before the word "fuels," insert the word "the."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

On page 2, line 20, after the semicolon, insert the following: "to inquire into the economic conditions affecting these industries."

Mr. FOSTER. That is intended so that the Bureau of Mines might inquire into the economic conditions as well.

Mr. FITZGERALD. What does the gentleman mean by inquiring "into the economic conditions"?

Mr. FOSTER. That means in reference to the best use of them, so that they may conduct a line of investigations in that respect.

Mr. FITZGERALD. In what respect? The Bureau of Mines is supposed to do a definite and understandable work in connection with investigations. Now the gentleman puts in language "to inquire into the economic conditions." Just what line of investigation does that contemplate?

Mr. FOSTER. It might be determined the better way of mining coal, a cheaper way, and to study a cheaper way of mining metals, so as to show these conditions.

Mr. FITZGERALD. The trouble will be that the gentleman will divert the Bureau of Mines from its original purpose of making investigations to add to the safety of miners into a bureau that will be utilized by private enterprises of the country in determining the best and cheapest method for them to pursue their work for the purpose of making a profit.

Mr. FOSTER. No; this is specially confined to fuels for the use of the United States.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. FOSTER. My amendment is to line 20, after the semicolon, and it says "belonging to and for the use of the United States."

Mr. FITZGERALD. But the gentleman's amendment precedes that. How would it read if the gentleman's amendment were adopted?

Mr. FOSTER. It is intended——

Mr. FITZGERALD. I know what is intended if the amendment be adopted, but I want to know whether the gentleman from Illinois has the particular thing in mind that he wants to do?

Mr. FOSTER. Let me say this that there is another matter in which there might be an economic use of a mineral product, like lignite, how to burn it, and get the best use of it. For instance, the briquetting of that product; that is very important to some States. For instance, it is found that aluminum can not be melted without great loss except it is put into certain forms. That might be a matter of investigation to this department.

Mr. FITZGERALD. Should it?

Mr. FOSTER. I do not know whether it would or not.

Mr. FITZGERALD. You will put this bureau in a position where the original purpose is completely lost sight of, and it would be made an adjunct to the private enterprises of the country to do the work which they are now doing, and have it done hereafter at the expense of the Government.

Mr. MILLER. Does the gentleman from New York advocate that private interests should make tests of soil and plant industry?

Mr. FITZGERALD. I am not going to discuss what the Department of Agriculture is doing.

Mr. MILLER. If it is important for the Department of Agriculture to conduct these investigations in order to disseminate the information throughout the United States for the benefit of the people, is it not proper for the Bureau of Mines to carry on these investigations? To illustrate. I am more familiar with the mining of iron ore than anything else.

I happen to know that the Bureau of Mines has been conducting investigations respecting the way that iron ore is mined in different parts of the United States, not exhaustively but tentatively; and to their great surprise they found that it was carried on at certain places at enormous expense and cost, ridiculously large, so large that the product was almost valueless. I will not mention the exact spot, but they found in North Carolina a place where by the most crude and antediluvian methods—if I may use such a term—they were laboriously getting from the earth iron ore and finally selling it at a cost that barely made it possible to mine some of the very best of that ore. The quantity of ore that was merchantable at that place was not one-twentieth of the great body of the ore there, and which was valueless because the men in that locality did not know of a way that it could be mined under modern conditions. By making investigations of the most modern methods of mining of various kinds of ore, embodying those investigations in a report and promulgating it to the world, it will bring to the use of mankind and make property for mankind immense wealth now sealed up. I am in favor of it, and I know that no other bureau or individual would do it.

Mr. FITZGERALD. I think it would be very desirable if I had property that might be utilized and I had neither the enterprise nor the industry, or was unwilling to expend my own capital for ascertaining the means to utilize my property, if the Federal Government in a purely paternal spirit came upon it and conducted all the investigations at the expense of the country and gave me the information that as an enterprising person I should do for myself. You might just as well confer on some bureau the power to investigate methods of the great department stores, the way their business is conducted and show that it is conducted in an inadequate and antiquated way, and that if it were conducted by more modern methods those engaged in such enterprises could greatly profit thereby.

I am not in sympathy with that sort of government at all. I believe the Bureau of Mines and Mining has a useful function to perform, but if it is to be diverted from such functions, to be utilized for the private purpose of those who own mining properties, it is a very dangerous thing.

Mr. FOSTER. I think the gentleman from New York is entirely mistaken about that.

Mr. FITZGERALD. Oh, I am not; because I intend to offer an amendment in a few moments in which I shall point out that that is the purpose proposed under this particular paragraph of the bill.

Mr. FOSTER. Oh, I think the gentleman is mistaken about that.

Mr. FITZGERALD. I am not; because I have been in communication with gentlemen who own such properties and who would much prefer to have these investigations made at the expense of the Government rather than by themselves. I can mention one company. It is notoriously a fact that it has discontinued certain investigations which it very gladly made, because it is now having them made for its benefit at the expense of the United States Government.

Mr. FOSTER. I will say to the gentleman from New York that these matters taken up under this section of the bill will be only general——

Mr. FITZGERALD. Oh, no; the gentleman is mistaken.

Mr. FOSTER. Wait until I get through. I like to hear the gentleman from New York talk, but I wish he would wait for a moment.

Mr. FITZGERALD. I do not blame the gentleman for preferring to listen to himself. [Laughter.]

Mr. FOSTER. Mr. Chairman, this is not intended, and would not be, I take it, to go into the matter of ores that come from mines that are privately owned.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. FOSTER. Yes.

Mr. RAKER. I understand the amendment proposed is to inquire into the economic conditions affecting these industries. What does this add to the bill? You have already in here a provision for inquiry into scientific and technologic investigations concerning mining and the preparation, treatment, and utilization of mineral substances, and so forth, with a view to economic development. What does this add to it?

Mr. FOSTER. I think it broadens it somewhat.

Mr. RAKER. In what particular?

Mr. FOSTER. They might be able to go into a general line of investigation—for instance, in a great field of ores—not in any particular mine; but, for instance, if it were found in certain Government land that there existed certain ores or minerals or oils or gases they might be able to determine in a general way how the economic use of them might be brought about—in improving that condition.

Mr. RAKER. It does not go any further than that?

Mr. FOSTER. No; I think not.

Mr. STEPHENS of Texas. Is it not a fact that the Geological Survey as now constituted has entire control of that subject matter, and have they not made maps and issued bulletins on these subjects, and are not those bulletins and maps in the folding room to the credit of every man who wants them? This information is available for the very purpose the gentleman designates here as desirable to put in this bill, and if put in the bill it would be a complete duplication of the work already done.

Mr. FOSTER. I think not. I think the gentleman is mistaken about that, because if the Geological Survey is doing that they are going beyond their province and are duplicating the work that ought to be done by the Bureau of Mines. The Geological Survey has only to do with the topography and geology of the country and has nothing to do with mining or the economic use of those substances.

Mr. STEPHENS of Texas. Several books have been written and published by that department with reference to where the various minerals of the country can be found and the kind of minerals to be found in every part of this country, and they have had expert men all over the country engaged in securing the information found in the geological publications. I know that is true in New Mexico and Arizona, because I have met these experts in the field and have talked with them.

Mr. FOSTER. Oh, the gentleman is right about that, if that is what he means.

Mr. STEPHENS of Texas. And they publish bulletins and make maps and reports, I understand, on these various districts.

Mr. FOSTER. I will say to the gentleman that he is entirely right. I misunderstood him; but it is the duty of the Geological Survey to have charge of the topography and the geology of the particular land under investigation. Their work ends there. If they have determined out in Texas or Wyoming or some other State that there are certain minerals located in that par-

ticular region, their work ends there, and they have nothing more to do with the mining of it.

Mr. STEPHENS of Texas. Is that not just as far as the United States ought to go?

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. I should like to inquire under what rule we are proceeding.

The CHAIRMAN. We are supposed to be proceeding under the five-minute rule, but debate is now proceeding by unanimous consent.

Mr. SISSON. Mr. Chairman, I think the gentleman from Illinois [Mr. FOSTER] is entirely mistaken as to what this clause means if it goes in his bill. If the clause would limit this bureau to the line of work which is in his mind, and in the committee's mind, there would perhaps be no objection to it, but this certainly does not confine it to that line of work at all. On the contrary, if I owned a mine or mining land and was unwilling to make experiments for the purpose of ascertaining whether it was valuable or not, the Bureau of Mines and Mining could be requested by me to go and inquire into the economic conditions affecting these industries, and I would be engaged in that industry, and the language is so drawn and so broad that the man who drew that clause knew exactly what he was about.

I do not know whether he is connected with the Bureau of Mines and Mining, or whether he is a miner, but if he had a mining lawyer to draft the clause he could not have put more into this bill in 10 or 12 words than he has put in here. It means that after the Government shall have investigated and examined the conditions for that particular industry, if it has come and reported that he is mining this particular mine in a perfectly satisfactory way, and that he has mined it economically, it becomes a certificate for him to sell stock upon. It becomes a certificate from the Federal Government that his mine is all right. If he is mining on land about which he is doubtful, he then could go to the Bureau of Mines and Mining and have the investigation made at the expense of the Government and thereby exploit his mine.

Mr. FOSTER. Will the gentleman yield? I think the gentleman means exactly what he says, but I want to call his attention to this: That the Bureau of Mines does not go out and give a cerificate of any mining property. Then, further than that, they would only examine as to the general conditions of mines; not as to this particular mine, but as to the condition of mines—affecting a whole range of mines. For instance, there might be 100 or more mines that would be affected in the particular way in which that particular mine would be affected.

Mr. SISSON. I have no doubt that what the gentleman proposes is perfectly sincere. I have no doubt on earth that the gentleman means absolutely what he says about it.

Mr. FITZGERALD. I suggest to the gentleman that they can not do that particular thing under the present law, but they could under this provision.

Mr. SISSON. Practically, there is no limit under this language to the energies of this particular bureau. There is no limit to the amount of money that they might expend under this clause if it is put there without any limitation.

Mr. MILLER. Will the gentleman explain to the committee how the Bureau of Mines can make a single investigation of one single mining property in the way in which it is said it can be done?

Mr. SISSON. Under this clause it can be done.

Mr. MILLER. How?

Mr. SISSON. Under this clause, containing all of the industries enumerated here, both concerning mining and the preparation, treatment, and utilization of mineral substances, and so forth. It says they are to investigate into the conditions affecting these industries. Which industries?

Mr. MILLER. But not to a mine, but the whole mining industry of the United States.

Mr. SISSON. But in investigating the whole mining industry of the United States they examine one mine at a time.

Mr. MILLER. That is true; but I do not see how they can be said to give a certificate in reference to any particular mine or——

Mr. SISSON. I think it shows so by its terms. I have no doubt in the world but that the Bureau of Mines is like every other bureau of this Government. They are anxious to extend their activities and extend the influence of the bureau over which they preside. I have no doubt in the world that the Chief of the Bureau of Mines and Mining is anxious to have this clause, because he knows that with this clause in the bill he will be permitted to go over the whole entire mining district, metalliferous, and everything in the United States and make a universal investigation.

Mr. TAYLOR of Colorado. Let me say that for 20 years the Western States have been trying to get recognition by this Government for the metalliferous mining industries. We worked for 10 years or more before we were able to pass the law which established the Bureau of Mines.

Mr. SISSON. The gentleman is occupying my time.

Mr. TAYLOR of Colorado. I will try to have the time extended. Now, I want to suggest after we accomplished that, after we succeeded in getting the Bureau of Mines, the authorities that be, the Interior Department and the Appropriations Committee of the House, thought it was not broad enough to apply to metalliferous mining at all, and we were completely left out after working for 15 or 20 years. And I may say frankly that these amendments are at the instance of the metalliferous mining industries of the West. That is to assist them. We ask merely that the authority of the Bureau of Mines be so enlarged that they may take in investigations for the development of those other industries similar to the way they do the industries they do investigate.

Mr. SISSON. I am glad to get that information, because I was sure that that did not originate in the mind of this committee. I am glad to get that information because it carries out just exactly the idea I had in the very beginning, that the miner of this country and the people who own the mines in this country want these investigations made at the expense of the taxpayers and not at their own expense. They want their property developed at the expense of the Federal Government of this country.

Mr. RUCKER of Colorado. Has the gentleman ever investigated the subject very carefully as to what attention the Government has ever given to the consideration of mining interests of the West from which it has received millions upon millions of dollars?

Mr. SISSON. I have not.

Mr. RUCKER of Colorado. Now, do not you believe honestly and frankly, having the amount of land we have, that we ought to develop the best method we could for the purpose of advancing the mining interest the same as many other interests have been developed?

Mr. SISSON. Now, Mr. Chairman, I am not in sympathy at all with the idea that the Federal Government should become a wet nurse to every industry, nor do I believe that the activities of the Federal Government should be extended so far as to aid and assist in the development of private enterprises that will inure greatly to the interest of the people who own the mines. I do not believe that the taxpayers of this country ought to be called upon to do that; if so, they ought to be called upon to make investigations for the purpose of helping the railroads, helping the banks, and as the gentleman from New York suggested, the department stores. It is a tendency dangerous in this country, and I am not at all in sympathy with it.

The Bureau of Mines and Mining, as originally created, was established for the purpose of aiding and benefiting the health conditions of the miner; and when it was called for and demanded it was urged by men like my friend WILSON of Pennsylvania, who was interested in labor and in the men who labored in the mines. It was not intended that it should be exploited for the purpose of developing that particular industry for the benefit of the mine owners, the property owners. It was never intended that that should be the scope and work of this Bureau of Mines and Mining when the matter was originally contemplated, and for a number of years they fought for it, because the laboring men wanted to have their conditions investigated in order that they might be helped.

But with these amendments you begin to suggest what conditions of labor shall be investigated and what economic conditions shall be investigated, and the energies of that bureau will be multiplied many times in looking into the conditions of profits and the economic conditions maintained in this country, instead of confining its energies within the lines that would benefit purely the labor of the country.

Mr. TAYLOR of Colorado and Mr. KOPP rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. SISSON. I will yield to the gentleman from Wisconsin.

Mr. KOPP. I will not interrupt the gentleman now.

Mr. SISSON. Then I will yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I would like to ask the gentleman if he thinks the health of the coal miners is more sacred than the health of the metalliferous miners, and whether ther

are more deaths occurring in the coal mines than there are in the metalliferous mines?

Mr. SISSON. I have no objection to appropriating enough money to investigate the health conditions of all the mines in the United States, whether coal mines or metalliferous mines.

Mr. TAYLOR of Colorado. That is what we are trying to accomplish.

Mr. SISSON. That is not the amendment under discussion here, and if it is intended for that purpose it is drawn by the man who is interested in the mine property and who is not interested in the workingman and the people.

Mr. FOSTER. The gentleman from Mississippi has no right to make a statement of that kind, that this bill is drawn in the interest of the mine owner.

Mr. SISSON. There are provisions in the bill here that give you all the power you want for an investigation of the health conditions, whereas this particular provision is to investigate the economic conditions, and those affect the profits; and that fact suggested to my mind the statement that this must have been drawn in the interest of the mine owner, and not in the interest of the miner.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MILLER. Does the gentleman think we ought to appropriate $200,000, or any other sum, to investigate the best method of dealing with the boll weevil?

Mr. SISSON. I did not understand the gentleman's question.

Mr. MILLER. I say, does the gentleman think we ought to take the taxpayers' money and appropriate $200,000 or some such sum to investigate the boll weevil?

Mr. SISSON. I have no objection to doing that. Has the gentleman any objection to the investigation of the gypsy-moth proposition in the United States? I will say for myself that I have no objection to the investigation of these conditions, because these things affect every man who labors in the field and who labors in the orchard. But this provision now under discussion is solely for the benefit of the mine owner.

Mr. MILLER. Is it the health of the workingman of African descent who toils in the cotton fields in which the gentleman is interested?

Mr. SISSON. It will help them and all others who work in the cotton fields; and if you destroy the cotton section of my country you will have thousands of smokeless factories and turn thousands of people out of work.

Mr. MILLER. Oh, as to that, I could say you would turn thousands of men out of employment in the mines in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. The gentleman has just stated that, in his judgment, this bill is drawn in the interest of the mine owner.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Under what rule are we working—the five-minute rule or the hour rule?

The CHAIRMAN. The five-minute rule, plus. [Laughter.]

Mr. McKENZIE. I want to ask the gentleman if he knows whether or not the miners of this country are opposed to this bill?

Mr. SISSON. I do not know whether they are opposed to it at all, but I do not think they would be opposed to it if you put in it a few more clauses like this.

Mr. WILSON of Pennsylvania. Mr. Chairman, the amendment that is proposed here deals not only with the economic conditions in the mineral mines of the West, but economic conditions in the coal mines of the East as well. It deals not only with those economic conditions as they affect the owners of the mines, but also as they affect the employees in the mines, and the economic conditions as they affect the entire people.

I have personally little or no experience with mineral mining. My experience in that line has been very limited. But I do know something about the waste in the mining of coal, and wherever waste of that kind occurs it not only injuriously affects the owner of the property, but it injuriously affects the community at large. You may take a crop from a piece of land and next year grow another crop on it. You may even take a crop of timber from land and in the course of a few years take another crop of timber from the same land. But when you have once taken a crop of coal out of the land there is no method known to man by which you can produce another crop of coal, and so it is important that the economic conditions under which coal is mined should be the very best that can be determined upon.

In the mining of coal there is at the present time an enormous amount of waste. Approximately there are some 1,750 tons of coal per foot in thickness per acre in coal land. Coal weighs about a ton to the cubic yard. It may vary a few pounds more or less. The operation which succeeds in getting 1,400 or 1,500 tons per acre per foot out of the land is an exceptionally fine and well-conducted operation. There are more operations where not more than 1,000 to 1,200 tons per acre per foot are secured than there are that secure 1,500 tons per acre per foot.

Now, gentlemen, all of that coal that is lost in the mine is a loss not only to the owner of the coal land but a loss to the entire community. And what is true of coal lands is true, possibly not to the same extent but still true, with regard to mineral lands. When you find a seam of ore existing anywhere where the percentage of metal in the ore is low, or the means necessary to extract the metal from the ore is too expensive to make it profitable, then that ore is not available for use for the entire community.

If by the investigations proposed in this amendment you can determine more economical methods by which those ores can be extracted, then you make available not merely for the individual owner of the ores, but to the people at large, a greater supply of ores than you now have. There are underlying nearly all the Appalachian chain iron ores with a percentage of iron not sufficiently high to make them valuable at the present time under existing methods. If by the adoption of an amendment of this kind and the work on the part of the bureau in developing methods we are able to secure a method of converting those low-grade ores into iron and steel, which method is cheaper than the present method of converting them, then you will make all those ores available not only to the owners of the ore bed, but to the entire people at large, and you get away from the claim that has been made that the ores are being monopolized by a few companies or individuals. In my judgment, this amendment will not detract any from the bureau in its work with reference to the safety of those engaged in mining. The prime purpose of the bureau and the power that it now has under existing law is to promote the health and safety of those engaged in mining. That will continue to be its prime purpose, the fundamental reason for which it was established. But there is no reason why, in addition to that purpose of promoting the safety and health of those engaged in mining, we should not also empower the bureau with the related subject of taking care of the waste that occurs in mining.

Mr. KOPP. Mr. Chairman, I wish to submit a few observations on the words "economic development," in connection with the amendment offered by the gentleman from Illinois. It seems to me that the gentleman from Mississippi [Mr. SISSON] is too narrow in his construction of its effect when he claims that the economic investigation referred to would be of benefit only to the mine owners. It seems to me that in all this work of conservation, not, perhaps, in the general acceptance of the term, but whenever we do anything for the saving of our timber, for the saving of our metals, for the saving of our lands, our crops, or any of our natural resources, it is not for the benefit alone of the community where these resources are located. When we destroy the boll weevil and preserve a good cotton crop it surely inures to the benefit of all of us, and it is for that reason also, I take it, that we spend millions of dollars in investigating many subjects relating to our agricultural and commercial life. It is because the net result will benefit all of us. That being true, it seems to me that we ought not to object to the Government going on and looking after these questions of conservation, so to speak. Why is it that in Germany before any man can cut down a tree he must plant another near it? It is because they want to save the forests for all the people of Germany for all time. Why is it that in Switzerland before any farmer can cut his grapes and make wine he must have the consent of his Government? It is simply because Swiss wine has a reputation throughout the world, and in order to preserve that reputation for all the people, in order that these resources may remain available for all the people, the Government prohibits any man from cutting his grapes until they are ripe and have reached the proper stage of development.

Now, in the bowels of this earth are wrapped up millions of dollars in wealth. Many things are there of which we know little, and of whose use and value we know little. As an illustration, if you will pardon a personal reference, in my home town where I live there was a printer, Mr. R. I. Dugdale, the proprietor of a little newspaper, who in a little addition he built to his kitchen started to experiment with what is known as oil rock.

There are unknown quantities of oil rock, so called, scattered through this country, but no one has yet found any practical use for it, or, at least, discovered a method of utilizing it. This

printer, experimenting with that oil rock in an old kitchen stove and a homemade retort, succeeded in working it up until he produced a powerful gas. That was only a few months ago. He is now working on it. I have no doubt he is going to develop a process by which we can use oil rock, which up to this time has been absolutely useless, and serve us for fuel and light, and this will be a benefit to the people in my State, and in Missouri, Oklahoma, Colorado, and Idaho, where vast quantities of it are to be found; but it will benefit not only them, but all the people of the whole country.

Mr. Chairman, it does seem to me that it is a narrow construction for us to say that if the Government, in its laboratory investigations with reference to unknown metals and minerals, discovers a process whereby we can add millions to our wealth—I say it is a narrow construction to say that it is of benefit alone to the man who may happen to have a piece of land upon which is located some of these deposits. For one, I favor the adoption of the language just as it is. I favor legislation which will give the National Government jurisdiction to inquire into the great unknown resources of nature which are locked up in the bowels of the earth, that we may find out where they are, what they are good for, and bring them out and make them of some benefit to mankind. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I am in favor of the amendment providing for an investigation of economies in mining for the reasons given by the gentleman from Pennsylvania and the gentleman from Wisconsin and others that I shall give myself. The question of whether or not it pays to mine a 2-foot vein of coal or abandon it, or to go down a particular depth for a given quantity of ore, is the question involved. The economic question, whether or not it is a good thing to leave a 2-foot vein of coal or a quantity of ore forever in the earth or to inaugurate a process of mining that will make it feasible to get these products to the surface and to make them marketable and of use to the people, is the question.

To illustrate, in my own section of the country we have great zinc mines. For a time we mined it from great pockets. The miner was in luck who found a pocket, and made his fortune out of it. Practically all these pockets have been mined out, and the question of continuing zinc mining in that section of the country is one of economic policy. Whether or not we shall do deep mining, much deeper, much more expensive mining, and bring the ore from a sheet vein to the surface at a much greater cost than it took to get it out of the pockets, is one of economic policy and has recently affected the economic policy of the United States.

I, with others, had some difficulty in convincing Congress some three years ago that it was wise to make it possible for American-owned property of that kind to employ American miners at American wages to bring ore out of the earth at a greater expense and place it on the market formerly supplied from pocket ore in competition with pocket ore from other countries mined at a much lower cost. That policy was then adopted, but I regret to say that it was receded from by this House within the last few months. It is a question of economic policy, and this Congress decided that it did not pay to develop and operate American mines and that it was better to leave these large quantities of ore in the earth and leave thousands of laborers out of employment in the United States, leave the property undeveloped and untaxed in the community in which it is located, and let the benefit go to other property and labor employed at lower wages in other countries. The question was decided without scientific investigation and without considering the waste of leaving property unused and abandoned.

I think as an economic proposition there is nothing more valuable in this bill than to develop the best methods of mining coal and ores of all kinds where it has heretofore been regarded as existing in unpaying quantities and to bring it to the surface under a policy to be developed by new and scientific methods and to make it valuable to the people of the United States. I am heartily in favor of the amendment.

Mr. RUCKER of Colorado. Mr. Chairman, I can not contribute anything to the knowledge of my mining friend from Mississippi [Mr. SISSON], having only been in the business myself for 35 years. I know he is interested and that he is moved and actuated by saving to the Government a few dollars. Now, if you will view this bill properly you will see that it is sufficiently guarded in the interest of the Government.

I want to say to my friend that the laws of the United States provide just how one may get title from the Government to a mine. The difficulty has been for years and years that the court, wherever a contest was between the parties, had to determine whether there had been in the first place a discovery of ore within the statute. Assuming that was true and it was decided in favor of one party, the second question was, Was it of commercial value? And therein is the importance of the provision in this bill, for the tests provided will determine that.

Again, hitherto we have always been able to determine our controversies over the question of discovery by decisions of the courts. Now it is practically taken away from the courts, and the department, the Secretary of the Interior, questions the fact of whether you have discovered ore of an economic value. And hence in the interest of the Government, because the Government is interested in disposing of this vast area in the western country that is supposed to be of a mineral character, if it is of a mineral character the Government wants to dispose of it; and the Government has the means wherewith, under the provisions of this bill, to determine whether it is of a mineral character and of sufficient commercial value to permit it to sell it to an individual.

So it is not the individual miner altogether that is getting the benefit under this bill, but it is the Government determining what is the value of its own property, and to encourage being brought out of the bowels of the earth a hidden dollar and put it into the channels of trade, where it will become taxable property and add to our national wealth. The Government—the people—the whole of us are vitally interested in getting it out. If you pass this bill you enable the Government to determine what of this vast area of unoccupied land is of value for mineral purposes, and it will bring the prospector and the Government on better contractual terms, facilitate the disposal of these areas, enabling the Government to cover so much more into the Treasury, save to the miner unnecessary expenditure of money and labor, and finally, if the value is there, add to the taxable wealth of the State and turn into the channels of trade this hidden treasure to the advantage of the Nation.

Mr. FITZGERALD. Mr. Chairman, the organic act of the Bureau of Mines provided:

> It shall be the duty of the Bureau of Mines to make diligent investigation of the methods of mining, especially in relation to the safety of miners and the appliances best adapted to prevent accidents; the possible improvements of conditions under which mining operations are carried on; the treatment of ores and other mineral substances; the use of explosives and electricity; the prevention of accidents and other inquiries and technologic investigations pertinent to said industries, and from time to time to make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of said bureau.

This proposed paragraph provides that it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries. It would seem that that would be about as comprehensive as anybody could frame a provision in the English language, but the gentleman from Illinois [Mr. FOSTER] now proposes to add:

> And to investigate the economic conditions of these industries.

If it does not mean the broadening of this most comprehensive power, then it has no meaning at all; and if it is to broaden this power, I should be pleased to have somebody state what has not yet been stated, what is to be done under that power. I have the impression that one of the purposes of this provision is to do what I have already said, to put upon the Federal Treasury the cost of a large number of things that should be borne either by the States or by private individuals.

I have here a letter from a chairman of a committee appointed by the Denver Chamber of Commerce in which he calls my attention to the fact that the State of Colorado has already appropriated $125,000 for an ore-testing plant at the Colorado School of Mines, at Golden, which plant would be at the disposal of the United States Bureau of Mines in its metallurgical research work in the western field. So that the State of Colorado with a school of mines, having expended $125,000 for a testing plant in that school, is prepared and willing, if some of the things in this bill be passed, to permit the United States to pay the expense of operating and maintaining the testing plant. I am not surprised that gentlemen from Colorado are so anxious to have these amendments incorporated in this bill. I am not surprised that gentlemen who have ore-bearing properties which they should like to work at a profit desire to have the Federal Government do what has hitherto been done by those owning those properties, spend the money of the Federal Government in these preliminary examinations, which are necessary in order to determine whether the property is of value.

This information is not culled from my imagination. It is based upon statements made to me by men owning such properties, calling upon me to support appropriations for work of

such a character, the statements to me being that the United States can so much more easily and better do it, and the cost should not be borne by the person interested.

The Bureau of Mines has an important work to do under the organic act. If any construction has been given that act which makes it impossible to do the work in metallurgical-mining regions that is being done in the coal-mining regions under that, it should be changed; but a number of things they have done and that are desired to be done should not be permitted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes debate on the amendment close.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that at the expiration of five minutes debate on the pending amendment close. Is there objection?

Mr. LITTLEPAGE. Mr. Chairman, I object.

Mr. FOSTER. Then, Mr. Chairman, I move that all debate be closed on the pending amendment in five minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, before the Bureau of Mines was created the work was conducted under the Geological Survey. Before the restrictions were placed upon it one of the investigations conducted was to determine the relative efficiency of certain kinds of engines using alcohol or gasoline as a fuel. An investigation was conducted with an attempt to determine the value of ethyl alcohol for fuel purposes, which would have been of value to those building and perfecting engines for use of these fuel substances. Unless an amendment which I propose to offer is adopted, there is no limit to the extent to which these investigations can be carried. It is an important thing to determine to just what an extent the Federal Government is to assume the burden of these investigations.

Some three or four years ago the Frick Coal Co., of Pittsburgh, conducted a number of very important investigations to determine a number of matters of vital interest to the company in the conduct of its operations. It does so no longer. It permits the Bureau of Mines, at the expense of the Federal Treasury, to relieve it of the burden which formerly belonged to it.

The primary object of the Bureau of Mines, one which should be kept in mind and from which we should not permit it to be diverted, is the protection of the men engaged in the mining industry, and by investigations to determine the causes of mine accidents, to outline methods by which accidents can be prevented, not only by the use of explosives that will not be hazardous to handle, but in proper shoring and working in the mines. But to investigate the economic conditions of these industries is to go much further.

A gentleman interested very largely in an industry, which I think might more properly be put under the head of quarrying than anything else, pointed out to me a short time ago that it would be very beneficial to his company to have certain investigations made by the Bureau of Mines. It would be expensive to make those investigations. That expense would be borne by the company, but if certain changes could be made in the organic act of the Bureau of Mines, the Federal Government would very kindly relieve the company of the necessity for bearing the expense of such an investigation. There is such a broad field into which it would be possible to go that we should be careful before we put in language which is so general as to be indefinite.

Mr. BURKE of Pennsylvania. I would like to have the gentleman's view of this amendment. I believe I am in accord with the gentleman. Does he believe that this particular amendment does enlarge the scope of this bureau?

Mr. FITZGERALD. I am not sure. The paragraph provides:

To conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health, conditions, and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries.

I supposed that that was about as comprehensive as it would be possible to express the purpose and object of this bureau, but when it is found necessary now to add—

and to inquire into the economic conditions affecting these industries—

it seems to me it is intended to make it a catchall, so that any possible inquiry or investigation that might be suggested under a liberal definition of the word "economic" could readily be brought within the purview of this amendment. I believe, under the circumstances, it should not be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

Mr. CANNON. Even to settle a contention as to whether it is protective in its policy?

Mr. FITZGERALD. Well, I take it under that language that we might inquire as to the wisdom of a protective tariff, for instance, as to iron ore.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 22, strike out the following words: "with a view to their most efficient use," and insert the following: "with reference to their mining, preparation, treatment, and use."

Mr. FITZGERALD. Let that be again reported.

The amendment was again reported.

Mr. FOSTER. The intention of this, as I take it, is to mean that these mineral products belonging to or for the use of the United States, having reference to the mining of these, if belonging to the United States, and the preparation of products belonging to the United States, the treatment or use for the United States, this simply confines it to those products belonging to or for the use of the United States. It does not go beyond that scope.

Mr. FITZGERALD. It changes entirely the purpose?

Mr. FOSTER. Yes.

Mr. FITZGERALD. The investigations heretofore conducted of the mineral substances or fuel supply belonging to or for the specific use of the United States were such investigations as would demonstrate the most efficient use to which they could be put by the United States; but this enters into an entirely different domain.

Mr. FOSTER. I will say to the gentleman from New York that this is confined particularly to those products which belong to the United States. It does not go beyond that.

Mr. FITZGERALD. It does say for the use of——

Mr. FOSTER. Or for the use of the United States; certainly.

Mr. FITZGERALD. Then whenever it would be proposed, for instance, to purchase coal for the use of the Capitol——

Mr. FOSTER. What about it?

Mr. FITZGERALD (continuing). It would open up the way of the possibility of going to the mine and making the most comprehensive investigation possible as to methods of preparation and use. I am familiar with that, because that very question has been called to my attention in connection with the purchase of fuel for the Capitol.

Mr. FOSTER. I will say to the gentleman there is a way of mining coal belonging to the United States or for the use of the United States in which you would not get the best use of that coal. That is true; and I think the gentleman from New York will readily understand.

Mr. FITZGERALD. Well, I accept the compliment.

Mr. FOSTER. I would refer that matter to my friend from Pennsylvania, who probably knows more about the mining of coal than any other Member here.

Mr. FITZGERALD. Does this have reference only to coal?

Mr. FOSTER. No; the provision applies to any mine product belonging to or for the use of the United States. I think the gentleman from Pennsylvania, who is a practical man and has had experience in the coal-mining business and has seen more coal mined, possibly, than any other man here, will realize that there are certain ways of mining coal that are not efficient ways of mining and that there are many in which this could be put to the advantage of the United States.

Mr. CANNON. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. CANNON. The language of the proposed amendment is, "mineral products belonging to or for the use of the United States." Now, the United States owns almost one-half, or say one-third—I will not be accurate—of the area of the United States, and if we count Alaska it will be one-half, and I suppose this bureau would be turned loose on every acre of land for investigation as to the coal or any other product.

Mr. FOSTER. If Congress should say so, I think they would have the right to do it. I will say further to my colleague that this keeps it from the Geological Survey and the Bureau of Standards. Now, this deals with the raw product and not with the finished product. That is one reason why I think that language should be in there, and it is thought so by the Secretary of the Interior, for the reasons which I have given you—to keep it away from the Bureau of Standards and the Geo-

logical Survey, so there can be no duplication of work between those different bureaus.

Mr. MILLER. Will the gentleman permit a brief suggestion?

Mr. FOSTER. Certainly.

Mr. MILLER. The Government has on its forest area large quantities of mineral lands other than coal. It has copper, lead, zinc, enormous areas of iron ore. There has been heretofore employed and in some places is now employed what is known as the pillar method. That is a bad method for two reasons. In the first place, it is extremely wasteful, because there is a quarter to a third of iron-ore product which can not be mined by that process. Secondly, it is extremely dangerous, and accidents under that method are frequently occurring. Such an investigation as this amendment contemplates would certainly lead to governmental supervision of mines upon its own area and avoid such a method as that. It seems to me from every consideration of public policy this is a very important and valuable feature of the bill.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FOSTER. Certainly.

Mr. FITZGERALD. Is this a committee amendment?

Mr. FOSTER. This is an amendment suggested by the Secretary of the Interior for the reasons I have stated to my colleague from Illinois, that it will prevent duplication between the Bureau of Standards, the Geological Survey, and the Bureau of Mines. It is not a committee amendment, and why this amendment is offered at this time is as I have said.

Mr. FITZGERALD. I inquired because it would not afford me any embarrassment if I did not feel inclined to support the bill in charge of the gentleman if he shows that he has no more affection for it than to offer this amendment.

Mr. FOSTER. I have stated to the gentleman the reason why it is offered.

Mr. MONDELL. Mr. Chairman, I regret to oppose an amendment offered by the chairman of the committee, but I hope this amendment will not be adopted. I can not believe that its effect has been carefully considered. I am inclined to think that under this amendment the Government could open up a coal mine or a gold mine or a copper mine on the public lands of the United States. Now, that might be a good thing in the opinion of some, but it is not the sort of thing I am in favor of. This amendment is as broad as a provision could well be drawn, and its effect would be to give the Bureau of Mines a very broad authority and invite the bureau into all manner of active operations in connection with mineral lands owned by the Government.

I do not believe it is wise to do that. I do not believe that the committee intended to do it, and I have no doubt but that this amendment would authorize that to be done. It seems to me that we have gone quite far enough when we have authorized these investigations in a broad way, with a view to the most efficient use of the properties of the United States, and that it is unwise to go as far afield as this amendment does.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I will be glad to.

Mr. RAKER. What distinction can you make between the amendment now offered and the bill as it now appears if you carry out the full meaning of the words, "with a view to their most efficient use"? First, if you get the efficient use, must you not find out the mining, the preparation, and their treatment to get the most efficient use? In other words, is not this language simply carrying out in so many more words the language that is already in the bill on page 2?

Mr. MONDELL. No; I do not think so, because as the bill stands without the amendment it simply authorizes certain investigations with a view to the most efficient use of the property of the United States. But when you allow these investigations to be made with reference to mining, preparation, treatment, and use, it seems to me you authorize the bureau to go as far as to open a mine, to investigate mining by practical operations on the public lands. And in my opinion if the amendment is adopted the bureau will have authority to do that. I think the bureau has all the authority it ought to have and all that it needs under language as it is now in the bill, and that it can do all that it ought to do without the amendment. I think the amendment is dangerous.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. POWERS. Mr. Chairman, I offer the following amendment, which I ask the Clerk to report.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The Clerk read as follows:

Amend, section 2, by striking out, on page 2, lines 11, 12, and part of line 13, down to and including the word "Interior."

Mr. POWERS. So that the section will read——

The CHAIRMAN. The gentleman's amendment is just to strike out the language read?

Mr. POWERS. To strike out the language read and insert what I have on the slip there.

The CHAIRMAN. The Clerk will conclude the reading of the amendment.

The Clerk read as follows:

SEC. 2. It shall be the province and duty of the said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners, the cause and prevention of mine fires, rescue and first-aid work, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the cause and prevention of mine accidents, and.

Mr. POWERS. Mr. Chairman, I want to say that my amendment does not affect the committee amendment, as agreed upon by the House. It has the scope and all the authority that the committee and the House has put into section 2. My amendment puts into section 2 the present law governing the Bureau of Mines, with this exception: That it adds to the present law, giving the bureau the power and authority to investigate the cause and prevention of mine fires and make reports on rescue and first-aid work.

Now, that is the only amendment to the original law which my amendment proposes. The gentlemen in charge of the bill believe that the language of the bill is sufficiently comprehensive to cover all the things covered by the present law. In my judgment, with all due respect to the committee and the investigation which they have given to this subject, the bill bearing the name of the gentleman from Illinois [Mr. FOSTER] does not cover it. In section 3 of the Foster bill they provide that the Bureau of Mines shall make reports concerning the nature, causes, and prevention of accidents; second, shall make reports concerning safety methods and appliances; shall make reports concerning rescue and first-aid work; and shall make reports concerning the cause and prevention of mine fires. I take the position that there is nothing in the bill of the gentleman from Illinois [Mr. FOSTER] which authorizes the Bureau of Mines to make any investigations in regard to these particular subjects. These are the ones for which the Bureau of Mines was originally established, the main purpose being to prevent accidents in mines and to save the lives of miners.

Now, then, my amendment simply puts in the law as it now is on these particular subjects, with some particularity, that enumeration, and leaves Mr. FOSTER's bill in its entirety as about to be passed by the House.

I fear that without this amendment the scope and operation of the Bureau of Mines will be narrowed and contracted along the very lines for which that bureau was originally created.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, when the Bureau of Mines was established I offered an amendment which related especially to the safety of miners and to appliances best adapted to prevent accidents. That was in the original act, and that particular language has not been incorporated in this bill. But I think in this bill we go even further than the gentleman's amendment could possibly go. I think this bill broadens the scope of the work of the Bureau of Mines, and for one, having offered on the floor of the House the amendment which was incorporated into the original bill, I am willing to believe, and I have no doubt that under this provision more work will be done looking toward the safety and better conditions of miners than was done under the old act. While I see the gentleman's idea is that there shall not be any lack of proper precautions for the lives and safety of the miners, while I know that it is the gentleman's idea to secure the greatest amount of precautions in that direction for the benefit of those who work in the mines, yet, in my judgment, there is no question but that all this is taken care of in this section.

When the gentleman speaks of issuing bulletins it simply indicates that they are going to investigate in reference to those subjects, and they would not issue the bulletins unless they had made the investigations. The gentleman does not conceive that they will issue a lot of bulletins with regard to subjects that they have not investigated.

Mr. POWERS. My point is that they can not issue these bulletins unless they have the power to investigate.

Mr. FOSTER. When you say—

To conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of

mineral substances with a view to improving health conditions and increasing safety—

That language is broad enough to cover the whole subject of safety appliances that may be used about the mines. I think there is no question about it, and I for one, who take special pride in having placed that language in the original act, am willing to say that this language here is stronger and better than the other language was.

Mr. POWERS. My amendment does not take anything at all from the bill.

Mr. FOSTER. I understand that.

Mr. POWERS. But it meets some conditions which, in my judgment, have been left out.

Mr. FOSTER. I appreciate the gentleman's interest in this matter. Certainly it is and ought to be the great work of this bureau to find out better and safer ways for the miners to work and under better conditions. I want to see that brought about as much as the gentleman from Kentucky does, but I believe that under this section the powers of this bureau are larger than they were under the old law and that the scope of the bureau is better defined.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment of the gentleman from Kentucky.

The question being taken, the amendment was rejected.

Mr. LITTLEPAGE. Mr. Chairman, I desire to offer an amendment.

Mr. STEPHENS of Texas. I have an amendment which I wish to offer.

Mr. CANNON. Mr. Chairman, I want to ask my colleague a question.

Mr. FOSTER. Yes.

Mr. CANNON. Does not my colleague see that it is perfectly evident that we can not complete this bill to-day?

Mr. FOSTER. I should like, if we could, to go ahead and complete it in Committee of the Whole.

Mr. CANNON. I am told by several Members that there are important amendments to be offered in good faith. It is now 20 minutes to 5 and pretty warm. Evidently there is no quorum present. I suggest that the gentleman move that the committee rise.

Mr. STEPHENS of Texas. I desire to have my amendment pending, that is all.

Mr. CANNON. I suggest to my colleague that he move that the committee rise.

Mr. FOSTER. It is now only 20 minutes to 5. It is too early to do that. I think we ought to conclude another paragraph. I could not agree to move to rise now.

Mr. MONDELL. Can not this paragraph be disposed of? Are there any further amendments to it?

The CHAIRMAN. The gentleman from West Virginia [Mr. LITTLEPAGE] has sent an amendment to the Clerk's desk.

Mr. CANNON. I give notice to the gentleman. I will not make the point just at this minute, but the committee can not give intelligent consideration to this important measure with less than a quorum.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from West Virginia [Mr. LITTLEPAGE].

The Clerk read as follows:

Page 2, line 22, before the word "and," insert the following:
"To thoroughly investigate the cause of explosions in coal mines, with a view of minimizing and preventing the same."

Mr. LITTLEPAGE. Mr. Chairman, this is a very important bill. It seeks to accomplish measures of relief which are very important, especially to the coal miners of this country. What coal miners wish most of all is to ascertain the cause of explosions in coal mines, in order that the necessary precautions may be taken to prevent those explosions, and in that way prevent the loss of life which has happened in so many hundreds of cases all over the country heretofore. If Members will read this bill, I do not think they will find in it any direct instructions to this bureau to investigate the cause of coal-mine explosions. Explosions and resulting loss of life and destruction of property makes the blood of men run cold. The awfulness is indescribable. They occur in all countries where coal is mined. Let us take a step in advance and in the right direction. The operators and miners alike and in one accord will say amen and will blend their energies to facilitate efforts in doing what we can. If the membership of this House could go and investigate in the vicinity where explosions have taken place; if they could see the effects of the explosions and see the mangled forms of miners, in many instances torn limb from limb, hear the screams of women and children, there is not a Member on the floor of this House that would vote against this amendment.

I say to the membership of this House that of all the things the coal miners in this country want, it is some legislation in the direction, at least, that will give them the hope and belief that the Government intends to look into the question of preventing the explosions in the coal mines of the country. My observation and my experience have been that there is nothing this Congress could do that would so please the coal miners in this country as for the Government, as far as it can, to look into and to take a hand in preventing the explosions in the coal mines. That is the dread of the miner every day and every hour of his life, especially in mines generating gas or dust in dangerous quantities. I want to say to the membership of this House that while I am heartily in sympathy with the bill, I do feel that it needs this amendment. In my district there are 30,000 coal miners and mine workers, and I feel that if the Government's attention was directed to giving such instruction and making such investigations and reports as this amendment provides to investigate the other matters provided in the bill, nothing would give the miners more encouragement and more hope than that. I trust that the membership of this House will seriously consider this amendment. [Applause.] Let us do what we can for the relief and protection of these wealth producers. We can let them know and the country know that we want to protect and preserve our coal miners and enable them to live, be prosperous, and happy.

Mr. FOSTER. Mr. Chairman, this is practically the same amendment as that offered by the gentleman from Kentucky, which is now included in the bill.

Mr. LITTLEPAGE. Where is there any specific provision that the department shall investigate and determine the cause of coal-mine explosions?

Mr. FOSTER. It provides that they may investigate for improved health conditions and increased conditions of safety. I do not think you can get any broader language than that.

Mr. LITTLEPAGE. I disagree with you. We can put the matter beyond question here and now. Do not stand on narrow and uncertain grounds. Let us be certain, broad, and liberal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. LITTLEPAGE].

The question was taken; and on a division (demanded by Mr. LITTLEPAGE) there were—ayes 6, noes 18.

So the amendment was lost.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of section 2, at the bottom of page 2, add the following:
"*Provided*, That nothing herein contained shall be construed so as to permit the Bureau of Mines to pursue any investigation or to disseminate any information now authorized by law."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the chairman of the committee will accept that amendment. I think it is very necessary. It was stated on the floor that that could not be done, that there would be no duplication of work under the bill, but in order to make assurance doubly sure, I have offered this amendment.

Mr. RAKER. Mr. Chairman, under the gentleman's amendment every particle of information that is allowed to be disseminated under the laws now existing the bureau will be prohibited from sending out.

Mr. STEPHENS of Texas. Oh, no.

Mr. RAKER. Why certainly; the very purpose of the original bill was to disseminate information, and the gentleman's amendment prohibits that being sent out. You prohibit information that is now authorized by law from being disseminated.

Mr. STEPHENS of Texas. I do not think that would be the effect of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment: To insert before the word "fuels," in line 20, and after the word "the," which was inserted by amendment, the word "mineral."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, before the word "fuels," and after the word "the," inserted by amendment, insert the word "mineral."

Mr. FOSTER. Is that in order to keep away from anything except coal, oil, and gas?

Mr. FITZGERALD. The purpose is not to include wood and alcohol and matters of that character. It is to confine it to mineral fuels. I am trying to prevent such things as was contended for in 1909 could be done—to test wood, to promote the development of the furnace for using wood as a fuel, and the use of alcohol as a fuel. I suppose the gentlemen interested in this bill wish to confine it to coal, lignites, and mineral fuels, and do not intend that the bureau shall go into the business of testing any gases or liquid fuels.

Mr. FOSTER. Oils and gases are considered as mineral substances, and also natural gas.

Mr. FITZGERALD. Yes; the gases are included as minerals.

Mr. MILLER. I think the Government ought to have the authority to investigate peat. I do not know whether the gentleman's amendment would exclude peat or not. Otherwise I am friendly to the gentleman's amendment.

Mr. FITZGERALD. I will be perfectly frank with the gentleman. I do not desire in any unfair way to prevent certain things being done.

Mr. MILLER. Would the gentleman modify his amendment so as to say mineral fuels, including peat?

Mr. FITZGERALD. The gentleman from Illinois, the chairman of the committee, might accept the amendment, and if it goes further than it should go it can be corrected. By the time the bill is taken up again it can be ascertained whether it goes too far, and if it does I will not object to a reconsideration.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. RAKER. I understand the purpose of the amendment is to have it apply to mineral fuels entirely.

Mr. FITZGERALD. Yes.

Mr. RAKER. Then ought it not to read "to investigate explosives"—strike out the word "and"—"the mineral fuels, and unfinished mineral products belonging to"?

Mr. FITZGERALD. I think that is a good suggestion.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. STEPHENS of Texas. They are extracting gasoline now from natural gas. Some private inventors have got hold of the use of that method. Would that be covered by the gentleman's amendment?

Mr. FITZGERALD. I think that natural gas would be covered.

Mr. STEPHENS of Texas. They extract the gasoline from the gas, and the gas is then used for lighting purposes and the gasoline for all other purposes for which gasoline is now used.

Mr. FOSTER. Mr. Chairman, let us have a vote. I am not opposed to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 28, noes 8.

So the amendment was agreed to.

Mr. CANNON. Mr. Chairman, at the hour of 5 o'clock and with the thermometer at 90 in the shade, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Illinois suggests the absence of a quorum. The Chair will count. [After counting.] Forty-one Members present; not a quorum.

Mr. CANNON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that the committee do now rise.

The question was taken; and on a division, at the suggestion of the Chair, there were—ayes 25, noes 25.

So the motion was rejected.

Mr. CANNON. Mr. Chairman, I demand tellers. If gentlemen want to punish themselves without making any headway, that is their own affair.

Mr. FOSTER. I have asked that we stay in session only 5 or 10 minutes more, and then I should be willing to rise. That is all. I do not want to keep the House here unnecessarily. I suggest that it is only 5 o'clock.

Mr. CANNON. But it has developed that there is no quorum present.

The CHAIRMAN. Does the gentleman from Illinois demand tellers?

Mr. CANNON. Yes.

Mr. RAKER. Would not the gentleman consent to go on for a little while?

Mr. CANNON. I can not, a quorum not being present.

The CHAIRMAN. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Twelve Members have risen—not a sufficient number—and tellers are refused. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Bates	Burke, S. Dak.	Connell
Akin, N. Y.	Bathrick	Burleson	Cooper
Allen	Berger	Calder	Copley
Ames	Borland	Cantrill	Covington
Andrus	Bowman	Carlin	Cox, Ind.
Anthony	Bradley	Catlin	Cox, Ohio
Ashbrook	Broussard	Clark, Fla.	Crago
Bartholdt	Burgess	Clayton	Cravens
Crumpacker	Helgesen	Malby	Sherley
Curley	Helm	Mann	Sherwood
Currier	Higgins	Matthews	Simmons
Daugherty	Hinds	Mays	Slemp
Davis, W. Va.	Hobson	Moon, Pa.	Small
De Forest	Hubbard	Moore, Tex.	Smith, J. M. C.
Denver	Hughes, N. J.	Morrison	Smith, Saml. W.
Donohoe	Hughes, W. Va.	Morse	Smith, Cal.
Ellerbe	Humphrey, Wash.	Mott	Sparkman
Estopinal	Jackson	Nelson	Stack
Evans	James	Norris	Stanley
Fairchild	Johnson, Ky.	Olmsted	Stedman
Fields	Johnson, S. C.	O'Shaunessy	Stephens, Nebr.
Flood, Va.	Kahn	Padgett	Sulloway
Floyd, Ark.	Kendall	Palmer	Sulzer
Foss	Kent	Patten, N. Y.	Switzer
Fuller	Kindred	Peters	Talbott, Md.
Gardner, Mass.	Kinkaid, Nebr.	Pickett	Talcott, N. Y.
Gardner, N. J.	Kinkead, N. J.	Plumley	Taylor, Ala.
Garrett	Konig	Porter	Taylor, Ohio
Gillett	Lamb	Pou	Thayer
Glass	Langley	Prince	Thistlewood
Goeke	Legare	Jujo	Thomas
Gould	Levy	Randell, Tex.	Townsend
Graham	Lindsay	Ransdell, La.	Tuttle
Gray	Littleton	Reilly	Underwood
Green, Iowa	Lloyd	Reyburn	Vare
Gregg, Pa.	Loud	Riordan	Vreeland
Gregg, Tex.	McCoy	Roberts, Mass.	Webb
Guernsey	McCreary	Rothermel	Weeks
Hamill	McGillicuddy	Rouse	Whitacre
Hamilton, W. Va.	McGuire, Okla.	Rucker, Mo.	Wilson, Ill.
Hanna	McHenry	Russell	Wilson, N. Y.
Harrison, N. Y.	McKinley	Saunders	Wood, N. J.
Hartman	McLaughlin	Scully	Woods, Iowa
Haugen	McMorran	Sells	Young, Mich.
Hayes	Madden	Sharp	
Heald	Maher	Sheppard	

The committee rose; and Mr. HAY having assumed the chair as Speaker pro tempore, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 210 Members responded to their names, a quorum, and he returned the names of the absentees.

The SPEAKER pro tempore. A quorum being present, the committee will resume its sitting.

Thereupon the committee resumed its sitting.

The Clerk read as follows:

SEC. 3. That the director of said bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this act.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17260, the Bureau of Mines bill, and had directed him to report that it had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (H. R. 24699) extending the time for the payment of certain war-revenue taxes erroneously collected, and the same was referred to the Committee on the Judiciary.

EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that all Members may have five days after the completion of this bill to extend their remarks in the RECORD.

Mr. CANNON. On the bill?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to find out in regard to this. Did the gentleman say all Members or all Members who have spoken on the bill?

Mr. FOSTER. Mr. Speaker, I will ask that all Members who have spoken on the bill have the right to extend their remarks on the bill for five days.

Mr. PAYNE. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all gentlemen who have spoken on this bill shall have five legislative days after the bill gets out of the House to extend their remarks in the RECORD on the bill itself. Is there objection?

Mr. HILL. Mr. Speaker, reserving the right to object, I would like to make an inquiry, an answer to which I think would be

for the general information of the country. This bill will not be in order again, I understand, until next Wednesday. That will be the 6th of June, and five legislative days after that will carry it to the 11th of June. I would like to inquire whether the Democratic majority in control of this House has any plans for adjournment [applause]; and, if so, whether that information could be given us, so that we would know——[cries of "Regular order!"] Mr. Speaker, I am in order. I am asking for information, and I am asking in good faith. Otherwise I shall object to this printing. I want to know whether the request covering five legislative days after this bill gets out of the House—the bill not being in order again until next Wednesday—is buncombe, or whether we will have those five legislative days occurring after that time. Somebody in authority here ought to be able to answer that question.

Mr. FOSTER. Mr. Speaker, I would like to withdraw the request for the five days——

Mr. HILL. I am asking the question in good faith.

The SPEAKER. If the gentleman is asking the Speaker, the Speaker can not tell him.

Mr. HILL. I did not suppose he could. I was asking the floor leader.

Mr. FITZGERALD. I wish to say this side of the House will be prepared to adjourn very speedily whenever a demoralized and reactionary Republican Senate acts upon the bills sent there for the relief of the American people.

Mr. HILL. Mr. Speaker, I do not think that is a fair answer to the question; for, in view of the votes there to-day, there is no Republican Senate. I think the gentleman's answer is not a fair one. [Applause.] I think a great many of us would like to have the question answered. If this Democratic majority of 63 confesses its utter inability to answer the question, I will withdraw my objection.

Mr. CANNON. The replication having been filed and the issue made, I suppose it would be in order to have a jury to try the issue.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, this afternoon I submitted some remarks to the committee and called attention to a historic document. I desire to ask unanimous consent to have reproduced in the RECORD as part of my remarks a facsimile of the document, with the notation on the margin to which I called the attention of the committee.

Mr. PAYNE. Mr. Speaker, my impression is that that can only be done by the Joint Committee on Printing.

The SPEAKER. Is there objection to the printing in the CONGRESSIONAL RECORD of the document which the gentleman from New York [Mr FITZGERALD] holds in his hand?

Mr. FITZGERALD. I wish to have it made in facsimile.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6459. An act for the erection of a public building at Waynesville, N. C.; to the Committee on Public Buildings and Grounds.

S. 6964. An act authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Committee on Military Affairs.

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the north Atlantic Ocean; to the Committee on the Merchant Marine and Fisheries.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Friday, May 31, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MILLER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18504) to provide for the sale of fractional block No. 6 in the town of Forest Grove, Oreg., no longer needed for school purposes, reported the same with amendment, accompanied by a report (No. 795), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries, reported the same without amendment, accompanied by a report (No. 796), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes, reported the same with amendment, accompanied by a report (No. 803), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes, reported the same without amendment, accompanied by a report (No. 799), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas, reported the same without amendment, accompanied by a report (No. 797), which said bill and report were referred to the House Calendar.

Mr. CANDLER, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill (H. R. 22826) to prohibit the sale of intoxicating liquor to minors within the admiralty and maritime jurisdiction of the United States, reported the same with amendment, accompanied by a report (No. 800), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (S. 4778) to correct the military record of John T. Haines, reported the same without amendment, accompanied by a report (No. 798), which said bill and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (S. 2427) for the relief of the legal heirs of A. G. Strain, reported the same without amendment, accompanied by a report (No. 801), which said bill and report were referred to the Private Calendar.

Mr. McCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 20692) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley, reported the same with amendment, accompanied by a report (No. 804), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 22409) for the relief of John Dombroski, and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 24961) to provide a civil government for Porto Rico, and for other purposes; to the Committee on Insular Affairs.

By Mr. RODDENBERY: A bill (H. R. 24962) to prohibit the interstate transportation of pictures of prize fights, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFFERTY: A bill (H. R. 24963) for the acquisition of a site and the erection thereon of a public building at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: A bill (H. R. 24964) to amend an act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 24965) to encourage and promote the sinking of wells on desert lands in the State of Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 24966) making appropriations for the improvement of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24967) to prevent floods on the Mississippi River and to improve navigation thereon; to the Committee on Rivers and Harbors.

By Mr. KINKAID of Nebraska: A bill (H. R. 24968) to authorize reduction of value of improvements required by act of April 28, 1904, and acts amendatory thereof, providing for homestead entries of certain lands in Nebraska of not exceeding 640 acres; to the Committee on the Public Lands.

By Mr. SHERWOOD: Resolution (H. Res. 555) providing for pay for the examiner detailed to the Committee on Invalid Pensions from the Pension Bureau; to the Committee on Accounts.

By Mr. DONOHOE: Resolution (H. Res. 556) directing the Committee on the Post Office and Post Roads to investigate the methods employed by the United States district attorney at Baltimore, Md., and the special agents of the Post Office Department in the bringing of indictments against the board of directors of the Potomac Refining Co. of Maryland in the United States court at Baltimore, Md.; to the Committee on Rules.

By Mr. DIFENDERFER: Resolution (H. Res. 557) directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer; to the Committee on Interstate and Foreign Commerce.

By Mr. POU: Resolution (H. Res. 558) providing for consideration and vote on House bill 56; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 24969) for the relief of Charles H. Clark; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 24970) granting an increase of pension to James Forsyth Harrison; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 24971) for the relief of the E. I. du Pont de Nemours Powder Co., a corporation organized under the laws of the State of New Jersey; to the Committee on Claims.

Also, a bill (H. R. 24972) for the relief of the International Smokeless Powder & Chemical Co., a corporation organized under the laws of the State of New Jersey; to the Committee on Claims.

By Mr. BULKLEY: A bill (H. R. 24973) granting a pension to Sarah E. Van Orman; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24974) granting an increase of pension to Francis Short; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 24975) granting a pension to Johanna F. Weand; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 24976) for the relief of Eduardo Martinez; to the Committee on Claims.

Also, a bill (H. R. 24977) granting a pension to Francisco Montoya; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24978) granting a pension to Jennie Riggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24979) granting an increase of pension to Sarah E. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24980) granting an increase of pension to Andrew J. Bowyers; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24981) granting a pension to Mary E. Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24982) granting an increase of pension to Cornelius Lefever; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24983) to correct the military record of William Forney; to the Committee on Military Affairs.

By Mr. LAFFERTY: A bill (H. R. 24984) for the relief of Frank Medrith; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 24985) granting a pension to Everett L. Stokes; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 24986) granting a pension to Caroline Cooper; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 24987) for the relief of Thomas J. Hunt, surviving partner of Mosby & Hunt; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 24988) granting an increase of pension to Henry W. Worrell; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 24989) granting an increase of pension to Philip M. Musick; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 24990) granting an increase of pension to John Gray; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24991) granting an increase of pension to Mary E. Thacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24992) granting an increase of pension to Wesley Martin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 24993) granting a pension to Elizabeth A. White; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 24994) correcting the military record of John Robinson; to the Committee on Military Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 24995) granting a pension to Edwin N. Kendall; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Papers to accompany bill for the relief of Charles H. Clark, commissioned officer in the United States Army, relative to longevity pay; to the Committee on Military Affairs.

By Mr. AYRES: Memorial of citizens of New York City, favoring passage of the Dillingham bill providing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the National Lumber Manufacturers' Association, favoring free tolls on the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Resolutions of the Patriotic Order Sons of America of Americus, Ga., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Chamber of Commerce of Savannah, Ga., favoring building homes for our consuls abroad; to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of Savannah, Ga., favoring passage of House bill 1823; to the Committee on Industrial Arts and Expositions.

Also, resolutions of Solomon Lodge, No. 1, Free and Accepted Masons, of Savannah, Ga., favoring passage of House joint resolution 271, relative to marking graves in our national cemeteries; to the Committee on Military Affairs.

By Mr. BLACKMON: Petition of the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of business men of Walden and Livingston Manor, N. Y., against passage of bill to prevent price restrictions on part of certain manufacturers; to the Committee on the Judiciary.

By Mr. BULKLEY: Petition of the Franklin Club, of Cleveland, demanding the impeachment of United States Judge Hanford, of the Seattle district, for alleged usurpation of power not authorized under the Constitution; to the Committee on the Judiciary.

Also, petition of Workmen's Circle, No. 79, Cleveland, Ohio, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of the United Brotherhood of the Churches of West Chester, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Resolution of the National Lumber Manufacturers' Association, favoring passage of bill relative to importation of nursery stock; and of the Long Island Game Protective Association, of New York, favoring passage of the McLean-Weeks bill (S. 6497), for the protection of migratory birds; to the Committee on Agriculture.

Also, petition of Mrs. Thomas B. Coles, of Brooklyn, N. Y., favoring passage of bill for better conditions for people of Alaska; to the Committee on the Territories.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bills, proposing change in patent laws; to the Committee on Patents.

Also, petition of Leopold Weis, of Brooklyn, N. Y., against passage of Senate bill 5461, known as the Works bill, relative to license for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: Resolutions of Cream City Lodge, No. 476, Order of B'rith Abraham, of Milwaukee, Wis., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of citizens of New York, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of Browning & Co., of New York City, against passage of House bill 24023 in its present form; to the Committee on Appropriations.

By Mr. FRANCIS: Petition of State Camp, Patriotic Order Sons of America, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, favoring opening of canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, relative to immediate adoption of measures of relief for future sufferers from floods along the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, favoring passage of bill relative to importation of nursery stock, etc.; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring passage of amendment to the Sherman Anti-trust Act, relative to trade with foreign countries and favoring measure to place on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Salem Church and the Emanuel Lutheran Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the W. D. Allen Manufacturing Co., Chicago, Ill., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of John Weaver, Beaverdam, Ohio, favoring passage of House bill 1339, for granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the United States Civil-Service Retirement Association, protesting against the enactment of the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

By Mr. GARNER: Petition of the Confederate Veterans of Texas, asking that money collected as taxes on cotton and the interest for same for 50 years should be used as pension for them and their widows in their old age; to the Committee on Appropriations.

By Mr. GOLDFOGLE: Resolutions of the national committee for mental hygiene; the board of managers of the State Charities Association; the board of directors of the Milwaukee Chamber of Commerce, of Milwaukee, Wis.; the directors of the Houston Chamber of Commerce, of Houston, Tex.; the Baltimore Chamber of Commerce, Baltimore, Md.; the executive committee of the Lowell Board of Trade, of the State of Massachusetts; and B'rith Abraham lodges of the Columbian Alliance, of New York City, against passage of bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Mutual Benefit Association, fifth division, surveyor's office, United States customs, port of New York, favoring passage of House bill 23241; to the Committee on Ways and Means.

By Mr. HAYDEN: Petition of citizens of Bisbee, Ariz., favoring a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of the Salt Lake County Medical Society, favoring legislation for creating a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Salt Lake Commercial Club, in favor of the enlargement of the scope and jurisdiction of the Bureau of Mines; to the Committee on Mines and Mining.

Also, resolutions of Utah Lodge, No. 139, Independent Order B'rith Sholon, of Salt Lake City, Utah, against passage of House bill 22537; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Albany Towing Co., Rensselaer, N. Y., relative to the improvement of the dam at Troy, N. Y., etc.; to the Committee on Rivers and Harbors.

Also, petition of Jerome Romine, San Antonio, Tex., favoring passage of House bill 1339, for increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of citizens of New York, favoring passage of House bill 22527, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOBECK: Petition of Robert Muir, secretary Local Omaha Lodge, No. 31, International Association of Machinists, Omaha, Nebr., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of citizens of the State of Nebraska, favoring passage of the anti-Taylor system bill (H. R. 22339); to the Committee on Labor.

Also, petition of citizens of Blair, Nebr., favoring the passage of the Haugen bill and opposing the passage of the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of the Richmond Chamber of Commerce, favoring a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. MARTIN of South Dakota: Petition of the South Dakota Woman's Christian Temperance Union, of Aberdeen, S. Dak., against passage of House bill 14925; to the Committee on the Judiciary.

Also, petition of citizens of New York City, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKELLAR: Petition of citizens of Shelby and Tipton Counties, Tenn., asking for relief from the floods of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. PARRAN: Petition of Seabrook Council, No. 69, Daughters of America, Seabrook, Md., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of the First Baptist Church of Hamilton, Mont., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Ballentine, Mont., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Resolution of the Workingmen's Circle of San Antonio, Tex., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Los Angeles (Cal.) Chamber of Commerce, favoring continuance of the work of the Efficiency Board; to the Committee on Appropriations.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of the Daughters of Liberty, Crasmere, N. H., and the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Resolution of citizens of New York City, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolution of citizens of New York City, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 30, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, who art the Ruler of the nations, our fathers trusted in Thee and were not ashamed, and we in our day acknowledge Thee to be our God and implore Thee to continue Thy favor unto us, even unto us who are their sons and the heirs of all their labors and of all their tears. In ways which we could not understand Thou hast led us and Thou hast guided us in paths which we had not known. Of the little one Thou hast made a great nation and us who were many Thou hast made one. As Thou wast with our fathers, so be Thou with us, we pray Thee. Keep us free and undivided, that by Thy grace we may be that happy nation whose God is the Lord.

And unto Thee, our God, whose we are and whom we serve, will we ascribe praise now and forevermore. Amen.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Jones	Rayner
Bacon	Cummins	Lodge	Sanders
Borah	Curtis	McCumber	Shively
Bourne	Dillingham	McLean	Simmons
Bradley	du Pont	Martin, Va.	Smith, Ariz.
Brandegee	Fall	Martine, N. J.	Smith, Ga.
Bristow	Fletcher	Myers	Smoot
Bryan	Foster	Nelson	Stephenson
Burnham	Gallinger	O'Gorman	Sutherland
Catron	Gardner	Overman	Thornton
Chamberlain	Gronna	Page	Townsend
Chilton	Heyburn	Paynter	Warren
Clark, Wyo.	Hitchcock	Penrose	Watson
Clarke, Ark.	Johnson, Me.	Perkins	Williams
Culberson	Johnston, Ala.	Pomerene	Works

Mr. MARTIN of Virginia. My colleague [Mr. SWANSON] is unavoidably absent from the city. He is paired with the Senator from Nevada [Mr. NIXON]. I make this statement to answer for all roll calls during the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber.

The PRESIDENT pro tempore. Sixty Senators have answered to their names and a quorum of the Senate is present. The Journal of yesterday's proceedings will be read.

Mr. GALLINGER. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the reading of the Journal be dispensed with. Is there objection? Without objection, it is so ordered. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

The Sanford & Brooks Co. (Inc.) *v.* United States (S. Doc. No. 730); and

Sophie M. Guard, executrix of Alexander McCook Guard, deceased, *v.* United States (S. Doc. No. 731).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

AGRICULTURE APPROPRIATION BILL (S. DOC. NO. 732).

Mr. BURNHAM. I present a conference report on House bill 18960, the agriculture appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report, the entire report being as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 50, 51, 57, 58, 72, 101, 103, 104, 105, 106, 107, 111, 120, 124, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 154, 155, 160, 178.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 49, 53, 54, 55, 62, 63, 64, 67, 68, 70, 75, 76, 78, 80, 81, 82, 83, 84, 91, 93, 96, 98, 99, 100, 108, 110, 112, 114, 117, 118, 121, 125, 126, 127, 128, 129, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 156, 157, 158, 159, 161, 162, 165, 166, 167, 168, 171, 172, 173, 174, 175, 176, 177, 179, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$600,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,217,866"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,620,316"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$52,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$80,765"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,795"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: After the word "demonstrations" strike out the word "in" and insert the words "and for"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "That for the purpose of establishing an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station in the State of North Dakota, west of the Missouri River; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the kind and character of plants, shrubs, and trees, berries, and vegetables best adapted to the climate and soil of the semiarid lands of the United States, and for the purchase of necessary stock and machinery, the sum of $50,000 or so much thereof as may be necessary, be, and the same is hereby, appropriated"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,658,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,323,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are chiefly valuable for agricultural purposes, and that are not needed for public purposes or for use by the public, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: At the end of the amendment, after the word "forests," insert the following: "But it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the act of June 4, 1897"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "And the Secretary of Agriculture shall investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,180"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$165,640"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following as a new paragraph:

"That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,107,285"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,343,045"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$968,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$30,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$328,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$672,340"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$177,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$202,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$194,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$219,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,867,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,221,496"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,898,496"; and the Senate agree to the same.

H. E. BURNHAM,
F. E. WARREN,
JOHN H. BANKHEAD,
Managers on the part of the Senate.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. GALLINGER. I did not understand that my colleague asked present consideration for the report. It seems to me it ought to be printed and go over. I should like myself to look at it.

Mr. BURNHAM. That course is entirely agreeable to me.

The PRESIDENT pro tempore. The conference report will be printed and go over, subject to call.

Mr. HEYBURN. I think the bill as it would stand amended should be printed, showing in italics the changes that have been made in the conference, so that we may have it before us. It is too extensive a bill to undertake to review and criticize in a few minutes or even in an hour.

Mr. WARREN. Mr. President, I ask leave to call the attention of the Senate to the condition we are in about the appropriation bills.

The PRESIDENT pro tempore. The matter has not been disposed of which has been brought before the Senate. The Senator from Idaho suggests——

Mr. WARREN. I am talking about the matter now before us.

The PRESIDENT pro tempore. Then the Senator is in order.

Mr. WARREN. We are now almost to the 1st day of June. There have been only two of the regular annual appropriation bills of the session which have received the signature of the President, and they are very unimportant as to size of bill and as to their provisions leading to delay and debate. I speak of the diplomatic and consular appropriation bill and the fortifications appropriation bill. All the great appropriation bills of the session, except the two mentioned, or all those that have arrived at this end of the Capitol, are here unacted upon as to finality, though under consideration in subcommittees. Some of the annual appropriation bills have not yet made their appearance from committees on the other side, and the more important ones which have been reported are filled from cover to cover with legislation.

Mr. President, if we are going into this easy-going idea of laying aside appropriation bills and apportioning the time here for agreements to this, that, and the other thing, we might as well expect that we are going to spend the entire summer in session and adjourn some time next autumn. There has never been a time in my remembrance when the appropriation bills have been sidetracked, through the good nature, or otherwise, of members of appropriation committees, and given less attention by those not engaged in their preparation and defense than in the present session of the Senate. When we were considering appropriation bills on the last day of the last session, complaints were made by members of the Appropriations Committee that they had not received sufficient notice and they were not present at meetings of the committee, all of which may occur again if too much of the business of the Appropriations Committee is crowded into the last few days.

I want to request the favor of the members of the Committee on Appropriations that they be always ready, at a moment's notice, at any time, if need be, to go into committee or conference, and not to expect two or three days' notice beforehand; and I want to ask of the Senate that no more unanimous-consent agreements be made of any kind or character, except such as may be made subject to consideration of appropriation bills.

I believe I have been patient about it, as we all have at this end of the Capitol. I believe that all those who have a care for these appropriation bills and have them specially in charge have been particularly patient. I know we have been very industrious. But here we are. We have the District of Columbia appropriation bill, with hundreds of amendments which have not been composed, for reasons well understood by those having it in charge. It came over here as the first bill. The Indian appropriation bill has not yet been reported to the Senate.

Mr. CURTIS. It was reported yesterday.

Mr. WARREN. The Senator from Kansas reminds me that it was reported yesterday. I am glad. We have the Post Office appropriation bill, lately brought here with I do not know how many matters of legislation attached to it or how much money in it. We have the legislative, executive, and judicial appropriation bill now before the committee. It is also filled with legislation, besides the hundreds of differences that must occur over items and amounts, and so forth.

It seems to me it is now time for the Senate to give some earnest attention to the appropriation bills and to the disposition of the conference reports one way or the other when they are presented here.

Mr. GALLINGER. Mr. President, I am not sensitive, and I presume the Senator from Wyoming, who has a great burden upon him, did not mean to criticize me for asking that the conference report on this appropriation bill should go over.

Mr. WARREN. On the contrary, I was drawing attention to the difficulties, and that my colleague on the committee, who is always prompt and effective, has been unable even to get an agreement to compose those District bill differences. Yet he has been industriously laboring, as I know, on that subject.

I only speak of the fact that these great money bills are here without the final composure of differences, and here we are at the time or date when we ought to be adjourning.

Mr. GALLINGER. I greatly sympathize with what the Senator says, and yet, of course, unless this bill, which is an important bill, is explained to the Senate it ought to go over and the report should be printed. I have no desire to delay it a moment.

As to the District of Columbia appropriation bill, I will say, Mr. President, and I say it not in criticism of the other House, because I could not indulge in a criticism of that kind, after that bill passed the Senate with something over 400 amendments it was not acted upon by the other House for two months, and it came back here very recently. An early meeting of the conference committee has been called, and I have no doubt we will get that bill through in due time in some shape or other.

I think the Senator is right in calling attention to this matter. Unfortunately most of these bills are now in committee. They have not been reported to the Senate. As soon as this report is printed we ought to take it up in good faith and pass on it as promptly as possible, and also take up and pass the Indian appropriation bill. The pension appropriation bill and those bills are weighted down as they never have been before with legislation. I do not know how much they have been improved by the appropriate committees. I hope that those which have been acted upon and the one which has just been reported on have been improved in that particular. Some Senators made a suggestion to me that it would be wise for the Senate if it struck out all general legislation on these appropriation bills, but unfortunately we can not reach the general legislation that the other House puts in these bills, and so we are handicapped in that regard.

But I join with my good friend from Wyoming, the chairman of the committee, of which I happen to be a member, in the desire that the consideration of these bills shall be expedited as much as possible.

Mr. WARREN. I am glad to have drawn out the remarks of the Senator from New Hampshire, and I am glad that he stated what is a well-known fact, that attention at another place was not given to the amendments from this side for many weeks.

Mr. GALLINGER. For two months.

Mr. WARREN. But in the enumeration of bills—I wish to cut it short—here is the naval appropriation bill, which involves a large amount of money and I presume will lead to differences of opinion and many amendments. We have in committee the legislative appropriation bill. This day makes two weeks, every day of which and more than half of the nights up to midnight have been occupied upon that bill by the subcommittee, and it is not yet ready to be submitted to the full committee because of the great number of changes that have been made, the legislation that elsewhere has been introduced in various places, and the several pages at the end of the bill that are filled with entirely new matter.

I am informed that we shall have another very large bill shortly, the sundry civil appropriation bill, which is the omnium gatherum of everything left from the others except the deficiency. I understand that that bill will be a category from first to last of the needed legislation of the country. I am not finding fault with that. The House is proceeding under its rules. It has changed the rules, as it has a right to do, and adopted new ones which makes it within the rules, regular and special, to attach any kind of legislation to an appropriation bill; and we have that condition and all that new legislation to meet. The House is a coordinate branch of the Government. Furthermore, we have the heads of the several departments to deal with. Some of them seem to assume that they own Congress, body and mind, and they want everything in the bills left in or taken out to suit their figures. So Senators who are on the appropriating committees are between these fires—the Senate on the one side, the House of Representatives on another, and the departments on still another. Therefore the life of a Senator who happens for the time being to be serving upon those committees is not entirely a happy nor an easy one, especially if he is one of those who are selected as managers of a conference.

I have no objection to this conference report going over and being printed; that is a very proper thing to do; but I want to call the attention of the Senate to the condition of these bills.

I do not believe there has been a time which can be pointed to back in history where there has been at so late a period in the session so few money bills acted on, and yet there is not a single appropriation bill that I know of which has come from the other side of the Capitol to this Senate which has not been

directly taken up by our committees and proceeded with as fast as it could be done under the circumstances and in view of all the new legislation proposed in this new and unusual way.

Mr. LODGE. Will the Senator allow me to interrupt him for just a moment?

Mr. WARREN. Yes.

Mr. LODGE. The Senator referred to the naval bill. The naval bill only reached the Senate last night.

Mr. WARREN. That is true, and two of the largest annual appropriation bills are not yet reported out of committees of the other House to that body.

Mr. MARTIN of Virginia. Mr. President, the remarks of the Senator from Wyoming are a very proper and timely warning to those Senators who are charged with the duty of preparing appropriation bills and presenting them to the Senate; but I must say that I do not see any occasion for a criticism of the Senate, as such, for there has not been an objection interposed; there has not been a particle of delay or hindrance in the consideration of an appropriation bill, so far as I can recall. I think the Senate stands ready now, as it has stood ready for a long time, to take up, consider, and dispose of any appropriation bill that is presented to the Senate by the chairmen of the respective committees having charge of those matters.

The PRESIDENT pro tempore. Without objection, the order will be entered, under the suggestion of the Senator from New Hampshire and also the Senator from Idaho, as to the printing of the bill.

Mr. HEYBURN. My request was that the bill be printed with the amendments and changes in italics, so that we could at once see them.

The PRESIDENT pro tempore. It will be so ordered, without objection.

Mr. BURNHAM. I wish to say that at the earliest opportunity I shall call up the conference report on the agricultural appropriation bill, and I hope that its consideration will be continued until it is disposed of.

PETITIONS AND MEMORIALS.

Mr. BRISTOW presented a petition of members of the Cloud County Medical Society, of Kansas, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of members of the Citizens' Association of Chevy Chase, D. C., and a petition of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the congregation of the People's Church of Washington, D. C., favoring the enactment of legislation authorizing the use of vacant school buildings in the District of Columbia for educational purposes, which were referred to the Committee on the District of Columbia.

Mr. JOHNSON of Maine presented a petition of members of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the Diocese of Maine, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. GARDNER presented petitions of Harvest Home Grange, Patrons of Husbandry, of Surry; of the Granite Cutters' Association of Portland; of the Loom Fixers' Union of Biddeford; of the United Brotherhood of Carpenters and Joiners of Augusta; and of sundry citizens of Egypt and Rumford, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Division, No. 607, International Brotherhood of Locomotive Engineers, of Calais, Me., praying for the enactment of legislation granting the privileges of second-class postage rates to the publications of fraternal societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Camp Hamlin-Hagerty, No. 3, Department of Maine, United Spanish War Veterans, of Lewiston and Auburn, Me., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. BURTON presented resolutions adopted by the board of directors of the Chamber of Commerce of Columbus, Ohio, favoring the enactment of legislation to encourage the building of railroads throughout the country, which were referred to the Committee on Interstate Commerce.

Mr. SMITH of Maryland presented a memorial of the Society of Friends of Hughesville, Md., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of members of the Typographical Union of Boston, Mass., remonstrating against the enactment of legislation providing for the coinage of half-cent pieces, which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of Rhode Island Lodge, No. 213, Order B'rith Abraham, of Providence, R. I., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CURTIS presented a petition of sundry citizens of Topeka, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. POMERENE. I present several letters from commissioners on uniform State laws, and telegrams from the Produce Exchange of Toledo, Ohio, and the Van Dusen-Harrington Co., of Minneapolis, Minn., in support of Senate bill 6810, relating to bills of lading. I do not care to have the letters and telegrams read, but I ask that they be printed in the RECORD.

There being no objection, the letters and telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS,
New York City, May 20, 1912.

Hon. ATLEE POMERENE,
Senate Chamber, Capitol, Washington, D. C.

DEAR SIR: I write in advocacy and approval of your substitute Senate bill 6810, relating to bills of lading in interstate and foreign commerce.

I consider that it will be of great advantage in advancing the cause of uniformity of legislation in this regard, a work upon which our conference of commissioners on uniform State laws has been engaged for many years.

Trusting that your bill will be enacted into law, I am,

Very faithfully, yours,

CHARLES THADDEUS TERRY.

—

CHALMERS & KENT,
Phoenix, Ariz., May 15, 1912.

Hon. ATLEE POMERENE,
United States Senator, Washington, D. C.

MY DEAR SIR: As a former member of the board of commissioners on uniform State laws of the Territory of Arizona, I desire heartily to indorse Senate bill 4713, relating to bills of lading in interstate and foreign commerce, which bill I understand has recently been introduced by you in the Senate. It seems to me most desirable that there should be a Federal law in harmony with the uniform bills of lading law now enforced in several of the States, and as the bill introduced by you is in harmony with such law I trust it may pass Congress.

Yours, very truly,

EDWARD KENT.

—

PEORIA BOARD OF TRADE,
Peoria, Ill., May 18, 1912.

Hon. ATLEE POMERENE,
Washington, D. C.

DEAR SIR: By action of the Peoria Board of Trade, I am directed to state that we are in favor of the Pomerene Senate bill 6810 and not in favor of Senate bill 957.

We are constrained to take this position after a fair and impartial consideration of both bills covering some length of time. Besides, features in Senate bill 957 which we deem do not properly safeguard the shippers' rights, Senate bill 6810 covers the rights and liabilities as between buyers and sellers of negotiable bills of lading and carriers. This latter feature is very important to the grain trade.

Yours, truly,

C. H. FELTMAN, *President.*

—

103 OAK HALL BUILDING,
Pawtucket, R. I., May 20, 1912.

Senator POMERENE,
United States Senate, Washington, D. C.

DEAR SIR: As a member of the Commission for the Promotion of Uniformity of State Legislation for the State of Rhode Island, I heartily approve your substitute Senate bill 6810 relating to bills of lading in commerce with foreign nations and among the several States.

I have written Senators WETMORE and LIPPITT urging their active support of this measure, which means the support of the great cause for the uniformity of State legislation and will have a tremendous influence upon the legislatures of those States which have not already enacted the law.

Very truly, yours,

CLARENCE N. WOOLLEY.

—

TOLEDO, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Toledo Produce Exchange strongly indorses Pomerene substitute, Senate bill 6810, on bills of lading, and urges that same be enacted into a law at this session of Congress.

FRANK I. KING, *President.*

MINNEAPOLIS, MINN., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senator, Senate Office Building,
Washington, D. C.:

We can not too strongly indorse Pomerene substitute, Senate bill 6810, containing amendments agreed to by bankers and shippers at conference held in Washington May 22. Practical experience convinces us that every section is essential for the protection of an innocent holder of a bill of lading, and we hope action will be taken at this session of Congress removing the unsatisfactory conditions that now exist.

THE VAN DUSEN HARRINGTON CO.,
By H. A. FELTUS, *Traffic Manager.*

REPORTS OF COMMITTEES.

Mr. BRANDEGEE, from the Committee on Interstate Commerce, to which was referred the bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, reported it without amendment and submitted a report (No. 819) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona, reported it without amendment.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," reported it without amendment and submitted a report (No. 822) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, State of Oklahoma, reported it with an amendment and submitted a report (No. 823) thereon.

Mr. HEYBURN. Two petitions relating to labels on manufactured articles were referred on yesterday, or a few days ago, to the Committee on Manufactures, which should have been referred to another committee. I move that the Committee on Manufactures be discharged from the further consideration of the petitions and that they be referred to the Committee on Interstate Commerce.

The motion was agreed to.

OLMSTEAD LANDS, NORTH CAROLINA.

Mr. CHAMBERLAIN. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 20738) for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture to report it with an amendment, and I submit a report (No. 820) thereon. I call the attention of the Senator from North Carolina to the bill.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was to add at the end of the bill a new section, as follows:

SEC. 4. That nothing herein contained shall be construed to affect in any way any private or corporate rights now existing with reference to said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WHITE RIVER DAM, ARK.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., and I submit a report (No. 821) thereon. I call the attention of the Senator from Arkansas to the bill.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the present consideration of the bill.

Mr. SMOOT. I am not going to object to the consideration of the bill at this time, but I shall object to any other bills being considered by unanimous consent during the presentation of morning business.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, on page 1, after line 13, to insert as a new section the following:

SEC. 2. It is understood, and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

The amendment was agreed to.

Mr. BORAH. May I ask for a rereading of the provision with reference to the power company?

The PRESIDENT pro tempore. The Senator refers to the amendment reported by the committee?

Mr. BORAH. Certainly.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. BORAH. Mr. President, I am not going to discuss this matter at length nor object to the consideration of the bill, but, if I am not misled as to the purport of the amendment, it reserves to the State of Arkansas a right which, in my opinion, the State of Arkansas has absolutely without any act of Congress giving it.

Mr. CLARKE of Arkansas. I quite agree with the Senator, but I thought it was better to put it upon the face of the act, so that there can be no controversy about it in this particular case.

Mr. BORAH. What I want to be understood as saying in the RECORD, so that there may be no mistake about it, is that I think that that power now rests in the State, and we can neither take it away nor add anything to it.

Mr. CLARKE of Arkansas. But it is better to have it in the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 6998) granting an increase of pension to Elmer E. Rose (with accompanying papers); and

A bill (S. 6999) granting an increase of pension to John F. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 7000) granting an increase of pension to Winfield Scott McGowan (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 7001) granting a pension to Annie Robb; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes; to the Committee on Public Lands.

By Mr. CURTIS:

A bill (S. 7003) for the relief of Frank Revelette (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 7004) to correct the military record of Thomas H. Barrett; and

A bill (S. 7005) to correct the military record of Hosea Stone (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7006) granting an increase of pension to Morris P. Jolley (with accompanying papers);

A bill (S. 7007) granting an increase of pension to Isaac N. Deffeu (with accompanying paper);

A bill (S. 7008) granting a pension to Margaret A. Graham (with accompanying papers);

A bill (S. 7009) granting an increase of pension to J. W. Groom;

A bill (S. 7010) granting an increase of pension to Archibald Vandling (with accompanying papers); and

A bill (S. 7011) granting a pension to Jacob Menschis (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York; to the Committee on Public Buildings and Grounds.

By Mr. CRANE:

A bill (S. 7013) for the relief of John Murray and others, lately laborers and mechanics employed in and about the United States arsenal at Watertown, Mass (with accompanying papers); to the Committee on Claims.

By Mr. BACON:

A bill (S. 7014) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 7015) to provide American registry for the steamer *Damara;* to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 7016) granting an increase of pension to Martha A. Hughes; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $100,000 for continuing the extension of the quay wall at the navy yard at Portsmouth, N. H., etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GARDNER submitted an amendment proposing to appropriate $1,200 for the salary of a shipping commissioner at Rockland, Me., etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—WILLIAM J. SEALS.

On motion of Mr. BRISTOW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of William J. Seals, which are filed with the bill S. 4120, Sixty-second Congress, there having been no adverse report thereon.

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS.

Mr. PERKINS submitted the following resolution (S. Res. 326) which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs or any subcommittee thereof be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

SENATOR FROM ILLINOIS.

Mr. KERN. I desire to give notice that on Monday of next week, at the close of the morning business, I shall ask consideration of a matter of the highest privilege, the resolution declaring that WILLIAM LORIMER is not entitled to a seat on this floor.

The PRESIDENT pro tempore. The notice will be entered.

THE EIGHT-HOUR LAW.

Mr. BORAH. I ask unanimous consent for the present consideration of Calendar No. 545 bill (H. R. 9061).

Mr. SIMMONS. I object.

Mr. BORAH. Notwithstanding the objection, I move that the Senate take up for consideration Calendar No. 545; and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Idaho——

Mr. WILLIAMS. What is the proposition?

Mr. SIMMONS. What is the bill?

Mr. BORAH. The 8-hour bill. I will say to the Senator that my opinion is it will not take 30 minutes to conclude the bill, but I may be in error as to that.

Mr. SIMMONS. I will say to the Senator that I dislike very much to object, and if he will wait until to-morrow morning, I think there will be no objection to taking up his bill and finishing it. But there are many Senators here to-day anxious to go on with the bill which we have been considering, and they will take time. I hope the Senator will let his bill go over until to-morrow, and I assure him, if he calls it up in the morning hour to-morrow, there will be no objection from this side.

Mr. BORAH. I shall accommodate the Senator if we can dispose of it to-morrow. One day will not make any particular difference. But I remind the Senator that the same statement has been made to me heretofore. I do not want it postponed too long.

Mr. SIMMONS. Yesterday, the Senator knows, we got into other matters——

Mr. BORAH. If the Senator thinks to-morrow I will not be opposed in the request, I will let it go over until to-morrow.

Mr. WARREN. I have no desire to interfere with this arrangement except to this extent: I ask that whatever arrangement is made be subject to appropriation bills, which has always been the rule.

Mr. BORAH. I am not going to make any more concessions. If there are any rules here which will put this bill out of the way, Senators will have to invoke the rule. Whatever rule there is, I will have to submit to. But this is the third time I have been personally requested to let the bill go over, and I do not want to have it occur again.

Mr. WARREN. I have no desire to interfere with the Senator's wishes. I do not oppose his measure. When it comes to unanimous consent or when it comes to a motion to take up the bill, I suppose we will all be allowed to express our opinion yes or no.

Mr. BORAH. I think so.

Mr. WARREN. As I said before, I think in these consent arrangements Senators ought to remember that we may want to report some of the appropriation bills and conference reports and have them considered. I do this only in the interest of the business of the Senate.

The PRESIDENT pro tempore. The calendar is in order.

THE METAL SCHEDULE.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the resumption of the consideration of House bill 18642.

Mr. HEYBURN. I understood that the Senator from North Carolina moved that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Chair misunderstood him if he did. The Chair understood him to make a request.

Mr. SIMMONS. I will withdraw the motion, and request unanimous consent.

The PRESIDENT pro tempore. The Senator from North Carolina has a right to make the request. If he desires to do that, he can. The Chair understood him in the first instance to ask unanimous consent.

Mr. HEYBURN. I object to its consideration by unanimous consent.

Mr. SIMMONS. I move, notwithstanding the objection, that the bill be taken up.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate resume the consideration of House bill 18642, the title of which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Carolina. [Putting the question.] The ayes appear to have it, and the Senate resumes the consideration of the bill. The Chair is informed that there is no amendment pending to the bill.

Mr. HEYBURN. The matter has not yet been laid before the Senate.

The PRESIDENT pro tempore. The Chair so understood it by having the title read. The Chair will formally lay before the Senate the bill.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HEYBURN. Mr. President, yesterday at the close of the session I was engaged in some discussion that was intended particularly for the ears of the Republican Members of this body. The fact is that any discussion of this question from a Re-

publican is appropriately addressed to the Republican Members of the body.

The matter under consideration is one of political policy, and I use the term "political" as the equivalent of governmental policy. These propositions, submitted by those who are neither Republicans nor Democrats, do not, in my judgment—and I say it in all kindness—come within the same class; that is, of political questions, governmental questions. They originate from the spirit of dissatisfaction and discontent and antagonism in the contest for office. I attack no man's good faith when I say that. Men become obsessed with the idea that they want office, and they come to believe that in order to do so they must stand in a class by themselves; that there is no hope for them within the ranks of party organizations. They are often mistaken. It is often true that men who go outside of party organizations to seek preference in office would succeed better if they adhered to the recognized principles of their party. But their zeal misdirects them, and when they once get a certain distance from the shore it is very difficult for them to swim back, and very often they attempt to go toward the other side, and drown on the way. Can anyone cite me to an instance in the political history of this country when he did not drown on his way in the attempt? I say it in all kindness. Has there ever been one of these freaks that started from the Republican Party and started to swim out into the ocean of controversy and contest who reached either shore, and did not despair? I recall none in the history of the party, and I have taken that question up with some degree of care, and now I make the statement and the challenge to anyone to point to a single instance where a political offshoot ever started from either side where it was not lost between the lines and sunk into oblivion as a political organization. It has been going on all of my lifetime, and history records that it has been going on since the beginning of the Government.

I may be engaging in a vain enterprise when I am talking to the men who represent that place in politics.

But there are present some members of this party who entertain discontent, combined with ambition. They are personally up to the standard of the Senate so far as their individual honesty is concerned, but I can find no better word than to say that they are obsessed. They see one thing. They fix their eye upon it. It is an ignis fatuus. It is a star of deception, but they will fall into a thousand ditches in trying to walk directly to it, and by and by they walk into some ditches that are so deep that they drown and you just see the bubbles rising where they have gone down.

Is it possible that men are going to follow that in the hour of responsibility, with the lessons of the past in front of them?

The Republican Party is going to a great national contest. It is strong enough and right enough to win. It is entitled to the support of Republicans, and those Republicans should face the flag at the head of the column. The only possible thing that can defeat the success of the Republican Party is that these dissatisfied elements will undertake to march in a different direction from that being taken by the Republican Party.

The Republican Party is not always perfect. It is not always up to the high standards that should control it, as I spent some time yesterday in pointing out, but it is better than any other party, and the only field of hope lies within the scope of its horizon. There is no hope out in the floundering, wallowing ditches; there is no hope in a single sail upon the ocean; there is no fleet of strength and concentration of principle that will take it up in the midst of the ocean and rescue it from the waves and the turmoil that surround it in its loneliness, to which to say, "Lead us; become our leader." There is no hope for such a condition as that.

There is no moral reason why such a condition should exist. Every code of morals of a community in government or individually is against such a probability. Why should they? They have run away from the body of responsibility. They may be sailing in fancied sunshine and smooth waters, but to what end are they sailing? They have deserted the ship, the fleet to which they belong. Do you think you can go over into the Democratic fleet, take the leadership there, or ever be recognized as anything more than a useful adjunct to that party for temporary purposes? Do you believe in the principles of the Democratic Party? Then go there and do not claim to be Republicans hyphenated and multiplied. Old John Hickman, who sat in Congress 60 years ago, in a political speech made when I was a boy—and it made an impression on me, and, of course, it was not then new—described that kind of politics as assuming the cloak of virtue for the purpose of enabling you to do that which you dared not do openly. I recall another man who sat in Congress who said it was stealing "the livery of the court of Heaven to serve the devil in." Either of those expressions covers the field.

Senators who profess to be Republicans, who go into Republican caucuses, whose names are listed among the Republicans of this body have no right to go out of caucuses and disregard the rule of the majority of the Republican caucus. They have no right to do it in dealing fairly among men. The only thing they have to do, if they can not agree with their party as an organization, is to sever themselves from it, either refrain from activity in political life or join the other party or attempt to make a new party and go down among those I have described. But do not claim to be Republicans and to write that honored and honorable name upon your banners unless you are going to be Republicans.

Mr. President, I have it in mind to draw some comparisons, without going into specific figures, on the tariff question as it affected certain industries within this schedule. But before I enter upon that subject I desire to refer to a memorandum I have made, without detaining the Senate. Inasmuch as I have it in my mind to complete my remarks today, I will refrain from the temptation of dealing in specific figures, because this question should be decided upon principle, with due reference to figures. It is a question between the producer and consumer in this country primarily. I am not going to compare the American producer with the producer of any other nation in determining as to the measure of prosperity that our people are entitled to. A man is entitled to make a thousand per cent in this country, if he can do it without disregarding the rights of another person, and I would not admit that because that person could supply himself from Germany or some other country with the commodity involved in the purchase Congress could put a penalty upon our own citizens who would prefer to deal with our own citizens.

We use our foreign commerce for the purpose of producing a margin in our favor and drawing money from abroad. We have $2,000,000,000 invested in foreign commerce. I say "we"; I mean the people of the United States have $2,000,000,000 invested in that kind of commerce.

Mr. President, we have a great many times that sum invested in our own home business. We can cut the foreign commerce off and be always a solvent people. We can cut it out entirely, disregard it, and be a solvent people. We would not accumulate wealth as a whole. That is only accumulated by drawing upon the wealth of the outside world, with the exception of the production of gold and silver. We have added to our wealth, regardless of foreign trade or commerce, something over $3,000,000,000 by the production of money metals. That represents half of the wealth of the United States. We produce that from the ground. Producing agricultural crops or the forest proceeds add nothing to our wealth, because we consume it. We keep nothing of it except the buildings made from the lumber and the improvements upon the land, and that class of things, but from that which we eat or consume we gain no added wealth.

What has this to do with the tariff question? It has this: A people who can do that are entitled to the opportunity to do it without encroachment or competition or resistance from outside the country. That is what the protective tariff stands for. It stands to keep out of our field of production the people of other countries. We have no responsibility for them whatever. It is utterly immaterial to the people of this country from either a moral or a physical standpoint whether the people of Germany or England or France or any other country prosper or not. I am speaking now from a sense of governmental responsibility. We have no responsibility whatever for those people, and we have a responsibility for our own people and their success.

I was speaking yesterday toward the close of my remarks about the lead industry, and I was speaking of it as a text, because the rules and principles that apply to it apply generally. We have a community in Idaho where 31 or 32 years ago there was an absolutely unsettled country that produced nothing. It was not even a grazing field for cattle. It was a county. A vigorous, industrious old man, then long past the ordinary age at which men engage in any kind of endeavor, but who had been mining and prospecting during his life, went into that field and discovered gold in small quantities at first. It was all by his own personal endeavor. He was a crippled old soldier. He had received his wounds in battle, and barely recovered from those wounds so that he might go out into the frontier, from which he had come to engage in the war. He went out there, and he could only travel a few miles a day. He had an equipment of his own, a few pack horses and a saddle horse. He had heard from the Indians that there was gold in that

country. He went to that section and camped at a place called Evolution—he called it Evolution; it had no name before. It was in the Bitter Root country. He went into camp there, and he found some gold in the stream by panning the sands. It was a little gulch; I know it well. It is called Prospect Gulch, because it was the first place of prospecting in that country. He worked there a while, and would take out enough gold—which is coin in that country, or equivalent to coin—to buy provisions. He would make a trip for provisions with those animals down to what was then Fort Sherman on the Coeur d'Alene Lake. He went down there and got provisions enough to last him a season and came back upon the encouragement he had received from that small stream.

He started over the range to see if there were any other gold-bearing sands on a larger scale. The old man's wounds were such that he would have to camp sometimes for a day or two and lie under a tree until he could gain strength enough to resume his journey. He was alone. He had only a portion of his pack train with him. But he made the journey. After a few days he reached Pritchard Creek, named after the man. Andrew J. Pritchard was the man to whom I refer. When he arrived there he was so exhausted that he had to lie idle for several days under a tree and allow his stock to find a living picking and grazing about. But as soon as he was able he took his pick and shovel and gold pan and explored the creek immediately around where he was camped and discovered that it was very rich in gold. He sent word to the outside world to his friends, "I have found rich gold diggings." I heard of it thousands of miles away. After he had written his friends personally, he published a statement in the newspapers in order that the whole world might know of the opportunities, and they flocked in there by the thousands. Some of them the first thing they did when they went in there was to jump the old man's claims, notwithstanding the fact that there were hundreds of thousands of acres adjoining them that were just as good and offered just as good opportunity as did Mr. Pritchard's. But with that disposition which unfortunately some possess they jumped his claims, and they wanted to hang him. There was an outfit that came in there that proposed to hang the old man, and if you could have seen him rise up and defy those people and offer battle to them you would have seen the kind of a man who goes to the front in this country and is the pioneer upon which the civilization rests. They did not hang him.

I am only giving you an idea of the way the development of this country came about. There seems to be an impression throughout this eastern country that a man goes there and pulls golden apples off of trees. Why, the hardship that precedes the discovery of these mines is inconceivable to those who have not come in contact with it. That man had to go into court and for years and years contend for his rights, and he won them. He lost them first before a jury of the same class who had participated in jumping his claim, but the cases went to the supreme court of the State and they gave him his claims, because he was entitled to them under the law.

Now, that is up to the point of the prospector. Of course, then the people went in there and they took millions and millions of dollars of gold out of those placer claims. The placer claims are the grubstake of a mining country. Without any exception the placer claims have been the foundation of the quartz or lode claims. While men are digging placer and the ground is being covered by claims, other men coming in with the intention of participating in the benefits of the placer claims, finding that the ground is taken out, wander out into the hills and mountains around and they find the lode claims.

Now, while those placer claims were in their prime, so to speak, this class of men who came in there expecting gold placers went out and discovered the great lode claims of that country; they discovered lead, silver-bearing ores, and zinc and copper. They discovered the country that has produced over $400,000,000 in metal values. It added that much to the value of the country. It was a substantial addition, not one that was eaten to-day and forgotten to-morrow, but a substantial wealth that entered into the building up not only of that country, but all the United States, a substantial wealth that avoided the necessity of paying the prices of the foreign producer because he was the only producer. Not only those mines have made a market for the proceeds of the hundreds of thousands of acres of land, but because those mines were there homemakers came to produce the necessities of life—wheat in the Palouse country lying adjacent and vegetables growing in the valleys in quantities inconceivable to those who have not specific knowledge, and a population incident to the production, until to-day, dependent entirely upon these mines, gathered around the original discoverer of them, we have a population of 100,000 people, who are there because the mines were there; and, in addition to that, we have the legitimate products of the mines, which taken altogether in that State of Idaho equal more than $500,000,000 in substantially indestructible wealth.

We lose sight of the distinction between destructible and indestructible wealth. The wealth that enters into the building of permanent things, that last practically forever, is more desirable than the wealth which goes into the daily comfort and livelihood of mankind. One gives comfort temporarily and necessarily; the other is the foundation of government. Government, reduced down to the last analysis, is substantially located and occupied humanity. Humanity unoccupied and unlocated does not and could not constitute government. It would be the government of the Arab in his tent, the government of the Indian on the trail, and that is not government in the sense that we use it. What we want is government fixed to the soil, with its houses, its fences, and its barns, and, above all, its titles, because that is the basis of right.

Out of this little beginning we have that civilization, and as we have it, so have all the people of this country, from the landing of the English at Jamestown, the Pilgrims in Massachusetts, the Swedes on the Delaware. We have the same class of beginning of a settlement as was represented by the old man, Andrew J. Pritchard, when he went into that country. The ore had been there since the very beginning of time; the opportunity had existed since the beginning of time; but here was a connecting link. Man's energy and the ore must be connected or based upon man's rights. Had it not been that Mr. Pritchard knew that upon the discovery of those mines he had rights connected with the discovery he would not have gone there. So there must be as a basis for government man and man's rights. Neither can stand alone. The right disassociated from the man is like the sunshine of the bygone centuries; the man disassociated from rights is helpless; he is in the same position as the Indian on the trail or the Arab in the desert. No government can rest upon such conditions; none could be founded.

That is a very fertile source for useful consideration when we are dealing with these questions, because I am talking for the rights of citizenship at home as distinguished from any possible responsibility that we may have for the consideration of the citizenship of other countries. I have attempted to picture the beginning of the homes of this country. Those people are a part of the Government, not ornaments. They bear the relation to the Government that the most responsible wheel in its machinery bears. They are the producers.

We have heard a great deal about the consumers here. Speeches have been made covering days in talking about the rights of the consumer. There would be nothing to consume if it were not for these producers. People could not live in the country as consumers except that the producing element is protected and sustained that it might produce; and I am talking about producers.

I am talking about sections of this country and interests and enterprises of this country that produce that which the consumer must have, and if we are let alone, if we are protected in the right that comes from settlement and the building up of government, we shall produce all that the people need in this country, and we shall produce a great deal more. Is not that a better presentation of the question under consideration than was the presentation based upon the consumer? That based upon the consumer is like the cat and the cook. The cat thinks the cook is of much more importance than the master of the house. Senators are not hungry, but they conjure up in their minds a condition of starvation and hunger, and then plead for it. It is basing your argument upon a dream; and when you wake up the dream and the argument have both passed away. My idea is to build up production, to encourage it so that the consumer will never lose a moment's sleep as to whether or not he is going to have enough to eat to-morrow. That is the ideal condition of government. The idea of discussing this question from the standpoint that we are at the mercy of the world and must have its products does not appeal to me. We are not. We can build a wall higher than the imaginary tariff wall around this country and multiply it many times, and we shall have within that wall the raw material for government and prosperity and greatness and happiness. If in the division of the water and the land there had been only this country above the water, it would have been a world equal to every opportunity and every demand of mankind; we would have been as prosperous and as happy had we never known of any other country than this. If between now and to-morrow morning you would cut the cables and sink the ships that con-

nect us with other countries, we would be sufficient unto ourselves. We lose sight of that and assume that we must of necessity have the help of some other country and some other people in order that we may exist at all. It is that basic error that lies at the bottom of all this talk and the cheeseparing and hairsplitting that we have heard here as to the probabilities and the possibilities that if Germany should do this and Italy should do that and England should do something else, what would happen to us? Nothing would happen to us that would tend to our destruction or discomfort. Our own side of the House has fallen into that mistake to some extent. They have considered how intolerable it would be to lose the results of German labor and of German enterprise, rather than how tolerable it would be to produce the things ourselves. That we get the right point of view is important.

I was starting to say that I have here a statement from the head of the labor organization in our immediate mining country. It is not the American Federation of Labor or any of its branches, but it is an orderly organization of our miners that succeeded the disorderly organization that we drove out. I will show you what he says as to the effect of existing conditions upon actual business affairs. His name is John A. Rock, of Kellogg, Idaho. He is at the head of the organization of those who labor in the mines. We work about 4,000 men in those mines, and they produce from $15,000,000 to $22,000,000 a year. It is wealth that is never destroyed. It is not eaten up; it will be in existence—that is, the result of the labor will be in existence—when we are all gone, as a part of the substantial equipment of the affairs of men. That is the kind of industry that we especially want to protect, but we must protect them all.

Appearing before the committee, Mr. Rock said:

The miners of the Coeur d'Alene district feel that the proposed lead schedule of the Underwood bill is a grave menace to the present prosperity of the district; and they feel that if a change is made that causes a drop in the lead market they will be the first ones to suffer.

He is talking about the miners, the men who work in the mines.

I take it, gentlemen, that you will be interested in the number of men employed, their wages, and their living conditions.

In the Coeur d'Alene mining district of Shoshone County, Idaho, there are between 4,500 and 5,000 men actually engaged in mining.

That is, in productive mining.

The company that I am working for—one of the largest in the district—employs about 600. Of this number 60 per cent are American born. The foreigners we have are mostly Norwegians or Swedes or Cornishmen, all of whom have declared their intention to become American citizens or are already naturalized. The district is particularly free from Austrians, Italians, and Greeks. Considering that it is the American miner who usually does all the prospect mining at the smaller properties, I believe the average of 60 per cent Americans is maintained throughout the entire district.

Fifty per cent of the men who work for the same mine that I do are married men; and I believe this ratio is easily maintained throughout the district.

Board and room throughout the district is firmly fixed at $30 to $35 a month.

The wages of the men employed are as follows: Muckers, $3 and $3.50.

Those are what you would call shovelers; those are the men who go in after the blasts are fired and fill the cars with their shovels, who do that class of work in the mines. They are called "muckers"; in other words, they clean up the drift or the tunnel, or whatever it may be.

Machinemen, $3.50 and $4.

Those are the men who handle the drills. Whatever the class of drills happens to be, they are all of the same general character and, of course, these men must have certain skill as mechanics.

Timbermen, $3.50 and $4.

Those are in effect carpenters. They frame the timbers and put them in the mines. The timbering of one of those mines would probably be an interesting problem to one who had not seen it. They build them up thousands of feet in depth and length with the same care and precision with which you would build a house; they do not merely drive timbers into the ground to hold up a piece of rock, but they timber that mine so that if the timbers were taken out of there the structure would stand as firmly as a house. Then they generally fill in the waste between the timbers, unless they have some special reason to leave it open. Those are skilled workmen, and they get from $3.50 to $4 per day.

All underground helpers, such as skip tenders, car trammers, nippers, and timber rustlers, $3.50 to $4.

Those are the ordinary men who work as the names indicate.

Hoist men, motor men, and pump men, $4; millmen, blacksmiths, and machinists, $3.50 to $7.

They are paid according to the skill necessary to perform their duties.

Everywhere in the district the men underground are paid at least $3 a day. No one works for less than that, and the average price is at least $3.50. Everywhere men underground work only eight hours for a day's work.

There is another thing that I should like to have you know. The mining companies confine their business to mining. There is no mining company in the district that forces its employees to board at a certain company boarding house in which it has an interest or forces its married men to live in company houses. The residences of the different towns, which vary from $500 to $1,500 in cost, are quite generally owned by the miners themselves. In fact, I may say that the companies help their men in this way: That they will build a house for them and allow them to make payments on it until it is their own.

I pause there to say that the condition of affairs that makes this necessary is the direct result of the sustained market for the products of those mines, and it is sustained by reason of the tariff duties that discriminate in favor of the American product, because I need not bring proofs to establish the fact that Mexico can produce all the lead we produce and multiply it and that Mexican lead is produced under conditions where no man owns his own home, where the standard of living is at the lowest, where the wages are from 30 to 50 or 60 cents a day, and they produce lead under conditions not known in this country; that is to say, in many instances the lead is produced in connection with a higher percentage of silver than ours and at infinitely less cost both of production and of transportation and smelting or concentrating.

The Senator from Iowa [Mr. CUMMINS] offered an amendment to this bill in which he proposed to reduce the duty on lead bullion $5 a ton. That would only mean that they would smelt their lead ore on the Mexican side of the line—across the Rio Grande River, if you please, or wherever it was convenient—and ship it in with the advantage of $5 a ton against our mines producing lead in our country. The result is obvious.

Mr. SMOOT. Will the Senator allow me to interrupt him for a moment?

Mr. HEYBURN. Yes.

Mr. SMOOT. In this connection I would like to call the Senator's attention to the fact that when the miner who produces lead sells that lead to the smelter the settlement is made not upon the price of the ore, but it is made upon the price of bullion.

Mr. HEYBURN. I was just coming to that.

Mr. SMOOT. And if the rate upon the lead bullion is reduced, it would mean a reduction to the producer and not altogether to the smelter.

Mr. HEYBURN. Mr. President, the Senator from Utah has stated the situation accurately. I was proceeding to state it. There is no value in lead ore so long as it remains ore, any more than in building stone or road-making material. It has no value at all except for the bullion that it will produce. If you reduce the duty on bullion $5 a ton—and that is a very large reduction—you give the Mexican miner and ore producer the advantage of $5 over the American producer. The result would be that the smelters now operating in America upon the product of the American mines would go south of the line—and some of them have only to cross the river—and they would smelt Mexican ores produced by Mexican labor instead of smelting American ores produced by American labor. The result would be that the wages paid for mining ores would be paid in Mexico to Mexicans, and there would be comparatively no wages paid to American lead miners. The money paid for smelting ores and the capital invested in smelting would be a Mexican investment; and, of course, the corresponding value would be lost to the American side of the line. If you invest a million dollars in a mining and smelting plant in Mexico, it is of no benefit to those on the American side of the line, except that they may buy machinery on this side of the line, and that advantage is growing less and less all the time, for they can buy machinery in Germany or in England; and the Mexicans are just as close to those people in a business way as they are to us, and a little more so.

Now, there is the situation as affected by the amendment offered by the Senator from Iowa which proposes this reduction on lead bullion. They came pretty near slipping it into the Payne-Aldrich bill, but I discovered it before it got too far and pulled it out. Of course there are always combinations of men and capital waiting for an opportunity of that kind.

I will proceed a little with this statement, because it is authentic and absolutely accurate. I have dealt with the question of the independence and freedom from control of monopoly or trusts that is enjoyed by the workmen in the lead mines. They do not have to live in boarding houses owned by the mines and have the price taken out of their pay roll; they do not have to deal at company stores and have the amount of their bill taken

out of their pay roll; they get the amount of wages they have earned clear and free from everything, except that they themselves may have given orders against it. So that there is no grinding monopoly or trust over these men, who are strictly the product of the protective tariff policy of the Republican Party. During the time when we did not enjoy the benefit of that protection we did not have these conditions.

There is another point in connection with that. It seems to be assumed here that the product of the mines is uniform. Any mine and all mines will produce different qualities of ore. If the duty on lead is reduced to the level of the tariff duty under the Wilson-Gorman bill, lead goes down to 2½ cents a pound, because foreign competition can bring it in. In the last days of that system of tariff duties lead in the Coeur d'Alene country, the largest lead-producing country, was worth only 2½ cents a pound. That is $50 a ton. In order to get that ton of lead you had to mine 5 tons of rock, and it costs as much to mine a ton of rock as it does to mine a ton of solid ore or any other valuable thing. You had to mine 5 tons of the crude, as we called it, and you had to take that to a concentrator, which is a very expensive instrumentality, and concentrate it 5 into 1. That 1 ton would contain 60 per cent lead and the balance would be waste, except for the silver that was in it. In the average mine the ore would carry about 30 ounces of silver, 60 per cent lead, and the balance is waste. Now, that had to be shipped to the smelter and freight paid on the waste just as well as on the metal value.

That was the condition, and when you reduced the tariff so that the lead was worth only 2½ cents a pound after all this expensive process or treatment we had to leave 3 tons of ore on the dump to 1 that we could send to the mill, because those 3 tons that we left behind were not quite rich enough to yield any profit. Sometimes we could not send into market at all ore that required the reduction of 5 into 1. We kept it on hand, either in the mine or on the dump or in ore bins, because it would not pay the cost of production. So we had to do what we called rob our mines, taking out the high-grade ore that would bear the expense of treatment and shipping. It results not only in robbing the mine or else suspending operations, but it results in the waste of a very large percentage of the real quantity and value of the ores.

However, I will pursue this testimony a little further, and then I will take up another branch of it. Of the wages that were paid to these miners in this camp, in just one branch of this camp, one town, we have a record. He says:

The stores of the different towns are in the hands of men who have made their money by saving their wages when working for mining companies.

Then the witness says:

Within the last year in my home town there have been erected an $18,000 bank building, a $16,000 grocery-store building, a $36,000 hotel, and a $15,000 furniture store, all of which are owned by private parties who have saved their money.

We have a $40,000 Y. M. C. A. building in Kellogg, which the Bunker Hill Co. built, and toward which the treasurer's report for the year just ended shows they donated $3,232.78 for current expenses, against which the membership fees of men employed by the company amounted to $2,209.

That gives evidence of the relation which exists between these high-class men, living under protective conditions, and the companies they work for, and yet men writhe in agony and wring their hands over the oppressed and downtrodden workingmen of this country. As is true of that particular section, so it is true of all our great mining sections. It is because the conditions are such that they can exist and do these things that they do them. It is proposed to change those conditions and render these people unable to live thus.

In the community of Wardner-Kellogg—

That is a town that merges, runs together—

In the community of Wardner-Kellogg we have five churches, which support three ministers independently and two more in connection with Wallace.

The whole district supports five different high schools, all of which prepare the pupils to enter the university. A boy can stay at home, passing a grade a year, until he is 18 years old. There are 700 children of school age in the Wardner-Kellogg school district, 600 in the Wallace district, 300 in Mullin, 250 in Burke and Mace, and 200 in Murry.

Then he gives the cost of maintaining these various institutions, which statement I will ask to put into the RECORD without reading it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter is as follows:

I have here some of the costs of maintenance:

The average cost per pupil for the last three years in Wardner was $48.40 per annum; in Kellogg, $47.87; in Mace, $82.20; in Wallace, $42.50. These figures do not include money expended on buildings. The present average monthly salaries in Wallace are $2,350; in Mullan, $1,250; in Mace, $650; in Burke, $780; in Wardner-Kellogg, $2,500.

This information is given me by the State superintendent of schools.

The district at Burke has recently built a new $21,000 concrete high school, and Nyhone district has voted, no more than a month ago, $25,000 for a new high-school building. Whether that will be put up or not I think depends on the price of lead.

Now, gentlemen, I have shown you some of the things that the miners of my district are doing. I take pride in adding that the local union to which I belong has donated over $1,000 to the churches of the town, has built a pavilion at a cost of $2,000, and equipped a lodge room over the Y. M. C. A. at a cost of $2,500 more in a little more than a year. The fact that we can afford to do these things shows that labor is in good, healthy circumstances.

Mr. HEYBURN. Then he calls attention to another feature:

Another thing I should like to bring to your attention is this: The mines are particularly liberal in helping anyone who wishes to secure a college education. I came to the Bunker Hill and Sullivan mine with a high-school education, and was able, through my own efforts and because of the way they helped me, to work my way through three years of the University of Idaho. I know of practically hundreds of other boys who have secured a college education by working in the Coeur d'Alene mines. The mine owners are very liberal in every respect, and help as much as they can men who are trying to get an education.

Then he says, in answer to a question which I asked him—and I read the question:

Senator HEYBURN. Right there, let me ask this question: It is customary, is it not, for the young men from the university to engage in these mines in various capacities during their vacations every year?

Mr. ROCK. Yes, sir.

Senator HEYBURN. And it has been the custom for years?

Mr. ROCK. Yes, sir.

Senator HEYBURN. It has been the means of their earning enough money to go through the university?

Mr. ROCK. Yes, sir. These universities are scattered all over the United States, and we have men there from the eastern universities as well as the western ones. Every summer boys come there from Yale, Harvard, Princeton, Columbia, and the various universities that have mining schools in connection with them.

Senator HEYBURN. They come to the mines and spend their summers there?

Mr. ROCK. Yes, sir.

Senator HEYBURN. Receiving employment as well as practical experience and education?

Mr. ROCK. Yes, sir.

There is another feature—

He says—

There is another feature that I wish to mention in passing, gentlemen. I was in the Coeur d'Alene mining district in 1907, during the panic, when the price of lead went down. Two or three of the largest mines there were forced to close at that time, and practically every mine in the district was forced to curtail the number of men it employed. It is a general assumption among all the men of that district—it is common knowledge, in fact—that when the price of lead in the New York market goes below 4 cents most of the mines can not run.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Shively
Bacon	Curtis	McCumber	Simmons
Bailey	du Pont	McLean	Smith, Ariz.
Borah	Fall	Martin, Va.	Smith, Ga.
Brandegee	Fletcher	Myers	Smoot
Bristow	Gallinger	O'Gorman	Sutherland
Bryan	Gronna	Oliver	Thornton
Burnham	Heyburn	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Chamberlain	Johnson, Me.	Perkins	Watson
Chilton	Johnston, Ala.	Pomerene	Wetmore
Clark, Wyo.	Jones	Reed	Williams
Clarke, Ark.	Kern	Root	
Cullom	Lippitt	Sanders	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho.

Mr. HEYBURN. Mr. President, I have read that it was the custom at sea, when one vessel captured another or when a vessel earned prize money, in determining the portion of it that should go to the captain and the portion of it that should go to the sailors, they threw it up on a ladder, and that which adhered to the rounds of the ladder went to the seamen and that which fell through belonged to the captain. The success of a division was estimated by the result of that rule.

Mr. President, I really have something to say that I want to say to Senators in regard to this proposition. I want them to give me their attention, if they will, for a few minutes. We have heard much talk about the production of the mines and the division of the result of that production between labor and other costs and profits. There is a vast field of mining in which it is all outgo and no income for years and years. Some of the largest mines in the United States expended hundreds of thousands of dollars, extending over years and years of working and waiting, before they realized a dollar.

Mr. THORNTON. Mr. President, with the permission of the Senator from Idaho, I will say I am leaving to attend a committee meeting. He said he would like to have the attention of Senators. I am only leaving in order to attend a committee meeting.

Mr. HEYBURN. I would not have the Senator remain against his interest and wishes.

I want to call attention to the fact—and it is a fact—that the mines of the United States have cost more than they have produced; that is to say, the cost of making mines is greater than the production from mines. But do not make the mistake of thinking that that is a reason for abandoning the search for mines. It is loss to one man and gain to another. The nonproductive mine that buys machinery contributes just as much to the labor and cost of making that machinery as the productive mine that buys it contributes. The nonproductive mine has furnished employment to just as many men as the productive mine has furnished employment to. The nonproductive mine pays out in wages practically as much as the productive mine, and thus the country is benefited to the extent of the application of the wages so paid to the commercial business of the country. The man who works in a nonproductive mine receives the same wages as the man who works in a productive mine. He expends just as much or as great a proportion of his wages with the store for the various purposes. He lives in a home and has a family and contributes to the commercial life of the country. He is doing it because it is through that process that the productive mines are ultimately produced.

I have in mind one of the very great mines of the world. These things occurred under my observation. Men with a reasonable amount of money took a bond on it, agreeing to pay so much at a certain time at their option. They expended over a hundred thousand dollars—and I think I might multiply that—equipping the mine with a plant—the machinery and all the appliances for mining. Finally they had reached a point where they had lost confidence in their investment. Having expended this money and maintained a whole community, on the last shift of work, the last row of holes they ever intended or expected to put into that mine broke into the ore bodies of the Standard mine.

They took up the bond. They have produced and paid in dividends millions and millions of dollars, and it has furnished employment to hundreds and thousands of men. It built a town about it. It built up a citizenship; it built schools; it built churches; it educated the children. I know boys who went from there to the university who are to-day serving the Government of the United States as accredited officers.

All these things came from what was for years a nonproductive mine. All nonproductive mines do not become productive mines in the way of producing ore for the owners, but they are productive mines to the community. We expend just as much money in that Coeur d'Alene country on nonproductive mines in the year as we expend upon productive mines, and the community derives the benefit from it. A fair percentage of them become productive mines—sometimes at the end of a month, sometimes at the end of a year, and sometimes at the end of 10 or 20 years. We have mines that for 20 years were merely a matter of expense to the owners until on some fortunate day the ore was found and the story was rewritten. Now, do not imagine for a moment that it is only the people in that environment who benefit from those mines. Much of the merchandise that they purchase comes from the looms of this coast. The iron that they furnish a market for is made in your foundries, mined from your mines by labor paid and expended here in this country. You have whole towns and communities that exist because of the nonproductive mines in the United States.

How long do you suppose those nonproductive mines would pursue their quest for ore if you would remove the duty or reduce the duty on lead below a protective basis? They are mining there and staying by their endeavor in the confidence that Republican tariff duties will be maintained, and they would not remain there, they would not go there, except for their confidence in the stability of the Republican administration and a government in accordance with Republican principles. They represent hundreds of thousands of men engaged directly and indirectly in those enterprises. They went from your firesides, many of them; they went out there because you had no opportunity open to them. You had nothing to offer them that, in their judgment, was equal to the opportunities of that country. Do you want us to send them back to you broke, because you have made unprofitable the occupation that they went out there to engage in?

Then, again, hundreds of thousands of men and women in these eastern countries have interests in those enterprises, productive and nonproductive. They are genuine, substantial investments. Do you want them to have the evidence of their interest sent back to them stamped "of no value," because you have destroyed and stricken down the interest in which they were engaged?

When they come back to you, what will you do with them? Will you put them to work in your mills and factories? You are proposing with the same stroke to strike down the mills and factories, and if the disengaged and unemployed people from the West and from the East were to start they might meet in the great Mississippi Valley. What would they do with them? What have they to offer them? They have not the land any more. The land is occupied. They would go to the land in our country, but you have tied it up. You have made it so burdensome and onerous for a man to get a home on the public domain that few will attempt it. They ridicule the idea. They say, "Do you think I am going down here to run the gantlet of a lot of inspectors who are seeking not how to make it possible for a man to find a home, but rather how to prevent him from finding a home?" So they will not turn toward the land. You have tied up the forests so that they can not work in the forest. What are you going to do with the unemployed?

Recently I saw the captain of the unemployed, and I take the liberty of mentioning his name, because it has been mentioned so often here. He is Col. Coxey. He represents the inevitable result of legislation that stops industry or discourages it. It may not cause every man to be idle. I do not undertake to say that every machine shop would stop work, that every factory and foundry would be closed. I only undertake to say that that would result to the extent that a very large proportion of those now having employment would not have it, and you can not answer me as to what you will do with those people. I challenge anyone here or elsewhere to tell me how you would dispose of the unemployed that would result from the passage of this measure. You can not take care of them at home in any section of the country. Would you try to foist them on some other part of the country? You would send them from the eastern town into the wheat fields if it was harvest time, and if it was winter you would try to send them into the lumber, but you would find no employment for them, because those industries, too, would have received a blow to which the chestnut blight is ambrosial.

You have got a serious question, and we are not treating it as seriously as it should be treated. I do not say we are jockeying with it, but some are proposing to jockey with it. I am not going to join in such a process or proceeding. Before we do that which will inevitably result in stagnation of business and opportunity and pass generations over unprovided for I want to know the alternative. If we had a great war, we might send regiments by the thousand away and let them be shot or take the chances of it. You might as well do so as to send them out into that field of the unemployed that we once saw. I saw them. I happened to be here when they came camping and marching down here.

I first saw them when they started on the first car loaded with Coxey's army at Oakland, in California. I followed that car until it came East. It came up over the railroad to Portland, Oreg., and then up the Columbia River. I saw them paddling their way across the Coeur d'Alene Lake on logs, sitting there like frogs, each man on a log, some logs with two men on them, trying to get across the lake. Then I saw them capture the freight train. They kept losing after that. The conditions were not as pleasant as had been promised them. I said to one of them when I saw him in Oakland, "Where are you going?" He says, "We are going to Washington," in just as cheerful a mood as though he were going down to a camp fire to have a good time. I said, "What are you going to Washington for?" "Oh," he said, "we are going down there to adjust things." He said, "We have a large organization, and we have a great man at the head of it, and when we get there they will pay attention to us."

I did not care to enter into an argument with him, but I remembered it, and when I saw that same man in Spokane I talked to him and asked him, "How are you getting along?" "Oh, we are getting along all right, but they are making it very hard for us—the railroad companies." So I said, "Why not get tickets and ride in the car like other people?" He said, "Oh, well, that is against our principles. We are not going to do that. We are exercising a right of citizenship." And he delivered a lecture on the Constitution of the United States and the inalienable rights a man has under it. I went up home. My residence then was at Osborne, which is a suburb of the city in which I now live. I saw that man when he came along. He had paddled himself across the lake on a log and had had many vicissitudes and some hunger. I said to him, "Do you not think you are about tired of this?" He said, "I am getting pretty tired of it." I said, "If you will look around here I can

get you a job." The result was that he got a job driving a team and in six months he owned that team. He bought it, and it was the foundation of his business as a teamster in that country, and he never got to Washington.

But I saw them here, some of them. Now, are you going to bring about those conditions? That has been charged with being sensational, but like conditions produce like results. The question is, Are you going to turn a lot of men loose to look for employment where there is no employment for them? Are you going to do it in the interest of the laboring men of Europe or the laboring women of Europe? Are you going to take the chances on doing it? That is more important. It is easy enough to say, "We are not going to do that; our policy will afford these people just as much opportunity to labor and prosper as that which you propose."

But you have only to read back within your own easy recollection; and I ask you, Are you going to take a chance on it? Have you a right to take the chances? You came here to represent those people. They individually are not capable of running a government. They are capable of exercising the rights of citizenship, and those rights vary according to the capacity of the citizen. It is all nonsense to say that one man is as capable as another to engage in the direct election of a President of the United States, or of a United States Senator, or of any other officer. They are capable to perform that part of the duty adapted to their ability; that is all.

I have seen a lot of twaddle in the papers, and have heard a lot of it in speech, condemning men who dared to say that all men are not equally capable of being judges, or Senators, or Presidents, or bricklayers, or carpenters, or any other labor. Yet you are going to try—I hope you will not succeed—but you are going to try to take away from these people the opportunity. Because you want to give it to the foreigner? Would you rather have foreign goods than home-made goods? No matter how cheaply you could buy them, would you rather buy your coat of a foreigner and thus deprive your own fellow citizen of the right, at least, to contribute toward the making of it; to furnish something that went into it?

You will say that you would not prefer to see a foreigner make your coat than to have it made at home. Would you rather have a coat made of foreign wool than of domestic wool, if you could get it for the same price? Yet you have said in defense of the measure that you are urging that you want to put them on an equal footing. Even one of the foolish platforms upon which the Republican Party went down to defeat said that. The people said, "No; are we not any better or have we not any more rights than a foreigner? Has the Republican Party reached that stage of degradation that it would put us only on an even footing with a Mexican or a foreigner of any country?" Is there nothing to be proud of in the fact that you are an American citizen? Are you not distinguished above all men on earth because you are an American citizen? Then why be content with saying we shall be exactly on an even footing with foreigners in the great household of the government of production and consumption?

Now, if you put our mines where we will be in competition with Mexican miners you will close our mines. That is no idle boast, because men are not going to mine ore merely for the sake of being industrious. I have said about all I desire to say in regard to the lead subject.

The conditions that exist in Idaho in regard to this matter are not dissimilar to those that exist in Missouri, or in Colorado, or in Utah, and some other leading mining sections. The result of a reduction of the duty upon the product of these mines will be about the same, varying only according to the variance in local conditions. I do not imagine that any one of those who are acting with the Democracy in regard to this matter will strike this blow at lead and the lead-mining industry. Yet it rests exactly on the same principle as other articles.

Mr. President, it was not my intention to confine myself to a discussion of the lead schedule. What is true of the lead schedule is true of the zinc schedule, or the items of zinc and lead in Schedule C. Zinc is mined under the same circumstances. The wages of the miners are the same, the cost of production is the same. We have zinc mines and zinc concentrating mills right in the midst of our lead mines and lead mills.

Mr. Samuels, who is the principal owner of one of these mines and mills, appeared before the committee and made a statement that is unanswerable in favor of his contention that a reduction of duties would close the mill. Senators have doubtless given attention to it in reading the report of the proceedings before the committee. The zinc industry is very new in that country, but its possibilities are unlimited, and the question is whether the mines will lie there in idleness or whether they will be developed, whether they will produce occupation for labor, whether they will afford opportunity for commercial investment and business enterprise, or whether they shall lie there as they did for unknown centuries. The real wealth of this country is in the ground, and the people have a right to have the opportunity to avail themselves of the benefit of that wealth. It is a right. It is not something to be doled out to them at the pleasure of a coterie of men. We are sent here to protect the people in their rights, and it is a duty that rests upon us.

I have taken a single State merely as a text. We have other industries resting upon the same basis. We have spent millions of dollars to irrigate our lands, in order that they might produce crops. That is in southern Idaho, in what is known as the semiarid region. Of what avail is it to have expended that money if we destroy the market for the crops that grow upon the land by reason of the expenditure of that money? If you are going to destroy the market—that is, the market for the American product—of what avail is it to those people that the factories can run on foreign raw materials?

When we come to discuss the wool bill we will be confronted with that proposition. When we come to discuss the lumber schedule we will be confronted with an equally important one.

But it is the schedules in the aggregate that count and that are important. No greater evil was ever inflicted upon the country than this idea of revising the tariff by schedules. There is no possible opportunity to balance them one against the other. There is no single schedule in our tariff law that does not bear directly a responsible and dependent relation to every other schedule. The men who work in the mines are the market for the men who work on the farms. The men who work in the foundries are the market for the men who till the land, who make the shoes, who weld the iron, who mine in the ground. How can you intelligently establish a schedule involving a class of articles without considering at the same time the effect that it will have upon every other schedule? I have stood here for years contending against this fragmentary way of dealing with the tariff law. The Republican Party has denounced it as impracticable and impossible. Of what avail is it to make rules that would insure prosperity to the iron and steel schedule unless we at the same time take into consideration the rates and duties that affect the men who are engaged in the enterprises that foster and support and make a market for the products? What matters it if the Steel Trust can produce a thousand tons or a million dollars' worth of an article or commodity if it has no market for it? How can it have a market unless the people to whom it would sell have prosperity and money enough to buy their product? How can those people have prosperity and money enough unless they too in their turn are protected against the encroachment of foreign competition in what they produce and what they use? Of what avail is it if we protect the farmer if the farmer has no market? How can the farmer have a market among unpaid and unemployed people? How can he have a market among those who have nothing wherewith to buy? I am simply illustrating the fallacy of this idea of revising a tariff by schedules.

If we pass this steel schedule and have done all the harm that we can to those who mine ore and convert it into articles of usefulness and then do not revise any other schedule, we have destroyed the balance in the commercial law between those commodities. Suppose we revise the steel schedule or the metal schedule, and then revise the lumber schedule, we have put in antagonism two of the greatest industries of this country, an antagonism that they themselves are powerless, under the law which we have laid down for them, to adjust. Suppose that we open the competition of foreign production to the products of the farm, as was sought to be done in the Canadian reciprocity bill, so that the farmers of this country have not sufficient protection to keep out the products of their neighboring countries, where is the market for the products of the people of this country? Will they sell to the operatives of the metal schedule and those who make iron in its various forms? They will be out of business; they will be closed up; the owners will be off enjoying the spas of Europe while the workingmen will go home wondering and waiting when they will again be employed. The farmer will have no market for his products in a bankrupt community of laboring men. I repeat that it is impossible intelligently to reform the tariff laws by schedule, and especially do I insist on that to the Members of this side who have been carried away with such a theory.

Mr. President, I desire to place in the RECORD a table which is found on pages 769 and 770 of the testimony of Mr. Burbidge. This table gives the statistics in regard to the production of mines and wages and other matters directly applicable to this question.

The PRESIDING OFFICER (Mr. CLARKE of Arkansas in the chair). Does the Senator from Idaho ask permission to have the table printed in the RECORD?

Mr. HEYBURN. I ask that it may be printed in the RECORD.

The PRESIDING OFFICER. Unless there is objection, such will be the order.

The table referred to is as follows:

PARAGRAPHS 51 AND 52.

Summary for mines and quarries, Idaho, 1909.

	Total.	Producing.	Nonproducing, reporting development work.
Number of operators	890	174	716
Number of mines	2,431	370	2,061
Capital	$80,998,754	$48,892,888	$32,105,866
Expenses of operation and development	$9,652,288	$7,198,763	$2,453,525
Services:			
Officials	$66,350	$43,015	$23,335
Superintendents	$365,994	$226,236	$139,758
Clerks	$108,246	$88,627	$19,619
Wage earners	$5,348,460	$4,045,918	$1,302,542
Miscellaneous:			
Supplies	$2,383,373	$1,847,458	$535,915
Fuel and rent of power	$412,813	$356,199	$56,614
Rent and royalties	$29,687	$27,632	$2,055
Taxes	$164,935	$158,145	$6,790
Contract work	$319,826	$22,665	$297,161
Rent of offices and sundry expenses	$452,604	$382,868	$69,736
Value of product		$8,649,342	
Character of organization:			
Individual	167	63	104
General partnership	230	35	195
Incorporated companies	[1] 493	[2] 76	[2] 417
Number of proprietors and partners	871	169	702
Number of proprietors performing manual labor	297	115	182
Salaried employees:			
Officers of corporation	73	24	49
Superintendents	202	91	111
Clerks	99	64	35
Wage earners, number [3]	5,714	3,592	2,122
Acreage:			
Owned—			
Mineral land	133,515	42,222	91,293
Timber land, not included in mineral land	1,534	1,149	385
Other land	2,682	2,303	379
Leased—			
Mineral land	5,735	3,246	2,489

[1] Includes 2 cooperative associations.
[2] Includes 1 cooperative association.
[3] Dec. 15, or nearest representative day.

Principal mining industries, Idaho, 1909.

	Silver-lead mines.			Copper mines.
	Total.	Producing.	Nonproducing.[1]	
Number of operators	757	60	697	4
Number of mines	2,185	154	2,031	27
Capital	$72,738,889	$40,752,983	$31,985,906	$3,027,944
Expenses of operation and development	$9,007,444	$6,582,783	$2,424,661	$310,540
Services—				
Officials	$60,350	$37,015	$23,335	[2]
Superintendents	$325,506	$187,548	$137,958	$10,250
Clerks	$100,022	$82,017	$18,005	$5,400
Wage earners	$4,984,771	$3,698,106	$1,286,665	$167,132
Miscellaneous:				
Supplies	$2,247,826	$1,718,126	$529,700	$84,431
Fuel and rent of power	$394,212	$337,598	$56,614	$8,320
Royalties or rent of mines	$25,207	$23,152	$2,055	
Taxes	$150,019	$143,237	$6,782	$9,674
Contract work	$308,344	$12,683	$295,661	$8,100
Rent of offices and sundry expenses	$411,187	$343,301	$67,886	$17,233
Value of product		$7,926,602		$416,086
Character of organization:				
Individual	109	13	96	1
General partnerships	193	5	188	
Incorporated companies	[3] 455	42	[3] 413	3
Number of proprietors and partners	712	34	678	1
Salaried employees:				
Officers of corporations	67	18	49	[4]
Superintendents	174	64	110	4
Clerks	91	58	33	3
Wage earners, number [5]	5,151	3,077	2,074	134
Acreage:				
Owned—				
Mineral land	101,861	14,139	87,722	1,395
Timber land, not included in mineralland	1,284	899	385	
Other land	1,562	1,343	219	480
Leased—				
Mineral land	3,963	1,474	2,489	

[1] Reporting development work.
[2] Salary of officials included with superintendents.
[3] Includes one cooperative association.
[4] One officer included with superintendents.
[5] Dec. 15, or nearest representative day.

Mr. HEYBURN. For whom is it we are proposing to make this sacrifice, Mr. President? We are proposing to give employment to men who neither owe nor contribute to citizenship of this country in time of war and who fight it in time of peace. The other day, in one of the courts in the State of Washington, a man applying for papers of citizenship was asked by the judge whether in time of war he would fight for Italy or the United States. He was a candid man, and he said, "I would fight for Italy, of course." And the judge refused to grant him citizenship. We are proposing to take these nonproductive people and give them an advantage, I will say, in order to be conservative, equivalent to our own citizens without imposing upon them any of the responsibilities or burdens of citizenship. Will we do it? That is the question. If Congress does it, will the American people sustain them in doing it? The American people never have sustained them when they have attempted to do it. It has always been a single lap with the party that did it.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. May I ask the Senator from Idaho whether, in his investigations in committee regarding the tariff, he has found any duty which can be safely reduced without injury to the American workingmen or without turning over their jobs to foreign workingmen?

Mr. HEYBURN. First, by paring down the profits in this country.

Mr. NEWLANDS. I will ask the Senator whether, in his investigation, he has found any such duty?

Mr. HEYBURN. I have found a great many duties that might be pared down by paring the individual down to fit the duty; but I was opposed to that. I am not in favor of paring the American citizen down to the size of a foreigner.

Mr. NEWLANDS. What I wished to ask the Senator was, whether, consistently with the protective principle and with the full protection which he stands for of the American workers, certain reductions could not be made in what are regarded as the excessive duties of this tariff and whether any such have come under his observation?

Mr. HEYBURN. Mr. President, I saw no place where the paring down of the duty would not pare down the prosperity of the American citizen.

Mr. NEWLANDS. The Senator, then, regards the existing tariff as a perfect tariff and one not requiring any change or alteration?

Mr. HEYBURN. Perfect? No; no law was ever perfect.

Mr. NEWLANDS. Well, I will modify it.

Mr. HEYBURN. Satisfactory.

Mr. NEWLANDS. The Senator, then, regards it as satisfactory, and one that does not require any change?

Mr. HEYBURN. As satisfactory as any tariff law could be, especially one enacted under the circumstances that surrounded the enactment of that law. There should have been no revision of the tariff at that time. Conditions had not changed between the making of the Dingley law and the time when we took up that question under a threat of the Democracy. The Democracy can look fiercer and its threats can be more terrifying sometimes than the nerves of a certain class of Republicans can stand, and they get nervous and confused and yield when they ought not to.

Mr. NEWLANDS. May I ask the Senator another question, and that is, whether the reductions made in the Payne-Aldrich bill from the Dingley tariff have, in the judgment of the Senator, proved prejudicial to the interests of the American workingman?

Mr. HEYBURN. Yes; I answer that unhesitatingly.

Mr. NEWLANDS. I should be very glad to have the Senator suggest some instances of that kind.

Mr. HEYBURN. It is for the Senator from Nevada to suggest any instances in which they have proved beneficial. That is the side to reason on. We are not here to experiment on how close we can cut to the nerve; we are not here in the position of a vivisectionist standing over a tied animal to see how nearly we can extinguish his life without doing it; but we are here to see how strong we can make the workingman and to add to the strength, to the possibilities, and to the conditions of prosperity.

Prosperity seems to be a beast of hideous mien to a Democrat. My attention has been most forcibly called to that. I am not making any invidious comparisons when I say that. I am speaking of the Democrat who is the composite of all Democrats, so that he has no personality about him, and I can say what I please about him. In 1884 Republican prosperity had resulted in a large surplus of $60,000,000. We would think it large now,

and I heard those figures rolled out in oratorical beauty up in the country where I live. Men were going up and down talking about the surplus. It surprised them. A Democrat had never seen a surplus, you know, at all. I could name a lot of them who were old dyed-in-the-wool Virginia and West Virginia and Kentucky Democrats. That surplus made them miserable. They would sit up nights and worry about the surplus. That was their whole argument—surplus prosperity to the whole people. Now, their cry is the same in that it is that the individual is too prosperous. You want to shave him down to fit within the armor of the antiquated Democracy. It is just like we see to-day men trying to put themselves into the armor of the days of the Lilliputians. We will not engage in that with you. We will stand out in the opposite direction, and not try to see how closely we can pare the prosperity of American citizens, but will see how broad we can build them and what margin of expansion we can give to them. We are not content ever with the prosperity of the American citizen. We want him to have the opportunity to increase it.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. HITCHCOCK. I should like to know whether the Senator from Idaho agrees with ex-President Roosevelt, who will possibly be the next presidential candidate of the party to which the Senator belongs, when that ex-President intimates that the workingman in America does not receive in his pay envelope the benefit of the protective tariff for which the Senator from Idaho is speaking?

Mr. HEYBURN. I do not give heed to the nod and beck of monarchs. The Senator from Nebraska uses the words "when that ex-President intimates." The intimation of no man controls or influences my judgment. I require him to put the responsibility of formulated speech behind the principle that he advances.

Mr. HITCHCOCK. I will quote the language, if the Senator from Idaho will then reply to it. I have here an extract from what the ex-President has recently said.

Mr. HEYBURN. Mr. President, I would allow almost anything, from an editorial in the Age of Reason up—I start at the very bottom—I would allow almost anything to be read into my speech but that kind of a document. I do not desire that to be read into my speech because I shall send out the message, which I am uttering here to the extent of my ability, in order that at least a portion of the people of the United States may have the benefit, if it is a benefit, of my views; and I do not propose to pay for the expense of printing and sending out that document nor any like it. I am not distributing that kind of literature this season. [Laughter.]

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. I object to that document being injected into my speech. I do not object to things that the Senator may say on his own responsibility, but I do not care to have any speech injected. I like to be interrupted by Senators, because it enables one to meet the thoughts that otherwise we would not have any opportunity to know.

Mr. HITCHCOCK. Let me ask whether the Senator objects to having quoted the statement which has just recently been made by the great Republican leader who will be the standard bearer to lead the Senator from Idaho in the approaching campaign?

Mr. HEYBURN. The Republican Party has not yet selected its leader, and the Democrats are enjoying considerable unction in selecting leaders for the Republican Party. After the Republican Party has selected its leader and said to that leader upon what principles he shall stand I not only will welcome, but I will rejoice in having the Senator inject it into my speech, but let us——

Mr. HITCHCOCK. I want to remind the Senator——

Mr. HEYBURN. Let us mark time, now, for awhile until the Republican Party has organized its army.

Mr. HITCHCOCK. I want to remind the Senator from Idaho that after his party has selected this eminent ex-President and leader it will then be too late for me to inject this quotation into the speech which the Senator is now delivering.

Mr. HEYBURN. That may be something in favor of my present attitude. [Laughter.]

I was talking of the market of the producer. The market is as variable as the product. What relation do our citizens bear to this Government? I hear it discussed here every day from the standpoint that the citizen is a vassal and that the Government is a master. Many men have gone on the rocks upon that mistake. The men who grow comfortable and smug in office are dangerous to themselves and to the people, because no man has title to an office except at the will of the people.

I am not inclined to indulge in this talk about the common people. From the standpoint of citizenship there are no common or uncommon people in this country. From the standpoint of personal equipment there is every grade of person in this country. Some are competent to perform the highest duties, and some are competent to perform no duties.

Now, we have a school growing up—I will not use that word "growing"; it attempted to grow—that would contend that all men are equal in their ability to participate in government, and that seeks to endow them with the opportunity. Nothing could be more dangerous in the world. They harp upon the expression in the Declaration of Independence and in their own imagination upon the phrase "All men are free and equal." Many of them do not know where the expression originated. Free and equal before the law in their rights; yes; and I would stand for that always, and the Republican Party stands for it.

All men have equal rights before the law, and it is upon that basic principle that this Government was founded. Whether they are allowed to exercise them or not is a question that I will not at this time enter upon. They have that right; but it does not follow that all men are equal to the performance of the duties of citizenship. There is a political school that contends that they are; that contends that the man who lives back in the clearing district and reads one paper or none is as capable of voting on the choice of a President by direct vote, or on the selection of a Senator, as the man endowed with the ordinary equipment of intelligence and education. I will never consent to such a doctrine.

The question of the direct election of Senators by the vote of the individual citizen is as rank a fallacy as ever was undertaken to be incorporated into a great system of government. They are capable of selecting a neighbor who shall speak for them. A man needs a very much less degree of intelligence and capacity to select a man whose judgment is to represent a question. He does not need to know about the question itself. Every day you hear men say: "Well, I do not know anything about that question; I leave that to your judgment." You hear it here in the Senate; you hear it in the committee room. Men say, "I have not given attention to that; but if you have looked into it and investigated it I will accept your judgment." And yet they would take a man who has no capacity to judge, who has the same rights under the law, but who is incapable of exercising the rights, and they would put him where he might, by a rank want of knowledge, destroy the Government. I only say that in passing, in speaking of this question of citizenship, and I am not afraid to say it. If a man came to me and reproached me for having said it, and claimed that he had been misjudged, I would put him on the defensive; I would say, "All right; do you know this candidate? Have you ever seen him or read a word that he has written or heard a word that he has spoken?" "No." "Do you know men who know him and who know as to his capacity?" "No; I do not know anybody who knows him." "Well, how is it that you are going to cast your vote for him?" "Well, he is an insurgent"—he would not say that; he would say, "He is a progressive, and I am going to vote for him."

I am tired of this word "progressive." I am tired of hearing men usurp the use of a word as a watchword to which they are not entitled. Is it progressive to attempt to change the organic law of the land by destroying a part of it? Is it progressive to take away from the judgment of the courts that finality that has stood as a bulwark of our institutions? Is it progressive to turn over the exercise of representative government to the hands of an irresponsible democracy? Is that progress? I said they have usurped the word. They have undertaken to usurp a great word as a name for their proposed action to be written upon their banner. I will not concede it to them.

Is not a party progressive that has administered the affairs of this Government from the days of its puny existence until this time, with the results that confront us? Would you dare say that the great Republican Party has not been progressive when it has shown itself capable of saving the Nation from destruction and reorganizing it, of reorganizing the great financial system of this Government, of inaugurating a settlement system that has resulted in the population of a vast territory that was vacant when they found it, and of bringing about the prosperity of the individual and the combination of individuals? Do you say that is not a progressive party? We are doing what we have done too often. Merely because somebody claims something we are conceding that they are entitled to it, because we are too tired to combat their contention; and it is to this ele-

ment that we are to-day indebted for the difficulty that confronts us in enacting this legislation—the element that has arrogated to itself the right to be termed "progressive" and that has denounced the Republican Party as being retrogressive. This organization has no record to stand on; it never accomplished anything. Compare its record with that of the Republican Party and the comparison becomes odious. I want to locate the trouble this afternoon and place the responsibility upon it, and say to men, "Are you going to insist on the stand you have taken, or are you going to be manly and say, 'We were mistaken; we thought we had correct ideas of government, which, if applied, would be beneficial; but experience has taught us that our wisdom, measured individually or in the aggregate, is not the equal of that of the organized Republican Party.'"

The Republican Party is a principle; it is not men. Men come and go; they live and die; and it makes no difference what name a man bears who is chosen to speak for the principles of the Republican Party, just as our Government itself has stood for a principle from the beginning.

I read a speech of a man within a day or two who spoke of the origin of the United States of America. He said that the origin of the term "United States of America" was in the Constitution. The United States of America existed by name before the Constitution was framed. It was the United States of America that made the Constitution. The term "United States of America" was used in the Articles of Confederation. We did not form a new Government when we made the Constitution; we adjusted the instrument to the changed conditions; and in that instrument we declared for the preference rights of American citizenship.

I am not making these animadversions upon those who have undertaken to build up a new party with any spirit of malice or disdain on my part. I recognize the fact that we are confronted by a grave situation, and we come to you with pleadings, with respectable and respectful insistence, and ask you to stay the hand that would despoil a great party with a great history; to be patient in the councils of that party; and to yield to the majority of it. That is all we ask of you. We ask of you not to give aid and comfort to the enemy of the Republican Party. Is that an unreasonable request? Suppose you are right, you are more likely to obtain what you seek in the Republican Party than you are out of it.

I see Senators looking up the question as to the origin of the name "United States of America." I trust they have found that I am correct.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. The Senator was quite correct, but he did not go quite far enough back for it. He should have gone to the Declaration of Independence.

Mr. HEYBURN. No; they were merely free colonies then.

Mr. SUTHERLAND. The Declaration of Independence in the concluding paragraph says:

> We, therefore, the representatives of the United States of America—

And so on.

Mr. HEYBURN. Well, I may not have been broad or wide enough or long enough in my statement, but I certainly was correct so far as I stated it upon that view without refreshing my mind.

There is not a Democrat on the other side who will change his views on the tariff question because of anything said on this side, and while I am pleased to give them the benefit of what I may say, I am not hoping to obtain any converts. But I do hope and I do pray that those who would resist the Republican principle of protection, which is protection which protects, will see the error of their way, come into the Republican Party, and stay there; and if you do not get what you think you are entitled to just as soon as you arrive, wait and labor and fight within your own party.

The situation is like a man who, belonging to one army in struggle with another, goes out between the lines and jumps up and down and hollers, denouncing both, one at one time and another at another time, and lands nowhere, while he is liable to fall between both fires. Stay by the army that you enlisted with. If your cause is just, you are more apt to win in the Republican Party than anywhere else, and if it is unjust you ought not to win anywhere. There is no place in the world that will more nearly convince a man of his errors than in the party; but he does not want side conferences.

When a tree is growing, in its early stages or at almost any stage, we often see sprouts that go up from the roots—suckers, they call them—and if you leave them on the tree they draw from the life of the tree. When you go out to look for fruit, you do not look on the sprouts for it; you expect the fruit to be on the tree. There is no hope for the sprout. There never comes a time when the sprout accomplishes or amounts to anything. You have to depend upon the tree, and that is all that this movement means.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. MARTINE of New Jersey. Suppose that in the course of time the main trunk, the original tree, becomes diseased, and limb after limb falls off; then what becomes of the sucker, so called?

Mr. HEYBURN. I presume probably it would die when the roots die.

Mr. MARTINE of New Jersey. No; the sucker establishes a new root for himself, and becomes the dominating power over the old stump. I say, with all due respect to the distinguished Senator, that that is about the condition of the Republican Party.

Mr. HEYBURN. Yes, Mr. President, I know that is the opinion of some Democrats about it. I know some Democrats who have real respect for the Republican Party as the result of experience.

The Senator from New Jersey was dealing rather in poesy than in wisdom when he made that comparison. The idea of one standing up in this hour and comparing the Republican Party to the rotten old hulk of a tree.

Mr. MARTINE of New Jersey. I beg the Senator's pardon——

Mr. HEYBURN. It seems to me it does not call for any defense on my part.

Mr. MARTINE of New Jersey. I did not draw the simile between the tree and the sucker. It was the distinguished Senator from Idaho who drew the parallel between the tree and the sucker. I am only citing to the Senator a condition that occurs every day in tree and plant life, and since he made the simile he should not find fault with its application.

Mr. HEYBURN. The explanation is entirely satisfactory.

I feel that I am not spending my time in vain. I am going to sow seed, some of which may germinate and grow. I would not assume the position of a critic. I am criticizing not men, but men's acts and deeds. I have seen good men, men for whom I have a very high personal regard, attempt this on several occasions before.

I remember, when the Greeley movement came along, hearing Gov. Curtin, of Pennsylvania, try to argue my father into the belief that the Republican Party had performed its mission, and that there was nothing left of it than just a hulk, as described by the Senator from New Jersey, and the only way to be a man at all and have a right under the law was to join that movement. My father said to him, "Governor, it is easier to get out of the Republican Party than to get back into it. Just take warning." And history has proved that to be true.

I afterwards lived to see Gov. Curtin sit in Congress as a Democratic Member from Pennsylvania. He got so far from the shore that he could not swim back. There is a wide ocean lying between the Democratic Party and the Republican Party, and if a man just goes plunging forward on the waves from the Republican Party long enough he will wind up in the Democratic Party.

I want Senators to think of it. I feel that I have a right to submit this proposition to them. I prefer to do it in open council rather than to assume to talk to them individually about it. I do not regard their position as a private affair when it is attempted to be applied in legislation. I regard it as entirely a private affair when you converse in private life, and therefore I would not feel at liberty to reason or argue with Senators on these questions except as I do here in connection with the performance of a duty which I regard as a great one. I do not assume or presume that I have the power to convince or to convert men, but I have the power and the right, which I am exercising, of putting before the Senate and before the American people for comparison these two positions. That is all.

I would offend no man by criticizing his conclusions or his actions from a personal standpoint. We go before the people—Senators among those whom I refer to—and plead with men for their support of certain principles, and we are here in the position that any of us would stand in if we were before the people discussing political questions. We may argue and we may plead as we might not have the right to do under the rules of propriety in individual conversation.

I want to see the Republican Party have all the strength and power and wisdom in unity of council rather than counciling in bunches here and there. There is no greater danger to a po-

litical organization than the connivance and council of a few. Men conceive that they are leaders, and they will select two or three men or Senators and get them off in a coterie and agree upon something without knowing whether or not other Senators agree with them. They can not make it work. There will always be found in the party men who can be Republicans without the support or without the consent of any other man, who do not need the approbation of any men or any man or any coterie of men to be loyal and true Republicans.

I have seen it in other days in this body when just a few who had made the mistake of thinking that they were—what was it they used to call themselves; they had a name, topnotchers, I guess—conceived the idea that they were running the Government. I have seen them go down to defeat many and many a time because of it. I want to know something of the idea of every man with whom I am to act in cooperation in politics. I do not allow any man to go off by himself and formulate the destiny of any measure and carry it out. I may agree with him, and if I do I will not vote against my judgment because he has offended, but I will be on the alert.

Mr. President, those remarks are addressed to those who are responsible for the prophesied defeat of the Republican Party in the vote that will come to-day. It is said that they will vote against the Democratic bill and then the Democrats will condemn their bill openly and candidly and come back and take the bill that they voted against only yesterday and enact it as a Democratic measure—condemn it to-day and approve it to-morrow. For what? How? Is power to be desired above principle? Consider that. There was a scene enacted here not long ago similar to the one I have described. Do you suppose that the country—the thinking, intelligent people of this country—approve of that? That is jockeying, political jockeying, and it is just as reputable here as it is on the race course, and no more so. It is high time we understood it.

In the best days of this Government, in the most responsible days of this Government, it would not have been tolerated for a moment. The opinion of the Senate would have condemned it as the opinion of the country would have condemned it. I am now talking to all the Republicans and all the Democrats. I am not talking against time. I propose that whatever may happen in the vicissitudes of life to leave permanently here a condemnation of that kind of legislation. I intend to leave of record here my appeal—and it comes from my heart and my judgment—to those who are stepping out of the Republican organization, to do what? To lay the foundation of a new party? Great heavens, they certainly have not so wild a dream as that! A new party made of what? Made up of Republicans? Such a thing is absolutely impossible.

There is no possible destiny for that movement but oblivion. There is the possibility remaining to those who have engaged in it of regaining and holding and attaining in the Republican Party the place and power and eminence for which their natural qualifications fit them well. The party in its time has overlooked the political lapse or transgression of many a man. We have had great leaders who in hours of unwisdom came pretty near making mistakes, but I will tell you that an honest confession of error is one of the best recommendations to a man in public life.

I may not be able to have any influence on this vote; I do not know; but I will not believe it until the vote is cast; I am not going to lose my faith in principle arrayed against whatever else you may call it until the evidence is made of eternal record and the final judgment is entered. There are men engaged in this defection for whom I had estimated leadership and high honors; they are not men whom I condemn personally or individually; I could name many of them, and they have the capacity for great positions. The question is, Are they going to throw it away?

The position to-day is like that of 1872. There is no monument in this country to the achievements or memory of Mr. Forney, who owned, edited, and conducted the Philadelphia Press during the war, that brought such distinguished honor to him, and who aspired to be a Senator of the United States, and who, because of his discontent, followed off in the Greeley movement. There is no monument to Gov. Curtin, of Pennsylvania, who had won a high place in the estimation of the American people by his splendid administration of the affairs of the State during the great crisis, and yet he started out to sea in his little boat. He was going to draw the continent after him. He was going to compel the approval of men. He went down into oblivion.

Mr. President, I wish there were weeks instead of hours to elapse between this time and the vote upon the pending bill. I wish that men might go into council with themselves and thrash it out, as we all must do at intervals in our life great questions that affect our destiny. But unfortunately this is the hour of passion. It is not the hour of judgment. Many a man, if he could have thinking time, would save himself and his position and his party against error.

Mr. President, I heard the testimony of these representatives of industry before the Committee on Finance of this body, and it was nearly all directed to the large producer. I was impressed with the mistake at that time, as I have always been impressed with it. I have in my library all the hearings and proceedings in connection with the great McKinley bill, and with the Dingley bill, and I read them from end to end—every one of them. I first commenced my studies of this question of political policy under the tutorship of Henry C. Carey, than whom no greater disciple of Republicanism ever lived.

When I was a boy I read his book until I wore it out, and I have followed all that has followed on that subject—the proceedings in Congress and out of it—and I know that when we abandon that principle even a little we are giving away just that much of the rights of the American people.

It is with a feeling of dread that I see this measure come to a vote—not this first vote; this first vote will be harmless, but it is with a feeling of dread that I see the Republican Party fluke in the hour of responsibility and put itself in the position of explanation when it ought to be the master and recognized as such. That is true not only with this schedule, but those that will come teeming up like horrors to confront us throughout this session. It gives me a feeling of dread to know that there is a policy here as to which the Republican Party is going to take to the woods. It is going to get behind trees so that it shall not be seen when the hour of responsibility comes. My dread is not for the future so much as the present conditions by which we must be confronted within a few brief months, because I know that there are Republicans in the United States intelligent enough and brave enough to fight for the principles of their party as they did in 1896, when the leaders who sent the party down under the waves of defeat in 1892 were drowned in the sea of political—pretty near, cowardice, under the threat of the Democracy; and I know that when the old ship comes up again there will be new commanders on her deck, new men at her wheel and at her guns, and that the chart and the compass will be in the hands of men who know how to point the Ship of State to the destiny of success.

But between now and then what confronts us? A condition of legislation that is not only a menace to-day, but will be a realization when the Democratic Party shall have compared American citizenship and American industry with those of other lands and rendered their judgment in favor of those of other lands, and when there will be an interrogation point before every proposition of industrial enterprise. I can see that confronting us, with all the consequences that will follow the four years. At my time of life I look upon it as a desperate situation—and that it should be brought about in the face of a Republican majority by a defection of men who have no substitute to offer, only just that the tantalizing wedge may slip on either bevel to one party or the other, voting with the Democrats to-day and against them to-morrow and with them another day and so on—when there is no necessity for such a desperate condition to arise, to see it pressing on us, as the hands of the clock move, we have only the satisfaction—aye, we have no satisfaction, except in the knowledge that at the end of the administration that is to follow there will come the redemption of the people.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Reed
Bacon	Curtis	McLean	Root
Borah	Fletcher	Martin, Va.	Sanders
Bourne	Foster	Martine, N. J.	Shively
Bradley	Gallinger	Myers	Simmons
Brandegee	Gardner	Nelson	Smith, Ariz.
Bristow	Gronna	O'Gorman	Smith, Ga.
Bryan	Heyburn	Oliver	Smith, Md.
Burnham	Hitchcock	Overman	Smoot
Chamberlain	Johnson, Me.	Page	Thornton
Chilton	Johnston, Ala.	Paynter	Tillman
Clark, Wyo.	Jones	Penrose	Townsend
Clarke, Ark.	Kern	Perkins	Watson
Culberson	Lippitt	Pomerene	Williams
Cullom	Lodge	Rayner	Works

Mr. REED. I wish to announce that my colleague [Mr. STONE] is necessarily absent. He is paired upon the pending bill with the Senator from Wyoming [Mr. CLARK].

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present. If there be no

further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER]. Were he present, I should vote "nay," and I am informed he would vote "yea."

Mr. MARTINE of New Jersey (when Mr. DAVIS's name was called). I beg to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from South Dakota [Mr. CRAWFORD].

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him in the Chamber. I desire to say that if he were present and I were at liberty to vote, I would vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were at liberty to vote, I would vote "nay."

Mr. JONES (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is necessarily absent. As announced by the senior Senator from Kansas [Mr. CURTIS], my colleague is paired with that Senator. If my colleague were present, he would vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate on business of the Senate.

The roll call was concluded.

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is necessarily detained from the Chamber. If he were present, he would vote "yea." He is paired with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is detained from the Senate. If he were here, he would vote "nay." He is paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. HEYBURN. I desire to transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. CUMMINS. My colleague [Mr. KENYON] is necessarily absent. If he were here, he would vote "nay."

Mr. REED. My colleague [Mr. STONE] is necessarily absent. If he were present, he would vote "yea." He is paired, however, during his absence with the senior Senator from Wyoming [Mr. CLARK].

Mr. FOSTER (after having voted in the affirmative). May I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. FOSTER. I have a general pair with that Senator, and I withdraw my vote.

Mr. CLARK of Wyoming. I desire to state that my colleague [Mr. WARREN] is necessarily absent from the Senate on business of the Senate.

Mr. JOHNSTON of Alabama. I wish to announce that the junior Senator from Texas [Mr. BAILEY] is paired with the senior Senator from Montana [Mr. DIXON].

The result was announced—yeas 35, nays 22, as follows:

YEAS—35.

Ashurst	Gore	Newlands	Simmons
Bacon	Gronna	O'Gorman	Smith, Ariz.
Bryan	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, Me.	Paynter	Smith, Md.
Chilton	Johnston, Ala.	Percy	Thornton
Clarke, Ark.	Kern	Pomerene	Tillman
Culberson	Martin, Va.	Rayner	Watson
Fletcher	Martine, N. J.	Reed	Williams
Gardner	Myers	Shively	

NAYS—22.

Borah	Cullom	McCumber	Sanders
Bourne	Cummins	McLean	Smoot
Bradley	Dillingham	Nelson	Townsend
Bristow	Gallinger	Oliver	Works
Burnham	Heyburn	Page	
Burton	Jones	Perkins	

NOT VOTING—38.

Bailey	Curtis	Lea	Smith, Mich.
Bankhead	Davis	Lippitt	Smith, S. C.
Brandegee	Dixon	Lodge	Stephenson
Briggs	du Pont	Lorimer	Stone
Brown	Fall	Nixon	Sutherland
Catron	Foster	Owen	Swanson
Clapp	Gamble	Penrose	Warren
Clark, Wyo.	Guggenheim	Poindexter	Wetmore
Crane	Kenyon	Richardson	
Crawford	La Follette	Root	

So the bill was passed.

PROPOSED TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, during the consideration of the metal schedule I presented an amendment providing for a sliding reduction in all tariff duties at the rate of 10 per cent the first year and 5 per cent per annum for the four years following, making a total reduction of 30 per cent. That amendment was provided with a brake intended to stop the reduction whenever the importations reached a certain percentage.

The Senator from North Carolina [Mr. SIMMONS] requested me to withdraw the amendment and to present it to some other revenue bill, in order that it might be considered by the Finance Committee, and I took action pursuant to his suggestion. I now offer that amendment, which is intended to be proposed to any revenue bill or bill amending the present tariff act, and I will ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Nevada that it will be necessary to state some bill to which it is proposed as an amendment. Otherwise the amendment could not have any status.

Mr. NEWLANDS. Well, I will offer it to the excise bill.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary, in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now, therefore,

Be it enacted: SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

Mr. NEWLANDS submitted the following amendment, intended to be proposed by him to House bill 21213, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909. Insert the following:

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and
Whereas both the Republican and Democratic Parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer and the latter to a revision and gradual reduction of the tariff to a revenue basis; and
Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and
Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now, therefore,

Be it enacted: SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a Tariff Commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes. I think it will take only a few moments to get the bill through.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, after the words "one hundred and," to strike out "fifty-two million dollars," and insert "sixty-four million five hundred thousand dollars, or so much thereof as may be necessary, to be immediately available," so as to make the clause read:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $164,500,000, or so much thereof as may be necessary, to be immediately available: *Provided,* That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further,* That the amount expended under each of the above items shall be accounted for separately.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to strike out:

For salary of one agent for the payment of pensions, $4,000; and from and after the 1st day of July, 1912, there shall be only one agent for the payment of pensions to be appointed in the manner now provided by law and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

For salaries of agents for the payment of pensions, at $4,000 each, $72,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

For clerk hire, and other services, pension agency, including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided,* That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each.

And to insert:

For clerk hire, and other services, pension agencies, $385,000, or so much thereof as may be necessary: *Provided,* That the amount of clerk hire, and other services, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to insert:

For rent of pension agency at New York, N. Y., $4,250, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 13, after the word "That," to strike out "hereafter" and insert "not later than January 1, 1913," and in line 18, after the word "depositary," to insert "except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government," so as to make the clause read:

SEC. 3. That not later than January 1, 1913, pensions shall be paid by checks drawn, under the direction of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the proper assistant treasurer or designated depositary, except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

That postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mail to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried; and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned as herein provided on account of the death or remarriage of the pensioner shall be canceled.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

SEC. 5. That in case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such agent for payment of pensions.

The amendment was agreed to.

The next amendment was, at the top of page 6, to strike out:

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to strike out:

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the persons authorized to act in his place.

The amendment was agreed to.

The next amendment was, on page 6, line 9, to change the number of the section from 6 to 5.

The amendment was agreed to.

Mr. McCUMBER. On behalf of the Committee on Pensions, I send to the desk an amendment which I ask to be inserted on page 3, after line 17.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, line 17, it is proposed to insert:

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, $1,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ERSKINE R. K. HAYES.

Mr. CULLOM. I rose to move that the Senate proceed to the consideration of executive business, but I yield to the Senator from Ohio [Mr. BURTON].

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 3459) for the relief of Erskine R. K. Hayes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. I shall not object to this bill, but I shall object to taking from the calendar any other bill to-day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, line 6, before the word "thousand," to strike out "ten" and insert "five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Erskine R. K. Hayes, the sum of $5,000, in full compensation for injuries received on the 16th day of December, 1902, while in the performance of his duty as an employee of the Bureau of Printing, Treasury Department, in the city of Washington, D. C.

The amendment was agreed to.

Mr. REED. Mr. President, I wish to inquire of the Senator from Ohio how it happens that a bill can be reported for this Government employee who was injured allowing $5,000 for the injury when the policy of the committee appears to be to pay a sum equal to one year's wages.

Lest I might be misunderstood, I want to say before I take my seat that I did not rise for the purpose of opposing this bill; I do not know what its merits are; but I am curious to know why a bill which I have before the committee is, I am informed, to be reported allowing a sum equal to one year's salary, and that that is to be done upon the basis that the committee has determined upon a policy of that kind.

If the committee have determined upon that sort of policy, it ought to be applied to all; if they have not determined upon it, then these cases ought to be settled upon their merits. I want to get some light, if possible, from the Senator from Ohio.

Mr. BURTON. I will state, Mr. President, that the action of the Committee on Claims was no doubt prompted by the extremely serious and painful quality of this injury. The Senator from Michigan [Mr. TOWNSEND], who reported the bill, is present, and I think perhaps he can explain more clearly than I the policy of the committee in this regard.

Mr. TOWNSEND. Mr. President, the committee has on several occasions during this session of Congress, and I think perhaps during other Congresses, taken up cases which seem to possess peculiar merit by reason of the fact that the injuries received and the condition of the claimant were about as bad as it was possible for them to be, and considered some of those cases on their peculiar and special merits.

The Committee on Claims has not been favorable to reporting claims that were not founded on a legal right or some equitable right which seemed to require the recognition of Congress.

This particular case is one where the claimant was in the employ of the Government operating the electrical machine attached to an elevator in the Bureau of Engraving and Printing. It was his duty to go into the basement early in the morning and set in motion the motor for the purpose of operating the car. It appears that the Government had been making repairs in the basement and for that purpose had taken up a portion of the floor, some 10 or 12 feet in length and 3 or 4 feet wide, and had made an excavation of the earth below. Then they had thrown in some loose earth and covered it over temporarily with boards extending above the floor about an inch. There was a space affording an opportunity for the employee to have gone around the ends of the boards without crossing them; but they had been in that condition for something like four months, and the Government had left them there.

In the meanwhile they had warped up at the end. This man on the morning in question went down into the basement to perform the work, tripped on these boards, and fell in such a manner as to break his leg and injure his back. He laid off for a while and was treated in the hospital. He finally supposed that he had recovered. He left the employ of the Government and went to Ohio, where he took a position as deputy or assistant in the clerk's office of a county town there, the name of which I can not now recall. He continued that work for a while, until he began to get worse. His back commenced to trouble him. The upshot of it is that he is now one of the most hopeless cripples it is possible to imagine. He has an abscess on his back which has been discharging constantly for years; he has decreased in weight from something near 200 pounds until his weight is now about 100 pounds.

When he was better for a while after he was injured he was married, and a child came as the result of the marriage. So that he has a child now; but he has no means, and his wife has to care for him. It is a dreadful care, because the stench which comes from the discharge is almost unbearable. This man placed a claim before the Government when he was injured, and then dropped it because he thought he was not injured so badly as he had at first supposed. Afterwards, when this condition developed, which no one doubts was caused by the accident, he again presented his claim to the Government. He asks for $10,000. He owns a home worth $1,600, upon which there is a mortgage of $1,000; he has no means of support, and no relatives upon whom he can depend.

When his case went to the Court of Claims the court held that the Government was not negligent because he had previously passed around and over these boards and knew of the condition—that is, he contributed, the court held, to his own injury—but the same court holds that the Government itself was negligent in view of the fact that it left this hole in that condition for so many months. Your committee believed that these were peculiar circumstances, similar to those, perhaps in degree, if not quite the kind, which attached to the young lady who was injured at the Census Bureau when her scalp was torn from her head, where the Government was not at fault, and yet this Congress believed it was but the right thing for us to do to contribute to her support, and perhaps compensate her in some degree for the terrible calamity which had befallen her. Your committee reduced the amount to $5,000, and provided that $3,000 could be used immediately, $1,000 to pay for the mortgage on his home and the other $2,000 to assist him in the care which he needs, the medical and surgical aid which he might possibly obtain, although all the evidence is that it is absolutely a hopeless case. Your committee provides that the balance of the $2,000 shall be paid in monthly payments of $100 until the full sum of $5,000 shall have been paid.

I sympathize with the notion that this Congress ought not on every occasion to contribute money because a claimant asks for it. I understand, as the committee understands, that we must view these cases with great care; but precedents have been established which seem to me to warrant this Congress in granting this amount of relief. A year's salary under the law, while it would be of some value, would scarcely be of sufficient worth to render the aid which this man and his family need at the present time. For these reasons the Committee on Claims has felt that this matter ought to be passed upon affirmatively by the Senate. The case has been considered by the whole committee, and has the unanimous report of the committee in its favor.

Mr. REED. Mr. President, I would not on any account be understood as opposing this appropriation. I tried to make that plain a moment ago. I am not opposing it. I believe that the committee would not, after an investigation of the facts, have recommended this award and done so in an improvident manner. I think that it is only proper and right, if any employee of the Government is injured in a serious way, and the acts of the Government of a negligent character have contributed to that injury, the Government ought not to visit the entire calamity upon the head of the unfortunate who was himself only guilty of a portion of the negligence; but what I am trying to get at, Mr. President, is this: There is a claimant here, the bill for whose relief went through the House of Representatives, as I understand—at least the bill is here. He lost his hand.

Mr. TOWNSEND. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. Yes.

Mr. TOWNSEND. What is the name of the claimant?

Mr. REED. His name is Cole.

Mr. TOWNSEND. I do not recall the claimant. I do not believe we have passed upon that case.

Mr. REED. I am going to try to make it plain, if the Senator will pardon me.

This man lost his hand while employed on the Panama Canal, under circumstances which would probably permit a recovery in a court of law if he had been working for a corporation or an individual. The bill was turned over to one of the members of the committee as a subcommittee, and the information which came to me was that your committee had determined upon a policy of paying but one year's salary; and that because of that the most this man could expect would be a sum equal to one year's salary.

The case does not come strictly within the terms of the bill which was passed providing for compensation. In company with some four or five others, his injury occurred just prior to the enactment of that bill, and is referred to in a special message of the President recommending that relief be granted.

If we are to have a hard and fast rule fixing one year's salary as the limit in this case, and that is to apply, it ought to apply in all cases, or else we ought to settle these cases—each one of them—upon their merits. I agree that $5,000 is not too much to allow in this case. I insist, however, that if an exception ought to be made, it ought to be made in all cases, and that all of these cases ought to be determined upon their particular merits. That is the reason for this inquiry, and not to stop the passage of this bill.

I now understand from the Senator who has just spoken that his committee does not have a rule—that is, at least, a hard and fast rule—in regard to these matters.

Mr. TOWNSEND. We have a rule, if the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. Certainly.

Mr. TOWNSEND. We have a rule that we try to apply in order to cover as many cases as we can. We cover all cases, except those, perhaps, where the situation is so peculiar and so serious that it has seemed best for us to make an exception.

The rule has been adopted, but there have been two or three exceptions. I will mention one to the Senator. One was the case of the young lady who had her scalp torn from her head this year; another I do not now recall; and it seems to me there was still a third that was reported at this session, but we have adopted a rule, perhaps not a hard and fast rule, because we have made these exceptions.

Mr. REED. In the case of the young lady to whom the Senator refers, as I understand it, there was clearly no liability. The Government made the appropriation, however, in the interest of humanity. In this case there was no liability, but the Government is asked to make the appropriation, because of the seriousness of the injury and the unfortunate condition in which this man is placed. In the case I speak of the man lost his right hand, and a year's salary at the small wages he was earning would be utterly inadequate as compensation.

I ask that all these cases be considered on their merits or that none of them be considered on their merits; that we either adopt a rule and adhere to it, or that we take the broad grounds, which, I think, is the proper ground, that every case shall be considered upon its merits by the committee. I have made the inquiry and have elicited the information, and I have no objection to this bill, but shall be glad to vote for it.

Mr. OVERMAN. I desire to say to the Senator from Missouri that all these cases are usually referred to a subcommittee, and each particular case is first considered by the subcommittee. There are hundreds and hundreds of these claims pending. If the Senator will suggest to the chairman that the bill to which he has alluded be referred to some member of the committee, the bill will certainly be considered on its merits.

Mr. REED. I think the Senator from Kentucky has it as a subcommittee of one man.

Mr. SMOOT. Mr. President, I was not present in the committee when this particular bill was considered, and I have not had time to read the report, but I have listened to the statement of the Senator from Michigan [Mr. TOWNSEND]. I believe in following the rule that the committee has followed for a number of years past in all of these personal-injury cases. It is true that in one case of late, that of the young lady who was injured at the Census Bureau, the claimant was paid more than a year's salary, and yet very little more when the expenses attached to her sickness are taken into consideration.

I am not going to object to the consideration of this bill at this time, because of the fact that I have not had time to look into it and was not present in committee when the report was made, having been called to a meeting of another committee of the Senate; but I want to say to the Senator from Missouri that so far as I am concerned as a member of the Committee on Claims I shall with every vote at my command follow the rule in all personal-injury cases that we have followed for a number of years past; and I will say that in this particular case, no doubt, I would have voted that way in committee, although there may have been a majority of the committee who would have voted otherwise.

Mr. REED. Mr. President, if I may inquire, upon what ground is such a rule established as that regardless of the character of the injury one year's salary shall be held to be compensation? Why one year, instead of two years, or instead of two months? Upon what is such a rule based?

Mr. SMOOT. In answer to the Senator, I will say that about four years ago there was a law passed by Congress giving one year's salary to employees engaged in the construction of the Panama Canal who were injured. Since the passage of that law—and that seems to be the only expression we have had from Congress upon this particular personal-injury matter—the committee followed the expression of Congress, and has in nearly every case given one year's salary to those who have been injured. That is the basis of it, I will say to the Senator.

The PRESIDENT pro tempore. There is another amendment reported by the committee, which the Secretary will state.

The SECRETARY. On page 1, line 10, after the words "District of Columbia," it is proposed to insert "$3,000 of said sum shall be payable upon the passage and approval of this bill, and the balance shall be payable in monthly installments of $100 until the full sum of $5,000 shall be paid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President, I take it that the Senator is not going to ask for the consideration of the bill at this time, but will ask that it be laid aside after it becomes the unfinished business.

Mr. SIMMONS. I am not going to ask for its consideration at this time.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. NELSON. Mr. President——

Mr. SIMMONS. Just a moment, if the Senator please. Before asking to lay the bill aside temporarily, I wish to state that I shall not ask for the consideration of this bill until Monday. I hope that to-morrow and Saturday we will be able to dispose of some bills that are pressing, so that on Monday we may be ready to enter upon the consideration of this measure and continue its consideration to a final vote. I now ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. In the absence of objection, the unfinished business will be temporarily laid aside, as requested by the Senator from North Carolina.

CHARLEY CLARK.

Mr. NELSON. I am directed by the Committee on Public Lands, to which was referred the bill (S. 6153) for the relief of Charley Clark, a homestead settler on certain lands therein described, to report it without amendment, and I submit a report (No. 824) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill reported by him from the Committee on Public Lands. The Secretary will read the bill for the information of the Senate.

Mr. SMOOT. Mr. President, I am not going to object, but I simply want to make an explanation. I gave notice that I would object to the consideration of any further bills upon the calendar, on the ground that I understood the Senate desired to go into executive session, but as I am now informed that an executive session will not be held this evening, I have no objection to the consideration of this bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read for information.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the homestead entry of Charley Clark for the west half of the northeast quarter of section 31, in township 153 north, range 40, in the Crookston land district, Minnesota, under the act approved February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," upon which final proof and payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, shall be allowed and permitted to remain of record as of the date of the entry, and patent shall issue in the name of Charley Clark for the land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVA, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla. The bill was reported to-day.

Mr. SMOOT. That is the bill which I reported from the Committee on Public Lands this morning, is it not?

Mr. GORE. Yes, sir.

Mr. SMOOT. Of course it is not yet on the calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment on page 1, line 13, after the word "specified," to insert "or if at any time thereafter cease to be used as an armory by said Company I, First Regiment Oklahoma National Guard," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to Company I, First Regiment Oklahoma National Guard, the following tract of land, in the city of Alva, Woods County, State of Oklahoma, to wit: Lot No. 19, in block No. 41, according to the original plat thereof, which patent shall be issued upon the express condition that Company I, First Regiment Oklahoma National Guard, must erect an armory building upon said lot within two years after the approval of this act: *Provided, however,* That if said

armory building shall not be erected upon said lot within the time specified, or if at any time thereafter cease to be used as an armory by said Company I, First Regiment Oklahoma National Guard, title to said lot shall thereupon, without further action, revert to and be in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDING AT NOGALES, ARIZ.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill (S. 6565) to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment on page 2, line 2, before the word "thousand," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office, customhouse, and other Government offices in the city of Nogales, county of Santa Cruz, State of Arizona, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $120,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of pension bills on the calendar, beginning with Calendar No. 665.

Mr. GALLINGER. I suggest that the Senator ask unanimous consent. He can not well make a composite motion covering several bills.

Mr. McCUMBER. Very well, then, I will ask unanimous consent that pension bills on the calendar be considered, beginning with the number I have indicated.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of the pension bills indicated by him in the order in which they appear on the calendar. Is there objection? The Chair hears none. The Secretary will state the first pension bill.

The bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 2, after the name "*North Carolina*," to insert "United States Navy," so as to make the clause read:

The name of Richard Hyam, late ordinary seaman on U. S. S. Ohio, Gem of the Sea, and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 12, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John F. Rankin, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the name "Henry," to strike out the initial "C" and insert the initial "L," so as to make the clause read:

The name of Henry L. McCain, late of Company I, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 24, before the word "hospital," to insert "and," so as to make the clause read:

The name of Sarah A. Lovelady, widow of Thomas A. Lovelady, late of Company M, and hospital steward, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 15, to strike out:

The name of Arthur Branagan, late of Company C, Ninety-sixth Regiment, and Company L, Ninety-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 15, to strike out:

The name of William M. Capps, late principal musician, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. McCUMBER. On page 16, I move to strike out all of lines 5 to 8, inclusive, the case of Andreas Wirth, the beneficiary having died since the bill was reported to the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16 strike out lines 5 to 8 inclusive, as follows:

The name of Andreas Wirth, late of Company A, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 12, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Leroy S. Jones, late of Company B, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 12, after the word "Colored," to strike out "Troops" and insert "Volunteer Infantry," so as to make the clause read:

The name of Noah Hayes, late of Company D, Eleventh Regiment, and Company B, One hundred and thirteenth Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to strike out:

The name of Matthew F. Stuckey, late of Company K, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Hanger, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to strike out:

The name of Mary C. Roos, widow of Everett J. Roos, late of Company E, Nineteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Amos Graham, late of Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 12, after the words "Companies G and," to strike out the letter "J" and insert the letter "K," so as to make the clause read:

The name of Rachel Ann Keiflein, widow of Daniel R. Keiflein, late of Companies G and K, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 3, after the word "Company," to strike out the letter "H" and insert the letter "K," so as to make the clause read:

The name of Ira Kennicutt, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Edward B. North, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to strike out:

The name of Charlotte Atkinson, former widow of Thomas B. W. Francisco, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 3, to strike out:

The name of Sarah Knepley, widow of Edward C. Knepley, late of Company E, First Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 7, to strike out:

The name of Jennie M. Metz, widow of Thomas J. Metz, late of Company B, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, after line 13, to strike out:

The name of Viola Phillips, widow of John B. Phillips, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 38, after line 9, to strike out:

The name of Sumner P. Boles, late of Company F, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 41, after line 14, to strike out:

The name of Mary E. Martin, widow of George G. Martin, late lieutenant colonel First Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to strike out:

The name of Charles Britton, late of Company I, Fourth Regiment United States Infantry, and Company D, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 3, before the word "widow," to strike out the name "Krieger" and insert "Kreiger"; in line 4, before the word "late," to strike out the name "Krieger" and insert "Kreiger"; and in line 6, after the word "month," to insert "such pension to cease upon proof that soldier is living," so as to make the clause read:

The name of Mary De Kreiger, widow of Peter W. De Kreiger, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that soldier is living.

The amendment was agreed to.

The next amendment was, on page 44, line 15, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Hugh Lappin, late of Company I, Seventieth Regiment, and Company D, Seventy-third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 3, to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Daniel Williams, late of Company E, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 4, to strike out:

The name of John H. Baty, late of Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and Independent Battery Pennsylvania Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 18, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James T. Singleton, late of Company A, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 22, before the word "dollars," to strike out "thirty-six" and insert "forty," so as to make the clause read:

The name of Andrew Smith, late of Company H, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS—STATISTICS OF CORPORATIONS.

Mr. SMOOT. Mr. President, it is now 20 minutes to 5 o'clock, and I notice there are 10 other pension bills on the calendar. It will be quite late before they are all disposed of; a number of Senators desire to go to their offices and do work which is demanding their attention; and I should like to have unanimous consent that no other bills than the pension bills be considered this afternoon. I ask unanimous consent that that be the understanding of the Senate.

Mr. HITCHCOCK. Mr. President, I have been waiting for some time to get up, by unanimous consent, the little call for information which was crowded out the other day. If the Senator will permit me to pass that resolution, which I think will require no further discussion——

Mr. SMOOT. I have a number of bills that I, too, would like to have the Senate consider, but I will say to the Senator that no doubt we will go on the calendar to-morrow; I know there are a good many Senators here who would not——

Mr. HITCHCOCK. The urgency of this is that if this information amounts to anything it will be of some value in the consideration of tariff legislation.

Mr. SMOOT. I have no doubt the Senator will find plenty of time to-morrow to pass his resolution. I hope he will agree to the request I have submitted, because it will only——

Mr. HITCHCOCK. If the Senator will let me present my request at the present time, I think the resolution will be out of the way inside of two minutes. I understand from conversations with Senators on the other side that there is no objection to it.

Mr. SMOOT. That is something I know nothing about; but we have a unanimous-consent agreement now that we will go on and pass these 10 more pension bills, which will take us quite late in the day. I do not think the Senator will gain anything by objecting to my request. I assure him I will not object to the consideration of his resolution to-morrow, and there is no special bill that will take precedence of it.

Mr. HITCHCOCK. I have already made several attempts to get up the resolution; I feel that it is an urgent matter, and I am waiting patiently until the pension bills are out of the way, and I am perfectly willing to wait until they are out of the way. I deferred to the Senator from North Dakota that he might get these pension bills out of the way.

Mr. SMOOT. Then the Senator objects to my request?

Mr. SIMMONS. Mr. President, I hope the Senator from Utah will not object to the consideration of the resolution of the Senator from Nebraska. I am sure it will not take two minutes to dispose of it. We discussed it the other day pretty thoroughly, and just as we were about to take a vote on it the hour of 2 o'clock arrived and it went over. The information sought to be gathered by the resolution I believe will be very valuable to all of us in the consideration of the tariff bills.

Mr. SMOOT. If there is no objection, I will include the resolution of the Senator from Nebraska in the unanimous-consent agreement for which I ask.

Mr. GALLINGER. Mr. President, I trust that request will be acceded to. The Senator from Nebraska interrupted me a couple of days ago, when I was making a little offhand talk, with the suggestion that he would like to have the resolution passed. I did not feel that I could permit it right then. I think the Senator's resolution ought to be considered, and I have no doubt it will be promptly passed. So I hope it will be included in the understanding.

The PRESIDENT pro tempore. The Senator from Utah asks that no other business shall be transacted this afternoon except the pension bills, which has already been consented to, and Senate resolution 321. Is there objection? The Chair hears none, and it is ordered.

PENSIONS AND INCREASES OF PENSIONS.

The bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 19, to strike out:

The name of Agnes W. Culley, widow of Frank C. Culley, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

Mr. McCUMBER. I hope the amendment will be disagreed to, other evidence having been furnished since the report was made.

The amendment was rejected.

The next amendment was, on page 4, after line 10, to strike out:

The name of Annie H. Schuler, widow of David A. Schuler, late of General Service, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "late," to strike out "of" and insert "first lieutenant," and in line 20, before the words "Company K," to insert "captain," so as to make the clause read:

The name of Margaret I. Anderson, widow of Hamilton A. Anderson, late first lieutenant Company D, One hundred and thirty-second Regiment, and captain Company K, Forty-third Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 22, before the word "Veteran," to insert "Sixth Regiment," so as to make the clause read:

The name of Daniel W. Young, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and Company A, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "Company," to insert "first lieutenant"; in line 24, after the word "Eleventh," to insert "Regiment"; and in the same line, after the word "Colored," to insert "Volunteer," so as to make the clause read:

The name of Annie A. Lewis, former widow of George W. H. Allen, late of Battery E, First Regiment Rhode Island Volunteer Light Artillery, and first lieutenant Company L, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per monh.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to strike out:

The name of James S. Carter, late of Company E, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of William E. Peters, late of Company M, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the name "*Princeton*," to insert "United States Navy," so as to make the clause read:

The name of Charles Rossiter, late first-class fireman, U. S. S. North Carolina, Seneca, and Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The amendment was agreed to.

The next amendment was, on page 17, line 20, before the word "dollars," to strike out "thirty-six," and insert "thirty," so as to make the clause read:

The name of Pethuel Dorcas, late of Company H, Sixty-sixth Regiment, and Company G, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 4, after the name "*Norwich*," to insert "United States Navy," so as to make the clause read:

The name of Thomas L. Stringer, late landsman, U. S. S. North Carolina, Henry Andress, and Norwich, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to strike out:

The name of John N. Fox, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, at the top of page 3, to strike out:

The name of Oliver P. Allen, late of Company G, First Regiment Ohio Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the word "receiving," to insert "*Provided*, That in the event of the death of Charles Flannigan, helpless and dependent son of said Patrick Flannigan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Anne Flannigan, the name of said Charles Flannigan shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Anne Flannigan," so as to make the clause read:

The name of Anne Flannigan, widow of Patrick Flannigan, late of the United States Marine Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Flannigan, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 5, after line 12, to strike out:

The name of William Hazelbaker, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 23, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Thomas J. Turner, late of Company K, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to strike out:

The name of John L. Doyle, late first-class fireman, U. S. S. North Carolina, Potomac, and Tennessee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 7, before the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of William N. George, late of Company L, Eleventh Regiment Pennsylvania Volunteer Cavalry, and Company K, Eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Robert Sutor, late of Company I, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 10, before the word "Volunteer," to strike out "Mounted," and in the same line, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Andrew J. Mullins, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 14, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of James Simpson, late of Company D, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 17, after the word "receiving," to insert "*Provided*, That in the event of the death of Ella M. Branyan, helpless and dependent child of said James A. Branyan, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Levinnia Branyan, widow of James A. Branyan, late of Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ella M. Branyan, etc.

The amendment was agreed to.

The next amendment was, on page 23, after line 24, to strike out:

The name of Peter Golden, late of Company K, Eighty-eighth Regiment Illinois Volunteer Infantry, and Company B, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 8, after the name "Gideon," to insert the letter "M"; in line 9, after the word "Tennessee," to strike out "Mounted"; and in line 10, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Mary J. Burriss, widow of Gideon M. Burriss, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 4, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Bradford R. Gilbert, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Jackson Goodman, late of Company I, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to strike out:

The name of Julia C. McCue, widow of Jeremiah D. McCue, late of Company I, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 9, to strike out:

The name of Benjamin F. Musselman, late of Company E, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 25, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Thomas Hampson, late of Companies M, F, and A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 33, to strike out:

The name of Lydia A. Wright, widow of Daniel C. Wright, late unassigned Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 18, before the word "Volunteer," to strike out "Iowa" and insert "Indiana," so as to make the clause read:

The name of Lewis W. Brown, late of Company F, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 24, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Adam B. Hastings, late of Company I, Sixty-second Regiment, and Company G, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to strike out:

The name of Henry Pruess, late of Company A, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, line 10, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Nathan Mainaird, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry B. Dewald, late of Company B, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6977) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate stated:

William H. Wyatt, late of Company A, Twelfth Regiment Kansas Volunteer Infantry, $30 per month.

Eliza J. Anderson, widow of John T. Anderson, late of Company K, Forty-second Regiment United States Colored Volunteer Infantry, $16 per month.

Charles E. Young, late of First Independent Battery New Hampshire Volunteer Light Artillery, $50 per month.

William H. Power, late of Company B, Ninety-ninth Regiment, and Company B, Forty-eighth Regiment, Indiana Volunteer Infantry, $24 per month.

Nancy J. Tolfree, dependent mother of Burgon F. Tyler, late second lieutenant Company H, Thirty-first Regiment Missouri Volunteer Infantry, $24 per month.

William R. Amen, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, $30 per month.

Abner K. Gray, late of Company D, First Regiment Maine Volunteer Cavalry, $30 per month.

William P. Gilbert, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, $30 per month.

Daniel Davenport, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, $30 per month.

Wesley Hunt, late of Company G, One hundred and second Regiment Illinois Volunteer Infantry, and Battery B, First Regiment Illinois Volunteer Light Artillery, $30 per month.

Sue B. Merrill, widow of Sherman M. Merrill, late chaplain One hundred and seventy-seventh Regiment New York Volunteer Infantry, and post chaplain, United States Army, $20 per month.

Godfrey Hammarberg, late of Company H, Ninth Regiment Minnesota Volunteer Infantry, $30 per month.

Joseph S. Ewing, late of Company F, Tenth Regiment Iowa Volunteer Infantry, $30 per month.

Mary Ann Babcock, widow of George W. Babcock, late of Company F, First Regiment Wisconsin Volunteer Infantry, $20 per month.

Henry M. Dunlap, late of Company D, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month.

Clyde W. Duvall, helpless and dependent son of Jacob B. Duvall, late of Company I, One hundred and eighteenth Regiment Ohio Volunteer Infantry, $12 per month.

Henry C. Carbee, late of Second Battery, Vermont Volunteer Light Artillery, $50 per month.

James S. Evans, late of Company D, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, $24 per month.

Levi Wilt, late unassigned, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month.

Hamilton E. Turner, late of Company D, Thirty-first Regiment Iowa Volunteer Infantry, $50 per month.

Francis M. Berry, late of Company G, One hundred and tenth Regiment Illinois Volunteer Infantry, $40 per month.

Marcus Connelly, late of Company E, One hundred and thirtieth Regiment Ohio National Guard Infantry, $24 per month.

Allen M. Ripley, late of Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, $40 per month.

Orlando C. Beck, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month.

Thomas E. Ellis, late of Company B, Eighty-seventh Regiment Illinois Volunteer Infantry, $40 per month.

Calvin E. Barney, late of Company K, One hundred and eighth Regiment Illinois Volunteer Infantry, and Eightieth Company, Second Battalion, Veteran Reserve Corps, $36 per month.

Etta B. Stewart, helpless and dependent daughter of Orren P. Stewart, late of Company D, Second Battalion, Sixteenth Regiment United States Infantry, $12 per month.

Theodore H. Wilson, late of Company E, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, $24 per month.

Mary Agnes Drumgoold, helpless and dependent daughter of Michael Drumgoold, alias Michael Gould, late of Company A, Seventy-first Regiment New York Volunteer Infantry, and landsman, U. S. S. *Colorado*, United States Navy, $12 per month.

John T. Allen, late of Company F, Third Regiment Kentucky Volunteer Infantry, $30 per month.

Robert Ashurst, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, $36 per month.

Marion H. Bolerjack, late of Companies D and H, Thirteenth Regiment Illinois Volunteer Cavalry, $30 per month.

James McDaniel, late of Company G, Sixth Regiment Illinois Volunteer Cavalry, $24 per month.

John W. Webb, late of Company B, Seventh Regiment Tennessee Volunteer Mounted Infantry, $24 per month.

Edward Murphy, late of Company A, First Regiment Kentucky Volunteer Cavalry, $30 per month.

Robert H. Overley, late of Company C, Tenth Regiment Kentucky Volunteer Cavalry, $24 per month.

Samuel P. Murrell, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, $24 per month.

Reason Walker, late of Company C, Seventieth Regiment Illinois Volunteer Infantry, $12 per month.

Martha L. Perry, dependent mother of Thomas J. Matlock, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, $12 per month.

Rachel Ann Bovee, former widow of Silas Gillman, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, $12 per month.

Eliza T. Eastin, widow of James C. Eastin, late of Company K, Ninth Regiment Kentucky Volunteer Cavalry, $20 per month.

Howard Mobley, now known as Howard Miller, late of Company M, Fifth Regiment United States Colored Volunteer Cavalry, $24 per month.

John A. Camp, late of Company I, Tenth Regiment, and Company K, Forty-fourth Regiment, Wisconsin Volunteer Infantry, $30 per month.

Palmer Atkinson, late of Company E, Sixty-sixth Regiment Indiana Volunteer Infantry, $36 per month.

Robert Wood, late of Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, $24 per month.

Jonathan D. Harrington, late of Company G, Third Regiment Delaware Volunteer Infantry, and Company C, Twenty-first Regiment Veteran Reserve Corps, $30 per month.

Alexander Harris, late of Company K, Twelfth Regiment United States Colored Volunteer Heavy Artillery, $36 per month.

Edward H. Baker, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, $30 per month.

Frederick O. Nims, late of Company B, Fifty-sixth Regiment Illinois Volunteer Infantry (Mechanic Fusileers), $24 per month.

Margaret J. Grable, widow of Joseph R. Grable, late of Company B, Third Regiment Indiana Volunteer Cavalry, and Company D, Ninth Regiment Veteran Reserve Corps, $20 per month.

William Dawson, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, $50 per month.

Thomas Maupin, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, $30 per month.

Edwin W. Johnson, late of Company F, Forty-fifth Regiment Massachusetts Militia Infantry, $24 per month.

James Sweet, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and landsman, U. S. S. *Eastport*, United States Navy, $30 per month.

Thomas McCarty, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, $30 per month.

George B. Turney, late of Company K, Fifty-first Regiment Missouri Volunteer Infantry, $20 per month.

George Elliott, late of Company K, First Regiment Delaware Volunteer Infantry, $24 per month.

Robert W. Shaffer, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, $30 per month.

Thomas B. Rand, late of Company B, Second Regiment Wisconsin Volunteer Infantry, $30 per month.

Thomas A. Christy, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, $30 per month.

Michael McNulty, late of Company C, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, $30 per month.

George W. St. Clair, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, $30 per month.

Henry H. Bowman, late of Companies F and A, First Regiment Indiana Volunteer Cavalry, $30 per month.

Henry Johnson, late of Company K, Ninth Regiment Maine Volunteer Infantry, $50 per month.

Jeremiah Williams, late first lieutenant Company H, Eighty-sixth Regiment New York Volunteer Infantry, $30 per month.

William Kenoyer, late of Company H, Sixth Regiment Iowa Volunteer Cavalry, $30 per month.

Addie E. Ferrell, widow of George F. Ferrell, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and former widow of Davis L. Wetmore, late of Company F, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $12 per month.

Sarah D. Shaw, widow of Martin V. B. Shaw, late of Company D, Fourth Regiment Massachusetts Militia Infantry, $20 per month.

Melissa J. Sheffield, widow of John A. Sheffield, late of Company B, Fifty-seventh Regiment Massachusetts Volunteer Infantry, $20 per month.

Smith Whitman, late of Company L, Eleventh Regiment Kansas Volunteer Cavalry, $30 per month.

Charles F. Wellman, late of Company G, Fourth Regiment Maine Volunteer Infantry, $30 per month.

Cyrus E. Prindle, late captain Company D, Thirteenth Regiment Connecticut Volunteer Infantry, $30 per month.

Frederick Richards, late of Company E, Tenth Regiment Connecticut Volunteer Infantry, $36 per month.

Elroy S. Jennings, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, $30 per month.

Lyman C. Putman, late of Company F, Fourth Regiment Maine Volunteer Infantry, $30 per month.

James A. Dunton, late of Company H, Second Regiment Maine Volunteer Cavalry, $30 per month.

Elias H. Davis, late of Company A, Fourth Regiment Maine Volunteer Infantry, and Company I, Ninth Regiment United States Veteran Volunteer Infantry, $36 per month.

Charles H. Robinson, late of Company D, One hundred and twelfth Regiment New York Volunteer Infantry, $30 per month.

Martin O'Dowd, late of Company B, Thirty-fourth Regiment Wisconsin Drafted Militia Infantry, $24 per month.

Lydia M. Cole, widow of Emory Cole, late of Company C, First Regiment Wisconsin Volunteer Cavalry, $20 per month.

Oliver C. Swarthout, late of Company B, Forty-seventh Regiment Ohio Voluntecr Infantry, $30 per month.

Frederick Braun, late of Company A, Thirty-second Regiment Indiana Volunteer Infantry, $30 per month.

Jennie Bassett, widow of Samuel Bassett, late first lieutenant Company F, One hundred and thirty-fifth Regiment New York Volunteer Infantry, $20 per month.

Emma L. Tappan, widow of George Arthur Tappan, late second lieutenant Company H and first lieutenant Company G, Eigthy-second Regiment United States Colored Volunteer Infantry, $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the persons named at the rate stated:

Grant Noble, late of Company D, Sixteenth Regiment United States Infantry, War with Spain, $12 per month.

Edward F. Shaughnessy, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Gust Carlson, late of Battery B, Utah Volunteer Light Artillery, War with Spain, $10 per month.

Ira Howell, late of Company A, First Regiment Colorado Volunteer Infantry, War with Spain, $12 per month.

Jethro J. T. Garde, late of Company G, Twenty-first Regiment United States Infantry, $12 per month.

William Buck, late of Company H, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, $14 per month.

Anna E. R. Webb, widow of Alexander S. Webb, late brigadier general, United States Volunteers, and brevet brigadier general and major general, United States Army, $30 per month.

Marion Franklin, widow of Samuel R. Franklin, late rear admiral, United States Navy, $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered by the Senate as in Committee of the Whole. It proposes to pension the persons named at the rate stated:

Andrew N. Shuttleworth, late of Company H, Second Regiment West Virginia Volunteer Infantry, War with Spain, $10 per month.

John Moore, late of Troop H, Tenth Regiment United States Cavalry, $12 per month.

Walter Cox, late of Company G, Sixth Regiment United States Volunteer Infantry, War with Spain, $24 per month.

John S. Edmonds, late of band, Second Regiment Alabama Volunteer Infantry, War with Spain, $8 per month.

William W. Barber, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian War, $16 per month.

Wright W. Patrick, late of Capt. Bullock's independent company, Florida Mounted Volunteers, Seminole Indian War, $16 per month.

John Johnson, late of Company E, Fourth Regiment United States Infantry, War with Spain, $12 per month.

Benjamin J. Oswald, late of Company I, Twenty-second Regiment United States Infantry, $30 per month.

Sam Smallpage, late of Company D, Fourth Regiment United States Infantry, Oregon and Washington Territory Indian War, $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 22194) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 9, to strike out:

The name of Alice Downing, widow of Bedford M. Downing, late of Company B, First Regiment District of Columbia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of 3 minor children of the soldier until they, respectively, reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to strike out:

The name of Thomas Joyce, late of Company D, Second Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "late," to strike out "deceased," so as to make the clause read:

The name of Mary Norris Tillman, widow of James H. Tillman, late colonel First Regiment South Carolina Volunteer Infantry, War with Spain, and pay her a pension at the rate of $30 per month, and $2 per month additional on account of one minor child of the officer until such child reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, line 14, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Charles H. Norred, late of Company I, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 19, to strike out:

The name of Bernard F. Morrow, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 10, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of Thomas H. Chance, late of Company C, Ninth Regiment, and Company K, Thirtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 5, before the word "Illinois," to insert "Regiment," so as to make the clause read:

The name of Edgar H. Cooper, late of Company K, Tenth Regiment Illinois Volunteer Infantry, and Battery D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, one page 13, line 16, after the word "receiving," to insert: "*Provided*, That in the event of the death of Fred Smith and Frank Smith, helpless and dependent children of said Daniel Smith, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary J. Smith, widow of Daniel Smith, late of Company G, Thirty-first Regiment, and Company G, Seventeenth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Fred Smith and Frank Smith, helpless and dependent children of said Daniel Smith, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 14, line 24, before the word "Volunteer," to strike out "Mounted," and on page 15, line 1, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Joseph J. Voorheis, late of Company C, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 23, after the name "Underbyer," to insert "alias Underkofler," so as to make the clause read:

The name of Oliver H. Underbyer, alias Underkofler, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 15, before the word "dollars," to strike out "thirty" and insert "twenty-four," and in line 16, after the word "month," to strike out "in lieu of that he is now receiving" and insert "The same to be paid him without deduction for former alleged overpayments or erroneous payments of pension," so as to make the clause read:

The name of Edwin S. Butts, late of Company G, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month. The same to be paid him without deduction for former alleged overpayments or erroneous payments of pension.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from North Dakota to line 16, page 21. Should there be a period and a capital "T" or a semicolon and a small "t"?

Mr. McCUMBER. I move to amend the amendment by striking out the capital "T" and inserting a small "t," so as to read "the same to be paid," and so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, after line 10, to strike out:

The name of William C. Tilley, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William H. Bishop, late of Company H, First Regiment, and Company F, Second Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 17, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James M. Cartee, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Peabody, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 25, after the word "Regiment," to insert "Ohio National Guard Infantry," so as to make the clause read:

The name of Jennie B. Richards, widow of Frank O. Richards, late of Company H, One hundred and fiftieth Regiment Ohio National Guard Infantry, and Company E, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 9, after the word "seventy-eighth," to strike out "and" and insert "Regiment Pennsylvania Drafted Militia Infantry, and Company E," and in line 11, before the word "Pennsylvania," to strike out "Regiments" and insert "Regiment," so as to make the clause read:

The name of John M. Campbell, late of Company E, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Samuel Barnett, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 10, before the word "Volunteer," to strike out "Illinois" and insert "New York," so as to make the clause read:

The name of Alonzo J. McMaster, late fife major Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 13, after the name "Daniel," to strike out "Seiner" and insert "Leiner," so as to make the clause read:

The name of Daniel Leiner, late of Company B, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 8, to strike out:

The name of Henry Q. Graham, late chaplain Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 15, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Robert Smith, late of Company C, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now recieving.

The amendment was agreed to.

The next amendment was, on page 32, after line 20, to strike out:

The name of Mary F. Belcher, widow of Lewis W. Belcher, late of Company F, Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 35, line 12, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Dudley W. Dye, late of Companies H and D, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 16, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Peter A. Gipp, late of Company E, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 22, after the word "Volunteer," to strike out "Infantry" and insert "Engineers," so as to make the clause read:

The name of John E. Goewey, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 17, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of James W. B. Turk, late of Company D, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 21, before the word "Volunteer," to strike out "Mounted," and in the same line, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Isaac N. Wakefield, late of Company E, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 14, after the word "receiving," to insert "*Provided*, That in the event of the death of Luther McRill and Rena McRill, helpless and dependent children of said Newton McRill, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary E. McRill, widow of Newton McRill, late of Company E, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Luther McRill and Rena McRill, helpless and dependent children of said Newton McRill, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 41, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of George H. Kimmel, late of Company C, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 24, before the name "Gage," to strike out "Theodoic" and insert "Theodoric," so as to make the clause read:

The name of Matilda A. Gage, widow of Theodoric Gage, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 6, before the word "dollars," to strike out "forty" and insert "fifty," so as to make the clause read:

The name of Christopher Colgate, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to strike out:

The name of Kate E. Smith, widow of Corydon W. Smith, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 2, before the word "Volunteer," to strike out "Mounted," and in line 3, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Benjamin F. Henderson, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, after the words "Company B," to strike out "Squadron" and insert "McClellan's Dragoons, and Company I, Twelfth Regiment," so as to make the clause read:

The name of Matilda Graves, widow of Amherst F. Graves, late of Company B, McClellan's Dragoons, and Company I, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 4, after the word "Regiment," to insert "Missouri State Militia Cavalry," so as to make the clause read:

The name of Melancthon W. Gavin, late of Company G, Fourth Regiment Missouri State Militia Cavalry, and Company K, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 13, after the word "Volunteer," to strike out "Cavalry" and insert "Infantry," so as to make the clause read:

The name of Joseph Rue, late of Company A, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 18, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John W. Snively, alias William Princeton, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 21, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Charles H. Robinson, late of Company A, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 5, after the words "name of," to strike out "Erwin" and insert "Ervin," so as to make the clause read:

The name of Ervin J. Anderson, late of Company E, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 23, after the word "Company," to strike out the letter "L" and insert the letter "C," so as to make the clause read:

The name of McCager S. Gee, late of Company H, Twenty-second Regiment, and Company C, Seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, after line 12, to strike out:

The name of Hugh L. Freeman, late of Company I, Fourth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

The name of Nathaniel L. Lawrence, late of Company H, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 6, before the word "dollars," to strike out "thirty" and insert "twenty," so as to make the clause read:

The name of Louis O. Edgar, late of Company B, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows or dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, line 9, before the word "dollars," to strike out "eighteen" and insert "twelve," so as to make the clause read:

The name of Hugh J. McKane, late of Company F, Second Regiment Mississippi Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 6, before the words "minor children," to strike out "two" and insert "each of the"; and in line 7, before the word "reach," to strike out "respectively," so as to make the clause read:

The name of Kate C. G. Ewing, widow of Lee M. Ewing, late of Fourth Company, United States Volunteer Signal Corps, United States Army, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the soldier until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "late of," to insert "U. S. S. *Iroquois*," so as to make the clause read:

The name of William Alexander, late of U. S. S. Iroquois, United States Navy, War with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "late," to strike out "of" and insert "fireman, first class," and in line 19, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the clause read:

The name of Thomas M. Davis, late fireman, first class, United States Navy, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 5, before the word "mother," to insert "dependent," so as to make the clause read:

The name of Catherine Werner, dependent mother of George C. Werner, late of Company M, First Regiment Georgia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Simon P. Kieffer, late of Company B, Twenty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to strike out:

The name of Evelyn Barnette, widow of William J. Barnette, late captain and rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of Noah Y. Ream, late of Company F, Second Regiment Ohio Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 3, to strike out:

The name of Alfred B. Light, late of Company D, Third Regiment Missouri Mounted Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Jane R. Bonnin, widow of George W. Bonnin, late sergeant, Company E, Second Regiment Pennsylvania Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 16, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Jane R. Adams, widow of George William Adams, late captain of Maj. Chevallie's battalion, Texas Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 8, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of William A. Dew, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Edgar A. Whitaker, late of Company H, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 10, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Jacob Alonzo Goodale, late of Company E, Eighty-sixth Regiment, and Company F, Forty-second Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the word "Colored," to strike out "Troops" and insert "Volunteer Infantry," and in line 17, after the word "receiving," to insert "*Provided*, That in the event of the death of Theresa J. Quinn, helpless and dependent daughter of said John E. Quinn, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Helena M. Quinn the name of the said Theresa J. Quinn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Helena M. Quinn," so as to make the clause read:

The name of Helena M. Quinn, widow of John E. Quinn, late of Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and Company G, Seventy-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Theresa J. Quinn, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 13, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry M. Parks, late of Company E, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 13, after the word "late," to strike out "of" and insert "unassigned, Forty-first Regiment," and in line 14, after the word "Infantry," to strike out "unassigned," so as to make the clause read:

The name of James Woolsey, late unassigned, Forty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to strike out:

The name of Joseph C. Kuebbeler, alias Carl Kuhne, late of Company E, Tenth Regiment New York Volunteer Cavalry, and Company E, First New York Provisional Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to strike out:

The name of Anna Currigan Chamberlin, widow of Wesley Chamberlin, late of Company G, Twenty-fifth Regiment, and Company A, One hundred and thirtieth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the word "Missouri," to strike out "Infantry" and insert "Militia," so as to make the clause read:

The name of Benjamin F. Dunivan, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of Hattie Fordyce, widow of Isaac N. Fordyce, late of Company K, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to strike out:

The name of Mary A. Barross, widow of James H. Barross, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to strike out:

The name of John B. Berry, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to strike out:

The name of Christina Bates, former widow of Jacob Nohl, late of Company K, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 8, before the word "Mounted," to insert "Volunteer," and in line 9, before the word "Infantry," to strike out "Volunteers," so as to make the clause read:

The name of Josiah H. Newland, late of Company G, Thirty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 9, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Albert N. Hopkins, late of regimental band, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 6, after the word "Tennessee," to insert "Volunteer," and in line 7, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Susan Reed, widow of Calvin Reed, late of Company A, First Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 24, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Lizzie Brooks, widow of William Brooks, late of Company H, Forty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 2, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the clause read:

The name of Carrie Keefer, widow of Benjamin F. Keefer, late captain Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 16, before the word "Mounted," to insert "Volunteer," and in line 17, before the word "Rifles," to strike out "Volunteer," so as to make the clause read:

The name of Sylvester B. Van Duser, late of Company F, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 18, before the word "Veteran," to insert "Regiment," so as to make the clause read:

The name of Ann Fagan, widow of Terrence Fagan, late of Company E, Thirty-fifth Regiment Iowa Volunteer Infantry, and Company G, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 23, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Samuel W. McElderry, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "John," to strike out "Stabo" and insert "Stobo," so as to make the clause read:

The name of John Stobo, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 19, before the word "Mounted," to insert "Volunteer"; and, in line 20, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of James Finn, late of Company C, First and Eighth Regiments Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 2, to strike out:

The name of Henry W. Baker, late of Company F, Eleventh Regiment, and Company K, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John Staley, late of Company F, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Annis, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 11, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Gideon Morisette, late of Company C, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 12, to strike out:

The name of Ann Moffitt, former widow of James Moffitt, late of Company L, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to strike out:

The name of William G. Miller, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to strike out:

The name of Ellen P. Abbott, widow of James N. Abbott, late of Company I, Eleventh Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Franklin Prentice, late of Company M, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Joseph P. Foss, late of Company A, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "Regiment," to strike out "Eighty-ninth" and insert "Eighty-eighth," and in line 12, after the word "month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of Thomas S. Vale, late of unassigned Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 22, after line 21, to strike out:

The name of Robert Watson, late of First Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 22, before the word "adjutant," to insert "first lieutenant and," so as to make the clause read:

The name of Benjamin F. Hudson, late first lieutenant and adjutant Forty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

The name of Henrietta Brown, widow of Frederick H. Brown, late seaman U. S. S. North Carolina, Sabine, and Clifton, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 7, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry Lavine, late of Company G, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 9, after the name "Charles A.," to strike out "McCay" and insert "McCoy," so as to make the clause read:

The name of Charles A. McCoy, late of Company F, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 22, after the word "Volunteer," to strike out "Heavy Artillery" and insert "Infantry," so as to make the clause read:

The name of George A. Wheeler, late of Company G, Eighteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to strike out:

The name of Clara S. Stout, widow of William H. Stout, late of Company D, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 35, line 24, after the word "receiving," to insert: "*Provided*, That in the event of the death of Marie G. Reinhart, helpless and dependent child of said William Reinhart, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary Reinhart, widow of William Reinhart, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Marie G. Reinhart, helpless and dependent child of said William Reinhart, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to strike out:

The name of Lee Heath, late of Company F, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 39, line 17, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Charles H. Austin, late of Company K, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 11, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Lloyd S. Brooks, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 9, after the name "Harlow," to strike out "Reilly" and insert "Reilley," and in line 10, after the words "*North Carolina*," to strike out "*Huntington*" and insert "*Kensington*," so as to make the clause read:

The name of Harlow Reilley, late coal heaver U. S. S. North Carolina, Kensington, and Hartford, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 48, to strike out:

The name of Nicholas Roth, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, after line 4, to strike out:

The name of Frederick Hogendobler, late of Hoffman's battalion, Ohio Volunteer Infantry, and Company K, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 10, to strike out:

The name of Edward Pierce, jr., late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 7, after the word "alias," to insert "Henry," so as to make the clause read:

The name of Henry B. Mechling, alias Henry C. Mechling, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I understand that unanimous consent has been given for the consideration of Senate resolution No. 321.

The PRESIDENT pro tempore. The Chair so understands. The Secretary will read the resolution.

The Secretary read Senate resolution No. 321, submitted by Mr. HITCHCOCK on the 25th instant, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1911, so arranged as to show the following facts:

First. The total number of corporations engaged in the iron and steel industry; the total aggregate amount of their paid-up capital stock outstanding; the total aggregate amount of their bonded and other indebtedness; the total aggregate amount of their gross income; the total aggregate amount of their ordinary necessary expenses of maintenance and operation, exclusive of interest; the total aggregate amount of their losses for the year not covered by insurance; the total aggregate amount of their depreciation for the year; the total aggregate amount of the interest paid by them on their indebtedness; the total aggregate amount of taxes paid during the year to the United States and to any State or Territory thereof; the total aggregate amount of foreign taxes paid; the total aggregate amount received by way of dividends upon stock of other corporations, joint-stock companies, and associations subject to Federal tax; the total aggregate amount of their net income.

Second. The same compilation of statistics of corporations engaged in other metal, manufacturing, and mining industries covered by Schedule C of the tariff act of August 5, 1909.

Third. The same compilation of statistics of corporations engaged in the woolen industry.

Fourth. The same compilation of statistics of corporations engaged in the cotton industry.

Fifth. The same compilation of statistics of corporations engaged in the sugar-refining industry, except beet sugar.

Sixth. The same compilation of statistics of corporations engaged in the beet-sugar industry.

Mr. HITCHCOCK. I should like to inquire whether the RECORD shows that the amendment including the year 1910 has been agreed to?

The PRESIDENT pro tempore. The Chair is informed that the amendment was offered, but not acted on upon a former occasion.

Mr. HITCHCOCK. Then, if necessary, I offer it at the present time, so as to include the year 1910 as well as the year 1911.

The PRESIDENT pro tempore. The amendment is pending. The Secretary will state the amendment.

The SECRETARY. After the words "nineteen hundred," in line 4, it is proposed to insert the words "and ten, also for nineteen hundred," so as to read:

For the year 1910, also for 1911.

The amendment was agreed to.

Mr. HITCHCOCK. I understood the Senator from Pennsylvania intended to offer an amendment, but he appears to have left the Chamber.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The PRESIDENT pro tempore. Under the unanimous-consent agreement no further business is in order. The Chair awaits the pleasure of the Senate.

Mr. BRISTOW. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday May 31, 1912, at 12 o'clock m.

SENATE.

FRIDAY, *May 31, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore, under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Mount Carmel, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Peoria, Ill., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Church and the Second Congregational Church, of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Normal, Ill., praying that an appropriation of $250,000 be made for the suppression of the white-slave traffic, which was referred to the Committee on Appropriations.

Mr. SANDERS presented a petition of members of the Woman's Auxiliary of Jackson, Tenn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. WARREN presented the petition of O. L. Manchester, mayor, and 127 other citizens of Normal, Ill., praying that an appropriation of $250,000 be made for the suppression of the white-slave traffic, which was referred to the Committee on Appropriations.

Mr. OVERMAN presented resolutions adopted by the Waynesville District Conference of the Methodist Episcopal Church South, in convention at Fines Creek, N. C., and a petition of sundry citizens of Mocksville, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Moore County Medical Society, of North Carolina, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. McLEAN presented petitions of the Central Labor Union and of Local Union No. 35, Metal Polishers and Buffers, of Hartford, in the State of Connecticut, praying for the enactment of legislation to require manufacturers to place their names upon articles manufactured by them, which were referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of members of the Woman's Missionary Society of the Reformed Presbyterian Church of New Castle, Pa., and a petition of the Woman's Auxiliary of Trinity Parish, of New Castle, Pa., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which were referred to the Committee on Territories.

He also presented a memorial of Housum Post, No. 309, Department of Pennsylvania, Grand Army of the Republic, of Chambersburg, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Bucks County Medical Society, the Columbia County Medical Society, the Northampton County Medical Society, the Chester County Medical Society, the Blair County Medical Society, and the Adams County Medical Society, and of sundry citizens of Pittston, Johnstown, Adams County, Tamaqua, and Schuylkill Haven, all in the State of Pennsylvania, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Glasco, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Hallowell, Oswego, and Parsons, all in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS IN THE SOUTH (S. DOC. NO. 734).

Mr. FLETCHER. Mr. President, I desire to present some resolutions adopted by and a petition of the Southern Commercial Congress as a part of the resolutions of that Congress, which I ask to have printed in the RECORD. The resolutions and petition have reference to the subject of the drainage of swamp and overflowed lands. It is a very important matter to the whole country, and a valuable contribution to that subject was made by Mr. J. O. Wright, who was for some years connected with the Department of Agriculture and the drainage operations in that department, and at present is the chief drainage engineer for the State of Florida. It is an address delivered at the Southern Commercial Congress at Nashville, Tenn., April 8, 1912. I ask that the address, along with the resolutions and accompanying petition, be printed as a public document.

The PRESIDENT pro tempore. The Senator also makes a request for printing in the RECORD.

Mr. FLETCHER. I ask that the resolutions and petition be printed in the RECORD, and that the resolutions, petition, and address be printed as a public document.

The PRESIDENT pro tempore. The resolutions, petition, and address will be printed as a public document, unless there be objection. The Chair hears none, and it is so ordered. There being no objection, the resolutions and petition will be printed in the RECORD.

The resolutions and petition are as follows:

To the Senate and House of Representatives of the United States:

At the Fourth Annual Convention of the Southern Commercial Congress, held in Nashville, Tenn., April 8 to 10, 1912, a resolution, introduced by John M. Parker, of New Orleans, La., first president of the Southern Commercial Congress, was adopted by the section on drainage and reported to the convention and adopted by it, as follows:

Whereas there are in the United States 80,000,000 acres of swamp and overflowed lands that are not only nonproductive but a hindrance to the general welfare and a menace to the public health; and

Whereas practically all of this land is held in private ownership and it is necessary to have the consent and cooperation of the owners of this land in order to inaugurate a complete system of drainage and reclamation; and

Whereas the reclamation of these swamp and overflowed lands will be of great benefit to the owners thereof, to the State in which the land is situated, and also to the Federal Government, because of the improvement in the public health and in the construction of public highways and in the increase in the agricultural products of the country: Therefore be it

Resolved: 1. That an educational campaign be inaugurated to set forth to the people of the United States, and especially to the owners of swamp and overflowed land, the economic value of reclaiming these lands to make them fit for agriculture.

2. That a commission be appointed to simplify and standardize the drainage laws of the several Southern States; a simple and direct method of procedure applicable as far as possible to all the States should be prepared and its adoption secured by the legislatures of the several States.

3. That the Southern Commercial Congress petitions the Congress of the United States to make a complete survey of all the swamp and overflowed lands in the United States and work out a plan for draining each individual project as a part of a complete system; and that this plan embrace an examination of the soil of the swamps, showing its value from an agricultural standpoint and its adaptability for the growth of profitable crops.

4. That we urge and solicit the cooperation of all commercial organizations, railroads, banks, and business interests in general located in these States in carrying out these principles.

In pursuance of the foregoing the Southern Commercial Congress petitions the Congress of the United States to enact such legislation and make such appropriation as may be necessary for the purpose of authorizing and making by the proper department a complete survey of all the swamp and overflowed lands in the United States and working out a plan for draining each individual project as a part of the complete system, such plan to embrace and such work to include an examination of the soil of the swamp and overflowed lands, showing their value from an agricultural standpoint and their adaptability to the growth of vegetable crops, and to include plans and estimates for reclamation in each instance.

Respectfully submitted.

SOUTHERN COMMERCIAL CONGRESS.
DUNCAN U. FLETCHER, *President.*

Attest:
[SEAL.]
CLARENCE J. OWENS, *Secretary.*

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate take up the conference report on the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that at this time the Senate proceed to the consideration of the conference report upon the agricultural appropriation bill. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to.

Mr. HEYBURN. Mr. President, I should like to have the morning business finished, the introduction of bills and other matters. There is a rather lean attendance of the Senate this morning, and we have morning business to transact.

Mr. BURNHAM. There is some uncertainty as to the length of morning business, and I should like very much to have the report considered.

Mr. BORAH. Mr. President, my attention was diverted while the matter was being taken up.

The PRESIDENT pro tempore. The Chair would state to the Senator from Idaho that the question was put on the motion of the Senator from New Hampshire and declared carried. Does the Senator from Idaho desire to move to reconsider the vote?

Mr. BORAH. I do. I will say to the Senator who has charge of the bill that I suggested yesterday morning I would call up House bill 9061, if I could, to-day. I do not think it will take long to dispose of that bill, and I want to dispose of it, if I can, this morning. For that reason I am making this objection.

Mr. WARREN. The motion was made to take up the conference report, and the motion was carried.

The PRESIDENT pro tempore. The Chair has already so stated, and the Senator from Idaho desires a reconsideration of that action.

Mr. WARREN. I shall be very sorry to have it reconsidered. I say this without any wish to delay or to oppose the bill the Senator from Idaho has in charge. On the contrary, I should like to have his bill passed.

Mr. BORAH. I will say to Senators they will not make any progress if the conference report is taken up at this time under the circumstances.

Mr. WARREN. If I am to accept that as a challenge, I might say to the Senator that he need not expect to make very much progress with his bill if he antagonizes all the appropriation bills.

Mr. BORAH. I suggested yesterday morning that I would desire to take up House bill 9061 to-day.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

Mr. BORAH. I simply meant to observe that at this time there will be no considerable progress made by proceeding with the conference report.

Mr. WARREN. If the Senator says there was an understanding yesterday to take up House bill 9061, it was just that mention that brought the comment from me that if taken up it should be subject to conference reports and appropriation bills. There was no agreement that it should be considered to-day. It was simply a suggestion by the Senator from North Carolina to the Senator from Idaho, as I understood it.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum.

Mr. WARREN. I do not know that when I am in the middle of a sentence I can be taken off the floor by the suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is a point of order which can be made at any time.

Mr. WARREN. I do not wish to interpose further.

The PRESIDENT pro tempore. The Chair will state, in justice to the Senator from Wyoming, that the Senator from Connecticut made the point of no quorum several moments ago, and the Chair in deference to the Senator postponed ordering the roll to be called.

Mr. WARREN. That is all right, and I beg the Chair's pardon. I did not hear the point when it was made.

Mr. BRANDEGEE. I suggest the absence of a quorum now.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martin, Va.	Smith, Ariz.
Bacon	Cullom	Martine, N. J.	Smith, Ga.
Borah	Curtis	Oliver	Smoot
Bourne	Dillingham	Overman	Stephenson
Brandegee	Fletcher	Page	Sutherland
Bristow	Gallinger	Penrose	Swanson
Brown	Gardner	Perkins	Warren
Bryan	Gronna	Poindexter	Watson
Burnham	Heyburn	Rayner	Wetmore
Catron	Johnston, Ala.	Richardson	Williams
Clapp	Jones	Root	Works.
Clark, Wyo.	Lodge	Sanders	
Clarke, Ark.	McCumber	Simmons	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Out of order, I desire to submit——

The PRESIDENT pro tempore. The Chair will state that the Senator from Wyoming has the floor.

Mr. WARREN. I do not wish to occupy the floor longer.

Mr. BORAH. I withdraw the motion I made to reconsider.

The PRESIDENT pro tempore. The Senator from Idaho withdraws the motion to reconsider, and the Secretary will read the conference report.

The Secretary proceeded to read the report.

Mr. HEYBURN. Mr. President, I would inquire whether the report is being read for amendment or consideration as we proceed?

The PRESIDENT pro tempore. The Senate can not amend a conference report.

Mr. HEYBURN. Yes; where the conferees put in new matter it can be dealt with.

The PRESIDENT pro tempore. The conference report has to be dealt with as an entirety.

Mr. HEYBURN. Except where the conferees put in new matter.

The PRESIDENT pro tempore. It has to be dealt with as an entirety under all circumstances; and the only advantage which can be taken——

Mr. HEYBURN. Mr. President, I had it in mind to inquire as to the proper time to interpose an objection. An objectionable section has just been read. The question arose in my mind as to whether or not I should wait until the entire report had been read and then recur to it, or whether it would not be more convenient and efficient to deal with it at the time when it is reached.

The PRESIDENT pro tempore. The Chair will state to the Senator that the usual course is that the report be dealt with in its entirety. It must be voted on in its entirety.

Mr. HEYBURN. I realize that.

The PRESIDENT pro tempore. An objection as to a particular item can only be used as a reason for the rejection of the entire report.

Mr. HEYBURN. I realize that.

The PRESIDENT pro tempore. Separate items can not be dealt with separately.

Mr. HEYBURN. I realize that; but as to whether this might be a proper time to deal with them——

The PRESIDENT pro tempore. That is entirely within the control of the Senate. The Chair can only suggest that the usual custom is to finish the reading of the report.

Mr. HEYBURN. Let the reading of the report be completed, then. I can recur to it.

The Secretary resumed and concluded the reading of the conference report. (See yesterday's proceedings, pages 7410 and 7411.)

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. BORAH. Mr. President, I want to direct the attention of the Senator in charge of this bill to amendment numbered 85, on page 50, to see if I am able to understand what has taken place among the conferees. The amendment which was adopted by the Senate read:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

That amendment was adopted by the Senate, Mr. President, after a considerable debate here upon the all-important proposition to the West, that a vast amount of agricultural lands are tied up in the forest reservations, which ought to be eliminated. As was stated at the time, there was not any considerable sentiment in the West in favor of impeaching the forest reserves in their integrity as forest reserves, but there was a great desire to have the agricultural lands eliminated from the forest reserves and thrown open to settlement and entry. It was supposed that that had been accomplished to some extent, although I am frank to say that a Senator who sat by my side prophesied that it would never result in any good, and a man familiar with the work of conferees can sometimes prophesy with great success.

The conferees have changed the phraseology of that section, so that it reads as follows:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are chiefly valuable for agricultural purposes, and that are not needed for public purposes or for use by the public, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid.

Does the Senator in charge of this bill think that that is any different in its practical workings than the law which we now have, and will it be any different in its operation? It says:

And that are not needed for public purposes or for use by the public.

It has been deemed upon the part of those people who have been making the selection heretofore that every acre in the forest reserves was needed for the public use, and that it was better for the public that the land be retained in the reserves. With this kind of a qualification to the provision which was adopted by the Senate, what possible benefit will be derived in the way of eliminating these agricultural lands from the forest reserves other than that which has been derived in the past? I think—and I am sure—that the Senator from Wyoming [Mr. WARREN] is desirous of having these agricultural lands eliminated; and, while he is more familiar with the subject perhaps than the Senator in charge of the bill, it seems to me that it will result in no change whatever, so far as the practical operation of the proposition is concerned. I would like the Senator's views as to what benefit we are to expect from this amendment as it is now found in the bill.

Mr. WARREN. Mr. President, the Senator from Idaho is not mistaken as to the intent of the Senator from Wyoming to get all the relief that is possible along the lines which the Senator indicates. The Committee on Agriculture accepted one amendment, which was offered by the Senator from South Dakota [Mr. CRAWFORD], which will afford great relief in this, that it makes an appropriation for surveys of all tracts, large or small, that have any evidence of being fit for agricultural use, without waiting to run the regular township and range lines north and south and east and west through, but to locate boundaries on natural lines and points, so that those who wish to settle will not, as heretofore, have to expend a large amount of money for surveys to find where they are and to have their entries conform to the surveys; in other words, it makes little separate reservations up to which the regular surveys will come.

The provision to which the Senator alludes, if I remember aright, was put on as an amendment on the Senate floor, and when it came to be considered by the conferees it seems the Secretary of Agriculture felt that in cases where, for instance, in a forest there is a lake or water hole which the public—that is, those who rent the land for grazing horses, cattle, or sheep—are using there might be immediately bordering on that water land fit for agriculture, which, if entirely absorbed, would of course cut out the general public who wish to use that water and who, in fact, would have to have water for the stock. That is one of several problems and it is one hard to cover in legislation, and it will occur to the Senator that it would be a rather difficult problem if three or four homesteaders could take up the water in a place where, perhaps, no other water could be found for many miles.

Mr. BORAH. Well, Mr. President, I do not see what the Secretary of Agriculture has to do with the supervising of the manner in which people shall settle up a State, whether or not they shall go there and cover by a homestead entry a spring, and thereby interfere with people who may graze stock or with people who may be in the stock-raising business. The question which we desire to have settled is whether or not agricultural lands in forest reservations, regardless of whether they are near springs or distant from springs, should be eliminated from the reserves, so that people may settle on them in their own way and according to what they believe to be to the interests of those who are making the settlement.

Suppose a spring is found in a forest reserve and it is surrounded by agricultural land, that is all the more reason why it should be eliminated, because it will be more practicable and serviceable to those who desire to make homesteads. A man can not make a homestead very successfully without water any more than he can raise stock without water. It is simply a question whether you will open the way for those who are trying to make homesteads or whether the Secretary of Agriculture will continue to supervise the method of developing our Western States.

I submit, Mr. President, with all due consideration for those who have this bill in charge, that it would have been a better thing to do, as we would then have known where we were, to have stricken that amendment wholly from the bill, because this provision gives us no relief; it does not change the law, in my judgment, in its practical operation one particle, and it is simply another illustration of how utterly impossible it seems to be to get legislation for this situation. What possible defense can there be for keeping tied up in the forest reserves a lot of agricultural land? Why should there be strategy and practice of all kinds of, I will not say deception, but rather the acute use of language for the purpose of preventing people from taking up the agricultural lands? What are they there for?

Mr. WARREN. Mr. President, so far as concerns the homestead law applying to the lands in the States, and so forth,

unfortunately the forest reserves are assumed to be the property of the United States, and they are assumed to be in charge, and are in charge, of the Secretary of Agriculture. Of course, that brings the whole question up. The amendment, as I have said, was put on by the Senate, and we had to meet the conferees on the part of the House. The conferees of the House side have always been—as I think the Senator remembers—exceedingly strong in their ideas and demands regarding the whole subject of forestry; and in composing differences between the two Houses it is incumbent upon the Senate conferees to protect intact every provision that is adopted by the Senate, if it is possible to do so; but if that is not possible, we are compelled to yield some points.

I do not claim that this bill in a great many particulars is an ideal one or all that we would like to have it; but I do think it is about the best we have ever had, and I do believe, containing, as it does, the two matters I have mentioned, which are in the direction of solving this difficulty, we shall in the long run land where the Senator and I desire we should land—that is, to protect in the forest reserves only the actual timberlands and to open to settlement for the benefit of homesteaders every acre of land that can be used for agricultural purposes. It is a matter not of choice, as the Senator will understand, but the report has to be agreed to as a whole. We could have yielded to the House one or two more items, but there did not seem to be any indication that we could do any better than we did in considering this difference between the two Houses by yielding any more to them in other directions.

Mr. BORAH. Well, it might be said to be true that the conferees felt the necessity of yielding, but that spirit has not yet come over the Senator from Idaho.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SUTHERLAND. I entirely sympathize with the view of the Senator from Idaho with reference to the lands in forest reserves which are suitable for agricultural purposes. I do not know whether he called attention to another change made in this amendment which, if I understand it correctly, is still more serious. The language of the original amendment was:

> The same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

The language of the amendment agreed upon by the conferees is:

> The same shall be open to settlement and entry under the homestead laws applicable to the national forests.

And so forth.

Mr. BORAH. The Senator is absolutely correct. I said a few moments ago that it did not, in my judgment, change the present law a particle.

Mr. SUTHERLAND. It would seem to me under that language it undertakes to give with one hand and to immediately take back with the other.

Mr. BORAH. That is quite correct.

Mr. SUTHERLAND. It does not give anything at all; and it is perfectly useless to spend $25,000 in doing a thing of this kind. We had better eliminate the amendment altogether.

Mr. HEYBURN. Mr. President, if Senators will permit me, I will add something to the light on that subject by calling attention to the provision in lines 16, 17, and 18, on page 51, where the amendment is made to read:

> But no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

So that the poor settler has to live there until they see fit to give him a patent.

Mr. BORAH. I also call attention to the fact that we have appropriated $25,000 for a vain thing. On page 89 is a provision, however, where we make a transfer of this $25,000 to some other bureau in case it is found that no land in the forest reserve is fit for use—

> And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

We have appropriated here $25,000. That $25,000 ought not to be appropriated for this purpose, because I submit to anyone who will glance over this amendment—lawyer or layman, it is so plain upon its face—that is not changed one particle, the present law, so far as the practical operation is concerned. One can get the homestead just as before. One must make an application for an entry and serve just as before, and one must wait for the patent just the same as before, and one must have his application and right to the homestead measured by the laws relative thereto as before. What change has been made under this amendment? What modification that is worth $25,000?

I think the West does not need the $25,000; and if we are going to receive no benefit whatever, I submit there ought to be stricken out from the bill the entire appropriation and another amendment adopted or else leave it as it was.

I said the other day—and I am not going to repeat it at length—that they were selecting in forest reserves more ranger stations than homesteads, and the result of it has been that the settlers who are seeking homes in the West have turned aside from these great reserves and no longer make an effort to secure homes there.

It is by reason of the law which the Senate, after full consideration, determined ought to be changed, and now there comes back in the conference report the same proposition as is now embodied in the statute, with a little change of language that in my judgment means the same thing.

Mr. HEYBURN. I should like to direct my colleague's attention to one point. Perhaps his attention has already been called to it. I refer to line 24, on page 50, where there is a provision which directly applies to the principle he has just stated.

Mr. BORAH. What line?

Mr. HEYBURN. It exceptionally provides for rangers.

Mr. BORAH. Exactly; and it says "not needed for public purposes."

Mr. HEYBURN. That means rangers' stations.

Mr. BORAH. Exactly. There is not a foot of land in forest reserves, whether agricultural, mineral, or timber, that is not, in the estimation of these people, to be kept there for the public good and for a public purpose, and this clause in this section gives them the latitude they desire.

In addition to that it specifically provides that it shall be according to laws relative to forest reserves. What we wanted, and it was but fair, was to have these lands classified and taken out of the reserves entirely—eliminated from the reserves—so that when the settler went upon his homestead he would know he had to comply with the general law, and no one else could pass upon the question whether it was a homestead. What we wanted was to pass the supervision from under the special examiner and put it under the control and operation of the general law with reference to homesteads, and until that relief is had it will be of no benefit to the West. There is no subject more important to us. If we can not settle up our agricultural lands, we can not build a State. If we can not reduce them to taxation, we can not maintain our public institutions. If we can not have homes where the Lord intended homes should be built by the nature of the lands He created, we can not be expected to thrive and prosper as we should thrive and prosper, the same as people do in other States.

Who can offer a valid reason for keeping agricultural lands in a forest reserve? The most enthusiastic conservationist can not offer a valid reason for including alfalfa and wheat lands in a forest reserve, and that is all that the West has asked to be eliminated. It is a question most vital to the entire West, and I think that this report ought to go back.

Mr. HEYBURN. Mr. President, I should like to add an inquiry to those asked by my colleague [Mr. BORAH]. Why keep horticultural lands in a forest reserve? An apple tree will grow where a pine tree will grow. Various fruit trees will grow where lumber trees will grow. Very little attention is given to it here, and yet horticulture is one of the largest items in the growth and prosperity of our State. We have a phenomenal growth in the planting and cultivation of trees and fruit. I will not go into the details of it. I only point it out as an additional reason or two why this conference report should not be adopted.

Now, as the Senate sent this bill out amendment No. 85, on page 50, did not contain the words of limitation that have been placed in it by the conference committee. The amendment says—

> that the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes.

The conference committee, as is shown in line 22, inserted the word "chiefly," so that they weigh one against the other, and that, of course, can only be determined at the end of the trial. The word "chiefly" should not be accepted. It is a dangerous word of limitation, and should never have been accepted.

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I yield.

Mr. BURNHAM. Is not that the language of the forest homestead law of 1906?

Mr. HEYBURN. We were not trying to reenact the act of 1906. We were trying to improve upon it and relieve the people from the burdens it imposed; and the Senate agreed to do so.

Mr. WARREN. If the Senator will allow me, on reflection he will hardly say that the insertion in conference of the language he mentions was not permissible. The fact is the House sent to us a bill without a word upon that subject. The Senate put in certain words. The difference between nothing and what might be an extreme view is always within the purview and the consideration of the conference committee. If there are to be no new words used in conference, then there is no necessity of a conference, because all these matters would have to go out or remain in as they were.

Mr. HEYBURN. I was not speaking so much as to the power as I was to the wisdom.

Mr. WARREN. Of course, as to that, that is a debatable question.

Mr. HEYBURN. But why should it have been put in? Why, in considering in conference an amendment adopted by the Senate, should the language of the Senate have been so modified as to change the entire system of classification?

Mr. WARREN. I think that is hardly true. It is modified, but it was a question whether to modify or to strike out. Now, it is true that being in the bill as a Senate amendment, if the House did not insist upon retaining it, we could have cut it out. But when a matter of that kind goes to conference it is usually the case for the conferees to do the best they can with it.

Mr. HEYBURN. I realize that.

Mr. WARREN. I do not understand from the remarks of the junior Senator from Idaho that what is complained of is that it does harm, but that his complaint is that it does no good.

Mr. HEYBURN. I was not referring to the remarks of my colleague. I was making an independent criticism of this from my own standpoint.

Mr. CLARK of Wyoming addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I yield to the Senator from Wyoming for a moment.

Mr. CLARK of Wyoming. I just wanted to ask my colleague a question on one point of this matter. It is whether or not, in their opinion, the amendment as proposed by the conference committee adds to or takes from the right of the settler to locate a homestead in a forest reserve?

Mr. HEYBURN. That goes——

Mr. CLARK of Wyoming. I should like to ask my colleague what, in their opinion, will be the effect of the amendment?

Mr. WARREN. I think distinctly it does, because that, coupled with the other amendment, provides for those surveys and for those survey funds, and that it shall be done at the expense of the Government instead of the settler, so that the settler can know where the boundaries are and make his location without having to spend a lot of money, as he now does.

Now, a man goes to the forest and, with few exceptions, he has not the faintest idea where the corners are. This and the other amendment provide for surveying all of that land which is considered fit for agricultural purposes, and if we can move in that direction and see the result of it for one year we can go further later on.

Mr. HEYBURN. In other words, it provides that a man shall ride to an execution instead of walking and bearing his own cross. While we here are invested with the power of legislating to the extent of real ultimate wisdom, we do not have to stop on the road or go half way this year with the promise of going the whole way next year. We have the power to legislate a complete and perfect act as well as to legislate by piecemeal.

I desire to finish my comparison of these two sections. I am strongly opposed to the word "chiefly." It has given us more trouble than any other word in the classification of lands. The Senate in its wisdom provided by amendment No. 85 for the classification of "all lands within the boundaries of national forests that are suitable and fit for agricultural purposes." These lands may be more applicable or more suitable or more adapted to some other purpose. Now, are they suitable? There is a vast difference between that and the comparison that is woven into line 22, on page 50, of the bill as it comes from conference. It is new matter. That word "chiefly" does not appear in the amendment.

The Senator from Wyoming very properly suggests that, under the rule, it being a Senate amendment carrying an entirely new consideration into the bill, of course it might be changed without violating the rule. I am not questioning the power to do it, but the wisdom to do it. When you permit those people to compare in classification a piece of land and say whether it is more valuable than the other, then they may exercise judgment; but when you say to them "if it is suitable for agriculture"—I do not care what else it might be suitable for—"it shall be open to agricultural entry," that is a very largely extended right to the settler, and I should insist on the conferees restoring the language of the Senate amendment and saying that forest lands that are suitable for agricultural purposes, without putting them in comparison with any other purpose, shall be classified and open to settlement, even though they might be more suitable for forest rangers' stations or other purposes.

Then I call my colleague's attention to the language in line 24, which is of very wide application and one that was intended by the members of the committee or whoever inspired it to reserve to them the rights they are now exercising, of withholding from entry lands they want for residences for their superabundant employees. As my colleague has suggested, they are more numerous than the homesteaders.

Mr. BORAH. They do not vote there.

Mr. WARREN. Mr. President——

Mr. HEYBURN. A moment, please.

These rangers and persons occupying this vast number of homes on the forest reserves do not pay taxes to the State and are not always citizens of the State. They certainly pay no taxes upon these homes, while other people have to pay taxes upon their homes. They pay no taxes, and some of them have a great deal of property. They contribute nothing to the expense of the Government that protects them. They are dividing up a great inheritance, taking their part over and subjecting that of other settlers to the burdens of citizenship.

Mr. WARREN. I hope the Senator from Idaho will not overlook the fact that while this is not what he would like or I would like, it does bring about certain procedure, because it provides for the classification and survey of the lands——

Mr. HEYBURN. Of what?

Mr. WARREN. Of lands suitable for agriculture.

Mr. HEYBURN. No; it does not.

Mr. WARREN. Wait a moment. There is no express direction of that kind. I admire the spirit expressed by the Senator from Idaho; I admire a man who never will yield; but, unfortunately, when a man has to face the guns of the House and of the department, with the Senate entertaining a divided opinion, it is necessary to make concessions in order that legislation may be effected. In some circumstances it is better to take a half loaf.

Mr. HEYBURN. Mr. President, in my judgment at least this bill does not improve existing conditions.

Mr. WARREN. I differ there. As I have stated, taking that with the others, I think we have made a good deal of progress. I hope we will make more.

Mr. HEYBURN. Some ingenious spirit has reinvested this question with the same taint as is found in the present law; that is to say, we have left the power to an executive officer to determine whether or not it is chiefly valuable for agriculture rather than for other purposes, followed in the next line by the reservation in favor of Government uses, with the knowledge that the Government uses, under the ruling of the department, include the forestry stations. They are more numerous than the homesteads.

Now, take those three positions together, and I fail to see any improvement in the existing conditions.

Mr. WARREN. The Senator will admit that pretty much all the forestry stations have already been made, so that we do not stand in quite the imminent danger we did before.

Mr. HEYBURN. I thought that when they had 700; then I thought it when they had 1,200; I thought it as they leaped forward by the thousands; and I thought it until they reached the limit of infamy. But the limit is not in sight under existing conditions.

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. BURNHAM. I desire to ask the senior Senator from Idaho a question for information. Suppose that quite an area was heavily timbered, covered with very valuable timber, would the Senator say it should be used for agricultural pur-

poses? I should like to know what the Senator says about what should be the disposition of such an area.

Mr. HEYBURN. That affords me an opportunity that I have overlooked on several occasions.

Mr. BURNHAM. I am very glad if I have furnished the Senator an opportunity to say a word.

Mr. HEYBURN. There has been a lot of sentiment here in favor of timber on the domain—that it was more valuable than agricultural land. In the State of Idaho the agricultural land is more valuable than any timberland in it by the acre, and that is true in any State of the Union where they have agricultural land. The agricultural land in the counties of Lacon, Nez Perce, Shoshone, Idaho, and those surrounding counties will bring more under the hammer to-day than any acre of timberland in it. When speaking of timber, they talk about small items in feet and it sounds large. Two hundred billion feet sounds large. You could probably put the timber off of an acre on three cars upon a railroad.

When we talk about the value of timber we talk about the stumpage value, because although that contains the element of cutting it down, it is the nearest the original cost we can get. You can take any acre of land that you are acquainted with and take a lead pencil and a piece of paper and figure out the value of the timber on it on a stumpage basis or on a manufacturing basis, which will deduct the cost of manufacturing it. Then compare it with an acre of wheat land or fruit land or vegetable land and you will find that while you are preserving this land for these trees to grow upon you are losing money on your investment. I make that statement without any fear of successful contradiction.

Mr. BORAH. Mr. President——

Mr. HEYBURN. The trees grow one crop. You can grow 300 bushels of potatoes to the acre and you can get more from one year's crop of potatoes off that ground than the exhaustion of the timber would bring you. I yield to my colleague.

Mr. BORAH. There are valuable lands in the West which are agricultural lands and yet carry a great deal of timber; but there is a vast amount of lands which are not agricultural lands and never would be agricultural lands which carry a vast amount of timber. Those latter lands are the lands which ought to be reserved, if any are to be reserved at all, and about that no objection is being made at this time. But as to those which are agricultural lands as soon as the timber is taken off, there is no possible way by which you can determine the value of the land as compared with the timber upon them. The timberland has an estimable value at this time. The value of the land for agricultural purposes is not to be estimated.

Suppose some of the farms in the State of New Hampshire which were cleared off a hundred years ago and have been under cultivation ever since were to be considered, would you say that it was better to have let the timber grow upon those farms than to have cultivated them for a hundred years and made homes out of them?

Mr. BURNHAM. I think the conditions a hundred years ago in New England were very different from the conditions in the West in the Forest Service and in regard to forest lands.

Mr. BORAH. We realize that. We suffer from that difference. We know the difference. There is no question about that proposition. There is a vast amount of difference when you come to weigh the value of a piece of land for agricultural purposes and for timber purposes. It has been estimated by those who know that there is quite enough land in the United States which is valuable for timber, which would be good for timber and nothing else, to supply the timber the people of the United States need, without occupying agricultural land. Why take the vast areas of agricultural lands and undertake to raise timber upon them when you have vast areas of land upon which you can grow nothing but timber? It is a system by which you would drive the agricultural interests of the producers of this country into other countries to live and to acquire land.

Mr. HEYBURN. Mr. President, we squeezed out a great quantity of venom from the existing law when we adopted this amendment, after protracted discussion in the Senate. We are to-day protesting against the reinstatement of that venom; that is all. The venom comes in small packages. It is like some very powerful medicines; it kills in small quantities.

The insertion of the word "chiefly," a very small word, changes the whole system of Government as applied to the public lands and their classification. We cut out "chiefly" because it was deadly poison to the settlers and those who would avail themselves of the rights on the public lands. Someone has hunted up the fragments of that broken bottle and refilled it and tried to put it back in the bill. Now, we are here to protest against it.

We insist that the conferees on the part of the Senate shall insist upon omitting the word "chiefly" where they have inserted it. They have omitted it on line 13 and inserted it on line 22. It is important to us. I say "us"; I mean all the people of the United States, because I defy the East to prosper independent of the West. We are not only your market, but we are your producers. We saved you in 1907 when you had the bank panic. It was in the East; it was not in the West.

Now, that line 24 must come. That is an exception from the area of land opened to classification. That is as great as the land subject to classification and may be made many times greater by the construction of some clerk in the department.

Let me gather up the suggestions. Strike out the word "chiefly," in line 22, on page 50, and restore the language as it is found in the Senate amendment. Strike out the proposition that comes to us from the conference committee. When I first rose to inquire as to the manner of dealing with this question, I had before me the language that was afterwards dealt with by the Senator from Utah [Mr. SUTHERLAND]. I rose, if in order, to move to strike out the words in line 3, page 51, applicable to national forests, because that put us right back where we are now. We thought when this bill went from the Senate with the Senate amendments we had it reduced down within reasonable lines, and for the present at least very much improved. It comes back to us with the objections that we thought we had overcome reinserted in the bill, and we certainly shall do what we can to oppose the adoption of the conference report. Let it go back to the conference and let our conferees say to those with whom they confer that the Senate will not submit to having undone all the good work that they accomplished.

Mr. BORAH. Mr. President, may I make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. The Senator from Wyoming, in discussing this question a few moments ago, said the conferees were between the Senate and the House and the Agricultural Department or the departments. That brings to my mind the proposition that there has grown up a custom here of the conferees of the Senate representing the departments instead of representing the Senate.

Mr. WARREN. Evidently the Senator did not hear what I said yesterday in regard to the departments, or he would hardly make that remark as applied to me.

Mr. BORAH. The Senator said it just a moment ago. I was addressing myself to the remark the Senator just made, that the conferees had to satisfy the House and the Senate and the department. The department has nothing in the world to do with this proposition.

Mr. WARREN. I think I did not say to satisfy; I said we were between the fires.

Here is what I wish to have understood: The House is a coordinate branch, having the same rights that we have. The departments have the right of administration, and in whatever we do we must tie it as closely as we can, but in the end they have the administration. The Senator knows that.

Mr. HEYBURN. Under the law; not outside of it.

Mr. WARREN. Under the law and as they construe the law.

Mr. HEYBURN. Not as they construe it. They have no power to construe the law.

Mr. WARREN. I have often heard of the man who was in jail and was told he could not be put in jail. It is true that they have to follow the law; but when I said as they construe it, I meant that we are not there to see that they do this or do that. We make the law as plain as we can and hold them responsible as far as we can. I simply used the term as being between the departments, because they have the handling of this money and they have the administration. We can not avoid that. We will tie them up as closely as we can and as well as we can, and then must take the consequences.

Mr. HEYBURN. We have the power to control this subject under consideration. I agree with my colleague and also with the Senator from Utah and the Senator from Wyoming that those words applicable to the national forests in line 3, page 51, ought to be stricken out, and that our conferees ought to insist that they should be omitted. We fought it over here for days in the Senate, if I may use that term, and we were supported by the vote of the Senate. Why should not the conferees sustain the wisdom of the Senate? Then, again, in amendment 86——

Mr. BORAH. I do not know that it would be proper to ask this question; if it is not proper to ask it I will consider it not asked; but I should like to ask if this section was not redrafted in accordance with the suggestion of the Department of Agriculture?

Mr. HEYBURN. Mr. President, if my colleague will permit me, I will suggest that there is the strongest reason for believing that the objections to the Senate amendment came from the department, and from nowhere else.

Mr. WARREN. Mr. President, if Senators propose to impale the conference committee upon that kind of assertions, with the conferees bound as they are with whatever confidential relations may exist between the Houses, we can not here say what the House may do or the House may say. But I wish in this connection to say that so far as I am concerned no department has dictated anything to me to go into a conference report unless I asked the favor that they draft it as a part of the law.

Mr. HEYBURN. I cheerfully accede to that. I did not make a statement——

Mr. WARREN. And when we get to the House they may draft it or we may draft it. Whether or not an amendment has been drafted by the department, it is not for us to make an accusation. We know that we meet honorable gentlemen in conference, and we must consider them as they do us.

Mr. HEYBURN. I was speaking from an entirely impersonal standpoint. I was speaking of the condition that exists. So I say I still believe that these changes came from the department, because they were departmental propositions. The department was merely fighting to retain the conditions under which they have been administering this law—conditions which the Senate had repudiated by the adoption of this amendment.

Now, a little further, in line 8, page 58, the word "chiefly" is again inserted, notwithstanding the fact that the Senate had stricken out that word, in defining what lands should be classified and how they should be classified. It comes back again, and it comes back wherever they can get it in.

I go down to lines 16 and 18, on page 51. I called my colleague's attention to it during his remarks in interrupting him. I want to say an original word in regard to that. After providing in this insufficient and imperfect way for the classification of these lands, they then say:

But no land listed under the act of June 11, 1906—

And we all know that act—

shall pass from the forest until patent issues.

Of course, under the law the title does not pass in the United States, but this adds the additional burden that they shall not pass from under the dominion and control of the Forestry Service. In other words, during all the five years that a man was living on his homestead he would be subject, not to the laws of the United States under which he was seeking to acquire, but subject to the annoyances and restrictions of the Forestry Service.

Mr. WARREN. I do not so understand that.

Mr. HEYBURN. It says so in English.

Mr. WARREN. One moment—

But no land listed under the act.

They might list a good deal that was not settled upon.

Mr. HEYBURN. I am only referring to that which is sought to be taken up.

Mr. WARREN. The moment a man settles on it he is entitled to all the benefits he gets under the homestead act.

Mr. HEYBURN. No; this restriction applies to him. It is intended to apply to him. I know what the intention of the department is from considerable experience with them in regard to these matters. They insist upon retaining the jurisdiction over the individual settler who has selected listed lands of this character, and they do it.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. I wish to say to the Senator from Idaho that, as he well knows, I am thoroughly in accord with him so far as his remarks touch amendment No. 85, but he is now directing his remarks to amendment No. 86, on page 51. I understand that that amendment is not subject to criticism at this time in the conference report. As I understand it, that amendment is exactly as the Senate agreed upon it.

Mr. HEYBURN. I understand that, too. As I said, I think in the beginning of my remarks on it, I was indulging in a criticism of a principle that is in this bill without pointing to it as one of the matters contained in the report.

Mr. CLARK of Wyoming. I thought the Senator was addressing himself to it in opposition to the conference report.

Mr. HEYBURN. I am going to discuss another one for a minute that comes under the same classification as the last one. I want to call attention to the purpose of the enactment of the stone-and-timber act as it affected homesteads and settlers.

There was a vast proportion of the country that was not within timber or near it, and the stone-and-timber act was originally enacted in order that a homesteader or settler upon open land might have, in addition to that, the opportunity to secure timber for building and fencing or stone for building and fencing. I know in the early days in the Palouse country and countries so situated there were millions of acres of land that had no timber at all and no available stone for building purposes. Those men, in addition to their homestead, went up into the mountains that lie all around and encircle that vast country and took up their little stone-and-timber claims, and they hauled their wood and their stone from those claims to sustain and build up their ranches.

It was necessary; it was a wise provision. If that law was abused and taken undue advantage of, that is the fault of the administrators of the law and not of the law itself. That was the purpose of the stone and timber act. The stone and timber act should have been limited to those who owned their land; it should have been an adjunct to a homestead. The law should have provided, and should now be amended so as to provide, that a person having a homestead upon which there was not sufficient growth of timber to supply the needs of building and maintenance of buildings should have the right to go upon the timberlands and take up a limited quantity, and that the same should pass with the nontimbered lands. I make that suggestion. I have on other occasions felt that it should be made, and I have omitted doing so.

Mr. President, the question, I presume, being upon the adoption of the conference report, I sincerely hope that the Senate will sustain the position which it took when this bill was before it, and send this report back to conference, with instructions to our conferees to make a further effort to secure the provisions that we incorporated in this bill in this body; in other words, that we shall not retreat from them as yet. There is no great hurry about this matter. If there was, it is better to do it right, and I would regret very much to see one of those forms of adoption, when the Chair says, "Those in favor of the adoption of the report of the conference committee will say 'aye'" and "those opposed will say 'no'"; and to see that inattention that sometimes attends the determination of such questions. I am not asking the Senate to do anything new; I am only asking it to stand by what it has already done.

Mr. JONES. Mr. President, amendment numbered 95, on page 54, as it passed the Senate, provided that an addition of 25 per cent of the proceeds of forest reserves in forest States should be available at the end of the fiscal year 1912 for the purpose of the construction of roads in the State in which the forest reserve is located. The really important part of that amendment, however, in my judgment, as it passed the Senate was the provision that this should apply hereafter, making it a permanent law. Apparently the conferees have agreed upon a provision that instead of 25 per cent additional it shall be reduced to 10 per cent. That would not be so objectionable, although it is rather undesirable, but they have left out the word "hereafter," so that, as agreed to by the conferees, it simply provides that an additional 10 per cent of the proceeds for the year ending June 30, 1912, shall be available. It does seem to me that that was a very great mistake on the part of the conferees.

Mr. BURNHAM. Mr. President, the word "hereafter" was stricken out after very considerable discussion for the reason that some of the conferees—I need not state on which side—were opposed to making this appropriation permanent and desired to leave it open so that it might be determined from year to year. It is a matter of difference between 25 and 10 per cent. It was a compromise, and was the best that could be done. We came as near as we could to the Senate amendment.

Mr. JONES. It seems to me that the department under this amendment will have no assurance that it will have anything additional for the coming year, and the work can not be planned. In my judgment, it amounts to practically no benefit out of this additional 10 per cent. That is the objection that I have to it. I am inclined to think that it is worse than no provision at all; and unless we make an increase which the department can rely upon, under which they can plan their work and lay out their roads, to appropriate such a small additional amount for the one year is practically throwing that much money away. I think that our conferees should at least have insisted upon continuing the appropriation, so that the department could lay out its work; and if it was found not a good measure let Congress repeal it hereafter.

I am very sorry that the conferees not only reduced the appropriation to 10 per cent, but especially that they cut down the provision for future work by the appropriation.

Mr. WARREN. Mr. President, it is the easiest thing in the world when a Senator has his mind intently fixed upon a certain course to think that it is foolish to do anything else. I want to say to the Senator that he can not possibly have more anxiety than I had to retain this provision as it was in the bill as it went from the Senate, but it came down to the simple

alternative that we should take that or take nothing. I am not enough used to money to say that a couple of hundred thousand dollars shall be thrown over my shoulder this year because I can not get an equal amount next year. If I want it this year, I want it now; and if I can get it next year, I also want it then. As I have said it was either to take this 10 per cent or to take nothing. If we took nothing this year, we had no place to start the next year upon.

I want to say furthermore, in justice to the Forestry Bureau as such, that it stood for the idea of appropriating hereafter and making the appropriation 25 per cent.

I ought to say to the Senator that this was one of the last items, after long and tedious hours, to which the conferees on the part of the Senate consented to yield; as this appropriation now stands it amounts to something over $200,000, which will be available at the end of this month. It does seem to me that if we accept this for the Forest Service, knowing almost exactly how much it is, we have the advantage of having the $200,000 with which to commence this work, and we shall have a better basis to start upon again. Not only that, but we have secured the expenditure for roads of the receipts from the forests in the localities from where they were collected; in other words, 10 per cent of the money that comes from the forests in Idaho and the forests in Montana is to be invested upon the roads there within those forests with the understanding that, so far as possible, the Forest Service will cooperate with the county authorities in connecting with regular county roads. After the struggle to maintain our position I do not think it would be wise on the part of the conferees to say if we can not get all we want we will take nothing.

Mr. HEYBURN. Well, Mr. President, we promised not to try to do this again. In the Sixtieth Congress, when the Forest Service, controlling at that time the department of which it was only a bureau, undertook to carry the fund resulting from the forests as a separate fund, subject to their disposition, some of the oldest and most experienced and able Senators in this body joined with those who objected to it and completely abolished that practice. In other words, they said that the money should be turned into the Treasury of the United States, and there is a law on the statute books now which was enacted at that time which provides that this money shall be turned into the Treasury of the United States; that we shall not say by an act of Congress "There is hereby appropriated, out of any money in the hands of the Chief Forester not otherwise expended," a certain sum, but that we shall adhere to the law and the custom of the ages, and say that "There is hereby appropriated, out of any money in the Treasury of the United States," and so forth.

Mr. WARREN. Will the Senator permit me there?

Mr. HEYBURN. Yes.

Mr. WARREN. I have been one who has undertaken to maintain that law, I believe, in conection with all appropriation bills and to as great an extent as any Senator could do.

Mr. HEYBURN. I know the Senator has stood with us.

Mr. WARREN. But we have made exceptions in certain cases, and every later law repeals, to a certain extent, a former one. We found it necessary in the great reclamation act to provide for turning over the money going out and coming in, and in the act that forms the foundation of the Forest Service we provided for a certain percentage of the receipts—first, 10, and then 25 per cent—to be paid directly to the States. That money did not go to the Treasury of the United States and become a part of the general fund.

Mr. HEYBURN. I am not referring to that.

Mr. WARREN. The provision under consideration simply adds that much more that we are to take from this Government money extracted from what we think are our forests and reinvest it in the roads in these forests of ours.

Mr. HEYBURN. I had no reference whatever to the proportion to be paid to the States; I had reference only to the fund available to the Forestry Service to be expended under its irresponsible direction. If I am correct in my recollection, the senior Senator from South Carolina [Mr. TILLMAN] took an active part in the suppression of the bad practice of allowing a department of the Government to retain money coming into its hands and reappropriating it on its own judgment, without having it turned back into the Treasury.

Mr. WARREN. We all accepted that; and that fund, as the Senator will remember, represented the sum total of the moneys received from the forest reserves and was used as a lump fund——

Mr. HEYBURN. Amounting to $1,300,000.

Mr. WARREN (continuing). To pay to Tom, Dick, and Harry any price the managers of that fund saw fit to pay. We took the wise course of having the money go into the Treasury to be appropriated out again.

Mr. HEYBURN. We took the constitutional course.

Mr. WARREN. Yes.

Mr. HEYBURN. We have again been forgetting the constitutional provision with regard to the disposition of appropriations remaining unexpended at the end of the year or the proceeds of the Government at the end of the fiscal year, and have been allowing executive officers to make appropriations on their own responsibility because they happened to have the money in their hands. We provided then—and it is the law and the statute now—that they should turn in the unexpended balance and proceeds arising from the execution of their particular departments to the Treasury of the United States. I can remember when the distinguished Senator from Maine, Mr. Hale, stood here and inveighed against any relaxation in favor of any minor proposition, because, as he said, the great principle was involved as to whether or not the Treasury of the United States was to be our medium of circulation in business transactions of the Government or whether or not bureau chiefs and division heads should say, "We have so much money on hand which we have realized in the execution of the law, and we will expend it as we see fit." They tried to do that without Congress knowing that they were doing it. In the report they made in that year they did not disclose the fact that they had this money in hand until we compelled them to do so. They proposed to expend it. I do not say that they proposed to misappropriate it, but they wanted a great big fund, a treasure fund, that they might use.

It is the law of the land that they shall not do so, and yet we are proposing here in this conference amendment, on page 55 of this bill, that they may take $225,000—that is the figure estimated—without turning it into the Treasury and receiving authority to expend it. We are in effect enacting a law that says the Secretary of Agriculture is hereby authorized to expend this money, not out of the Treasury of the United States, but out of the money that he has received as an officer of the United States. Let us not do it.

The rule of "Oh, just do it this time" is the most dangerous rule that could possibly be invoked in legislation. That is the suggestion, as I understand—"Let us do it this time, because there are some particular circumstances which we have not time to explain." We understand the situation perfectly well. They have this money. Let them turn it into the Treasury of the United States, and let us provide then, as the wisdom of the Congress may dictate, for its payment in response to an appropriation. If they take this $225,000 this year, they will be back to where they were when we found them at it a few years ago with $1,300,000 in just such a fund.

I think that the bill ought to go back to conference in order that these suggestions may be given further attention.

The PRESIDING OFFICER (Mr. LODGE in the chair). The question is on agreeing to the conference report.

Mr. HEYBURN. I ask for the yeas and nays.

Mr. SMITH of Georgia. Mr. President, I assume that the conferees on the part of the Senate sought to retain all the provisions that they could that were incorporated when the bill was pending in the Senate; and if the report is sent back to the conferees it will be for the purpose of enabling them to see if they can retain for the Senate more of the provisions which have been put in by the Senate.

The PRESIDING OFFICER. If the Senate choose to disagree to the conference report, they then, under the ordinary course, insist further on their amendments and ask for a further conference, with such instructions as the Senate choose to add if they desire to add any.

Mr. SMITH of Georgia. Mr. President, in voting not to agree to the report, then, we simply ask our conferees to insist further upon the action of the Senate heretofore taken and obtain for us, if possible, more of our action than they have already obtained. It does not seem to me that it is in any sense a reflection upon the committee; but we simply give them once more our backing to obtain for the Senatee a little more what the Senate wants.

I wish to call attention to one amendment that was yielded, which I am especially anxious to see the conference committee insist on, and I shall vote against approving the report particularly for that reason, because it is that matter to which my attention especially is directed.

The Senate placed in the bill as an amendment a provision for a division of markets in the Statistical Bureau of the Agricultural Department. I see that the conferees on the part of the Senate have yielded to the House conferees, and that that provision is stricken out. I can not doubt, Mr. President, that with somewhat more insistence the House conferees will agree to that amendment. To place it on this bill is the only way to pass it at this session of the Senate.

I am sure of its great value; it involves a very small expense, but it is a practical outlay in the interest of the whole people.

The Senator from North Dakota [Mr. GRONNA] called my attention a few moments ago to the work which might have been done recently by such a bureau in gathering statistics as to the quantity of potatoes in different sections of the United States. In one portion of the United States there were large quantities selling at a small price, while in other portions they were selling at a very high price because the supply there was very short. He also called my attention to the fact that recently in some sections seed corn was very scarce, while in other sections the supply was ample. I believe that the proposed division of markets could gather information, and would naturally absorb information, with but little expense in matters of that kind. Where a supply exists those interested would often communicate with the division of markets, and where a shortage exists they would call on the division of markets; so that with less expenditure more practical good could be accomplished than in nearly any line of expenditure we make in connection with the Agricultural Department.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes, sir.

Mr. GRONNA. I also want to call the Senator's attention to the fact that recently we imported several thousand bushels of potatoes from Ireland, which paid a duty of 25 cents a bushel and which were sold right in this city at prices as high as are paid for apples—$2 a bushel—while out in the West they were selling for 60 cents a bushel.

Mr. SMITH of Georgia. I thank the Senator from North Dakota. It is the earnest conviction of the heads of the farmers' organizations that this clearing house of the United States will be of very great value to them. I can see, from the practical illustration given by the Senator, how valuable it can be, and I am going to vote against approving the report of the conference committee, especially because I hope that by insisting somewhat more upon that feature of the action of the Senate the House will yield.

Mr. WARREN. Mr. President, I sympathize with the Senator in his wish to have his particular measure adopted, and I want to assure him that the conferees of the Senate did the best they could for him. Will the Senator please consider for a moment the condition in which the conferees were placed? Very nearly every Senator in the body has something in which he is deeply interested. If every Senator should seek to send back a conference report because he does not get the particular thing he wants, I think the Senator will see how difficult it would be to compose these differences between the two Houses.

I must say that I think the Senate conferees have done very well, under the circumstances. As the Senator will see from the report here, the Senate receded to from 29 of its amendments. The House receded from its opposition to 112, and it receded from the balance of the amendments with modifications. I think that is a pretty fair percentage for the managers of the Senate to attain. I do not believe we can get as good an agreement hereafter, because some of these agreements were only reached after a pretty severe struggle and because of the desire of the House members to close up on one general proposition.

If the motion prevails to send it back to conference every item will be open, and we will be just where we began. The House is not bound to recognize a single recession as now made. It is a dangerous proposition, where a reasonable conference has been held and after a reasonable report is made, in my judgment, to send it back with any expectation of getting any better results. Of course some Senator, in order to save one amendment, might wish the conferees to submit to recessions that we have not made. I do not think the Senator from Georgia would want that done, but we are in that position, and I hope the report of the conference committee will be adopted.

Mr. BORAH. I should like to ask the Senator in charge of the bill if the appropriation for the buffalo reserve is retained in the bill?

Mr. BURNHAM. The Wind Cave Reservation?

Mr. BORAH. Yes.

Mr. BURNHAM. I think that remains.

Mr. BORAH. That is good.

Mr. HEYBURN. I rose in response to the suggestion or what might be taken from the language of the Senator to mean that the objections I have urged against this report are in a spirit of criticism. They are not.

Mr. WARREN. I understand that perfectly.

Mr. HEYBURN. I am objecting to this provision to which I called attention, and I am in very keen sympathy with the suggestion of the junior Senator from Georgia. I think were it possible we should have the enjoyment in our domestic business circles of the consular reports from abroad. That is a pretty big territory. That should be at the expense of the Government. But I am not going to urge it or to make any captious objection. I hope the bill will go back to the committee. It is not unusual that a bill goes back to the conference committee.

Mr. WARREN. It is very unusual in the case of a general appropriation bill.

Mr. HEYBURN. But there is the same reason for an appropriation bill going back to the conference committee as in the case of any other bill. I think if the Senate conferees were to urge upon the other members of the conference committee the fact that the Senate was very earnest upon this matter and was not inclined to yield that which they had gained after so much struggle in the way of amendments to the existing law, some good might result from it, and I will move, if there is no other motion pending, that the bill be sent back to conference.

The PRESIDING OFFICER. No motion is necessary. The question is on agreeing to the report.

Mr. HEYBURN. I was inclined to ask that the bill go back with instructions, which is within the rule. I will not do that. I will stand upon the proposition of sending it back.

The PRESIDING OFFICER. In respect to a motion to send back the conference report with instructions, the Chair suggests that the motion to agree has, of course, precedence of any other motion.

Mr. HEYBURN. I know it has, Mr. President. I know it has precedence of any other motion, but we have heretofore sent back reports with instructions.

The PRESIDING OFFICER. It is certainly within the power of the Senate to send it back with instructions.

Mr. WARREN. Usually, when reports are sent back with instructions, it is where the conferees have agreed upon some parts of the bill and have not agreed as to others, and while such a motion would not be out of order, it is very unusual to send a conference report back with instructions, after the conferees have come to a full agreement.

Mr. HEYBURN. I will move to send it back with instructions. I have given some attention to the rules in this particular——

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. SMITH of Georgia. It is true that the House yielded to a number of suggestions of the Senate, but the whole of the original bill came from the House. That bill dealt with innumerable matters, and when we agreed to what the House did we were acquiescing in their measure. This is a body of concurrent jurisdiction. Nearly everything in the bill we agreed to, and if they had agreed to every suggestion of the Senate the House still would be here presenting in legislation far more than the Senate was presenting, and it seems to me for us to insist a little more vigorously—just a little more—upon what the Senate has added is not unreasonable, and I am sure in doing so I for one have the greatest respect for our representatives upon the conference committee. I would cast no vote that was intended to manifest any lack of confidence in them. I am extremely anxious to see this legislation go upon the pending bill, and I have reason to think and to entertain the hope that if we insist the conferees on the other side will yield.

Mr. WARREN. Replying to the Senator, he must understand that general annual appropriation bills arise in the House under our Constitution, or rather under the custom for all these years.

Mr. SMITH of Georgia. Not under our Constitution, but under practice.

Mr. WARREN. Revenue bills arise there under the Constitution, but the contention of the House all these years has been that general appropriation bills should also arise on the other side.

Mr. WILLIAMS. In the First Congress I think there were several members of the Constitutional Convention, and they all, without exception, asserted that it was the constitutional right of the House to originate supply bills, and it was also the assertion of Mr. Hamilton, in an article in the Federalist, that the power to originate supply bills was exclusively within the constitutional right of the House. I do not want to get into that subject now. I promised on a former occasion, and got permission, to put into the RECORD some views on that subject, but I have not done so, although I have it partially prepared and will insert it within the next week. I give notice of that now.

Mr. WARREN. The debate took in its scope that feature, and the Senator from Mississippi and I had a colloquy. I

remember his taking the opposite ground. He was going to insert in the RECORD certain matter. I was to be notified, that I might insert some views upon my side of the question. I have not heard from it since, so I have not done anything about it.

Mr. WILLIAMS. I now notify the Senator from Wyoming that I will insert it during this seven-day week if I can.

Mr. Madison took the position in the Virgina convention, when recommending the adoption of the Federal Constitution, that all "supply bills"—showing that this was equivalent to the phrase adopted, being "general appropriation bills," to wit, "bills to raise revenue"—must originate in the House. Special appropriation bills were not required to originate in the House; only the general or "supply" bills. The meaning of the phrase to "raise revenue" is synonymous with the phrase "bills to raise money for the Government," and meant to raise revenue by appropriation of the Legislature, and to put this revenue, as a Government revenue, at the behest of the Executive. When there is no money in the Treasury it is done by levying taxes, and when there is money in the Treasury it is done simply by appropriating it out of the Treasury, so that the Executive may expend it. Not one dollar can be expended by the Executive until the Legislature authorizes its expenditure. Until then it is not Government revenue. Money can not become available for the Government until the legislative branch has provided it by appropriation for paying current expenses. The legislative branch provides by taxes or by appropriations, or by both in one bill, the Government revenues to be expended on executive warrants.

Even if the money be in the Treasury, it is not Government revenue until after an appropriation by Congress.

Mr. SMITH of Georgia. Mr. President, it is not my desire to raise a constitutional discussion of that question. I do not think it makes any difference so far as the present question is concerned. I am only exceedingly anxious that the conferees shall take into consideration the provisions I refer to, and if we do disagree to this report, they would have to take up in conference only certain provisions of the bill. However, I do not know what is the parliamentary practice.

The PRESIDING OFFICER. The Chair will say to the Senator from Georgia that the motion to agree to the conference report, of course, takes precedence of all others, because it is the motion which will most quickly bring the Houses into agreement. If that motion is not agreed to, it is then in order to insist upon a further conference. The report has to be accepted or rejected in its entirely, but in insisting upon a further conference it is within the power of the Senate, and it was so decided upon one occasion, to instruct as to any particular amendment which the Senate has adopted.

Mr. SMITH of Georgia. If the conference report is not agreed to, I would be glad to consult the wishes of the conferees as to whether they would simply prefer to confer further upon certain questions or upon the entire subject.

With reference to that, I should prefer that it be given that direction which would facilitate the labor of these gentlemen, who I know have labored so earnestly for us both in this matter and other matters.

Mr. BORAH. On what page does the amendment of the Senator from Georgia appear?

Mr. SMITH of Georgia. Page 76; it is numbered 154.

Mr. BORAH. Providing that there shall be a division of markets?

Mr. SMITH of Georgia. That is it.

Mr. BORAH. "The chief of said division shall receive a salary of $3,000 per annum, and the assistant chief a salary of $2,500 per annum."

Mr. SMITH of Georgia. Yes. It is found on that page.

Mr. BORAH. This, as I understand, is one of the amendments which the Senate put into the bill and which was left out in conference. I hope this bill will go back for further conference, not in any sense as a criticism of the conferees, but there are many things in this bill which it seems to me we may well desire to have reconsidered.

For instance, on page 68 we have the amendment which the Senate put on the bill providing fifteen or twenty thousand dollars for a bison reserve, to take care of some buffalo.

Mr. WARREN. Does the Senator from Idaho wish to send this bill back so that the Senate conferees may have an opportunity to recede from the amendments the Senate added?

Mr. BORAH. No; but it seems to me it ought to more regularly deal with this and other matters which are important.

Mr. WARREN. I wish the attention of the Senator from Georgia. The Chair covered the ground very well, that when a conference report is rejected the matter is back exactly where it was when it was first sent to conference, without any binding agreement upon any of the conferees.

Now, I undertake to say, with a great appropriation bill, after the conferees have got together in full agreement, to send it back to get the balance of the Senate's amendment allowed is taking a hazard to which I ought not to neglect the opportunity of directing the attention of Senators. In my somewhat extended service here it has been almost never that a general appropriation bill that was fully agreed upon has been sent back, and I can not recall a time when there has been a full agreement that a bill has been sent back with instructions, although it may have happened.

Mr. SMITH of Georgia. May I ask the Senator——

Mr. HEYBURN. I should like to be permitted to say——

The PRESIDING OFFICER. If Senators will permit the Chair, the Chair stated that the report must be accepted or rejected in its entirety.

Mr. WARREN. Yes.

The PRESIDING OFFICER. And the Chair stated that it was not the practice of the Senate to give instructions, but that the power to give instructions was undoubted.

Mr. HEYBURN. Mr. President——

Mr. SMITH of Georgia. Will the Senator permit me to ask the Senator from Wyoming a question?

Mr. HEYBURN. Certainly.

Mr. SMITH of Georgia. I understand that if the conference report is not agreed to, it will be agreeable to the Senator from Wyoming to limit our request for a further conference as to certain items.

Mr. WARREN. It depends upon the instructions.

Mr. SMITH of Georgia. I want to know.

Mr. WARREN. My desire is that the report shall be adopted, but if it is rejected, then the Senate may take whatever course may be its pleasure.

Mr. SMITH of Georgia. My own preference would be to limit it to these particular items, so as to relieve the conference committee of the labor——

Mr. HEYBURN. That can be accomplished by the Senate sending certain items to be reconsidered and by directing the attention of the committee to them.

The Senator from Wyoming has very plausibly and properly stated that this had been a work of magnitude, that they had agreed, and that if it went back to conference it would be all open again, and so forth. But I would suggest that there have been times when conference committees advised the Senate that disagreements existed so that they could make a partial report and then ask for a further conference. Had those who have been so zealously contending for the maintenance of the rights of the settler been advised of these changes, they undoubtedly would have submitted to a partial report of the committee and then asked that the conferees on the part of the Senate be instructed to consider further these particular items. But we had no knowledge of it. I never dreamed that the conferees would bring in an agreement here involving such radical retractions of the action we had taken. We thought we had gained a victory, and we find that we not only gain nothing but that a new policy has been placed upon us. It seems to me, and I do not say it in any spirit of——

The PRESIDING OFFICER. The Chair is obliged, the hour of 2 o'clock having arrived, to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. If there is no objection, it will be so ordered, and the unfinished business is temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, I have but little more to say. Had we been advised of the jeopardy to the great interests that we had contended for strenuously, we would then have been prepared to take such steps as we might take under the rules of practice governing conferences and the rules of procedure generally, and we would have anticipated the difficulties that confront us to-day. But we had no opportunity until last night, when this bill came in from the conferees, to know that we had lost in conference all that we had gained in the Senate. We are not, of course, inclined to yield without some effort to retrieve against such loss.

Had there been a partial report, advising us that the conference was not able to agree upon these points, we might then,

under the rules of this body, have asked that the report so far as it had been agreed upon be accepted and that a further conference be had upon these items. But we are in rather a difficult position this morning, with the first intimation of the utter defeat of those who contended for these reforms in the Forestry Service confronting us here on a final vote as to whether or not we will accept this report.

Now, that is all I desire to say.

Mr. BORAH. Mr. President, before this matter is voted upon I should like to have the Senate understand in a brief sentence what it is that we are interested in from the western part of the United States so far as this bill is concerned.

The proviso in the bill as it passed the Senate was the elimination of the agricultural lands from the forest reserves. It passed the Senate by a large vote with practically no opposition because it was conceded that it was a thing that ought to be accomplished, and we appropriated a certain sum of money for it.

Now, they retain an appropriation of $25,000, but the amendment has been so adjusted as to accomplish nothing at all. So we are in a position of appropriating $25,000 without getting any relief whatever.

Now, one thing or the other certainly can be accomplished; either we can secure this enactment as it ought to be, with the provision as it should be written so that it will be effectual, or else we can certainly eliminate the provision and not pretend to do that which is not being done.

There is not anything more vital to us who are in the new States than this question, although it is covered by a simple, short amendment. I do not understand how conferees coming from either side of this legislative body or the other could long contend against the elimination of the lands. I venture to say here and now that if the influence of the departments were eliminated there would not be any difficulty in the end in agreeing upon this amendment.

I am not willing that it shall be said, until I know, that the influence which keeps the amendment in the form in which it is now is in the House or is in any other than the department. It seems that we have arrived at the time when the conferees represent not only the bodies which legislate, but represent the bureaus of the Government. It is well worth our while to see whether or not the representatives of the Senate can avail against the representatives of the bureaus in making laws.

If for no other reason, the bill ought to go back to settle for once and all whether the wisdom of the Senate or the wisdom of Congress shall prevail in writing a law or whether the objection of the department shall prevail in preventing its having final action.

Mr. BURNHAM. Mr. President, I wish to say just a word. The conferees met together—the conferees of the Senate representing the amendments, every one of them, that was proposed and passed by the Senate. We met the conferees on the other side and heard their views with reference to these different amendments and we discussed each and every one of them.

I wish to say that, out of 180 amendments proposed by the Senate, the House receded in 111 and the Senate conferees in 29, and of the Senate recessions I have heard only three or four complaints. I think this compares very favorably with any conference report on such a measure as this that has ever been submitted.

With reference to this report, I do not believe if it went back to the House again with everything open, as it would be, we would secure a conference report nearer the measure as it passed the Senate than it stands to-day. I trust that the conference report will be adopted. It is the result of the labors of the Senate conferees faithfully and earnestly given to this subject, together with the conferees of the other House. With fair-mindedness they approached this question and by mutual concessions they agreed upon this conference report, and I sincerely trust that it may receive the favor of the Senate. I move its adoption.

Mr. CHAMBERLAIN. Mr. President, I heartily agree with the Senator from New Hampshire in expressing the hope that the Senate will not refer the bill back to the conference committee. It is true, as the Senator from Georgia says, that in accepting the provisions of the bill as it came to us from the House we agreed with the House on innumerable propositions. But it is also proper to say in this connection that there was not an item in the bill as it came to us from the House on which there were not hearings and the opinions of the departments and other witnesses had on the subject?

I have examined the conference report in the light of the bill, and it seems to me that the conferees on the part of the Senate have done most excellent work. The report comes from the conference committee with a number of the appropriations very materially reduced, but in its essential details it is a bill that is in as good shape or in better shape than when it passed both Houses and went to conference.

I hope that the conference report will be adopted.

Mr. FLETCHER. Mr. President, ordinarily I should feel very much inclined to agree with the Senator from Oregon [Mr. CHAMBERLAIN] and those who favor the adoption of this conference report, but I believe that a further consideration of this matter by the conferees will result in a more satisfactory adjustment of the differences between the two Houses.

I am impressed with what the Senator from Georgia has said regarding amendment No. 154, on page 76 of the bill. It seems to me that that is a very important amendment, of great interest to the agricultural people of our country; that it is so valuable that it ought not to be yielded if it can be sustained, and certainly not until other provisions in the bill submitted by amendments of the Senate are again thrashed out before the conferees.

For instance, it does not seem to me possible that the conferees, upon a full and fair and further consideration of all these amendments, will prefer that the Senate shall yield that amendment, which is of so great importance to the agricultural interests of this country, and insist upon a game preserve in the State of Wyoming, acquiring some 2,000 acres of land and involving an appropriation of $50,000.

Mr. WARREN. Mr. President——

Mr. FLETCHER. I am in favor of that amendment; I agree to it; but it seems to me that there is no comparison in the value of the two propositions to the whole country.

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. Certainly.

Mr. WARREN. A rather personal allusion has been made to a matter affecting my State. I wish to say that I did not originate that amendment. I did not ask for it, because it is in Wyoming. I told the committee plainly that Wyoming did not require it, and if they should want to put in any other State a preserve for elk the important matter was whether the United States wished to preserve the elk or not, not that Wyoming should be benefited.

On the other hand, I want to say to the Senator if there had been the slightest objection upon the part of any one of the committee or of the conferees on the other side the amendment would have gone out as far as I am concerned. I put it before them. I said if any man had objection I was willing that it should go out.

Mr. FLETCHER. I had no intention——

Mr. BORAH. Mr. President——

Mr. FLETCHER. One minute, if the Senator will allow me. I had no intention whatever of implying that the Senator from Wyoming was looking out for any particular local interest or anything of that sort. I have no such notion. I simply compared two items in the bill, that is all. Those items happened to fall under my eye as being appropriations of a similar amount of money. One involves an appropriation of $50,000 and so does the other involve an appropriation of $50,000. It seems to me if the conferees would consider the two items side by side they would insist rather upon yielding the appropriation for a game reserve than the item for establishing this bureau of information of so great importance to the people.

Mr. WARREN. Mr. President, I can not allow that assertion to go unchallenged. On the game-preserve matter there was not a dissenting voice. It was not disputed at all. When we came into conference the House conferees said, "Very well; we recede." It was not a matter of weighing it against any other amendment, as I said a moment ago. It would not have taken a moment to wipe it out if there had been objection, if I could have gained anything anywhere else. I cared nothing more for it nor did the Senate conferees care any more for it than that it was a public matter.

The proposition the Senator is talking about received all the aid that we could give it. One was a contested matter; the other was not. So the comparison is not certainly a fair one. It was an uncontested matter in one case and a contested matter in the other.

Mr. FLETCHER. Of course, I understand bills are contested on amendments put on in the Senate. Senate amendments are presented and the bills are contested by the House conferees as thus amended. The Senate conferees are obliged to yield in one instance and not in the other.

I do not for a moment impute any impropriety whatever on the part of the Senator from Wyoming. That is not my idea or my purpose, and I trust he will not consider it in that way. I simply mentioned it as being in the bill and as being located in Wyoming. It would not make any difference to me whether

it was located in any other State, nor would it make any difference to the Senator. I simply submitted the subject of a game preserve being established in this country at an expense of $50,000 as against a proposition involving this bureau or division in the Agricultural Department which would be of so much value, I take it, to the farmers of the country.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Idaho?

Mr. FLETCHER. I yield.

Mr. BORAH. I wish to ask if the amendment on page 69, covered by amendment 121, did not originate in the House and was not urged in the Senate, from whom did the strength come which enabled it to get there and stay there? It is one of those things which have been put in words by the department to show that the department is running the bill.

Mr. WARREN. What does the Senator allude to?

Mr. BORAH. I allude to the game reserve on page 69.

Mr. FLETCHER. It is a Senate amendment.

Mr. BORAH. The same thing is true with reference to the amendment on page 68.

Mr. FLETCHER. Amendment 117, page 68.

Mr. BORAH. Almost every amendment that had to do with the creation of additional game reserves for bison, elk, and so forth, carrying large appropriations, passed through without any criticism or any objection, and almost every important amendment which had to do with extending additional rights to the agricultural interests has been defeated.

Now, that is the condition in which we are passing this bill through the Senate. We are appropriating here $100,000 for game reserves and cutting out a question of markets, which is of concern to all the agricultural interests of the country. It simply demonstrates what is written upon the face of the bill so radically and conclusively that it can not be controverted—that the department is amending and is passing this measure.

Mr. FLETCHER. I, of course, Mr. President——

Mr. WARREN. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. Certainly.

Mr. WARREN. The Senator from Idaho knows as well as I do that in every appropriation supply bill it commences with and is founded upon the estimates of the departments. It is the duty of departments to estimate, and it is not only considered a duty but an aid and privilege to Congress that they have those estimates so as to have what the department idea is of what is required.

Mr. BORAH. I concede that proposition, but the manner of making estimates and sending them to Congress for the consideration of its Appropriation Committees is a different proposition from a department putting its ban upon one amendment or its approval upon another.

Mr. FLETCHER. I was going to say, Mr. President, that I have no idea where that amendment originated or where the amendment originated establishing a game preserve at the Wind Cave National Park, in the State of South Dakota. I do not mean to say that I am opposed to either one of them, but, on the contrary, I value the interest taken by the Agricultural Department and the information it furnishes. I do not for one instant mean to intimate that they have suggested anything that was not for the public good and in the public interest. I do not mean to intimate that either of these amendments is not proper. I favor both of them. I am in favor of the game preserve in Wyoming for the elk and the game preserve in South Dakota for the buffalo. I think it well to take care of that condition. I am not criticizing that. I am not criticizing anybody who offered the amendment, but I do submit that whereas the conferees have been able to maintain their position with regard to a great majority of the amendments made by the Senate they have given up a number of them, and that as compared with the amendments for game preserves the amendment on page 76 providing for this division of markets in the Agricultural Department, the latter is of vastly more importance to the whole country in my judgment.

Mr. BURNHAM. Mr. President, I wish to say in regard to the amendment passed here to the appropriation bill that the Senate committee had that same bill before it and reported it favorably, and it is upon the calendar. It was regarded as a matter in which there was so much legislation that it could be better considered by the Senate when the bill on that report should be presented to the Senate. So it was thought best not to place a matter of legislation of this sort into an appropriation bill where there was less opportunity for its discussion, and it was left for the Senate at some future time to consider the whole matter. That is one reason why the amendment was not agreed to. Of course there was other objection made by conferees, but that is one of the considerations that entered into the question.

The PRESIDENT pro tempore. The question is on the motion to agree to the report of the committee of conference. [Putting the question.] The noes appear to have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a pair with the Senator from Montana [Mr. DIXON]. In his absence and without his authority I do not feel at liberty to vote.

Mr. LIPPITT (when his name was called). I am paired with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were at liberty to vote, I would vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I will transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], except as to votes on the tariff measures, on which I am not paired, and reserve the right to vote, and certain executive matters that I will mention in executive session.

Mr. SWANSON (when his name was called). I beg to inquire if the junior Senator from Nevada [Mr. NIXON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. SWANSON. I have a general pair with that Senator, and consequently I withhold my vote. If he were present, I should vote "nay."

Mr. WATSON (when his name was called). On account of my general pair with the senior Senator from New Jersey [Mr. BRIGGS], I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). I inquire whether the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HEYBURN. I am paired with that Senator.

Mr. JOHNSTON of Alabama. I will say to the Senator from Idaho I am satisfied my colleague, the senior Senator from Alabama, would vote as he would vote.

Mr. HEYBURN. Then I am at liberty to vote, and my vote will stand.

Mr. GALLINGER. I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BRISTOW. I desire to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent from the Chamber and he is paired with the junior Senator from Arkansas [Mr. DAVIS].

The result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Bourne	Cullom	McLean	Smith, Mich.
Bradley	Curtis	Page	Smoot
Brown	Dillingham	Percy	Stephenson
Burnham	du Pont	Perkins	Townsend
Burton	Gallinger	Richardson	Warren
Chamberlain	Johnson, Me.	Root	Wetmore
Crane	McCumber	Sanders	

NAYS—36.

Ashurst	Culberson	Kern	Rayner
Bacon	Fletcher	Martin, Va.	Reed
Borah	Foster	Martine, N. J.	Shively
Bristow	Gardner	Myers	Simmons
Bryan	Gore	Nelson	Smith, Ga.
Catron	Heyburn	Oliver	Stone
Chilton	Hitchcock	Overman	Sutherland
Clapp	Johnston, Ala.	Poindexter	Tillman
Clark, Wyo.	Jones	Pomerene	Works

NOT VOTING—32.

Bailey	Dixon	Lippitt	Penrose
Bankhead	Fall	Lodge	Smith, Ariz.
Brandegee	Gamble	Lorimer	Smith, Md.
Briggs	Gronna	Newlands	Smith, S. C.
Clarke, Ark.	Guggenheim	Nixon	Swanson
Crawford	Kenyon	O'Gorman	Thornton
Cummins	La Follette	Owen	Watson
Davis	Lea	Paynter	Williams

So the conference report was rejected.

Mr. GALLINGER. Does the conference report automatically go back to the committee, Mr. President?

The PRESIDENT pro tempore. The Chair would say undoubtedly not. It will take some further action on the part of the Senate to accomplish that.

Mr. GALLINGER. That is what I thought.

Mr. FLETCHER. Mr. President, I move that the Senate further insist upon its amendments to the bill disagreed to by the House of Representatives and ask for a further conference with the House thereon.

Mr. WARREN. Mr. President, I believe it is usual for such a motion to be made by the Senator in charge of the bill. It is the custom for that Senator to make whatever motion may be necessary for disposing of a bill that is in his charge.

Mr. FLETCHER. I, too, supposed that was customary, Mr. President, but nobody seemed to be doing it; and as it seemed to be going by default, I thought I would make the motion.

Mr. BURNHAM. I will make the two motions which, I understand, are usual in such cases. I move that the Senate further insist upon its amendments and that the report be recommitted to the committee of conference.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD were appointed.

Mr. WARREN. I desire to say that I am of course subject to the disposition of the Senate and I desire to do its bidding; but at the present time, with the pending appropriation bills and with constant calls upon my time, if I am placed upon the board of managers on this bill in a new conference, I am afraid that I can not give it the immediate attention that perhaps the Senate may require. I am therefore perfectly willing to step aside.

Mr. CHAMBERLAIN. Mr. President, I desire to express the hope that the Senator from Wyoming will not ask to be excused and that he will not be excused from serving on the conference committee.

The PRESIDENT pro tempore. The Senator from Wyoming has not presented any application to that effect.

Mr. WARREN. Mr. President, I only desired to say to my colleagues that, if immediate attention to this matter is required, I can not attend to it without neglecting other important public business. I am willing to do the work. I want simply to give notice to the Senate; and if they wish to put another in my place it will be perfectly satisfactory to me.

Mr. BURNHAM. I should regret it exceedingly if the Senator from Wyoming should withdraw from the conference committee. I sincerely hope that he will continue to remain a member of it.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported it with amendments and submitted a report (No. 825) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia relating to notaries public, reported it without amendment and submitted a report (No. 826) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army, reported it without amendment and submitted a report (No. 827) thereon.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6341) to provide for the erection of a public building at Weston, W. Va., reported it with an amendment.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, reported it with an amendment and submitted a report (No. 828) thereon.

Mr. SANDERS. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 1485) for the relief of William Mullally, to submit an adverse report (No. 829) thereon.

Mr. POMERENE. I suggest that the bill go to the calendar.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. SANDERS, from the Committee on Military Affairs, to which was referred the bill (S. 5949) for the relief of James Danielson, submitted an adverse report (No. 830) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP (by request):

A bill (S. 7017) to supplement an act to protect trade and commerce against unlawful restraint and monopolies as approved July 2, 1890; to the Committee on Interstate Commerce.

By Mr. BRISTOW (by request):

A bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 7019) removing the charge of desertion from the military record of Nelson Wilkinson and extending to him pensionable rights (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7020) granting an increase of pension to Mary P. Hamersly (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7021) granting an increase of pension to Cyrenius Mulkey (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7022) to subject the lands in the former Fort Niobrara Military Reservation in Nebraska to homestead entry (with accompanying paper); to the Committee on Public Lands.

By Mr. TILLMAN:

A bill (S. 7023) granting a pension to Dora D. Walker (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7024) granting an increase of pension to Mary Jones (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7025) granting an increase of pension to Martha J. Stephenson; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7026) granting an increase of pension to Mary E. Northend (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein; to the Committee on Public Lands.

NAVAL STATION, KEY WEST, FLA.

Mr. BRYAN submitted an amendment proposing to appropriate $5,500 for paving and grading on Whitehead, Front, and Green Streets, at the naval station, Key West, Fla., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, I wish to give notice that next Tuesday, at the close of the routine morning business, unless some other appropriation bill is pending, I shall ask the Senate to take up House bill 20728, the Indian appropriation bill.

THE OPIUM EVIL (S. DOC. NO. 733).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State covering the report of the American delegation to the International Opium Conference, held at The Hague from December 1, 1911, to January 23, 1912.

In submitting this report the Secretary of State makes certain recommendations regarding bills now before the Congress for the control of our foreign and domestic traffic in habit-forming drugs. I have several times called the attention of the Congress to the necessity for the passage of the proposed measures, and I now indorse the view of the Secretary of State that the Congress should promptly pass these measures, more especially because this Government took the initiative and has been generously supported by 12 other Governments in its efforts to mitigate, if not entirely suppress, the world's opium evil.

Inasmuch as the international opium convention and its protocol de cloture, signed at The Hague by representatives of the United States, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, and Siam, have been given publicity by the conference and by the signatory Governments, it is deemed not improper to accompany the report with authentic copies of them.

I am not able at the present moment, however, to ask the advice and consent of the Senate to the ratification of the convention, for it is provided by the final articles of the convention that ratification is to depend upon the Netherlands Government securing by the 31st of December next the supplementary signatures of 34 States named in article 22 of the convention, and that in case the signatures of all the powers invited to sign the convention shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications. It is my hope and belief that the Netherlands Government will secure the necessary signatures to the convention by the date fixed and that I can then ask the advice and consent of the Senate to the ratification of the convention.

Therefore, at the present time, the international opium convention and its protocol de cloture are submitted to the Congress merely for its information as to the great step in advance which has been taken by 12 States in cooperation with the United States to bring the opium evil to an end.

WM. H. TAFT.

THE WHITE HOUSE, *May 31, 1912.*

THE METAL SCHEDULE—PERSONAL EXPLANATION.

Mr. REED. Mr. President, I call the attention of the Senator from Michigan [Mr. SMITH] to a statement which I desire to make in the nature of an explanation.

When the steel bill came to a vote on yesterday, I voted upon that bill in the absence of the Senator from Michigan. I did so under a misapprehension with regard to the arrangement for a pair with that Senator. I have learned that the Senator from Michigan was relying upon that arrangement, and I am making the statement now, in order that it may be of record, that he understood he was paired, and I am also making the statement, in justice to myself, so that it may be known that the vote I cast was under a misapprehension with reference to the arrangement.

Mr. SMITH of Michigan. Mr. President, I think the Senator from Missouri is very generous in his statement. I have found no fault whatever with the Senator for voting yesterday in my absence, and should not do so. I think, indeed, that he had ample justification for assuming that it was perfectly agreeable to me. His very generous statement I highly appreciate, and desire to thank him for it.

I wish to say this, however: That I was absent from the Senate yesterday when the vote was taken on the steel bill in performance of a promise I had made to the Grand Army of the Republic organization, which was observing the Memorial Day exercises at Arlington. I had no idea that the vote would be reached on the steel bill yesterday, and acted in cooperation with no other Senator in reference thereto. My absence was due entirely to the fact that I had another engagement, which I regarded as important. If I had been here, I would have voted against the passage of the bill.

EIGHT-HOUR LAW.

Mr. BORAH. I ask unanimous consent that the Senate proceed to the consideration of House bill 9061.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the Senate proceed to the consideration of House bill 9061.

Mr. BAILEY. What is the bill?

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. President, if I thought my objection would finally defeat the bill I would object, but I know it finally must come to a vote and so I will not object.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from New York [Mr. O'GORMAN], which will be stated.

The SECRETARY. On page 4, line 6, after the word "condition," it is proposed to strike out "on account of which the President shall subsequently declare the violation to have been excusable," and also, in line 5, before the word "danger," to insert the word "imminent," so that if amended it will read:

No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by imminent danger to life or to property, or by other extraordinary event or condition.

Mr. BORAH. Mr. President, I do not see the Senator from New York present, but I have had some discussion with the Senator from New York with regard to this amendment. I hope the amendment will be defeated. This particular provision in the bill received much consideration at the hands of the committee and was practically agreed upon by all as necessary to the efficiency of the bill; that is, those who favored the bill at all; and those who were opposed to it in its entirety nevertheless regarded some such provision as this necessary to make it a working bill. This provision is that in certain emergencies the President shall declare the violation of the law to have been excusable. This is not an unconstitutional principle, nor an unusual principle in our legislation. I have some authorities here upon the subject, but I do not propose to stop at this time to discuss it, and, with this explanation, I shall, so far as I am concerned, permit the amendment to come to a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York, which has just been read.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BAILEY. Mr. President, I had intended to address the Senate at some length against this bill, but upon inquiry among Senators I have learned that to do so would be a waste of time and of breath, for it does not seem that those who are opposed to it are even numerous enough to force a roll call upon it if that demand should be resisted. But while I shall forego my inclination to discuss it, I am not willing to see it pass until I have recorded my protest against it.

In the first place, I object to it because it is an effort on the part of Congress to regulate a matter which belongs wholly to the States of this Union. It is plainly designed to regulate the hours of labor within the States; and if that should be attempted by a direct provision, every Senator in this Chamber understands that it would fall before an objection in the courts. Of course, I understand that it happens in many instances, as it does in this, that Congress may, by indirection or by a subterfuge, take from the States matters which properly belong to them and subject those matters to congressional regulation.

But, sir, waiving all question of Federal jurisdiction, I would not support this bill, even in the legislature of a State, because I will never vote to deny a full-grown American citizen the right to make his own contracts with respect to his own employment outside of certain, and peculiar, occupations. I recognize the right of a State, under a proper exercise of its police power, to regulate the hours and conditions of employments which are hazardous or unwholesome; but no government has any right to say to the humblest of its citizens, clothed in his right mind, that it, and not he, shall determine how long he may work at healthful and safe pursuits. That is a kind of tutelage to which I will never agree to reduce an American citizen of legal age and mental competence.

But, Mr. President, if I had no objection like that I would not vote for this bill, because I know that this world can not be run on an 8-hour basis, and so does every other man in this body. There is not a Senator here who can do his work in 8 hours. I do not profess to know the habits of other Senators, and I have no right to speak for them, but for myself I can say that I am compelled to work double that time oftener than I am able to complete my task within 8 hours. Not only is it true that we can not discharge our official duties in 8 hours, but no merchant in this country could escape the bankrupt court if he should open and close his doors upon an 8-hour schedule. The men who are engaged in the basic industry of all the world

are not able to do it. If the farmers of the United States should agree that they would work only 8 hours in the day, one of two things would happen—the weeds would encumber every American field or the farmers would be compelled to reduce their acreage at least 33⅓ per cent. Then, sir, what would come to pass? The cry which we hear throughout the land about the high cost of living would be heard with redoubled fury. The men who now congregate in the market places of our cities and declaim against the high price of bread and meat would then have a better reason for doing so, because even the well-paid skilled labor of the cities could scarcely provide the present comforts of their table.

Mr. President, I do not believe that any class of people in this country are entitled to shorter hours or to lighter work than the men who create the very basis of our wealth. Washington said agriculture was the most ancient and the most honorable of all pursuits; and, while he probably overstated it when he said it was the most ancient, because undoubtedly the pursuit of the stream and of the chase—if, indeed, they can be called pursuits—antedated agriculture, he did not err when he said it was the most honorable of all occupations; and it is utterly incomprehensible to me how American legislators can obtain their consent to say that, while the farmers of this country may work 12 hours in the day and 12 months in the year in order to procure the money with which to pay their taxes the Government shall take the taxes which they contribute and pay them to men who work 8 hours in the day, and work nearly all of that 8 hours in the shade.

The farmer not only works through long hours, but he works in the heat, in the cold, and in the rain; he does not have a half holiday on Saturday. It is true he is not always in his field, because the necessities of his home require him sometimes to visit the nearest town or city, but even then he is upon an errand, and he goes to buy the provisions which are needed in order that he may continue his work. The artisans in our cities and in our industrial centers lay down their implements of labor on Saturday afternoon and rest through the Sabbath day; but it is not so with the farmer; his herds and flocks must still be tended; his horses can not go without grain and water from Saturday until Monday; and every day of his life, when his health will permit him to leave his house, the farmer must do some work. Yet while he labors 12 hours in the day in order that he may pay his debts, educate his children, and meet the Government's tax demands against him, shall this Government take his money, earned by 12 hours' labor in sun and in rain, and give it to the men who work in the shade only 8 hours of the day? That, sir, is a discrimination against the very best part of the American people. Are the foreigners who constitute a large part of the labor engaged in these manufacturing industries better entitled to the consideration of the American Congress than the Americans born and employed on our farms? Is this rule of justice and mercy to be applied by the American Congress in favor of the foreign-born working in our factories while it is denied to the native-born who cultivate our farms?

We might leave this, as we have left so many other matters of this kind, to agreements between the employer and the employee. I believe, sir, in labor organizations, and I believe those organizations were intended to do, and ought to do, without the intervention of law, just such work as this. If the employees can organize and force the employer to agree with them on an 8-hour day, that is none of our concern; but when the employees can not force that concession, neither ought it to be our concern to say that the employers must grant it.

One of two things must happen if this bill becomes a law. Either the wages of labor will be reduced to meet the reduction in the hours or else the cost of producing these articles must be increased. I hardly think anyone desires to increase the cost of any article, if I may judge by the complaints which fill this Chamber from day to day against the high cost of living.

I have witnessed a curious change of public sentiment in the last 12 or 15 years. When I first entered politics there seemed to be a widespread disposition, which might almost be characterized as a craze, among the American people to exalt the producer of commodities, and anyone who was producing something or who would erect a factory or establish an enterprise to produce something had only to ask and the Government freely gave him what he asked. Of course, these producers, in their greed, not only oppressed the American consumer, but they overreached themselves, and in the last four or five years there has come a complete reversal of the tendency, until now the demand everywhere is for the consumer, and you never hear anybody lifting his voice in behalf of the producer.

As between the consumer and the producer, if that states the whole case, I am on the producer's side, because the producer of wealth, whether it be on the farm or in the factory, contributes to the sum of human comfort and human happiness, while it often happens that the consumer is a mere idler—if rich, living upon the fortune which his forefathers accumulated, and, if poor, living upon the labor of others. For such men I have no such patience and respect as I have for a man who is working out for himself and his family, and helping his fellow men to work out a great destiny for his country. But, while I believe that the producer deserves consideration, I would do full justice to the consumer.

The advocates of this measure care nothing about the articles which the Government may buy; and the purpose of this bill is to compel every enterprise which contracts with the Government to comply with the 8-hour rule now to be established, and through a kind of coercion to compel the application of that rule in all rival and competing establishments. This Congress may say that the Government shall not buy the steel for its ships, the guns for its Army, or any other article from any contractor who has worked his men longer than 8 hours a day; but it will not dare to say that the Government shall not buy horses or cattle or mules or hay or grain produced on a farm where the farm laborer has worked more than 8 hours in a day.

If we are not to witness an increase in prices arising from such legislation as this, then there must be a corresponding reduction in the wages of labor. If you tell me that the labor organizations will take care of that, I ask why can they not take care of this? If they can prevent a reduction in wages to correspond with this reduction in the hours of labor, then, sir, they can compel a reduction in the hours of labor without coming to the American Congress with a bill like this.

Mr. President, I am not ashamed to say that those to whom I trace my lineage were mechanics in the early times, and I think they had as much right to contract for their personal services as I have to contract for my professional services. I believe, sir, that a man who works with his hands is as tall, in contemplation of the law, as the man who works with his brain, and as one who believes in the dignity of labor I deny the right of the American Congress to deprive the American workingman of the right to make his own contracts with respect to his own labor.

Mr. SANDERS. Mr. President, I wish to call the attention of the Senate to another grave discrimination in connection with the operation of this bill. All over the country we have factories doing miscellaneous work. Those factories could not exist on the eight-hour plan, and they have been in the habit of contracting for Government work, which they do along with the general work of the country. If this bill passes it will deprive all of those shops over the country of all this Government work, and it will deny the right of doing this work and reaping a profit from it to the men who own the shops and the laborers who work in them. I am very much opposed to any legislation of that kind.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BAILEY. Mr. President, if I were at liberty to vote, which I am not, in consequence of my pair, I would ask for a roll call on this question, but inasmuch as I could not vote on the roll call, I forbear to ask for the yeas and nays.

Mr. SANDERS. I ask for a roll call.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). If I were at liberty to vote I should vote "nay," but owing to my pair with the Senator from Montana [Mr. DIXON], I withhold my vote.

Mr. BORAH (when the name of Mr. CUMMINS was called). The Senator from Iowa [Mr. CUMMINS] is absent from the city. If he were present, he would vote "yea."

Mr. BORAH (when Mr. KENYON's name was called). The Senator from Iowa [Mr. KENYON] is absent from the city. If present, he would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were permitted to vote, I should vote "nay."

Mr. RICHARDSON. I am paired with the Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a pair with the Senator from Louisiana [Mr. FOSTER]. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], and withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were here, I should vote "yea." I think if he were here, he would vote the same way, but I do not feel at liberty on that opinion to violate the pair.

Mr. OLIVER. I will take the responsibility of saying to the Senator from Mississippi that he need not withhold his vote on account of his pair.

Mr. WILLIAMS. Very well. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER]. This will stand for the day.

Mr. HEYBURN (after having voted in the negative). I voted, not knowing whether or not the Senator from Alabama [Mr. BANKHEAD], with whom I am paired, would be present. He has not voted. I therefore transfer my pair with that Senator to the junior Senator from Illinois [Mr. LORIMER], and will allow my vote to stand.

Mr. BRISTOW. I desire to state that the Senator from South Dakota [Mr. CRAWFORD] is necessarily absent. If he were present, he would vote "yea." He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. SMITH of Arizona. I announce my pair with the Senator from New Mexico [Mr. FALL]. I do not know how he would vote. If I could vote, I would vote in favor of the measure.

Mr. POMERENE. The Senator from Maine [Mr. GARDNER] is not present, and I have been requested to announce his pair with the Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 45, nays 11, as follows:

YEAS—45.

Ashurst	Clarke, Ark.	Martin, Va.	Smith, Ga.
Bacon	Culberson	Martine, N. J.	Smith, Mich.
Borah	Cullom	Myers	Smoot
Bourne	Curtis	Newlands	Stone
Bristow	Fletcher	Overman	Sutherland
Brown	Gronna	Perkins	Tillman
Bryan	Hitchcock	Poindexter	Townsend
Catron	Johnson, Me.	Pomerene	Williams
Chamberlain	Jones	Rayner	Works
Chilton	Kern	Reed	
Clapp	Lodge	Shively	
Clark, Wyo.	McLean	Simmons	

NAYS—11.

Bradley	Gallinger	Page	Sanders
Dillingham	Heyburn	Percy	Wetmore
du Pont	Oliver	Root	

NOT VOTING—39.

Bailey	Dixon	Lea	Richardson
Bankhead	Fall	Lippitt	Smith, Ariz.
Brandegee	Foster	Lorimer	Smith, Md.
Briggs	Gamble	McCumber	Smith, S. C.
Burnham	Gardner	Nelson	Stephenson
Burton	Gore	Nixon	Swanson
Crane	Guggenheim	O'Gorman	Thornton
Crawford	Johnston, Ala.	Owen	Warren
Cummins	Kenyon	Paynter	Watson
Davis	La Follette	Penrose	

So the bill was passed.

EXECUTIVE SESSION.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and (at 3 o'clock and 30 minutes p. m.) the Senate proceeded to the consideration of executive business. After 2 hours and 20 minutes spent in executive session the doors were reopened.

PUBLIC GROUNDS, RONAN, MONT.

Mr. MYERS. From the Committee on Indian Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site, and I submit a report (No. 831) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Indian Affairs was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the town of Ronan, Mont., under such terms, conditions, and regulations as he may prescribe, not to exceed 20 acres of unallotted tribal land within the Flathead Indian Reservation at not less than its appraised price; said lands to be used by the town of Ronan for school, park, or other public purposes: *Provided*, That the net proceeds received from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the Flathead Indians and draw interest at the rate now provided by law, and may thereafter be used for the benefit of said Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 1, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 31, 1912.

SECRETARIES OF LEGATIONS.

Alexander R. Magruder, of Maryland, now second secretary of the embassy at Rome, to be secretary of the legation of the United States of America at Lima, Peru, vice Roland B. Harvey, nominated to be secretary of the legation at Santiago.

Roland B. Harvey, of Maryland, now secretary of the legation at Lima, to be secretary of the legation of the United States of America at Santiago, Chile, vice Paxton Hibben.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY.

Second Lieut. Marshall Magruder, Sixth Field Artillery, to be first lieutenant from May 28, 1912, vice First Lieut. Edwin De L. Smith, Fourth Field Artillery, detached from his proper command.

INFANTRY ARM.

Lieut. Col. John S. Mallory, Infantry, unassigned, to be colonel from May 28, 1912, vice Col. William P. Evans, Infantry, unassigned, retired from active service May 27, 1912.

Maj. Maury Nichols, Third Infantry, to be lieutenant colonel from May 28, 1912, vice Lieut. Col. John S. Mallory, unassigned, promoted.

Capt. Matthias Crowley, Seventeenth Infantry, to be major from May 28, 1912, vice Maj. Maury Nichols, Third Infantry, promoted.

First Lieut. Clifford U. Leonori, Eighteenth Infantry, to be captain from May 28, 1912, vice Capt. Matthias Crowley, Seventeenth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Harry Albert Musham, of Illinois, to be second lieutenant of Infantry, with rank from April 24, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from May 29, 1912.

John Seymour Cromwell Fielden, jr., of Pennsylvania.
Norman Thomas Kirk, of the District of Columbia.
Fletcher Olin McFarland, of Minnesota.
Samuel King Carson, of Virginia.
Walter Winthrop Ellis, of Delaware.
Joe Wallace Fenn, of Alabama.
George Washington Guthrie, of Pennsylvania.
Howard Hume, of the District of Columbia.
James Everett Kessell, of Iowa.
Harry Toulmin Lay, of Alabama.
John George Leitch, of Pennsylvania.
Bernard Mann, of Pennsylvania.
Jesse Garfield Maxon, of Illinois.
Arthur Monroe Mendenhall, of Rhode Island.
Bert Frank Ober, of Pennsylvania.
Francis Oral Vicars, of Montana.

RECEIVERS OF PUBLIC MONEYS.

Nazari V. Gallegos, of New Mexico, to be receiver of public moneys at Tucumcari, N. Mex. (Reappointment after change from Territory to State.)

Benigno C. Hernandez, of New Mexico, to be receiver of public moneys at Santa Fe, N. Mex., vice Frederick Muller. (New appointment after change from Territory to State.)

Harold Hurd, of New Mexico, to be receiver of public moneys at Roswell, N. Mex. (Reappointment after change from Territory to State.)

Manuel Martinez, of New Mexico, to be receiver of public moneys at Clayton, N. Mex. (Reappointment after change from Territory to State.)

Enrique H. Salazar, of New Mexico, to be receiver of public moneys at Fort Sumner, N. Mex. (Reappointment after change from Territory to State.)

REGISTERS OF THE LAND OFFICE.

Charles C. Henry, of New Mexico, to be register of the land office at Fort Sumner, N. Mex., vice Arthur E. Curren. (New appointment after change from Territory to State.)

Charles L. Hunt, of New Mexico, to be register of the land office at Clayton, N. Mex., vice Edward W. Fox. (New appointment after change from Territory to State.)

Royal A. Prentice, of New Mexico, to be register of the land office at Tucumcari, N. Mex. (Reappointment after change from Territory to State.)

Manuel R. Otero, of New Mexico, to be register of the land office at Santa Fe, N. Mex. (Reappointment after change from Territory to State.)

Thomas C. Tillotson, of New Mexico, to be register of the land office at Roswell, N. Mex. (Reappointment after change from Territory to State.)

POSTMASTERS.

NEW MEXICO.

Vincent B. May to be postmaster at Las Cruces, N. Mex., in place of Thomas Branigan.

John Pfluger to be postmaster at Santa Fe, N. Mex., in place of Edward C. Burke.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 31, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet James Marsden Earp, to be third lieutenant.

POSTMASTERS.

GEORGIA.

Harry S. Edwards, Macon.
William T. Rudolph, Thomaston.

LOUISIANA.

E. C. Crawford, Gretna.

NEW YORK.

William D. Smith, Northville.

PENNSYLVANIA.

Jared H. Buckbee, Elkland.
Harry L. Cooper, Edinboro.
Chauncey S. Ickes, Boswell.
Wesley B. McAlpine, South Brownsville.
John B. Moffitt, West Brownsville.

TENNESSEE.

W. A. Hill, McKenzie.
William B. Pickering, Carthage.
William J. Walker, Tiptonville.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 31, 1912.

POSTMASTER.

ARKANSAS.

Mattie C. De Vaughan to be postmaster at Waldo.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 31, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the universe, Father of our souls, cleanse our hearts from guile, and make straight our paths, that we may walk worthy of the vocation wherewith we are called and fulfill our destiny, to-day, to-morrow, and always, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Wednesday, May 29, 1912, was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Military Academy appropriation bill.

Mr. POU rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. I want to ask the gentleman from Virginia a question.

The SPEAKER. Does the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. POU. I want to ask the gentleman if he is not willing that the rules be followed and that the claims bills be taken up to-day? I will say in that connection that I have been told twice that an arrangement had been made by which the Committee on Claims will be displaced. I do not know who has the right to make such an arrangement; I certainly was not consulted, but I understand that an arrangement has been perfected whereby the Committee on Claims shall be displaced to-day, and I rise to protest against it.

Mr. HAY. I will say to the gentleman from North Carolina that I do not know of any arrangement by which the Committee on Claims is to be displaced. Certainly I am not a party to any such arrangement. But I am compelled to call up this appropriation bill because the desire of the House is, as I understand it, to adjourn as soon as it possibly can, and it can not adjourn until these appropriation bills have been passed. I will state to the gentleman that this bill is a very short one and will take very little time, and that the gentleman will have the balance of the time.

Mr. POU. Under the rules, the committee of which I am chairman has the entire day, and I confess some surprise that the gentleman could not select some other day on which to make his motion.

Mr. HAY. The gentleman must understand that under the rules my motion is a privileged motion.

Mr. POU. I am perfectly aware of that, and it is simply a question of preference with the gentleman as to whether he will make the motion this morning or not. I am well aware of the fact that if he makes the motion that the House go into Committee of the Whole House on the state of the Union it displaces the Committee on Claims, if the motion prevails. But I want to say to the House now that the House has had a committee very hard at work all of this session, and this is that committee's day. Hereafter, as best I can, I shall oppose every attempt to displace the Claims Committee on the days when its bills, under the rules, ought to have preference.

Mr. HAY. Mr. Speaker, I submit that this is not a debatable question.

The SPEAKER. The Chair will state that this discussion has been proceeding by unanimous consent.

Mr. PRINCE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PRINCE. I want to find out whether general debate will be limited in Committee of the Whole.

The SPEAKER. That has not been suggested yet.

Mr. HAY. I ask unanimous consent, Mr. Speaker, that general debate be confined to one hour, one half of the time to be controlled by the gentleman from Illinois [Mr. PRINCE] and one half by myself.

The SPEAKER. Pending the motion to go into Committee of the Whole House on the state of the Union, the gentleman from Virginia [Mr. HAY] asks unanimous consent that general debate be limited to one hour, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. PRINCE]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Military Academy appropriation bill.

The question was taken on the motion of Mr. HAY; and on a division (demanded by Mr. POU) there were—ayes 25, noes 16.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, with Mr. HENSLEY in the chair.

Mr. HAY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, it is not necessary for me to go into any general discussion of the provisions of this bill. The total estimates submitted by the department for the support of the Military Academy aggregate $1,894,928.63. The amount appropriated for the last fiscal year was $1,163,424.07. The

accompanying bill carries an appropriation of $1,034,059.26, which is a reduction of $129,364.83 over last year's bill and is $860,869.37 below the estimates.

The bill carries no new items, and is purely and simply an appropriation bill.

I reserve the balance of my time.

Mr. PRINCE. Mr. Chairman, this is practically an appropriation bill. There may be a few items that, if one was inclined to be captious, might be criticized; but the days are lengthening; the time for this Congress to adjourn, or the time when it ought to adjourn, is getting near. [Applause.]

From what I have seen here during my service in the House I am inclined to think that what is known as the Holman rule has made this session of Congress at least six weeks longer than it ought to have been; and if legislation is put upon appropriation bills in the short session which is to follow in December, Congress will meet and adjourn without passing the appropriation bills.

Last year we had a special session. Committees were appointed, held meetings, and prepared a great deal of legislation last summer for the present session of Congress, which met last December. The months of December, January, February, March, April, and May have now gone, and not all of the appropriation bills have passed this House. It is evidently a clear demonstration to the people of this country either that the rules are at fault or that our friends upon the other side are not competent to take care of the appropriation bills for the support of the Government.

There are yet undisposed of by the House, because they have not passed this body, the Military Academy, general deficiency, and sundry civil appropriation bills. On this day, May 31, two appropriation bills have been approved by the President—an urgent deficiency bill, passed December 22, 1911, and the diplomatic and consular appropriation bill, April 30, 1912. Of the other appropriation bills, the District of Columbia, agricultural, Army, pensions, fortifications, Indian, Post Office, rivers and harbors, legislative, executive, and judicial, and naval have not been disposed of. In all, here are 15 appropriation bills, of which two have passed both Houses of Congress and been approved by the President.

A party came into power pledging to do expeditious work, pledging to have rules in this House that would be efficient in their operation, pledging that the American Representatives should have a voice, pledging to do many, many things, and here, on the 31st of May, 1912, with a special session called in April, 1911, committees appointed, and the official program all mapped out, the net result is two appropriation bills passed and approved by the President. At that rate how long it will take I do not know. The dog days may come and go and we may still be here wrangling over legislation on appropriation bills. I am utterly and unalterably opposed to legislation on appropriation bills. To put legislation upon an appropriation bill compels the Executive to swallow it, legislation and appropriation combined, or be charged with starving the Government because he will not accept an appropriation bill. If the legislation is proper, let it stand upon its own merit, let it be disposed of upon its merits, let no logrolling be done and no pie passing bills be allowed to help get appropriation bills through and force them to the Executive.

In the years that the party to which I belong had control of this House we presented appropriation bills, we presented legislation, we discussed legislation, and it passed or failed to pass, whatever it was. But here is linked together legislation and appropriations, and the net result of which is on May 31, 1912, as I have said, with a special session of months preparing legislation—the net result to the country is 2 appropriation bills passed and approved and 13 undisposed of at this moment so far as being signed by the President.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. STEPHENS of Texas. Is not the trouble at the other end of the Capitol and not in this House? The House has passed all of the appropriation bills except three, but they are held up at the other end of the Capitol. Is not that the fact?

Mr. PRINCE. Let us see how that is. The urgent deficiency passed the House December 16, 1911; the District of Columbia bill, January 25; Agriculture, March 12; the Army, February 16; the Indian, April 9.

Mr. STEPHENS of Texas. The Indian bill has just been reported in the Senate.

Mr. PRINCE. I am giving the dates of the passage of the appropriation bills in the House.

Mr. STEPHENS of Texas. But the trouble is in the Senate.

Mr. PRINCE. Not necessarily. The legislative bill did not pass the House until May 10, and the naval appropriation bill did not pass until May 28. Why lay it on a coordinate branch? May 28 the naval appropriation bill passed this House. Is it fair to try to dodge the responsibility by putting it onto a coordinate branch of the Government? Let us tell the whole truth and not half a truth. A half of the truth is worse than the full statement. I think if my colleague had studied the calendar printed on to-day—May 31, 1912—he would have answered his own question, which I am glad he asked me.

Mr. Speaker, in the days when my distinguished colleague was Speaker of the House we did much business. We passed the appropriation bills. We had our unanimous-consent legislation, and I believe that as much, if not more, general legislation, more legislation for the benefit of the people in their respective districts was passed under the management and under the control of the distinguished gentleman from Illinois [Mr. CANNON] as Speaker than has been passed in these days.

Now what have we been doing? We have been busily engaged in investigating. Thousands and thousands, yes into the hundreds of thousands of dollars, have been appropriated for the purpose of investigating somebody somewhere under certain conditions. And what are the net results? Water hauls. When this Congress will have closed and been written up, it will be found that it has done but very little to relieve the public. We are apparently engaged in scoring for position. Our friends on the other side are getting ready to meet the campaign. They have tons and tons of literature, and, you might say, canned wind to hurl out in the campaign, but I am inclined to think by the way some of the States have spoken recently that that canned wind will not go to the people, because there will be somebody else nominated and another kind of an issue presented. [Applause on the Republican side.] They will send this literature, that is all ready to be sent out under certain circumstances, to the junk dealer for disposition as waste paper. [Applause on the Republican side.]

Gentlemen, we may think here that we are playing politics on a great scale; we may think here that we are making issues. Not at all. The people make the issues. I remember when I first entered this Congress of hearing men debate upon the tariff, of hearing long speeches by splendid men, for they were strong. On this side of the House stood Gen. Grosvenor, the gentleman from Illinois [Mr. CANNON], the gentleman from Connecticut [Mr. HILL], the gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], and a number of distinguished men; and on the other side stood your distinguished Speaker [Mr. CLARK], Mr. Sayers of Texas, Mr. Crisp of Georgia, Mr. Turner of Georgia, and strong advocates they were, not playing little politics, but they were giants struggling in a great arena. They were preparing for a great campaign on that question. The people spoke out through their candidates, and all of the literature that was prepared for that great campaign went to the junk dealer, as it will at this time. The issue was the gold standard or free silver at 16 to 1; that was the issue then. It will not be the issue now. There will be issues that the people frame, and let me say to you, my countrymen, that you have been weighed in the balance and found wanting. We will have the President again as a Republican. We will have 60 majority in this House in December, after the November election. [Applause on the Republican side.]

Mr. SHACKLEFORD. Mr. Chairman, why does not the gentleman from Illinois [Mr. PRINCE] make that 75? Does he not think it would sound better?

Mr. PRINCE. Why, yes; I will make it 75 to suit the gentleman. I hope, however, that he will stay with us.

Mr. SHACKLEFORD. When you are going to make big claims, make them big and be done with it.

Mr. PRINCE. Then we will make it 75, if that is satisfactory.

Mr. HILL. Mr. Chairman, I trust the gentleman from Illinois will pardon me, but I would like to call his attention to the fact that after the last Democratic House of Representatives was in power the next House was Republican by 140 majority. [Applause and laughter on the Republican side.]

Mr. PRINCE. I thank the gentleman. I have been very modest in my claims, because I am somewhat of a conservative.

Mr. SHACKLEFORD. Is not modesty upon political subjects one of the gentleman's chronic ailments?

Mr. PRINCE. Mr. Chairman, I am frank to say to the gentleman that he and I have served here for a number of years, and that I do not think he has heard me make what he would call a political speech in this House, unless the present one may smack of it, and perhaps may be charged as such; but for 16 years or more I have stood on the floor of this House and tried to argue questions as a Member of Congress broad enough to see the whole country.

Mr. SHACKLEFORD. Mr. Chairman, I do not think the gentleman from Illinois ever resorts to political speeches except when he—to use a slang phrase—is in a hole, and considering the hole that he finds himself in at this time, I am perfectly willing to forgive him for even on this occasion resorting to this political effusion, which is so out of line with his general course, and I apologize to the gentleman by saying that I know he would not do it even now if it were not for the extreme emergency with which he is confronted.

Mr. PRINCE. Mr. Chairman, I thank the gentleman for his kindly allusions, but if he had been here in the House promptly, as he should have been to receive prayers, and had been here when I commenced my address, he would have heard differently, and if he had been here to hear me go over the appropriation bills and have seen the time that was wasted in the discussion of measures in carrying out the Holman rule, he would have agreed with me.

Mr. SHACKLEFORD. Is not that rather due to the fact that under the present organization of the House the opposition is permitted to take time to discuss and even obstruct the passage of measures?

Mr. PRINCE. I do not see how the opposition could obstruct. The Democrats have 70 majority, and they have the power to do what they please.

Mr. SHACKLEFORD. And we are pleased to give you more liberal time to discuss measures than you gave us.

Mr. PRINCE. Evidently you have, as appears by the RECORD here, when you passed the naval bill on May 28, and you surely have given yourselves opportunity for unlimited discussion. You can not charge us with that. You have the power, and you can do what you please. You are responsible for what is done, and the country will hold you responsible, as it should hold you responsible. The country will hold you responsible for the class of legislation that you have passed, and will hold you responsible for putting legislation on appropriation bills. The country will hold you responsible for prolonging this session, and will hold you responsible for these fake investigations that you have made, in which you have squandered the public money. It will hold you responsible from the beginning of the special session down to the close of this session, and the country will speak, and speak loudly, and you will understand its voice when you hear it in November. The farmers of this country will hold you responsible for the reciprocity legislation, and there are many good friends of mine who are sitting on that side of the House representing Western and Middle Western States whose faces will not be seen in this Hall after the 4th of March next. You entered into the game of politics before the special session, hoping you would embarrass some of us by voting in favor of reciprocity, but when the special session was called you found you had set a trap for yourselves, and you had to go into it, and the people will speak to you when the time comes.

Mr. LLOYD. Who was it that set the reciprocity trap about which the gentleman is speaking at the present time? Was not this Congress called into extra session to consider reciprocity at the instance of the President of the United States?

Mr. SHACKLEFORD. And on the advice of an ex-President.

Mr. LLOYD. And is it not true that the gentleman, with the rest, voted for that bill?

Mr. SHACKLEFORD. The President did it on the advice of a prominent ex-President, as appears by public correspondence. [Laughter and applause on the Democratic side.]

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman is not shaking his gory locks at me?

Mr. PRINCE. No, no; and in this connection I want to congratulate my friend from Colorado. I saw his picture in the paper this morning. I saw where, as a splendid soldier of the Confederate cause, he and 12 of his associates gathered together upon Memorial Day to talk over in a nonpartisan way the part they took in that great struggle. I also notice that he says that we will have no decorations of any kind except the decoration, the most beautiful that any room could be decorated with, the Stars and Stripes. [Applause.] That is what he had over his picture, and I am glad to meet a man like that, because we are a united people under one flag only, the Stars and Stripes.

Mr. SLAYDEN. Mr. Chairman——

Mr. PRINCE. Let me answer another one of these questions. My friend asks who called that session together? I answer, a Republican President, but he was daily visited by the Speaker of this House and conferred with as to how they would run that bill through the House. They were bedfellows then.

Mr. LLOYD. Mr. Chairman, does the gentleman mean that the Speaker of this House forced himself upon the President? Is not it true that these conferences were sought by the President, and is it not a fact that the Speaker of this House was called to the President from time to time to consult with him about that legislation, and he did, as a matter of fact, because the Republican leaders—most of them—were not in sympathy with the President of the United States and it was necessary for him to consult with Democratic leaders in order to accomplish the result desired?

Mr. PRINCE. I think that is true; I do not deny that, but I say they were bedfellows on it, and you had a caucus, and you agreed unanimously to vote for it, and the Democrats passed the measure, and a majority of the Republicans in the House voted against it. (See CONGRESSIONAL RECORD, Apr. 21, 1911, pp. 559 and 560.)

Mr. SHACKLEFORD. Is not it the same thing the other President did about the railroad bill, and did not he get it through by Democratic votes?

Mr. PRINCE. Let me answer one question at a time. Now, another question. The gentleman asked me if I did not vote for the reciprocity proposition. I did not. [Applause on the Republican side.] I voted against it in the regular session. I made a speech against it, and if the gentleman was here he could have heard it, in the special session. I did not think it was a good measure then, and I do not think it is a good measure now. I think it was an effort to strike down the thirteen or more millions of people of our country, and they will call your party, that caucused in favor of it, to an account. [Applause on the Republican side.] Now, another question. You say the former President recommended it. He has answered that, and he is able to answer any question, as I read in the press to-day. [Applause.] I think he is able to answer the criticism that was made against him about being forever in the White House, that that office building should remain there during his lifetime.

Mr. ADAIR. Oh, he is able to get on any side on any question.

Mr. PRINCE. I want to put what he said in the RECORD, because the public knows how he answered the question as to his being a dictator by saying—

> The talk of imperialism was no more foolish then than it is now. I have too much respect for you to tell you that you are in no danger of a dictatorship. When any man tells you that, get him a nurse and a perambulator, for if he really believes it he isn't fit to be at large.

Mr. SHACKLEFORD. Will the gentleman permit me one other question? And, if it is not embarrassing to the gentleman to make the explanation, I should like to have him explain why it is that he has come in at this eleventh, death-bed hour professing a regard for a great man who is now in the public eye; why did not he do that many moons ago? Why is it necessary for him to come now and pronounce a panegyric upon the ex-President? Is it due to any condition which the gentleman finds in his own State or in his district or elsewhere that has impelled him to do these things——

Mr. PRINCE. I thought the gentleman was to ask a question and not to make a speech. What is the gentleman's question? Let us get down to brass tacks.

Mr. SHACKLEFORD. A gentleman over there seems to be prompting the gentleman.

Mr. PRINCE. Go ahead. The gentleman is not a mind reader and can not tell what the gentleman is going to ask.

Mr. SHACKLEFORD. I want to know what stirred the gentleman this morning to make this eulogy, why was he not stirred up earlier——

Mr. PRINCE. I will answer that. The gentleman asked this question, What has stirred me to make this speech with reference to the former President? Why, the gentleman is the man who did that; the gentleman asked me the question. The gentleman is the man who brought it out.

Now, gentlemen, this is a Government of the people, of the great body of the people. I am one of those who do not believe that they are wrong. We have free schools in this country, we have churches in this country, we have a free press in this country, we have Chautauquas in this country. When the sun rises in Maine, as it takes its course westward, it looks down upon seventeen or nineteen million boys and girls with their schoolbooks under their arms, with their little buckets and dinner pails, starting to the public schools that are maintained at public expense, to be trained to perform the functions of citizenship in the United States. Talk about mob rule! [Applause.] Talk about the danger of the people! What are we educationg them for? What does the pouring out of millions and hundreds of millions of dollars to educate the boys in schools mean but to make them citizens of this Republic?

Afraid of them? The great Lincoln was not afraid of them. No man who holds a public position or seeks to hold a public position ought to fear the plain or common people. [Applause on the Republican side.] Mr. Lincoln said that the good God

above must have loved the plain people, because he made so many of them.

Now, I have no fear about it. This is a Government of the people. If at Chicago the party should see fit to nominate a splendid man who has been President for four years, well and good. If it sees fit to take a private citizen from the ranks and ask him to lead the party, well and good. I am content. If your convention, when it meets in Baltimore, should see fit to nominate that honest and genial Speaker of this House [Mr. CLARK], well and good. [Applause on the Democratic side.] Whoever it may be, whether it be the brainy young man who represents an Alabama district, and one of the cool, calm, and well-equipped men of this House [Mr. UNDERWOOD], well and good. [Applause on the Democratic side.] It is for the people to determine, and why should we engage here in bickering back and forth as individuals? It is little in us. Let us trust the people; and when the issue is joined, take your side and present it; and when the issue is joined, we will take our side and present it. We will call you to account before the bar of the public, and, I say, in my judgment you will be weighed in the balance and found wanting, and we will be in control of the Presidency, and the House, and the Senate for the next four years. [Applause on the Republican side.]

Now getting back to this bill, if I may be permitted to go on without interruption, it is a bill which is in its nature an appropriation bill. I imagine, when we get at this bill in a few minutes and begin to read it, it will pass readily through this House, for there is no objection to it which I know—none whatever—not worth speaking about. It confines itself to its legitimate functions—that of an appropriation bill—and when the appropriation bills confine themselves to their proper functions there is no objection to them to speak of in the House. There is always a little bickering here and there; but when it is loaded up with legislation that is so wicked, that is so ill-digested, that may or may not destroy the purposes for which the appropriations are made, then it is that it meets opposition; then it is that it consumes time; then it is that it should properly consume time. Legislation should stand upon its own merits and not be yoked to a bill that has to be passed or the failure of the passage brings criticism upon the Executive because he sees fit in his wisdom or lack of wisdom to oppose such a bill by his constitutional prerogative of a veto.

But, Mr Chairman, I have no objection to this bill. I know of no one on this side who desires to speak, and I now close, reserving the balance of my time if anybody should wish to use it. [Applause on the Republican side.]

Mr. HAY. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, there are few men in this Chamber on either side for whom I feel personally a higher regard than for my friend who has just taken his seat. There are few men in this House who have made since I have been here a speech that is as vulnerable as the one the gentleman has made. The gentleman seeks to indict the Democratic Party and the chieftain of his own party for having together passed Canadian reciprocity, and yet, if I remember correctly, the gentleman himself voted for the measure.

Mr. PRINCE. I know my colleague would not knowingly make a misrepresentation.

Mr. HARDWICK. Am I not right about that?

Mr. PRINCE. No, sir; you are not. I voted against it in the regular session, as the RECORD will show, and in the special session, as the RECORD will show. At no time when it came into the House, up to this moment; have I ever favored it.

Mr. HARDWICK. I am glad to accept the gentleman's statement, of course. I am sorry to have made the mistake as to the gentleman's position; but the fact remains that his party and his party's chieftain, with whose nomination he proclaims he will be entirely satisfied, are responsible for the legislation the gentleman now seeks to denounce because he believes it is unpopular with the farmers of this country.

Yet this legislation was produced—a fact to which one of my colleagues called attention in a colloquy which has already occurred on this floor—by the union and joint operation of the two opposing candidates for the Presidency of the United States in the Republican Party, Theodore Roosevelt as well as William H. Taft.

The gentleman says that whatever candidate the Republican Party presents in November is certain of success. The gentleman's optimism, in my judgment, is just about as well founded as is his judgment in this matter. It is impossible for the country to believe that two wings of the Republican Party, as radically at war as these two wings are, can ever coalesce on either one of the two opposing candidates. Certainly gentlemen on this floor and throughout the country who have denounced either one or the other of these two candidates in bitterest terms in public and in private will have a good deal of recanting to do before they can ever bring themselves to it.

But, my friends, it matters not about that. I agree with the gentleman that there has been a weighing in the balance, and some one has been found wanting. It is the Republican Party that stands condemned.

Mr. DYER. Mr. Chairman, will the gentleman permit an interruption?

Mr. HARDWICK. Not just at present. It is not the party that we represent on this floor. It is not the party which the people intrusted with power in 1910. But it is the thoroughly divided, discordant, discredited, and dishonored party once honored by the leadership of Lincoln, twice led to victory by McKinley, and now doomed, I believe, to everlasting and unending defeat at the hands of an outraged people whom it has deceived and betrayed. [Applause on the Democratic side.]

Oh, my friend from Illinois [Mr. PRINCE] is, no doubt, a recent convert to this doctrine of the new Rooseveltism. Roosevelt himself is a recent convert to the doctrines that he now proclaims. Think of the man who once denounced William Jennings Bryan as a Socialist and an anarchist, because Bryan ventured to take issue with the Supreme Court of the United States as to the decision on the income tax, now demanding the recall of judicial decisions!

Mr. GOOD. Does the gentleman mean the governor of New Jersey? [Laughter on the Republican side.]

Mr. HARDWICK. I mean Roosevelt, Theodore Roosevelt, the only wild man in this country in either party who has ever announced for the recall of judicial decisions. [Applause on the Democratic side.] Think of the gentleman who once denounced Bryan as an anarchist and Socialist, because he did not agree to the changed income-tax decision, now wanting to recall all judicial decisions, including those of the Supreme Court of the United States, on occasion, if we may credit his New Jersey speeches, now standing before the people in the attitude which he now occupies! Think of the man who once wrote to Harriman, "Come to the back door of the White House, so as not to attract attention, and give us a quarter of a million dollars, so that we can carry the State of New York," now standing as the champion of popular control and of civic virtue! [Applause on the Democratic side.]

Oh, Roosevelt, Roosevelt, if we ever wipe out of our dictionaries the word "demagogue," if we ever wipe out the word "charlatan," if we wipe out every word that stands for insincerity and double-dealing and popular debauchery and leave the word "Roosevelt," every man who has followed his career in this country will know what it means. [Applause on the Democratic side.] Put him up, if you will, as your candidate. He has whipped your "standpat" hosts into mute submission. He will be nominated in Chicago——

Mr. DYER. And elected——

Mr. HARDWICK. And when you get through with nominating him, the sober sense of the American people will repudiate him by a majority so great that no man will ever again doubt that the American people are capable of self-government. [Applause on the Democratic side.]

Mr. DYER. Does the gentleman speak for the State of Georgia or for the whole country on that?

Mr. HARDWICK. For the whole country, even for the gentleman's own State of Missouri and the gentleman's own district, as well as mine.

Mr. DYER. I think the gentleman does not know how the district I represent or the State I represent voted, else he would not make that statement.

Mr. HARDWICK. Will Missouri go for Roosevelt?

Mr. DYER. I think Missouri will be found in the Republican column.

Mr. BOOHER. If the gentleman from Georgia will allow me, I will say that it will not be found in the Republican column unless you import more negroes there than you did two years ago. [Applause and laughter on the Democratic side.]

Mr. DYER. Mr. Chairman, will the gentleman be courteous enough to allow me a minute?

Mr. HARDWICK. Yes.

Mr. DYER. I want to ask the gentleman from Missouri [Mr. BOOHER], who made that statement, if he can point to a single fraudulent negro vote cast in the last election?

Mr. BOOHER. Yes. [Applause on the Democratic side.] Let me call the gentleman's attention to the registration lists of the city of St. Louis. They were revised after the November election, 1910, and before the 16th day of January, 1911, as I remember, and the names of 16,000 negro voters were stricken from the registration lists, because they could not be found by the election officers.

Mr. DYER. Let me answer that.

Mr. HARDWICK. I want to say a few words myself, Mr. Chairman.

Mr. DYER. Will the gentleman from Georgia allow me to ask a question on that subject?

Mr. HARDWICK. No; the gentleman can get some time of his own.

The CHAIRMAN. The gentleman declines to yield.

SEVERAL MEMBERS. Regular order!

Mr. DYER. Evidently gentlemen do not want to hear the truth about that.

Mr. HARDWICK. While this Missouri row is entertaining it does not illustrate what I want to say. I still believe, whether it resides in Missouri or not, there is enough intelligence, enough patriotism, enough memory in the American people not to crown this dangerous demagogue as the Mexican king of this Republic. He is going to be nominated, but he will not be elected. [Applause on the Democratic side.]

Mr. PRINCE. Will the gentleman yield for a question?

Mr. HARDWICK. No; I have not the time now.

Mr. PRINCE. I will give you a minute of my time.

Mr. HARDWICK. Very well, if you will give me time. We have occupied more than a minute already. Make it five minutes.

Mr. PRINCE. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has four minutes.

Mr. PRINCE. Then I can not yield any more time.

Mr. HARDWICK. Now, my friends, as far as we are concerned on this side of the Chamber, thank God we have had no such bitter internecine war in our own ranks as our friends on the other side of the Chamber have had. Whether we nominate at Baltimore the distinguished Speaker of this House, who presides with ability and grace over its proceedings [applause], or whether we nominate that brilliant young leader from the State of Alabama, whose Democracy is true and tried [applause], or whether we nominate the great governor of Ohio, who has demonstrated his ability to win Democratic victories in Republican territory, or whether we nominate that gentleman who, in my judgment, would be the best leader of them all, the glorious governor of New Jersey, who has won splendid victories every time he went against a Republican, I believe I can see Democratic success in the skies in November. [Applause on the Democratic side.]

In conclusion, I wish to call attention to the following editorial from the New York World of Thursday, May 30, 1912. It is, in my judgment, a most brilliant as well as most accurate summary of the political situation:

"FOR PRESIDENT—WOODROW WILSON.

"Woodrow Wilson, of New Jersey, should be the Democratic candidate for President.

"That is the opinion of the World. That is the counsel of the New Jersey primaries. That is the logic of the situation.

"It is time for facts and not for theories. Judson Harmon might prove a strong candidate in New York and Ohio, but his nomination has been rendered impossible. CHAMP CLARK would be a hopelessly beaten candidate in New York, New Jersey, and Connecticut. He could do no better than Mr. Bryan, who has lost these States three times and would lose them again if nominated. OSCAR W. UNDERWOOD is of presidential size, but he has been untested as a candidate in the North and is an unknown quantity to most of the voters. Woodrow Wilson alone has a record of continuing victory in the section in which victory is essential to Democratic success.

"What other Democratic candidate could poll so many votes in the great debatable States of the East—New York, New Jersey, and Connecticut?

"What other Democratic candidate, who could carry these States, would be so strong in the great debatable States of the Middle West—Ohio and Indiana?

"What other Democratic candidate could make so powerful an appeal to hundreds of thousands of thoughtful independent voters without whose support no Democratic President can be elected?

"What other Democratic candidate could so well stem the rising tide of Rooseveltism, which now threatens to engulf representative government and republican institutions?

"What other Democratic candidate would so fully measure up to the ideals of the sane radicals and the sane conservatives upon whose joint action the result of the election will hinge?

"The World hitherto has withheld its active support from all candidates. It advocated an open convention at Baltimore and advised its Democratic friends to await the action of the Republicans at Chicago. The open convention is assured. The measure of all the candidates has been taken. The situation is clarified and further delay is unnecessary.

"Like a twentieth-century Genghis Khan, Theodore Roosevelt, with his horde of prairie Populists and Wall Street Socialists, is sweeping down upon the Republican National Convention. Mr. Taft seems as powerless to check him as the degenerate Romans were to check the descent of the Goths and the Vandals. The historic party of Lincoln and Seward and Chase and Sumner and Conkling and Chandler and Blaine and Garfield and Harrison and Sherman and McKinley is apparently in the death throes. This is the twilight of the gods, and the Democratic Party must rise not only to its opportunity but to its responsibility.

"How can it do its duty better than to match sanity against lunacy, statesmanship against demagogy, the historian against the Rough Rider, the educator of public opinion against the debaucher of public opinion, the first term against the third term, the tariff reformer against the standpatter, the man who would prosecute trust magnates against the man who protects trust magnates, the man with clean hands against the man who draws his campaign fund from Wall Street, the supporter of constitutional government against the champion of personal government, law against lawlessness, Americanism against Mexicanism, the Republic against the dictatorship?

"Who better represents these issues than Woodrow Wilson? Who is better qualified than Woodrow Wilson to appeal to the intelligence and common sense of the American people against the most cunning and adroit demagogue that modern civilization has produced since Napoleon III?

"Who would stand a better chance of election in this great national crisis?

"Let us look at the facts:

"It will require 266 electoral votes to elect a President. The so-called Southern States, including Maryland and Missouri, have 175 votes. Assuming that Arizona will go Democratic, too, practically any Democratic candidate for President can count on 178 electoral votes. But 88 more are necessary to victory. Where can these 88 be found?

"It is folly to look for them west of the Mississippi River. The West is in the midst of another revival of Populism. In Theodore Roosevelt it has found a new substitute for its gospel of free silver. He is the political reincarnation of James B. Weaver, Mary E. Lease, Jerry Simpson, and Peffer. He is the heaven-born ratio of 16 to 1 in a still more fascinating form. It is idle to think that any Democrat could appeal to the West against Roosevelt. It is idle to think that anybody who is not a far more masterful and dangerous demagogue than Roosevelt could command the support of the Populists who now call themselves Republican Progressives.

"The Democratic Party, if it is to win the election and safeguard American institutions, must unite the East and the South as Tilden did in 1876. The candidate must carry New York with its 45 electoral votes. He must carry New Jersey with its 14 electoral votes. He must carry Connecticut with its 7 electoral votes. To lose these States is to give Roosevelt a walkover. To win these States is to win not only 66 of the 88 electoral votes that are needed, but in all probability it is to win Ohio with 24 votes; it is to win Indiana with 15 votes, which is the historical political ally of New York and New Jersey; it is to give the Democratic Party an opportunity of victory in Massachusetts with its 18 votes, and to bring Delaware with its 3 votes back into the Democratic column. In other words, it is to elect a Democratic President of the United States.

"It is in the East that Democratic victory must be won. It is in the East that Rooseveltism must be overthrown. It is the East that must save the country from a third term and all it implies. For that reason the World regards Woodrow Wilson as the strongest candidate the Democratic Party can nominate.

"The New Jersey primaries were a vital test of his political strength, not only in New Jersey, but in New York. They proved that local opposition to him is largely a myth. Although the campaign against him was well organized and abundantly financed, it failed miserably. He swept the State, and the only four delegates he lost were lost through the personal efforts of James Smith, jr., a political boss whom Gov. Wilson kept out of the United States Senate. In a section of the country where Wall Street and the political bosses are most powerful, Gov. Wilson demonstrated that he has the confidence of the rank and file of the party, without which any man's candidacy is futile. He demonstrated as well that his political strength is the kind of strength that is essential to Democratic success in the vitally necessary States of New York, New Jersey, and Connecticut.

"So much for that.

"During Gov. Wilson's public career the World has been compelled to take issue with him on many questions. We regarded with grave misgivings his sudden conversion to the initiative and referendum, reversing the principles of a lifetime. We regretted his apparent disposition to imitate Mr. Bryan's sweeping charges against the so-called Money Trust without supporting these charges with facts and specifications. We regretted his long campaign tours, his too eager chase after the nomination, and certain symptoms of instability which threatened to weaken his public usefulness. We have not hesitated to warn him when we thought he was going astray, and shall not hesitate to do so again in the future.

"But Gov. Wilson's elements of weakness are vastly overbalanced by his elements of strength. He has proved his political courage and his fearlessness. He has proved himself sound on tariff reform. He has proved himself sound on the Sherman law. He has proved himself sound on corporation control. He has proved himself sound on trust prosecutions and personal guilt. He has proved himself sound against government by Wall Street plutocracy. He has proved himself sound on the independence of the judiciary. He has proved himself sound on the fundamental principles of constitutional government. He has proved that he is instinctively and temperamentally a Democrat. He has proved himself a free man who can not be bulldozed by bosses or influenced against his convictions even by his personal friends. That is the sort of man who ought to be President.

"Gov. Wilson has had more public experience than Grover Cleveland had when he was elected President. He is better known to the rank and file of the party than Samuel J. Tilden was when he was nominated for President. The World believes that he would be a progressive constitutional President whom the American people could trust and for whom they would never have cause to apologize.

"We appeal to all Democrats to consider this matter soberly and thoughtfully and without prejudice. We appeal to the delegates to the Democratic National Convention to be swayed by no considerations except those of principle and the public welfare. We appeal to Mr. Bryan to throw his great political influence upon the side of Gov. Wilson and aid the Democratic Party to meet adequately this great crisis in the Nation's history. He has the most brilliant opportunity for disinterested, patriotic leadership that has come to any American of this generation, and he has before him in Theodore Roosevelt a striking example of the meaning of ruthless and unyielding ambition.

"It is not in behalf of Woodrow Wilson that the World urges his nomination. It is not merely in behalf of the Democratic Party as a party. It is in behalf of the American people. It is in behalf of American institutions. It is in behalf of the Republic. It is in behalf of the Nation that is now confronted with the gravest menace that it has faced since the obliteration of human slavery and the overthrow of secession."

Mr. BORLAND. Mr. Chairman, in connection with this bill for the maintenance of the United States Military Academy at West Point it will be of interest to take a glimpse into the storied past of that institution. I have asked and obtained the unanimous consent of the House to submit herewith an address delivered June 16, 1848, in the chapel at West Point before the officers and cadets by Col. Alexander W. Doniphan, of Missouri. Col. Doniphan was a gallant soldier of great natural military genius. I feel sure that the friends and admirers of Col. Doniphan everywhere will be delighted to read this address. Col. Doniphan preserved no copy of the address at the time, and none was known to be in existence until a few weeks ago. Col. D. C. Allen, of Liberty, Mo., the friend and biographer of Col. Doniphan, noticed a copy advertised in the catalogue of a second-hand bookstore in Peekskill, N. Y., which he at once secured. It was published recently in the Liberty Tribune.

WEST POINT IN 1848.

[Address delivered to graduates of the United States Military Academy, West Point, N. Y., of the class of 1848, by Alexander William Doniphan (see extract at end of address), of Liberty, Clay County, Mo.]

"Proud old institution; the admiration of her friends, the reproach of her enemies. Here she stands, firm and unshaken as the granite heights by which she is surrounded—esto perpetua. The biography of her sons, whether the gallant survivors or the lamented dead, is her best eulogy."

THE ADDRESS.

"GENTLEMEN OF THE GRADUATING CLASS: By the kind partiality of my colleagues, I have been deputed to express the gratification which the Board of Visitors have received from witnessing your examination—not your examination alone, but that of all the classes. I regret that my duties as a member of the board and the large number of friends and visitors by whom I have been constantly surrounded preclude me from presenting you with an address worthy of your attention, instead of a mere infliction on your patience and a test of your politeness. You will, I trust, however, take the will for the deed; look to the feelings which prompt and not to the feebleness of the execution. You have now completed your collegiate course, and are now ready to enter upon the active duties of a profession that, if honorably and zealously pursued, rarely fails to lead to honorable distinction. You have been selected by your country as her peculiar children; you have been educated by her bounty for her interest and the advantage of your countrymen, and not for the mere purpose of bestowing upon you as individuals the blessings of this thorough course of scientific instruction. The country now looks to you with confidence to fulfill the high and ennobling purposes for which you have been educated. Yours is a profession of great labor, although it is a road to honorable distinction. Superiority and renown can only be obtained by industry. Your destiny is to a great extent in your own hands; you have mastered only the elements of your profession. It is true you have laid deep the foundation of scientific and military learning, and upon such a basis you can erect the most noble superstructure. You have yet much to learn of military history, of the composition of armies, of the strategy of war; to learn by what peculiar strokes of genius great victories have been won, or by what mistake or defect overwhelming numbers have been so often defeated. War was originally a mere means of satiating savage vengeance. Originating with barbarians, it partook of all the fierceness of its origin; but in the rapid march of improvement in government, in science, in morals and religion, it has become a science—a very complicated one, indeed; indeed, it is a combination of all the sciences. The proper officer is not only master of all the precise sciences—if I may use that term—from the first elements of plain arithmetic to the most sublime problems in astronomy, but his learning must be varied; indeed, almost infinite. There is scarcely a branch taught in the whole range of learning from the study of which he may not derive great advantage. He should have a correct knowledge of military, international, and, to some extent, of municipal laws. Indeed, he can not fail to find ample necessity for such knowledge at every step. He has not only to settle questions of moment of international law arising with neutral nations and with the citizens of neutral nations, in the preliminaries of treaties, in every armistice concluded, in every truce or capitulation, but a knowledge of diplomacy will also be found useful, if not indispensable. And the great general who plans campaigns should not be ignorant of political economy. He should fully understand the resources of his own and the enemy's country, the products and supplies, the points from which they must be obtained, as well as the means and cost of transportation. In addition to this ample store of useful knowledge—paradoxical as it may appear to the superficial observer—the useful officer should be indued with every Christian virtue; patient in suffering, whether from hunger, thirst, fatigue, scorching suns, piercing colds, drenching rains, or pestilential diseases; all must be borne, and not only borne without a murmur, but with such cheerfulness as to dispel all gloom from his companions and followers. He should be generous to the weak and humble, magnanimous to the fallen, obedient to superiors, forbearing to inferiors, exacting proper discipline without tyranny or oppression, alive to the best interests of his country, ever making his own interest only secondary, and indued with a philanthrophy that neither the carnage of the battle field nor the savage warfare of enemies shall steel to the cries of suffering humanity. Women and children, helpless infancy, and more helpless age can never appeal to an American officer in vain. Remember your country wars with nations, not with individuals; she never revenges national wrongs on private citizens.

"Do not deem it arrogant in me to tender some advice, rather personal than professional. In addition to all your attainments, do not neglect to adorn your minds with elegant accomplishments of polite literature. Nothing has a more chastening influence than classic learning, ancient and modern. These sublime productions of genius liberalize the mind, elevate the feelings, and give a proper direction to the ambition. They teach you to despise that low and groveling ambition or thirst of praise—the bane of the lower ranks of all professions—that seeks to detract from superiors, to decorate itself with stolen plumage. I would not have you unambitious, however. Virtuous ambition is ever to be cherished, and by none more than a soldier. It is the parent of noble deeds; it leads to fame and distinction by deeds, not by detraction; that ambition which is content with the achievement of great ends and modestly awaits its reward, not that morbid ambition that is accompanied to the field by a hired corps of letter writers and puffers to magnify small things into great ones. Never be guilty of the

ridiculous folly—as I know you never will— so happily ridiculed by Byron of blowing your own trumpet and finding a brazen one best suited to your taste, but rather cherish the sentiment of another distinguished poet—

"Oh, give me honest fame or give me none!

"But you will not all remain in the Army—a majority of you, perhaps, may; but the past history of the graduates, and my own observations, satisfy me that many of you will grow weary on our peace establishment, and having formed other and, I hope, happier connections in life than cold and gloomy old bachelorism affords, from interest, from conveniences, or from necessity some of you will retire from the Army. But your usefulness to your country need not be lost. The works projected by the General and State Governments, or by the enterprise of corporations and private individuals, afford an ample field for the scientific engineer; professorships in colleges—the learned professions—volunteer corps, scientific agriculture, and even the sacred desk, have heretofore received valuable accessions from the halls of West Point. A wide field of usefulness is spread before you in which your energies may be properly rewarded and your taste gratified. This institution is to the literary system of this country what the heart is to the human system. It receives the learning, the discoveries, and attainments of all nations through the veins, and having properly digested and improved upon them, sends them forth in healthful arterial streams to all the other institutions of our country. It thus elevates the standard of learning at home. Indeed, to use a homely figure, it is the great city clock by which all the smaller clocks and watches are regulated.

"But to say nothing more of the advantages afforded to literature in general by the lights of this institution, let us turn for a moment to that class who denominate themselves utilitarians, who reject or discard every discovery or improvement in science that does not have some direct and immediate connection with the thrift, the comfort, or convenience of men, What has enlightened science done, and what is she daily doing, to advance these ends? In our almost magic flight from one portion of our splendid country to another we scarce stop to reflect how much we are indebted to the midnight labor and vigils of some devotee of science. The rich products of our fertile soil find a distant market and a rapid and cheap means of transportation. Land has advanced, population has increased, commerce, wealth, and manufactures have doubled, cities, towns, and villages have sprung up as if by enchantment under the system of scientific improvement. We view these giant works with astonishment, we admit their utility, we praise the elegant execution of the work, but little of our admiration is ordinarily bestowed upon the labors of the scientific scholar who first discovered the application of propelling powers or made the scientific surveys and plans for their construction. A large majority of these works have been furnished with engineers for their surveys and construction from the halls of this national nursery. If this institution was deemed of great national importance by Washington, by whose favor and recommendation it was first established, of how much greater importance is it in this great age of wonders and inventions. We live in an astonishing age; we travel by steam and converse by lightning. How fortunate should we esteem ourselves that we are permitted to live in the middle of the nineteenth century. Future ages will be, doubtless, far more advanced, but no age will ever witness a more rapid progression; in none will discovery follow discovery in a more rapid and startling career. Wonderful epoch! A century is no longer a hundred years; a century of improvement is crowded into 10 years of time. Favored age! We hold up the mirror of science before us, and the whole stream of ancient and modern learning for 6,000 years is presented almost at a glance. Constantly startling discoveries in truth and science are bursting upon our vision, and we stretch the hand and almost lift the curtain that veils the rich storehouse of futurity. The question is no longer asked how much will yet be discovered. The question is not, Where will discoveries terminate? but the proper question is, Will they ever end? Will they not be coextensive with time? Will not the electric flash that sets the world on fire illume some new discovery as it springs from the great laboratory of the human mind?

"This is, indeed, the age of reason—the vast improvements in the art of printing and the rapidity of conveying intelligence have produced a wonderful revolution. Mind has triumphed over physical force; the world is now governed by intelligence; the impulse that agitates the great capital of Europe imparts its thrill instantaneously to all others; the sensation is simultaneous. The world is strangely and startlingly convulsed; thrones are crumbling; dynasties are tottering to their fall; the iron heel is robbed of the power of oppression. Who can tell, in this vast whirlpool of convulsed elements, what results may be produced? Who can tell, in its wild career, but its vortex, widening and deepening, may yet reach our shores? Who can tell when this threatening volcano may begin to spout forth its burning lava, or from what particular apex? This ignitable mass needs but the magic spark to again envelop the world in flames. How soon may some meteor—ah, more than meteor, some comet—come again, and again rise, which shall roll the lurid cloud of war over the fairest portions of Europe until the curtain may drop at some second Waterloo? We fondly hope that the murmurs of the threatening volcano may be stilled and the bright rainbow of peace may span the world. But one truth is clear—we can not hide it from ourselves—God has decreed that man shall be free; "the right divine" has heard its final knell. But whether this glorious consummation is to be attained by the slow and peaceful progression of learning, of civilization, and of Christianity, or the dread ordeal of war and violence, He has wisely concealed from man's feeble vision.

"But my feelings—perhaps my imagination—have borne me wide of the object which I set out to present to you—the excellence of West Point Academy. 'The best test of the value of any institution is to be estimated by its results.' The worth of this insitution can best be seen by visiting it, and especially at an examination; becoming acquainted with its officers and professors; witnessing reviews, drills, parades, and military exercises; hearing the classes examined; scrutinizing the manner of imparting instruction; seeing the thoroughness of the course; the discipline, police, and administration; the urbanity of its officers and professors; their bright moral deportment and officer-like example. But without the advantages of a visit, the community may very properly estimate its usefulness by the history of its results and the war just happily closed. Individually, I have had some experience that enables me to judge of the efficiency of many of the officers graduated here. Being connected with the Army of the West, under the command of that gallant and accomplished soldier, Gen. Kearney, I had ample means of becoming acquainted with many officers who had received their military education here, not only of the Regular Army, but in the Volunteer Corps. Without a military education myself and without any actual experience in war, after our separation from Gen. Kearney we were thrown upon our own resources. It was a fearful responsibility and one that I would gladly have foregone; personal danger is a matter of little moment to a soldier; but the lives of a thousand men, young, brave, and generous, many of them the sons of my friends and neighbors; the honor of the corps, even the reputation of the State, was in some degree at stake. I have always deemed it very fortunate that we had been for three months with Gen. Kearney and his regulars. Our officers and men had been drilled by officers of the Regular Army before our departure from Fort Leavenworth; and like most other volunteer commands, we had some officers who had graduated and some who had been here for several years. To the training received from these sources I attribute much of the efficiency of the column. Some of our officers had been similarly drilled in Florida, rendering them more efficient. For myself, I most cheerfully acknowledge the great advantages I derived from the skill and attainments of those who had been more fortunate in their early military education. I feel gratified when I reflect that neither false pride nor a wanton recklessness of the lives of the soldiers prevented me from applying to officers of inferior ranks for such information as I needed; and I take pleasure in always sharing with them fully the meed of praise that the generous feelings of my countrymen have awarded to the expedition. My observation was not confined to my own column, nor to the Army of the West; but, returning home by Saltillo and Monterey, I had ample means of obtaining correct information of the services of every corps that had been engaged on Gen. Taylor's whole line. I have seen regiments and squadrons of Regular and Volunteer forces who had been successful above all praise. I saw others equally brave who had failed of gaining any reputation. I saw one regiment, equally brave, composed of as good material as any of the more fortunate, but fallen, dejected; the dark, black pall of mourning enveloped it, a drapery more melancholy, more somber than that worn by the gallant dead. And why were they dejected? Why had they fallen? Braver men never lived; more gallant spirits never rallied beneath the folds of their country's flag when the tocsin sounded to arms; but it was not commanded by Davis, McKee, Hardin, Marshall, Clay, or Fry—ah, it was not commanded at all. The names of the other regiments are inscribed high on the roll of fame in letters as bright and burning as Buena Vista itself. But this is lost, fallen forever, for the mere want of official fitness in a single

commander. Have you ever contemplated how wide such a misfortune extends? It is not confined to the wretched commander—I would to God it were; it is a pity that it is not. It extends to the gallant youths who with high hopes and beating hearts left their happy homes for the hardships and perils of war. It does not stop here. However unjustly, the State is in a degree identified with it. Ah, worst of all, it will be written in the history of our country. Nor is this all; it reaches the domestic hearth, and in its widening circle it includes the agony of fathers, the crushed and bleeding hearts of mothers. Scarce a regiment of Volunteers or Regulars has failed to sustain the honor of our country in this brilliant war—brilliant from its success and brilliant from the magnanimity and clemency with which it was prosecuted—and scarce a corps was without some officers, either graduated or partially educated here.

"But West Point needs no eulogy from me; her sons have pronounced her eulogy, not in words, but deeds. As long as the victories of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista are remembered, and the gallant officers who gained them, West Point will need no eulogy. Or let her worth be estimated by the results of the campaign into the valley of Mexico, from the first embarkation until the American flag floated from the capitol of the most ancient city of the Aztecs, exhibiting the eagle without its serpent and the cactus exchanged for the arrows and the olive branch; a campaign that will proudly compare with the best campaigns of Marlborough, Frederick, or Napoleon. While Vera Cruz, Cerro Gordo, Contreras, Churubusco, Molino del Rey, and Chapultepec are recorded in American history she will need no eulogy. It has fought itself into favor; it challenges the admiration of nations abroad; it has put down opposition at home. Even the heartless demagogue has grown ashamed of his opposition and ceased his querulous croakings. Proud old institution; the admiration of her friends the reproach of her enemies. Here she stands, firm and unshaken as the granite heights by which she is surrounded—esto perpetua. The biography of her sons, whether the gallant survivors or the lamented dead, is her best eulogy. Young gentlemen, I point you to that study; emulate them, follow their bright example. Living, you will be respected; and should you unfortunately fall, the tears of the sorrowing patriotism will oft bedew your memory.

"In conclusion, for myself and on behalf of the board I take this opportunity of expressing our admiration of the entire management of the institution, and to return our thanks for the polite attention of the officers, professors, and cadets during our visit."

THE MEXICAN WAR.

COL. ALEXANDER W. DONIPHAN AND THE FIRST MISSOURI MOUNTED VOLUNTEERS.

[Extract from Col. Switzler's History of Missouri, pp. 260, 261, and 262.]

About the middle of May, 1846, Gov. Edwards, of Missouri, called for volunteers to join the "Army of the West"—an expedition to Santa Fe—under command of Gen. Stephen W. Kearney. Corps of mounted volunteers were speedily organized, and early in June began to arrive at Fort Leavenworth, the appointed rendezvous. By the 18th of the month the full complement of companies to compose the First Regiment having arrived from the counties of Jackson, Lafayette, Clay, Saline, Franklin, Cole, Howard, and Callaway, an election was held, which resulted in the choice of Alexander W. Doniphan, colonel; C. F. Ruff, lieutenant colonel; and William Gilpin, major.

* * * We can not follow this command through the great solitudes between Fort Leavenworth and Santa Fe, which place it reached on August 18, nor its heroic and successful descent upon Chihuahua under the command of Col. Doniphan, Gen. Kearney having left for the Pacific coast. Suffice to say that the Battles of Brazito and Sacramento will ever be remembered in history for the valor displayed by the Army of the West from Missouri.

The Battle of Brazito, or "Little Arm" of the Rio Del Norte, December 25, 1846, on a level prairie bordering on that stream, was very disastrous to the Mexicans. Col. Doniphan commanded the Missouri troops in person, numbering only about 800 men. The Mexicans, under Gen. Ponce de Leon, mustered, cavalry and artillery, 1,100 strong. The Mexicans were defeated with a loss of 61 killed—among them was their general—5 prisoners, and 150 wounded. The Americans had 8 wounded and none killed. Two days after the Battle of Brazito, December 27, 1846, the United States forces, under command of Col. Doniphan, took possession of El Paso, in the department of Chihuahua.

On the 28th of February, 1847, Col. Doniphan, with 924 men and 10 pieces of artillery, fought and vanquished in the pass of Sacramento 4,000 Mexicans under Maj. Gen. Jose A. Heredia, aided by Gen. Garcia Conde, former Minister of War in Mexico. The battle lasted more than three hours, resulting in a Mexican loss of 304 men killed, 40 prisoners (among them was Brig. Gen. Cuilta), and about 500 wounded. Also 10 pieces of artillery, $6,000 in specie, 50,000 head of sheep, 1,500 head of cattle, 100 mules, 20 wagons, etc. The American loss was 1 killed—Maj. Samuel C. Owens, of Independence—and 11 wounded, among the latter severely, J. S. Fleming, of Columbia.

Col. Doniphan did not, like Hannibal, after the Battle of Cannae, loiter on the plains of Italy when he might have entered Rome in triumph, but immediately followed up his success. Therefore, early on the next morning, March 1, 1847, he dispatched Lieut. Col. D. D. Mitchell with 150 men, under Capts. Weightman and Reid, and a section of artillery, to take formal possession of the city of Chihuahua, the capital, and occupy it in the name of the Government. On the approach of this force the Mexicans fled from the city, leaving it undefended, and Col. Mitchell entered it without the slightest resistance. On the morning of the next day Col. Doniphan, with all his military trains, the merchant caravan, and colors gally glittering in the breeze, triumphantly entered the city to the tunes of "Yankee Doodle" and "Hail Columbia" and fired in the public square a national salute of 28 guns.

Mr. PRINCE. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, at the last election held in the State of Missouri, in November, 1910, the gentleman who was chairman of the Democratic State committee of Missouri and who lived in Kansas City, made the charge that in St. Louis there had been fraudulent votes and false registration of negro voters. At the election there were candidates for judge of the supreme court. The returns showed that the Republican candidates had been elected. The chairman of the Democratic State committee caused contests to be instituted against the successful Republican candidates. The majority of the supreme court of Missouri, which had charge of these contests, were Democratic judges. They appointed a distinguished Democrat from St. Joseph, Mo., Judge Culver, as a commissioner to take testimony upon the charges made that there had been fraudulent voting and the fraudulent registration of negro voters in St. Louis.

For a year and a half he had been taking testimony without any objection, with every facility open to him, with the poll books and votes cast in St. Louis thrown open to him, and here two weeks or so ago he made his report to the supreme court that he had not found a single fraudulent negro vote in St. Louis. [Applause on the Republican side.]

Mr. BOOHER. The gentleman does not pretend to say that that is the report of Judge Culver?

Mr. DYER. Yes; that is the substance of his report, that there was not a single fraudulent vote cast in St. Louis.

Mr. BOOHER. Oh, the gentleman has not read it.

Mr. DYER. The gentleman from Missouri himself can not state with any show of fact or any proof that there was a fraudulent vote. It is an easy charge to make that there were fraudulent votes, but with the record open, with the poll book open, with every facility given them by a Democratic supreme court, with full opportunity to count and inspect the ballots, they have not found a single fraudulent vote, and it is now an inopportune time for the gentleman from Missouri, my colleague, to make such a statement.

Mr. BOOHER. Will the gentleman yield?

Mr. DYER. Yes.

Mr. BOOHER. Did not the Republican election board of the city of St. Louis strike the names of 16,000 registered negroes off the list in January, after the election in November?

Mr. DYER. That may be; I do not know, but it has nothing to do with the fraudulent voting. [Laughter and applause on the Democratic side.] Mr. Chairman, in the city of St. Louis, like every other great city, there is a registration system, and every man must register and be on the books before he can vote. After the election is over and the next registration comes around the board of registration naturally strikes men's names from the books who have moved away, and this has been done after every election. It has been done years before, and it has been done ever since that policy prevailed and the law enforced. But, as I was saying to my colleague, for whom I have the greatest regard, he would not make a statement of that kind unless it was in the heat of passion, because he knows that there are no facts to substantiate it; he knows that the whole election of St. Louis has been investigated from every angle; that members of the State legislature contested the ballots and carried it to a Democratic legislature of Missouri, and they would not seat the Democratic contestants. The Republicans stayed there. They carried it to Congress, and they have not found a single fraudulent vote that they can point to in a contest that they brought to the House. They can not do it; and I think the gentleman ought not to make a statement of that kind, casting aspersions on the electorate of that great city without some proof; that he has not got and can not give. [Applause on the Republican side.]

Mr. HAY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 17 minutes.

Mr. HAY. I yield 10 minutes to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Chairman, I should not have entered this discussion if it had not been for the rank statement by my friend from Missouri [Mr. DYER], in reply to a question from the gentleman from Georgia [Mr. HARDWICK], that Missouri would certainly be found in the Republican column at the next election. Missouri two years ago gave an apparent Republican majority on the face of the returns for the candidates for State offices of about 3,000 on an average. I want to call the gentleman's attention to the fact that after the election was over two years

ago in November, a special election was held in the city of St. Louis—my recollection is it was the 16th of January, but I may not be correct as to the date—and under the laws of the State of Missouri the registration board of that city had to revise the registration lists for that special election. The election board of St. Louis is composed of two Republicans and one Democrat. When that list was revised in the city of St. Louis within two months after the election in November the names of 16,000 negroes were stricken from it. Six thousand names were stricken from the list in the gentleman's own district.

Mr. DYER. Will the gentleman yield?

Mr. BOOHER. No; not now. And the residence of these negro voters could not be found in the city of St. Louis by the men upon that Republican election board who investigated to find out where they went. Altogether on the revision of that registration list the names of 16,000 negro voters in the city of St. Louis were stricken from the list inside of two months from the election in November.

Mr. DYER. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. DYER. Can the gentleman tell the House that there was a single fraudulent vote cast in that election, or can he give the name or address of a single fraudulent voter?

Mr. BOOHER. I have said that there were 6,000 names stricken from the list in the gentleman's own district within two months after the election.

Mr. DYER. Oh, that is something the gentleman read in the newspapers.

Mr. BOOHER. Does the gentleman from Missouri say that 6,000 names were not stricken from the list in the district he represents?

Mr. DYER. The names of men are stricken from the list after any election. They do not vote in that election, but there was not a single fraudulent vote cast.

Mr. BOOHER. I say it is not only prima facie evidence of fraud, but evidence strong enough to convince any reasonable man that where in a city you strike 16,000 names from a registration list within two months after an election, that a large number were fraudulent names, and that fraudulent votes were cast.

Mr. DYER. I will ask the gentleman if Judge Culver is from his city?

Mr. BOOHER. This is not to come out of my time?

Mr. DYER. No; he does not live there. He is like the gentleman from Kansas City—making charges where he does not know the facts.

Mr. BOOHER. Mr. Chairman, I wish the gentleman would keep quiet.

Mr. DYER. Will the gentleman permit me to ask him a question?

Mr. BOOHER. Not now. Every other county in the State of Missouri at that election, save one, and every other city in the State of Missouri at that election, showed large Democratic gains over the vote cast before, but when it came to the city of St. Louis, from a majority of 13,000 two years before it rose to the magnificent majority of 25,000. Where were your 16,000 votes that were stricken from your registration list? They voted the Republican ticket. [Applause on the Democratic side.]

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. No.

Mr. DYER. The gentleman makes a misstatement there about the election returns two years ago.

Mr. BOOHER. I can not yield to the gentleman. I do not know what Judge Culver's report was. For him I have the highest regard. There is no man who stands higher as a man and lawyer in the State of Missouri than R. E. Culver, and he has never reported to the supreme court or anybody else that there were no fraudulent votes cast in the State of Missouri. That is not his report. The gentleman has not read it.

Mr. DYER. I have.

Mr. BOOHER. Or he would not stand here and make these statements.

Mr. DYER. I will ask the gentleman——

Mr. HARDWICK. Mr. Chairman, I rise to a point of order. The gentleman from Missouri [Mr. DYER] must first address the Chair.

Mr. SLAYDEN. Mr. Chairman, it makes no difference which gentleman from Missouri makes a speech, but I do insist that the rules be complied with. The gentleman from Missouri [Mr. DYER] should first address the Chair if he wishes to interrupt his colleague.

Mr. DYER. Mr. Chairman, I will ask the gentleman to yield.

Mr. BOOHER. Mr. Chairman, I can not yield. I have been interrupted and I have no time left. I say again, and I weigh my words when I say them, that when within less than two months from an election you strike from the registration list of any city the names of 16,000 voters, and this is done by the party in power, which happened to be my friend's party, that it is not only presumptive, but convincing evidence that there were fraudulent votes cast in the city of St. Louis in that election. [Applause on the Democratic side.] When the gentleman admits that 6,000 names were stricken from the list in his district——

Mr. DYER. Mr. Chairman, the gentleman ought not to misquote me.

Mr. BOOHER. But the gentleman has not denied it.

The CHAIRMAN. The gentleman has declined to yield.

Mr. DYER. Mr. Chairman, I appreciate that, but I desire to ask him a question.

Mr. BOOHER. Well, ask your question and be through with it.

Mr. DYER. I want to ask the gentleman if he can say that I made any such statement? I did not.

Mr. BOOHER. Does the gentleman say there were not 16,000 names stricken from the registration books, as I have stated?

Mr. DYER. I will not deny that there were names stricken out after that election, as after every other election, and the gentleman, my colleague, will not deny that there were no fraudulent votes cast.

Mr. BOOHER. The gentleman will not deny that in his own district there were 6,000 names stricken from the poll list.

Mr. DYER. I do deny it. The gentleman has not proved it.

Mr. BOOHER. He will not deny there were 16,000 names stricken from the poll list in St. Louis, and he will not deny they could not be traced.

Mr. DYER. I do deny that; and I will leave it to Judge Culver.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] will take his seat.

Mr. DYER. Mr. Chairman, I ask the gentleman to yield for a question.

Mr. BOOHER. No; not any more.

The CHAIRMAN. The gentleman declines to yield.

Mr. BOOHER. Mr. Chairman, it is unfortunate that these things are true. I regret it as much as anybody; but when you take into consideration that in every other city in that State, in every other county save one in that State, there were large Democratic gains over the vote two years before, and in St. Louis a majority of 13,000 was run up suddenly into a majority of 25,000, there can be no question in the mind of anybody that that majority can be traced to its source when we take into consideration the further fact that 16,000 names were stricken from the registration list. They could not be traced, they could not be found, they did not reside in the city of St. Louis. What became of them?

Mr. MARTIN of South Dakota. May I ask the gentleman were the names stricken off before or after the election?

Mr. BOOHER. They were stricken off after the election in November and before the 16th of the following January, as I understand.

Mr. HARDWICK. After they had voted.

Mr. BOOHER. Yes; after they had voted in November the 16,000 names were stricken from the list.

Mr. DYER. Will the gentleman yield?

Mr. BOOHER. No. I am not going to engage in this controversy about who is going to be nominated at Chicago. I do not care who is nominated there. The American people will see to it that whoever is nominated will be retired to private life after the votes are counted in November. [Applause on the Democratic side.] Think of the great party spoken of by my friend from Illinois. He says he did not vote for reciprocity and stands up and says he is going to make a campaign among the American farmers against reciprocity. Will you nominate President Taft because he is the great bulwark of reciprocity? Will you nominate Mr. Roosevelt because he is for free trade with Canada and not reciprocity? In his letter that has been published he said that he was for free trade with Canada. That is his position when he wrote to the President when he requested his assistance. But he has seen the light. Did he see something? He must have some other ground to stand on, and he says now, "Just as soon as I found out it would be a great disadvantage to the American farmer I changed my mind, and I am not for reciprocity now"; but he fails to state when he saw the light. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I understand that all debate is now closed, but I ask unanimous consent for the purpose of extending my remarks to include——

The CHAIRMAN. The Chair will inform the gentleman that all time has not expired. The gentleman from Virginia has seven minutes remaining.

Mr. HAY. Mr. Chairman, as no one desires to use any time on this side, I will ask the Clerk to read the bill.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks by including the report of the distinguished Democratic commissioner, Judge Culver, of St. Joseph, upon the question of whether or not there was a single fraudulent vote given in the city of St. Louis at the last election.

Mr. BOEHNE. I shall object to the gentleman putting any portion of Judge Culver's report in the RECORD, but if he proposes to put the whole of it in——

Mr. DYER. I ask unanimous consent to include the whole of the report if the gentleman can get any satisfaction out of that.

Mr. BOOHER. If I understand the gentleman is to put in the whole report, I will not object.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he be permitted to extend his remarks to include the whole of this report to which he has referred.

Mr. BOEHNE. Is that the only document the gentleman wishes to put in?

Mr. BOOHER. Well, any other official document the gentleman has——

Mr. BOEHNE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

For pay of nine assistant professors (captains), in addition to pay as first lieutenants, $3,600.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 17, page 2, strike out the word "nine" and insert "ten"; in lines 18 and 19 strike out the words "thirty-six hundred" and insert the words "four thousand"; and at the end of the word "dollars," in line 19, page 2, add this proviso: *"Provided,* That hereafter the departments of English and history be authorized two assistant professors, one for English and one for history," so that it will read: "For pay of 10 assistant professors (captains), in addition to pay as first lieutenants, $4,000: *Provided,* That hereafter the department of history and English be authorized two assistant professors, one for English and one for history."

Mr. HAY. Mr. Chairman, I reserve the point of order. I have no objection to the amendment, provided the gentleman will strike out the proviso.

Mr. KAHN. The proviso was asked by the superintendent of the academy——

Mr. HAY. I understand that.

Mr. KAHN. On the ground that they require an additional assistant professor in the departments of English and history just as much as they require one in the departments of Spanish and French.

Mr. HAY. The amendment without the proviso will care for them for one year, and I would prefer that to be done. Now, if the gentleman will insist upon the proviso I shall be compelled to make the point of order; otherwise I will not.

Mr. KAHN. I will ask that the proviso be stricken out.

Mr. HAY. All right. I have no objection to the amendment, then.

Mr. BUTLER. Mr. Chairman, reserving the point of order, this is an increase of salary?

Mr. HAY. No; it is no increase of salary, but it is an increase of one instructor in English.

Mr. KAHN. One assistant professor in English.

Mr. BUTLER. I thought that the amendment——

Mr. HAY. That carries with it the increase of $400 which each one of these instructors receive, so that when you increase the number of instructors you increase the appropriation to the extent of $400, which is added to the man's salary.

Mr. KAHN. They have 9 assistant professors and they want 10.

Mr. BUTLER. How does that compare with the salary at Annapolis? Is it the same?

Mr. KAHN. I do not know.

Mr. HAY. I imagine the salaries at West Point are more than at the Naval Academy. They generally are.

Mr. BUTLER. I do not object, but I presume we will be asked to increase the salary at Annapolis.

The CHAIRMAN. The question is on the amendment as modified.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the amendment be reported as modified.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 17, page 2, strike out the word "nine" and insert "ten."
In lines 18 and 19, strike out "three thousand six hundred" and insert "four thousand."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For extra pay of one enlisted man employed as janitor and substitute teacher in the children's school, at 50 cents per day (submitted), $156.50.

Mr. HAY. Mr. Chairman, I ask unanimous consent to return to line 12, on page 11, for the purpose of striking out the word "submitted," which ought not to be there.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to line 12, page 11, in order to strike out the word "submitted." The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, line 12, by striking out the word "submitted," in parentheses.

Mr. BUTLER. Mr. Chairman, will the gentleman from Virginia [Mr. HAY] answer a question?

Mr. HAY. I will.

Mr. BUTLER. It says:

For extra pay of one enlisted man employed as janitor and substitute teacher in the children's school.

Will the gentleman please inform me what school that is?

Mr. HAY. That is the school established at West Point some three or four years ago, against my protest, I may say, and it is generally known as "Capt. Bradley's School."

Mr. BUTLER. I would not know it any better by that, I will say to my friend.

Mr. HAY. But it is a school for the children at that post.

Mr. BUTLER. The children of officers?

Mr. HAY. Of officers and men.

Mr. BUTLER. Children of officers and enlisted men?

Mr. HAY. Yes; and of employees at that post.

Mr. BUTLER. It is very singular to have a school at an Army post.

Mr. HAY. It is very unusual.

Mr. BUTLER. Is this school maintained at the expense of the Government?

Mr. HAY. Yes.

Mr. BUTLER. And maintained by this bill?

Mr. HAY. Yes.

Mr. BUTLER. We are learning something every day.

Mr. SLAYDEN. Might I interrupt the gentleman for a moment to say that if he will look at the RECORD he will doubtless find that he voted for that school.

Mr. BUTLER. I do a great many bad things——

Mr. SLAYDEN. I protested against the establishment of the school. I did not think it should have been done, but it was done.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Military Academy annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately as the said committees may elect during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board and their actual expenses of travel by the shortest mail routes: *Provided further,* That so much of sections 1327, 1328, and 1329, Revised Statutes of the United States, as is inconsistent with the provisions of this act is hereby repealed.

Mr. PRINCE. Mr. Chairman, I offer an amendment on page 17, line 5, to strike out the words "or times," so that it will read:

Annually at such time as the chairman of said committee——

Mr. SLAYDEN. I am assured by the chairman of the committee that he is willing to accept that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 5, strike out the words "or times."

Mr. BUTLER. Mr. Chairman, I would like to ask the purpose of changing the law. I will not make a point of order, but why do you change it?

Mr. PRINCE. We call for a vote on the amendment, and then will take that up.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SLAYDEN. Mr. Chairman, I also offer an amendment in line 13, after the word "board," to make it in perfect harmony with the amendment adopted on the naval appropriation bill, so that it will read:

The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, not to exceed $5 a day.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 17, line 13, by inserting, after the word "board," the words "not to exceed $5 per day."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BUTLER. This corresponds, I understand, very largely, in its effect, with the amendment made to the naval appropriation bill?

Mr. SLAYDEN. Absolutely.

The Clerk read as follows:

For the purchase of surveying instruments, $1,000: *Provided*, That this appropriation shall be immediately available: *And provided further*, That when any instrument, apparatus, implements, or materials which have been heretofore or may hereafter be purchased or acquired for the use of any department of instruction or for the maintenance and operation of the waterworks are no longer needed or are no longer serviceable they may be sold in such manner as the superintendent may direct and the proceeds credited to the appropriation for the department or the waterworks for which they were purchased or acquired.

Mr. BUTLER. Mr. Chairman, will the gentleman from Virginia please tell me what is the necessity for making this appropriation immediately available?

Mr. HAY. To which appropriation does the gentleman refer?

Mr. BUTLER. For the purchase of surveying instruments.

Mr. HAY. The necessity for making the appropriation immediately available arises from the fact that these instruments are required at once in order to teach students their surveying. The superintendent stated that they were needed immediately, at once.

Mr. BUTLER. Then, they have not had any heretofore, have they?

Mr. HAY. I understand they have.

Mr. BUTLER. It seems strange to me that they should run short so suddenly that a thousand dollars should be made immediately available for instruments of this kind, when, I suppose, they have had thousands of dollars' worth of such instruments heretofore.

Mr. HAY. I understand the superintendent would not have insisted unless they were needed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For full settlement of the claim of John G. Pavek for use and occupation of his property by the United States from May 20, 1908, to March 31, 1909, $800.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. Will the chairman of the Committee on Military Affairs tell me what necessity there was of occupying the property of John G. Pavek? It seems to me that is a curious proposition.

Mr. HAY. The property was condemned. The gentleman from New York [Mr. BRADLEY] can give the particulars about that.

Mr. BUTLER. It has been suggested by a gentleman on this side that the discussion should not be started.

Mr. HAY. It is entirely proper. I will make a statement concerning it if the gentleman desires.

Mr. BUTLER. Never mind. I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No pay shall be withheld from Lieut. Col. J. M. Carson, jr., Deputy Quartermaster General, United States Army, because of the payment by him in May, 1909, when major and quartermaster, United States Army, for eight horses or polo ponies purchased pursuant to instructions from the Secretary of War for use in the instruction of cadets at the United States Military Academy.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word.

Mr. BUTLER rose.

Mr. HAY. Does the gentleman from Pennsylvania desire to be heard?

Mr. BUTLER. The gentleman from Oklahoma, I understand, was going to speak of that.

Mr. HAY. I will ask unanimous consent that the gentleman from Oklahoma be allowed 25 minutes.

Mr. BUTLER. Does the gentleman propose to speak about this provision of the bill that no pay shall be withheld from Lieut. Col. Carson, jr., because of a mistake made by him? Was the mistake made by him?

Mr. HAY. The Comptroller of the Treasury ruled that under the law the quartermaster could not pay for these polo ponies. He purchased the polo ponies under instructions from the Secretary of War, and his pay has been stopped to that extent.

Mr. BUTLER. A polo pony is no part of the military establishment?

Mr. HAY. No; but for the instruction of cadets——

Mr. BUTLER. In the game of polo?

Mr. HAY. No; in the game of riding. In teaching them how to ride it is necessary for them to have polo ponies or horses of that description.

Mr. BUTLER. I guess they would have fared better with the item if they had not called them "polo ponies."

Mr. HAY. They are called "polo ponies" in the Army appropriation bill, and for that reason the language in this item had to conform with the language in the Army appropriation bill.

Now, Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may have 25 minutes in which to address the committee on any subject he may desire. I may say that I intended to turn over that time to the gentleman, but he was out of the hall at the time this debate began, engaged in the business of the House, and was unable to get here. I trust there may be no objection.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may be allowed 25 minutes in which to address the committee.

Mr. GOOD. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman on what subject the gentleman from Oklahoma proposes to enlighten the House?

Mr. HAY. I do not know upon what subject, but I will say to the gentleman from Iowa that the gentleman from Oklahoma asked me to give him the time on this bill, and I obtained half an hour for the purpose of yielding it to him. But when the House met he was in a conference committee, and therefore was unable to get here, and for that reason I do not know what the gentleman is going to talk about. I have no idea.

Mr. GOOD. Is it the purpose of the gentleman from Virginia to ask leave to extend remarks in the RECORD for all the Members who speak on this bill, so that they may print remarks on any subject?

Mr. HAY. Not at all. I have no objection to anybody extending remarks, if he desires to do so.

Mr. BUTLER. I have no disposition to object——

Mr. GOOD. Will the gentleman modify his request so that the gentleman from Illinois [Mr. PRINCE] may also have 25 minutes, if he desires to use it, to yield to some one on this side of the House?

Mr. HAY. Yes; I think that is fair.

Mr. PRINCE. I was going to make the same request myself.

Mr. BUTLER. I have no objection.

Mr. HAY. I ask unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may have 25 minutes and the gentleman from Illinois [Mr. PRINCE] 25 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] have 25 minutes and the gentleman from Illinois [Mr. PRINCE] 25 minutes to address the House on any subject. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman and gentlemen of the Sixty-second Congress, certain standpat reactionary newspapers of the country and certain Republican statesmen both in and out of Congress have begun their usual attack on the Democratic legislation enacted for the people. They are beginning to utter weird and denunciatory statements that the Democratic House is playing politics and not acting in good faith with the American people. They follow this with the sanguine statement that the Senate surely will not feel called upon to take any action on the Democratic bills, and if they were so imprudent as to consider them and pass them, surely the Republican President would veto them.

If the conditions in the country were ordinary or the spectacle a different one, I would not trespass upon the time of the House to answer these charges, but the statements made by them are not without purpose and, if unanswered, I fear will not be without effect.

Let us examine the bills passed by a Democratic House during the first year of their return to power and see if they are

tinged with politics, bad faith, broken promises, or of blasted hopes. Again, let us observe and see if they are not first in strict accord with our pledges to the people; second, in strict accord with our platform pledges; third, in strict accord with the wishes and desires of the bulk of the American people and for their best interests as well.

Let us observe if the bills the Democratic House has passed should be vetoed by a Republican President. Let us see if they are bills that should be smothered by a legislative body at the other end of the Capitol, whose political faith is other than our own.

On these propositions I join issue with them squarely and assert that our bills are good bills and that the Democratic House has kept the everlasting faith. [Applause.]

ELECTION OF SENATORS BY DIRECT VOTE.

House joint resolution No. 39, providing for election of Senators by direct vote, passed the Democratic House on April 22, 1911. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 243.) The vote stood 295 for, 17 against. Sixteen of the seventeen voting "no" were Republicans, one was a Democrat.

The passage of this resolution so promptly after being returned to power is simply a case of doing in office what we have all promised we would do while trying to get office.

The passage of this resolution in office is simply permitting the people to do well for themselves what has too often been done poorly for them by the legislatures of the country. It is simply permitting the people to do well openly and aboveboard for themselves what legislatures have too often been doing poorly and clandestinely for them.

This legislation has been an issue in every campaign since I was born. Few men have ever dared or cared to oppose it out of office, but too many by far have always opposed it in one form and another in office.

If this resolution had been the law of the land two years ago Illinois would not to-day be blushing for shame behind WILLIAM LORIMER, who is now on trial for the seat the people did not give. If this legislation had then been the law, WILLIAM LORIMER would not be writhing in pain amidst blighted hopes and a blasted name. If this legislation had then been enacted and the law, the Senate would not to-day be under a cloud of distrust and the comment of the street. If this had then been the law, certain Senators would not from warmth of heart and hope of innocence for LORIMER have made their return impossible by voting in that trial as they had hoped. If this legislation had then been the law, the Senate could take up the business of the country and not spend so much time in the trial and expulsion of their Members.

Surely this can not be the legislation of which our opponents complain. Surely we did not divorce the affections of the American people in returning to them this power that should have never been taken from them at the beginning. Surely it is not criminal to trust the people who trusted us to be their representatives. Surely the voices of our opponents will not reach a welcome ear when the legislation is but our solemn promise to the people for all these years. Surely confidence and esteem will not be aborted by doing what we promised and what the people desired.

Surely the people will approve our early action. Surely the people will deplore your refusal to act. We did in one year what you steadfastly refused to do during your long lease of power. I think it safe to rest our cause on this legislation with the people.

CAMPAIGN PUBLICITY SO THE PEOPLE MAY KNOW.

On the 14th day of April, 1911, the Democratic House said by the passage of a bill requiring publicity of campaign expenses the people shall know who puts up the money to elect men to Congress. The vote appears on page 268 of the RECORD, first session Sixty-second Congress, and it shows the vote to be 307 for the bill and no one against the bill.

On the 20th day of April, 1912, the Democratic House passed by a unanimous vote a bill requiring candidates for the Presidency to make known their contributors and to file a full and complete statement therefor. This bill again takes the people into our confidence. Again the Democratic House during its first year of power does for the people what the Republican Party has steadfastly refused to do for the past 16 years, though in full control of the Government at both ends of the Capitol and in the White House.

Can such bills as these be lacking in good faith? Can the passage of such wholesome bills for the good of all of us be playing politics? Is this one of the bills which are, by our opponents, denominated political bills? Is this one of the bills that our opponents are telling the country are poorly digested and unworthy? Is there any reason why the people should not know? Is there any reason why the light should not be thrown on the matter, so that all might read, know, and understand? Is this a bill that we are ashamed of, when no man on either side of the House had the courage, or even the desire, so far as the record goes, to vote against it? Is it possible that every Republican and every Democrat in the House would vote for a bill without any merit? Is it possible that a bill with such a wholesome purpose is not for the interests of the people who sent us here?

Who is there here who will set out in terms plain that he is now against this bill?

I assert this bill is in the interest of the people who sent us here and that the men and parties that oppose it are opposing legislation that the people want and would be wholesome for them to have. If it is a bad bill, why did not you oppose it when the bill passed the House unanimously on April 20 of this year?

FARMERS' FREE LIST.

This bill passed the House on the 8th day of May, 1911, by a majority of 127. Democrats voting for, 209; and no Democrat against. Republicans for, 27; and 109 against. Your Republican President vetoed this bill on the 18th day of August, 1911. The Democratic House passed it a second time, this session. Are you going to veto it again?

This bill removes all burdensome taxes from the tools the farmer uses to feed the world. This bill removes the taxes from the lumber from which homes are built. This bill removes the burdensome tax from the shoes we wear on our feet. This bill removes the taxes from all the vehicles and implements that are so necessary. This bill is a curbing of the Harvester Trust. I ask, Is this one of the bills on which we were playing politics?

Is this one of the bills that forever renders us unworthy? With the increased cost of living and the manifest clamor for the bright lights of the crowded city, is this such a bill as will ruin and destroy the confidence of the American people in the Democratic Party? Is this emphatic and well-digested stroke at the Harvester Trust, which is, perhaps, the most vicious of them all, to be our complete undoing? Is this the bill they refer to when they say we are weird, fantastic, and political prank players, not acting in good faith?

Is this bill that will help to repopulate the American farm and clean the fence rows of the weeds of desolation and neglect to be the crime of politics for which we must suffer everlasting defeat? Is this the bill that was vetoed by President Taft on the 18th day of August, 1911, for which he is now being stoned and destroyed from one end of this country to the other? He acted on stand-pat, safe and sane Republican advice then, and look at his almost pitiable plight of this day. A man who can not carry his own State for a return term against a man who is breaking all rules of precedent in seeking a third term.

STATEHOOD FOR THE TWO NEW STATES.

This bill admitting fair Arizona and New Mexico into the Union passed the House August 17, 1911. They admitted two bright new States into the Union that should have been admitted long ago. Is this one of the bills that renders us political pirates? Is this one of the bills that proves our disloyalty to the people? Is the passage of a bill in office precisely as we promised in the platform and out of office, is that such a crime as will accomplish our formal farewell to even a hope of success? Is this such a step as will forever demonstrate our complete unworthiness? Who is there here to-day who is ashamed of fair Arizona and New Mexico? Who is there here who are not proud of them and their membership in this House? [Applause.]

INCOME TAX.

This bill passed the Democratic House March 19, 1912, by a majority of 212. Democrats for, 174; against, 6. Republicans for, 24; against, 97. This merely subjects the income of the rich to taxation, so that they will bear the expenses of government in proportion to the benefits derived from government. It is an expensive element of government to protect the millions of the rich, and each citizen should undoubtedly contribute to his protection in proportion to the benefits he enjoys. Can this legislation or the application of such a wholesome rule be the treason that will be our undoing? Can the passage of this bill, which is craved by the great bulk of our people everywhere, can this be the rock on which we must strand? Can this be the bill that will amount to a complete displacement of the affections of the people? Can this be the bill that renders the people of this country sorry that they placed us in power? Is this the legislation that is undigested, unworthy, and enacted in bad faith? Is this the bill on which we were playing politics and tampering with the people's confidence and esteem? I do not believe the charges true. I do not believe the American people will accept them either as true or sincere. I assert that this House has kept the everlasting faith since it came into power. I assert that it will keep it while intrusted with the people's tasks. [Applause.]

THE COTTON SCHEDULE SHOULD NOT HAVE BEEN VETOED.

This bill reducing the tariff taxes on cotton and cotton cloth passed the House on the 3d day of August, 1911. Democrats for the bill, 172; Democrats against the bill, none; Republicans for the bill, 30; against the bill, 90. The bill passed by a majority of 112. This bill was vetoed by President Taft on the 22d day of August, 1911. (See CONGRESSIONAL RECORD of Aug. 3, 1911, 1st sess. 62d Cong.)

Why will the President veto bills so universally desired in a Republic like our own? Why will a party try to uphold him in such an un-American act? Does it not fairly make us stand in amazement and wonder if the power should not be divested to the end that the legislative branch may not be stripped of their power and their mission under the Constitution?

The veto power has been abused more in the last 12 months than could have been dreamed of in a Republic like ours under a Constitution made for all of the people. Our Republic has been looked upon as one to blaze the way for all the rest. Why make our Republic a byword and a joke? Why allow a President to overthrow and vitiate the things we were sent here to do.

CHEMICAL BILL IN THE INTEREST OF THE AFFLICTED VETOED ALSO.

This schedule went to the President as an amendment to the cotton bill the first time and it was vetoed. The Democratic House passed it a second time on the 21st day of February, 1912. Democrats for, 177. No Democrat voted no. Republicans for the bill, 2. Republicans against the bill, 127. (See CONGRESSIONAL RECORD of Feb. 21, 1912; 2d sess. 62d Cong.)

There must, I think, be exceedingly few who would criticize the Democratic House for trying to strip the Drug Trust of their power to extort inhuman prices from the afflicted of this country. I anticipate it will require more than bald charges of infidelity on the part of standpatters to secure from the people a verdict of unfaithfulness for the passage of this act.

Can the great Republican Party longer defend their action in smothering and vetoing bills of this character? Is it any wonder that the voters turned the Republicans out in the face of such a record? Is it any wonder that there is to-day in the House a Democratic majority of 71 when the Sixtieth Congress had a majority for the Republicans of 57? The people have delivered their verdict once on your broken promises and they will deliver it in the future if gratitude and self-appreciation is still the law.

THE STEEL SCHEDULE SHOULD BE REVISED, IS THE VERDICT OF ALL.

This bill first passed and went to the President as an amendment to the cotton bill. It received the President's veto on the 22d day of August, 1911. The Democratic House passed it a second time on January 29, 1912. Democrats for, 190; Democrats against, 3; Republicans for, 21; Republicans against, 107; majority, 101. (See CONGRESSIONAL RECORD of Jan. 29, 1912, 2d sess. 62d Cong.)

The reduction of the tariff tax on steel is in the interest of every man who uses iron in any form. Who is there of us who does not use it? The farmer with his implements, the carpenter with his tools, the contractor who builds our buildings, and from the humblest citizen in all the land to the most powerful all in unison and accord ask to be free from the grasp of the Steel Trust. Andrew Carnegie, the steel king of the world, says no tariff on steel is longer needed and that no country can compete with us, anyway. In the face of such testimony can any satisfactory reason be given why a Republican President should veto this bill? Can any man justify the Senate in smothering such a bill? Surely the Democratic House was moving with its face eastward and toward the light when it passed this bill. Surely the Democratic House has not forfeited its right to the respect of men when it clings so close to the people's rights and the people's desires.

We passed the bill pursuant to our platform pledges. You have killed it for reasons only known to yourselves. We have, so far as power within the Democratic Party lies, given relief. You have refused to grant relief when it was clearly within your power. This aligns your party with the Steel Trust; this arrays us against them.

The record is plain, not garbled; easy to understand, not difficult. Surely the American people have a choice. Which will they choose? Which course ought to meet their approval? Which course will meet their approval?

FREE SUGAR FOR EVERY BREAKFAST TABLE.

The free-sugar bill passed the Democratic House on the 15th day of March, 1912, by a majority of 95 votes. (See CONGRESSIONAL RECORD, 2d sess. 62d Cong., of Mar. 15, 1912.) Democrats for, 173; Democrats against, 7; Republicans for, 25; against, 96. This bill curbs the Sugar Trust and affords the American people cheaper food. The American people have too long been in the grasp of the Sugar Trust, the price going up to-day and down to-morrow at the will of the trust. Surely the Democratic House did right in liberating the people from their grasp. Surely the American people will not be displeased with legislation that will help every family of the Republic and make living cheaper. Surely the Democratic Party was not playing politics in passing this legislation, for most of the sugar is grown in Democratic country. Havemeyer and the Sugar Trust magnates may cry out against this legislation, but surely the American people will not join you in your unholy assault on the party that passed this legislation.

GOOD ROADS VERSUS BATTLESHIPS.

Your Democratic House on May 28, 1912, voted down by a majority of 34 the big Navy battleship program. On May 2, 1912, we passed the amendment to the Post Office appropriation bill providing Federal aid for the post roads of the country by a majority of 83. I ask, in this time of profound peace and an efficient Navy, which program will benefit the larger number of the American people?

We promised you in our Denver platform aid for post roads. We promised you a curtailment of expenses in the extravagant appropriations for the Army and Navy. On May 2 and May 28, respectively, we delivered the goods. We simply did in office what we promised to do out of office in our platform and on the stump. Shall we be condemned for this? Shall we and must we suffer the assaults of the reactionaries of all creeds and parties for so doing.

I tell you, sirs, the Congress has in the past given subsidies in land grants to the railroads, given high protection to the manufacturers, improved lavishly the waterways, dredged the streams and rivers, have appropriated for Army and Navy until it brings a shudder from us all, but have done nothing for the post roads of the country. Every civilized country save our own has long ago well committed themselves to the improvement of their post roads, which are and ever will be the property of us all. I tell you, sirs, the Federal Constitution itself anticipated that we should improve the post roads of the country. The constitutionality no longer is a matter of doubt or concern. We are not without precedent. The American people are entitled to it; we promised it; we have delivered the goods.

Highways are not the property of any one man. They are not susceptible of monopoly or abuse. They are to-day and ever will be the property of all mankind that inhabits our fair shores. We should not longer hesitate or falter in their improvement and upbuilding.

I, for one, in time of peace and an efficient Navy, am willing to go to the country on the issue, Good Roads and Economy *v.* Battleships and Extravagance. One is to maim and kill, the other contributes to the peace, progress, and happiness of our people. One places homes in ashes and disaster, the other encourages home ownership, industry, and peace. One brings heartaches, want, and disaster, the other brightens every hope of man. One devastates the farm and lets it grow up in weeds of neglect, the other repopulates it, reduces the cost of living, and improves every condition of man.

BUREAU OF MINES FOR THE WORLD'S TREASURE DIGGERS.

The Democratic House has reported and is now considering and will pass H. R. 21213, creating a bureau of mines for the protection of America's miners. This bureau will increase the safety of every man engaged in the hazardous employment of the mine. It will relieve him of conditions and dangers that no human was intended to subject himself to or endure. It will do for the American miner what should have been done for him 20 years ago. It is the doing for the miner what we told him we would do for him. It is the doing for the miner during our first year of power what the Republicans, under Cannonism, have refused and failed to do for them during their 16 years of unbroken and unbridled power.

Still, our standpat opponents charge bad faith and politics to the Democratic House which is acting in strict conformity with their pledges and the people's desires. Still, they say we are prank players and unsafe. Will such assaults be received with any degree of seriousness on the part of the people we seek to protect? Will American organized labor give ear to these reactionary soothsayers who are trying to mislead, garble, and defraud?

I tell you, sirs, organized labor is to-day thinking for themselves, and you shall not be heard to abuse their confidence, their trust, and their patriotism while they are toiling beneath the surface of the earth bringing forth each night treasure that will and does enrich the world.

CONVICT-LABOR LEGISLATION FOR AMERICAN LABOR.

On March 4, 1912, we passed our convict-labor bill (see CONGRESSIONAL RECORD, 2d sess. 62d Cong., of Mar. 4, 1912). No one voted against the bill. This bill says American labor shall not be compelled to compete with the convict labor of this country. Is it politics to exempt America's young manhood and womanhood from such competition? Is it bad faith to lift

aloft and brighten the future of our men and women who toil? Is it unpatriotic to do for labor what we would want done for ourselves? Is it lacking in good faith to do in office what we promised we would do while we were securing our offices?

American labor may have lost their gratitude, their sense of appreciation, and their loyalty, but I shall never believe it. Organized labor may be mislead by garbled statements and charges which are more untrue than words can depict, but I do not believe it. Organized labor may strike the hand that has during its first year of power so often caressed them, but it is not the rule or their reputation. They may approve your 16 years of refusal to act and your present attempt to deceive, but it would not be in accord with any rule of rhyme or reason known to man.

I would much prefer to believe that organized labor and every father and mother of the toilers of the Republic will approve our earnest and sincere accomplishments for their sons and daughters. I would much prefer to believe that they will forever voice their disapproval of your failure to act when in power and your present effort at deception when out of power. [Applause.]

EIGHT-HOUR DAY FOR AMERICAN LABOR.

This bill passed the House December 14, 1911, second session Sixty-second Congress, page 349. No one even demanded a roll call. No one voted no. This bill has long been the hope of labor; has long been the request of labor, with bowed down head; is the hope of labor in the morning with dinner pail in hand as he goes to his daily task; is the dream of labor as he returns at night with tired muscles, but with rested brain. Is the passage of this bill, that recognizes the humble but just request of the man who toils for us in peace and fights for us in war—is this to be the Waterloo of the Democratic Party? Is this one of the crimes of which you complain? Is this the legislation, enacted in the interest of labor, to make the man who toils forever turn his back on the hand that caresses him and gives him what he wants? Is this to be the iceberg of disaster that will sweep the Democratic Party to an unknown, unmarked, watery grave? Pray tell us where do all of these weird and spectacular prophecies hail from. Which bill is it that has so outraged the morals and the pledges to all the people? What bill is it that renders us political acrobats in the eyes of a just constituency? If the keeping of our word to labor and the keeping of faith with men who can not enter upon this floor and make their appeals known to us, can never get our ear or look into our face, is playing politics, let us all embrace it together, for surely it is golden in the eyes of every man. [Applause.]

ANTI-INJUNCTION.

This bill passed May 14, 1912, with 243 for and 31 against; present, 6; not voting, 113. No Democrat voted no. CANNON, DALZELL, and FORDNEY, the great modern trinity of standpatters of the twentieth century, voted against it, along with the other 28 Republicans who would not yield this one request to American labor. This bill has passed the Democratic branch of Congress; the responsibility is now with you.

This may well be termed the one supreme wish of labor. This is their hope by day, their dream by night. This is the resurrection of their blasted rights. This is the one bill that guarantees the laborer his solemn rights and will lift aloft the standard of his manhood and the improvement of his future. This is the bill that guarantees to labor his constitutional rights. Is this the bill that condemns us? This is the bill we promised in our platform and in our stump speeches.

Is the fulfillment of that pledge to union labor to be our undoing with labor? The American people have never in the past, with their clear heads and grateful hearts, exacted any such toll as that, and it is my belief they will not so exact it in November. The American people are thinking and labor is organizing for themselves to-day, and I thank the God that directs the destinies of men for it. They are not less patriotic than before, and they will not be less true to the men and parties that befriend them. To trust the people in the past has been but to inspire patriotism in their breasts and patriotic sentiments in their heads. To doubt them and to refuse to trust them has in the past and should in the future prove the downfall of the parties and men who practice it upon them. China is to-day a Republic. Let America be not only a Republic in name but in truth as well.

The anti-injunction bill has been the hope and the one wish of the toilers of this country since my boyhood. And all these years with the Republican Party in full control they have first heard them and then refused them. Have scorned them and have turned them away. Now, when the time has at last come when the Democratic Party is to do in office for labor precisely what they said they would do while trying to get office, must we bear the stigma of being called demagogues, hypocrites, slandered, abused, and considered unworthy of confidence and faith?

Lay on your charges, grumblings, croakings, and complaints mountain high, and American labor will remove them and efface them with the closing of each day. Lay on your charges, you can not blind the eyes of a confiding loyal citizenship who read, understand, and know. Is this one of the bills you would have your Republican Senate smother in committee? Is this one of the bills you would have your already seduced and discredited President veto? Would you further heap upon the head of a drowning man the request that he must veto this one demand of the humble toilers of this country? Your advice on former vetoes has been his disaster. Will you still heap ruinous demands upon the head of a warm-hearted President, who smiles more than he thinks; whose heart is more active than his brain; on a President who means well, but executes poorly; on a President who thinks ill toward none, but accepts advice and doctrines that should not be accepted?

You shall not go on the turret of deceit and subterfuge, in the height of political hypocrisy and alienate the friendship of labor when she deserves fair treatment. You shall not instill into the minds of labor an untrue perspective that will deny them the relief they have clamored for so long. You shall not longer, unchallenged, practice gross deception upon them at our expense. You shall not, on top of your long years of false promises and broken faith, turn the face of labor toward their enemies and their back upon their friends. You shall not by deception blast their hopes in this hour of need. The masks shall be torn from your faces and the people shall behold the faces of the representatives of the party which was in full power for 16 years and heeded labor not, the faces of men and a press who would now mislead them and deny them the relief they crave, desire, and which is almost within their grasp. [Applause.]

WOOL BILL.

This bill, reducing the tariff on wool and woolens, passed the House the first time on the 20th day of June, 1911. It was vetoed by the President on the 17th day of August, 1911. The bill passed the second time on April 1, 1912, by a majority of 98. Democrats voting yes, 170; Democrats voting no, none. Republicans voting yes, 20; those voting no, 92. (See CONGRESSIONAL RECORD of June 20, 1911, 1st sess. 62d Cong.; also see CONGRESSIONAL RECORD of Apr. 1, 1912, 2d sess. 62d Cong.)

This is the schedule that President Taft said was indefensible in his famous, yet true, Winona speech. This is the schedule that he said on the stump should be revised; and this is the schedule that he vetoed when in office. The passing of the wool bill was the curbing of the Woolen Trust to help every man, woman, and child in the Republic that is a wearer of wool. This is a bill that would save millions for the people and do injustice to none. This is the bill that everyone advocates when on the stump and only 20 Republicans would vote for when in action.

Is it possible that the party of Lincoln and the party of the sainted McKinley has so dwindled and descended that they will not only break their own promises in person, but they will even try to abort the efforts of those who would keep the everlasting faith?

By your false advice and garbled statements of the facts you forced your President to walk in the valley of political death when you forced him at the special session in 1911 to veto these bills. You forced him to oppose in office precisely what he had stood for on the stump. You crucified his political destiny on an altar of broken promises and blighted faith. You have created conditions that have caused him to go on the stump and defend himself as the criminal stands at the bar of justice charged with fraud, deceit, and crime. You have humiliated this Republic in marshaling your President to do a series of un-American tasks. Pitiable it is, indeed, to see him lose his own State in the primary for a second term. It is but Judas-like for the Republican Party to kiss and then betray. He vetoed the wool bill amidst their plaudits, kisses, and caresses. They in return strike the hand that caressed them and take to their heels for personal safety.

I shall not believe many of the American people will follow your flimsy effort at political fraud, false advice, and deceit. I would much prefer to pin my faith to the ever-wholesome thought that a confiding public will usually grasp the hand that caresses them and will spurn the hand of those that wrong them. The rule is as old as the hills about us; the rule is more wholesome than it is aged. I pin my faith to the fact that the Democratic Party and we of the Democratic faith have during our first year in power kept the everlasting faith and that you have broken it. [Applause.]

CHILDREN'S BUREAU.

This bill creates a bureau to care for the children of tender years and unfortunate circumstances; children who come into the world to find circumstances and conditions more unfortunate than human flesh and blood were intended to endure; a bureau to care for unclaimed infants, infanticide, orphanage, desertions, and dangerous and deleterious occupations that would blight the future of the child who was not of sufficient discretion to understand and know.

Bill passed April 2, 1912. Yeas, 178; nays, 17. (See CONGRESSIONAL RECORD, 2d sess. 62d Cong., p. 442.)

Can this be one of the bills that strikes at the foundation stone of the Government in which we live? Can this be the bill that will condemn this Democratic House in years to come? Is this one of the bills that will make a confiding public that sent us here shrug their shoulders in disapproval? Can it be the crime of politics to care for humanity when they can not care for themselves? Is this deceit, politics, and demagogy? Is the caring for the weak in time of infancy, helplessness, and need, to the end that they may grow to manhood and womanhood—is that the crime of politics of which we stand charged and are soon to be convicted? If this be politics, let us pray that the God of the universe quicken the understanding of all mankind until he may play politics, for such politics are as golden as the doctrine of the Christian religion itself. In fact, it is the religion of human sympathy, human justice, and equal rights, which is to-day and ever should be a towering element for good in this Republic. [Applause.]

FREEDOM OF PETITION FOR CIVIL-SERVICE EMPLOYEES.

On the 31st day of January, 1902, Theodore Roosevelt, then President, issued the following order:

FIRST EXECUTIVE ORDER.

All officers and employees of the United States of every description serving in or under any of the executive departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 31, 1902.*

On the 26th day of November, 1909, Theodore Roosevelt, then President for a second term, issued the following order:

SECOND EXECUTIVE ORDER.

The Executive order of January 31, 1902, is hereby amended by adding "or independent Government establishments" after the word "departments" in the third and ninth lines.

As amended the order will read as follows:

"All officers and employees of the United States of every description serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way, save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 25, 1906.*

The Democratic House, on May 2, 1912, repealed those orders and made the civil-service employees, numbering 391,350, free men under the Constitution; returned to them the rights that the Constitution guaranteed to them and that Theodore Roosevelt had taken from them. Was it wrong for the Democratic House to repeal it? Is this alienating the rights of the people in our employ? Is the repeal of those orders cowardice or demagogery under our Constitution? Is this one of the bills that you condemn? Is this one of the acts for which our unworthiness is forever established? Must we, because we uphold the constitutional rights of men, women, and children in the employ of the Government to be sacred and permit them to speak as free men, to be scandalized and abused? I assert the Democratic House did right in repealing it. I prefer to believe President Roosevelt did wrong when he established it. It is just to our people. The restoration is what the fathers who wrote the Constitution said our people should have. Let us rest our cause here with the people. [Applause.]

INDIAN APPROPRIATION BILL.

The Democratic House passed, on April 9, 1912, the cleanest bill ever passed by any Congress in the last series of years, carrying only $7,467,255. The committee made some reforms in the Indian service, and especially in Indian affairs in Oklahoma, by the elimination of certain employees who were no longer needed or wanted. We found that in the Five Civilized Tribes alone in Oklahoma that the Interior Department expended during the last fiscal year $1,308,023.98, and of that amount only approximately $130,000 ever reached the Indian's pocket in any form. The major portion of this enormous sum was for useless officers, who were an annoyance to the Indian, an expense to the Indian, undesired by the Indian, and a prostitution of the proceeds of a once princely estate. All of this vast sum expended annually, save and except the $275,000 appropriated in the Indian appropriation bill, came out of the Indians' tribal funds. This fact the Indian did not know. These reforms and reductions of employees is no easy task and not pleasant for any party or men to perform. They bring displeasure and disapproval to the men who must be discharged; but who is there who would not, when the facts were known, lend a helping hand to save the money for the Indian who was at the beginning the original occupant and owner, but who has since been transformed into our ward? Who is there here that would not to-day help save for the once aboriginal owner of this entire country who served on the reception committee when our forefathers landed in the Mayflower so long ago? Who is there here who, from cold business judgment, would not help to save the Indian has last remnant of money and land to the end that we may not on the coming morrow be compelled, from Federal appropriations, to support him and reestablish him? Who is there here who does not feel keenly duty bound to protect the remnant ward of a fast vanishing race? Who is there here who does not well know that we converted the Indian from proprietor to a ward, from a landed gentry to a supplicant at our door? Who is there who does not know that the Indian has too long been bartered from pillar to post to make way for the march of princely progress which the God of the universe did not the Indian bountifully endow, hence must conclude did not intend? Who is there here who thinks we did not do right in seeking to save a million dollars annually for the Five Civilized Tribes in Oklahoma alone? Who is there who does not think we should save more for them as the years speed by?

Scorn our action if you will, but the stubborn fact remains, the Indian was here first. He owned it all then. We own it all now. Fine-spun logic may momentarily becloud the issue, but the stubborn facts are like the poor, they are ever with us.

ECONOMY IN RUNNING HOUSE BRANCH OF CONGRESS.

We organized the Democratic House, eliminating the chair warmers and unnecessary officers, to the end that we might save the American people $180,000 annually on the expense of running the House branch of Congress alone.

Can this be one of our pranks of which the reactionary press and the pullback politicians complain? Is this one of the bills that is ill-advised and in full ignorance of the welfare of the people? Is this the step that forfeits all hope of approval by the American people of the efforts of the Democratic House? Is this to be our *Titanic* of disaster?

I would prefer to believe that the American people will cherish our efforts at economy here and elsewhere. I would prefer to believe that the people will criticize you on the other side of the Chamber for building up such an oligarchy of worthlessness in the employees of the House of Representatives of the United States. I would prefer to believe that this is what we promised out of office, and it is the thing we should do in office. Why should we look the people in the face on the stump and promise them one thing, and when in power in Washington, out of their sight, do another thing? I can not conclude that such a proceeding will longer be acceptable to an intelligent people who read the papers daily from the rural route. I can not conclude that a confiding, patriotic citizenship will turn its back on the men and party who abrogate unnecessary expenses, thereby effecting a saving of the people's assets.

ABROGATION OF CANNONISM AND CZARISM IN THE HOUSE.

The last Democratic platform promised to remove from the American Congress one-man power and return it to its deliberative character, as was intended by our forefathers who wrote our Constitution. I think there must be a few, indeed, who will say in this regard that we have not kept the everlasting faith. Under the old régime the Speaker appointed all of the committees. To-day, how different. They are elected by the House.

Every section of the country gets representation and a square deal. Under this plan there are fewer pets, and no man has all the power. Each Member has some power, but no one has all. There is less insurrection in the House and better results for the people with powers well distributed. The Speaker can not now appoint members of the other party who are out of joint with their party on important committees so that they can and will misrepresent the party of which they are but humble members. Congress is to-day once more a deliberative body. Under one-man rule and Cannonism it was not so. One way is within the Constitution; the other is without its spirit or intent. One is the right way; the other is the wrong way.

We used to have to go hat in hand seeking permission from the Speaker to call up a bill that all the people wanted, independent of the Speaker. To-day how changed! We have a

House Calendar, and the business is taken up in the order that it appears on the calendar. On the days specially set apart for suspension of the rules, when the Speaker does determine the order, recognition, and consideration of bills, the Speaker of the House recognizes one Democrat and then one Republican, and back and forth, alternating between the two. One was a right way; the other was a wrong way. I ask which shall you this day choose?

It was urged with fervor by our opponents and worshipers of Cannonism that we could not do business without the gag rules of the Cannon Republican Congress, but the fallacy of such a prophecy, charge, or contention is to-day swept to the winds by the stubborn fact that we have passed more bills in less time and in orderly fashion than any Congress that has ever sat in recent years; the further fact that the House has all of its program of tariff and appropriation bills through, and the Senate, which is smaller and should be a more speedy body, has passed or considered but few of our bills and is to-day delaying the adjournment of Congress.

Is this redemption of the American House to its former status as a deliberate body the thing of which they complain? Is the fact that we have kept our promises and kept the faith in this most sacred regard—is this to be our last leap to political oblivion? I can not believe it. I do not believe it.

The American people are the ones who have answered on this subject by their ballot, and they will answer it again if the Democratic Party, the Republican Party, or any other party seeks to return gag rule and one-man power in the Congress of the United States. It was not the intention of the fathers who wrote the Constitution to let one man run Congress, and the people will not permit it to be so now. It was not the intention of the fathers to let one man trample down the rights and liberties of men either in Congress or out, and the people will not permit that to be done.

The weird prophesies of our Republican opponents on the other side of the aisle as to our early falling out and our early disruption and disintegration seems to have fallen into disuse. So much is this true that we not only get practically all of the Democratic votes on every bill, but usually 25 to 100 per cent of the Republicans. Where is the leadership of that Roderick from Illinois that he can not hold the shattered remnants of that once boastful band? They are in the minority. They have little to fight over. Where is the leadership of that chieftain of old from Danville that he does not marshal his magic wand and whip them into line? Has the time come when the party of Lincoln and the party of the sainted McKinley has become a by-word and a joke? Have they lost all adhesion, leadership, and the power of accomplishment? Will the party full of tradition, both beautiful and unbeautiful, the party of many promises and few deliveries, in the face of this voting record ever persist in attacking everything that is good because it does not emanate from their own party? Will they ever persist in attacking good things when they are so shattered and so torn they can not vote as a unit even on adjournment? Will they still by their utterances and their publications encourage a disorganized, disrupted Senate in applying the smothering process to bills the people want and to bills they promised to pass? Will such a course of destruction and iconoclastic endeavor yield for them personally or for their party the progress and the advancement that has been hoped for by them? Will they continue to neglect the legislation the people need, spending all their time trying to expel certain of their membership who are other than desirable? [Laughter.]

REPUBLICANS CLAIM TO BE PARTY OF PROGRESS.

Some of the Republicans, I think the third-termer Sagamore Hill wing of them, relying on the ignorance of the people in modern political history, are still claiming that they are the party of progress. What a spectacle it is for them to seriously lay such claims. What an absurdity it is for them to so delude themselves in vainly attempting to delude the public. Their recent record for progressive performances consists of the Payne bill. This bill has already been shot so full of holes there is little sport in longer shooting at it. It is, however, one of their recent progressive bills passed while in full control of the Government. Its only genuine claim to progressiveness is that it travels up instead of down. The passage of this bill progressed your party from Uncle Joe and 58 Republican majority in the Sixtieth Congress to CHAMP CLARK and a Democratic majority of 71 in the Sixty-second Congress. [Applause.] Taft signed the Payne bill in office and later said it was indefensible in Winona. This progressive act on his part has brought disaster and defeat as his daily companion. Taft vetoed statehood for Arizona as one of his acts of judicial acumen and his ever-present political sagacity. It is this last element of judgment and farseeing on the part of our President that moved to action the effervescent third-term occupant of Sagamore Hill. Again, we must remember his persistent vetoes of the farmer free-list and cotton bills that the people wanted and that Congress had passed. Again, we must wonder if it does not make his advisers shudder with shame when they think of the pain, the disgrace, and political disaster they heaped upon their President and the country in subjecting him to the attacks that have been made upon him. We can not but pause and wonder if the words of the brilliant Dolliver were not true when he, in substance, said:

Our President is a good man, amiable and lovable in all that the term implies, but surrounded by a group of men who know precisely what they want.

That speaks volumes. It can never be unsaid, for he is no longer here. It can never be disbelieved, for recent disclosures seem to prove it true.

Again, we must observe their progressiveness in that Commonwealth of Illinois. In 1860 she gave us a Lincoln. To-day she gives us LORIMER. In 1896 Ohio gave us a McKinley. To-day she gives us a Taft, who promises the people relief from tariff burdens on the stump and vetoes their bills when in office. A party once clothed with dignity and progress; to-day one of scandal and reaction. They have traveled from Pinchot to Ballinger, from success to defeat, and they are still on the toboggan.

Is this the party of progress that is to-day whistling while they pass their own political cemetery to keep down their well-grounded fears? Is this the party that asserts with complaisance that surely the bills passed by a Democratic House will never pass the Senate, and if passed by the Senate, surely the Republican President will scarcely look at them, but will scorn them, will disapprove them, and veto them? In the light of your scattered votes in this House, in the light of your recent leadership, in the light of your present disgraceful contest for the Presidency, where does this bland complaisance hail from? Who possesses it? Be not too stanch in your doughty prophecies that the President will veto all our bills, for the President has had some very good experience and considerable exercise since he last vetoed our bills on your advice. Be not too stanch in your reliance upon the smothering process of a shattered Senate, most of whom have had to take to their heels on every political principle they ever stood for or advocated in the past.

This Congress should not adjourn or be permitted to adjourn until every bill in the interest of the people has been voted upon, either up or down. The people ought to know who are with them and who against them.

Everybody is with them on the stump, but the people are more interested to-day in knowing who are with them in action. This is the only way to test their fealty. To adjourn and leave these enumerated bills languishing in the Senate committee will not satisfy a patience-stricken Republic. To leave them smothering in the committees until after another election is but to force the people to once more vote for men with whom they are unacquainted. I pin my faith in the future destiny of my party to the fact that the bills we have passed are good bills. I pin my faith to the fact that we promised if given power they would be passed. I pin my faith to the fact that the great bulk of the people of this country want them passed. I pin my faith to the fact that the people know better to-day than they ever knew before what they want. I pin my faith to the further fact that they are going to have these bills passed.

Let the reactionaries and political bosses go on in their weird unsound croakings of abuse. Let them slander the Democratic House in press and on this floor. Let them challenge our good faith, for surely the people are an intelligent people, for surely the people are a just people, and surely the people are our people. I shall not fear them. I do not fear them, but, on the contrary, I shall trust them, and my vote shall be theirs. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. AINEY] 15 minutes, or so much of that time as he desires.

Mr. AINEY. Mr. Chairman, I am sure that whenever an utterance of Abraham Lincoln is brought to the attention of the American people it excites the deepest interest and receives most thoughtful consideration.

With a keenness of political vision, coupled with a loftiness of purpose and a hungering after the well-being of the people of this land, he was able to discern the rocks and shoals which encompassed the pathway of the ship of state and to clearly chart a course whereby these dangers might be avoided.

When one considers his lack of early opportunity it is almost beyond belief that as a young man scarce 29 years of age he made an address before the Young Men's Lyceum, of which he was a member, in Springfield, Ill., on January 27, 1837, which,

with its clearness of statement and grasp of the tendencies of the time, marked him out from among his fellow men.

This address thus early in his career emphasized three fundamental characteristics of his thought and life—his love for the common people, his love for his country, and his deep desire that the one might continue in order that the beneficence of its protection might afford these common people their rights in the fullest measure and give to them the enjoyment of life, liberty, and the pursuit of happiness.

Abraham Lincoln, in all the changing circumstances and deepest trials of his varied career, never departed from these conceptions. His confidence in the people never changed; he believed that their opinion was usually right, and when wrong readily corrected by themselves.

It is to be regretted, therefore, that for no other apparent purpose than gaining a cheap political advantage a few garbled extracts from that magnificent address of Abraham Lincoln are printed in the RECORD at the request of the gentleman from New York [Mr. FITZGERALD], whereby it is attempted to make them convey a thought foreign to the life thought of their author and which they do not say when read in the light of omitted portions. Therefore, Mr. Chairman, I arise on this occasion in order that I may ask unanimous consent that the entire address may be printed in the RECORD and the martyred President may make his own refutation of this effort to make one address of his life out of harmony with all his other utterances.

I trust the gentlemen of the committee will bear with me while I speak further of this address. It should be considered, of course, in the light of its purposes, its setting, and its announced scope, and its figures of speech interpreted in the light of the day and times. The circumstances which influenced the warnings of this speech were those of which the assassination of Lovejoy, within a few months of its delivery, were the direct result. In this address Mr. Lincoln recounted lynching after lynching which had occurred, and he specifically noted those in Mississippi, St. Louis, and Vicksburg. It was against these mobs and this mob law that he pointed the arrows of his remarks. It was never within his conception to use these words in any other sense than here apparent, and it has been left to a later age to apply such an expression to the great mass of people living under and entitled to the protection of our great Nation.

"What," said he, "has this to do with the perpetuation of our political institutions?" He then points out, in answer, that these lawless ones, despising law and government, would invade the rights of the peaceful people, and they, in turn, finding the Government unable to protect them from this lawlessness, would be forced to take the law in their own hands, and then the great influences which upheld the Government, the popular respect and love of country, would ge gone, for, said he:

> By such things the feelings of the best citizens will become more or less alienated from it, and thus it will be left without friends or with too few, and those few too weak to make their friendship effectual. At such time and under such circumstances men of sufficient talent and ambition will not be wanting to seize the opportunity to strike the blow and overturn that fair fabric.

It is under such circumstances that the "strongest bulwark of any Government may effectually be broken down and destroyed"—I mean the attachment of the people. While such attachments last, "vain will be every effort and fruitless every attempt to subvert our national freedom."

The whole spirit of this address teaches the preservation of the country by preserving for it the love of her citizens, and that such preservation can only be accomplished by insuring to them their equal rights under the law.

The lesson is plain, but not everyone wishes to learn it. The farmer, wage earner, the man in the store, and the clerk in the office are equal in their rights under the Constitution of the land, and any law or conception of government which proposes to destroy that equality is wrong.

The people are sovereign. We preserve the fiction of this in the entitlement of process in many of our Commonwealths.

The Federal and State constitutions recognize this sovereignty by reserving to the people the right to amend it. That sovereignty they have from time to time exercised.

It is because that sovereignty has been invaded and all the people are not equal under the law, and election after election have been held and law after law passed without their ability to successfully protest, that the spirit of unrest is abroad in the land.

In such measure as this original conception of the sovereignty of the people has been lost sight of or ignored have the hearts of a patient people been turned away.

The membership of this House will be held accountable for the performance of their duty in the light of the effect thereof. Are the activities of this House in the interest of all the people, or is it performing its work in the interest of the few to the burdening of the many? Will its efforts win "the attachment of the people" to the Nation, which Lincoln said was the essential to its perpetuity?

I am glad indeed that there stands out boldly and at the forefront of our American political life one who appears to be causing the gentleman on the other side great anxiety, who is the firm advocate of those fundamental principles which Lincoln enunciated.

He comes not in advocacy of mob rule, as the gentleman from New York would intimate, nor as one who would aggrandize himself by wresting the power from the sovereign people, but as one who seeks in their interest the fullest right and liberty under the law to journey along the pathway of life with equal opportunity and freed from the oppressions of special privilege in their pursuit of that happiness which is theirs under the basic principles of our American institutions.

As the champion of the common people Theodore Roosevelt has already accomplished much [applause on the Republican side], and from the list I mention the following:

Dolliver-Hepburn railroad act.
Extension of forest reserve.
National irrigation act.
Improvement of waterways and reservation of water-power sites.
Employers' liability act.
Safety-appliance act.
Regulation of railroad employees' hours of labor.
Establishment of Department of Commerce and Labor.
Pure food and drugs act.
Federal meat inspection.
Navy doubled in tonnage and greatly increased in efficiency.
Battleship fleet sent around the world.
State militia brought into coordination with Army.
Canal Zone acquired and work of excavation pushed with increased energy.
Development of civil self-government in insular possessions.
Second intervention in Cuba; Cuba restored to the Cubans.
Alasky boundary dispute settled.
Reorganization of the consular service.
Settlement of the coal strike of 1902.
The Government upheld in Northern Securities decision.
Conviction of post-office grafters and public-land thieves.
Directed investigation of the Sugar Trust customs frauds and the resultant prosecution.
Suits begun against the Standard Oil and Tobacco Cos. and other corporations for violation of the Sherman Antitrust Act.
Corporations forbidden to contribute to political campaign funds.
Keeping the door of China open to American commerce.
Bringing about the settlement of the Russo-Japanese War by the treaty of Portsmouth.
Negotiating 24 treaties of general arbitration.
Reduction of the interest-bearing debt by more than $90,000,000.
Inauguration of movement for conservation of natural resources.
Inauguration of the annual conferences of governors of States.
Inauguration of movement for improvement of conditions of country life.

Now, Mr. Chairman, I ask unanimous consent to print the whole of the address of Abraham Lincoln before the Young Men's Lyceum, at Springfield, Ill., January 27, 1837, in full in the RECORD. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

ADDRESS BEFORE THE YOUNG MEN'S LYCEUM OF SPRINGFIELD, ILL., JAN. 27, 1837.

[In the autumn of 1836, Lincoln, in conjunction with a few prominent young men, formed a young men's lyceum for mutual improvement. His speech delivered before this club is one of the earliest preserved to us. It appeared in the Sangamon Journal for Feb. 3, 1838.]

"As a subject for the remarks of the evening, 'The perpetuation of our political institutions' is selected.

"In the great journal of things happening under the sun, we, the American people, find our account running under date of the nineteenth century of the Christian era. We find ourselves in the peaceful possession of the fairest portion of the earth as regards extent of territory, fertility of soil, and salubrity of climate. We find ourselves under the government of a system of political institutions conducing more essentially to the ends of civil and religious liberty than any of which the history of former times tells us. We, when mounting the stage of existence, found ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them; they are a legacy bequeathed us by a once hardy, brave, and patriotic, but now lamented and departed, race of ancestors. Theirs was the task—and nobly they performed it—to possess themselves, and through themselves us, of this goodly land, and to uprear upon its hills and its valleys a political edifice of liberty and equal rights; 'tis ours only to transmit these—the former unprofaned by the foot of an invader, the latter undecayed by the lapse of time and untorn by usurpation—to the latest generation that fate shall permit the world to know. This task of gratitude to our fathers, jus-

tice to ourselves, duty to posterity, and love for our species in general, all imperatively require us faithfully to perform.

"How, then, shall we perform it? At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some trans-Atlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth—our own excepted—in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point, then, is the approach of danger to be expected? I answer, If it ever reach us it must spring up amongst us; it can not come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a Nation of freemen we must live through all time, or die by suicide.

"I hope I am overwary; but if I am not, there is even now something of ill omen amongst us. I mean the increasing disregard for law which pervades the country—the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of courts, and the worse than savage mobs for the executive ministers of justice. This disposition is awfully fearful in any community; and that it now exists in ours, though grating to our feelings to admit, it would be a violation of truth and an insult to our intelligence to deny. Accounts of outrages committed by mobs form the everyday news of the times. They have pervaded the country from New England to Louisiana; they are neither peculiar to the eternal snows of the former nor the burning suns of the latter; they are not the creature of climate, neither are they confined to the slaveholding or the nonslaveholding States. Alike they spring up among the pleasure-hunting masters of southern slaves and the order-loving citizens of the land of steady habits. Whatever then their cause may be, it is common to the whole country.

"It would be tedious as well as useless to recount the horrors of all of them. Those happening in the State of Mississippi and at St. Louis are perhaps the most dangerous in example and revolting to humanity. In the Mississippi case they first commenced by hanging the regular gambler—a set of men certainly not following for a livelihood a very useful or very honest occupation, but one which, so far from being forbidden by the laws, was actually licensed by an act of the legislature passed but a single year before. Next, negroes suspected of conspiring to raise an insurrection were caught up and hanged in all parts of the State; then, white men supposed to be leagued with the negroes; and, finally, strangers from neighboring States, going thither on business, were in many instances subjected to the same fate. Thus went on this process of hanging, from gamblers to negroes, from negroes to white citizens, and from these to strangers, till dead men were seen literally dangling from the boughs of trees upon every roadside and in numbers almost sufficient to rival the native Spanish moss of the country as a drapery of the forest.

"Turn, then, to that horror-striking scene at St. Louis. A single victim only was sacrified there. This story is very short and is perhaps the most highly tragic of anything of its length that has ever been witnessed in real life. A mulatto man by the name of McIntosh was seized in the street, dragged to the suburbs of the city, chained to a tree, and actually burned to death; and all within a single hour from the time he had been a freeman attending to his own business and at peace with the world.

"Such are the effects of mob law, and such are the scenes becoming more and more frequent in this land so lately famed for love of law and order, and the stories of which have even now grown too familiar to attract anything more than an idle remark.

"But you are perhaps ready to ask, 'What has this to do with the perpetuation of our political institutions?' I answer 'It has much to do with it.' Its direct consequences are, comparatively speaking, but a small evil, and much of its danger consists in the proneness of our minds to regard its direct as its only consequences. Abstractly considered, the hanging of the gamblers at Vicksburg was of but little consequence. They constitute a portion of population that is worse than useless in any community; and their death, if no pernicious example be set by it, is never matter of reasonable regret with anyone. If they were annually swept from the stage of existence by the plague or smallpox, honest men would perhaps be much profited by the operation. Similar, too, is the correct reasoning in regard to the burning of the negro at St. Louis. He had forfeited his life by the perpetration of an outrageous murder upon one of the most worthy and respectable citizens of the city, and had he not died as he did, he must have died by the sentence of the law in a very short time afterwards. As to him alone, it was as well the way it was as it could otherwise have been. But the example in either case was fearful. When men take it in their heads to-day to hang gamblers or burn murderers, they should recollect that in the confusion usually attending such transactions they will be as likely to hang or burn some one who is neither a gambler nor a murderer as one who is, and that, acting upon the example they set, the mob of to-morrow may, and probably will, hang or burn some of them by the very same mistake. And not only so; the innocent, those who have ever set their faces against violations of law in every shape, alike with the guilty fall victims to the ravages of mob law; and thus it goes up, step by step, till all the walls erected for the defense of the persons and property of individuals are trodden down and disregarded. But all this, even, is not the full extent of the evil. By such examples, by instances of the perpetrators of such acts going unpunished, the lawless in spirit are encouraged to become lawless in practice; and having been used to no restraint but dread of punishment, they thus become absolutely unrestrained. Having ever regarded government as their deadliest bane, they make a jubilee of the suspension of its operations, and pray for nothing so much as its total annihilation. While, on the other hand, good men, men who love tranquillity, who desire to abide by the laws and enjoy their benefits, who would gladly spill their blood in the defense of their country, seeing their property destroyed, their families insulted, and their lives endangered, their persons injured, and seeing nothing in prospect that forebodes a change for the better, become tired of and disgusted with a government that offers them no protection, and are not much averse to a change in which they imagine they have nothing to lose. Thus, then, by the operation of this mobocratic spirit, which all must admit is now abroad in the land, the strongest bulwark of any government, and particularly of those constituted like ours, may effectually be broken down and destroyed—I mean the attachment of the people. Whenever this effect shall be produced among us, whenever the vicious portion of population shall be permitted to gather in bands of hundreds and thousands, and burn churches, ravage, and rob provision stores, throw printing presses into rivers, shoot editors, and hang and burn obnoxious persons at pleasure and with impunity, depend on it, this Government can not last. By such things the feelings of the best citizens will become more or less alienated from it, and thus it will be left without friends, or too few, and those few to weak to make their friendship effectual. At such a time, and under such circumstances, men of sufficient talent and ambition will not be wanting to seize the opportunity, strike the blow, and overturn that fair fabric which for the last half century has been the fondest hope of the lovers of freedom throughout the world.

"I know the American people are much attached to their Government; I know they would suffer much for its sake; I know they would endure evils long and patiently before they would ever think of exchanging it for another; yet, notwithstanding all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property are held by no better tenure than the caprice of a mob, the alienation of their affections from the Government is the natural consequence; and to that, sooner or later, it must come.

"Here, then, is one point at which danger may be expected.

"The question recurs, 'How shall we fortify against it?' The answer is simple. Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars.

"While ever a state of feeling such as this shall universally or even very generally prevail throughout the Nation,

vain will be every effort and fruitless every attempt to subvert our national freedom.

"When I so pressingly urge a strict observance of all the laws, let me not be understood as saying there are no bad laws, or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing. But I do mean to say that although bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example they should be religiously observed. So also in unprovided cases. If such arise, let proper legal provisions be made for them with the least possible delay, but till then let them, if not too intolerable, be borne with.

"There is no grievance that is a fit object of redress by mob law. In any case that may arise, as, for instance, the promulgation of abolitionism, one of two positions is necessarily true—that is, the thing is right within itself, and therefore deserves the protection of all law and all good citizens, or it is wrong, and therefore proper to be prohibited by legal enactments; and in neither case is the interposition of mob law either necessary, justifiable, or excusable.

"But it may be asked, 'Why suppose danger to our political institutions? Have we not preserved them for more than 50 years? And why may we not for 50 times as long?'

"We hope there is no sufficient reason. We hope all danger may be overcome, but to conclude that no danger may ever arise would itself be extremely dangerous. There are now, and will hereafter be, many causes, dangerous in their tendency, which have not existed heretofore, and which are not too insignificant to merit attention. That our Government should have been maintained in its original form from its establishment until now is not much to be wondered at. It had many props to support it through that period which now are decayed and crumbled away. Through that period it was felt by all to be an undecided experiment; now it is understood to be a successful one. Then, all that sought celebrity and fame and distinction expected to find them in the success of that experiment. Their all was staked upon it; their destiny was inseparably linked with it. Their ambition aspired to display before an admiring world a practical demonstration of the truth of a proposition which had hitherto been considered at best no better than problematical, namely, the capability of a people to govern themselves. If they succeeded, they were to be immortalized; their names were to be transferred to counties, and cities, and rivers, and mountains, and to be revered and sung, toasted through all time. If they failed, they were to be called knaves and fools and fanatics for a fleeting hour, then to sink and be forgotten. They succeeded. The experiment is successful, and thousands have won their deathless names in making it so. But the game is caught, and I believe it is true that with the catching end the pleasures of the chase. This field of glory is harvested and the crop is already appropriated. But new reapers will arise, and they, too, will seek a field. It is to deny what the history of the world tells us is true to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do they will as naturally seek the gratification of their ruling passion as others have done before them. The question then is, Can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it can not. Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair, but such belong not to the family of the lion or the tribe of the eagle. What! think you these places would satisfy an Alexander, a Cæsar, or a Napoleon? Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves or enslaving freemen. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such an one does, it will require the people to be united with each other, attached to the Government and laws, and generally intelligent to successfully frustrate his designs.

"Distinction will be his paramount object, and although he would as willingly, perhaps more so, acquire it by doing good as harm, yet, that opportunity being past and nothing left to be done in the way of building up, he would set boldly to the task of pulling down.

"Here, then, is a probable case, highly dangerous, and such an one as could not have well existed heretofore.

"Another reason which once was but which to the same extent is now no more has done much in maintaining our institutions thus far. I mean the powerful influence which the interesting scenes of the Revolution had upon the passions of the people as distinguished from their judgment. By this influence the jealousy, envy, and avarice incident to our nature and so common to a state of peace, prosperity, and conscious strength were for the time in a great measure smothered and rendered inactive, while the deep-rooted principles of hate and the powerful motive of revenge, instead of being turned against each other, were directed exclusively against the British Nation. And thus, from the force of circumstances, the basest principles of our nature were either made to lie dormant or to become the active agents in the advancement of the noblest of causes—that of establishing and maintaining civil and religious liberty.

"But this state of feeling must fade, is fading, had faded, with the circumstances that produced it.

"I do not mean to say that the scenes of the Revolution are now or ever will be entirely forgotten, but that, like everything else, they must fade upon the memory of the world and grow more and more dim by the lapse of time. In history, we hope, they will be read of and recounted so long as the Bible shall be read; but even granting that they will, their influence can not be what it heretofore has been. Even then they can not be so universally known nor so vividly felt as they were by the generation just gone to rest. At the close of that struggle nearly every adult male had been a participator in some of its scenes. The consequence was that of those scenes, in the form of a husband, a father, a son, or a brother, a living history was to be found in every family—a history bearing the indubitable testimonies of its own authenticity in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related—a history, too, that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned. But those histories are gone. They can be read no more forever. They were a fortress of strength, but what invading foeman could never do the silent artillery of time has done—the leveling of its walls. They are gone. They were a forest of giant oaks, but the all-resistless hurricane has swept over them and left only here and there a lonely trunk, despoiled of its verdure, shorn of its foliage, unshading and unshaded, to murmur in a few more gentle breezes and to combat with its mutilated limbs a few more ruder storms, then to sink and be no more.

"They were pillars of the temple of liberty; and now that they have crumbled away that temple must fall unless we, their descendants, supply their places with other pillars, hewn from the solid quarry of sober reason. Passion has helped us, but can do so no more. It will in future be our enemy. Reason—cold, calculating, unimpassioned reason—must furnish all the materials for our future support and defense. Let those materials be molded into general intelligence, sound morality, and, in particular, a reverence for the Constitution and laws; and that we improved to the last, that we remained free to the last, that we revered his name to the last, that during his long sleep we permitted no hostile foot to pass over or desecrate his resting place, shall be that which to learn the last trump shall awaken our Washington.

"Upon these let the proud fabric of freedom rest, as the rock of its basis; and as truly as has been said of the only greater institution, 'the gates of hell shall not prevail against it.'"

Mr. PRINCE. Mr. Chairman, do I understand that the other side has consumed all of their time?

The CHAIRMAN. They have consumed all of their time.

Mr. PRINCE. Mr. Chairman, I ask the indulgence of the House for a moment or two until the gentleman from Minnesota [Mr. STEENERSON] returns. He has gone to get some papers. When he returns I shall give him the balance of the time.

The CHAIRMAN. Does the Chair understand that the gentleman from Illinois asks unanimous consent to wait until the gentleman comes in?

Mr. PRINCE. Yes.

Mr. HAY. Mr. Chairman, I will have no objection, providing the time continues to run.

Mr. PRINCE. But he is only getting some papers.

Mr. HAY. I understand; but other business is pressing.

Mr. PRINCE. Then, Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I have listened with considerable interest to the remarkable speech made by the gentleman from Oklahoma [Mr. FERRIS], wherein he pointed with pride and viewed with alarm the action of the respective political parties in Congress, but I failed to hear him say one word in support of the vote of his side of the House on the one important meas-

ure passed at the special session of Congress, the measure that struck down that small degree of protection which has been given to the farmers of the United States. That protection was struck down by the bill known as the Canadian reciprocity act, and I hold in my hand the record of the vote of the House upon that act. It was passed by 268 votes. I have been checking the votes that were cast against it. I find that every Democrat who voted at all upon that bill voted for it, with the following 10 excepions:

Messrs. BATHRICK, CLAYPOOL, DOUGHTON, FOWLER, GUDGER, HAMMOND, PUJO, RUCKER of Colorado, WEBB, and WHITACRE.

There were 268 who voted in favor of it. Sixty-six of those were cast by Republicans. The rest, or 202, were cast by Democrats. A majority of the Republicans of this House—79—voted against the bill. The bill was a Democratic measure, and was passed by the Democrats in this House, 202 Democrats voting for it and only 10 Democrats voting against it. It was a measure adopted by a Democratic caucus, and the Democratic Party can not escape the responsibilities for the measure. You on that side can not escape the criticism that will come to you from the farming districts of the country, a criticism that should come down upon you in no uncertain manner. You can not escape your responsibility by pointing to the fact that the Chief Executive, who was a Republican, was in favor of it. The fact remains that this House was responsible for the legislation it passed, and practically every Democrat in it, except 10, voted for the measure.

Mr. HENRY of Texas. Who called the Congress together to consider it?

Mr. GOOD. Oh, you can not escape your vote on that proposition.

Mr. HENRY of Texas. I voted in favor of it, and I will vote that way again.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to print with my remarks the vote by which the Canadian reciprocity act passed Congress.

The CHAIRMAN. Is there objection?

Mr. HAY. Mr. Chairman, the vote is already printed in the RECORD, and I object.

Mr. HENRY of Texas. Would not the gentleman explain how the bill passed the Senate?

Mr. PRINCE. Mr. Chairman, I yield one minute more to the gentleman from Iowa [Mr. GOOD].

Mr. HENRY of Texas. Mr. Chairman, I will ask the gentleman to analyze the vote in the Senate.

Mr. GOOD. Mr. Chairman, I can not yield. I have only a minute. I do not wonder that objection should come from that side of the House to printing their votes on the question of reciprocity. I know you on that side are ashamed of it, and the constituencies that sent you here are ashamed of it; and when the voters go to the polls next November they will repudiate your action upon that great measure. [Applause on the Republican side.]

Mr. PRINCE. Mr. Chairman, I yield 12 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I have here a petition which I desire to read to the House. I am standing now in the back part of the Hall, but if the petition were stretched out it would more than reach to the front part of the Hall and back again. It is as follows:

REPEAL RECIPROCITY.

Whereas at the Sixty-second session of Congress, upon the recommendation of President Taft, there was passed a bill putting into effect a so-called reciprocity pact with Canada, whereby all the products of American farms, especially of northwestern farms, were to be put into unprotected competition with products from the Canadian farms, by free trade upon all Canadian grains and other farm products;

Whereas said reciprocity pact did not make a proportionate reduction on machinery, nor on any other products of Canadian and American manufactories, or other Canadian and American industries, whereby Americans, as a whole, would be given an equivalent advantage in the Canadian markets;

Whereas since American farmers are obliged to buy their supplies in a tariff-protected market at American market rates, therefore American farmers are justly entitled to a fair protection of the American market for their own farm products;

Whereas the difference between the export price on grain (which is the Canadian price, and which would under reciprocity become the American price also) and the yearly average Minneapolis and Duluth price amounts to the farmers of Minnesota and the Dakotas alone to over $50,000,000 a year, or about a million dollars a week, and a similar difference applies more or less to other States in proportion to their staple crops to be competed against by Canada;

Whereas the law having been passed by our Congress and signed by President Taft, leaves the situation entirely in the hands of Canada to pass a similar law now or at any time without further action upon the part of the United States, whereby all the evils of this so-called reciprocity, with the calamitous loss to American farmers, would become an actuality unless Congress first repeals its passage of the law;

Whereas the recent elections in Canada gave the party opposed to reciprocity only a small majority, which is in danger of being reversed at any time, even in political exigencies in Parliament, without another popular election: Therefore

We, the farmers of the Northwest, feeling that many Members of the Sixty-second Congress voted for the passage of the reciprocity bill without a full realization of the injury which the schedules would inflict upon American farming and other interests, do now petition and urge upon the United States Congress to repeal the law before Canada puts it into effect.

Now, I want to file this or leave it in the basket to go to the proper committee. As will be observed, it is a genuine document, containing 31,000 signatures of farmers who farm and who know what they are talking about. I will say that when the act was passed——

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. RUCKER of Colorado. I want to ask unanimous consent to be allowed to sign this petition.

Mr. STEENERSON. Well, that is all right. I will say nearly every industry, whether it be the industry of manufacturing or—manufacturing prefers stability and certainty in the law affecting it. It is not right to leave the farmers in suspense as to the tariff on their products.

Mr. GOOD. Is the gentleman willing to pass the petition over on that side of the House and permit some of those who voted for reciprocity to now sign the petition?

Mr. STEENERSON. Certainly, and I believe, as a matter of party advantage, that all the gentlemen on the other side will be willing to vote for the repeal of reciprocity, because they now see that without the repeal of that law they are placing the farmers at a disadvantage.

Mr. LOBECK. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. LOBECK. Was this petition signed before Roosevelt changed his mind in regard to reciprocity?

Mr. FARR. He did not change his mind.

Mr. LOBECK. Yes; he said at first he was in favor of it and since then he is down on it.

Mr. STEENERSON. With respect to that I am very proud of Roosevelt having changed his mind. I am sorry the Democrats have not changed their minds, and I hope they will, and if they follow the illusfrious example of the sage of Oyster Bay I think they will possibly come in and join with us and repeal the reciprocity law.

Mr. GUDGER. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. GUDGER. I would like to ask the gentleman if he would not be willing to pass this petition to President Taft and have him sign it before passing it to the Democratic side of the House. [Applause on the Democratic side.]

Mr. STEENERSON. I think it would be a useless task to present it to President Taft, and if the Democrats are so foolish as to follow his lead I think they deserve the defeat that will certainly be dealt them at the next election. [Applause on the Republican side.] The only way that I can possibly see of their success will be for them to accept the inevitable and recognize, as they said in the debate, that to pass reciprocity alone without any other tariff legislation would be unfair to the farmers. Therefore, with the present outlook in regard to tariff legislation and the likelihood that no tariff bill will be enacted during the balance of the session, they ought to repeal that law, which alone was justified on the theory that the farmers were to have compensation in other tariff legislation for their loss by Canadian reciprocity. That was the condition precedent which the Democrats laid down when they passed the reciprocity bill.

Mr. GUDGER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GUDGER. I would like to ask the gentleman, predicting the success of his party, if he predicts that success upon the ground that Taft is to be nominated for President at Chicago?

Mr. STEENERSON. I predict it upon the success of the usual wise deliberations of the Republican national convention. [Applause on the Republican side.] They know what to do and they will select the proper man.

Mr. HENRY of Texas. If the gentleman will yield to me, I would like to ask him if he remembers this letter?

Mr. STEENERSON. Did I write it?

Mr. HENRY of Texas. No; the gentleman did not write it:

DEAR MR. PRESIDENT: It seems to me that what you propose to do with Canada is admirable from every standpoint. I firmly believe in free trade with Canada for both economic and political reasons.

THEODORE ROOSEVELT.

[Applause on the Democratic side.]

Mr. STEENERSON. That is not free trade with Canada. I think that the writer of that letter was laboring under a mis-

apprehension. Free trade with Canada was not the proposition of the Canadian agreement. It was free trade for the farmer, but it was protective duties on manufactures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Texas. Was he laboring under a misapprehension then or now?

Mr. STEENERSON. He is certainly right now, and the sooner the gentlemen on the other side come over to that view the better for their political future.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BOEHNE. Mr. Chairman, reserving the right to object, we have had an hour and 50 minutes this morning of the time of this House spent in filling up the RECORD with political buncombe. I think it is about time that we were attending to business, the business of the people of this country. We are not fooling the people——

The CHAIRMAN. Will the gentleman suspend until the Chair can put the motion?

Mr. BOEHNE. And therefore I object.

The CHAIRMAN. Objection is heard. The question is on the motion that the committee rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HENSLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24450, the Military Academy appropriation bill, and reported it back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRESIDENTIAL TERM, ETC.

Mr. POU. Mr. Speaker——

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. For what purpose does the gentleman from North Carolina [Mr. POU] rise?

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of bills on the Private Calendar.

Mr. HENRY of Texas. Whom does the Speaker recognize?

The SPEAKER. The gentleman from Texas offers a privileged resolution. The Chair will state that this is the fifth Friday. If the House desires to take up bills on the Private Calendar in preference to the rule offered by the gentleman from Texas [Mr. HENRY], it will vote the motion of the gentleman from Texas down.

The Clerk will report the resolution of the gentleman from Texas.

The Clerk read as follows:

House resolution 475.

Resolved, That immediately upon the adoption of this resolution House joint resolution 204 be taken up for consideration, and at the expiration of four hours a vote be taken on the resolution and all pending amendments thereto.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were—ayes 14, noes 31.

Mr. HENRY of Texas. I make the point that there is no quorum present.

Mr. BOWMAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BOWMAN. For information. I would like to have the resolution read.

The SPEAKER. The resolution is not debatable. The gentleman from Texas [Mr. HENRY] raises the point that there is no quorum present. There is only one thing to do. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees.

The gentleman from Pennsylvania [Mr. BOWMAN] asks unanimous consent to have the resolution again reported. Is there objection?

There was no objection.

The resolution was again read.

The SPEAKER. The question to be voted on is the previous question on that resolution.

Mr. SIMS. Mr. Speaker, to what does the resolution refer?

The SPEAKER. The Clerk has just read it.

Mr. SIMS. He read it by number, and we can not tell what the resolution is.

Mr. HENRY of Texas. This is on the previous question.

Mr. SIMS. What do you want to get up? We do not know what we are voting for.

The SPEAKER. You are voting for the previous question on this resolution, and the resolution is to give four hours of general debate to another resolution to amend the Constitution.

Mr. HENRY of Texas. I am perfectly willing to state that it is to amend the Constitution.

The SPEAKER. The resolution is not debatable. The Clerk will call the roll.

The question was taken; and there were—yeas 69, nays 143, answered "present" 9, not voting 171, as follows:

YEAS—69.

Ansberry	Foster	Lee, Pa.	Roberts, Nev.
Beall, Tex.	Gallagher	Lenroot	Rodenberg
Berger	Garner	Linthicum	Sloan
Blackmon	George	McCall	Smith, N. Y.
Bowman	Goodwin, Ark.	McCreary	Smith, Tex.
Burgess	Greene, Mass.	McKinley	Stephens, Tex.
Burleson	Hardwick	McLaughlin	Tuttle
Campbell	Hardy	Martin, S. Dak.	Watkins
Carlin	Hawley	Miller	Webb
Carter	Henry, Tex.	Morgan	Wilder
Cary	Hill	Morse, Wis.	Wilson, Pa.
Clayton	Jackson	Neeley	Witherspoon
Dalzell	Jones	Oldfield	Young, Kans.
Dent	Kahn	Parran	Young, Mich.
Dies	Kent	Pray	Young, Tex.
Fergusson	Kinkaid, Nebr.	Prince	
Fitzgerald	La Follette	Prouty	
Flood, Va.	Lawrence	Reilly	

NAYS—143.

Adamson	Draper	Johnson, S. C.	Robinson
Ainey	Driscoll, D. A.	Kennedy	Roddenbery
Akin, N. Y.	Driscoll, M. E.	Kinkead, N. J.	Rothermel
Alexander	Edwards	Kitchin	Rubey
Anderson, Minn.	Ellerbe	Kopp	Rucker, Colo.
Anderson, Ohio	Esch	Korbly	Russell
Anthony	Evans	Lamb	Shackleford
Austin	Faison	Lee, Ga.	Sherwood
Ayres	Farr	Lever	Simmons
Barnhart	Ferris	Lewis	Sims
Bartlett	Finley	Lindbergh	Sisson
Bell, Ga.	Floyd, Ark.	Littlepage	Smith, Saml. W.
Boehne	Fowler	Lloyd	Steenerson
Booher	Francis	Lobeck	Stephens, Cal.
Brantley	French	McKellar	Stephens, Miss.
Buchanan	Godwin, N. C.	McKinney	Stephens, Nebr.
Bulkley	Good	Macon	Sterling
Burke, Wis.	Green, Iowa	Maguire, Nebr.	Stevens, Minn.
Burnett	Gudger	Mondell	Stone
Butler	Hamilton, Mich.	Moon, Tenn.	Sulloway
Byrnes, S. C.	Hamlin	Moss, Ind.	Sweet
Byrns, Tenn.	Hammond	Murdock	Switzer
Callaway	Harrison, Miss.	Nelson	Taggart
Cannon	Hay	Page	Talbott, Md.
Claypool	Heald	Patten, N. Y.	Taylor, Colo.
Collier	Helgesen	Patton, Pa.	Taylor, Ohio
Covington	Henry, Conn.	Pepper	Thistlewood
Cullop	Hensley	Post	Towner
Curley	Higgins	Pou	Turnbull
Danforth	Holland	Raker	Volstead
Davis, Minn.	Howell	Ransdell, La.	Warburton
Dickinson	Howland	Rauch	Wedemeyer
Dickson, Miss.	Hughes, Ga.	Redfield	White
Dixon, Ind.	Hull	Rees	Wilson, Ill.
Dodds	Humphreys, Miss.	Richardson	Wood, N. J.
Doremus	Jacoway	Roberts, Mass.	

ANSWERED "PRESENT"—9.

Browning	Hayden	Langley	Martin, Colo.
Davenport	Houston	Malby	Slayden
Dwight			

NOT VOTING—171.

Adair	Cantrill	De Forest	Gillett
Aiken, S. C.	Catlin	Denver	Glass
Allen	Clark, Fla.	Difenderfer	Goeke
Ames	Cline	Donohoe	Goldfogle
Andrus	Connell	Doughton	Gould
Ashbrook	Conry	Dupré	Graham
Barchfeld	Cooper	Dyer	Gray
Bartholdt	Copley	Estopinal	Gregg, Pa.
Bates	Cox, Ind.	Fairchild	Gregg, Tex.
Bathrick	Cox, Ohio	Fields	Griest
Borland	Crago	Focht	Guernsey
Bradley	Cravens	Fordney	Hamill
Broussard	Crumpacker	Fornes	Hamilton, W. Va.
Brown	Currier	Foss	Hanna
Burke, Pa.	Curry	Fuller	Harris
Burke, S. Dak.	Daugherty	Gardner, Mass.	Harrison, N. Y.
Calder	Davidson	Gardner, N. J.	Hartman
Candler	Davis, W. Va.	Garrett	Haugen

Hayes	Loud	Palmer	Sparkman
Heflin	McCoy	Payne	Speer
Helm	McDermott	Peters	Stack
Hinds	McGillicuddy	Pickett	Stanley
Hobson	McGuire, Okla.	Plumley	Stedman
Howard	McHenry	Porter	Sulzer
Hubbard	McKenzie	Powers	Talcott, N. Y.
Hughes, N. J.	McMorran	Pujo	Taylor, Ala.
Hughes, W. Va.	Madden	Rainey	Thayer
Humphrey, Wash.	Maher	Randell, Tex.	Thomas
James	Mann	Reyburn	Tilson
Johnson, Ky.	Matthews	Riordan	Townsend
Kendall	Mays	Rouse	Tribble
Kindred	Moon, Pa.	Rucker, Mo.	Underhill
Knowland	Moore, Pa.	Sabath	Underwood
Konig	Moore, Tex.	Saunders	Utter
Konop	Morrison	Scully	Vare
Lafean	Mott	Sells	Vreeland
Lafferty	Murray	Sharp	Weeks
Langham	Needham	Sheppard	Whitacre
Legare	Norris	Sherley	Wickliffe
Levy	Nye	Slemp	Willis
Lindsay	Olmsted	Small	Wilson, N. Y.
Littleton	O'Shaunessy	Smith, J. M. C.	Woods, Iowa
Longworth	Padgett	Smith, Cal.	

So the previous question was refused.

The Clerk announced the following pairs:

For the session:

Mr. SLAYDEN with Mr. TILSON.

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. PADGETT with Mr. SWITZER.

Mr. DUPRÉ with Mr. GRIEST.

Mr. DONOHOE with Mr. FOSS.

Mr. DIFENDERFER with Mr. CURRIER.

Mr. DAVIS of West Virginia with Mr. CRUMPACKER.

Mr. CONRY with Mr. PAYNE.

Mr. CONNELL with Mr. COOPER.

Mr. CANDLER with Mr. COPLEY.

Mr. BROWN with Mr. BURKE of Pennsylvania.

Mr. BATHRICK with Mr. BARTHOLDT.

Mr. ADAIR with Mr. AMES.

Mr. COX of Ohio with Mr. FOCHT.

Mr. WICKLIFFE with Mr. REYBURN.

Mr. WILSON of New York with Mr. SELLS.

Mr. HELM with Mr. SPEER.

Mr. GOLDFOGLE with Mr. HARRIS.

Mr. PETERS with Mr. VARE.

Mr. RAINEY with Mr. WEEKS.

Mr. SHARP with Mr. VREELAND.

Mr. SMALL with Mr. WILLIS.

Mr. STANLEY with Mr. PICKETT.

Mr. SULZER with Mr. PLUMLEY.

Mr. TALCOTT of New York with Mr. PORTER.

Mr. THAYER with Mr. POWERS.

Mr. PALMER with Mr. UTTER.

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. PADGETT with Mr. NEEDHAM.

Mr. MURRAY with Mr. MATTHEWS.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. MCDERMOTT with Mr. MCKENZIE.

Mr. LEGARE with Mr. LONGWORTH.

Mr. MCCOY with Mr. MCGUIRE of Oklahoma.

Mr. HUGHES of New Jersey with Mr. LANGHAM.

Mr. HOWARD with Mr. LAFEAN.

Mr. HEFLIN with Mr. KNOWLAND.

Mr. HARRISON of New York with Mr. KENDALL.

Mr. GREGG of Texas with Mr. HUMPHREY of Washington.

Mr. GREGG of Pennsylvania with Mr. HINDS.

Mr. GRAHAM with Mr. HAYES.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. BROUSSARD with Mr. NYE.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GARRETT with Mr. FORDNEY.

Mr. JAMES with Mr. CALDER.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. SHERLEY with Mr. MALBY.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. STEDMAN with Mr. HANNA.

Mr. BORLAND with Mr. OLMSTED.

Mr. JOHNSON of Kentucky with Mr. MOTT.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. KINDRED with Mr. HAUGEN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. GOEKE with Mr. DE FOREST.

Mr. PUJO with Mr. MCMORRAN.

Mr. FLOOD of Virginia with Mr. HEALD.

Mr. GOULD with Mr. HINDS.

Mr. HAMILTON of West Virginia with Mr. HUGHES of West Virginia.

For two weeks from May 16:

Mr. CANTRILL with Mr. LOUD.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

Ending June 3:

Mr. DOUGHTON with Mr. GILLETT.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

For two weeks from May 20:

Mr. ROUSE with Mr. FULLER.

Ending May 31:

Mr. MORRISON with Mr. MADDEN.

Mr. SAUNDERS with Mr. CATLIN.

Mr. LANGLEY. Mr. Speaker, I voted "no," but I notice that the Clerk announced my pair with my colleague, Mr. FIELDS, and in view of that fact I withdraw my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LANGLEY, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, is a quorum present?

The SPEAKER. A quorum is present. Further proceedings under the call will be dispensed with, and the Doorkeeper will unlock the doors.

Mr. BARTLETT. Is the motion lost?

The SPEAKER. The motion is lost.

Mr. HENRY. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, I would not care to have pressed this resolution to-day, and would not have presented it to-day in the first place had I not been informed and had I not understood that the Committee on Claims declined this morning to go on if they could not precede the Committee on Military Affairs. Therefore I withdraw the resolution for the present.

The SPEAKER. The resolution is withdrawn.

LEAVE OF ABSENCE.

Mr. NYE, by unanimous consent, was granted leave of absence indefinitely, on account of illness in his family.

CLAIMS.

Mr. POU. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion of Mr. POU was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. HAMLIN in the chair.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar, further consideration of the bill (H. R. 23451) to pay to certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

Mr. RODDENBERY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. When this bill was under consideration on a previous day, what was the parliamentary status at the time the committee rose? Was not the committee dividing on a vote at the time?

The CHAIRMAN. The committee was dividing, and the point of no quorum was raised. The vote was being taken on an amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Does not the vote now recur on that amendment?

The CHAIRMAN. The vote undoubtedly now recurs on the amendment of the gentleman from Georgia.

Mr. FOSTER. May we have the amendment read?

The CHAIRMAN. If there be no objection, the Clerk will report the amendment that was pending at that time.

The Clerk read as follows:

Page 3, line 15, strike out the words "one thousand."

The CHAIRMAN. The question is on the amendment just reported by the Clerk.

Mr. AUSTIN. Mr. Chairman, the committee, on page 3, in line 15, inserted the sum of $1,500 to pay Charles T. Hanson for loss of right foot while in the employ of the War Department in the Quartermaster's Department.

The CHAIRMAN. There is an amendment pending.

Mr. AUSTIN. I understand there is an amendment pending. I am going to reach that in a moment. The gentleman from Georgia [Mr. RODDENBERY] moves to strike out "1,000," so that this paragraph would read:

To pay $500 to Charles T. Hanson for the loss of his right foot while in the employ of the War Department in the Quartermaster's Department at Boston, Mass.

Mr. Chairman, I wish to oppose this amendment submitted by the gentleman from Georgia, and I hope this committee will vote it down.

Mr. RODDENBERY. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. The point of order is that all debate had been exhausted, that a vote had been ordered, that a rising vote had been taken, and that the gentleman from Tennessee is out of order.

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from Georgia is well taken. Debate had been exhausted on that amendment. The question is on the motion of the gentleman from Georgia, which has been reported by the Clerk.

The question being taken, the amendment of Mr. RODDENBERY was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. RANSDELL of Louisiana having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On May 29, 1912:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

On May 30, 1912:

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

The committee resumed its session.

The Clerk read as follows:

To pay $1,000 to D. M. Rowland, father of Robert Blain Rowland, late a seaman of the United States Navy, who was killed in the discharge of his duty in the Manila Harbor during target practice.

Mr. AUSTIN. Mr. Chairman, I think this amount is wholly inadequate. I think the committee ought to increase it.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. AUSTIN. Yes; I move to strike out "one thousand" and insert "five thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the words "one thousand" and inserting the words "five thousand" in lieu thereof.

Mr. AUSTIN. Mr. Chairman, this committee will do itself no credit by voting an appropriation of only $1,000 to the dependent parents of an American seaman who, through no fault of his own, lost his life in the discharge of his duty.

In the case of Samuel A. Armour, where a lighthouse inspector lost his life in the discharge of his duty, this committee placed the amount of damage at $3,000. That sum of money was voted to his widow. Now in this particular case the proposition is to vote the parents of this seaman only $1,000. I can not understand, Mr. Chairman, how Members of this House can sit here and go on record for voting such an insignificant sum for the loss of a human life.

Mr. BUCHANAN. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BUCHANAN. The gentleman does not hold that the father of a deceased sailor is entitled to as much compensation as the widow and children of the deceased sailor would be entitled to?

Mr. AUSTIN. No; but I do want to say that it is the duty of this committee to vote down these insignificant sums brought in here under the provisions of a law enacted by the Sixtieth Congress fixing a sum of money in payment of the loss of a limb or life at such a sum that it is a dishonor to us; and I repudiate it, and I hope there is honor and justice enough in this House to change these sums.

Mr. CULLOP. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CULLOP. I would like to ask the gentleman how old this young man was when he lost his life.

Mr. AUSTIN. He must have been over 18 years of age, because he was a regularly enlisted seaman. The statement was made on the floor of this House when the bill was recently under consideration by the gentleman who represents that district in Iowa [Mr. PEPPER]. He can give you information in regard to what character of young man he was, his parentage, and everything connected with his history.

Mr. CULLOP. I would like to ask the gentleman from Iowa if he was over 21 years of age.

Mr. PEPPER. He was past 19.

Mr. CULLOP. What pay was he getting?

Mr. PEPPER. The regular seaman's pay, I think; $15 a month.

Mr. CULLOP. Under the law his parents would be entitled to two years' pay if they had sued to recover in the courts. In other words, if they had sued in the courts to recover what the young man earned and contributed to the support of his father and mother, if he had a mother living, the measure of damages would be what he earned in two years less what it took to support him. That would be the measure of recovery under the law of the land if it was such a case in which a suit would lie. Now, why should Congress vote a larger sum than he would get if he had resorted to the civil courts to recover? What reason is there for it? These matters should be adjusted on a reasonable and sound basis.

Mr. AUSTIN. Let me ask the gentleman from Indiana, does that justify the gentleman from Indiana voting to this man's parents only $1,000 because a previous Congress passed an unjust general liability act?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks to have his time extended five minutes. Is there objection?

There was no objection.

Mr. CULLOP. No; Congress did not pass that law, it is the law of the land, the law of every civilized country. Such is the measure of damages. It is the rule laid down for the Government of you and of every other man in the country in the civilized walks of life. If he had resorted to the courts of law to recover damages that would have been the measure of his damages. Now, why should a special law be made by Congress granting a larger sum than the miner or the railroad man or any other citizen of the Republic would have if he resorted to the courts? I can not understand the gentleman's method of reasoning on a proposition of that kind. Why should not he be bound by the same rule of law that every other citizen in the Republic is bound by?

Mr. AUSTIN. Now, if the gentleman from Indiana is through with his question I will answer it. The committee in passing on this identical bill increased the amount over that fixed in the Government general-liability law, in the case of the lighthouse inspector, Mr. Armour, and increased it to $3,000, in violation of the law quoted by the gentleman from Indiana. If it was right and just in this committee to ignore the Government liability law in that case, why not equalize and bring up all the other amounts in this bill?

Mr. CULLOP. Will the gentleman permit?

Mr. AUSTIN. Yes.

Mr. CULLOP. That was not a parallel case.

Mr. AUSTIN. A parallel nothing! The lighthouse case fell under the General Government liability law like every case named in this bill. The gentleman complains of my seeking to override the Government liability act in this particular case when I offer an amendment, but the law was overridden in the lighthouse keeper's case.

Mr. CULLOP. In that case if the widow had resorted to the courts she had a right to recover what her husband would have earned and contributed to her support during the expectancy of his life.

Mr. AUSTIN. Let me ask the gentleman: Did he vote for the amount given the widow of the lighthouse inspector, $3,000? Did he?

Mr. CULLOP. Because that stood on a different line of liability.

Mr. AUSTIN. Did the gentleman vote to increase it?

Mr. CULLOP. That stood upon a different basis.

Mr. AUSTIN. Oh; because you wanted an excuse and an opportunity to get round the Government general liability law in that particular case; but in this you want to hold this seaman's parents down to a literal enforcement of the provisions of that law.

Mr. LITTLEPAGE. Are there not two theories involved in this question? One is the loss to the parent of the services of the minor. If he were a single man and the administrator had brought suit, would not the amount and the liability have been regulated by the laws of the State? Usually the amount is $10,000.

Mr. CULLOP. Oh, no.

Mr. LITTLEPAGE. Is it not a fact that in the States generally the estate of minors goes to the father?

Mr. AUSTIN. Mr. Chairman, I want to state to the gentleman from Indiana [Mr. CULLOP] that the report itself shows in this particular case that it was the fault of the Government and not the fault of the sailor. The Supreme Court of the District of Columbia on Saturday affirmed the decision of the lower court in a case against the Chesapeake Beach Hotel Co., where the amount fixed by the jury was $10,000 for the loss of a life, and only a week ago the Supreme Court of the District of Columbia rendered a decision against the Washington Terminal Co. fixing damages at $7,500 in favor of a brakeman who lost a limb, while here we are voting $1,000 for the loss of a life!

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. PEPPER. Mr. Chairman, I do not want to criticize in any way the members of the committee who reported this bill. I consider that the members of the Committee on Claims have, perhaps, the hardest work of any committee work in this House, and yet I am very strongly of the opinion that in this particular case they have overlooked, possibly, the real justice underlying this claim. I would like to see the amendment of the gentleman from Tennessee adopted, because I believe this case offers an unusual spectacle, so far as the real liability of this Government is concerned. I want to call the attention of the committee to some passages in the report found on pages 34 and 35. A board or court of inquiry was appointed to investigate the facts with reference to the death of this young man, and the board reported as follows:

> The board believes that the responsibility of the death of the deceased is primarily due to the faulty system of target practice followed on board the U. S. S. *Cincinnati*.

Thus absolutely fixing the responsibility, not upon any man alone in this case, but upon the system followed by the Government of the United States upon one of its ships.

Again:

> The court is also of the opinion that further proceedings are unnecessary, but that Commander J. M. Robinson, United States Navy, commanding U. S. S. *Cincinnati*, and Lieut. J. F. Hines, United States Navy, the ordnance officer of that vessel, should be admonished for their neglect to take proper precautions while conducting Morris tube gun practice in a frequented harbor.

Again:

> The commander in chief considers, however, that to admonish two officers, whose gross carelessness, as well as neglect of duty and disobedience of the regulations, resulted in the death of one of the best young men of the fleet, is not treating the matter with the serious importance it deserves, and private letters of reprimand will be sent to Commander J. M. Robinson, United States Navy, and Lieut. J. F. Hines, United States Navy.

Thus was absolutely fixed the personal responsibility upon officers of the U. S. S. *Cincinnati*.

This young man was killed. Nobody claims that there was any fault or negligence on his part. He was absolutely murdered in cold blood; not by accident, not by some explosion that nobody is responsible for, not because something happened that nobody could anticipate, but by the direct and criminal neglect of a man who is a commander and represents this Government upon that ship.

As a direct result of the faulty system employed by the Government of the United States, this young man was murdered, and now the Government proposes to say to the parents, in view of the fact that their son was murdered, that it will give them $1,000, and for them to be satisfied.

I say in all seriousness that there is something more involved here than mere compensation for the loss of the life of this splendid young man. It seems to me this Government would be stultifying itself to place the value of $1,000 upon a young man's life which was lost in this way. I hope the amendment will be agreed to. I think it is fair and just, and ought to be adopted. Five thousand dollars is small enough. Let us put our stamp of disapproval and condemnation forever on the methods heretofore followed by our Government in paying its just obligations.

Mr. GREEN of Iowa. Mr. Chairman, I desire to remind the committee that the chief difficulty that bills of this character have heretofore encountered in previous Congresses has been to get anything whatever allowed, and the difficulty which the Committee on Claims will encounter as we proceed in this case will be to get the bill through with moderate and even very small sums allotted to the several parties making these claims. As has been stated heretofore, with the exception of the claims for the Ford Theater disaster, in all the history of the previous Congresses, with thousands of such claims to be considered, only two or three for personal injuries have ever been allowed. Those are the only instances. I went through them carefully myself. If gentlemen will inquire of the members of the Committee on Claims with reference to the basis on which these sums were awarded, they will find in each instance that there was a definite principle and a definite reason for fixing the sum named.

If the committee will turn to page 36 of the report on the claim under consideration a moment, under the communication from the Acting Secretary of the Navy, Beekman Winthrop, they will see that there is a statement contained in it that the decedent did not remit to his parents a sum in excess of $15 per month. It will follow, therefore, if the parents had a right to sue in a court of law, as they have not, and recover anything from the Government, as they have not, this sum which is awarded here, taking into consideration that it is to be paid now in cash, is really as much as those dependent parents could recover in a court.

Mr. BARTLETT. Will the gentleman permit me a question?

Mr. GREEN of Iowa. With pleasure.

Mr. BARTLETT. Suppose this was not the United States Government as an employer, but an employer who, under any law, was liable to pay for the damage resulting, could the parents recover any more than the value of the life of the young man to them, which would be measured by what he could earn for them from the time he was a minor until he became of age?

Mr. GREEN of Iowa. I was trying to explain—while it is not definitely stated in the report, as I recall the fact, this young man was over 21, and so, really, there would have been no right to recover; but he was paying this sum to his parents.

Mr. BARTLETT. I understood he was 19 years old.

Mr. PEPPER. Will the gentleman permit a question?

Mr. GREEN of Iowa. Certainly.

Mr. PEPPER. I was much interested in the question of the gentleman from Georgia. Is it the statement of the gentleman from Iowa that there is no liability in an ordinary accident if the young man is killed when he is over 21; that there is no liability to the parents whatever? Is that the position of the gentleman?

Mr. GREEN of Iowa. No; not necessarily.

Mr. PEPPER. To his dependent parents?

Mr. GREEN of Iowa. The dependent parents might possibly recover.

Mr. BARTLETT. The right to recover for a homicide does not exist in common law at all.

Mr. GREEN of Iowa. It will be observed this young man, according to the Secretary, sent home not exceeding $15 a month, and in view of that fact this amount is put in——

Mr. PEPPER. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. PEPPER. Has that rule been followed all the way through in all the cases?

Mr. GREEN of Iowa. So far as I know, this is a solitary case of that kind we have in the whole bill.

Mr. PEPPER. But is that the policy?

Mr. GREEN of Iowa. I will withdraw that statement; there is another, either in this bill or another.

Mr. PEPPER. There is hardly a case in here but what that rule, if it was adopted, would go far below what the amounts are. Is not that true?

Mr. GREEN of Iowa. You could not apply that rule in any way except where the relation of a child to dependent parents exists. I believe there is another case in this bill; if not, it is in another bill.

Mr. AUSTIN. I would like to ask the gentleman a question.

Mr. GREEN of Iowa. With pleasure.

Mr. AUSTIN. Is it not a fact that the Senate on yesterday, in the case of Erskine R. K. Hayes, voted him $5,000 for an injury received in the Bureau of Engraving and Printing, Treasury Department?

Mr. GREEN of Iowa. It is a fact, and at the time other Members in the Senate stated it was entirely a new precedent and contrary to their rules. It awarded to claimant, who had been a helpless cripple for years, requiring constant attendance, and suffering from a constant discharge, all of which was caused by the injury received.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3459. An act for the relief of Erskine R. K. Hayes;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 6565. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20738. An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.;

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes";

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows or dependent relatives of such soldiers and sailors;

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

The committee resumed its session.

Mr. POU. Mr. Chairman, I move that all debate on this paragraph be now closed.

The CHAIRMAN. The gentleman from North Carolina moves that all debate on this paragraph be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. PEPPER) there were—ayes 16, noes 28.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to amend, line 22, page 3, by striking out the word "one" and inserting the word "three."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the word "one" and inserting the word "three."

Mr. LANGLEY. That is the same case?

Mr. PEPPER. It is the same case. Mr. Chairman, it seems to me everything that has been said in reference to the rule governing this committee——

Mr. POU. Mr. Chairman, I regret very much to interrupt my friend, but I made the motion that all debate upon the paragraph and amendments be now closed.

Mr. PEPPER. Very well.

The CHAIRMAN. The Chair would like to inquire from the gentleman from North Carolina if his motion included the paragraph and all amendments thereto?

Mr. POU. The paragraph and all amendments thereto.

The CHAIRMAN. The Chair did not understand the gentleman to put it that way.

Mr. PEPPER. Mr. Chairman, I am perfectly willing, in view of the desire of the chairman of the committee to get this bill through, even though he did not put it that way, to waive the right of debate, and take a vote upon this question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. PEPPER) there were—ayes 4, noes 28.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to amend, on page 3, line 22, by striking out the word "one" and inserting in lieu thereof the word "two."

The CHAIRMAN. The gentleman from Iowa [Mr. PEPPER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the word "one" and inserting the word "two."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the chairman announced that the noes seemed to have it.

Mr. PEPPER. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 18, noes 31.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to amend, on page 3, line 22, by striking out the words "one thousand" and inserting the words "one thousand five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the words "one thousand" and inserting the words "one thousand five hundred" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. PEPPER. Division, Mr. Chairman.

The committee divided; and there were—ayes 21, noes 26.

So the amendment was rejected.

The Clerk read as follows:

To pay $1,500 to Severin Hartman for loss of his left arm while in the discharge of his duty at Rock Island Arsenal, Ill.

Mr. FOWLER. Mr. Chairman, on page 4, line 1, I move to strike out the words "one thousand five hundred" and insert in lieu thereof the words "two thousand."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 1, by striking out the words "one thousand five hundred" and inserting the words "two thousand."

Mr. FOWLER. Mr. Chairman, I do not desire to take up the time of this committee with useless discussion. I think it will be conceded by my colleagues that I have always been conservative in my vote and action on measures here in this House. When this bill was before the Committee on Claims, of which I am a member, I asked that the amount be made $3,000, as I recollect. I reserved then my right to try to have this amount increased, Mr. Chairman, on the floor of the House.

This young man was employed in an arsenal of the United States doing a certain piece of work. There was a revolving piece of machinery which carried in it certain knives for certain purposes. While this young man was engaged at his specific labor, one of these knives in this revolving machine became loose and was detached and thrown by the force of the revolution of the wheel to which it was attached a distance of 86 feet away. It struck this young man and severed one of his arms. He now is a young man with but one arm, and it is proposed by this bill to pay him for that injury the sum of $1,500. It is perfectly evident, Mr. Chairman, that the young man was not negligent upon his part in any way whatever, but steadfast at his post of duty, performing it as a faithful servant, and while so doing, by the negligence of his master, the United States, he lost one of his arms. And I say, Mr. Chairman, that he ought to have a sum whereby he would be able to support himself in some kind of decency. We all know that $2,000 is not enough, and I almost feel like condemning myself for offering an amendment for only that amount. But inasmuch as it has been shown by the temper of this committee that they are not willing to allow large sums, I have sought by this amendment to give to this young man a small additional compensation to what this bill carries.

Mr. GUDGER. I want to ask the gentleman a question. This accident occurred in 1905?

Mr. FOWLER. Yes.

Mr. GUDGER. I want to ask if this man is not now in the employment of the Government at the same wages that he received at the time of the accident, and that he is to be retained by the Government in his position just as long as he lives?

Mr. FOWLER. Mr. Chairman, that is no argument whatever to my contention. I carry but one hand with me, and a man who has never lost a limb does not know the humiliation and the disadvantage with which a man goes through life maimed and decrepit by virtue of such a dismemberment.

Mr. GUDGER. Will the gentleman yield? You stated a while ago that this man ought to have some compensation with which to support his family?

Mr. FOWLER. You are mistaken. I did not. If the gentleman so understood me he misunderstood what I said.

Mr. GUDGER. Well, is it not a fact that since 1905, at the time of this accident, this man has been retained by the Government in his present position, at the wages at which he was earning at the time of his accident, and is to be retained by the Government during his lifetime?

Mr. FOWLER. Mr. Chairman, I repeat that what the gentleman has propounded is no argument in this case whatever.

Mr. GUDGER. But I am asking you if it is a fact.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. FOWLER. Mr. Chairman, I ask that my time be extended for five minutes. I think it is the only time that will be taken up by me during the consideration of this bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. FOWLER. I think it is true the young man is in the employ of the United States——

Mr. GUDGER. At the same wages?

Mr. FOWLER (continuing). But in reply to the contention that he undertakes to interpose that because the young man is employed in the service of the Government and is earning money it is a reason why he should not be compensated for the loss of his arm, I will say that flesh and blood never can be measured by dollars and cents, and never will be measured by dollars and cents by me. [Applause.]

Mr. FRANCIS. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FRANCIS. Wherein is the Government negligent in this case?

Mr. FOWLER. The negligence of the Government was in having knives in a revolving machine not secured so as to protect the lives and the limbs of the men whom the Government required to work in close proximity to that wheel.

Mr. FRANCIS. Does the bill show that?

Mr. FOWLER. The report, Mr. Chairman, shows exactly those conditions.

Mr. FRANCIS. Another question. Will the gentleman yield?

Mr. FOWLER. Yes; I will yield to the gentleman, although I want to discuss one other point.

Mr. FRANCIS. Is it not a fact that in this case the committee followed the Panama cases, in which, no matter whether the Government is negligent or not, the party is allowed to recover where he is not negligent, and was not that rule followed?

Mr. FOWLER. I do not think so. The committee originally reported one year's salary for this young man. I made a motion to make it $3,000, and we finally agreed upon $1,500.

Mr. Chairman, I repudiate the principle upon which this one year's salary is based. It is inequitable, unfair, and un-American in its character. [Applause.] Let us examine that rule which has been thrust into this case so anxiously by some of my colleagues: If an employee in hazardous employment should have a finger mashed while working for the Government, thereby incapacitating him, he would be entitled to receive $5,000 in money under that rule from the Treasury of the United States, provided he were on a salary of $5,000 a year; but if a poor man, laboring upon an arduous piece of work, should lose an arm—aye, if he should lose both arms, if he should lose both legs and both arms, or if he should lose both legs and both arms and both eyes—under that harsh rule, so inequitable in its character, all that he can draw is the pitiful sum of $300, if that be all that his wages amount to for one year.

Mr. Chairman, I say that this young man is entitled to compensation for the permanent injury he has sustained. If the Government's machinery gets out of repair, if it should break or any part of it should get into such a condition that it could not be used, the Government, at the expense of the United States, would foot the bill; and I ask this committee if machinery is worth any more to the Government of the United States than men laboring to do our work and the work of this country?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEPPER. Mr. Chairman, I want to reply briefly to the arguments presented by some questions asked of the gentleman from Illinois [Mr. FOWLER]. The question was asked if it was not true that Severin Hartmann is now employed by the arsenal at the same wages that he was employed at before, and if he had not received assurances that he would be continued in employment for the rest of his life. I do not know whether that is true or not. It may be true. That has nothing whatever to do with this claim. But I want to say this: That if the Government of the United States is paying Severin Hartmann $1.75 a day or any other sum, it is getting the worth of its money. And if it is paying him just as much as it was paying before he lost his arm, it was not paying enough when the accident occurred. [Applause.]

The Rock Island Arsenal is not a philanthropic institution. They are not employing men out there simply to enable them to support their families.

Mr. GUDGER. I would like to ask the gentleman if they have not changed this man's work from that of a carpenter to such work as he can do with one hand?

Mr. PEPPER. I have no doubt but that they have changed his work. Naturally when you cut off a man's arm you change his work, not only that—you change his life, his hopes, and his opportunities, and you are going to pay him only $1,500 for it. I say it is wrong. I say that if that were tried in a court in Illinois or in Iowa, and my friend Judge GREEN here was on the bench and we had a jury of Iowa men out there on this case, I would like to see you get off with a verdict of only $1,500, when a man's arm is cut off, with no negligence on his part, and the negligence established entirely on the part of the Government.

Mr. FOWLER. He would not set aside a $5,000 verdict.

Mr. PEPPER. No. He would not set aside even an $8,000 verdict. I will ask the gentleman from Iowa [Mr. GREEN] if he would.

Mr. FOWLER, who made this motion, has gone over the evidence. He is a member of the subcommittee that passed on this claim, and he has now made the motion to increase it. It seems to me if you are going to follow the advice of the committees of this House and take their judgment, you ought to pass the amendment and make this allowance $2,000. It ought to be double that amount.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I want to say that I am with the gentleman this time.

Now, as I have observed in these claims, there are two distinct lines on which damages are allowed. In some cases compensation is allowed to injured persons or to the dependent relatives of persons who are killed where there is no liability on the part of the Government and where there would be no liability on the part of a private employer. My notion is that whatever you give to such a person is a gratuity, and if that person does not get all he thinks he ought to receive, he should not find much fault, because if he should go into court the chances are that no case would be made out and no damages of any kind recovered.

But here is a case which is different. It seems to me on the facts, meagerly as they appear in this report, that this young man had a cause of action; that is, that if he had been employed by any private concern instead of the Government, he would have had a cause of action under the common law. In the first place, no one claims that he was guilty of negligence which caused or contributed to his accident. It appears that there was something the matter with this piece of machinery, that it was loose, defective, dangerous, and that while it was in ordinary use, in its ordinary work, a blade flew off and across the room 80 feet with such force that it injured this young man's arm so badly that it had to be amputated. It seems to me that any good negligence lawyer who had an opportunity to examine the facts immediately after the accident could easily have made out a case of negligence against the employer if he were a private individual or a corporation. It would have been easy to show that there was some defect in that machine, that that defect could have been discovered by the exercise of ordinary care and prudence on the part of the employer. An inspection by a competent inspector before the accident would have shown that that defect existed, and the failure to remedy the defect was negligence, which could have been established on a trial, and a case could have been made out to go to a jury. It seems to me quite a clear and strong case on the merits, because a case is always strong when a plaintiff is injured or loses an arm or leg without fault or negligence on his part.

The plaintiff's case is always weak before a jury when they can show some negligence on the part of the plaintiff which caused or contributed to the accident. It seems to me there is no question here but what a case would have been made out that the employer, in this case the United States, was guilty of negligence in permitting this machine to remain out of order to such an extent that one of the blades or knives flew off when the machine was in ordinary operation and flew 80 feet across the room with such force as to destroy this man's arm. Two thousand dollars is not enough. In any State of this Union the average verdict for that accident would be from $5,000 to $8,000. At least that would be the average verdict of a jury in the State from which I come, and it would not be set aside as excessive by any court of which I have any knowledge. This ought to be $5,000 on the case that is made out here. A recovery of that amount ought to be had. It is not a gratuity. It is not asking something for nothing. It is asking reasonable and fair compensation for an accident for which the defendant, the Government, was responsible and the plaintiff was in no respect responsible.

Mr. AUSTIN. Mr. Chairman, I take pleasure in supporting this amendment offered by the gentleman from Illinois [Mr. FOWLER]. I know we are in a hopeless minority in this fight, but we give you notice now that we are going to fight these unjust propositions as long as we are here and can obtain recognition and have the breath to speak, because we believe the small amounts reported here are unfair, unjust, and discreditable to the American Congress, the American Government, and the American people. It is no justification to tell me that a previous Congress passed a law which every man of fair play and a high sense of honor and justice knows to be unjust. It will not do to say that we are discharging our conscientious duty as Members of this House when we follow the decisions of our predecessors who fixed this low standard of the value of human life and human limb.

The responsibility of my vote on this question is not the mere question of voting to put through an unjust Government general liability law of four years ago. I am not complaining of the members of this committee, I have no personal grievance or public criticism of them, but I do protest against this method of settling and adjusting these claims. I hope that we can see the justice of liberalizing or changing or modifying this cruel and unjust Government general liability law.

Why, the Senate has passed a workman's compensation act that gives to the widow of a mechanic killed in a private plant $4,800 for the loss of life, and where there is a child $6,000. We will pass through this House a law, a workman's compensation act, that will compel every private corporation in the United States to pay to an injured mechanic a much larger and higher sum of money than we are voting out here to-day to the same class of mechanics injured or crippled in the Government arsenals, navy yards, and workshops of the country. We have voted $1,000 here for the loss of an American sailor, and yet we are giving in a workman's compensation bill that passed the Senate, that in that case alone would compel a private corporation to have paid not less than $4,800.

Mr. BOOHER. Will the gentleman yield?

Mr. AUSTIN. In a moment. Let me call your attention to the unjust attempt in this bill, the indefensible action of this committee. Page 3, to Raymond R. Ridenour, for injury to his hand while in the discharge of his duty on the Isthmus of Panama, $500. An injury to his left hand $500, and upon the same page we pay the parents of a sailor who lost his life on account of a defective target practice $1,000. You think a human life is worth $1,000 and the injury to a left hand $500. Do you tell me that this is right, that this is fair, that this is just? I repudiate it. It is not, and any action of any committee, or the operation of any Government general liability law passed in the Sixtieth Congress can not make it right. It is eternally and everlastingly wrong.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. AUSTIN. In a moment. Now, on the same page, we pay $1,500 to the heirs of Charles E. Stump, who lost his life from injuries received while in the discharge of his duty on the Isthmus of Panama.

To Loretta E. Smith, widow of George H. Smith, $1,248, who lost his life while in the employ of the Government in the erection of the Capitol power plant.

And the next item is to pay $1,500 to Charles P. Hanson for the loss of his right foot while in the employ of the War Department in the Quartermaster's Department at Boston, Mass.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I had hoped that we would not have to review the allowances which have heretofore passed the House in this bill, but the attack which has just been made by the gentleman from Tennessee [Mr. AUSTIN] upon these provisions probably renders some answer necessary.

The gentleman from Tennessee ought to know, with reference to the Rowland claim, that we have just passed, that that allowance was not for a loss of life; that we were not paying for a loss of life, but something to the parent as compensation for what he might have received out of the salary of this man if he had lived.

This particular claim that we have under consideration, Mr. Chairman, is one of the most liberal allowances in the whole bill. If this is raised, I do not know of one of these personal-injury allowances but that ought to be raised, too. We have taken into consideration the circumstances that surrounded this man, the fact that he was reemployed at the same wages, and all these other matters, and have made by far the most liberal allowance that has been made anywhere.

Now take, for example, the paragraph for the allowance of $1,500 to Hanson for the loss of his foot without any fault on his part. Take the allowance, page 2, of $1,500 to Florence Lambert, for loss of one hand and the other disabled, receiving frightful injuries about the face and the loss of one eye, and who suffered torture as a result of that injury. In all these cases the allowance is really much smaller than is the one under consideration.

The gentleman from New York [Mr. MICHAEL E. DRISCOLL] has stated that here was a case which could be made out in court for full compensation. If he will examine the report more fully he will see that this is not that kind of a case at all. So far as the evidence before the committee is concerned, the report of Capt. Jamieson, shown on page 39, is that there was no precaution that could be taken further than what had been taken with reference to these knives, and that there was no negligence on the part of the other employees of the Government.

Mr. MICHAEL E. DRISCOLL. He does not remember all of the facts.

Mr. GREEN of Iowa. The statement contained in the report is as follows:

The molding machine and all other machines in the shop are provided with guards to minimize danger as much as possible, and I am convinced that all possible precautions are constantly observed.

That is all the committee had before it to go upon. There would have been no case had this been a private employer, with what the committee had before it.

Mr. MICHAEL E. DRISCOLL. Did the gentleman ever know of a case where the employer or the superintendent did not come in and say that all possible precautions were taken to avoid accidents? Did the gentleman ever try a case where that did not happen? Yet here is a case where it is shown that just as soon as the machine was started up it exploded, broke, and this knife flew 85 feet across the room with tremendous force.

Mr. GREEN of Iowa. The trouble with the gentleman is just that which is the trouble with some others who have spoken on this subject, that they seem to think the committee must consider something entirely outside of the record.

Mr. PEPPER. Does not the fact that this knife came loose from the molding machine and flew across the room, under the circumstances, show that somebody was negligent at some time?

Mr. MICHAEL E. DRISCOLL. I think that would raise a prima facie case of negligence.

Mr. GREEN of Iowa. Mr. Chairman, there is no rule of law which is better settled than that the mere happening of an accident does not prove negligence.

Mr. PEPPER. But that is not this case.

Mr. MICHAEL E. DRISCOLL. Accidents may happen in some cases in such a way as to establish a prima facie case of negligence. It depends on how the accident happens.

Mr. GREEN of Iowa. I shall have to disagree with the gentleman as to the question of law, but in any event there is no law that renders the Government responsible, and hence we have endeavored to put these cases on the broad principle of equity, not allowing any of these people all that they ought to have, but such a sum as we thought we could get through. It is no kindness to try to put larger sums on this bill, because if it is done it will never get through the other House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAGUIRE of Nebraska. Mr. Chairman, this is one of the bills that I reported. It is one of the bills that I as chairman had before my subcommittee. I am favorable to a liberal allowance in these personal injury cases. I went through the files of something like 150 cases that are before my subcommittee and searched out the personal-injury cases and gave them preference, and I think there are no cases before that subcommittee at this time where the evidence is complete that have not already been reported or acted upon. This omnibus bill is made up largely of these cases.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE of Nebraska. I will yield to the gentleman from Pennsylvania.

Mr. BOWMAN. Mr. Chairman, I learned the woodworking business and have run machines similar to this. Upon examining the evidence it shows that on the day those knives were put in they were worked for several hours. The next morning the operator went there and tightened up the boxes. He did not pay any attention to the knives. He tightened up the boxes to see that the cutters ran true. In other words, he showed extra care, and I can not see anything in the evidence here that tends to show the least bit of negligence on the part of any person, but, on the contrary, the greatest care. As a matter of fact, these knives frequently break out and fly considerable distances.

Mr. MAGUIRE of Nebraska. Mr. Chairman, from the information furnished the committee by the War Department there is no negligence shown at all on the part of anyone in this arsenal in the case of this accident. I searched out these cases. I believe we have been comparatively liberal with this one. It was reported for $1,500. The man would have received only about $550 if eligible and had received compensation under the regular 1908 general employer's liability act. I consider that act entirely inadequate to do justice and equity in the personal-injury cases that fall within its provisions; this case falls outside its provisions, of course, in point of time, and relief has to be sought direct from Congress.

The Committee on Claims did not follow the wide range of sentiment that prevails on the floor of the House as to the amount of the allowance, but was reasonably well agreed after full and careful consideration of all the facts in each case. Now in most of the claims with private employers, if they had to seek the courts for relief, they would be compelled to pay something like half the amount received for attorneys' fees and court costs. In most of these cases we are passing upon here there are no attorneys' fees or court expenses. It is a clear amount of $1,500, or whatever the amounts may be, and goes directly to the legal heirs or the individuals. This man is, I understand, now employed in the arsenal, receiving, I think, about the same pay as before the injury, although I am not certain about that. I am in favor of passing immediately these personal-injury cases and giving them a reasonable amount, and am not in favor of taking any chances about getting them through by an overloading of the bill with large amounts and have these meritorious cases defeated before final passage and the injured ones or their families continue without relief. Here is a case that has been running for seven years. It has been before this Congress before. The committee decided in favor of giving $1,500, so that this bill may go through and pass and give practical relief to this man now instead of appealing to abstract justice and waiting for years for relief.

Mr. Chairman, I hope this allowance will pass as it is in the bill, at $1,500, and give this man who met with this accident relief, of which he has been deprived for more than seven years. In practically all these cases of injury the relief needed is immediate, and to wait imposes great hardships to the individual or, in case of death by accident, to his surviving family. The Government ought to be one of the very best employers, and relief ought not be delayed in these hazardous occupations, as in a large number of these cases, for a long period of years. The employers' liability act of 1908 has given quite a measure of relief, but of course does not apply to those injured before its passage. In its operation it applies only to a limited number of employees in hazardous Government work, and the allowances under its provisions are not at all adequate. I hope to see the time in the very near future when the provisions of our Government liability law will be very much liberalized. But I am now for granting immediate relief in those cases that are specifically before us and have been lingering for many years.

Mr. POU. Mr. Chairman, I will take up just a few minutes and no more. In the first place, I want to remind the committee that these people could not have gotten one single cent but for this legislation. Every item in this bill, almost without exception, is a gift on the part of the Government, pure and simple. Now, speaking for myself, I want to repeat what I said before and that is in nearly all of these cases the amounts are smaller than these people would have gotten if a jury had passed on their cases, but this committee was entering upon a reform. We did not know whether we would be sustained by this House or not, and we did not want to bring in a bill which would fail of passage in this House. Under all the circumstances we have tried to allow a reasonable and just amount in every case, and in no case did we go too high.

Mr. PEPPER. That is true.

Mr. POU. Now, I ask you to cooperate with the committee in helping to put this bill through. I am afraid this is about our last day in court. To any gentleman who wishes to promote the passage of this legislation I think I feel safe in saying this is about the last opportunity to do so.

Mr. AUSTIN. Will the gentleman yield?

Mr. POU. I will.

Mr. AUSTIN. I wish to say to the gentleman, while I have opposed this bill, I have voted every time to take up this bill for consideration.

Mr. POU. I know that is true.

Mr. AUSTIN. I do not seek to defeat it. I hope to have it amended, and even if I fail in that I hope to create a sentiment in the House against this method of settling these cases.

Mr. POU. In that I am thoroughly in accord with the gentleman, and I am ready to shake hands with him across this aisle in amending the law of 1908 so these people will not get ridiculously small amounts, so that a man who is totally blind, who has had both legs cut off, will get more than $500 or $600 or some amount that will not pay his doctor's bill; but we are confronted with a condition here and not a theory, and I hope we may be able to get through, at least, these two omnibus bills before the day is over. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairmon announced the noes seemed to have it.

On a division (demanded by Mr. FOWLER) there were—ayes 22, noes 36.

So the amendment was rejected.

The Clerk read as follows:

To pay $420 to Annie T. Jackson, widow of Frank W. Jackson, who lost his life in the employ of the United States Government on board the steam tug Cynthia.

Mr. POU. Mr. Chairman, I wish to offer, by authority of the committee, the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 8, page 4, by striking out the words "four hundred and twenty" and inserting in lieu thereof the words "one thousand."

Mr. AUSTIN. Mr. Chairman, I want to answer, if I can, a statement made by the gentleman from Iowa [Mr. GREEN] that the other body will not agree to changes of this bill or that this House is in danger of losing this legislation. I want to call attention to the fact that in the Senate on yesterday, according to the RECORD, not a vote was cast against a bill which voted $5,000 in payment of a laboring man in the Bureau of Engraving and Printing for an injury that occurred to him, and the committee stated "That no just fault can be charged against the Government." In that case the laboring man tripped himself in some way in the Bureau of Engraving and Printing and was permanently injured through no fault, as stated by the report of the committee on the part of the Government, and they voted him in the Senate yesterday $5,000. Now, here is a proposition to vote the wife of a fireman on a Government tug $1,000, and we have already voted in one case $500 to Raymond Ridenour; nature of accident, "thumb and first finger of left hand cut off."

Mr. LEWIS. Will the gentleman yield for a question?

Mr. AUSTIN. In just a moment. I am not finding fault with the amount voted Mr. Ridenour. I am sorry it was not larger, but I just wish to call attention to this unfair and unjust method of settling these cases. We have voted to one workman $500 for the loss of his thumb and first finger of his left hand, which were cut off.

And we vote to the widow of a fireman on a Government tug $1,000 for the loss of her husband, and perhaps a father, and we vote a thousand dollars to the dependent parents of an American seaman for the loss of the seaman through a defective method of target practice that his superior officers were responsible for. I wish to burn these inequalities into the minds and hearts of the Members of this House who are voting on every proposition here to keep down and not increase these amounts.

Mr. FRANCIS. Will the gentleman from Tennessee [Mr. AUSTIN] permit a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. AUSTIN. I do not yield. It is enough to vote against the entire membership of the Committee on Claims without dividing my time with them.

Mr. FRANCIS. We will give you another minute.

Mr. AUSTIN. Now, the gentleman from Oklahoma [Mr. FERRIS] this morning obtained permission to make a political speech on the floor of this House, recounting the legislation that the majority have given to the laboring people of this country. Is it just legislation to the wives and mothers of mechanics in arsenals, on ships of our Navy, in navy yards, and on the canal for this majority to vote a few dollars in payment of a human life or $1,248 or $1,500 for the loss of a right leg or a right arm? Is it heeding the cries of justice from the dependents of these laboring men and these mechanics? Is it heeding the cries of people who are made cripples for the rest of their lives through no fault of their own?

Mr. POU. Mr. Chairman, I am sorry that the gentleman has seen fit to inject politics into this matter. I wish to state that the reason this bill did not get through the last day that it was up was on account of the opposition on that side of the House.

Mr. AUSTIN. I repudiate the Government's general liability law, because it is not just and we are not responsible for it.

Mr. BUCHANAN. Mr. Chairman, I am of the opinion that the committee purposes to be fair with these claimants and also that the small amounts allowed are due to our system or our laws in reference to our industries. I have been in a position in life to know something about the results of this network of laws that has been thrown around men in the industries of this country that have practically made it impossible for them to get justice. These claims, in my opinion, can not be based on the grounds of justice. The idea of allowing a widow, without there are some surrounding circumstances that make it proper to do it, the small sum of $1,000 seems to me ridiculous. But I say I am of the opinion that the committee desires to be fair about this matter, and without trying to put any blame on the committee I wish to say that it is due to the condition under which we have lived all these years. I say I have been in a position to see the harm resulting from it. I have been in a position where I have seen widows condemned to the washtub and orphans reduced to destitute poverty as a result of the very bad conditions which we have in this country. I am pleased to hear my Republican friend from Tennessee [Mr. AUSTIN] stand up here in defense of these people who should be allowed more, in my judgment. I agree with him on the matter.

But I have had some experience in endeavoring to secure legislation in our city and State legislatures in this country, and I know that the representatives of labor unions have been endeavoring to induce the legislators of the country to pass better laws; for instance, to abolish the fellow-servant assumed risk and the contributory-negligence defense which the employers of labor in this country have successfully made where workmen who have been injured have had their rights taken away from them under the pretense of the common law and the fellow-servant law. And it is encouraging to me to have the gentlemen here now declaring for better conditions. And let us hope we may be able to secure the passage of laws that will abolish that condition that we now have of making cripples and paupers and which will give the working people of this country—the men who are responsible for the prosperity and development, the men who have made this country great, the men who, in the trade in which I have worked, take their lives in their hands every hour in which they work—their just dues. Every skyscraper in every city in the country is a monument to two or three ironworkers and every bridge that spans the mighty rivers of this country is probably a monument to a dozen deaths of ironworkers—constructions of which have made it possible for the commerce of the country to develop in the manner in which it has. Is it not high time that we give these people the consideration to which they are entitled? It seems to me that instead of making this $1,000 it should, at least, be made $2,000. Not being familiar with the circumstances, I would like to have more information in regard to it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. AUSTIN. Mr. Chairman, I move to strike out "one thousand" and insert "three thousand."

Mr. BUCHANAN. I desire to make it $2,000 instead of $1,000.

Mr. AUSTIN. Why not make it $3,000, the same is the widow of the lighthouse inspector? The gentleman voted for that.

The CHAIRMAN. Does the gentleman from Illinois offer an amendment?

Mr. BUCHANAN. Yes; I desire to offer an amendment to make it $2,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The Clerk read as follows:

Amend the amendment by striking out the word "one" and inserting the word "two."

Mr. LEWIS. Mr. Chairman, speaking to the point of the amendment, without any particular cause to advocate or oppose the case in mind this afternoon, it is apparent that we have before us in the matter of these claims the same subject that has reached the Senate already, and I trust will reach the House very soon, with regard to accidents on railroads.

It is proper to remark in that connection that all over the world, except in the Capital of the Republic of the United States legislators have recognized that the calamity of accident, since it must happen, ought to be charged to the business as a proper element of expenditure and necessary cost in the business, and not to the victims, as now happens in our country.

In the 40 or more items that are included in this bill all the ethics of the argument which has impressed other nations to the point of effectual remedial legislation are presented. It is, of course, obviously impracticable that the Committee of the Whole can take up 43 individual cases, either in one day or two days, and dispose of them upon their particular and peculiar merits.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield to a question?

Mr. LEWIS. Yes.

Mr. GREEN of Iowa. Would not the gentleman also recognize that the Committee on Claims labors under peculiar difficulties right there, being unable to try the case as a court of law would, getting in witnesses and going through the matter?

Mr. LEWIS. I am very glad the gentleman has made that statement. I understand the Committee on Claims has not had the ethical freedom, may I say, to deal with these subjects according to their merits. They have had forced upon them a statute with all its constraints and limitations, and have not had an opportunity of applying the principle of compensation to these respective cases.

I rise in a wholly suggestive way this afternoon. I want to know if there is any objection to this House at this moment adopting a provision that the principles of the Sutherland bill, which has already passed the Senate, shall be applied to these cases through the Court of Claims of our Government?

If that is practicable, these people will receive recognition according to the merits of each individual case—a recognition

that is only beggared and mocked by the amounts allowed them in this bill, under the constraints which the committee has been operating under. I do not know of any reason why a provision like that should not be received. The Sutherland bill is a well-known and well-understood measure. There is no reason why its principles should not be adopted and applied to the subject matters of the bill now before the House and the whole subject dealt with.

Mr. CANNON. Does the gentleman propose to apply the principle of the Sutherland bill and send these bills to the Court of Claims?

Mr. LEWIS. Yes; there to be disposed of under the principles of the Sutherland bill.

Mr. CANNON. That means, of course, if you send them to the court, a division of the amounts to be recovered with the attorneys.

Mr. LEWIS. Some limitation ought to be applied to that.

Mr. CANNON. I am perfectly willing to apply the principles of the Sutherland bill to the matter of accidents to employees of the United States. I think that would be just. But I would not be willing to send them to the Court of Claims. I would devise the machinery by which a settlement could be made at the election, if you choose, of the parties that were injured that would enable them to get the amounts that the Government pays.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS. Mr. Chairman, may I have a little more time—two minutes more?

The CHAIRMAN. The gentleman from Maryland asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. LEWIS. With regard to the machinery of it, I would make an application of the principle of the Sutherland bill to the facts in this case. I have no special feeling in this connection. I mention the Court of Claims because it is an established institution that ought to be competent probably in the premises.

Mr. CANNON. Under existing conditions, the Sutherland bill not having passed, I have to-day, without knowing anything of the merits of this bill, followed the Committee on Claims, which has unanimously made these reports. I did not know what else to do. I hope the Sutherland bill will pass, and other legislation that ought to follow along that line.

Mr. BARTLETT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland [Mr. LEWIS] yield to the gentleman from Georgia [Mr. BARTLETT]?

Mr. LEWIS. I do.

Mr. BARTLETT. Mr. Chairman, I want to say to the gentleman from Maryland that so far as I am concerned, and the constituency that I represent, and the railroad employees who form a part of that constituency, I am at no time in favor of the Sutherland bill and shall not be in favor of it, nor shall I vote for it. I shall not vote for any principle which makes that the exclusive remedy for those who are injured in railroad accidents.

Mr. LEWIS. The gentleman has utterly failed to understand my discussion.

Mr. BARTLETT. Perhaps I have.

Mr. LEWIS. I said the principles of the Sutherland bill, and not the mere incident to which he refers. The principles of the Sutherland bill are in the main these, that when a man is killed as a soldier of industry, his family or those dependent upon him shall receive an equivalent to four or five years of his wages, and that when he is totally disabled he himself shall receive the same recognition from the employer. Those are the principles to which I refer.

Mr. DIES. Mr. Chairman, I want to say to the gentleman from Maryland [Mr. LEWIS] that the statutes already provide that Congress may send any of these claims to the Court of Claims. That is already the law. And I want to say for the benefit of one of the gentlemen who preceded the gentleman from Maryland, who complained at the inadequate compensation provided by the Committee on Claims, that until May 31, 1908, no provision was made by statute for cases of this kind. Then Congress passed the present act, which limited the liability of the Government to persons employed by the United States as artisans or laborers in any of the manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification works, or hazardous employment on construction work in the reclamation of arid lands, or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission.

Now, the fact about it is that until 1908 none of these claims were cognizable by Congress. Then Congress provided a scale of compensation and an enumeration of occupations which would be compensable by Congress under the provisions of the statute. In the case now under consideration $420 would be the amount which could be collected if the injury had occurred under the law as it now exists.

Mr. AUSTIN. Under that law, if this man had lost his left arm, would not the compensation have been the same?

Mr. DIES. Very likely it would have been $420 under the law as it now exists. The question I wish to put to the gentleman from Tennessee is: Shall a person not entitled to anything by law, shall a person whose right of action accrued before the law became effective, recover more than a person who comes within the purview of the law?

Mr. AUSTIN. That is not my position.

Mr. DIES. If the gentleman's contention were enacted into law, the effect would be to give a person entitled to nothing, whose cause of action accrued before the law became effective, more than a person who was entitled to something under the law after it became operative. Now, Mr. Chairman, speaking for myself, I would prefer a general law that placed all people upon an equal footing. I detest a private claim bill or a private bill of any character. I believe if the law is to compensate A for a given injury, that law should be general and compensate all persons who bring themselves within the terms of the general statute. I know that in an attempt on the part of Congress to adjudicate these claims separately, injustice and unfairness are bound to result.

There are before the Claims Committee almost 2,000 claims. Possibly not more than 100 or 200 can be acted on by Congress, and possibly not those thoroughly. If the problem is to be solved in a spirit of statesmanship you would take it up as Congress took it up when we passed the act in 1908, making a general law applicable to professions, occupations, and a scale of injuries, and all attempts to pass upon these questions seriatim by items in each individual case must result in injustice and in giving relief to those who can quickest get the ear of Members of Congress.

Mr. DICKINSON. Mr. Chairman, I want to say a few words in opposition to the amendment which seeks to raise this amount to $2,000. The committee, following the rule laid down in the law, and also the uniform recommendation of the department in reference to these claims, saw fit to allow $1,000, although the claim was introduced for $1,500, and this committee saw fit to place it at $1,000. It has been suggested that the amount should be placed at $3,000, the same amount as was allowed in the case of the widow of the lighthouse keeper. The pending amendment is for $2,000. One element of damages in this case, which is an element in damage cases ordinarily, is the loss that comes to the party surviving from loss of wages. In the case of the lighthouse keeper the wages received were, I believe, $900 a year. In this case the amount received by this laborer was $420 a year, or a little over $1 a day.

I hope, Mr. Chairman, that the amendment offered by the gentleman will not prevail, but that the amount fixed in the bill by the committee will be adhered to.

Mr. BUCHANAN. Will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. BUCHANAN. In this case has the widow any children, or were there any children in the case of the widow of the lighthouse keeper?

Mr. DICKINSON. I have no definite recollection except a mere impression, and that is not sufficiently definite. My impression is that the widow of the lighthouse keeper did have some children, but as to this one I have no information about it at all. My recollection is that this party was in the service only a very brief length of time, some two or three days.

Mr. BUCHANAN. The gentleman says this matter was based in part if not wholly upon the matter of wages?

Mr. DICKINSON. We took into consideration the fact that if it was not before the committee, and was within the provisions of the law, that they would not get but one year's pay. But I do not like longer to detain the committee, and we want to get along with the bill.

Mr. BUCHANAN. I was merely seeking for information.

Mr. DICKINSON. I have given to the gentleman all the information I have about this matter. Mr. Chairman, I move that all debate be now closed on this paragraph and all amendments.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, before that motion is put I want to ask a question or two of the chairman. I wish to know, and I want to state two or three facts before I ask the question, on what principle or theory these cases are adjusted by the committee, because they are all practically negligence cases.

Now, as I stated before, where there is no case made out that would succeed in any court of common law, or otherwise, anything you give is a gratuity, and in that case the party injured

must be satisfied. But in the case which has merit and which would, if properly taken care of, succeed in a common-law court without any statute to relieve the severity of the common law, then it seems to me the damages allowed should be based on the loss and not on the gratuity here.

Now, in this case the report shows that the husband of this woman was free from negligence; there was no charge of any negligence against him.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask to be recognized in my own right for three minutes.

The CHAIRMAN. The Chair is of the impression that all debate on this amendment has expired.

Mr. AUSTIN. No; Mr. Chairman, the gentleman from Missouri made the motion and then withdrew it.

Mr. DICKINSON. Mr. Chairman, I would like to renew my motion to close debate, for we are anxious to get along with the bill.

Mr. MICHAEL E. DRISCOLL. I would like to have the gentleman answer my question.

Mr. POU. Mr. Chairman, with the permission of the gentleman from Missouri I want to say to the gentleman from New York that not one of these cases has any standing in court. Every one of these appropriations is a gift, pure and simple, out of the Treasury of the United States.

Mr. MICHAEL E. DRISCOLL. The report says that the boiler exploded, and there is nothing to show why or how it exploded, whether on account of the carelessness of those in control of it or not, and it seems to me that ought to be stated.

Mr. POU. I will say to the gentleman the information which came to us was that if this woman could get $420 she would be satisfied.

The CHAIRMAN. The Chair desires to call the attention of the committee to the fact that this debate is out of order. Time for debate has expired. The question is on the motion of the gentleman from Missouri [Mr. DICKINSON] that all debate on the paragraph and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois to the amendment of the gentleman from North Carolina.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $15 to Hermann Boges and Henry Elkman for damages to fences by United States soldiers at Leon Springs, Tex.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to return to line 24, page 4, for the purpose of offering an amendment to change the name of the post office.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to line 24, page 4, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I move to amend by striking out the word "Spring" and inserting in lieu thereof the word "Springs."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 24, strike out the word "Spring" and insert in lieu thereof the word "Springs."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman if they are selling horses in Texas for $75; and if so, what kind of horses are they?

Mr. SLAYDEN. Mr. Chairman, I will reply to the gentleman from Tennessee by saying that I suppose they are $75 horses. [Laughter.]

The Clerk read as follows:

To pay $2,427.88 to J. Kennard & Sons, St. Louis, Mo., for penalties assessed against and collected from said firm erroneously.

Mr. POU. Mr. Chairman, I offer an amendment to change the name "J. Kennard & Sons" to "J. Kennard & Sons Carpet Co."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 16, after the word "Sons," strike out the comma and insert the words "Carpet Co."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $439.09 to W. W. Blood, of Greenville, Cal., for labor and construction work at the Greenville Indian school, at Greenville, Cal.

Mr. RAKER. Mr. Chairman, I notice in this item——

The CHAIRMAN. Does the gentleman from California offer an amendment?

Mr. RAKER. Mr. Chairman, I was about to move to strike out the last word, just for the purpose of making a short statement, as the report is full, and the full amount of $439.09 is included in full in the bill, and this is the amount actually and justly due, and I therefore withdraw the pro forma amendment and ask that the claim be allowed.

The Clerk read as follows:

To pay $1,500 to Jeanie G. Lyles, mother of Lieut. Dewitt C. Lyles, who was the inventor of a packsaddle now in use by the United States Army.

Mr. RUCKER of Colorado. Mr. Chairman, I move to amend by striking out the word "one," in line 9, page 8, and insert in lieu thereof the word "two," so it will read "$2,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 9, strike out the word "one" and insert in lieu thereof the word "two."

Mr. POU. Mr. Chairman, I am authorized to say on the part of the committee that there will be no objection to an amendment increasing the amount to $2,000.

Mr. BEALL of Texas. Mr. Chairman, I would like to ask the chairman of the Committee on Claims a question in regard to that. Is not this one of many cases of like kind where there are claims against the Government for the use of some article which has been made by some employee of the Government?

Mr. POU. I think there are very few of these cases, but I will say to the gentleman this: That this soldier, who has since lost his life, was one of the heroes of the Philippine service. He was a man of great inventive genius, and invented a pack saddle which the Government is now using. Upon the basis of royalty which the Government agreed to pay him, he would probably have received even more than $2,500, but his mother wished the matter settled all in a lump sum, and we finally agreed on $1,500; but upon further consideration we came to the conclusion that she was justly entitled to at least $2,000. Twenty-five hundred dollars was recommended by the War Department, and this will settle this matter for all time to come. The Government at this time is using the invention of this man, and $2,000 is a very very small price to pay for it.

Mr. BEALL of Texas. Mr. Chairman, all that the chairman of the committee has said is doubtless true. He presents a case that appeals very strongly to our sympathies, but it is a hard case like this that is usually resorted to for making a precedent that will be dangerous in the future. Some years ago I had the honor of serving on the Committee on Claims, and I remember that there was then pending before that committee a number of cases similar in character to this case. At that time the committee refused to report them favorably.

I rather suspect that if this is done in this case it will be used as a precedent in the future for enforcing payment of claims against the Government of like general character, but that will not possess the equity and merit of this case. Now, it is undoubtedly true, Mr. Chairman, that it often occurs that employees of the Government invent some appliance that may be of use to the Government, and the Government takes it and uses it and in some instances derives great benefit from it, but heretofore the policy of the Government has been not to pay for such use. The Government through its patent laws will protect such an inventor against all others, but will not give a monopoly against itself. Whether it is right or wrong, just or unjust, in making this appropriation you are establishing a precedent, and the result will be that there will be claims for multiplied thousands of dollars——

Mr. POU and Mr. FOWLER rose.

Mr. BEALL of Texas (continuing). Against the Government by employees of the Government.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BEALL of Texas. I yield to the gentleman from North Carolina, the chairman of the committee.

Mr. POU. Mr. Chairman, I will say that the Supreme Court of the United States has recently decided a case on all fours with this, that the soldier is entitled to the same rights as a civilian with respect to any appliance that he patents and the Government will have to pay for it if the Government uses it. It is not optional at all.

Mr. BEALL of Texas. But here, Mr. Chairman, was something that was not patented. It was simply a contrivance that this man worked out which the Government since that time has seen fit to use, and I do not believe the chairman of the committee or anybody else will say that there is anything approaching a legal claim against the Government in this case.

Any private individual could have made use of it without incurring any obligation.

Mr. CANDLER. Will the gentleman yield?

Mr. BEALL of Texas. Certainly.

Mr. CANDLER. Is it not a fact, while this contrivance was not patented, that the man who invented it died before he made an application for a patent, and there is no question but what he would have been entitled to a patent had he applied for it?

Mr. BEALL of Texas. I do not know what the facts are. It seems from the report there never was any patent, never any application for a patent, nothing that would prevent any individual or would prevent the Government from using this appliance, and no legal obligation could be created. I would have no special objection to the payment of this $1,500 if that were all, but I predict that instead of being $1,500 there will be claims before the Committee on Claims, based upon this as a precedent, involving twenty, fifty, one hundred, or perhaps many hundred thousand dollars, and what argument can the Committee on Claims make against those claims which will be based upon this as a precedent?

My heart goes out in sympathy to this good mother. She deserves well of her country, because she gave her son to its service. I honor her and I honor his memory, but we are called upon here to deal with the people's money. We can give our own under the impulse of sympathy, but I question whether we are justified in manifesting our sympathy by a donation from the Public Treasury. I know it will result in many demands being made for large appropriations based upon this most distressing case as a precedent.

Mr. FOWLER. Mr. Chairman, I had an opportunity to investigate this case personally, and went into it to some extent. The case was submitted to me by the committee for this purpose. The facts are practically as set forth in this report. Lieut. De Witt C. Lyles was a soldier in the Philippine War. During the fight with the uncivilized natives in the mountains of one of the islands it became necessary to carry a rapid-fire gun across the mountains on horseback. There was no convenient method for doing that, and this lieutenant, during his leisure hours, not at any time occupying any time which belonged to his regular military service to his country, invented an attachment to a packsaddle whereby these rapid-fire guns might be carried across the mountains easily, rapidly, and conveniently on horseback. Now, it is true that he did not make an application for a patent, although it was a patentable idea. The Government at once adopted his invention, and put it into general use in the Army wherever it was necessary to carry these rapid-fire guns. For this reason the committee thought it was necessary to make an allowance in this case, in order to create an incentive for those who were in the Army to invent that which would be beneficial to the Government. For this reason, more than for any other reason, we were induced to allow the amount of $1,500.

There is no other claim of this character that I am aware of now before the committee. Probably there may be one or two, but I have no recollection of any. I understand the rule to be different to that which the gentleman from Texas has stated with reference to the rule of the Government in paying for such inventions. I understand it to be the rule of the Government to allow compensation to an inventor in the department in which he is working if he invents an article that is useful and patentable during his leisure hours, although he does not take out a patent, in order to inspire such inventive genius, and especially is it so if the Government uses those articles. Where they are patented, of course, the Government will have to pay the patented price before it could use the article. I think there ought to be an allowance of $2,000 in this case. I stood for that in the committee, and I stand for it to-day. If the committee stands by the $1,500 I will have to go with the committee; but if the chairman of the committee, on behalf of the committee, accepts the amendment of $2,000 or $2,500, then, of course, I am in perfect harmony with the committee with the allowance, because I think it is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I am very sorry my friend from Texas [Mr. BEALL] has taken the position he has here without, as I know, familiarizing himself with the conditions presented by this record. Mr. Chairman, I am especially interested in this bill, more intensely interested in it than I ever was in any matter that I have before ever had in Congress, or in any matter that I have had professionally before the bar. The widow, who is the claimant in this case, is the widow of a 35-year acquaintance of mine, a comrade of mine in the Confederate service, and she not only lost her husband, but has given two of her sons to the cause of the Spanish-American War. This one who invented this packsaddle being on a hike on one of the greatest campaigns ever had in the Philippines, after the saddles had worn out and they either had to leave their guns upon the mountain side or else pack them away in some other fashion, invented this attachment for a packsaddle enabling that body of troops to make the most distinguished march against the Filipinos that is recorded in the history of the Philippine war.

After that, Mr. Chairman, leading a band of 16, he found his way through the jungles, without water, except as it would rain from heaven; without a bite of food for seven days and nights; fighting their way with bolos; eaten up by insects, as well as leeches upon their bodies, for, as you gentlemen know, in the humid regions leeches attach themselves to the bodies of people.

I have here the testimony of Gen. Funston, of Gen. Davis, of Gen. Smith, the major of the battalion; of Lieut. Lyles, showing that to his perseverence and his judgment they all owe their lives.

It was not a usual or a casual invention which he made, because he was an adept in invention. He had given more than one to the Government. He had made, as Gen. Funston and Gen. Davis say here, the map that is now used in the Philippines. He was an artist in this respect. And now, my friends, I believed that when I got this bill presented to the Sixty-first Congress, from a Republican committee, giving this widow $2,500, and but for it being the last day of Congress, and the gentleman from Wisconsin, Mr. Stafford, who went out of this House on that day, unmoved——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. RUCKER of Colorado. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for three minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Colorado. Mr. Stafford objected to its being considered, the bill being on the Unanimous Consent Calendar, and through this objection Congress did not have an opportunity to pass upon the bill. But I say a committee of the latter, without a dissenting voice, gave this widow $2,500, and this committee, although I do not know for what reason, and I have no criticism to make of them, reduced it by $1,000.

Now, I do not want to put it upon sentimental grounds. I want to put it on the ground of the contract that has been entered ino on the part of the Government. This young man died before the expiration of the time when he could have obtained the patent on this invention. The mother did not secure a patent because the Government had already agreed with her to pay her 10 per cent royalty upon this invention.

Mr. BYRNS of Tennessee. Will my friend yield?

Mr. RUCKER of Colorado. Yes.

Mr. BYRNS of Tennessee. I want to ask if the mother of this soldier is not drawing a pension?

Mr. RUCKER of Colorado. Yes, sir.

Mr. BYRNS of Tennessee. How much is she getting?

Mr. RUCKER of Colorado. Twenty-five dollars.

Mr. BYRNS of Tennessee. Does not the gentleman think the Government is treating her liberally, inasmuch as it grants only $12 as a rule?

Mr. RUCKER of Colorado. I hope the gentleman will not put it upon the ground of compensation.

Mr. BYRNS of Tennessee. I would suggest to the gentleman that possibly that had something to do with the committee cutting the amount down.

Mr. RUCKER of Colorado. That may be true. At the same time, if she is drawing two pensions because of her two sons, $25 a month is not too much for her with which to take care of an invalid daughter, for upon the very day that this committee reported this bill she lost the only daughter she had to help her. That was two months ago. Now she has to get along with an invalid daughter on her hands with this pitiable sum of $25.

But I was going on to say that I put this upon a legal ground.

Mr. GREEN of Iowa. Will the gentleman yield to a question?

Mr. RUCKER of Colorado. Yes, sir.

Mr. GREEN of Iowa. Is not this woman drawing a pension at this time?

Mr. RUCKER of Colorado. I have already answered that.

As I say, I am putting this on legal ground. Here is my friend from Missouri [Mr. SHACKLEFORD], who was on the committee that gave me $2,500.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RUCKER of Colorado. I would like to have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. Now, as I have said, he did not take out a patent and she did not take out a patent, because the Government had already agreed with her for a 10 per cent royalty upon this invention, based upon the price of $1.80 for each saddle.

Mr. BEALL of Texas. Did the Government pay that royalty?

Mr. RUCKER of Colorado. They gave her credit for it, and the reason why it is put here at the sum of $2,500, I want to say to you, gentlemen, is because I made the contract with the Secretary of War for $2,500 instead of carrying the account from year to year upon a 10 per cent royalty.

I agreed with the Secretary of War, and the report that was agreed upon by the gentleman from Missouri [Mr. SHACKLEFORD] and presented to this House showed fully the contract that was made between the Government and this widow for $2,500 instead of a 10 per cent royalty; and if I had not carried out an agreement which, in my judgment, I thought I was under obligations to my Government to carry out, I would have put in a claim here for $20,000 instead of $2,500. But I made that contract with the Government, and I stood by it, and I want this committee to stand with me. [Applause.]

Mr. POU. Mr. Chairman, I merely wanted to explain a mistake that I inadvertently made. I am not authorized by the committee to agree to an amendment fixing the amount to $2,500, but I am authorized to agree to an amendment fixing the amount at $2,000.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Texas?

Mr. POU. Yes.

Mr. BEALL of Texas. The gentleman from Colorado [Mr. RUCKER] has just given a very interesting account of the services performed by this soldier, and the very great benefits derived from this invention. I would like to know why these facts are not incorporated in the report. Did the Government ever enter into an obligation to pay any royalty upon this contrivance?

Mr. RUCKER of Colorado. I can show you that it did.

Mr. BEALL of Texas. I do not express any doubt about it; but I wondered why a statement of these very material facts was not incorporated in the report.

Mr. POU. I will say to the gentleman that the report is not as full on this case as on the others, and does not cover the question of royalty; but this was the very last item, and the printer had the bill and was asking us not to send him any more matter to be incorporated therein, and we thought that in view of the fact that it was a unanimous report, the report itself would take the place of the evidence.

Mr. CANDLER. Mr. Chairman, I was on the Committee on Claims when this original report was made. I am not at present a member of that committee, but, as stated, I was a member at the time the original bill was pending before the committee and when the original report was made.

I am an economist. I do not believe in extravagance of any kind or in paying something for nothing, but I do believe in paying just and honest compensation for anything that is acquired either by an individual or by the Government of the United States. This Government is too rich and has too many resources to appropriate to itself the property of one of its citizens and then refuse to make to him just and reasonable compensation for the property taken. [Applause.]

I have made it a rule all my life to pay my honest debts, and may the good Lord grant that I may always in the future have the ability to meet the obligations which I incur; and as I pay my own obligations, I am in favor of this Government meeting its obligations and meeting them promptly. One criticism of the Government of the United States of America is that it does not meet its obligations as promptly as it ought to meet them. [Applause.] There is complaint to-day against the Government to the effect that while it is the most exacting creditor it is at the same time the most dilatory debtor that there is in the country. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. CANDLER. In a moment. There are many honest claims pending against the Government of the United States which the Government fails to meet and pay. Now I will yield to the gentleman.

Mr. STEPHENS of Texas. The gentleman from Colorado [Mr. RUCKER] has said that this invention was not patented. Is the gentleman from Mississippi aware of the fact that there is no property right in an invention vested in anyone until a patent has been taken out? And does not the gentleman know that this party has no right to compensation whatever because no patent was issued to him and this is merely a gratuity? Is not that the correct position?

Mr. CANDLER. No; it is not a gratuity; it is an honest debt. I have great regard for the judgment and opinion of the gentleman from Texas, and while it is true that this invention was not patented, yet it still remains that the Government of the United States took and appropriated the invention. Unfortunately, the inventor died before he had secured a patent. If he had lived, if God had spared him to present his claim to the Patent Office, there is no question but what he could and would have obtained a patent. The fact that his death intervened prevented him from securing a patent. His invention was his property whether patented or not, and if the gentleman from Texas had taken it he ought to pay for it, and as the Government did take and appropriate it it ought to pay for it.

This good mother of his not only gave, as my distinguished colleague from Colorado [Mr. RUCKER] says, her husband to the cause of the Confederacy that she loved, where he was a comrade of my friend from Colorado, but with the patriotism that beats in the heart of every American to-day, whether he lives in the North or in the South, that loves and admires Old Glory that floats above us all, she gave two sons to the cause of that flag in the Spanish-American War.

If you vote to her to-day the amount which is asked, you will pay her no more than the War Department says she is entitled to. You will simply pay her an honest debt which the Government owed her son and which has descended to her as his heir. Certainly she is entitled to the highest consideration of the Members on both sides of this House. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be now closed.

Mr. CANDLER. Let me have five minutes more to close my remarks.

Mr. LITTLEPAGE. I ask unanimous consent that the gentleman from Mississippi have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Mississippi have five minutes more. Is there objection?

There was no objection.

Mr. CANDLER. I thank my distinguished friend from West Virginia [Mr. LITTLEPAGE] and the House for this courtesy.

Mr. BEALL of Texas. Before the gentleman resumes his argument let me say that this is a case that appeals very strongly to sympathy. I will ask the gentleman, if this bill passes and this payment is made, can the gentleman estimate what the probable cost to the Government of the United States is going to be?

Mr. CANDLER. It will be $2,500.

Mr. BEALL of Texas. In this case.

Mr. CANDLER. Yes.

Mr. BEALL of Texas. How many scores of other cases are there in which the same principles are involved, which cases have been uniformly denied by Congress? As far as I am concerned I am perfectly willing to have this good woman get $1,500.

Mr. RUCKER of Colorado. Twenty-five hundred dollars.

Mr. BEALL of Texas. But it means hundreds of thousands of dollars in the days to come.

Mr. CANDLER. I do not think so. In this case it will be $2,500 if this amendment is adopted, and the War Department says a fair calculation of what will be due to this good woman is $2,500, and that that is a reasonable amount. That is what the official authorities of the Government say. As to what it may cost the Government in other claims that is not a matter which should be considered in passing upon this claim. I believe every claim presented against the Government of the United States should be considered upon its own merits, but if this claim involves the presentation of other claims that are honest and in accordance with equity and in accordance with law, as this claim presents itself, then the Government of the United States ought to pay them. In other words, the Government ought to pay its honest debts—no more and certainly no less. I do not believe in going out into any field of speculation. I believe the members of this Committee on Claims are honest. I believe they are sincere. I believe that they give to every claim proper and sufficient consideration, and if a claim is presented and is found to be honest and just and right they will report it to this House and recommend its payment. If it is not honest, if it is not just, if it is not right, they will report adversely to this House, and this House will refuse to pay it, exactly as it ought to. They will properly consider and honestly

approve or disapprove future claims which may be presented, and "sufficient unto the day is the evil thereof." That emergency and situation will take care of itself when presented and be properly and judiciously determined.

Mr. BEALL of Texas. The gentleman seems to base his argument on the proposition that this woman ought to be paid 10 per cent on the probable cost. Where does the gentleman get the idea that on that basis the amount would be $2,500?

Mr. CANDLER. On the statement made by the War Department.

Mr. RUCKER of Colorado. This estimate was made by Gen. Crozier.

Mr. BEALL of Texas. It has been repeatedly quoted here at $570.

Mr. RUCKER of Colorado. Oh, no.

Mr. CANDLER. If the Government continues to use this device the amount will increase from year to year, and, as was suggested by the gentleman from Colorado [Mr. RUCKER], in the course of a few years it will amount to $20,000 or $25,000 instead of $2,500. Had not the Government better settle for $2,500 now?

Mr. BEALL of Texas. You are paying for the future, and proposing to settle it in a lump sum?

Mr. CANDLER. Yes. The claimant would have a continuous claim and the amount would accumulate during the future. We can and ought to settle it now in a lump sum which is reasonable and honest and be done with it for all time.

Mr. BEALL of Texas. The report shows it to be three thousand, and that would be six thousand, and 10 per cent of that would be $600.

Mr. CANDLER. That report contains the amount up to the time the report was made, and it would now run into the thousands. But the gentleman from Colorado says he, representing this good woman, made a contract with the Government of the United States that they would settle and settle in full for $2,500, and that would be the end of the whole matter. I think that is a good settlement on the part of the Government, and it ought to be adopted and accepted. The Government ought to stand by its contract as the gentleman from Colorado stood by his contract. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHACKLEFORD. Mr. Chairman, I was a member of the committee that considered this claim. It appeared that the device had been used and adopted by the Government for the future, and we agreed, as the gentleman from Colorado says, upon the recommendation of an amount which I do not now remember, but I think it is as he says. I am in favor of the allowance of this claim. It ought to be paid, and I am going to vote for it. But there have been some things said here in connection with it that I can not agree to. Gentlemen say—and I have heard such statements made before juries many times—"this woman gave her husband and she gave her sons. She never had but one father; she never had but one mother" [laughter], and various other claptrap that is thrown in as a makeweight to get cases through Congress. Such appeals ought not to be made here.

Here is a claim against the Government of the United States. If it is a valid claim it should be paid. If it is not a valid claim the fact that the claimant is a widow woman, that her husband is dead, that she had sons, none of these appeals to the sympathies ought to be made. Let every case stand or fall accordingly as it is a legitimate claim or not.

Mr. CANDLER. Mr. Chairman, I appealed to the House to pay this claim because I believe it is a just claim and honest.

Mr. SHACKLEFORD. I concur in that.

Mr. CANDLER. And because the War Department reported in favor of the amount which is embodied in the amendment offered by the gentleman from Colorado. If I did not believe that it was honest and right I would not advocate this payment from any sympathetic or sentimental standpoint, but from a calculation made by the War Department it is conclusively shown that $2,500 is a reasonable settlement on the part of the Government of the United States for the property of this man, which the Government took from him and which it appropriated for Government purposes. I do not believe that I have a right to take your property, Mr. Chairman, unless I pay you what it is reasonably worth, and that is a principle of law which no man will deny. I do not believe that the Government of the United States should be permitted to take the property of its citizen and appropriate that property to its own use without paying for it any more than that one citizen should take the property of another citizen without paying for it. The law is if a man takes and appropriates to his own use property of another he shall pay that other its reasonable value, and the War Department says the reasonable value of the property taken by the Government of the United States from this man and appropriated to the use of the Government is $2,500. That being true, this claim ought to be paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. RUCKER of Colorado) there were—ayes 16, noes 26.

So the amendment was rejected.

Mr. POU. Mr. Chairman, I move to amend by striking out the words "one thousand five hundred" and inserting in lieu thereof the words "two thousand."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 9, strike out the words "one thousand five hundred" and insert in lieu thereof the words "two thousand."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

PAYMENT OF GOVERNMENT EMPLOYEES FOR INJURIES RECEIVED.

Mr. POU. Mr. Chairman, I move that the committee now proceed with the consideration of the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

The motion was agreed to.

Mr. POU. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That $61,555.74 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in the discharge of their duties, without any fault on their part, and to pay certain other claims arising under the various departments of the United States Government as hereinafter stated, the same being in full, and the receipt of the same being taken in each case as full and final release and discharge of the respective claims, namely.

With the following committee amendments:

Page 2, line 1, strike out the word "and."

Page 2, line 2, strike out the word "being" and insert in lieu thereof the words "to be."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The Clerk read as follows:

To pay $3,000 to Emma H. Ridley, wife of the late Dr. George V. Ridley, who lost has life January 7, 1907, in the discharge of his duties in the Canal Zone while in the employ of the Isthmian Canal Commission, said sum being equal to one year's pay at the rate of compensation being paid him at the time of his death.

Mr. STEPHENS of Mississippi. Mr. Chairman, I move to strike out the paragraph just read, being on page 2, beginning on line 17 and concluding on line 23.

I dislike always to oppose the committee of which I am a member, but I gave notice when this matter was before the committee that it was my purpose to oppose this paragraph when it came up for consideration in the House. This Congress has paid, or is preparing to pay, a good many claims against the Government. Most of those meet my approbation. I have voted that certain persons employed by the Government, who were injured in the course of their employment, should be paid a year's salary, and in some cases more. My reasons for that action were that if the party injured had been in the employ of a private corporation he would have had a right of action based on the injury received, and could have recovered in a court of law. In this case, however, we have an entirely different matter.

Mr. Chairman, this man was a physician in the employ of the Government. He took the risks incident to his employment. I have voted, as I say, that other men who were injured in the employ of the Government should be paid, because if they had been injured while in the service of a private corporation they could have recovered. But in this kind of case no such right of action or right of recovery existed. He was a physician there in the employ of the Government and while performing an autopsy he contracted a disease, and from that disease died. Now, Mr. Chairman, we ought to be fair, we ought to be just; but we ought not to be more than fair and more than just,

because the money comes out of the Federal Treasury. I am in favor of this physician being placed upon the same basis as any other physician and as every other physician in this land. Suppose this doctor had not been employed by the Government and had gone out in his private practice and performed an autopsy and contracted a disease, would any right of action have accrued to him or to his family? Not at all. If any physician in the country exposes himself and contracts a disease which causes his death, his widow and children have no right of action for damages nor can they look to the Government for aid. If a physician engaged in private practice had died under exactly the same circumstances as Dr. Ridley, his wife could have recovered nothing. It is remarkably strange to me that Members of Congress think that the whole legal or equitable status of the case is changed simply by the fact that this man was employed by the Government.

I insist, Mr. Chairman, that this claim ought to be considered just in the same way that any claim might come to a physician engaged in his private practice.

Mr. GARNER. Will the gentleman yield?

Mr. STEPHENS of Mississippi. I do.

Mr. GARNER. Is the gentleman a member of the Committee on Claims?

Mr. STEPHENS of Mississippi. I am.

Mr. GARNER. Is this the only item in this bill that the basis of recovery is not considered from the standpoint of the right to recovery if the beneficiary had been working for a corporation?

Mr. STEPHENS of Mississippi. Why, I think so.

Mr. GARNER. In other words, it is an exception?

Mr. STEPHENS of Mississippi. Yes; an exception.

Mr. GARNER. To the items contained in this bill.

Mr. STEPHENS of Mississippi. I think that is true.

Mr. RAKER. Will the gentleman yield for a question?

Mr. STEPHENS of Mississippi. I will.

Mr. RAKER. The gentleman being upon the committee and having heard this matter discussed, what is the real basis of the contention that this doctor is entitled to this allowance?

Mr. STEPHENS of Mississippi. Why, the matter has been pressed by some one who seems to be especially interested in this claim, and it has been considered by the committee. I have no criticism, of course, to any member of the committee, but I think that the matter of sentiment enters very largely into it.

Mr. RAKER. What I meant was I understood that Dr. Ridley was an attending physician at the hospital.

Mr. STEPHENS of Mississippi. Yes; he was on the Panama Zone.

Mr. RAKER. And at the hospital; and after attending upon several patients he himself took down with the same disease, pneumonia I think it was, and died.

Mr. STEPHENS of Mississippi. Yes; he was performing an autopsy, and the body was full of pus, and it burst, and his face became bespattered with the pus and he contracted some kind of pneumonia that I never heard of before—incipient pneumonia, I think it was—and he died in a few days after the pus struck his face.

Mr. GARNER. To make the situation perfectly clear to the committee, your position is this: That the Congress ought not to pay a claim where the person doing work for the Government would not have the right to recovery in case he was working for a corporation, and this is an exception?

Mr. STEPHENS of Mississippi. Yes.

Mr. GARNER. And, of course, if we pass this it will set a precedent for paying all claims, regardless of whether or not the law compels corporations to pay them.

Mr. STEPHENS of Mississippi. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, I merely want to say a word. I do not think that this claim is an exception. This physician lost his life without any fault on his part from an accident pure and simple, just as we have reported——

Mr. MONDELL. What sort of an accident?

Mr. POU. I am going to explain in a few minutes—where we pay an injury where the blame could not be put on either side. Now, this man was a physician, a pathologist at the Ancon Hospital. He was ordered to perform an autopsy, and while he was performing that autopsy the pus spurted in his face. Shortly thereafter he contracted the same disease from which the deceased lost his life, and the superintendent of the Ancon Hospital reports that, in his opinion, this doctor contracted the disease by reason of the accident. Now, there was no fault on the part of the physician, and the Committee on Claims, as I understand it, has not undertaken to bind itself by any hard and fast rule. The only question that appeals to the Committee on Claims is whether the payment is just and right and this physician was in the discharge of his duties.

Mr. BOWMAN. Will the gentleman yield?

Mr. POU. Yes.

Mr. BOWMAN. May I ask if this principle did not guide the committee, that this doctor was there acting in a certain sense as a soldier to protect others from that disease and in his endeavor to observe the cause of the disease he contracted the disease and died in the line of his duty?

Mr. POU. Certainly the suggestion of the gentleman is a good one, and he puts it in better form than the committee did. No doubt that is one of the considerations that prompted the committee to act.

So you have these facts.

Mr. RODDENBERY. If this death had occurred subsequent to May 30, 1908, would the physician have been entitled under the general law relating to accidental death?

Mr. POU. I suspect not. I want to say to the gentleman that the Committee on Claims is not following the law of 1908, because it is not a just law. It is a travesty on justice in a number of instances. We are trying to blaze away for a new era in this country. I take the position that the Government ought to pay every man who is injured in its service, or his dependent relatives when he loses his life in the service, without any fault on his part. The day is coming, and coming very shortly, when no man may think he can stand in opposition to that.

Mr. RODDENBERY. Does the gentleman maintain that by these special private bills he can accomplish the end he desires, or is that the way in which to compensate justly?

Mr. POU. I have just stated that the Committee on Claims took each case and considered it upon its own merits. If it believed that the claim was just and right against the Government the Committee on Claims allowed it, and I was simply expressing my own sentiments with respect to the payment of these claims about which I have been talking. So in a nutshell the matter was just this: This man was in the performance of duty. He lost his life without any fault on his part in the line of duty, and we have allowed him one year's pay, and I fail to see any difference in this injury and that in the case of a man who is injured by machinery where the blame can not be put upon either side. In other words, a pure accident.

Mr. HAWLEY. Are there not other instances where claims of this character have been paid?

Mr. POU. I think there are two or three other cases.

Mr. RAKER. I find in the report of the Isthmian Canal Commission, on page 12, in the committee's report, referring to Dr. Ridley, that he had been on the Isthmus at the time of his death for nearly two years without being able to get his leave, and owing to such conditions he was physically unable to throw off the disease when it was contracted. Now, the position taken by the chairman of the committee as to the doctor attending the patients at the hospital is that if in his doing his regular work he should contract a disease from which he should die then the Government should pay——

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. RAKER. Mr. Chairman, I ask that he be given one minute longer, so that he can answer my question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. And that this same principle would apply to any working man or woman in or about the hospital where the disease could or would be contracted, and therefore if they might get it, then the Government should likewise pay for their deaths. I can see no difference in these cases, and both cases should be considered alike and payment made.

Mr. POU. I think not. The superintendent of the Ancon Hospital reported that the spurting up of the pus—which is almost too disgusting to talk about here—was the cause of his losing his life.

Mr. RAKER. I did not find that in the report.

Mr. POU. That was the fact, though.

Mr. RAKER. There were peculiar and particular conditions in this case.

Mr. POU. I will say to the gentleman that the report is not as full as we should have had it.

Mr. STEPHENS of Mississippi. Will the gentleman yield? This person is not the only one who died of that disease there. Does not the report say it was a virulent kind of disease?

Mr. POU. I do not know. I can not answer that question.

Mr. STEPHENS of Mississippi. And it was shown that it might have been contracted if the patient had not been treated?

Mr. POU. I move that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POU. Mr. Chairman, at the time I made the motion I was not aware of the fact that my colleague on the committee [Mr. GREEN] desired to be heard. I ask that the time be made eight minutes instead of five, and that five minutes be allowed to the gentleman from Georgia [Mr. RODDENBERY], and that my colleague on the committee [Mr. GREEN] be allowed three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Chairman, in this case the physician, according to the contention of the honorable chairman of the committee, stands on a footing of having contracted a disease accidentally, which produced his death, contending therefore that the death resulted from an accidental cause. The alleged accident was that in the discharge of his duty a sputum of some sort was emitted, and from contact with it he contracted the disease from which he died. The report discloses that a very virulent type of pneumonia was prevailing at the time among the employees, and numbers contracted it. Upon the line of the argument of the gentleman, the other employees in the zone who, in line of their duty, contracted the disease were just as much accidentally brought to their death as was the physician. It is too radical a departure, and opens the way by such a precedent to make the Government liable for too great a number of private claims, to permit the innovation without a quorum voting. If this physician had come to his death since May, 1908, in the alleged accidental manner, his wife could not recover under the law. I therefore shall feel constrained to insist on having a quorum present on establishing such a far-reaching new standard and precedent for future liability.

The physician in the discharge of his duty contracted from his patients this virulent disease. The other employees on the zone in the discharge of their duties also contracted this virulent disease and numbers of them died. Now, if upon the theory announced by the gentleman as representing the committee the physician, drawing $3,000 a year, is entitled to have his dependents compensated, the other employees, drawing $20, $40, and $50 per month, by coming into contact with the same virulent disease while in the discharge of their duty, are entitled to have compensation extended to their dependents. They are not found in this bill; and, gentlemen, the chairman of the committee announces that it is covered by no general law, but that the committee, recognizing the trend of sentiment and public justice, propose to set a precedent and perform justice in this and similar cases. If so, they might as well extend it to these other lower-salaried employees; and I would be glad if the distinguished member of the committee on the minority side, when he comes to utilize the three minutes he has asked for, will distinguish and explain to the committee why the physician at $3,000 a year, when he contracted a disease in the discharge of his duty, should be compensated, while the other less-favored employees on the zone, also in the discharge of their duty, who are thrown in contact with the same virulent disease, are not entitled also to be the recipients of special compensation by special acts of this character. I deem it proper to announce to the committee that if it undertakes to carry out the established precedents by providing for persons who could not recover anterior to 1908, but who could have recovered if they had been injured since the enactment of the law of 1908, I shall make no point; but if they undertake, in the language of the chairman of the committee, to set a new precedent and a new standard authorizing recovery, as is proposed in this case, it should take at least a quorum with which to do it.

Mr. GREEN of Iowa. Mr. Chairman, I doubt whether the distinguished gentleman who has just spoken fully understood the statement of the chairman of the committee. If he did, the chairman of the committee does not fully express the reasons that I had for the approval of this claim when I made this report.

It is true that there is no law authorizing the payment of these claims, for the reason that the Government compensation act did not go into effect until 1908, and each one of these matters that pertains to injuries received on the Isthmus of Panama occurred prior to that time.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from California?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. How many died of the same disease, approximately, when the doctor died?

Mr. GREEN of Iowa. The committee has no record of that. I am unable to answer the gentleman's question.

Mr. TURNBULL. Was not the physician required to make these autopsies at the time?

Mr. GREEN of Iowa. Yes. I was just coming to that. This doctor was assigned to what the committee thought to be an extremely dangerous and special duty, namely, the duty of making autopsies on those parties who had died of this virulent type of pneumonia, an exceedingly infectious disease, as the testimony taken before the committee showed. Having been assigned to this dangerous duty, the committee thought he was entitled to be classed among those who were engaged in hazardous employments, according to the language of the act, and the committee believed that those who received injuries prior to the enactment of the compensation act of 1908 should be placed in the same status and have the same standing as those who received injuries since that act was passed. And, believing that this physician was engaged, by direction of his superiors, in a hazardous and extremely dangerous duty when he was making these autopsies, the committee thought he ought to receive compensation in the same manner.

Mr. STEPHENS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. GREEN of Iowa. Yes.

Mr. STEPHENS of Mississippi. I understood the gentleman to say a moment ago that there was nothing to show the occurrence of other deaths from pneumonia at this time.

Mr. GREEN of Iowa. No; nothing to show the number of them.

Mr. STEPHENS of Mississippi. There is nothing in this report, I think, that shows how many there were. It says, "Many autopsies were required of this character," indicating that there were many deaths from this type of pneumonia.

Mr. GREEN of Iowa. There were a number, but I could not say how many.

Mr. STEPHENS of Mississippi. The report says there were many. Of course, how many we do not know.

Mr. GREEN of Iowa. These claims were allowed regardless of whether or not negligence was shown on the part of the other employees of the Government. That is frequently to be shown by the terms of the compensation act, and in most of these claims which were found in this bill for injuries received on the Isthmus of Panama there was no negligence shown on the part of the Government or its employees.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GREEN] has expired. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. STEPHENS].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STEPHENS of Mississippi. A division, Mr. Chairman.

The committee divided; and there were—ayes 12, noes 20.

Mr. RODDENBERY. Mr. Chairman, I make a point of no quorum.

Mr. POU. Mr. Chairman, I ask unanimous consent to eliminate from the bill this paragraph, extending from line 17, page 2, to line 23, inclusive.

Mr. RODDENBERY. Mr. Chairman, I object. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] makes the point of no quorum present. The Chair will count.

Mr. RODDENBERY. Mr. Chairman, I will withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Georgia withdraws the point of no quorum. The gentleman from North Carolina [Mr. POU] asks unanimous consent to eliminate from the bill the paragraph beginning on line 17, page 2, and extending to line 23, inclusive. Is there objection?

Mr. AINEY. I object.

Mr. RODDENBERY. Mr. Chairman, then I renew the point that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia renews the point of no quorum.

Mr. SIMS. I move to strike it out. The other was a matter of unanimous consent.

Mr. RODDENBERY. I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the paragraph, commencing with line 17, page 2, and ending with line 23 on the same page.

Mr. MICHAEL E. DRISCOLL. I make the point of order that that has already been voted on.

Mr. SIMS. Then I will move to strike out the word "thousand."

Mr. AINEY. I withdraw my objection to the request of the chairman of the Committee on Claims.

The CHAIRMAN. Does the gentleman from North Carolina renew his request?

Mr. POU. Yes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to strike out the paragraph beginning with line 17 on page 2 and ending with line 23. Is there objection?

Mr. MICHAEL E. DRISCOLL. Reserving the right to object, I should like to ask the gentleman why he wants to strike it out.

Mr. POU. Because there is a different principle involved in this, and I will say to the gentleman that it is the intention of the committee to bring this in as a separate bill. I want to put this bill through to-night if I can.

Mr. MICHAEL E. DRISCOLL. But you have got it in this bill now.

Mr. POU. That is true, but the point of no quorum is threatened, and we are practically at the mercy of any gentleman who wants to make the point of no quorum. There are so many items in this bill about which there is no controversy that I should like to have it put through to-night if I can.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CANNON. I will suggest that if the bill is amended in the committee by striking out the paragraph it will be in order to move in the House to reinsert it.

The CHAIRMAN. There being no objection, the paragraph is stricken out, and the Clerk will read.

The Clerk read as follows:

To pay $1,375 to Marcellus Troxell, as compensation for the loss of a leg while in the discharge of his duties in the Canal Zone on April 7, 1908.

Mr. POU. Mr. Chairman, I move to strike out on page 3, from line 9 down to and including line 12. I will state that that is erroneously in the bill. It was not called to the attention of the committee to be acted upon, but it is a fact that that man's bill passed during the last session, and he has got his money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. POU].

The question being taken, the amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee with reference to an item we have just passed to pay to Pedro Sanches a compensation of $1,200 for the loss of both hands. How did that accident occur? Was it through any fault of his?

Mr. POU. I do not think there was any fault on his part. The bill which he authorized to be introduced here only asked for $600, and we increase the amount, because we thought it was right and just to do so.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

To pay $1,500 to Benjamin Demorest, for the loss of a leg on the U. S. lighthouse tender *Oleander*, on the Mississippi River.

With the following committee amendment:

In page 3, line 20, after the word "for," insert the words "personal injuries and."

The amendment was agreed to.

Also the following committee amendment:

Page 3, line 21, insert at the beginning of the line the words "while employed."

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The chairman of the committee moves to strike out the lines referring to the claim of Marcellus Troxell. I notice on page 10 of the report is a copy of a bill which contains a number of the claims in this bill, and among others the claim of Marcellus Troxell. Is that the bill which became a law, and under which Troxell was paid his money?

Mr. POU. The bill became a law during the Sixty-first Congress. It was a separate bill introduced by the gentleman from West Virginia, Mr. Woodyard, and I looked up the law myself with Mr. Sabine, and we found the statute. It was approved, and the money has been paid.

Mr. MONDELL. The bill printed in the report has not become a law, then?

Mr. POU. Oh, no.

Mr. HAWLEY. That is a bill of this Congress and this session.

Mr. MONDELL. I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

To pay $5,000 to Theodore E. Rollett, for injuries received while serving as quartermaster on the lighthouse tender *Marigold*, which injuries crippled and wholly incapacitated said Rollett for any manual labor during the remainder of his life.

Mr. AUSTIN. Mr. Chairman, I would like to have an explanation. It appears that we are paying this claimant $5,000, and in the previous case only $1,200. Now, why is it that we pay $5,000 in one case, and in the two cases following the Rollett case, $800 to John Moynihan and $1,500 to Robert Coggan?

Mr. POU. I will say to the gentleman that the difference in the amount was varied because of the difference in the degree of helplessness. Now, this man was crippled and wholly incapacitated for any manual labor during the remainder of his life. The injuries were incurred without his fault or negligence and solely through a defective track used for the carriage of a car on which he was riding in connection with the performance of his duties, and through the improper handling of the cable attached to the car. As I recollect, this man is absolutely helpless.

Mr. AUSTIN. I am not complaining of the amount; I would vote to double it. But what I want to know is, What is the basis on which you fix the amount of damage for a permanent injury in one case at $1,200 and another case at $1,000 and in another case $5,000? Is it a year's salary?

Mr. POU. No; of course we took into consideration the salary.

Mr. AUSTIN. Well, take this $800 case.

Mr. POU. To which case does the gentleman refer?

Mr. AUSTIN. To the Moynihan case. That is an injury which resulted in total helplessness, and $800 is recommended. It is for the loss of both hands. I understand that it is the man who fell down the elevator in the Kansas City post office.

Mr. POU. The difference is this: In Moynihan's case the injury resulted in paralysis of both arms. In the other case the man is totally helpless, is compelled to lie on an inclined plane, and has to be fed with a spoon by a nurse who has to attend him. In the other case the man, as I recollect, goes about his business, but to a certain extent has lost the use of both arms.

Mr. AUSTIN. But here is a man with both hands blown off by a premature explosion, through no fault of his own, and we only give him $1,200. That man is just as helpless as the man who was paralyzed and is allowed $5,000.

Mr. FRANCIS. That man that the gentleman speaks of only asked for $600.

Mr. AUSTIN. Well, suppose he only asked for $25, would that relieve us from a sense of justness and fairness in giving him what he is entitled to?

Mr. FRANCIS. Would you give him $2,500 if he did not ask for it?

Mr. AUSTIN. Yes; if he was entitled to it. I would not dishonor myself by voting $25 or $600 to a man permanently injured.

Mr. FRANCIS. This man resides in Spain, and all he asked for was $600.

Mr. AUSTIN. I do not care where he lives. I want to know how and why here in one case you give $800 for a permanent injury and in another case $1,200 and in another $5,000. Why should not all these cases be settled on the same basis and by the same standard?

Mr. FRANCIS. If the gentleman from Tennessee will search the records of the courts of his State he will find that in the thousands of awards of damages by jurors there are more discrepancies than he will find in this bill here. He ought not to expect to draw these cases out of a basket as you would eggs and find them all alike. The committee has gone over these cases carefully and thoroughly, looked into the evidence and all the attending circumstances, which can not be put into a report. They have looked into the merits of each claim separately. We have taken them up carefully and gone through them and have found that there is a difference in them, and have awarded in each case such sum as the committee thought was just and fair. The party to whom the gentleman refers is a Spaniard. He lives now in Spain, and he sent over here a claim for $600. Six hundred dollars in his country is more than $1,200 in ours. We did not want to put our hands in the Treasury to give him any more money than he asked for.

Mr. AUSTIN. Well, Mr. Chairman, let us see.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. The Chair means to state that my time has been exhausted by a member of the Committee on Claims.

The CHAIRMAN. The Chair is not responsible for that.

The Clerk read as follows:

To pay $800 to John Moynihan for personal injuries received from a defective elevator in the United States post-office building in Kansas City, Mo., said injuries resulting in paralysis of both arms.

Mr. AUSTIN. Mr. Chairman, I move to increase the amount from $800 to $2,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "eight hundred" and insert in lieu thereof the words "two thousand."

Mr. AUSTIN. Mr. Chairman, it seems to me from the statement made by the gentleman who was answering my question a few moments ago that the basis in the particular case he cited was the fact that the claimant was living in Spain, and that he asked for only $600. Here is the case of an American citizen, a citizen of Missouri, who was injured in an elevator shaft, and it is proposed to give him $800 for a permanent injury. In a case that we have just passed on we voted $5,000 for a permanent injury, and then in another case we are told that this committee is restricted in these amounts on account of the Government's general liability law, passed in the Sixtieth Congress. Yet there are a number of instances where the committee has not followed the Government's general liability law for allowing to the party injured a year's salary, but they have exceeded that amount.

Mr. FRANCIS. Does the gentleman want us to follow that law?

Mr. AUSTIN. But the gentlemen on the committee have, in defense and in explanation and in answer to my questions respecting certain insignificant sums recommended here, stated that the committee is following the Government's general liability law, passed by a Republican Congress. I pointed the gentleman to the fact that the committee is ignoring the Government's general liability law in a number of these cases, and if it can be done in a number of cases, and the amount can be brought up to $5,000 for a permanent injury in one case, why can it not apply that same rule to all other cases where there are permanent injuries, and especially in the case of where a man has lost both of his hands?

Mr. FRANCIS. But the gentleman has known of men who have gone into court, men of affairs and money, and who have recovered as much as $5,000 for the loss of an arm, and he has also known of men who were common laborers who have gone into court and for the loss of an arm would get five or six hundred dollars or maybe $1,500. Is not that true?

Mr. AUSTIN. I do not know of a single case where an employee or a mechanic was voted by an honest jury $500 for the loss of a hand or an arm or a foot, where he suffered the injury through no fault of his own. I do not believe that any jury in the gentleman's district or in mine would dare bring in a verdict of such an amount, and I do not believe there is a man in this Congress who would dare in his own town or district or State bring in a verdict for $1,000 in any case where a man lost his life through no fault of his own. I think an outraged public sentiment would drive that man not only out of public life but out of the community in which he lives. Yet we are supposed to be the jurors in these cases, and these helpless cripples and these poor widows and orphans of mechanics and laboring men are looking to the 400 sworn officials of the Government, the lawmakers of the land, to give them equal and exact justice, and that is not what we are doing when we vote $1,000 for the loss of a human life or $1,500 for the maiming of a workingman who lost both his hands through no fault of his own.

Mr. FRANCIS. The committee has possibly as much sympathy for the workingman as the gentleman from Tennessee. They probably would be as ready to go down into their own pockets and pay the workingman for any injury he might have sustained, but they are not quite as willing to go into the United States Treasury and lavish upon any claimant such an amount as he may ask at the hands of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To pay $325 to the dependent parents of James J. Feeny, Brooklyn, N. Y., as compensation for injuries received at the Brooklyn Navy Yard May 24, 1910, while in the discharge of his duties; said sum equals one year's pay at the time the accident occurred, and the said James J. Feeny has died since the introduction of the bill for his relief on February 7, 1912.

With the following committee amendments:

Page 4, lines 16 and 17, after the word "to" following the word "dollars," insert the words "Patrick Feeny."

Line 17, strike out the word "parents" and insert the word "father."

Line 18, after the word "York," strike out all of line 18, and all of lines 19, 20, 21, 22, 23, and 24 and insert in lieu thereof the words "who died as a result of injuries received in the discharge of his duty at Brooklyn Navy Yard, May 24, 1910; the said sum being equal to the amount the said James J. Feeny would have received for one year's services at the rate he had been paid when so employed.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. AUSTIN. Mr. Chairman, I understood the gentleman in charge of this bill to state the other day that he would offer an amendment to increase this amount.

Mr. POU. Yes; the Clerk has the amendment, and I will ask him to report it.

The Clerk read as follows:

Page 4, line 16, amend by striking out the words "three hundred and twenty-five" and inserting in lieu thereof the words "seven hundred and fifty."

Mr. AUSTIN. Mr. Chairman, I move to amend by making that $3,000.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "seven hundred and fifty" and inserting in lieu thereof the words "three thousand."

Mr. AUSTIN. Mr. Chairman, I believe the proof in this case showed the father of this boy had expended some $300 for physicians' bills, drug bills, and so forth, in connection with the accident which resulted in his son's death and I believe also the proof shows that this boy was aiding in the support of his father. Now, the amendment offered by the chairman of the committee is to place a value of $750 on the life of this boy who worked in the New York Navy Yard.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to make it $1,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out "seven hundred and fifty" and inserting in lieu thereof the words "fifteen hundred."

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. AUSTIN) there were—ayes 7, noes 17.

So the amendment to the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to strike out "seven hundred and fifty" and insert "one thousand," and I am going to have a quorum here on that proposition.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "seven hundred and fifty" and inserting in lieu thereof the words "one thousand."

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. AUSTIN) there were—ayes 19, noes 21.

So the amendment to the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I move to amend the amendment by making the sum $999.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "seven hundred and fifty" and inserting in lieu thereof the words "nine hundred and ninety-nine."

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. FOWLER) there were—ayes 13, noes 25.

So the amendment to the amendment was rejected.

The CHAIRMAN. The vote now recurs on the original amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by striking out all of line 1, page 5, after the word "ten" down to and including the word "employed" in line 4, page 5.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $27 to W. H. Carter, of Wilkes County, N. C., in full compensation for services and expenses incurred as brandy gauger during December, 1897.

Mr. POU. Mr. Chairman, I ask unanimous consent to return to page 5, line 19, and insert in line 19, before the words "Peter Deel," the words "legal representatives of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 19, insert, after the word "to," the words "legal representatives of."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add, at the end of the last line as a new section, the following:
"*Provided*, That no part of this appropriation shall be paid to any person on account of injury or death of any employee, except when such injured or deceased employee was at the time of such death or injury a citizen of the United States."

Mr. RODDENBERY. Mr. Chairman, the purpose of this amendment is to limit the appropriation to such persons as were citizens of the United States at the time the injury is sustained, or to the representatives of such deceased persons as were citizens of the United States at the time of injury resulting in death. It appears by this bill and report that Pedro Sanches, a laborer, a citizen of Spain, in 1907, or some other time, received while employed by our Government an injury, and there are other instances in the bill where laborers from other countries while working in the Canal Zone likewise received injuries, and Congress is providing by a special bill to compensate them for the injuries sustained. Now, if this item were for an injury since May, 1908, it would be legally justified; but when these employees, laborers and other persons, engaged their services to the United States prior to May, 1908, they did it with full knowledge that there was no law in this country which would entitle them to any compensation for injuries to themselves or compensation to their dependents if death might come to them.

I perceive no right and no duty in the Congress of the United States, in cases where there is no statute providing it, to put alien laborers and alien employees on the same footing with injured or deceased citizens of the United States.

Mr. GREEN of Iowa. The gentleman is aware they are so put by the present law?

Mr. RODDENBERY. By the present law; and I have stated if it were under any general law the objection might not obtain, but now the Congress in special cases is going beyond and outside of any general statute in recognizing what gentlemen call a moral obligation. We go behind the statute and provide for compensation. If we go behind any statute we should confine it, in my judgment, to citizens of the United States. I see no reason why we should go out of the citizenship of our country to appropriate from the Treasury of our people to pay Spaniards, Italians, and other foreigners. They left their own country, where they could neither find labor nor bread, and to obtain employment came to our possessions, which the money of our people have made wholesome and habitable, and where they obtain a salary equal to three times what they could get in their own country, and under better conditions than they could get at home. While thus employed they sustain an injury, and we are asked to pass an act by Congress to pay them for injuries sustained or damages to their dependents in case of death.

I submit to you that such legislation would not receive the approbation of the people of this country whom we represent. It is not founded in justice or wise public policy, and there is but slight precedent for it.

The amendment I offer will not affect any appropriation in this bill for a citizen of the United States who sustained an injury as such citizen or who lost his life as such citizen, nor will the amendment relieve the United States from liability where the injury or death results from negligence or fault of the Government. If the amendment is adopted it means that Congress will say, "We will not tax the people of the United States to pay compensation in the nature of damages to Spaniards, to Italians, to Turks, to imported negroes, and to every other class of alien people who come across the Gulf or across the ocean seeking employment at the hands of our inviting and beneficent Government."

I hope the committee will adopt the amendment.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. POU. Mr. Chairman, I see no reason why the Government of the United States should treat a foreigner differently in this respect than its own citizens. I will say that this man was very badly injured. He had to be deported by the Government. The State Department is very anxious that this claim be allowed. It has been the subject of diplomatic correspondence for three years between the two countries.

I move that all debate on the bill and all amendments thereto do now close.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

Mr. POU. Mr. Chairman, I move that the bill, together with the amendments thereto, be laid aside with a favorable recommendation.

Mr. ROBERTS of Nevada rose.

The CHAIRMAN. For what purpose does the gentleman from Nevada [Mr. ROBERTS] rise?

Mr. ROBERTS of Nevada. I wish to offer an amendment by adding a new section. It is at the request of the officials of the Forestry Department, and is for a small amount.

The CHAIRMAN. Will the gentleman from North Carolina [Mr. POU] withhold his motion? The gentleman from Nevada was on his feet and the Chair recognized him at the time. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section at end of bill:
"To pay to Joe Cook, of Manhattan, Nev., a balance due him from the United States on account of the erection of a ranger's headquarters on the Toiyabe National Forest, under contract with the United States for the construction of a building costing $922.25, which contract was, after the completion of the building, held to be invalid as to the excess above $500, by the Comptroller of the Treasury, the sum of $422.25."

Mr. POU. Mr. Chairman, I make the point of order that a motion has been made and carried, closing the debate on the bill and all amendments thereto.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] is right in that; but that does not shut out amendments. All debate has been closed on the paragraph and the amendments.

Mr. ROBERTS of Nevada. This is a new amendment, Mr. Chairman. I ask unanimous consent for just two minutes.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent for two minutes in which to discuss his amendment.

Mr. POU. How much time does the gentleman wish?

Mr. ROBERTS of Nevada. I do not believe I will take more than two minutes.

Mr. POU. If he will not make it more than three minutes, I will not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Nevada. Mr. Chairman, I wish to say to the committee that the officials of the Forest Service have been trying for some time to see that this poor man, Mr. Cook, of Manhattan, Nev., gets the balance that is due him, $422.25. This amendment that I have offered is an outline amendment which was sent to me for my guidance.

Mr. DICKINSON. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Nevada yield to the gentleman from Missouri?

Mr. ROBERTS of Nevada. Well, I have only three minutes.

Mr. DICKINSON. One question. Has any bill ever been introduced for this claim?

Mr. ROBERTS of Nevada. No; there has not been. But Mr. Potter, the Assistant Forester, wrote this letter which I hold in my hand and prepared the text of the amendment which I have offered here. They have been trying to find a way to pay this man what is due him. The Solicitor ruled that it was impossible to pay him because this contract could not go above $500. But the United States entered into a contract with Mr. Cook to build this house, and he built the house, and they paid him $500; but under the law the Solicitor could not pay him any more, notwithstanding the fact that the Government entered into a contract with him signed by the Assistant Secretary of the Interior, and Mr. Cook performed his work. They paid him, I say, $500, but they could not pay him any more. I ask that this amendment be adopted in justice to this man who has performed the work and who is without fault in the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. ROBERTS of Nevada. A division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 29.

So the amendment was rejected.

Mr. POU rose.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] is recognized.

Mr. POU. I move, Mr. Chairman, that the bill H. R. 23451, with amendments, be reported to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on agreeing to that motion.

The motion was agreed to.

Mr. POU. Mr. Chairman, I make the same motion with respect to the bill 24121. That is the second bill.

The CHAIRMAN. The question is on agreeing to that motion.

The motion was agreed to.

Mr. POU. I now move, Mr. Chairman, that the committee rise and that both bills, H. R. 23451 and H. R. 24121, with amendments, be reported to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] moves that the committee do now rise and that the bills H. R. 23451 and H. R. 24121, with amendments, be reported to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole, reported that that committee had had under consideration bills on the Private Calendar and had instructed him to report back to the House the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, with sundry amendments, and also the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, with sundry amendments, with the recommendation that the amendments be agreed to, and that the bills as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole reports that that committee has had under consideration House bill 23451 and House bill 24121, with sundry amendments to each of them, and reports them back with the recommendation that the amendments be agreed to, and that the bills as amended do pass. The Clerk will report the first bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POU, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POU, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder;

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; and

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated.

S. 3459. An act for the relief of Erskine R. K. Hayes; to the Committee on Claims.

S. 6565. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona; to the Committee on Public Buildings and Grounds.

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

S. 6977. An act granting pensions and increase of pensions to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

HOUSE BILL REFERRED.

The following House bill, with Senate amendments, was referred to the Committee on Ways and Means:

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

INTERNATIONAL OPIUM CONVENTION (S. DOC. 733).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State covering the report of the American delegation to the International Opium Conference held at The Hague from December 1, 1911, to January 23, 1912.

In submitting this report the Secretary of State makes certain recommendations regarding bills now before the Congress for the control of our foreign and domestic traffic in habit-forming drugs. I have several times called the attention of the Congress to the necessity for the passage of the proposed measures, and I now indorse the view of the Secretary of State that the Congress should promptly pass these measures, more especially because this Government took the initiative and has been generously supported by 12 other Goverments in its efforts to mitigate, if not entirely suppress, the world's opium evil.

Inasmuch as the international opium convention and its protocol de cloture, signed at The Hague by representatives of the United States, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, and Siam, have been given publicity by the conference and by the signatory Governments, it is deemed not improper to accompany the report with authentic copies of them.

I am not able at the present moment, however, to ask the advice and consent of the Senate to the ratification of the convention, for it is provided by the final articles of the convention that ratification is to depend upon the Netherlands Government securing, by the 31st of December next, the supplemental signatures of 34 States named in article 22 of the convention, and that in case the signatures of all the powers invited to sign the convention shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications. It is my hope and belief that the Netherlands Government will secure the necessary signatures to the convention by the date fixed, and that I can then ask the advice and consent of the Senate to the ratification of the convention.

Therefore, at the present time the international opium convention and protocol de cloture are submitted to the Congress merely for its information as to the great step in advance which has been taken by 12 States in cooperation with the United States to bring the opium evil to an end.

WM. H. TAFT.

THE WHITE HOUSE, *May 31, 1912.*

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and asks for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

Mr. RUSSELL. Mr. Speaker, I also desire to call up the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and asks for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

Mr. RUSSELL. Mr. Speaker, I also desire to call up the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

Mr. RUSSELL. Mr. Speaker, I also desire to call up the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

ADJOURNMENT.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Saturday, June 1, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting, pursuant to House resolution 363, information relative to bids and contracts made with various persons and corporations under the head "Increase of the Navy" (H. Doc. No. 782); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Attorney General of the United States, transmitting, pursuant to House resolution, information relative to charges preferred against Leslie J. Lyons, United States attorney for the western district of Missouri. Certain information is withheld by direction of the President (H. Doc. No. 781); to the Committee on the Judiciary and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Olcott Harbor, N. Y. (H. Doc. No. 780); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands, reported the same without amendment, accompanied by a report (No. 810), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 1679) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 812), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter, reported the same with amendment, accompanied by a report (No. 813), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANDERSON of Minnesota, from the Committee on Pensions, to which were referred sundry bills, reported in lieu thereof the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 805), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 21526) for the relief of H. J. Randolph Hemming, reported the same with amendment, accompanied by a report (No. 806), which said bill and report were referred to the Private Calendar.

Mr. FOWLER, from the Committee on Claims, to which was referred the bill (H. R. 2461) to provide for the repayment of the ransom of Ellen M. Stone, reported the same with amendment, accompanied by a report (No. 807), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 23080) for the relief of George P. Heard, reported the same without amendment, accompanied by a report (No. 808), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5135) to correct the military record of John J. Troxell, reported the same with amendment, accompanied by a report (No. 809), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14607) authorizing the President to reinstate Gaston Lee Holmes as a midshipman in the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 811), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. STEPHENS of Nebraska: A bill (H. R. 24997) for the purchase of a site and the erection thereon of a public building at Columbus, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 24998) providing for the manner of locating lands valuable for phosphate; to the Committee on the Public Lands.

By Mr. HOWLAND: A bill (H. R. 24999) to provide for the purchase of a site for a public building in the city of Cleveland, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GOULD: A bill (H. R. 25000) providing for a preliminary examination and survey of Weavers Ledge, Bass Harbor, Me.; to the Committee on Rivers and Harbors.

By Mr. RAKER: A bill (H. R. 25001) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890,

by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. NORRIS: A bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 25003) to amend section 680 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Alabama: A bill (H. R. 25004) to provide for a naval coaling station on the western shore of Mobile Bay, in the State of Alabama; to the Committee on Naval Affairs.

By Mr. ROBINSON: A bill (H. R. 25005) authorizing the Commissioner of the General Land Office to make reconveyances in certain cases; to the Committee on the Public Lands.

By Mr. ADAIR: A bill (H. R. 25006) to provide for the purchase of a site and the erection of a building thereon at Bluffton, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25007) to provide for the purchase of a site and the erection of a public building at Decatur, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: Resolution (H. Res. 559) authorizing the payment, out of the contingent fund of the House, to Joseph McCoy the sum of $1,200 for services rendered to the Committee on Pensions; to the Committee on Accounts.

By Mr. ANSBERRY (by request): Resolution (H. Res. 560) expressing the profound regret of the House on hearing of the death of Wilbur Wright, of Dayton, Ohio; to the Committee on Rules.

By Mr. EDWARDS: Resolution (H. Res. 561) requesting, requiring, and directing the Attorney General of the United States to immediately institute an honest and thorough investigation of the Beef Trust in the United States, and directing that criminal prosecutions be at once instituted in the courts against those forming and operating such trust or monopoly; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR. A bill (H. R. 25008) granting an increase of pension to John P. Kinkead; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 25009) granting a pension to Charlotte Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25010) granting an increase of pension to James W. Tuckerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25011) granting an increase of pension to William H. Winter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25012) granting an increase of pension to Lorenzo Emmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25013) granting an increase of pension to Henry Heisserman; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 25014) granting a pension to Florence Wood Hayden; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 25015) authorizing the Secretary of War to donate to the city of Oregon, Mo., one small bronze cannon with its carriage and six cannon balls; to the Committee on Military Affairs.

By Mr. BULKLEY: A bill (H. R. 25016) granting a pension to Anna Margaret Lynskey; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 25017) granting an increase of pension to William A. Vincent; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 25018) granting a pension to Hattie Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25019) granting an increase of pension to Charles B. Kemp; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia (by request): A bill (H. R. 25020) for the relief of George F. Emblen; to the Committee on the Public Lands.

By Mr. FARR: A bill (H. R. 25021) granting an increase of pension to John W. Sanford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25022) granting an increase of pension to Seth A. Bonney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25023) granting an increase of pension to Dennis Mortimer; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 25024) for the relief of the estate of the late William P. Butler; to the Committee on War Claims.

By Mr. GOULD: A bill (H. R. 25025) granting an increase of pension to Hollis Tibbitts; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 25026) granting an increase of pension to Rufus G. Blanchard; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 25027) to correct the military record of Columbus Shannon; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 25028) to correct the military record of Wade W. Barber; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 25029) to remove the charge of desertion against Martin Van Buren, alias Martin Van Buren McReynolds; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25030) granting a pension to Ione Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25031) granting an increase of pension to Joseph Gnau; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 25032) granting an increase of pension to Diana Clark; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25033) granting a pension to Emma L. Allberry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Confectionery Workers' International Union of America, New York, protesting against the Root amendment to Senate bill 3175, making all aliens who conspire to violently overthrow a foreign Government liable to deportation; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of the American Purity Federation, the Farmers' Union, citizens of New York, N. Y., and the Brotherhood of Railway Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United States Civil Service Retirement Association, of Washington, D. C., against passage of the five-year tenure of office clause contained as a provision in House bill 24023, and of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring continuance of the Federal Efficiency Commission; to the Committee on Appropriations.

Also, petition of William J. Shroder, of Cincinnati, Ohio, favoring passage of the Crago bill (H. R. 17470), for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., and the Jewish Community, of New York City, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Resolutions of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring continuance of the Economy and Efficiency Commission; to the Committee on Appropriations.

Also, petition of Lee A. Phelan and 20 other citizens of Newark, Ohio, against passage of interstate liquor law; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Louisiana Reclamation Club, in relation to control of waters of the Mississippi River; to the Committee on Rivers and Harbors.

Also, memorial of the Bakery and Confectionery Workers Union, No. 164, against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY (by request): Resolution of the Brotherhood of Railroad Trainmen, in convention at Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill for removal of the charge of desertion now against John L. Kelly; to the Committee on Military Affairs.

Also, papers to accompany bill granting pension to Jennie B. Wright, widow of Ichabod W. Carpenter, late of Company H, New York Heavy Artillery; to the Committee on Invalid Pensions.

By Mr. CALDER: Resolution of the Socialist Party of the tenth assembly district, Borough of Brooklyn, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Alfred E. Shipley, M. D., of Brooklyn, N. Y., favoring passage of bill for continuance of Bureau of Efficiency and Economy; to the Committee on Appropriations.

Also, petition of the William Rahr Sons Co., of Manitowoc, Wis., favoring passage of House bill 17222, relative to shipping unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance; to the Committee on Interstate and Foreign Commerce.

Also, petition of Paul E. Vernon & Co., of New York City, favoring passage of Senate bill 3462 and House bill 19857, relative to conservation of our public grazing range; to the Committee on the Public Lands.

Also, petition of M. T. Davidson Co., of Brooklyn, N. Y., against passage of the Oldfield bill for change in the present patent law; to the Committee on Patents.

Also, petition of the Allied Printing Trades Council of New York City, N. Y., and the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of House bill 20427, the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the United Wine & Trading Co., of New York City, against passage of the Works bill, relative to license for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: Petition of the Woman's Auxiliary to the Board of Missions of Protestant Episcopal Church, Mineral Point, Wis., favoring relief to the natives of Alaska; to the Committee on the Territories.

Also, petition of the Woman's Auxiliary Branch of St. Mark's Church, Milwaukee, Wis., relative to conditions of natives of Alaska; to the Committee on the Territories.

By Mr. DAVIS of West Virginia: Petition of retail merchants of Clarksburg, W. Va., against legislation seeking to abolish fixed resale prices on patented goods; to the Committee on Patents.

By Mr. DRAPER: Petition of Local No. 79, Metal Polishers International Union of North America, Troy, N. Y., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Civil Service Reform League, New York, N. Y., protesting against section 5 of House bill 24023, relative to prohibiting an appointment for a longer time than five years; to the Committee on Appropriations.

By Mr. DYER: Petition of the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Retail Druggists' Association of St. Louis, Mo., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the American Mining Congress, Washington, D. C., favoring passage of House bill 17260, providing for a Bureau of Mines; to the Committee on Mines and Mining.

By Mr. ESCH: Petition of Mineral Point (Wis.) Branch of the Woman's Auxiliary to the Board of Missions of the Protestant Episcopal Church, relative to the condition of the natives of Alaska; to the Committee on the Territories.

By Mr. FULLER: Petition of D. G. Talconer, Lexington, Ky., favoring passage of House bill 1339, granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Swedish Tabernacle, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of J. B. Greenhut, Illinois representative of the Gettysburg Fiftieth Anniversary Commission, favoring passage of Senate bill 6964, relating to the Gettysburg peace jubilee, etc.; to the Committee on Appropriations.

Also, petitions of numerous merchants of the cities of Seneca and Peru, Ill., against the enactment of any legislation to establish parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Petitions of the Lithuanian Garment Workers, Local Union No. 269, Chicago, Ill., and of the Adam Mickewecz Citizens' Club, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for the relief of the estate of the late Willliam P. Butler, of Company F, Fourth Kentucky Cavalry; to the Committee on War Claims.

By Mr. GOULD: Petition of the Maine State Board of Trade, relative to prohibiting of fishing by beam trawling; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the United States, relative to a survey of Weavers Ledge, Bass Harbor, Me.; to the Committee on Rivers and Harbors.

Also, petition of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the diocese of Maine, relative to the conditions of the natives of Alaska; to the Committee on the Territories.

Also, petition of the Quarry Workers' International Union, No. 29, of Hallowell, Me., favoring the passage of the postal-express bill; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Department Conference on Temperance of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interestate liquor bill; to the Committee on the Judiciary.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of Fixers' Union, No. 54, Biddeford, Me., favoring passage of the postal-express bill; to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Petition of Scottish Rite Masons, favoring passage of House joint resolution 271, granting permission to place insignia or emblem of fraternal societies, etc., on graves in the national cemeteries; to the Committee on Military Affairs.

Also, petition of the Southern Commercial Congress, favoring the survey of swamp lands; to the Committee on Agriculture.

By Mr. HILL: Resolutions of Lithuanians of New Britain, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWLAND: Petition of citizens of Cleveland, Ohio, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Branch No. 79, Workmen's Circle, of Cleveland, Ohio, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of Passaic County (N. J.) section of the Socialist-Labor Party of the United States, protesting against the illegal and arbitrary action of Judge Hanford; to the Committee on the Judiciary.

Also, petition of the governing board of the city of Trenton, protesting against the Pennsylvania Railroad Co. constructing a bridge across the Delaware River at Trenton, N. J., as proposed; to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of citizens of Oakland and Berkeley, Cal., favoring passage of House bill 13114, to provide old-age pensions; to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Labor Council of Greater New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of P. D. Ellithorpe, Fresno, Cal., favoring passage of House bill 1339, for increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: Resolution of the Protestant Episcopal Diocese of Washington, D. C., relative to religious garb in Indian schools; to the Committee on Indian Affairs.

By Mr. MAGUIRE of Nebraska: Petition of the Federation of Nebraska Retailers, Omaha, Nebr., favoring the passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petition of members of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the Diocese of Maine, favoring passage of a bill for the medical and sanitary relief of the natives of Alaska; to the Committee on the Territories.

By Mr. McKINNEY: Petition of business men of Monmouth, Ill., protesting against the passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Martin Van Buren, alias Martin Van Buren McReynolds; to the Committee on Military Affairs.

By Mr. MOTT: Petition of Hannibal Center Grange, of Hannibal, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Watertown (N. Y.) Chamber of Commerce, favoring passage of House bill 22589, relative to provisions of the Lowden Act; to the Committee on Foreign Affairs.

By Mr. MURRAY: Petition of Boston Typographical Union, relative to the bill to establish the half-cent piece as a unit of currency; to the Committee on Coinage, Weights, and Measures.

By Mr. PARRAN: Petition of 25 citizens, members of Long Corner Council, No. 51, Junior Order United American Mechanics, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Resolution of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of the Borough of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of New York, favoring passage of House bill 22339 and Senate bill 6172, against the stop-watch system for Government employees, and of the Allied Printing Trades Council of New York, favoring passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REES: Papers to accompany bill granting an increase of pension to Diana Clark; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of Grand Lodge of Connecticut, Free and Accepted Masons, Hartford, Conn., favoring passage of House joint resolution 271, granting permission to place insignia or emblem of fraternal societies, etc., on graves in national cemeteries; to the Committee on Military Affairs.

Also, petition of the New Haven Chamber of Commerce, New Haven, Conn., favoring the preparation and printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hartford Central Labor Union, Hartford, Conn., favoring passage of House bill 16844, requiring manufacturers' brands to appear on all food goods; to the Committee on the Judiciary.

Also, resolution of 100 workers of Wallingford, Conn., against passage of the Dillingham and other bills, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Lithuanians of New Britain, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SIMMONS: Petition of retail merchants of Wilson, N. Y., against passage of the Oldfield-Brown bills, proposing amending present patent law; to the Committee on Patents.

By Mr. SIMS: Petition of members of St. Luke's Branch of the Woman's Auxiliary of the Protestant Episcopal Church, State of Tennessee, relative to betterment of conditions for people of Alaska; to the Committee on the Territories.

By Mr. SMITH of New York: Petition of Niagara Lodge, No. 148, United States Grand Lodge, Order B'rith Abraham, Buffalo, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: Petition of Sam Lanham Camp, No. 1383, asking that the cotton tax collected after the Civil War be created into a pension fund for the soldiers and widows of the Confederacy; to the Committee on War Claims.

By Mr. STEENERSON: Petition of 31,079 farmers of the Northwest, urging repeal of the reciprocity bill; to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Merchants' Association of Butte, Mont., favoring passage of House bill 22589, for building diplomatic buildings as proposed; to the Committee on Foreign Affairs.

By Mr. WILSON of Pennsylvania: Petition of the United Trade and Labor Union of Buffalo, N. Y., asking for the passage of the Wilson seamen bill (H. R. 23673), requiring sufficient manning of all boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Patriotic Sons of America, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *June 1, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property;

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims; and

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder;

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of Juan L. Rodriguez, of Porto Rico, praying for the enactment of legislation relative to the legal status of all notaries practicing in Porto Rico as recommended in the report of the commission of the Legislative Assembly of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a resolution adopted by the State Council, Order of Independent Americans of Pennsylvania, favoring the passage of the so-called Dillingham immigration bill, which was ordered to lie on the table.

Mr. CATRON presented petitions of sundry citizens of Luna, Eddy, Chaves, Roosevelt, and Grant Counties, of New Mexico, praying for the enactment of legislation providing for two judicial districts for the State of New Mexico, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the Chamber of Commerce, of New Haven, Conn., praying for the enactment of legislation to provide for a permanent exhibit of the resources of the States in or near Washington, D. C., which was referred to the Committee on Industrial Expositions.

Mr. WARREN presented the petition of Peter Olsen and 37 other citizens of Lost Springs, Wyo., praying for the enactment of legislation providing homestead entries of 640 acres in certain States, which was referred to the Committee on Public Lands.

Mr. THORNTON presented a petition of the Young People's Missionary Volunteer Society, of Hammond, La., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

LAND AT PENDLETON, OREG.

Mr. CHAMBERLAIN. I report back favorably from the Committee on Indian Affairs with an amendment in the nature of a substitute the bill (S. 3203) to authorize the sale of certain land within the Umatilla Indian Reservation to the city of Pendleton, Oreg., and I submit a report (No. 839) thereon. I ask for the immediate consideration of the bill. I will state that my reason for making the request is that the sale of the land is for the purpose of furnishing a reservoir site for water for municipal purposes.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the city of Pendleton, a municipal corporation in Umatilla County, State of Oregon, under such terms, conditions, and regulations as he may prescribe, not to exceed 200 acres of unallotted tribal Indian lands within the Umatilla Reservation at not less than its appraised value, said lands to be used by the city of Pendleton, Oreg., for municipal waterworks purposes: *Provided*, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit, in the discretion of the Secretary of the Interior.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations I report back with amendments the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and I submit a report (No. 832) thereon.

I desire to give notice that I shall move to take up the bill Monday morning, and I hope it may be the pleasure of the Senate to proceed with it to a finish. As it is quite a long bill, with many amendments, I hope that Senators who desire to give it attention may do that meantime, so that we may proceed as rapidly as may be, on account of other appointments which have been made for next week, as shown on the calendar.

Mr. BRISTOW. When can we get copies of the bill? It is a very important bill.

Mr. WARREN. If the Senator desires a copy, I can furnish him one now.

Mr. BRISTOW. Printed, with the amendments?

Mr. WARREN. A printed copy showing the amendments.

Mr. BRISTOW. I would be greatly pleased to have a copy. I should like to have a copy at my desk and one for my office.

Mr. HEYBURN. Would it not be better to have the bill printed showing the amendments and giving such information as we usually have upon the face of the bill? We will want to give attention to it between now and the time when it is taken up, and being so lengthy a bill we, of course, can not take it up right on the moment it is before us in print.

Mr. WARREN. It is printed in the usual way and shows every amendment printed in italics.

Mr. HEYBURN. It is now printed and available to all Senators?

Mr. WARREN. It will be available immediately. It is available now as to a few copies, and the others will follow in a few moments. I presume the Senator does not desire any different plan of printing than the usual form, because every amendment is shown in italics.

Mr. HEYBURN. The only question was as to the short time that will intervene before the bill is taken up.

Mr. WARREN. If it is the pleasure of the Senate to take any more time, I can certainly afford to wait, if the Senate can, but it seems to me, with the notices given here, which run late into next week, with the long, tedious struggle that will necessarily ensue in conference, we ought, if possible, to dispose of the bill on Monday.

Mr. HEYBURN. I entirely agree with the Senator, only I thought, if the copies were available to-day, we could then take up the bill for consideration.

Mr. WARREN. The copies will be here.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on the District of Columbia, to which was recommitted the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, reported it with amendments and submitted a report (No. 833) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2451. A bill providing against the abandonment of destitute, infirm, or aged parents (Rept. No. 834); and

S. 6672. A bill to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point, beginning at the existing gas main in the Foxhall and the Conduit Roads, to the District line (Rept. No. 835).

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 3569) for the relief of Ralph Deremer, submitted an adverse report (No. 836) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 6682) for the relief of John Duggan, alias John Mc-

Carty (or McCarthy), reported it without amendment and submitted a report (No. 837) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C., reported it with an amendment and submitted a report (No. 838) thereon.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS (by request):

A bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes; to the Committee on the Judiciary.

SENATOR FROM ILLINOIS.

Mr. KERN. Mr. President, I gave notice the other day that next Monday morning I would call up the case of the Senator from Illinois as a question of the highest privilege. Since that time I have learned that there is a possibility that Senator LORIMER may be able to be here by Tuesday. In view of that, I have concluded to call the matter up on Tuesday morning instead of Monday morning, and I will address the Senate on the question at that time.

The PRESIDENT pro tempore. The notice will be changed accordingly.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property; and

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions, the morning business is closed. The Chair will call the attention of the Senate to the fact that there is a unanimous-consent order which takes effect immediately on the close of the morning business.

Mr. CULBERSON. Before that goes into effect, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McLean	Simmons
Bacon	Dillingham	Martin, Va.	Smith, Ariz.
Borah	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Foster	Myers	Smoot
Bradley	Gallinger	Nelson	Stephenson
Brandegee	Gronna	Oliver	Sutherland
Bristow	Heyburn	Overman	Swanson
Brown	Hitchcock	Page	Thornton
Bryan	Johnson, Me.	Percy	Tillman
Burnham	Johnston, Ala.	Pomerene	Townsend
Catron	Jones	Reed	Warren
Clark, Wyo.	Kern	Richardson	Wetmore
Clarke, Ark.	Lea	Root	Williams
Culberson	Lippitt	Sanders	Works
Cullom	McCumber	Shively	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to the roll call, and a quorum of the Senate is present.

ANTI-INJUNCTION BILL.

Mr. MARTIN of Virginia. Mr. President, I desire to make an inquiry of the chairman of the Judiciary Committee. What is known as the Clayton anti-injunction bill, being House bill 23635, was referred to that committee on the 15th day of May. I have had numerous inquiries about the bill, and I desire to ask the chairman of the committee what the probabilities are in respect to a report? It concerns——

Mr. CLARK of Wyoming. I failed to get the preliminary statement of the Senator.

Mr. MARTIN of Virginia. The bill known as the Clayton anti-injunction bill was passed by the House of Representatives some time ago, and has been referred to the Senate Committee on the Judiciary. I desire to know something about the probability of getting it reported to the Senate from that Committee. I will say to the Senator that I have had quite a number of inquiries, from labor organizations particularly, as to the status of the matter, and I should like to be able to answer as to the probabilities in respect to a report on the bill. I will say that I would be very glad to have the bill brought before the Senate just as soon as it can possibly be considered by the committee and reported.

Mr. CLARK of Wyoming. Mr. President, I will give the Senator all the information in reference to the bill which the chairman has. The bill has not been for a great length of time before the Judiciary Committee. Immediately upon the receipt of the bill by reference from the Senate to the committee, a subcommittee was appointed, to which the bill itself and subjects connected with the bill were referred. That committee as yet has made no report to the full committee. I know that the members of the subcommittee are diligent, as are the members of the entire committee, never missing a meeting at least once a week, and sometimes on two days in the week. I can assure the Senator that action will be taken upon the bill as soon as possible.

Mr. MARTIN of Virginia. I am very glad to have that assurance from the Senator. The bill concerns a large number of people, and they are very importunate regarding it.

Mr. CLARK of Wyoming. I will say to the Senator that I myself have received a large number of letters indicating

interest in the bill, and I want to assure the Senator that there has been no undue delay nor will there be any in the consideration of the bill.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. The Chair again announces that morning business is closed and calls attention to the fact that there was a unanimous-consent agreement that the Senate should proceed to the consideration of executive business after the morning business had closed.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 4 hours and 50 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 3, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 1, 1912.

UNITED STATES ATTORNEY.

James W. Freeman, of Montana, to be United States attorney for the district of Montana. (A reappointment, his term expiring May 31, 1912.)

PROMOTIONS IN THE NAVY.

I nominate the following-named midshipmen to be ensigns in the Navy from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date:

Milton M. Fenner and

Frank J. Lowry.

First Lieut. Harry O. Smith to be a captain in the Marine Corps from the 28th day of April, 1912, to fill a vacancy.

POSTMASTERS.

ARIZONA.

Fred E. Cadwell to be postmaster at Douglas, Ariz., in place of Fred E. Cadwell. Incumbent's commission expired May 23, 1912.

COLORADO.

Ella New to be postmaster at Delta, Colo., in place of Ella New. Incumbent's commission expired May 22, 1912.

Frank Simonton to be postmaster at Victor, Colo., in place of Eugene Reardon, removed.

CONNECTICUT.

Frederick B. Crofutt to be postmaster at Danbury, Conn., in place of Augustus G. Ising. Incumbent's commission expired May 22, 1912.

R. Clifford Tyler to be postmaster at Chester, Conn., in place of R. Clifford Tyler. Incumbent's commission expired February 10, 1912.

DELAWARE.

Benjamin I. Shaw to be postmaster at Harrington, Del., in place of Benjamin I. Shaw. Incumbent's commission expired May 23, 1912.

GEORGIA.

John S. Brown to be postmaster at Locust Grove, Ga., in place of Edward T. Peek, deceased.

Edgar R. Gunn to be postmaster at Oxford, Ga., in place of Virginia W. Henderson. Incumbent's commission expired February 27, 1912.

ILLINOIS.

Archibald B. Campbell to be postmaster at Tolono, Ill., in place of Archibald B. Campbell. Incumbent's commission expired May 14, 1912.

INDIANA.

John Perry to be postmaster at Kramer, Ind. Office became presidential April 1, 1912.

IOWA.

W. E. Richards to be postmaster at Edgewood, Iowa, in place of Sears T. Richards, deceased.

MINNESOTA.

Charles Canfield to be postmaster at Winnebago, Minn., in place of Charles Canfield. Incumbent's commission expired February 4, 1912.

MISSISSIPPI.

John C. Clifton to be postmaster at Senatobia, Miss., in place of John C. Clifton. Incumbent's commission expired April 28, 1912.

Andrew J. Darden to be postmaster at Centerville, Miss., in place of Andrew J. Darden. Incumbent's commission expired April 28, 1912.

Mae Wright to be postmaster at Osyka, Miss., in place of Mae Wright. Incumbent's commission expired April 28, 1912.

MISSOURI.

Alexander T. Boothe to be postmaster at Peirce City (late Pierce City), Mo., in place of Alexander T. Boothe. To change name of office.

David B. Ormiston to be postmaster at Linneus, Mo., in place of David B. Ormiston. Incumbent's commission expired January 13, 1912.

Rachael A. Smith to be postmaster at Deepwater, Mo., in place of Rachael A. Smith. Incumbent's commission expired May 15, 1912.

NEBRASKA.

Henry Niebuhr to be postmaster at Winnebago, Nebr. Office became presidential January 1, 1912.

OHIO.

Samuel Bailey to be postmaster at Beverly, Ohio, in place of Samuel Bailey. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Robert L. Sample to be postmaster at Maysville, Okla. Office became presidential January 1, 1912.

Squire J. Thompson to be postmaster at Wellston, Okla., in place of Squire J. Thompson. Incumbent's commission expired May 7, 1912.

OREGON.

George W. Spring to be postmaster at Lents, Oreg., in place of George W. Spring. Incumbent's commission expired February 12, 1912.

SOUTH DAKOTA.

James D. Stewart to be postmaster at Dupree, S. Dak. Office became presidential April 1, 1912.

TEXAS.

Charles R. Bone to be postmaster at Beaumont, Tex., in place of Charles R. Bone. Incumbent's commission expired April 28, 1912.

Crockett Campbell to be postmaster at Lufkin, Tex., in place of Crockett Campbell. Incumbent's commission expired April 21, 1912.

James T. Harrell to be postmaster at Manor, Tex., in place of Jacob M. Harrell, resigned.

William P. Harris to be postmaster at Sulphur Springs, Tex., in place of William P. Harris. Incumbent's commission expired March 11, 1912.

Covey M. Hughes to be postmaster at Wharton, Tex., in place of Covey M. Hughes. Incumbent's commission expired April 28, 1912.

Clarence V. Rattan to be postmaster at Cooper, Tex., in place of Clarence V. Rattan. Incumbent's commission expired April 28, 1912.

George H. Sparenberg to be postmaster at Big Spring, Tex., in place of George H. Sparenberg. Incumbent's commission expired April 2, 1912.

UTAH.

E. W. Redmond to be postmaster at Eureka, Utah, in place of Herbert Hopes, resigned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 1, 1912.*

The House met at 11 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in the broad fields of endeavor, in the complicated conditions of our civilization, in the mad rush for wealth, power, and influence help us to remember our dependence upon Thee; that Thy laws are imperative, and if we are saved from the impending dangers which threaten us it must be through loyalty to Thee and the laws which Thou hast ordained. Increase, therefore, our faith and make us susceptible to the heavenly influences that right may prevail in the individual and in the powers which control the destiny of our Republic. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MABEL ADLER.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 553 (H. Rept. 814).

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Mabel Adler, widow of Henry Adler, late

a folder of the House, a sum equal to six months of his salary as such employee and an additional amount, not exceeding $250, for the funeral expenses of said Henry Adler.

Mr. LLOYD. Mr. Speaker, in this case one of the employees of the House, a folder, died a few days ago, and this is the usual resolution that we pass following the death of one of the employees of the House. I ask for a vote.

The SPEAKER pro tempore (Mr. FITZGERALD). The question is on the resolution offered by the gentleman from Missouri.

The question was taken, and the resolution was agreed to.

PAYMENT OF EXPENSES OF INVESTIGATION BY COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 536 (H. Rept. 817).

Resolved, That all expenses that may be incurred by the Committee on the District of Columbia in making the investigation authorized by H. Res. 154, to an amount not exceeding $10,000 in addition to that heretofore authorized by H. Res. 200, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. LLOYD. Mr. Speaker, several months ago the District of Columbia Committee was authorized to make certain investigations by House resolution 200, and following that the limit of cost was fixed at $5,000 which they might incur. They have expended nearly the $5,000 in their investigation, and are doing some splendid work in ascertaining conditions in the District. They feel that they need $10,000 more to meet the expenses of investigations that will be made hereafter. The committee is of the opinion that it is proper to allow them the limit of cost, and therefore report favorably the resolution.

Mr. DALZELL. What particular investigation is it?

Mr. LLOYD. The Committee on the District of Columbia has been examining the methods of city government in the District, the method of assessments, the method of collection, the methods of bookkeeping, and making a general overhauling of the business methods of the District of Columbia.

Mr. DALZELL. Is it not a fact that there are two or three different investigations of the District now going on?

Mr. LLOYD. No; not that I know of.

Mr. MONDELL. Is this being carried on by the District of Columbia Committee?

Mr. LLOYD. Yes. I might say that there are some subcommittees which are not incurring expense that are making investigations of one subject and another. One of these subcommittees, as I gather from the committee, is investigating the Insane Hospital, and there may be other subcommittees investigating some other matters in the District, but I do not think any of these subcommittees have thus far incurred any expense.

Mr. DALZELL. This is the only one authorized up to this time to incur expense, is it?

Mr. LLOYD. Yes.

Mr. FOSTER. Does the gentleman think it is necessary to appropriate $10,000 more for this investigation?

Mr. LLOYD. It may be necessary to have the $10,000. This limits the amount that can be expended; it does not direct them to expend $10,000.

Mr. FOSTER. If I remember correctly, when the other resolution came into the House, it was stated that it was the judgment of the committee that $5,000 was all that was necessary to complete the investigation.

Mr. LLOYD. I think that statement was made, but it has developed a very much wider scope of investigation than they thought was necessary at the time.

Mr. FOSTER. The single question is whether they are not going into a field so wide as to incur unnecessary expense to be borne by the Government. It seems to me that the House is entitled to some explanation as to why this $10,000 is necessary.

Mr. LLOYD. I will yield to the gentleman from Kentucky, the chairman of the committee.

Mr. LONGWORTH. Before the gentleman takes his seat, I want to ask the gentleman if the committee has already expended the $5,000?

Mr. LLOYD. It has expended nearly $5,000.

Mr. LONGWORTH. And now asks to be authorized to expend $10,000 more?

Mr. LLOYD. Yes.

Mr. LONGWORTH. The gentleman from Kentucky, as I understand, is to be asked to explain why this extra amount is necessary.

Mr. LLOYD. Yes.

Mr. LONGWORTH. We desire an explanation as to how this very large amount of money can be expended in the District of Columbia where there can be no traveling expenses.

Mr. HILL. Before the chairman of the District Committee takes the floor, I want to say that I assume the chairman of the Committee on Accounts has some reason for making this recommendation, and that the Committee on Accounts has fully investigated the matter, and I would like to ask him what has been the character of the expenditure thus far. Has it been for counsel fees, or what is the character of the expenditure that has already been made?

Mr. LLOYD. The expenses thus far incurred have been mainly expenses for accountants, for experts to examine books and methods.

Mr. HILL. And not for counsel fees?

Mr. LLOYD. No; not a cent for counsel fees. As far as I have information, the experts who have been employed are genuine experts, and are not paid exorbitant fees, and have really earned their money.

Mr. DALZELL. How long have they been at it?

Mr. LLOYD. Nearly a year.

Mr. DALZELL. And what have they found out?

Mr. LLOYD. They have found out a good many things.

Mr. DALZELL. I saw a statement in the paper the other day that they have not found out anything except that they were entitled to their salary up to this time.

Mr. BARTLETT. That is information from people who do not want to be investigated.

Mr. LLOYD. I think the gentleman will find that they have already ascertained that there is a very large amount of money that belongs to the Government which has heretofore not been shown by the books of the District and that this will amount into the hundreds of thousands of dollars.

Mr. BUTLER. Does the District pay one-half the expense of the investigation?

Mr. BARTLETT. No; the Government pays it all.

Mr. BUTLER. Why should the Government pay it all?

Mr. BARTLETT. Because it is paid out of the contingent fund of the House.

Mr. BUTLER. Is there not some way in which we could compel the District to pay part of this investigation?

Mr. LLOYD. Not unless it is in an appropriation bill.

I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I do not know that I have anything to add to the statement already made by the chairman of the Committee on Accounts, unless it be that the greater portion of this money has been expended for accountants who have been investigating the accounts between the Federal Government and the District of Columbia.

Mr. DALZELL. Mr. Speaker, I will ask the gentleman how he expects to spend the $10,000?

Mr. JOHNSON of Kentucky. Along the same lines of former expenditures. A good portion of this money has been expended in stenographers' fees and the employment of a man to help ascertain property which has been assessed too low, as well as that which has been assessed too high. For instance, it has developed only this morning that a very prominent man, associated with a former Federal administration, has had his property in the District of Columbia assessed entirely too low, and it is contemplated that we will take his deposition to prove that fact. Then the accounts of the purchasing agent have been gone over; and, as was anticipated in the beginning, nothing criminal was found, but he has improved his methods as a result of this investigation, which has now been printed in the form of hearings.

We found that the District had an incomplete inventory of the property that it owns.

I will say at this point that the gentleman from New York [Mr. REDFIELD], who has been conducting that part of the investigation, has just this moment come into the Chamber, and I prefer to have him explain that feature.

Mr. LONGWORTH. Mr. Speaker, before the gentleman does that, I would like to ask the gentleman from Kentucky if it is contemplated to proceed with these investigations during the summer recess?

Mr. JOHNSON of Kentucky. It is, and for that reason we want this money allowed before Congress adjourns.

Mr. LONGWORTH. All summer?

Mr. JOHNSON of Kentucky. As nearly so as possible.

Mr. LONGWORTH. Why is it expected that the committee will sit here all summer, when, as I understand it, it is rather difficult now to get a quorum of the committee, even when Congress is in session?

Mr. JOHNSON of Kentucky. We have a subcommittee that is investigating these matters, and they have been most active, always having a quorum when needed.

Mr. LONGWORTH. As I understand it, less than $5,000 have been expended in over a year.

Mr. JOHNSON of Kentucky. Yes.

Mr. LONGWORTH. And now it is contemplated to expend $10,000 between now and the 4th of next March.

Mr. JOHNSON of Kentucky. Yes. I will say this to the gentleman, that before this original resolution was introduced I myself during the preceding three years had found what I believe to be hundreds of items of money owing from the District of Columbia to the Federal Government. An accountant has gone over those. In a number of the items that I had selected he found nothing due.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes more to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Speaker, in looking up the items which I had hunted out during the preceding three years the accountant has been constantly going through these books. Some of the items which I thought were owing to the Government by the District have been found by him, as I said, not to be due. Others have been found to be due from the District to the Federal Government. He is going along now from book to book—musty books stored away for years—and, day after day, he is finding money owing to the Federal Government by the District of Columbia.

Mr. DALZELL. If the gentleman will allow me, How many experts have you now engaged on these books?

Mr. JOHNSON of Kentucky. We have now two.

Mr. DALZELL. How much salary has been paid to them?

Mr. JOHNSON of Kentucky. In round figures, about $3,000.

Mr. DALZELL. Are they employed by the committee by contract—how much are they paid?

Mr. JOHNSON of Kentucky. One is getting $105 a week and the other is getting $30 a week. The one who is getting $30 a week is calling off to the accountant, in order that an employee of the District government may not do that for him. In other words, to make sure the tallying is correct; and he also helps to take out these books. Besides, he is a good accountant.

Mr. DALZELL. Has the gentleman contemplated the employment of others?

Mr. JOHNSON of Kentucky. We do not.

Mr. DALZELL. Ten thousand dollars will go to those two?

Mr. JOHNSON of Kentucky. No; it will go also to stenographers. We are just getting to the point where stenographers are used in the investigation.

Mr. DALZELL. Well, it will go to these two employees and stenographers?

Mr. JOHNSON of Kentucky. And to a real-estate expert.

Mr. DALZELL. Ten thousand dollars seems to be a pretty big sum for this.

Mr. DYER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. DYER. This is the first time such an inquiry has been made in the District of Columbia matters for years.

Mr. JOHNSON of Kentucky. My information is the first in 30 years.

Mr. DYER. I will ask the gentleman another question, if he will permit. Does the gentleman think the resolutions, 154 and 200, under which this special committee was authorized by Congress to make this investigation, sufficient to justify the expenditure, if need be, out of this fund for an investigation of public hospitals?

Mr. JOHNSON of Kentucky. There is no question in my opinion about that; and I will say to the gentleman that a little later along it is my purpose to go into that, and I trust to have his assistance in it.

Mr. DYER. I will say to the Members of the House that it is the purpose of the subcommittee which the gentleman selected, of which I am chairman, to ask that a special investigation be made in connection with these other investigations of the hospital service in this city and the money that has been expended for charity, not only for public hospitals, but for private hospitals and also of charitable organizations. I believe out of such an investigation the Government will receive a great deal of benefit, and it is the purpose in the investigation of these other matters to ask for an investigation of that.

Mr. CANNON. I just came in, and I understand this is an investigation, under a former resolution of the House, touching the contributions that have been made from the Federal Treasury or appropriations for the services of the District. I recollect when the resolution was adopted—$10,000 it is to cost in the end.

Mr. JOHNSON of Kentucky. Five thousand dollars was the original amount.

Mr. CANNON. And now it is $10,000 more.

Mr. JOHNSON of Kentucky. Not exceeding $10,000 more.

Mr. CANNON. Of course it is useless to prophesy what the end will be, and I desire to criticize in no unfriendly manner this investigation, but I am thoroughly of the opinion that if one-tenth part of that had been expended getting at the status from public documents touching District and Federal expenses in education that we would get much better results than we are liable to get at the end of the investigation.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. LLOYD. I yield five minutes additional to the gentleman from Kentucky.

Mr. CANNON. Will the gentleman yield further?

Mr. JOHNSON of Kentucky. Yes.

Mr. CANNON. I have never been upon the District Committee, but I have had experience touching District appropriations. The District, upon the one hand, complains, and with something of equity, that we throw expenditures upon the District that, on the half-and-half principle, ought not to be there. Of course we have plenipotentiary power that we divide expenses where they had not heretofore been divided.

I do not desire to criticize, because criticism would be in vain, but just to make a great, big interrogation point. Not playing the rôle of prophet, I believe in the end the Treasury will be out $15,000 and no good will come.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is my opinion that as a result of this investigation conducted by the gentleman from New York [Mr. GEORGE] probably $100,000,000 of taxable property will be added to your assessors' list at the next assessment.

Mr. CANNON. If the gentleman will allow me, that is by jacking up the assessors of the District.

Mr. JOHNSON of Kentucky. And the large part of this money has been used for that very purpose, and more of it will be used for that purpose.

Mr. CANNON. And if the gentleman can find some means to compel assessors to comply with the law in assessing property as the law provides, he will be entitled to sainthood if he can only spread that throughout the United States. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, I do not expect that the gentleman from Illinois will ever be "canonized." [Laughter.] I am making no pretensions to that myself. But if he will cease his objections along this line and let the committee pursue the lines they have undertaken, I believe that we will establish here an assessment plan that will reach throughout the Union and have beneficial results. [Applause.] As I just said, I believe that as a result of this investigation $100,000,000 of property in the District of Columbia that has escaped taxation will, at the very next assessment, be taxed. In addition to that, as will be stated by the gentleman from New York [Mr. REDFIELD], the stores—the property belonging to the District of Columbia—have not been correctly accounted for. The man who kept the store will admit that anybody can come into that storehouse with an old lantern, an old shovel, an old anything, and say that that belongs to the District of Columbia and take out a new one in exchange for it, when he has no knowledge that the transaction is right or not. In addition to that, the accountant who is going through the books containing accounts between the District of Columbia and the Federal Government has found enough, which we will prove by the people who kept this account, to pay the amount now asked for thousands of times over. Now, if that is not money well spent, then no dollar has ever come out of the contingent fund of this House that ever has been well spent.

Mr. MICHAEL E. DRISCOLL. The gentleman's statement of increasing the assessment roll a million dollars is very interesting. Does he expect to find property that has not been assessed in the past or expect to increase assessment on property that has been assessed in order to get the other million dollars?

The SPEAKER. The time of the gentleman from Kentucky [Mr. JOHNSON] has again expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. GEORGE].

Mr. GEORGE. Mr. Speaker, I should like to answer that question. This committee has found a vast amount of property, real estate, in the District of Columbia systematically undervalued and underassessed. It has also found a great amount of property, mainly in the east part of Washington, overassessed. It has found square blocks where the average increase

of assessment at this triennial period is 20 and 30 per cent over the preceding assessment on identically the same unchanged little homes, whereas the assessments on buildings in the northwest and in the business area have not materially increased. This committee has found and will present the evidence to this House in its report that the Willard Hotel, for instance, has been underassessed something like $800,000. It has found that the little homes in the eastern part of the District have been assessed for more than they will sell. It has found that there are no proper rules for assessment. It has found grossly inadequate machinery for assessment. It has found that three men are engaged in the work of assessing real estate in the District of Columbia, while six men are engaged in the work of assessing personal property in the District of Columbia. By all the rules of adequate assessment there should be not 3 men on the work of real-estate assessment, but 10 men; and Mr. Lawson Purdy, president of the tax board of New York, the greatest municipal tax expert in th world, is of the opinion that 16 men ought to be engaged in that work here.

Mr. MICHAEL E. DRISCOLL. What system of personal tax is now in practice—of personal tax on personal property?

Mr. JOHNSON of Kentucky. One dollar and fifty cents on $100.

Mr. SIMS. That is the rate, but the assessment is only on tangible property.

Mr. MICHAEL E. DRISCOLL. Are residents of Washington taxed on personal property except that which is tangible?

Mr. SIMS. Tangible.

Mr. MICHAEL E. DRISCOLL. How are you going to change that system?

Mr. GEORGE. We are not going to change that system. The District Committee is not purposing to do anything about that matter at this time. It is inquiring now only into real-estate taxation and assessment. I am referring to them to indicate the inadequacy of the machinery. I think that this is the most careful and, in fact, the only real examination into the assessment and taxation of real estate that has occurred since Congress has been founded. I think that we can, as a consequence of this inquiry, get enough increased revenue from the proper assessment of one piece of property, the Willard Hotel, to pay for this whole examination many times over.

Mr. CULLOP. Mr. Speaker, will the gentleman permit a question there?

The SPEAKER. Does the gentleman yield?

Mr. GEORGE. With pleasure.

Mr. CULLOP. What is the Willard Hotel assessed at?

Mr. GEORGE. The ground at about $525,000 and the building at about $700,000.

Mr. CULLOP. How much does the gentleman estimate that that is undervalued?

Mr. GEORGE. The testimony would indicate that the assessment of both land and building should be approximately $2,000,000.

Mr. CULLOP. What is the rule adopted by the assessor?

Mr. GEORGE. That would be the assessment.

Mr. CULLOP. What is the rule adopted by the assessors for assessing property? What valuation?

Mr. GEORGE. There is scarcely any rule.

Mr. CULLOP. Is there any uniformity about it?

Mr. GEORGE. There is no uniformity.

Mr. CULLOP. It is a partial matter to persons in the location of property, is it not?

Mr. GEORGE. It would appear to be.

Mr. CULLOP. Now, I understood the gentleman to say that intangible property was not taxable.

Mr. GEORGE. It is not. But I also say that the committee has not gone into that question in this inquiry, nor does it propose to use in such an inquiry any of the money now being asked for.

Mr. CULLOP. By what authority do they let that class escape?

Mr. SIMS. There is no law to do it.

Mr. CANNON. Mr. Speaker, as I understand, the law provides that the property shall be assessed at its value, and then it is listed for taxation, as I recollect it, at three-quarters of its value.

Mr. GEORGE. Two-thirds.

Mr. CANNON. Two-thirds of its value, and 1½ cents on the hundred?

Mr. GEORGE. Yes; taxed at the rate of 1½ per cent on two-thirds of the value.

Mr. JOHNSON of Kentucky. Will the gentleman allow me to make a statement there?

Mr. GEORGE. Certainly.

Mr. JOHNSON of Kentucky. The law under the organic act of 1878 was that both real property and personal property should be assessed at $1.50 a hundred. Some years ago there was tacked onto the District appropriation bill an amendment which left personal property taxed at $1.50 a hundred at a fair cash value and real estate was reduced, and since that time it has been assessed at $1.50 on a two-thirds valuation.

Mr. CANNON. Yes.

The SPEAKER. The time of the gentleman from New York [Mr. GEORGE] has expired.

Mr. CANNON. Will the gentleman yield me five minutes?

Mr. LLOYD. I yield to the gentleman from Illinois [Mr. CANNON] five minutes.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. Mr. Speaker, I am not a so-called "sharp," touching District of Columbia affairs, yet I have some general knowledge about them. I recollect very well the legislation that the gentleman refers to touching taxation on the District of Columbia bill. Representative Babcock, at that time chairman of the Committee on the District of Columbia, was incapacitated and seriously ill, and we were running behind in the District revenues, and the House adopted an order making in order the production of a revenue bill, so far as the House was concerned, upon the appropriation bill.

I recollect very well that as a result of that legislation the revenues of the District government began at once to increase materially, and they have increased from that time to this and are still increasing. I have no particular pride in that matter, but I happened to be chairman of the Committee on Appropriations at that time, though I was not a member of the District Committee.

A good many tolerably drastic provisions, as some people in the District thought, were put into that legislation. If I recollect aright, the banks had been practically without taxation, and there was a tax of 3 per cent—I will not be positive as to the exact figure—placed upon their gross earnings; also a material and substantial tax required to be paid upon the gross earnings of the public-service corporations, if I recollect aright.

It was a shaking of the dry bones. Now, it may be that the dry bones ought to shake again. But I wonder why it is that, with the discriminations existing touching the assessment of real estate, the gentleman from New York [Mr. GEORGE] says, "We have paid no attention to assessing intangible personal property"? He says they are nonassessable. Is that right?

Mr. GEORGE. Intangible personal property under the law was not assessable.

Mr. CANNON. Precisely; and you have not investigated that matter at all?

Mr. GEORGE. We have found real estate taxation a sufficiently large job at this time.

Mr. CANNON. But you have paid no attention to the other. Is that of any kinship to the gentleman's theories that taxation ought to be on real estate especially?

Mr. GEORGE. I do not understand that my peculiar views have anything to do with the committee.

Mr. CANNON. Precisely; but there is probably more of what you call intangible property that is not, under the law, assessed than there is real estate in the District.

Mr. SIMS. How could the committee find that out?

Mr. CANNON. Take the contingent fund and "smell" as they are "smelling" now. [Laughter.]

Mr. SIMS. It seems, Mr. Speaker, that the gentleman says he was proud of having passed the law as it stands.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Will the gentleman from Missouri tell me how much has been appropriated so far out of the contingent fund of the House for the purpose of these various investigations?

Mr. LLOYD. About $74,000 for all investigations of every kind. Does the gentleman mean expended or authorized?

Mr. LONGWORTH. Authorized.

Mr. LLOYD. The amount authorized is from $150,000 to $200,000.

Mr. LONGWORTH. Two hundred thousand dollars authorized.

Mr. LLOYD. For all expenditures of every kind, and about $74,000 has been expended. There has not been more expended out of the contingent fund this year than is usual, notwithstanding these investigations.

Mr. BARTLETT. Ten thousand dollars more.

Mr. LLOYD. I yield five minutes to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Speaker, I have a natural reluctance to report upon an unfinished job. I have never found that when

a piece of work was half done it was in such shape that an adequate and final statement could be made about it.

Mr. DYER. Will the gentleman yield? I should like to ask him a question.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. REDFIELD. Certainly.

Mr. DYER. I should like to ask the gentleman from New York if he believes that he is required to make a report now.

Mr. REDFIELD. If I may be allowed to proceed, I will explain. Although that is so, I think it is very well that straight questions are asked which call for straight answers as to what the committee have done to justify their request for more funds, in which request I am very glad to join.

In the first place, it ought to be said, in justice, that the work that has been done has in large part met with the approval, cooperation, and support of many of the officers of the District of Columbia. It would be doing them wrong not to say that. It has been done in an economical way, for the subcommittee has been divided again into five subcommittees, each person doing one job and doing it so that the five go along together.

Now, as to what definite things can be said to have been found justifying a further study, let me say very frankly, without meaning to imply more than I now say and reserving always the fact that I am speaking of an unfinished work and subject to other evidence that may come, that certain things have been found that are worth your very serious thought, and that I, as a business man, would not be content to leave in their present condition. For example, it has been found that there are public funds in the hands of private persons or private boards, subject to private check, and without bond, and deposited in private institutions and not in the Treasury of the United States. We have from the auditor of the District a written statement of such funds, and the matter has not yet been examined to the bottom; but there appear to be a number of such funds having fairly considerable balances over which the shadow of the law has not yet been cast. It is a fact, now a matter of sworn testimony, that, in a certain sense, there is no tax roll at all in the District of Columbia; and I want, if I can, to explain that technical matter, so that you may see just how it has worked. This is a case of accidental interference on my part with my friend Mr. GEORGE in his work, outside of my own province, but illustrating how things turn up.

The property is assessed upon field books. The field books are taken and turned into office books. The office books are turned into cards. Up to the point where the cards are made representing each piece of property there is no actual extension or figuring of the tax to be paid in dollars, but merely the facts from which that may later be figured. At that particular point the cards are transferred onto the ledger, and there, for the first time, appear the dollars and cents in actual money to be paid. From these ledger accounts the bills are made. Those bills go to the collector of taxes, and there remain in the assessor's office no original vouchers with which to verify the totals of those bills. The cards not having been extended and footed there, the ledger having been extended and footed there, there are not two footings to compare with one another, but only one, with no basis of comparison. There exists no total aggregate tax roll to verify the total of the tax bills, with the result that, although some years ago—for 1902—all the taxes were supposed to have been collected, they have yet been receiving since taxes for 1902 to the extent, if I am correctly informed, of some thousands of dollars. That is obviously a matter none of you would stop at, and we have got to go further.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LLOYD. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. REDFIELD. It is a fact, a small fact, but I found in one of the supply rooms of the District no system whereby the supplies of the District were marked as belonging to the District. That is, on a shovel there was no mark "D. C." and on a lamp no mark "D. C.," nothing to prevent any man who was friendly with the foreman taking an old lamp and getting him to take it back to the supply house and giving him a new one in its place. Immediately on that fact being pointed out it is a part of our evidence that a die was bought, and now all goods are marked "D. C." I venture the assertion that that stamping of the letters "D. C." on the supplies may pay a fairly large interest on the $15,000.

Now, as to supplies in schools—this is incomplete and I would rather not speak of it at all, but I think you are justified in knowing what seems to be true. The system of dealing out supplies in schools is so much per teacher per annum, and that, apparently, without regard to whether the teacher has 20 or 40 or 50 scholars. The teacher gets so many gross of pens, so much chalk, and so many pencils per annum. It is a part of the testimony that it is largely "a matter of faith." I am using the language of the testimony.

There are also other matters and methods. The District Commissioners rule in a somewhat personal way. The present judgment of some of the District officers prevails in a very peculiar manner. I have had some reason to feel that specifications were unduly exclusive. It is certainly a fact that where other cities can get bids from 15 or 20 manufacturers, Washington gets them on like goods from only 2. It is a fact that the lowest bidder is sometimes not given the contract. I have personally examined into the facts of a half dozen such cases, and in all those cases with the cooperation and approval and support of the District officers themselves. It seems to me that we are going to find a certain laxity of business methods, a certain want of system which will be willingly corrected. It will not make a fuss, but it will save money, and I believe it will result in tangible, plain, ordinary, nonspectacular gain to the people of the District. [Applause.]

Mr. MARTIN of South Dakota. Before the gentleman takes his seat I would like to ask him a question.

Mr. REDFIELD. I yield to the gentleman.

Mr. MARTIN of South Dakota. Is there any board or system of equalization of assessments whereby, before the final levy, the tax on a piece of property which has been undervalued may be raised, or that which has been incidentally overvalued may be reduced, so that the entire tax roll may be made up on a system of equalized assessments?

Mr. REDFIELD. I shall have to say that my friend from New York [Mr. GEORGE] has had everything to do with the assessors and assessments, and I can not answer that question. My work has been confined to investigating the purchasing methods of the District.

Mr. GEORGE. Yes; there is an appeal board, but that appeal board is made up of some of the gentlemen who made the original assessment. An appeal board is availed of by the large taxpayer, who manages to get his assessment down, but not by the small taxpayer.

Mr. JOHNSON of Kentucky. In other words, the appeal is made from the assessors to the assessors.

Mr. MARTIN of South Dakota. Is that a fault in the law itself?

Mr. JOHNSON of Kentucky. That is a fault in the law itself, the law of which the gentleman from Illinois a few moments ago expressed his pride.

Mr. CANNON. If the gentleman from Kentucky will allow me, the "gentleman from Illinois" performed a duty cooperating with his committee to correct an abuse and want of legislation that should have come from the Committee on the District of Columbia. The section he does not claim, but a betterment of conditions and constantly increasing revenues. If the gentleman can improve upon it, he will have my commendation.

Mr. SIMS. Mr. Speaker, I am heartily in favor of voting the appropriation for the information we will get out of the investigation, but after all it is a mere contention between who shall pay the part the District pays. If we increase the assessment, if we discover property that has not been assessed, it does not help the Government of the United States one particle, because we only get half of the entire budget from the property of the District taxpayer.

As a matter of justice between themselves, assessments ought to be equal, and I am heartily in favor of it; but we will never have a logical scientific system of assessment, taxation, and appropriation in this District until we abolish the so-called half-and-half plan. Just think about this city growing to 500,000 inhabitants. The very fact of its growth will increase the city's burden to be paid in gross, but it will not increase the benefits to the Government as a Capital. The Government pays now about $6,000,000 a year as one-half, when it is only one-half of that part that the city is taxed for, because there are a great number of expenses that the Government pays exclusively that are naturally and necessarily a city benefit. Why should the people living in the best kept city in the United States pay less taxes for it than is paid for living in any other city in the United States? There is no taxation of intangible personalty here at all, and but one half of the general burdens, though many of them are absolutely local and incidental to the fact of citizenship. Why should the Government of the United

States that does not send 10 per cent of the children to the public schools here pay one half of all the public-school taxes?

On the other hand, it would be unjust to the taxpayers of the District of Columbia to ask them to pay one cent toward an expenditure of a national character, such as the opening of a great highway to the boundary or doing anything else of a national character. The people of the District of Columbia can not bond themselves like other cities and place part of the burden upon the future. We ought to abolish the half-and-half system and let the Government make the appropriations, pay them, and then tax the people justly and fairly without any reference to half or any other mathematical proportion of the District budget, and until we do that we will have these troubles galore.

Mr. LLOYD. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I said a few minutes ago that in my opinion the taxable property as a result of this would be increased $100,000,000. I do not have that upon my own information, but it is given to me by the gentleman from New York [Mr. GEORGE], who has been conducting this examination.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARNER. The result of this investigation may enable the District Committee to report some legislation to the House that would be worth one hundred times more than the investigation or a thousand times more than the investigation would cost?

Mr. JOHNSON of Kentucky. Yes.

Mr. CANNON. Why not fix it at a hundred thousand?

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman from Missouri a question. The discussion seems to lead along the lines that these inequalities in taxation and assessments will be corrected along with this investigation. Of course if we raise $1,000,000 more by the increased valuation in taxation, that goes into the Treasury, and the Government of the United States under the law of course pays one dollar out for every dollar that the District pays out. If that is true, does not the gentleman think that the expense of this investigation ought to be borne at least equally by the District of Columbia and the United States, and not wholly by the Federal Government?

Mr. LLOYD. I hardly think it should, because this is a Government investigation to determine whether the funds of the Government are properly cared for.

Mr. FOSTER. That is true, but still the people of the District are getting the benefit of this investigation if it accomplishes anything along those lines.

Mr. LLOYD. More than that, if there was anything of that kind authorized, it would have to be done through the Committee on Appropriations.

Mr. FOSTER. I realize that, but in my judgment it ought to be done.

Mr. LLOYD. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. GARNER. Mr. Speaker, there is another resolution from the Committee on Accounts.

The SPEAKER. The Chair will ask the gentleman to withhold that for a moment until some conference reports are disposed of.

Mr. GARNER. Very well.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I call up the conference report on the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER. The gentleman from Kentucky calls up a conference report on the fortification appropriation bill. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 686).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, and 6, and agree to the same.

SWAGAR SHERLEY,
GEORGE RAUCH,
JAMES W. GOOD,
Managers on the part of the House.

GEO. C. PERKINS,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. 20111) making appropriations for fortifications, etc., submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the amendments, namely:

On amendments Nos. 1 and 2: Makes certain verbal corrections in the reappropriation of an unexpended balance for the purchase and installation of searchlights at our most important harbors.

On amendment No. 3: Strikes out the appropriation of $150,000 proposed by the Senate for the acquirement of lands at Cape Henry, Va.

On amendment No. 4: Makes the appropriation for tools, electrical and other supplies, and appliances for the use of troops, available for maintaining searchlights as well as for electric light and power plants at seacoast fortifications in the United States, as proposed by the Senate.

On amendment No. 5: Makes the appropriation for preservation and repair of structures erected for torpedo defense in the insular possessions also available for maintaining channels for access to torpedo wharves in the insular possessions, as proposed by the Senate.

On amendment No. 6: Makes the appropriation for tools, electrical and other supplies, and appliances for the use of the troops also available for maintaining searchlights at seacoast fortifications in the insular possessions, as proposed by the Senate.

The bill as finally agreed upon appropriates $4,036,235, the same amount as passed by the House, and is $1,437,472 less than the appropriations for the current fiscal year.

SWAGAR SHERLEY,
GEORGE RAUCH,
JAMES W. GOOD,
Managers on the part of the House.

Mr. SHERLEY. Mr. Speaker, the conference report leaves the bill exactly as it was as it passed the House, so far as the amounts are concerned, but it makes certain verbal changes and authorizes certain moneys, repair and maintenance funds, to be expended for maintenance of particular works that were not directly authorized in the bill.

Unless some gentleman desires a detailed explanation, I move that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such sol-

diers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War and to widows or dependent relatives of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; and

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I ask the Chair to lay before the House the pension appropriation bill, with Senate amendments, now on the Speaker's table.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Georgia asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendments to the agricultural appropriation bill (H. R. 18960) and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Virginia moves that the House further insist upon its disagreement to the Senate amendments and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. LAMB, Mr. LEVER, and Mr. HAUGEN.

NIGHT TELEPHONE OPERATOR.

Mr. GARNER. Mr. Speaker, I offer the following resolution and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 533.

Resolved, That the salary of the night telephone operator shall hereafter be $900 per annum instead of $720, as now provided by law.

Mr. BARTLETT. Mr. Speaker, I have no objection to passing the resolution, but it can not be passed as a privileged resolution.

The SPEAKER. The gentleman asks unanimous consent for its present consideration. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

HOMESTEAD ACTS.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill S. 3367, the homestead bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 794).

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with amendments as follows:

Amendment numbered 1: On page 2, line 7, of the House amendment, strike out the word "any" and insert in lieu thereof the word "that."

Amendment numbered 2: On page 2 of the House amendment strike out the following words: "That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence," and in lieu of the words stricken out insert the following: "That upon filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office."

Amendment numbered 3: After the word "shown," on page 2, line 12, of the House amendment, strike out the semicolon and insert a comma and the following: "and the person commuting must be at the time a citizen of the United States."

Amendment numbered 4: On page 2 of the House amendment, at the end of section 2291, insert the following: "*Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead laws double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: *Provided*, That the Secretary of the Interior shall, within 60 days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within 120 days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act."

That the House agree to the same.

REED SMOOT,
W. L. JONES,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

SCOTT FERRIS,
EDWARD T. TAYLOR,
FRANK W. MONDELL,
Managers on the part of the House.

The statement was read, as follows:

STATEMENT.

The conference report as adopted leaves unchanged the two important features of the bill as it passed the House, to wit, the provision for a three-year homestead period and for a five-month leave of absence in each year for homestead settlers. The leave of absence provision is, however, modified in form.

The amendments to the House amendment are as follows:

Amendment No. 1 corrects a typographical error.

Amendment No. 2 relates to the leave of absence and was adopted with a view of making the character of the leave and the conditions under which it should be exercised clear.

Amendment No. 3 was adopted at the suggestion of the Secretary of the Interior in order to make the requirement of citizenship under commuted entries uniform with the requirement under other entries.

Amendment No. 4, first paragraph, provides a definite and uniform minimum requirement of cultivation applicable to all homestead entries except reclamation entries and Kinkaid entries in Nebraska, with regard to which the law as to cultivation remains unchanged. The effect of the provision upon entries under the enlarged-homestead acts amounts to a reduction by one-half of the area of cultivation now required. The second proviso designates the classes of entries to which the provision of cultivation applies and excludes entries under section 6 of the enlarged-homestead acts from the provision reducing the homestead period.

The third proviso makes it the duty of the Secretary of the Interior to send copies of the act to entrymen affected by it and gives the entrymen the option of accepting the provision or proceeding to proof in accordance with the law at the time the entry was made.

SCOTT FERRIS.
EDWARD T. TAYLOR.
F. W. MONDELL.

Mr. FERRIS. Mr. Speaker, the report is a unanimous report, the bill has been carefully considered in conference, and unless some one has a question to ask I move the adoption of the conference report.

The question was taken, and the conference report was adopted.

UNALLOTTED INDIAN LANDS, ETC.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill S. 405 and move that the House recede and concur in the amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 689).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1, on page 1, line 7, after "reservation," insert "heretofore."

That the House recede from its amendment to the Senate bill.

JNO. H. STEPHENS,
SCOTT FERRIS,
C. H. BURKE,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1 in the disagreement between the two Houses, found on page 1, line 7, inserts the word "heretofore" after the word "reservation," so that the bill as amended would only apply to lands opened to settlement and entry before the passage of this act. This amendment of the House having been receded from would leave the unallotted or otherwise unreserved lands in any Indian reservation open for settlement and entry that had not been classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification or appraisement, in the opinion of the Secretary of the Interior, had been erroneous, subject to reclassification or reappraisement.

JNO. H. STEPHENS,
SCOTT FERRIS,
C. H. BURKE,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

TERMS OF PRESIDENT, VICE PRESIDENT, SENATORS, AND REPRESENTATIVES.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 475 (H. Rept. No. 832).

Resolved, That immediately upon the adoption of this resolution House joint resolution 204 be taken up for consideration, and at the expiration of four hours a vote be taken on the resolution and all pending amendments thereto.

The SPEAKER. The Clerk will report the resolution to which this resolution applies, so that Members can understand what they are doing.

The Clerk read as follows:

House joint resolution 204, proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution and as a substitute for Article XII thereof:

"ARTICLE —.

"SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

"SEC. 2. The second Tuesday of January, at noon, shall constitute the commencement and termination of the official term of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term shall expire on the second Tuesday of January immediately following. The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected. Congress shall assemble at least once in each year, and such meeting shall be on the second Tuesday in January, unless Congress shall by law appoint a different day.

"SEC. 3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States. In all cases not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

Mr. RICHARDSON. Mr. Speaker, I would be very glad to ask for some information on this subject.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RICHARDSON. Mr. Speaker, I am opposed to this resolution, and I want to be advised at the proper time of an opportunity when I will have a chance to express my views of opposition against this constitutional amendment. I do not want to let the opportunity slip.

Mr. HENRY of Texas. I will state to the gentleman that he shall have all the opportunity he desires and the time necessary to express his views either for it or against it.

Mr. RICHARDSON. Well, it is against it, and I am very much obliged for the information.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. CULLOP) there were—ayes 82, noes 11.

So the previous question was ordered.

The SPEAKER. The gentleman from Texas has 20 minutes and the gentleman from Pennsylvania has 20 minutes.

Mr. SHERLEY. Mr. Speaker, I desire to inquire whether the distribution of the time is among gentlemen who favor and oppose the proposition?

Mr. DALZELL. I suppose the 20 minutes' time is on the adoption of the resolution.

Mr. SHERLEY. I understand; but there may be some gentlemen opposed to the resolution. I think we are wasting time——

Mr. DALZELL. I have no application for time on this side.

The SPEAKER. The invariable practice on the rule matter is that the chairman of the Committee on Rules has one half the time and the leading member of the minority the other half.

Mr. HENRY of Texas. Mr. Speaker, I think we might as well have a vote on the resolution and then have the four hours of general debate on the bill. We might as well vote on the rule.

The SPEAKER. The question is on the adoption of the rule——

Mr. SHERLEY. I suggest that with all the great power of the chairman of the Committee on Rules, it is not within his province to determine whether the matter shall be debated. It may be that gentlemen opposed to the rule may want to be heard before the vote is taken, and if the gentleman desires to discuss a little matter like an amendment to the Constitution of the United States he can do so.

Mr. HENRY of Texas. I have no objection.

Mr. SHERLEY. Objection! It is a matter of right.

Mr. DALZELL. Does the gentleman want some time?

Mr. SHERLEY. No; I do not. But I do not propose to have the matter disposed of as a matter of course.

Mr. HENRY of Texas. The gentleman says he does not want time now, but on the resolution he shall have all the time he wants.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. If necessary, I rise to consume a part of the 40 minutes. I want to control 20 minutes of the time, if possible.

Mr. BUCHANAN. I understand the previous question has been ordered.

Mr. RODDENBERY. The previous question has been ordered, and that is the reason each side is entitled to 20 minutes.

Mr. HENRY of Texas. Does the gentleman wish to speak on the resolution?

Mr. RODDENBERY. I wish to speak on the rule.

Mr. HENRY of Texas. I ask that the gentleman be allowed to control 20 minutes, if the gentleman from Pennsylvania [Mr. DALZELL] does not object.

Mr. DALZELL. I do not object.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] has not stated which side he is on.

Mr. RODDENBERY. May I inquire, as a parliamentary question, if in order to be heard it is necessary to state whether one favors the rule or not?

The SPEAKER. Ordinarily it would be, but if the gentleman from Texas yielded 20 minutes to the gentleman to oppose the motion, and it turned out the gentleman from Georgia [Mr. RODDENBERY] was in favor of it, it might put some other gentlemen in the House in rather an awkward predicament.

Mr. SHERLEY. Mr. Speaker, I wish to make this suggestion. The rule says that 20 minutes shall be had on a side. It is not for the gentleman from Texas [Mr. HENRY] to say who shall represent the opposition. Naturally he, as proposer of the proposition, should be recognized in the affirmative; but as to the other 20 minutes, it is not a matter of gift of his, it is a matter of right.

Mr. RICHARDSON. Mr. Speaker, I desire to oppose the rule, the motion, the previous question; in fact, I am opposed to everything connected with it.

The SPEAKER. The gentleman has already had assurance that he will have all the time he wants.

Mr. RICHARDSON. We are using some time to find some one who is opposed to it, and I think I shall occupy 20 minutes' time in opposition to the resolution.

Mr. GARNER. If the gentleman from Pennsylvania [Mr. DALZELL] will permit a suggestion, it seems to me this matter could be adjusted in a moment. If the gentleman from Pennsylvania, having 20 minutes, and the gentleman from Texas [Mr. HENRY], 20 minutes, and only the gentleman from Georgia wishing 20 minutes, either of them yielding him 10 minutes the thing might be settled.

Mr. DALZELL. Mr. Speaker, I wish to say if the gentleman from Alabama [Mr. RICHARDSON] desires to oppose the rule I will yield him my 20 minutes.

Mr. HENRY of Texas. Well, Mr. Speaker, I desire to be heard briefly on the rule.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized. The Chair will state, in order to save trouble, by inviolable usage, in the first instance, the practice is that the gentleman from Texas shall have 20 minutes, and the leading member of the Rules Committee on the other side 20 minutes. If it ever turns out that the Committee on Rules does not want to discuss a rule and anybody else does want to discuss it, the Chair will assume the authority, without any reference to the practice, to divide the time equally between those who want to advocate the rule and those who do not.

Mr. HENRY of Texas. Mr. Speaker, this rule brings up for consideration and makes privileged the House joint resolution providing for a change in the date of inauguration of the President and Vice President. The rule does not limit the right of debate for four hours in any respect. Any amendment that is pertinent and appropriate may be offered to the joint resolution.

Mr. SHERLEY. Will the gentleman yield there?

Mr. HENRY of Texas. Yes.

Mr. SHERLEY. Does not the rule expressly limit the debate to four hours and provide then that the vote will be taken, and does not the right to offer amendments depend on recognition, and does not any man who is recognized have an hour?

Mr. HENRY of Texas. Any man who is recognized will have the right to offer an amendment and it shall be considered as pending.

This is not an effort to suppress the views of any Member of the House in regard to this question, but to give the utmost freedom of debate and of amendment during the consideration.

This resolution was reported six months ago from the Committee on the Judiciary. As the author of the resolution, it has been my purpose to report it to the House and state fully every pertinent fact and leave it open for amendment and allow it to remain on file in the document room in order that Members might procure copies of the report and resolution and thoroughly understand every provision of the same.

It is a most important resolution. If the Members of this House are in favor of changing the inauguration date and the other four important matters set out in this amendment, they can so vote by a two-thirds majority here to-day after the resolution has been discussed for four hours and amendments have been offered. I have no desire to thrust this resolution into the House and keep any gentleman from speaking upon it or offering any proper amendment. If two-thirds of this House is not in favor of the resolution, carrying five very important changes to the Constitution, then I make no complaint. It is a nonpartisan matter.

It does not refer to the proposition of making the term six years, nor would I be in favor of putting that kind of amendment on this resolution, because I realize that if we can not continue to keep this resolution before this House as a nonpartisan matter, it has no chance to pass through the House and Senate. There is nothing partisan in it, and there shall be nothing partisan so far as I am concerned. But it is a plain proposition to change the inauguration date, to eliminate the short session of Congress now held under the present Constitution, and provide for the convening of Congress on the second Tuesday of January. Thus the short session will be eliminated and Congress will meet on the second Tuesday in January. Then it can hold until the next January if it sees proper to do so.

The resolution provides that Members who are elected in November shall take their seats at the convening of Congress

about 60 days thereafter, on the second Tuesday in January. It provides that the Speaker can be elected about 60 days after the election, and this House will not be without a Speaker and the officers necessary to organize it for a single day. As it is now, for nine months we are without a Speaker and officers of the House.

There are other important changes embraced in this resolution. I have referred to two important changes that are set out. The third change is a provision in the event that the President elect and Vice President elect should die between the assembling of the electoral college and the inauguration on the 4th day of March there may be congressional action. There is here a complete hiatus in our Constitution, and there is no method by which successors to the President elect and the Vice President elect could be chosen between the assembling of the electoral college and the inauguration of those officials. In other words, to make it perfectly plain, if Mr. Taft and Mr. Sherman had died between the casting of the electoral votes in the various State capitals and the 4th day of March there would have been no power to choose their successors, and for four years this Government would have been without a President or Vice President, and there would have been no power to which a bill could be sent and signed and no authority to convene Congress in extraordinary session. And, strange as it may seem, during all our 125 years of existence as a Government that occurrence has not yet happened.

But there is a manifest hiatus in the Constitution, pointed out by James G. Blaine, the brilliant statesman from Maine, by Senator Hoar, of Massachusetts, and referred to time and again by some of the greatest statesmen this country has produced. In this joint resolution we provide a method by which the successors to the President elect and the Vice President elect may be chosen.

Mr. BARTLETT. You mean you provide that Congress may provide a manner?

Mr. HENRY of Texas. The resolution provides that Congress may prescribe a manner, copying exactly the language of the present Constitution, which is that Congress may enact a method by which a successor to the President and a successor to the Vice President may be chosen, repeating word for word the old language of the Constitution, by which these vacancies may be filled. In pursuance of that provision the Congress in 1886 for the first time prescribed how successors to the President and Vice President should be chosen in case of their death or disability. If you will examine the Constitution of the United States, on page 98 of the House Manual and Digest, you will find this language, written there when the Constitution was written:

> And the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

The framers of the Constitution provided the method whereby the successors to the President and the Vice President, after their inauguration, could be chosen. So, following identically the same language and extending it, we cure the hiatus by providing that the successors to the President elect and the Vice President elect, should they die or be disabled, can be chosen by any method fixed by Congress. I assume that we are no wiser than those who drew and passed the statute of 1886, which has worked well.

Mr. HARDWICK. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Georgia?

Mr. HENRY of Texas. I yield to the gentleman from Georgia.

Mr. HARDWICK. So far as this provision provides for shortening the term of Congressmen, and for having the Congressmen who are elected in November come here and begin their duties in the following January, I am heartily in favor of it; but why, on the other hand, should we lengthen the term of a defeated and discredited administration? Why not require the President to come in and be inaugurated at the same time that the new Congress comes in?

Mr. HENRY of Texas. That is a question of judgment or choice with every individual Member. If the gentleman wishes, he may offer an amendment providing that the President shall come into office on the second Tuesday in January. Just two or three words will make the amendment effective, providing that he shall come into office when the Members of Congress do.

Mr. BEALL of Texas. Under that sort of an arrangement what provision would you have for counting the electoral votes? You would have no Congress in session until the second Tuesday in January.

Mr. HENRY of Texas. You would have to provide for the new Congress counting the electoral vote, and then make provision for the inauguration of the President and Vice President a week or two thereafter. You would necessarily have a short period there, and the old President would have to lap over for a week or two in any view of the case. There might be a contest. So I have assumed that it is not much worse, if it is any worse, to allow the President to hold on about 60 days longer than he does now. He holds on now from November until the 4th of March, although he and the House may be discredited.

Under this amendment the Members hold from November until the following 4th of March and are entitled to count the votes electing the President and Vice President. Under my proposed amendment the new Members come into office in January and they count the electoral vote. There is no election between the Congresses; all the elections come in November, September, and June, and then Congress convenes in January, and there are no more elections until that Congress expires.

Gentlemen, I beg of you to take this amendment, take this report wherein I have set out all these things, analyze them, and you will find that the resolution makes some important changes demanded by the American people.

Mr. BARTLETT. Will the gentleman yield?

Mr. HENRY of Texas. I will.

Mr. BARTLETT. Does not the gentleman think that with such important changes demanded by the people as this is, that the term of President should be limited to one term of six years, and is not this a good place to put it on?

Mr. HENRY of Texas. That would come in another part of the Constitution.

Mr. BARTLETT. In Article II.

Mr. HENRY of Texas. But I will say to the gentleman that a resolution has been reported to the Senate and one is pending before the Judiciary Committee, and I understand that the Committee on the Judiciary intends to report out that resolution, but that belongs to another part of the Constitution. Besides, to be perfectly candid with my colleagues here, that raises a partisan question that I do not wish to be tied onto this meritorious joint resolution.

Mr. SHERLEY. If the gentleman will allow me, I was going to suggest to the gentleman that inasmuch as we have four hours of debate, and anybody has the right to offer amendments, that we can easily consider all these questions and amend the Constitution in any particular.

Mr. HENRY of Texas. That is true.

Mr. SHERLEY. An amendment to the Constitution is so simple a thing that it ought to be easily discussed in all of its bearings and attended to in four hours. It is such a simple thing, amending the Constitution for the Government of 90,000,000 people.

Mr. HENRY of Texas. I will say that I do not want any snap judgment on this resolution, and am willing to discuss it four hours, four days, or four weeks.

Mr. SHERLEY. Then why did the gentleman bring in a rule limiting it to four hours' debate? It is perfectly absurd to talk about amending the Constitution of the United States with four hours' discussion.

Mr. HENRY of Texas. But if gentlemen will take this report——

Mr. SHERLEY. But I am not willing to accept the gentleman's report as the last word.

Mr. HENRY of Texas. I think if the gentleman would read it, with all his learning and legal knowledge, he would be so thoroughly convinced that he would make a speech in behalf of the joint resolution. In my judgment, whenever any Member of this House will take the resolution and analyze its features, it will commend itself to his judgment.

Now, if Members do not want the inauguration on the last Thursday in April, why, adopt an amendment by a majority vote making it the second Tuesday in January. If, as some gentlemen say, they want the President of the United States sworn in by a justice of the peace in a room 16 by 16 feet, if that is the view they take of the question, by a majority of this House they can write that amendment on this joint resolution. As for me, I am proud of my country; proud of the inauguration of the President of the United States. I wish 100,000 or 200,000 of patriotic citizens could come here and witness the inauguration of the President, whether he be Republican or Democrat. [Applause.]

Mr. Speaker, it is one of the greatest schools of patriotism, and speaks well for the American people that they take an interest in the installation of the highest official in the Republic.

But if they do not want a parade, if the last Thursday in April is not the proper inauguration day, then let them put an amendment on here to make it the second Tuesday in January. But let us make the other change, eliminate the short session

of Congress, which is becoming an intolerable evil and an obstacle to the transaction of business. Make the change and prescribe the other provisions, curing the hiatus in the Constitution as pointed out. Take time, read the report, the documents appended to it, by Judge Parker, former chairman of the Judiciary Committee; by William Henry Crain, a distinguished Member of Congress from Texas; and by Mr. J. Hampden Daugherty, an able member of the New York bar, pointing out all these defects, making them so plain that even by friend from Kentucky [Mr. SHERLEY], with his superior knowledge, if he will read them, will be convinced. I hope he will take up these things and do me the honor to read them, as I always read all of his productions and listen with pleasure to his discussion of public questions.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has one minute remaining.

Mr. HENRY of Texas. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] is recognized for 20 minutes.

Mr. RICHARDSON. Mr. Speaker, if I am correctly informed, including the proposition of the gentleman from Texas, there will be, if this resolution should pass, three propositions pending before the American people to change the Constitution of the United States. That is enough of itself to attract the attention of thoughtful people. We are all satisfied that in the present condition of public sentiment this is the most unfortunate and inopportune time that we ever have had in the history of our great Republic to suggest or submit to the people the question of a change of our Constitution. The people are in a less deliberate and less calm frame of mind than for a long time. I will not attempt to picture the causes for this mental disturbance. We all know it. Suppose the question were submitted to the thoughtful Members of this House to-day as to which of the different methods proposed by the Constitution of the United States, if that great and vital instrument is proposed to be amended, they would prefer or select. Would you incline to the authorized mode by conventions in three-fourths of the States, or otherwise? I am not precipitate in act or thought in my disposition to favor change of the provisions of our Constitution. There is nothing light or trivial in such a proposition to me. To my mind it is a solemn work. I confess that I am opposed in every respect to the alteration or amendment of the Constitution unless a strong, practical, good reason is given for it which conserves the interests of all the people. I have read with a great deal of care every proposition that has been made for several years past to change the Constitution of the United States in respect to the inaugural date, including that of that great lawyer, Judge De Armond, Judge Parker, and others. This is a very different proposition from that which was suggested by Mr. De Armond, and the fact is, as I recall it, not a single proposition corresponded with the others. It matters not what the gentleman from Texas may say about knowledge, as yet I have never been able to find any good and sufficient and imperative reason why the Constitution should be amended and inauguration day changed as a mere matter of benefit to the people of the United States. Where are they concerned? I do not pretend to say that the great city of Washington is not properly and very much interested in it. That is true. Even the distinguished chairman of the Rules Committee and a member of the Judiciary Committee has in the past made several propositions to change the day of inauguration, but they were not all the same. I am not only talking about the rule, but I am entirely opposed to the whole proposition and proceedings to amend the Constitution. There is no occasion for me to confine myself to a discussion of the rule. It is enough for me to know that a rule is proposed here to-day among thoughtful, prudent, patriotic Members of Congress that after a discussion of four hours we shall vote to amend the Constitution of the United States. Is that time enough to consider and pass upon this grave question, hampered as we will be by the rules in the hands of the chairman and others?

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Yes.

Mr. HENRY of Texas. I want to ask the gentleman two questions. He said there ought to be some good reason given for making the change.

Mr. RICHARDSON. I think so. That is what I said.

Mr. HENRY of Texas. Does the gentleman think the hiatus, the omission, in the Constitution wherein there is no way to provide a successor to the President elect and the Vice President elect in case of their death should be remedied?

Mr. RICHARDSON. I think this, that the contention that the gentleman makes that the fathers of our Constitution left within its own bosom the instrument of death is not true. I do not believe that this Government would go to pieces or be the victim of lawlessness or be destroyed or would have been in any serious danger if Mr. Taft and Mr. Sherman had both died before the 4th of March. I do not believe that our fathers left any such menace to their well-finished work.

Mr. HENRY of Texas and Mr. HUMPHREYS of Mississippi rose.

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. RICHARDSON. To the gentleman from Texas.

Mr. HENRY of Texas. Then the gentleman does not agree with Senator Hoar and the unanimous Senate, which passed through the Senate two or three times identically the language that I have here.

Mr. RICHARDSON. That is not a fair way to put it. I have read the able speech of Senator Hoar on that subject, but I still think it is not the time to change our inaugural date.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, does not the gentleman believe that if Mr. Taft and Mr. Sherman had died, as suggested——

Mr. RICHARDSON. That the Government would have gone to anarchy?

Mr. HUMPHREYS of Mississippi. Oh, no; but that the gentleman who then occupied the Presidency would then have been willing to make further sacrifice and to fill up that hiatus for four years, until his successor could have been selected? [Laughter.]

Mr. RICHARDSON. Mr. Speaker, I do not believe that the fathers of our country left a provision in the Constitution, or the absence of a provision, which meant destruction of our own Government and the instrument which they made. I believe that if such a calamity as that were to befall us—and it would be very extraordinary—the Government would find some way to go along and be maintained in every respect and preserve its life. I believe that some temporary provision would be resorted to until the people could properly provide for the failure of the President and Vice President to fill their offices. It is at least comforting to us to know that for 130 years of existence we have not encountered any such difficulty, even if it exists at all.

Mr. SIMS. Mr. Speaker, this resolution, as I understand it, provides that the terms of Members of Congress shall be shortened to January.

Mr. RICHARDSON. Yes.

Mr. SIMS. And that the President's time shall be lengthened until May.

Mr. RICHARDSON. Yes.

Mr. SIMS. So that we would cut off the terms of the people's representatives by two months and shorten the opportunity for legislation and give the President four months extra in which to veto what those representatives did.

Mr. RICHARDSON. Yes; that is true.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Mr. Speaker, I do not care to yield to anybody at this time.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. RICHARDSON. I do say, Mr. Speaker, I am disposed to admit, so far as I am concerned, that there is one constitutional amendment for which I might be induced to vote, and it is the only one I know of, and I am not going to commit myself entirely to that, and that is to make the term six years and the President not eligible to reelection. I am disposed to think I should support that to make the term six years and not to have the President eligible for another term. I am not, however, in favor of this change in the inaugural date, chiefly on account of inclement weather. I was about to say from my reading of the Constitution and knowledge about it, but my recollection of reading the Constitution of the United States and its contemporaneous history and studying it is that Gen. Washington was inaugurated as President of the United States on the 30th of April purely accidentally, and my judgment as a student of American history is that I do not think that there was ever so important a period in the history of our Republic as occurred between the 4th day of March and the 30th day of April when Washington was inaugurated, and if the American people ever gave, in my opinion, a proper estimate of appreciation of that great man's character it was in that period between the 4th of March and the 30th of April, when his great manhood and character asserted itself and established the fundamental principles of our Government. [Applause.] Why do I say that? Why, Congress was to have met on the 4th day of March. There were only eight Senators there and a few Members, not a quorum, and day after day they continued to meet until Adams came some time in April and was sworn in

as Vice President, and then Washington came in April and was inaugurated, and it was then that our Government was fully equipped and launched. Now, gentlemen, the reason that I said my friend, Mr. HENRY, had never satisfied my mind, that he had given no good reason why the 4th of March should be changed as the date of inauguration, is this: I have never known much complaint to come from the people about giving the 13 months' time to think before assuming the authority of a lawmaker. No body or people have ever suffered or complainted about that. It has worked well. It is a great pity we have not the time and leisure to think now. [Applause.] To think what is best for our Government. That is why I say he has never presented to me a good and sufficient reason, and I have never heard any genuine complaint from the people. I have heard it here in Washington through various and divers resolutions introduced, every one of them different. Every statesman that the gentleman has spoken about presented a different day and a different hour for the inauguration, presented a different time for Congress to hold over and for the President to be inaugurated at a time different from what the people elected him. These are grave questions; these are serious questions.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. RICHARDSON. Yes.

Mr. HENRY of Texas. They are grave questions, but twice the Judiciary Committee has reported this resolution unanimously. Now, would the gentleman be willing to accord the Judiciary Committee some consideration after they have studied this question for years——

Mr. RICHARDSON. Certainly I do.

Mr. HENRY of Texas. As against the judgment of the gentleman, when it is perfectly apparent he has not read the report lately?

Mr. RICHARDSON. Read what?

Mr. HENRY of Texas. Read the report lately.

Mr. RICHARDSON. Yes; I have read it; read it lately and read it years ago. Why, my dear sir, you are not the only Member of Congress who has read it. [Laughter and applause.] You are not the only one. That is a direct implication that I was talking about a matter I had not read.

Mr. HENRY of Texas. Oh, I did not mean that at all.

Mr. RICHARDSON. I do not care how——

Mr. HENRY of Texas. But I meant lately. I assumed the gentleman had.

Mr. RICHARDSON. I have it on my table there and at my room.

Mr. HENRY of Texas. And it will take two hours to read it.

Mr. RICHARDSON. That is very true, and it is difficult to understand even then. [Laughter and applause.]

Mr. HENRY of Texas. Yes; that is true. It is difficult to understand—by some.

Mr. RICHARDSON. Yes; so it is. I yield a great deal of courtesy and respect and reverence to the Judiciary Committee, guided, influenced, and controlled, of course, supremely by the gentleman from Texas, chairman of the Rules Committee. Of course I yield a great deal of regard and respect to the opinion of that committee, but I do not undertake to say that they are the only lawyers in Congress. I do not say that which probably some of them want to have accorded to them, but I do say that I do not think when the hard, common-sense Members of this House come to look at it they will ask themselves the question wherein and how and in what respect do the people of this country find any benefit from changing the inaugural date from the 4th of March to the 30th of April simply on account of inclement weather. That is the question we are asking ourselves. That is the question that is being asked, and that is the one that Mr. HENRY has to answer and the Judiciary Committee or any other committee that comes in here and says that because we do not see it as the committee sees it, yet because they bring the resolution in we all must vote for it. Not at all; and I put a question that is a right question to be asked, and it is a right question for him to answer. Why, my recollection is in the last decade—the Weather Bureau shows that in the last decade there are about as many wet days on the 30th day of April—and I have it in my possession—as there are on the 4th of March. So, if it is a matter of inclement weather and the matter of a great parade day, we ought to be advised whether we have any guaranty that the last Thursday in June will furnish us good weather for the show.

Mr. HENRY of Texas. Will the gentleman from Alabama yield?

Mr. RICHARDSON. No; I will not. But I wish to say that I have from Mr. Moore, the Chief of the Weather Bureau, a statement for the last decade comparing the 30th of April and the 4th of March, and I find there is not a great deal of difference, considering natural conditions and the seasons of the year, but there is a little difference. Probably there are a few more wet and colder days in March than in April. I will supply the weather report as soon as I can reach my room at the hotel.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has three minutes left.

Mr. RICHARDSON. I yield three minutes to the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for three minutes.

Mr. RODDENBERY. Mr. Speaker, the three minutes which the gentleman from Alabama has been so kind to yield will not be adequate for the remarks which I desire to submit.

Mr. HENRY of Texas. The gentleman will have the time later.

Mr. RODDENBERY. Then I yield three minutes to the gentleman from Alabama.

Mr. MARTIN of South Dakota. Will the gentleman from Alabama [Mr. RICHARDSON] yield me the three minutes?

Mr. RICHARDSON. Yes; I will.

Mr. MARTIN of South Dakota. Mr. Speaker, I favor the general purpose of changing inauguration day along the line of the resolution of the gentleman from Texas, but I do oppose the form of the rule which the gentleman asks us to adopt on so important a matter as a constitutional amendment. Here is a rule not to limit general debate on this section, but providing a time absolutely when the vote must be taken. Four gentlemen may get recognition under that rule and take up the four hours, and it will cut off the further offering of amendments.

Mr. HENRY of Texas. Will the gentleman yield there?

Mr. MARTIN of South Dakota. In a moment. An amendment to the Constitution of the United States ought not to be passed by a gag rule to limit the time to the moment when the vote must be brought to bear, without any knowledge of how serious the desire and the necessity for amendment of the resolution in the particular form the gentleman has prepared it.

Mr. HENRY of Texas. There is no intention to gag any Member of the House, and I always intended to state that half of the time be given to one side of the House and the other half to the other side of the House.

Mr. SHERLEY. If that be true, I will say that there will be no general agreement made that this rule be carried.

Mr. MARTIN of South Dakota. Four Members may get recognition and consume not only the time, but shut off all opportunity for amendment.

Mr. HENRY of Texas. If the gentleman will allow it, I will ask unanimous consent now that amendments may be offered and be considered as pending.

Mr. MARTIN of South Dakota. The gentlemen, in trying to put through a rule of this kind, ought to bring in a rule which will allow amendments.

Mr. HENRY of Texas. Has the gentleman an amendment?

Mr. MARTIN of South Dakota. I may have. I think it is unfair——

Mr. HENRY of Texas. The rule allows it.

Mr. MARTIN of South Dakota. It does not allow it. It provides after this rule is adopted that the House must vote on the resolution at the end of four hours.

Mr. HENRY of Texas. The rule provides for pending amendments.

Mr. MARTIN of South Dakota. It does not limit general debate.

The SPEAKER. The time of the gentleman from South Dakota [Mr. MARTIN] has expired.

Mr. HENRY of Texas. The gentleman ought not to assume that attitude. This rule provides for a vote on the resolution and all pending amendments, and any gentleman can offer an amendment and he can get a vote. Now, if you are for it let us adopt the rule, and you can offer your amendment, and if it is a good one the House will adopt it.

Mr. MARTIN of South Dakota. Will not the gentleman concede that although you might offer an amendment you can not debate it and can not offer it after four hours?

Mr. HENRY of Texas. I will give you all the time you want out of my time.

The SPEAKER. The time of the gentleman from Texas [Mr. HENRY] has expired. All time has expired. The question is on agreeing to the rule.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HENRY of Texas. I ask for a division.

The House divided; and there were—ayes 39, noes 41.

Mr. HENRY of Texas. Mr. Speaker, I make the point that there is no quorum present.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. DIXON of Indiana. Pending that motion, I would like to present a joint resolution.

The SPEAKER. The House can not do anything without a quorum. The gentleman from Kentucky [Mr. SHERLEY] moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 41, nays 184, answered "present" 9, not voting 158, as follows:

YEAS—41.

Booher	Harrison, N. Y.	La Follette	Sims
Cullop	Hawley	Longworth	Sloan
Davis, Minn.	Hay	Macon	Stephens, Miss.
Dickson, Miss.	Higgins	Martin, S. Dak.	Stevens, Minn.
Draper	Howell	Morgan	Sulloway
Driscoll, M. E.	Howland	Murdock	Towner
Ellerbe	Humphrey, Wash.	Nelson	Warburton
Evans	Humphreys, Miss.	Palmer	Witherspoon
Floyd, Ark.	Johnson, S. C.	Patten, N. Y.	
Green, Iowa	Kennedy	Richardson	
Gudger	Korbly	Sherley	

NAYS—184.

Adamson	Faison	Kitchin	Rauch
Ainey	Farr	Knowland	Redfield
Akin, N. Y.	Ferris	Konop	Rees
Alexander	Fitzgerald	Kopp	Reilly
Anderson, Minn.	Flood, Va.	Langham	Roberts, Mass.
Anderson, Ohio	Foster	Langley	Roberts, Nev.
Ansberry	Fowler	Lee, Ga.	Roddenbery
Anthony	Francis	Lee, Pa.	Rodenberg
Austin	French	Lenroot	Rothermel
Bartlett	Gallagher	Lever	Rubey
Beall, Tex.	Garner	Lindbergh	Russell
Berger	George	Lloyd	Saunders
Blackmon	Godwin, N. C.	Lobeck	Shackleford
Boehne	Good	McCall	Simmons
Bowman	Goodwin, Ark.	McCoy	Sisson
Brantley	Graham	McCreary	Smith, Saml. W.
Buchanan	Greene, Mass.	McDermott	Smith, N. Y.
Bulkley	Gregg, Tex.	McGillicuddy	Smith, Tex.
Burgess	Hamilton, Mich.	McGuire, Okla.	Stephens, Nebr.
Burke, Wis.	Hamlin	McKellar	Stephens, Tex.
Burleson	Hammond	McKenzie	Sterling
Burnett	Hardwick	McKinney	Stone
Butler	Hardy	Madden	Sweet
Byrns, Tenn.	Harris	Maguire, Nebr.	Switzer
Callaway	Harrison, Miss.	Malby	Taggart
Candler	Haugen	Mann	Taylor, Colo.
Cannon	Hayden	Miller	Taylor, Ohio
Carlin	Hayes	Mondell	Thomas
Cary	Heflin	Moon, Tenn.	Townsend
Clayton	Helgesen	Morrison	Tribble
Collier	Henry, Conn.	Morse, Wis.	Turnbull
Curley	Henry, Tex.	Murray	Tuttle
Dalzell	Hensley	Needham	Underwood
Danforth	Hill	Neeley	Volstead
Davis, W. Va.	Holland	Norris	Watkins
Dent	Howard	Oldfield	Webb
Dickinson	Hughes, Ga.	Page	Wedemeyer
Dies	Hughes, N. J.	Patton, Pa.	Wickliffe
Dixon, Ind.	Hull	Pepper	Wilder
Dodds	Jackson	Pou	Willis
Doremus	Jacoway	Powers	Wilson, Ill.
Doughton	Jones	Pray	Wilson, Pa.
Driscoll, D. A.	Kahn	Prouty	Wood, N. J.
Dupré	Kent	Rainey	Young, Kans.
Edwards	Kinkaid, Nebr.	Raker	Young, Mich.
Esch	Kinkead, N. J.	Ransdell, La.	Young, Tex.

ANSWERED "PRESENT"—9.

Bradley	Davidson	Dyer	Houston
Browning	Dwight	Finley	Littlepage
Davenport			

NOT VOTING—158.

Adair	Conry	Gillett	Legare
Aiken, S. C.	Cooper	Glass	Levy
Allen	Copley	Goeke	Lewis
Ames	Covington	Goldfogle	Lindsay
Andrus	Cox, Ind.	Gould	Linthicum
Ashbrook	Cox, Ohio	Gray	Littleton
Ayres	Crago	Gregg, Pa.	Loud
Barchfeld	Cravens	Griest	McHenry
Barnhart	Crumpacker	Guernsey	McKinley
Bartholdt	Currier	Hamill	McLaughlin
Bates	Curry	Hamilton, W. Va.	McMorran
Bathrick	Daugherty	Hanna	Maher
Bell, Ga.	De Forest	Hartman	Martin, Colo.
Borland	Denver	Heald	Matthews
Broussard	Difenderfer	Helm	Mays
Brown	Donohoe	Hinds	Moon, Pa.
Burke, Pa.	Estopinal	Hobson	Moore, Pa.
Burke, S. Dak.	Fairchild	Hubbard	Moore, Tex.
Byrnes, S. C.	Fergusson	Hughes, W. Va.	Moss, Ind.
Calder	Fields	James	Mott
Campbell	Focht	Johnson, Ky.	Nye
Cantrill	Fordney	Kendall	Olmsted
Carter	Fornes	Kindred	O'Shaunessy
Catlin	Foss	Konig	Padgett
Clark, Fla.	Fuller	Lafean	Parran
Claypool	Gardner, Mass.	Lafferty	Payne
Cline	Gardner, N. J.	Lamb	Peters
Connell	Garrett	Lawrence	Pickett
Plumley	Sabath	Speer	Tilson
Porter	Scully	Stack	Underhill
Post	Sells	Stanley	Utter
Prince	Sharp	Stedman	Vare
Pujo	Sheppard	Steenerson	Vreeland
Randell, Tex.	Sherwood	Stephens, Cal.	Weeks
Reyburn	Slayden	Sulzer	Whitacre
Riordan	Slemp	Talbott, Md.	White
Robinson	Small	Talcott, N. Y.	Wilson, N. Y.
Rouse	Smith, J. M. C.	Taylor, Ala.	Woods, Iowa
Rucker, Colo.	Smith, Cal.	Thayer	
Rucker, Mo.	Sparkman	Thistlewood	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. GLASS with Mr. SLEMP.

Mr. SLAYDEN with Mr. TILSON.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. O'SHAUNESSY with Mr. SPEER.

Mr. LAMB with Mr. SELLS.

Mr. WILSON of New York with Mr. REYBURN.

Mr. WHITE with Mr. PRINCE.

Mr. THAYER with Mr. PORTER.

Mr. TALCOTT of New York with Mr. PLUMLEY.

Mr. SULZER with Mr. STEENERSON.

Mr. STANLEY with Mr. STEPHENS of California.

Mr. SMALL with Mr. WEEKS.

Mr. SHERWOOD with Mr. VREELAND.

Mr. ROBINSON with Mr. UTTER.

Mr. SHARP with Mr. VARE.

Mr. POST with Mr. PICKETT.

Mr. PETERS with Mr. OLMSTED.

Mr. PADGETT with Mr. MOTT.

Mr. MARTIN of Colorado with Mr. MATTHEWS.

Mr. LINTHICUM with Mr. MCLAUGHLIN.

Mr. JAMES with Mr. CALDER.

Mr. KINDRED with Mr. MCKINLEY.

Mr. HAMLIN with Mr. LAFEAN.

Mr. HELM with Mr. LAFFERTY.

Mr. HAMILTON of West Virginia with Mr. KENDALL.

Mr. GREGG of Pennsylvania with Mr. HUGHES of West Virginia.

Mr. ESTOPINAL with Mr. HEALD.

Mr. GOLDFOGLE with Mr. HINDS.

Mr. DIFENDERFER with Mr. GUERNSEY.

Mr. FINLEY with Mr. CURRIER.

Mr. DONOHOE with Mr. GILLETT.

Mr. COX of Ohio with Mr. FOSS.

Mr. COVINGTON with Mr. FOCHT.

Mr. CONNELL with Mr. DE FOREST.

Mr. CLINE with Mr. CURRY.

Mr. CLAYPOOL with Mr. CRUMPACKER.

Mr. CARTER with Mr. CRAGO.

Mr. BYRNES of South Carolina with Mr. COPLEY.

Mr. BROWN with Mr. COOPER.

Mr. BELL of Georgia with Mr. CAMPBELL.

Mr. AYRES with Mr. CATLIN.

Mr. ALLEN with Mr. BURKE of Pennsylvania.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. ADAIR with Mr. AMES.

Mr. BATHRICK with Mr. BARTHOLDT.

Mr. GARRETT with Mr. FORDNEY.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. BROUSSARD with Mr. NYE.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. MCMORRAN.

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. STEDMAN with Mr. HANNA.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

Mr. CONRY with Mr. PAYNE.

Ending June 1:
Mr. THOMAS with Mr. HUBBARD.
From May 29, for two weeks:
Mr. BORLAND with Mr. LAWRENCE.
From May 20, for two weeks:
Mr. ROUSE with Mr. FULLER.
From May 15, for two weeks:
Mr. CANTRILL with Mr. LOUD.

Mr. BARNHART. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. BARNHART. No; I was not.

The SPEAKER. The gentleman does not come within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the House refuses to adjourn. The question is on the adoption of the rule.

Mr. SHERLEY. Mr. Speaker, I ask that the Chair announce the vote on the adoption of the rule. There has already been a division upon it.

The SPEAKER. The gentleman made the point of no quorum, which vitiated that vote.

Mr. SHERLEY. I did not know that the Chair had announced the vote before.

The question was taken; and on a division (demanded by Mr. HENRY of Texas) there were—ayes 56, noes 52.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The Clerk called the name of Mr. ADAIR.

Mr. EDWARDS. Mr. Speaker, I rise for the purpose of asking unanimous consent that the resolution be again reported. There are many Members present who were not here when it was reported before.

The SPEAKER. The gentleman asks unanimous consent that the resolution be again reported.

Mr. MANN. It is too late. The roll call had begun.

The SPEAKER. It is too late.

The question was taken; and there were—yeas 120, nays 101, answered "present" 8, not voting 163, as follows:

YEAS—120.

Adamson	Dixon, Ind.	Jones	Patton, Pa.
Akin, N. Y.	Doremus	Kent	Pepper
Alexander	Driscoll, D. A.	Kinkaid, Nebr.	Post
Anderson, Minn.	Edwards	Kinkead, N. J.	Pray
Anderson, Ohio	Esch	Knowland	Prouty
Ansberry	Farr	Konop	Rainey
Austin	Fergusson	Lafferty	Reilly
Barnhart	Ferris	Lamb	Rodenberg
Beall, Tex.	Fowler	Langley	Rothermel
Berger	Gallagher	Lee, Pa.	Rubey
Blackmon	Garner	Lenroot	Rucker, Colo.
Boehne	George	Lever	Shackleford
Bowman	Godwin, N. C.	Lindbergh	Smith, N. Y.
Buchanan	Goodwin, Ark.	Lloyd	Smith, Tex.
Burgess	Graham	Lobeck	Steenerson
Burke, Wis.	Greene, Mass.	McCall	Stephens, Nebr.
Burleson	Gregg, Tex.	McCoy	Stephens, Tex.
Burnett	Hamlin	McCreary	Sterling
Butler	Hammond	McDermott	Stone
Callaway	Hardwick	McGillicuddy	Sweet
Carlin	Hardy	McGuire, Okla.	Taggart
Cary	Hayden	Maguire, Nebr.	Townsend
Clayton	Hayes	Morgan	Turnbull
Cline	Heflin	Moss, Ind.	Tuttle
Dalzell	Henry, Conn.	Murray	Underwood
Davenport	Henry, Tex.	Needham	Watkins
Davis, W. Va.	Hensley	Neeley	Webb
Dent	Holland	Norris	Wickliffe
Dickinson	Hughes, Ga.	Oldfield	Wilson, Pa.
Dies	Jacoway	Patten, N. Y.	Young, Tex.

NAYS—101.

Ainey	Good	Macon	Simmons
Andrus	Green, Iowa	Madden	Sims
Bartlett	Gudger	Malby	Sloan
Booher	Hamilton, Mich.	Mann	Smith, Saml. W.
Bulkley	Harrison, Miss.	Martin, S. Dak.	Stephens, Miss.
Byrns, Tenn.	Harrison, N. Y.	Mondell	Stevens, Minn.
Candler	Haugen	Moon, Tenn.	Sulloway
Cannon	Hawley	Morrison	Switzer
Collier	Hay	Mott	Taylor, Ohio
Cullop	Hill	Murdock	Thistlewood
Curley	Howell	Nelson	Thomas
Danforth	Hull	Page	Towner
Davis, Minn.	Humphrey, Wash.	Palmer	Tribble
Dickson, Miss.	Humphreys, Miss.	Powers	Volstead
Dodds	Jackson	Raker	Warburton
Doughton	Kahn	Ransdell, La.	Wedemeyer
Draper	Kennedy	Rauch	Wilder
Driscoll, M. E.	Kitchin	Redfield	Willis
Ellerbe	Korbly	Rees	Wilson, Ill.
Evans	La Follette	Richardson	Witherspoon
Fairchild	Langham	Roberts, Mass.	Wood, N. J.
Faison	Longworth	Roberts, Nev.	Young, Kans.
Flood, Va.	McKenzie	Roddenbery	Young, Mich.
Floyd, Ark.	McKinley	Russell	
Francis	McKinney	Sherley	
French	McLaughlin	Sherwood	

ANSWERED "PRESENT"—8.

Bradley	Dyer	Foster	Houston
Browning	Finley	Glass	McKellar

NOT VOTING—163.

Adair	Denver	Johnson, Ky.	Randell, Tex.
Aiken, S. C.	Difenderfer	Johnson, S. C.	Reyburn
Allen	Donohoe	Kendall	Riordan
Ames	Dupré	Kindred	Robinson
Anthony	Dwight	Konig	Rouse
Ashbrook	Estopinal	Kopp	Rucker, Mo.
Ayres	Fields	Lafean	Sabath
Barchfeld	Fitzgerald	Lawrence	Saunders
Bartholdt	Focht	Lee, Ga.	Scully
Bates	Fordney	Legare	Sells
Bathrick	Fornes	Levy	Sharp
Bell, Ga.	Foss	Lewis	Sheppard
Borland	Fuller	Lindsay	Sisson
Brantley	Gardner, Mass.	Linthicum	Slayden
Broussard	Gardner, N. J.	Littlepage	Slemp
Brown	Garrett	Littleton	Small
Burke, Pa.	Gillett	Loud	Smith, J. M. C.
Burke, S. Dak.	Goeke	McHenry	Smith, Cal.
Byrnes, S. C.	Goldfogle	McMorran	Sparkman
Calder	Gould	Maher	Speer
Campbell	Gray	Martin, Colo.	Stack
Cantrill	Gregg, Pa.	Matthews	Stanley
Carter	Griest	Mays	Stedman
Catlin	Guernsey	Miller	Stephens, Cal.
Clark, Fla.	Hamill	Moon, Pa.	Sulzer
Claypool	Hamilton, W. Va.	Moore, Pa.	Talbott, Md.
Connell	Hanna	Moore, Tex.	Talcott, N. Y.
Conry	Harris	Morse, Wis.	Taylor, Ala.
Cooper	Hartman	Nye	Taylor, Colo.
Copley	Heald	Olmsted	Thayer
Covington	Helgesen	O'Shaunessy	Tilson
Cox, Ind.	Helm	Padgett	Underhill
Cox, Ohio	Higgins	Parran	Utter
Crago	Hinds	Payne	Vare
Cravens	Hobson	Peters	Vreeland
Crumpacker	Howard	Pickett	Weeks
Currier	Howland	Plumley	Whitacre
Curry	Hubbard	Porter	White
Daugherty	Hughes, N. J.	Pou	Wilson, N. Y.
Davidson	Hughes, W. Va.	Prince	Woods, Iowa
De Forest	James	Pujo.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSTER with Mr. KOPP.
Mr. BRANTLEY with Mr. ANTHONY.
Mr. DUPRÉ with Mr. HARRIS.
Mr. FITZGERALD with Mr. HOWLAND.
Mr. HOBSON with Mr. HELGESEN.
Mr. HUGHES of New Jersey with Mr. CURRY.
Mr. JOHNSON of Kentucky with Mr. REYBURN.
Mr. LEE of Georgia with Mr. VREELAND.
Mr. PADGETT with Mr. SELLS.
Mr. SAUNDERS with Mr. SPEER.
Mr. SISSON with Mr. FOCHT.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the resolution.

The Clerk read House joint resolution 204, proposing an amendment to the Constitution of the United States, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution and as a substitute for Article XII thereof:

"ARTICLE —.

"SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

"SEC. 2. The second Tuesday of January, at noon, shall constitute the commencement and termination of the official term of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its terms shall expire on the second Tuesday of the January immediately following. The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected. Congress shall assemble at least once in each year, and such meeting shall be on the second Tuesday in January, unless Congress shall by law appoint a different day.

"SEC. 3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But

in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States. In all cases not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

REQUISITIONS FOR MEMBERS' SALARIES, ETC.

The SPEAKER. Before proceeding with the joint resolution, the Chair will recognize the gentleman from Indiana [Mr. DIXON] on an important matter which involves the business of the House.

Mr. DIXON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution, which I send to the Clerk's desk.

Mr. HENRY of Texas. Mr. Speaker, this is without prejudice to the pending order?

The SPEAKER. Yes. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 323.

Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

Resolved, etc., That Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, be, and he is hereby, authorized and directed to sign all necessary checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms of the House of Representatives, to secure the money appropriated for the salaries and mileage of the Members of the House of Representatives during the temporary disability of the said U. S. Jackson, Sergeant at Arms; and the Treasurer of the United States is hereby authorized to pay the said money to the said Riddell, cashier, in conformity to the provisions of this resolution, upon the approval by the Secretary of the Treasury of a bond in the sum of $50,000 of the said Riddell, payable to the United States of America.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Indiana if he is able to say whether there is any precedent for this resolution?

Mr. DIXON of Indiana. No; I do not know that there is. I consulted with the Treasurer and also with the comptroller, and it seems that at one time in the Forty-seventh Congress they passed a bill authorizing the Treasurer of the United States to pay the Members in such a contingency. In conference with the Secretary of the Treasury he said that he would very much prefer to have it this way on account of the bookkeeping.

Mr. MANN. Then this has the approval of the Secretary of the Treasury?

Mr. DIXON of Indiana. The Secretary of the Treasury was not there, but his chief assistant read it and the comptroller read it, and both approved it.

Mr. MANN. Who pays the expense of this bond?

Mr. DIXON of Indiana. Mr. Riddell is already under bond for $50,000, and it will be made payable to the United States instead of to Mr. Jackson.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. DIXON of Indiana. Certainly.

Mr. BARTLETT. The resolution provides for a bond of $50,000, but the terms of the bond are not provided in the resolution.

Mr. DIXON of Indiana. No; it provides that the bond shall be satisfactory to the Secretary of the Treasury.

Mr. BARTLETT. Ordinarily in providing for a bond in special cases the conditions are for the faithful performance of the duty, or the faithful payment of the money. I merely make the suggestion to the gentleman.

Mr. DIXON of Indiana. At the Treasury they said this would be satisfactory.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles, disagreed to by the House of Representatives, had agreed to the conferences asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

Mr. KOPP, by unanimus consent, was given leave of absence indefinitely, on account of important business.

TERMS OF PRESIDENT, VICE PRESIDENT, SENATORS, AND REPRESENTATIVES.

The SPEAKER. The gentleman from Texas is recognized for one hour.

Mr. DIES. Mr. Speaker, I rise to a question of personal privilege.

Mr. HENRY of Texas. Mr. Speaker——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This rule provides that immediately on the adoption of this resolution, House resolution 204 shall be taken up for consideration. The parliamentary inquiry is whether, that rule having been adopted by the House, proceedings can now be interrupted so as to set aside the rule by a question of personal privilege.

The SPEAKER. The point of order is sustained.

Mr. LENROOT. Will the gentleman from Texas yield?

Mr. HENRY of Texas. Yes. Does the gentleman from Wisconsin wish to make a request for unanimous consent?

Mr. LENROOT. Yes.

Mr. HENRY of Texas. Very well; I will yield to the gentleman.

Mr. LENROOT. Before entering on the general debate, I want to ask whether or not an agreement can not be entered into for general debate, leaving some time for the reading of the bill and amendments?

Mr. HENRY of Texas. I am perfectly willing, as far as I am concerned.

Mr. LENROOT. Then, Mr. Speaker, I ask unanimous consent that general debate be limited to two hours.

Mr. SHERLEY. I object.

Mr. LENROOT. Three hours?

Mr. SHERLEY. I again object. It was the Committee on Rules that forced us into this situation.

Mr. HENRY of Texas. Mr. Speaker, the situation is not bad, and we will take care of it.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized for one hour.

Mr. HENRY of Texas. Mr. Speaker, the rule just adopted provides for four hours' debate on the joint resolution and pending amendments, and, of course, any gentleman who secures recognition from the Chair has the right to offer any pertinent amendment to this resolution. The rule does not undertake to prevent the offering of amendments and the freest discussion of this resolution. Notwithstanding the efforts of some gen-

tlemen to make it appear that this is a gag rule and brought in for the purpose of precluding amendments, such is not the case. The rule provides for a vote on the joint resolution and all pending amendments, and so far as I am personally concerned, it would please me if any gentleman who thinks he can improve this joint resolution to have him offer his amendment and submit it to the judgment of the House.

This should be a nonpartisan question. Gentlemen should lay aside all feeling and prejudice, if there be any on this occasion, and take up the questions involved and consider them as become Representatives of the people who have a great duty to perform. I shall not be chagrined personally if this joint resolution is not passed through the House, for it is nothing to me. It proposes a great reform, which will be for the betterment of our Government and make the Constitution conform to the necessities and emergencies of the times.

If I may have the attention of gentlemen, permit me briefly to point out what is proposed in the joint resolution. Under the present Constitution it happens that inauguration day falls on the 4th day of March, although the 4th day of March appears nowhere in the Constitution except in the twelfth amendment, and did not appear there until some years after this Government was organized, when the contest arose between Thomas Jefferson and Aaron Burr for the Presidency of the United States. It was then necessary to submit to the States the twelfth amendment, when, for the first and only time, the 4th day of March appeared in that instrument. It is not prescribed there that the 4th day of March shall be the day of the inauguration, but it so happens that this Government, which began its career under the organization by our fathers, commenced operations on the first Wednesday in March, which was the 4th day of March, and then became the beginning and the ending of the terms of the President, Vice President, Senators, and Representatives. Their terms began on the 4th day of March, although George Washington was not inaugurated as President of the United States until the 30th day of April thereafter, because a quorum had not appeared in either branch of Congress until several days after the 4th day of March, when the vote for the President and Vice President could be counted. Washington went out of office after he had served two months less than four years the first term.

It is now said that we are extending the term of some President. What if we do? We are doing no more than was done by our fathers when they lessened the term of a President and took from him 60 days. What merit is there in an objection of that kind? A constitutional amendment is necessary in order to change the date of inauguration, and it can not be brought about by statute or joint resolution. You can not shorten the terms of Members of this House and of the Senate by statute or joint resolution, and in order to change the beginning of terms of Members of Congress from the 4th day of March you must either curtail the term of some future Congress or extend it. This can only be done by constitutional amendment.

Having recited that much of our early history, permit me to analyze the resolution. It proposes five things:

First. There is a proposition that, beginning with the Sixty-third Congress, the term of office of the President chosen at the election of November, 1912, immediately preceding, shall continue until the last Thursday of April, 1917, at noon, and the last Thursday of April at noon shall thereafter be the commencement and termination of the official term of the President and Vice President.

Second. Upon the ratification of the proposed amendment the second Tuesday of January at noon shall constitute the commencement and termination of the official terms of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected, which is always the short session, immediately following the general election for Representatives in Congress, after the ratification of this amendment, shall hold no annual session after such election, and such short session of Congress as now provided shall terminate on the second Tuesday of January immediately following. The Senators whose existing term would otherwise expire on the 4th of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected.

Third. When the proposed amendment becomes operative Congress shall assemble at least once in each year on the second Tuesday in January, unless Congress shall by law appoint a different day. This may be done by joint resolution or statute, as was frequently done in the early days of our history.

Fourth. In the proposed amendment the time for an election of a President, when that duty devolves upon the House, is extended to the last Thursday in April, because it is limited now by amendment 12 to the 4th day of March, and this extends the time so as to make it conform to the inauguration day.

Fifth. In the last two sentences of the proposed amendment Congress is given power to provide by law for the danger of the death of the President elect, or of the death of the President elect and Vice President elect, before the beginning of their terms of office, as well as for the failure to elect such officers. The joint resolution here reported is indicated by showing the present article 12 in Roman type and the proposed changes in italics. So if anyone will take the resolution, which is in this report set forth at length, it will be found that the present article 12 is set out in Roman type and the proposed changes are set out in italics, which are the additions or the new parts of article 12.

Now, Mr. Speaker, there are five important changes proposed by this joint resolution which, if submitted to the States of this Union, I believe will be ratified by a three-fourths vote. There may be some who believe that this inauguration event should occur in January. There may be others who think it should be in March, as it is now, and there may be those who contend it should occur on the last Thursday in April, as I insist. The truth is our fathers thought and planned and desired that this Government should begin its career on the first Monday in December; that the President should then be inaugurated; that Congress should convene on that day; but, by reason of certain States not having ratified the Constitution in time, nine of them not having given their assent, it was impossible to carry out the plan and desires of our fathers, and they were unable to inaugurate this Government on the first Monday in December. So they waited for certain legislatures to act on the Constitution and ratify it, but when they finally acted the first Monday in December had passed. The next thing done was that the constitutional convention which framed this Constitution in Philadelphia passed a resolution, which is set out in the report herewith, calling upon the Congress of the Confederation of States to set a time when they would begin operations under the new Constitution. The resolution which was passed by the constitutional convention was received, and George Washington wrote a long letter explaining what had been done, and then the Congress passed a resolution that on a certain date elections should be held and the people should vote for President and Vice President, for Senators and Representatives, and on another day the electors for President should convene and cast their votes for President and Vice President, and in the same resolution it provided that the first Wednesday in March, which happened to be the 4th of March, this Government should begin its operations under the new Constitution.

Now, gentlemen, that is the way the 4th of March had its beginning for the presidential term. There ought to be some change. That situation brought about the short session of Congress, because when you elect a Member of Congress in November then the old Members serve until the 4th day of March, and Congress convenes in December and their terms terminate on the 4th day of March and then the terms of the new Members commence, and unless an extraordinary session is called they draw their salary for nine months before they take the oath of office and really begin their service. For nine months we are without a Speaker and an organization of the House. If you wish to get rid of the short session and desire to eliminate this three months' session, where more vicious legislation is put through than at any other time during the existence of the Congress, you can only do it by a constitutional amendment. If you do this, you can provide for the convening of Congress on the second Tuesday in January or the third or the fourth, whenever you please. The new Congress will go into power 60 days, a little less or more, after it is elected. Members who have been discredited at home go out of office in 60 days, a little more or less, and the new administration begins its term. But it is said we prolong the term of the President. The President's term is prolonged under the present system, and no matter how you write your amendment, no matter in what phraseology you couch it, it is utterly impossible not to lap over the term of the President after the election.

You must give him time to make his preparations to get out. You must give Congress time to count the votes and prepare for the inauguration. The President is elected for four years anyway. Here we have the spectacle of the Republican President in power two years after there is a Democratic House. Who knows what may be the result of the coming election? Who can say that this House may not again be Democratic and the Senate Democratic? Or that this House might not be Republican and the Senate Democratic, and with a Democratic Presi-

dent? You can not make these objections fit into one another. So here is the sensible thing to do. The reasonable thing is to eliminate this short session by a constitutional amendment, provide that 60 days after this Congress is elected it shall take the oath of office, Congress shall convene and shall begin its labors.

And then from the second Tuesday in January it can sit as long as both bodies agree, whether 60 days or 9 months or 11 months, or whatever time it chooses. And the other session shall begin the second Tuesday in January and may run until the next Congress, which begins on the second Tuesday of January following. There will be no election coming between to distract the attention of Members. A Member can remain here until the business is finished, and when Congress has adjourned it will not be necessary to return home and enter a campaign, as he must do under the present arrangement. So there will be no election between sessions of Congress. Members will have nothing to do except devote their attention to their public duties. There will be no campaigns at home. That will be attended to just before the convening of the first session of the Congress to which they are elected.

Now, gentlemen, is not there some wisdom in such a proposition? Have we not seen bills fail here in the short session that should have passed? Have we not seen things put through in a few brief moments after midnight without due consideration that could not be passed in that way if this constitutional amendment should be adopted?

Take up the propositions one after another. If you are not in favor of changing the inauguration date in this way, then choose some date that suits you. For six long years I have studied this question. I have conversed with a majority of the Members of this House and now ask some gentleman to propose a date that would suit everybody if he can. It is out of the question. The 4th of March does not suit them; the second Tuesday in January would not suit them. Let us see if we can not get together on a reasonable date for inauguration of the President and change this system and put it back where our fathers intended it should be in the beginning of our Government.

On the inauguration proposition, what do you want? If you do not like the last Thursday in April, propose an amendment, which you may do, and change, in a few words, the date, and I will not have a word to say if the House so wills. Some say that this change is only desired by the local inhabitants of Washington City. Why, gentlemen, practically every governor in the United States has appealed to Congress to change the inauguration date. We have sentiment coming up to us from all over the United States asking for this change. There are those who say they do not care how cruel the weather may be; that they would leave it at it is. I remember when Mr. Taft was inaugurated as President of the United States on the 4th day of March as one of the bitterest and coldest days ever experienced in Washington. There was a terrible snowstorm blowing all day.

Thousands upon thousands had come here from every part of the country. They had come from the South, from the North, from the far West, from Pennsylvania and Virginia, and from all over this land, to witness a patriotic ceremony in the inauguration of the President of the United States. Many of you remember that day, and what a terrible ordeal those men in the uniform of the United States suffered. It meant death and destruction to our soldiers and sailors assembled here. I have heard men say the more cruel the day the better it would be. Are we going to decide a great question on such reasoning as that? Are we going to allow ourselves to say our form of Government can not be changed in that respect, when a simple resolution changing the Constitution will bring about the desired result?

Gentlemen, let us take up the other proposition, about the hiatus in the Constitution. Examine that provision to which I have referred, which is on page 98 of the Constitution, Manual, and Digest, and you will find that there is a provision for electing a successor to the President and Vice President after their inauguration. Our fathers made ample provision in that regard. But notwithstanding the reasoning and argument of the distinguished gentleman from Alabama [Mr. RICHARDSON], I undertake to say that Blaine and Hoar and Walthall and George and Ransom and Vance and Vest, and all of those Senators who voted for the proposition to cure that defect in the Constitution were absolutely correct. If any man pretending to be a lawyer will read the Constitution, he will find that if the President-elect and the Vice President-elect die between the casting of the electoral vote and inauguration day there is no power in our Constitution to fill the vacancies for four years.

There is written in this amendment the simple language used by Senator Hoar, which passed the Senate on two occasions. It is not my language. If gentlemen want to criticize it, let them criticize the phraseology of that great lawyer, so long representing the Commonwealth of Massachusetts. The Committee on the Judiciary carefully worked it out. They submitted it to the Senate and passed it through that body, and then it came over here, and I am sorry to say it was lost in some committee of the House. Who will oppose curing that defect in the Constitution? What is there radical and revolutionary in it that causes gentlemen to shrink?

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. HENRY of Texas. I do.

Mr. SHERLEY. Is it not that same lack of interest which makes people absent themselves here while the author of it is discussing it?

Mr. HENRY of Texas. Well, I am glad at least to say that the absence of so many distinguished gentlemen is compensated by the presence of my friend from Kentucky.

Mr. SHERLEY. But the Constitution, which the gentleman is treating so lightly, requires that two-thirds of the House shall vote for it.

Mr. HENRY of Texas. Oh, twice the Committee on the Judiciary has reported that resolution. This resolution has been reported for about six months, and has been on the calendar, and I have put the report in the hands of every Member on both sides of this House, and asked them to consider it in order that no one might say there is snap judgment. And, so far as the gentleman from Kentucky [Mr. SHERLEY] is concerned, I do not expect to convince him, I am sorry to say, on this or any other matter.

But, Mr. Speaker, here is a plain proposition that can be understood. If Members will only take advantage of the report that has been filed and read it, they can vote intelligently on it. There is no difficulty in understanding it. The facts are set out at length. There are appended to it documents bearing on the question giving the history. It makes no real difference to me whether gentlemen express great approval, or whether they vote for it or against. It is not with me a personal matter. But I believe there is an interest in it throughout the country, and it matters not to me whether or not I father the resolution, whether or not I am the author of an amendment to the Constitution of the United States. That is immaterial. The important thing is that this inauguration date should be changed, and along with it these other things ought to be written in the Constitution. And I believe if this House will submit the amendments to the various States, no matter what the inauguration day may be, eliminating the short session and thus providing a long session for the convening of Congress in January and curing the hiatus pointed out, it will be ratified.

It is not an unimportant question. It is a great question for the American people to perfect their organic law, and all that I desire is to have the judgment of my colleagues in this House. There are many reasons that I could urge in favor of changing the date of the inauguration from the inclement day of March 4 to a later date, but those things are set out in the report; and, notwithstanding what the distinguished gentleman from Alabama [Mr. RICHARDSON] has said, if you will take this report you will find appended a statement from the health department and from the Weather Bureau giving the state of the weather for the last 20 years and showing what the 4th of March has been during each of those years. It is idle to say that the 4th of March is an appropriate time for that ceremony. The experience of more than a hundred years has demonstrated that such is a failure and was not the day designed by the framers of the Constitution. And I here submit a statement throwing light on the inauguration days:

CHANGING INAUGURATION DAY.

[Baltimore Evening Sun.]

After three years of discussion and delay Mr. HENRY'S resolution changing inauguration day from March 4 to the last Tuesday in April is reported favorably by the House Committee on the Judiciary, and the indications are that it will quickly pass the House. It involves, of course, an amendment to the Constitution, for whenever the proposed change is made the term of the outgoing President will be lengthened by about seven weeks, and so it must receive a two-thirds majority in each House, and after that it must be approved by the legislatures of three-fourths of the States. Consequently 1917, and not earlier, has been specified as the time when the change will take place if the amendment is approved.

The present movement is not new. It was launched so long ago, in truth, that nobody remembers the date. After the second Cleveland inauguration, on March 4, 1893, a day of snow and high wind, it gained a good deal of strength, but Congress, after a tedious discussion, dropped the matter, and it was not revived until after the Taft inauguration, in 1909, when the weather was so bad that most of the cus-

tomary ceremonies had to be abandoned. As the following brief table shows, the chances of bad weather on inauguration day are about two in three:

Year.	President.	Weather.
1873....	Grant	Cold, high wind.
1877....	Hayes	Snow and wind.
1881....	Garfield	Sleet on ground.
1885....	Cleveland	Fair and cold.
1889....	Harrison	Cold rain.
1893....	Cleveland	Snow, cold, gale.
1897....	McKinley	Clear.
1901....	McKinley	Drenching rain.
1905....	Roosevelt	Fine.
1909....	Taft	Blizzard.

Thus it appears that since 1873 there have been but three fine inauguration days, and on one of these the temperature was uncomfortably low. We all know the result. Thousands of participants, exposed to wind and cold, fall ill afterwards and many of them die. On several occasions the incoming President has himself suffered much, and there is always the risk that he may be seriously and even fatally affected. Late in April the weather is almost certain to be fine, and even should there be rain it is commonly warm rain, and unaccompanied by snow, sleet, or Arctic winds.

The Constitution did not provide where Congress should assemble. The first session of Congress was held in the city of New York, and George Washington was inaugurated there.

I do not think there was ever a better time to take up an amendment to the Constitution when the people are stirred to action, and when they are more patriotic, perhaps, than ever in the history of this Government. And let me say to gentlemen that our Constitution has been amended on numerous occasions. Only a few years ago we submitted an amendment providing for an income tax. We have submitted amendments on numerous occasions.

The other day we submitted an amendment providing for the greatest reform that has come to the American people since the foundation of the Government, the election of Senators by a direct vote of the people. [Applause.] Now is the occasion to seize the opportunity and amend this Constitution as it should be. And in the wisdom of the American people it will not be many months until the income-tax amendment and the one providing for electing Senators by direct vote of the people will be written into this Constitution as part of our governmental system. [Applause.]

Now, by providing for these three changes, for another date for the convening of Congress, and for the beginning of the term of the President, Vice President, Senators, and Representatives, you have perfected this system, which has proven to be the greatest upon which the sun ever shone.

Yes, now is the time to submit the amendment, when all the people who are taking governmental affairs in their hands will assemble around the ballot box and vote and instruct their senators and representatives in the State legislatures to recognize their will and carry out their commands. [Applause.]

Now is the time to do it, when a few individuals can not sneak into legislatures and thwart the will of the American people. Let us submit these amendments now. Why should gentlemen be afraid of this? Some men are afraid of amending the Constitution. Others are afraid they can not properly word the amendment, and are afraid of themselves.

The system we have now is good, and the people are electing the President just as fast as they can in every State. If I would accede to the desires of every one of my friends and put all the amendments on that they propose we would handicap this joint resolution so that it would never be heard of again. One friend wanted to make the term of Representatives three years. Another one sitting by said, "I would never vote for that in the world; let us make it four years." [Laughter.] When an amendment of that sort was submitted once it was voted down by a large majority in the House. If we were to make the term of a Representative for life we might get some votes on both sides. [Laughter.]

Mr. RODDENBERY. Will the gentleman yield?

Mr. HENRY of Texas. I will yield to the gentleman from Georgia.

Mr. RODDENBERY. What are the views of the gentleman with reference to submitting an amendment providing that the terms of office of Members of Congress, Senators, and the term of the Vice President shall begin on the first Monday in December?

Mr. HENRY of Texas. I have thought of that a great deal, and would not object to it but from the fact that you have your elections in November, and under some State constitutions you can not get your certificate of election until the end of 40 days, and therefore a Member elect would not have his certificate in time to come here in December. So I have concluded, after ransacking all the constitutions of the States in the Union, that the ideal time to begin a session of Congress would be the second Tuesday in January. In the State of Oregon they elect their Representatives in June. In two other States, Maine and Vermont, they elect them in September, but in the great majority of States on the second Tuesday in November, and that day is fixed by the constitutions of various States, and you could not have the amendment that the gentleman speaks of without amending those State constitutions. So when you think of these things and make a search you will find that you run up against constitutional provisions in some States and provisions in the Constitution of the United States. But if you take the matter and endeavor to work it out, study the reports of Senator Hoar and Senator Vest and Senator Platt, of Connecticut, and those great lawyers on the Judiciary Committee, and others named, you will come to the conclusion that there is only one way, and that is as it is worked out here, and the only place where there should be room for difference of opinion is as to the proper day for the inauguration of President.

You can not inaugurate the President on the day that Congress convenes, no matter when you put it, because Congress must begin, organize under the Constitution in regular session, the Senate must come over here, the Vice President must preside with the Speaker, the Vice President must take the envelopes containing the electoral votes, open them in the presence of the joint session, and hand them down to the tellers in front of the Speaker's desk. Those are the constitutional requirements for these things. Let good judgment rule, and join in passing this resolution demanded by the American citizens.

Mr. FLOYD of Arkansas rose.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. FLOYD] is recognized.

Mr. STERLING rose.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to speak in opposition to the resolution.

Mr. STERLING. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STERLING. I will ask if the time upon this side is controlled, or if the time has been equally divided?

The SPEAKER pro tempore. No division of the time has been arranged. Recognition is in the discretion of the Chair. The gentleman from Arkansas is a member of the Judiciary Committee, and the Chair understands is opposed to the resolution. The gentleman from Arkansas is recognized.

Mr. GARNER. Mr. Speaker, may I now ask the gentleman from Arkansas a question?

Mr. FLOYD of Arkansas. I yield to the gentleman.

Mr. GARNER. It is a question that I intended to ask my colleague, but he said he did not have the time to answer it.

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DIES. Does the gentleman from Arkansas desire to speak in opposition to the amendment?

Mr. FLOYD of Arkansas. Yes; I do.

Mr. GARNER. Mr. Speaker, I rose for the purpose of asking the gentleman from Texas [Mr. HENRY] a question as to the effect of this resolution, but he did not have the time to answer it, it seemed. It is a question which I think of great importance, so far as the State of Texas is concerned. This resolution provides that on the second Tuesday in January the office of Senators and Representatives shall expire. The Legislature of the State of Texas meets for the election of a Senator on the second Tuesday in January. They do not elect for some two or three weeks under the form of the present constitution. Would there be a vacancy in the Senate of the United States from the State of Texas during that interim?

Mr. HENRY of Texas. Just a moment, and I will take it out of my time. I will say to the gentleman that the Senators of the United States are elected under a statute of the United States, and that statute provides that we elect Senators two weeks after the convening of the legislatures. Now, that statute can be amended providing for the election on the first day of the convening of the legislatures, which would cure the defect in Texas and other States.

Mr. FLOYD of Arkansas. Mr. Speaker, I decline to yield to the gentleman.

Mr. HENRY of Texas. I am not taking this out of the gentleman's time.

Mr. FLOYD of Arkansas. But I have the floor.

Mr. MANN. Mr. Speaker, a parliamentary inquiry: How does the gentleman from Arkansas get the floor.

The SPEAKER pro tempore. The Chair recognized him.

Mr. MANN. How came he to be recognized by the Chair? I insist that this side of the House is entitled to recognition.

Mr. FLOYD of Arkansas. I am opposed to the resolution offered by the gentleman from Texas.

Mr. MANN. Whether the gentleman is opposed to it or not, this side of the House is entitled to recognition.

Mr. DIES. Mr. Speaker, I make the point of order the gentleman is not in order.

Mr. MANN. I am in order; I am making a parliamentary inquiry. How does the gentleman from Arkansas get the floor?

The SPEAKER pro tempore. By recognition from the Chair.

Mr. MANN. Does the Chair consider that there is a Republican side of the House?

The SPEAKER pro tempore. The gentleman stated he was opposed to the resolution and secured recognition from the Chair.

Mr. MANN. But this side of the House is entitled, certainly, to some time in opposition.

The SPEAKER pro tempore. The Chair will state that no Republican arose and asked for recognition.

Mr. MANN. I have no doubt gentlemen arose if the Chair had looked around to see them, but he only recognized the gentleman from Arkansas.

Mr. GARNER. The gentleman from Illinois is mistaken. The gentleman from Texas had the floor, and the gentleman from Texas ceased and yielded to the gentleman from Arkansas.

Mr. MANN. That was rigged in and the gentleman from Arkansas takes the floor in his own right, and I insist the gentleman from Arkansas is not entitled to recognition.

Mr. SHERLEY. But, Mr. Speaker, the gentleman from Arkansas is entitled to recognition in opposition unless some member of the committee reporting this resolution had claimed the floor, and then it would be in the discretion of the Chair. There is no rule of this House that divides this House here in the middle of the aisle. It is not a political question.

Mr. MANN. It is only one of fair play.

Mr. SHERLEY. And fair play is being recognized, and it is not for the gentleman from Illinois to make the inference that the Chair has not been fair.

Mr. MANN. The ranking Republican on the Committee on the Judiciary was entitled to the floor.

Mr. PAGE. Mr. Speaker, I demand the regular order.

Mr. DIES. Mr. Speaker——

Mr. DALZELL. Mr. Speaker——

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present. You will have to have men here to do that.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-five Members are present; not a quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. RODDENBERY. Mr. Speaker, I move a call of the House.

Mr. MANN. I have made a motion to adjourn, and that is a preferential motion.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 25, noes 36.

So the motion was rejected.

Mr. RODDENBERY. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia, who moves a call of the House.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

On a division (demanded by Mr. HENRY of Texas) there were—ayes 27, noes 33.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. Nineteen gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

Mr. MANN. Mr. Speaker, I make the point of order that 19 is not a sufficient number; we are in the House.

The SPEAKER pro tempore. The point of order is overruled. There were 50 present according to the last count.

Mr. MANN. That could only be determined by taking the other side.

Mr. HENRY of Texas. Nobody has demanded the other side, and I make the point of order it is too late.

The SPEAKER pro tempore. It takes one-fifth of those present, and the point of order is overruled.

The question was taken; and there were—yeas 126, nays 59, answered "present" 14, not voting 194, as follows:

YEAS—126.

Adair	Farr	Johnson, Ky.	Rauch
Adamson	Fergusson	Jones	Reilly
Alexander	Ferris	Kent	Roberts, Nev.
Barnhart	Fitzgerald	Kinkead, N. J.	Roddenbery
Bartlett	Floyd, Ark.	Kitchin	Rothermel
Beall, Tex.	Fowler	Konop	Rubey
Blackmon	Francis	Korbly	Rucker, Colo.
Brantley	Gallagher	Lafferty	Russell
Buchanan	Garner	Lee, Pa.	Shackleford
Bulkley	Godwin, N. C.	Lever	Sherley
Burgess	Goodwin, Ark.	Lloyd	Sherwood
Burke, Wis.	Gould	Lobeck	Sims
Byrns, Tenn.	Graham	McCoy	Sisson
Callaway	Greene, Mass.	McCreary	Smith, N. Y.
Candler	Gregg, Tex.	McDermott	Smith, Tex.
Carlin	Gudger	McGillicuddy	Stephens, Nebr.
Carter	Hamlin	McKellar	Stone
Cary	Hammond	McLaughlin	Sweet
Clayton	Hardwick	Macon	Taggart
Cline	Hardy	Maguire, Nebr.	Thomas
Collier	Harrison, Miss.	Moon, Tenn.	Townsend
Cullop	Harrison, N. Y.	Morrison	Tribble
Davis, W. Va.	Hay	Neeley	Tuttle
Dent	Hayden	Oldfield	Underwood
Dickinson	Heflin	Page	Warburton
Dickson, Miss.	Henry, Tex.	Patten, N. Y.	Watkins
Dixon, Ind.	Hensley	Pepper	Wilson, N. Y.
Driscoll, D. A.	Holland	Post	Wilson, Pa.
Driscoll, M. E.	Hughes, Ga.	Pou	Witherspoon
Edwards	Hull	Powers	The Speaker
Ellerbe	Humphreys, Miss.	Rainey	
Faison	Jacoway	Raker	

NAYS—59.

Ainey	French	Longworth	Richardson
Anderson, Minn.	Good	McKinney	Rodenberg
Austin	Green, Iowa	Malby	Sloan
Booher	Hamilton, Mich.	Mann	Smith, Saml. W.
Bowman	Harris	Martin, S. Dak.	Stephens, Miss.
Butler	Hawley	Morgan	Sterling
Campbell	Hill	Murdock	Stevens, Minn.
Cannon	Howland	Needham	Switzer
Curley	Jackson	Nelson	Taylor, Ohio
Dalzell	Kahn	Norris	Towner
Danforth	Knowland	Palmer	Volstead
Davis, Minn.	La Follette	Patton, Pa.	Wedemeyer
Dodds	Langley	Pray	Wilson, Ill.
Draper	Lenroot	Prouty	Young, Kans.
Esch	Lindbergh	Rees	

ANSWERED "PRESENT"—14.

Berger	Curry	Glass	McKenzie
Boehne	Dies.	Houston	Moss, Ind.
Bradley	Dyer	Johnson, S. C.	
Burnett	Foster	McCall	

NOT VOTING—194.

Aiken, S. C.	Dwight	Lafean	Rouse
Akin, N. Y.	Estopinal	Lamb	Rucker, Mo.
Allen	Evans	Langham	Sabath
Ames	Fairchild	Lawrence	Saunders
Anderson, Ohio	Fields	Lee, Ga.	Scully
Andrus	Finley	Legare	Sells
Ansberry	Flood, Va.	Levy	Sharp
Anthony	Focht	Lewis	Sheppard
Ashbrook	Fordney	Lindsay	Simmons
Ayres	Fornes	Linthicum	Slayden
Barchfeld	Foss	Littlepage	Slemp
Bartholdt	Fuller	Littleton	Small
Bates	Gardner, Mass.	Loud	Smith, J. M. C.
Bathrick	Gardner, N. J.	McGuire, Okla.	Smith, Cal.
Bell, Ga.	Garrett	McHenry	Sparkman
Borland	George	McKinley	Speer
Broussard	Gillett	McMorran	Stack
Brown	Goeke	Madden	Stanley
Browning	Goldfogle	Maher	Stedman
Burke, Pa.	Gray	Martin, Colo.	Steenerson
Burke, S. Dak.	Gregg, Pa.	Matthews	Stephens, Cal.
Burleson	Griest	Mays	Stephens, Tex.
Byrnes, S. C.	Guernsey	Miller	Sulloway
Calder	Hamill	Mondell	Sulzer
Cantrill	Hamilton, W. Va.	Moon, Pa.	Talbott, Md.
Catlin	Hanna	Moore, Pa.	Talcott, N. Y.
Clark, Fla.	Hartman	Moore, Tex.	Taylor, Ala.
Claypool	Haugen	Morse, Wis.	Taylor, Colo.
Connell	Hayes	Mott	Thayer
Conry	Heald	Murray	Thistlewood
Cooper	Helgesen	Nye	Tilson
Copley	Helm	Olmsted	Turnbull
Covington	Henry, Conn.	O'Shaunessy	Underhill
Cox, Ind.	Higgins	Padgett	Utter
Cox, Ohio	Hinds	Parran	Vare
Crago	Hobson	Payne	Vreeland
Cravens	Howard	Peters	Webb
Crumpacker	Howell	Pickett	Weeks
Currier	Hubbard	Plumley	Whitacre
Daugherty	Hughes, N. J.	Porter	White
Davenport	Hughes, W. Va.	Prince	Wickliffe
Davidson	Humphrey, Wash.	Pujo	Wilder
De Forest	James	Randell, Tex.	Willis
Denver	Kendall	Ransdell, La.	Wood, N. J.
Difenderfer	Kennedy	Redfield	Woods, Iowa
Donohoe	Kindred	Reyburn	Young, Mich.
Doremus	Kinkaid, Nebr.	Riordan	Young, Tex.
Doughton	Konig	Roberts, Mass.	
Dupré	Kopp	Robinson	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye."

So a call of the House was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. ANDERSON of Ohio with Mr. ANTHONY.

Mr. ANSBERRY with Mr. CRAGO.

Mr. BURLESON with Mr. HELGESEN.

Mr. BELL of Georgia with Mr. GRIEST.

Mr. DOREMUS with Mr. HAUGEN.

Mr. DOUGHTON with Mr. HAYES.

Mr. EVANS with Mr. HENRY of Connecticut.

Mr. FLOOD of Virginia with Mr. HOWELL.

Mr. GEORGE with Mr. KENNEDY.

Mr. LEGARE with Mr. KINKAID of Nebraska.

Mr. MURRAY with Mr. MCCALL.

Mr. REDFIELD with Mr. MCKINLEY.

Mr. SABATH with Mr. MADDEN.

Mr. UNDERHILL with Mr. MILLER.

Mr. STEPHENS of Texas with Mr. MONDELL.

Mr. TAYLOR of Colorado with Mr. ROBERTS of Massachusetts.

Mr. TAYLOR of Alabama with Mr. SIMMONS.

Mr. TURNBULL with Mr. FOCHT.

Mr. WICKLIFFE with Mr. SULLOWAY.

Mr. KONIG with Mr. YOUNG of Michigan.

Mr. YOUNG of Texas with Mr. WOOD of New Jersey.

Mr. LEVY with Mr. MCGUIRE of Oklahoma.

Mr. WEBB with Mr. WILLIS.

Mr. MOSS of Indiana. Mr. Speaker, I would like to vote "aye."

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. MOSS of Indiana. No.

The SPEAKER. The only way the gentleman can vote is to vote "present."

The name of the gentleman from Indiana [Mr. Moss] was called, and he voted "Present."

The SPEAKER. The roll call discloses that 200 Members have voted—a quorum being present.

Mr. UNDERWOOD. As a quorum is present, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with further proceedings under the call.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 109, noes 0.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. At what time under this rule will the vote be taken?

The SPEAKER. The vote will be taken four hours after the debate began, taking out the time that has been used.

Mr. LONGWORTH. Will that time be taken out?

The SPEAKER. Of course that time will be taken out. "Four hours of debate," the rules says.

Mr. LONGWORTH. I beg the Chair's pardon, but——

The SPEAKER. The Chair will examine the rule.

Mr. MANN. If the Chair will permit me, I will read the rule. It is very short.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. The rule reads:

Resolved, That immediately upon the adoption of this resolution House joint resolution 204 be taken up for consideration, and at the expiration of four hours a vote be taken upon the resolution and all pending amendments thereto.

The SPEAKER. The Chair supposed, when he said what he did before, that the rule provided for four hours' debate. Undoubtedly the vote must be taken at the end of four hours after the debate began.

Mr. LONGWORTH. That is the reason why I asked the question. Then the vote must be taken four hours after the rule was adopted, regardless of whether the rest of the time be taken up in roll calls or not?

The SPEAKER. Yes; under this peculiar rule that is the case. [Laughter.]

Mr. MANN. "Peculiar" is a very modest word for it.

Mr. BUTLER. This is a hot way to amend the Constitution. [Laughter.]

Mr. HENRY of Texas. Mr. Speaker, if gentlemen would rather filibuster than debate the rule, I have no objection.

The SPEAKER. It is not debatable.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to speak in opposition to this resolution. I desire to call attention to what I think is a serious defect in the resolution. This proposes an amendment to the Constitution——

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIES. Do I understand that under this peculiar rule a plea of personal privilege is not in order?

The SPEAKER. Does the gentleman understand what?

Mr. DIES. Am I to understand that under this peculiar rule a plea of personal privilege is not in order?

The SPEAKER. The gentleman can not take the gentleman from Arkansas off the floor.

Mr. DIES. By an appeal to personal privilege?

The SPEAKER. By anything. [Applause.]

Mr. FLOYD of Arkansas. Mr. Speaker, I want to call attention to one or two points of objection to the joint resolution now under consideration. The gentleman from Texas [Mr. HENRY] has said that this is not a party question, and it is not. It deals with the Constitution of the United States. It affects all the people of all parties, and I insist that when we consider the fact that during the entire history of our Republic there have been only 15 amendments to the Constitution, and that 12 of those amendments were made by the very men who framed the Constitution itself and that the other three amendments were made after four years of terrible war in this country, as a result of that conflict, and that with these exceptions the people of the United States have stood firmly by the Constitution, it is evident that it is not their disposition to seek to amend it lightly. And I want to declare here that no greater constitutional chart of the rights of any people has ever been written than this Constitution of the United States.

I am not one of those who oppose all amendments to the Constitution. Do not understand me in that way. I am one of those who insist that when we do make amendments to the Constitution we ought to improve the Constitution; that when we submit amendments to the Constitution there ought to be some great public interest involved, affecting the people of the United States; and that to make a greater holiday for Washington is no justification for an amendment to the Federal Constitution. [Applause.]

Now, I want to call your attention to what in my judgment is a serious defect in this resolution as it has been drafted, and in order to do so I want first to call your attention to provisions in the first and second sections thereof. Section 1 proposes an amendment to Article XII. Section 1 reads as follows:

SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

Now, I want to call attention to the peculiar wording of that provision. I understand that some gentlemen are advocating the proposition now that we ought to have a six-year term for President, and make him ineligible for a second term. But if you will read the language of this provision, it is susceptible of the construction that this proposed amendment limits the term of President to one year. Read it and see. Let me read it again:

SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

If that does not mean every year, what does it mean? It does not say every successive four years. It says—

Thereafter—

Every year. Now, if the meaning of that language is not to the effect that the President is to be elected for one year, what does it mean?

It is true Article II of the present Constitution says that the President shall have a term of four years, but this new amendment to the Constitution says that after 1917 the term shall begin and end on the last Thursday of April without any qualifying words.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. HENRY of Texas. I simply desire to suggest to the gentleman we are dealing with terms, and if the gentleman

will take pains to read the whole Constitution and the other articles, he will find his point is not well taken.

Mr. FLOYD of Arkansas. Yes; but you are amending the Constitution, and the subsequent amendment, when it comes in conflict with any of the provisions of the Constitution, gives rise to a construction and contention that the intention of the people was to change the original provision. And I will call your attention to some other provisions in this particular amendment upon which you rely, that appear to make it further conflicting with the original instrument.

That is one objection. It is not clear what it means. It is not definite, and therefore is objectionable.

Now, there is another proposition I wish to consider.

Mr. MANN. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. MANN. In speaking of its being indefinite, suppose this amendment to the Constitution was submitted, and on the 4th of March, 1917, it had not yet been ratified by three-fourths of the States. Then I take it that the President then in office would go out and the President who had been elected would go in on the 4th of March.

Mr. FLOYD of Arkansas. I should think so.

Mr. MANN. Suppose that between that time and the last Thursday in April a sufficient number of additional States should ratify the amendment so that three-fourths of the States had ratified the amendment. Who would be President of the United States? And would war ensue?

Mr. FLOYD of Arkansas. That would create another complication. I can not tell the gentleman from Illinois who would be President or what might happen in such contingency, and I want to say in this connection that there are numbers of complications that might be produced and arise by reason of this amendment not only in the election of the President but in the election of Representatives and Senators, and in other ways.

Mr. MANN. I hope the gentleman will yield to somebody to say who would be President, and whether the man who had been sworn in would be kicked out and another one would take his place.

Mr. FLOYD of Arkansas. I am going to discuss later who would be President in certain contingencies.

Mr. HENRY of Texas. Would Roosevelt be President?

Mr. MANN. I can tell the gentleman that Roosevelt will be President until the 4th of March, 1917, anyway.

Mr. FLOYD of Arkansas. Now, I wish to call attention to another provision and to another vital objection to this amendment. Section 2 provides that—

> The second Tuesday of January, at noon, shall constitute the commencement and termination of the official term of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term shall expire on the second Tuesday of the January immediately following. The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected. Congress shall assemble at least once in each year, and such meeting shall be on the second Tuesday in January unless Congress shall by law appoint a different day.

Now, what is proposed? Take section 1 and section 2 together. The gentleman from Texas [Mr. HENRY] proposes, by constitutional amendment, to lengthen the term of some one President and make the expiration and beginning of all future terms on the 30th day of April. In the same amendment he proposes to make the beginning and the end of the terms of Members of Congress on the second Tuesday in January, thereby disjointing the Constitution. Thus you destroy the uniformity and symmetry of those constitutional provisions relating to the terms of Representatives, Senators, and the President in a most vital respect, and such fundamental change will affect and may utterly destroy the autonomy of the successful party after any presidential election, and especially will this be true where an adverse or opposite political party succeeds at the election.

Now, what reason is there that the new administration and the Members of the new Congress should not go in at the same time? This is a most vital objection to this proposed legislation. The President's term necessarily ends the 30th of April; the terms of Members of Congress commence and end on the second Tuesday in January. What is the reason for that? Nearly four months intervene; the new Congress comes in, but the old President holds on to hamper, to interfere, and to block any legislation that might be sought to be enacted by the new Congress.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. HENRY of Texas. Is not the old President holding over now over a Democratic House?

Mr. FLOYD of Arkansas. Yes; but as one Democrat I do not desire to pass any legislation that will give him 30 days additional term of office.

Mr. HENRY of Texas. But you expect a Democratic President next year.

Mr. FLOYD of Arkansas. It does not matter; I am opposed to this on principle. The Constitution of the United States ought to be simple and harmonious. I think the Representatives in Congress, Senators, and President ought to take their offices on the same day, and I think the fundamental defect in this amendment is the separation of these two events, providing that the President shall take his seat at one time and Congress shall be organized and enter upon their duties three or four months before a newly elected President is qualified and inaugurated.

Mr. SIMS. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. SIMS. Does not the gentleman know that the third Tuesday of April is a much better time to have a street fair and a parade, which is a matter that some overlook?

Mr. FLOYD of Arkansas. I do not think that we ought to deal with the Constitution on information gathered from reports of the Weather Bureau or at the instance of people who want a great quadrennial pageant and parade in the city of Washington. This is too serious a proposition. Under our form of government the people are supposed to rule, and theoretically they do rule, and we ought to stand for legislation that will enable the majority to rule; and where the majority in one party succeeds the other we ought to throw the full machinery of the newly elected party into power and let them exercise their efforts to carry out the reforms in legislation that they have pledged themselves to the people that they would enact.

Why hamper the new Congress for four months with the old President, antagonizing the wants of the people who have elected the Congress and the new President? This is no party matter. If past history is repeated, this Constitution will stand unchanged for another 100 years. What matter who is going to be President for the next four years when we are dealing with great fundamental propositions that will last for a hundred and, I doubt not, for a thousand years if only right principles are incorporated into our fundamental law and if we remain true to our past traditions, true to the spirit of the fathers, and true to the principles of those great men who formulated, ordained, and established the Constitution of the United States?

Mr. BOOHER. Will the gentleman yield?

Mr. FLOYD of Arkansas. I will.

Mr. BOOHER. I would like to ask the gentleman if he thinks the second section fixes the length of the term of a Member of Congress or of a Senator. I will read the language I refer to:

> The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term shall expire on the second Tuesday of the January immediately following.

What does that language mean?

Mr. FLOYD of Arkansas. It means that the Congress that is in existence at the time of the ratification of this amendment shall cease in January instead of the 4th of March, and the effect will be to cut off the difference of time in the terms of Representatives then in office between the second Tuesday in January and the 4th of March. In other words, their terms will be cut short about two months.

Mr. BOOHER. Now, suppose that they have the election in November, when Members of Congress are elected, and before the second Tuesday in January sufficient States should ratify this amendment to the Constitution, do these Members of Congress go out of office under this peculiar language?

Mr. FLOYD of Arkansas. I would think so. They would go out according to the meaning of the language, and this brings up any number of complications about the election of Senators, about the terms of Senators, and the terms of Congressmen. Why, this very provision is ambiguous as to the terms of Senators. Let me call attention to the fact that while it provides that the terms of Members of Congress in existence at the time of the ratification of the amendment shall go out of office on the second Tuesday of January, it does not provide that Senators whose terms are expiring shall go out, but that they shall continue until their successors are elected and qualified. So we have the anomalous condition of the President coming in at one date, the Representatives in Congress at another date, and the Senators at another date, the latter continuing until their successors are elected and qualified.

There is another proposition to which I wish to call attention. The distinguished gentleman from Texas [Mr. HENRY] says there is one provision in this resolution that ought to justify every Member of Congress in voting for it, and he

calls attention to the hiatus that might occur in the event that the President and Vice President, after the casting up of the electoral votes, should die before the 4th of March following. But does the gentleman propose any direct remedy in this proposed amendment for such a defect in the Federal Constitution, if such a defect there be? I think not. I think the provision of the gentleman from Texas in trying to cure that defect in the Constitution, if there be such defect, is not a safe remedy in such contingency.

Mr. DIES. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. FLOYD of Arkansas. Certainly; I yield.

Mr. DIES. Does not the gentleman think, in spite of all the weighty reasons he has given, that if this light and flippant change in the Constitution be made by this Congress it would give justification in precedent for great statesmen in some future Congress to make a more learned and more fundamental change in the law of the land? In other words, does not the gentleman think that our toying with the Constitution now in this indiscriminate manner might open the floodgates so that wise men coming after us could make material changes?

Mr. FLOYD of Arkansas. Mr. Speaker, I am not here to criticize the proponents of this measure. I am not here to criticize any Member who may desire to support it. I am here as a patriotic citizen, as a Representative of the people of the United States, to urge upon all men of all parties not to change the Constitution unless they change it for the better. Do not pass an amendment that is probably worse than the original instrument. I desire to call attention to this last provision, which I think does that:

> The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected.

Let us suppose that at some time in the future some ambitious and unscrupulous man should succeed to the Presidency of the United States. Suppose that the new Congress elected should represent the views of the incumbent President and be of his party. Suppose that the new President elect should be of an opposite political party. Four months intervene after the new Congress, loyal to the old President, has assembled in Washington before the new President can be qualified—four long months for intrigue, four long months for plot, with an ambitious President in the White House, with a Congress loyal to him—and under this provision if something should happen to the President elect and the Vice President elect the Congress loyal to the party of the President who had been recently defeated would be the one to elect a new President, or to say what officer should hold the Presidency until his successor should be elected and qualified, and yet in this amendment of the gentleman from Texas there is no provision for a new election until the next presidential election—four years hence. In a contingency such as above described you put it in the power of Congress, without the consent and against the will of the people, to reelect or continue in office for four more years a President already repudiated at the polls.

Why did not the gentleman from Texas provide that when Congress should elect a new President in such contingency that the tenure of office of the person so elected should be only temporary, only until there could be a presidential election called and the people of the United States, through the properly constituted electorate, should elect a new President to succeed the old one? Why did he not also provide for the calling of a new election in such event? I think that is the most fatal provision in the whole amendment proposed by the gentleman from Texas. It is fraught with dangerous and far-reaching consequences that may involve the perpetuity of the Government itself, and yet he urges it as the strong provision that should guarantee our support of it.

Mr. Speaker, I am most serious in my opposition to this resolution, and I have presented as best I could my objections to it. I thank you. [Applause.]

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 35 minutes left.

Mr. FLOYD of Arkansas. Mr. Speaker, I reserve the balance of my time.

Mr. STERLING rose.

The SPEAKER. The gentleman from Illinois [Mr. STERLING] is recognized for an hour.

Mr. STERLING. Mr. Speaker, I yield five minutes of that time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, in amending the Constitution in any particular we ought at least to be careful that we do not involve ourselves in greater difficulties than those from which we wish to escape. This amendment to the Constitution is proposed for the purpose of changing the date of inauguration and provides that, beginning with the Sixty-third Congress, the term of office of the President, and so forth, shall be changed. Suppose the amendment be not adopted until after the end of the Sixty-third Congress. There is no limitation in the Constitution as to when amendments shall be adopted. The only provision is that when they are submitted by the Congress they shall be adopted by three-fourths of the States. There is no time limit in the Constitution, and if this constitutional amendment should be submited to a vote of the people and be adopted by three-fourths of the States 10 years from now, it takes effect.

Possibly there would be no great difficulty in that case, but suppose this amendment be submitted to a vote of the people and be not adopted by the 4th of March, 1917—that there may be one State short. The old President goes out. The new President comes in on the 4th of March, and then between that time and the last Thursday in April the amendment receives the required constitutional support from the States. Who, then, is President? I defy any man to say, and when we deliberately propose an amendment to the Constitution which leaves in doubt who is President of the United States, we invite not merely controversy but we invite civil war. That ought never to be done in cold blood.

The President who has been sworn in on the 4th of March, 1917, would claim that he was the President because the constitutional amendment had not taken effect when he was sworn in. Who will undertake to say that the former President, whose term of office is extended by the terms of the amendment, would not have the right to also claim that he was President until the last Thursday in April? It seems to me that in adopting an amendment to the Constitution it ought at least to receive care enough to provide against a contingency of that sort. The simplest man can see the difficulty and I think could remove it by a short change in the phraseology, but under the rule by which we are operating now there is no chance for real consideration and no chance for real amendment to the proposition involved. And it seems to me that the only safe way to do is to vote against the change of parade day until at least a constitutional amendment has been properly prepared. If we want to amend the Constitution in reference to the term of President, what we ought to do is to make the presidential term six years and provide that a man can only be elected to that office for that one term. [Applause.] That would be the sensible thing to do. I heard the distinguished Speaker of this House, in an address some time this winter, declare that, in his judgment, the term of President ought to be six years and no chance for a President to use his office to seek a reelection. That is a proper amendment to the Constitution. Why do you not present something of importance to the people instead of a proposition to change parade day at the expense of difficulty perhaps as to when the term commences?

Mr. HENRY of Texas. Will the gentleman permit an interruption?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. STERLING. Mr. Speaker, I now yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I think that all must realize the seriousness of the propositions that are before us. With the idea of the gentleman many of us sympathize, at least in part. I think there is coming a time when we will seriously consider whether there should be some change regarding the provision of the Constitution with regard to the length of the presidential term and, perhaps also, of the date of its commencement. And I think we are also of agreement upon the proposition that it is unfortunate that the service of Congressmen should commence so long after the election. But, Mr. Speaker, I very seriously doubt the wisdom of placing in one amendment two propositions relating to two separate departments of the Government. We ought to consider them, perhaps, with relation to each other, but I do not think they ought to be submitted to the people of the country together. There might be those who would support the one and not the other, and the expediency or wisdom of supporting the one and not the other provision might be dependent upon entirely different causes; and so it seems to me that it would have been much better if these proposed amendments should have been submitted to this House for consideration separately. I can hardly believe that gentlemen of the House can support this first section of this proposed amendment in its present form. It is so drawn that no one can tell what its effects may be. Notice its language:

> Beginning with the Sixty-third Congress the terms of office of the President and Vice President, etc., shall be determined, etc.

We are here called upon to determine when the term of President shall commence by the time when the Congress shall

be elected; and, as was suggested by the gentleman from Illinois, unless three-fourths of the States shall have adopted this constitutional amendment before the election which is referred to by this section, then no one knows what this amendment may mean or what its effect will be. Certainly if the idea is worthy of serious consideration, then this section ought to be redrawn. I can hardly think, Mr. Speaker, that gentlemen here present can believe that it would be wise for us to adopt it in its present form because of these serious and inherent defects. It is to become a part of our fundamental law, not a law that may be repealed by any succeeding Congress; and if gentlemen really desire the idea that they suggest should become a part of the Constitution of the United States they should so frame it that it will be defensible in the arenas of the several States when they are called upon to consider it. It seems to me that gentlemen are very unwise who desire to see these changes made in thus presenting them for consideration. I should not favor under any circumstances a change of the Constitution that would provide that the Congress should commence on the first Tuesday of January and that the President should not be inaugurated until the last of April.

That certainly would be placing the President and Congress under embarrassments which it is easy to anticipate at this time and which might work great evil. The term of the President of the United States should commence, if a change is made in the date of the commencement of congressional terms, the last of January, or else the congressional term should be changed until it can approximately, at least, commence at the same time when the term for the President commences. I am certain, Mr. Speaker, that there can be no question as to the unwisdom of attempting to submit this amendment to the States. [Applause.]

The SPEAKER. The gentleman has consumed seven minutes.

Mr. TOWNER. Mr. Speaker, I yield back the balance of my time.

Mr. STERLING. I will ask the gentleman from Wisconsin [Mr. LENROOT] how much time he desires?

Mr. LENROOT. Perhaps not over 10 minutes.

Mr. STERLING. I yield 15 minutes to the gentleman from Wisconsin.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 15 minutes.

Mr. LENROOT. Mr. Speaker, I am heartily in favor of the more important provisions of this resolution. I am frank to say that I believe there is much to be said concerning the point raised by the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. TOWNER]. But even conceding that their construction of the first paragraph be correct, I have no hesitation in saying that—admitting it is defective in that respect—it is less defective than is the present Article XII taken as a whole. The more important part of this resolution is that which provides for Congress beginning its sessions 60 days after the election of its Members instead of the present method of a Congress remaining here and legislating after it has been repudiated by the people. That, to my mind, is the most important thing in this resolution, and if we must accept some defects in some contingencies, remote as they are, I am willing to trust another House to correct the defect named by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. What would the gentleman say as to the proposition of the time for electing Senators? In my State, and in most of the other States, the legislature meets in January. In our State next year we elect a Senator to succeed the senior Senator from Illinois. If this amendment had been in the Constitution we would have had to elect a Senator two years ago. Is this on the theory of getting men fresh from the people by electing them two years earlier than otherwise provided by law?

Mr. LENROOT. There may be something in the suggestion of the gentleman. I want to get back in the short time I have to what I consider the main proposition, and if the gentleman from Illinois [Mr. MANN] is correct, that if this resolution, adopted in its present form, will not permit the election of Senators by legislatures, as they are now elected, but would compel their election two years previous to the time they should assume their office, then I would thoroughly agree with the gentleman from Illinois that this resolution should not be adopted in its present form. But, Mr. Speaker, one most serious defect in the resolution in its present form, to my mind, is that which extends the term of the President and makes his term begin on the last Thursday in April. If that should be adopted in that form, we have this situation: A Congress commences its business on the second Tuesday in January, fresh from the people, but the old President, through half of the life of that Congress, acts as President, but in the middle of that session a new President comes in.

Let us suppose, Mr. Speaker, that we had an entire change of policy; that the old President is of one political party, the newly elected President is of another political party; then we would have nothing but chaos in that session of Congress. I propose and shall offer an amendment providing that the term of the President shall begin on the last Thursday in January, 16 days after the term of the Congressmen begins—16 days after the Congress convenes. That, Mr. Speaker, will give the new Congress 16 days in which to canvass the vote, and if the election should be thrown into the House it gives them 16 days in which to elect the President, if that shall be their duty.

Now, it may be said that that is too short a time. But, Mr. Speaker, we have national conventions, two of them, shortly coming on, with a prospect of a deadlock in one and perhaps in both of them, and yet no one will say that two weeks would not be ample time for either of those conventions to come to an agreement as to who their nominee for President shall be. And so two weeks will be ample time for the House of Representatives to canvass the vote or, if the election shall be thrown into the House, to elect a President.

Mr. Speaker, I wish to offer an amendment, which I will send to the Clerk's desk.

Mr. MANN. Before the gentleman offers his amendment, will he yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Suppose it would take two weeks to organize the House of Representatives, as it has done in the past on a number of occasions?

Mr. LENROOT. I will say in reply to that that it is not necessary, in order for the House to canvass the vote and perform its duty under this resolution, that it should organize through the election of a Speaker. The old Clerk calls the House to order, and it is a legal House, and it has done business in the past before the organization is completed by the election of a Speaker. And furthermore, it is within the power of the House to elect a Speaker pro tempore, and the action of the House would be entirely legal in canvassing the vote and electing a President, if that be its duty, whether the House be fully organized or not.

Mr. MANN. Even if there were contests, which in all likelihood would not be settled by that time?

Mr. HENRY of Texas. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HENRY of Texas. I call the gentleman's attention to the fact that that was done in the First Congress.

Mr. MANN. But there were no contests.

Mr. HENRY of Texas. But it was done.

Mr. MANN. Anybody can see that there might be a great many contests under that arrangement.

Mr. GARNER. I would like to ask the gentleman what he thinks of the provision providing for the election of Senators two years in advance?

Mr. LENROOT. I have not looked into that.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER pro tempore (Mr. CLAYTON). Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. MARTIN of South Dakota. Does not the gentleman think that this House should be pretty sure about these fundamental matters before voting for a proposition of this kind?

Mr. LENROOT. Yes. It has been suggested to me, and there is no doubt in my mind about it, that long before 1917 Senators of the United States will be elected in November by popular vote, just as Representatives are now elected; and if that be true, of course the contention of the gentleman from Illinois [Mr. MANN] will not amount to anything.

Mr. RODDENBERY. Will the gentleman yield?

Mr. LENROOT. I do.

Mr. RODDENBERY. Under the rule, can we have the gentleman's amendment reported?

Mr. LENROOT. I have asked to have it reported.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT.]

The Clerk read as follows:

Amend House joint resolution 204 by striking out the word "April" wherever the same occurs in the resolution and insert in lieu thereof the word "January."

Mr. LENROOT. Now, Mr. Speaker, that amendment, if adopted, will mean just this: That the President will take his office on the last Thursday in January instead of the last Thursday in April, as provided by the present resolution. And, furthermore, Mr. Speaker, it will entirely obviate the criticism that has been made by the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. TOWNER] as

to the first section of the bill, because if the date is fixed on the second Thursday in January it would be an absolute impossibility for a newly elected President to take his office on the 4th of March, and the question then could not arise as to who was the President between the 4th of March and the last Thursday of April. So that, Mr. Speaker, if this amendment is adopted, it will make the first paragraph entirely clear, and there will be no possible danger of any misconstruction that might possibly be given to the paragraph.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Nebraska?

Mr. LENROOT. I do.

Mr. SLOAN. Does not the gentleman think it would be better, instead of fixing it as specified in the first section, as being this date following the election of the Sixty-third Congress, that the section should be changed so that it would read, "following the ratification of the amendment by the required number of States," so that it would be operative if it were adopted?

Mr. LENROOT. I have no objection to such a change. I am speaking now only of the amendment that I proposed, if it be adopted. Under that there will be no possible danger of the contingency arising spoken of by the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. TOWNER].

Now, Mr. Speaker, we get back to what this means. It means that if this amendment be adopted and this resolution be passed and finally ratified, we will have the administration, both executive and legislative, coming into power practically at the same time, as they ought to. There will be only 16 days' difference between the time the President takes office and the time Congress enters upon its duty, and there can be no objection to that short period of time, because we all know as a practical matter that no legislation is sent to the President during the first 16 days of a session of Congress.

Now, Mr. Speaker, a parliamentary inquiry. I have another amendment on another subject that I desire to offer.

Mr. NORRIS. Mr. Speaker, before the gentleman leaves that I want to call his attention to the effect of his amendment to the first section, on page 2, line 1. Supposing the date were changed, as he suggests in line 2, from April to January, then the words "shall continue until" will not fit. I have an amendment prepared that I was going to offer on the subject, until the gentleman offered his. The words ought to be "shall expire." It would shorten the term, the gentleman must remember, instead of lengthening it.

Mr. LENROOT. Yes; that is true.

Mr. NORRIS. So that the particular language, if left that way, would have no meaning.

Mr. LENROOT. I think the construction would be the same, but there is no question that the phraseology suggested by the gentleman would be preferable.

Mr. NORRIS. If the time is changed from after the 4th of March until before the 4th of March, then the term would expire sooner than it otherwise would.

Mr. DIES. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Texas.

Mr. DIES. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of no quorum present. The Chair will count. [After counting.] Seventy-nine Members present, not a quorum.

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HENRY of Texas. If the House should adjourn at this time, will the pending matter be a special continuing order when the House next meets?

Mr. MANN. That is pretty hard on unanimous-consent day, if it is a continuing order.

The SPEAKER pro tempore. The Chair is of the opinion that an adjournment now could not displace the order for unanimous-consent or suspension day.

Mr. HENRY of Texas. Then will it be a special continuing order on the following day, Tuesday?

The SPEAKER pro tempore. The present occupant of the chair would hesitate to go into the field of prophecy. [Applause.] The Speaker of the House might rule on that when the contingency arose.

Mr. HENRY of Texas. Mr. Speaker, this is a parliamentary inquiry and a respectful one, and the present occupant of the chair has the power of the permanent occupant in reference to a question of this sort.

Mr. MANN. That matter may require argument.

The SPEAKER pro tempore. The Speaker of the House might not agree with the opinion of the present occupant of the chair when that question arose; but the present occupant of the chair will give the gentleman his off-hand opinion, if he desires it, rather than be considered discourteous, as the present occupant of the chair, like the Speaker, desires to be courteous at all times.

Mr. HENRY of Texas. I should like the Chair's opinion.

The SPEAKER pro tempore. The Chair is of the opinion——

Mr. DIES. A point of order, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman from Texas allow the Chair? The personal opinion of the present occupant of the chair is that the pending matter would be the business properly before the House on Tuesday.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERY. Is not the question presented by the gentleman from Texas purely a question of order?

Mr. HENRY of Texas. I move that the House do now adjourn.

Mr. STERLING. Mr. Speaker, I do not think that motion is in order when the gentleman from Wisconsin [Mr. LENROOT] has the floor, and his time has not expired.

The SPEAKER pro tempore. The point of order was made that no quorum was present, and the Chair counted and ascertained that there were only 79 gentlemen present.

Mr. MANN. I make the point of order that a motion to adjourn is not in order. The House has full privilege to adopt a rule which shuts out a motion to adjourn, and the rule which the House adopted this afternoon provides that at the expiration of four hours a vote shall be taken upon the resolution. Now, the House having adopted an order of that kind, it is not within the province of the House to adjourn unless it reconsiders the vote by which it adopted the order.

The SPEAKER pro tempore. The Chair will rule on the point of order raised by the gentleman from Illinois, and the Chair holds that it is quite competent for the House to entertain and pass upon a motion to adjourn at any time.

Mr. MANN. Before the Chair overrules the point of order, will the present occupant of the Chair permit me to call his attention to the ruling made by the Speaker this afternoon, that under the rule a vote would be taken four hours, numerically, after the consideration of the resolution was begun, regardless of the amount of time consumed in debate, or the amount of time consumed in roll calls, or a point of no quorum, or a call of the House, or otherwise.

The SPEAKER pro tempore. That assumed that a quorum of the House would be in session at the expiration of the four hours, in which case it might be a correct position to say that the House must then come to a vote on the pending resolution. But the Chair is still of the opinion that the House can adjourn in the existing condition at any time short of the four hours.

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DIES. In view of the fact that I raised a question of personal privilege and the Speaker held that the rule having provided for four hours, at the end of which time a vote should be taken, that that must be carried out, no matter what the stomach of the House was, does the Chair hold that a motion to adjourn has preference over the question of personal privilege?

The SPEAKER pro tempore. The Chair thinks the motion to adjourn is a superior motion to the desire of the gentleman from Texas to be heard on a question of personal privilege.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. How did the gentleman from Texas get the floor to make the point of order that there was no quorum present? Can the gentleman from Texas take a Member off the floor for the purpose of making a point of order that there was no quorum present?

The SPEAKER pro tempore. The question raised by the gentleman from Texas [Mr. GARNER] is very easy of solution. The gentleman from Texas [Mr. DIES] got recognition of the Chair; the Chair thought he was going to raise a parliamentary question, which he did, and the Chair has ruled upon it. The Chair is still of the opinion that the House can not do anything in the present situation, there not being a quorum present, and that the motion of the gentleman from Georgia [Mr. RODDENBERY] that the House do now adjourn is in order.

Mr. GARNER. Then, if I understand the occupant of the chair, when a gentleman is addressing the House and another gentleman arises in his place and says, "Mr. Speaker, a parliamentary inquiry," and the Speaker recognizes him and he makes a point of no quorum, he takes him off his feet.

Mr. MANN. This is mere debate. Anybody can make the point of no quorum at any time.

The SPEAKER pro tempore. The gentleman from Texas must bear in mind that the question of no quorum was raised, and was raised in a proper way, and there was no objection to its being raised. The Chair proceeded to count, and ascertained that there was no quorum present. The Chair is still of the opinion that there was no quorum present and of the opinion that the motion made by the gentleman from Georgia is in order.

Mr. HENRY of Texas. Mr. Speaker, I understand the motion to adjourn is pending.

The SPEAKER pro tempore. The pending motion is the motion of the gentleman from Georgia [Mr. RODDENBERY] that the House do now adjourn, and it is not debatable.

The question was taken, and the motion was agreed to.

ADJOURNMENT.

Accordingly the House (at 4 o'clock and 59 minutes p. m.) adjourned until Monday, June 3, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington, reported the same with amendment, accompanied by a report (No. 815), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FINLEY, from the Committee on Printing, to which was referred the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported the same with amendment, accompanied by a report (No. 816), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDY, from the Committee on the Territories, to which was referred the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, reported the same with amendment, accompanied by a report (No. 818), which said bill and report were referred to the House Calendar.

Mr. TUTTLE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes, reported the same with amendment, accompanied by a report (No. 819), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUCKER of Colorado, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6544) for the relief of the heirs of John W. West, deceased, reported the same without amendment, accompanied by a report (No. 820), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank under certain conditions, reported the same with amendment, accompanied by a report (No. 821), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 25034) to reduce the duties on manufactures of cotton; to the Committee on Ways and Means.

By Mr. RUSSELL: A bill (H. R. 25035) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Nebraska: A bill (H. R. 25036) for purchase of a site and the erection thereon of a public building at Central City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY (by request): A bill (H. R. 25037) to protect persons in extreme cases of illness against suffering and danger from unnecessary noises; to the Committee on the District of Columbia.

By Mr. GREGG of Texas: A bill (H. R. 25038) to provide for the purchase of a site for a public building in the city of Crockett, in the State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 25039) for the relief of the widows of Union soldiers, sailors, or marines; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 25040) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. RAUCH: A bill (H. R. 25041) to provide for the erection of a public building in the city of Huntington, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Resolution (H. Res. 562) to pay Herman Gauss for services rendered Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. RODDENBERY: Resolution (H. Res. 563) for consideration of H. R. 22527; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 25042) granting an increase of pension to Ophelia L. Reynolds; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25043) granting a pension to Eliza J. Seay; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 25044) granting an increase of pension to Mary Caroline Dumas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25045) authorizing and directing the Treasurer of the United States to issue duplicates of certain Government bonds; to the Committee on Ways and Means.

By Mr. KONOP: A bill (H. R. 25046) granting a pension to Louisa Crane; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 25047) granting a pension to Francis S. Torback; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 25048) granting an increase of pension to Charles B. Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25049) for the relief of the legal representatives of James Bronson; to the Committee on War Claims.

Also, a bill (H. R. 25050) for the relief of Henry C. Pearson; to the Committee on War Claims.

By Mr. LEVY: A bill (H. R. 25051) for the relief of James B. Burbank; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 25052) for the relief of the three loyal heirs of Charles M. Butler and Elizabeth. Francis Butler; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 25053) for the relief of Henry C. Bates; to the Committee on War Claims.

By Mr. McGILLICUDDY: A bill (H. R. 25054) granting a pension to James Devine, alias James Smith; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 25055) granting a pension to Dempsey P. Wilder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25056) to remove the charge of desertion from the military record of Solomon Slaughter; to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 25057) granting a pension to Caroline Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25058) for the relief of Laulette Snowden (formerly Stafford); to the Committee on War Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 25059) granting a pension to Lucy A. Fay; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 25060) for the relief of Joe Cook; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 25061) for the relief of Squire Simes; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 25062) for the relief of the trustees of the Methodist Episcopal Church South, of Louisa, Ky.; to the Committee on War Claims.

By Mr. GOODWIN of Arkansas: A bill (H. R. 25063) for the relief of Turner Butler; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of St. Dominik Society, No. 269, of Metz, Mich.; of St. Isadores Society, No. 285, of Blue Island, Ill.; and of the directors of the Polish Roman Catholic Union of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolution of St. Stanislas Kostka Society, No. 514, of Homestead, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Coshocton (Ohio) Council, No. 65, Junior Order United American Mechanics, favoring passage of bill relative to garb in Indian schools; to the Committee on Indian Affairs.

Also, petition of Vorter & Bangham and 10 other merchants of Shreve, Ohio, favoring regulation of express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Petitions of local Santa Maria Socialist Party, of Santa Maria, Cal.; of local Bristol Socialist Party, of Bristol, Conn.; of Branch No. 434, Workmen's Circle, of New Haven, Conn.; of Russian branch Socialist Party, of Chicago, Ill.; of 10 citizens of Pullman, Ill.; of the Lithuanian Socialist Federation of America, of Clinton, Ind.; of the Lithuanian Socialist Federation of America, of Lewiston, Me.; of Socialist clubs (250 members) of Beverly, Mass.; of Scandinavians of Greater Boston, Norwood Lithuanian Socialist Federation of America, Quincy Scandinavian branch Socialist Party, and Roxbury Lettish branch Socialist Party, of Boston, Mass.; of Hancock Copper Miners' Union, No. 200, of Hancock, Mich.; of I. Rodin, of St. Louis, Mo.; of Lettish branch Socialist Party, of Newark, N. J.; of local Passaic County Socialist Party and of local Passaic County Workingmen's Circle, of Paterson, N. J.; of the mass meeting of fifteenth assembly district of the Socialist Party and United Polish Societies, of Brooklyn, N. Y.; of the Benevolent Society for Propagation of Cremation, of the Bronx, N. Y.; of the Atlantic Seamen's Union; of Branch No. 7, Socialist Party; of Manhattan Lodge, No. 7, Brotherhood of Machinists; of German Machinists' Benevolent Association of New York; of International Union of the United Brewery Workers; of Jewish branch of Socialist Party; of Ladies Waist and Dress Makers' Local Union, No. 25; of Socialistische Liedertafel; of Typographia No. 7; of Local Unions Nos. 476 and 497, United Brotherhood of Carpenters and Joiners of America; of Workmen's Circle; of Workmen's Sick and Death Benefit Fund of the United States of America; and of Wood Carvers and Modelers' Association, of New York City; of conference for the aid of the Socialist campaign in Russia, citizens in town meeting, citizens in mass meeting, Italo-American Alliance of the United States of America, and the Socialist Party, of Philadephia, Pa.; of 73 citizens and Lithuanian Alliance of America, of Pittston, Pa.; of 500 citizens in mass meeting, of Mahanoy City, Pa.; of English, German, and Finnish branches of Socialist Party, of Pawtucket, R. I.; of Baron Hirsch Lodge, No. 159; of 205 citizens; of Independent Harmony Lodge, No. 282; of Polish National Alliance, Nos. 179 and 611; and of United Israelite Society of Wisconsin, of Milwaukee, Wis., opposing the Dillingham bill and especially the Root amendment incorporated therein; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Resolution of St. Wasil Society, Wilkes-Barre, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Daughters of Liberty of Pittston and Hazleton, Pa., and of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Papers to accompany bill to protect persons in extreme cases of illness against suffering and danger from unnecessary noises; to the Committee on the District of Columbia.

By Mr. BUCHANAN: Petition of the Polish National Alliance of America, and the Italo-American Alliance, and others, protesting against House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railroad Trainmen, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. COX of Indiana: Petition of merchants of Scultsburg, Ind., against passage of bills changing present patent laws; to the Committee on Patents.

By Mr. DICKINSON: Papers to accompany bill granting a pension to J. Walter Craig; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of a number of citizens of Normal, Ill., favoring an appropriation of $250,000 in enforcing white-slave-traffic; to the Committee on Ways and Means.

Also, resolutions of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of State Camp, Patriotic Order Sons of America, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Prospect Heights Citizens' Association of New York, favoring passage of the Page bill to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, resolutions of the Richmond Chamber of Commerce, of Richmond, Va., favoring adequate monetary legislation; to the Committee on Banks and Currency.

By Mr. FULLER: Petition of Reynolds Piano Co., of De Kalb, Ill., protesting against the enactment of any legislation proposing to change the patent law; to the Committee on Patents.

Also, petition of P. D. Ellithorpe, Fresno, Cal., favoring passage of House bill 1339, granting increase of pensions to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the American Mining Congress, favoring passage of House bill 17260, to provide a new organic act for the Bureau of Mines, etc.; to the Committee on Mines and Mining.

Also, petition of the Second Congregational Church of Rockford, Ill., in favor of the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GOOD: Petition of citizens of the State of Iowa, favoring passage of House bill 22339 and Senate bill 6172, against the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Resolution of the Lithuanian Socialist Federation of America, of Minersville, Schuylkill County, Pa., against passage of House bill 22527, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the United States Civil Service Retirement Association of Washington, D. C., protesting against any legislation that tends to reestablish the spoils system; to the Committee on Appropriations.

By Mr. POU: Petition of J. K. Parker and others, of North Carolina, against gambling in farm products; to the Committee on Agriculture.

Also, petition of the Junior Order United American Mechanics and of the Farmers' Union, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. POWERS: Resolution of the Brotherhood of Locomotive Engineers, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Papers to accompany bill granting a pension to Caroline Reese; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of the New Haven Chamber of Commerce, of New Haven, Conn., favoring passage of House bill 19227; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of the Associated Charities of Boston, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Associated Charities of Boston, Mass., protesting against the making of a one-half cent piece as a unit; to the Committee on Banking and Currency.

By Mr. ROBINSON: Petition of Phenix Lodge, No. 279, Independent Order B'nai B'rith, of Pine Bluff, Ark., against passage of House bill 22527, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of Pride of Denver Lodge, No. 333, Independent Order B'rith Abraham, and Western Lodge, No. 260, Independent Order B'rith Sholom, Denver, Colo., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Jesse Setter and others, of Denver, Colo., favoring the building of a battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of J. W. Sanford and others, of Denver, Colo., favoring the enactment of an old-age pension law; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of citizens of St. Paul, Minn., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

SENATE.

MONDAY, *June 3, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Ophelia Alvey, daughter and sole heir of James T. Brothers, deceased, *v.* United States (S. Doc. No. 754);

John A. Bull *v.* United States (S. Doc. No. 753);

Charles L. Byam *v.* United States (S. Doc. No. 752);

Robert A. Cameron *v.* United States (S. Doc. No. 751);

John P. Campbell *v.* United States (S. Doc. No. 750);

Emma A. Campbell, widow of John W. Campbell, deceased, *v.* United States (S. Doc. No. 749);

L. S. Exum, Amanda C. Maners, Eliza Lancaster, Josephine Anderson, Ella Thompson, brother and sisters, and J. R. League, son of Minerva League, sister, sole heirs of James T. Exum, deceased, *v.* United States (S. Doc. No. 748);

Jane F. Hawkins, sister, Albert Hodge, nephew, and Binnie Hodge, niece, sole heirs of Michael T. Hall, deceased, *v.* United States (S. Doc. No. 747);

Thomas Heimback *v.* United States (S. Doc. No. 746);

Edgar A. Kimmel and Henry T. Kimmel, sons, and sole heirs of George Kimmel, deceased, *v.* United States (S. Doc. No. 745);

Martha H. Alburty, Adella J. Teed, and Frank E. Martin, children, and Margaret Burke, Mary Flynn, Charles Martin, Ethel Belle Davies, and Adella Phillips, grandchildren, sole heirs of Charles E. Martin, deceased, *v.* United States (S. Doc. No. 744);

Henry B. Mason *v.* United States (S. Doc. No. 743);

Robert E. Mason and Helen E. Bruce, children and sole heirs of Pardon Mason, deceased, *v.* United States (S. Doc. No. 742);

Robert T. Moore, son and sole heir of William Moore, deceased, *v.* United States (S. Doc. No. 741);

Charles H. Murch *v.* United States (S. Doc. No. 740);

Edward S. McCalmont, executor of John S. McCalmont, deceased, *v.* United States (S. Doc. No. 739);

Augustus A. McCollom *v.* United States (S. Doc. No. 738);

Thomas McConnell *v.* United States (S. Doc. No. 737);

Elizabeth J. Champion, widow of James P. W. McCurdy, deceased, *v.* United States (S. Doc. No. 736); and

John P. McDougal *v.* United States (S. Doc. No. 735).

The foregoing findings were, with accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage to Members of the House of Representatives during the temporary disability of the said U. S. Jackson, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands;

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads; and

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Rockford Frame & Fixture Co., of Illinois, remonstrating against the proposed reduction of the appropriation for the maintenance of the Bureau of Trade Relations, which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a petition of members of the Woman's Auxiliary of Lancaster, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District; which were referred to the Committee on the District of Columbia.

Mr. JOHNSTON of Alabama. I present a petition signed by sundry officers, ministers of the Gospel, and many other prominent citizens, of Wadeville, Ala., in regard to the liquor traffic. I ask that the petition be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

The undersigned citizens of Tallapoosa County, in the State of Alabama, a county in which the legalized sale of intoxicating liquors has been prohibited by the vote of the qualified electors of the county under the laws of the State of Alabama, and believing that the citizens of each State should have the right to prohibit the sale of such liquors in the State or any subdivision thereof, without interference by the Federal Government, and that the Federal Government should not grant a license to any person to sell such liquors in any State or any county thereof in which the sale of same is prohibited by the laws of such State, and that no authority should be granted by the Federal Government to any person to ship or transport any such liquors from a State where the sale of same is permitted by law into a State, or any county thereof, where the sale of same is prohibited by the laws of the State.

We therefore most respectfully memorialize your honorable body in behalf of the Kenyon-Sheppard bill and pray its adoption.

Mr. RAYNER. I present a memorial signed by 7 citizens of Baltimore, Md., remonstrating against the passage of Senate bill 1, known as the Owen bill, or any similar medical legislation. I ask that the memorial, together with the signatures, lie on the table and be printed in the RECORD.

There being no objection, the memorial, together with the signatures, was ordered to lie on the table and to be printed in the RECORD, as follows:

To the Congress of the United States:

We, the undersigned citizens of the United States, do earnestly ask Congress not to pass Senate bill No. 1, known as the Owen bill, or any similar medical legislation.

L. S. Taylor, 103 North Monument Street, Baltimore, Md.; George R. Gaither, 602 Cathedral Street, Baltimore, Md.; Frank T. Harrison, Catonsville, Md.; C. T. Harrison, Woodlawn, Md.; C. T. Williams, Druid Apartments, Baltimore, Md.; C. E. Slee, 103 West Monument Street, Baltimore, Md.; E. Crump, 103 West Monument Street, Baltimore, Md.

Mr. CULLOM presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Chicago, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of sec-

ond-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Merchants' Association of Manila, P. I., remonstrating against the enactment of legislation placing certain restrictions upon the sale of the so-called friar lands in the Philippine Islands, which was referred to the Committee on the Philippines.

Mr. NELSON presented resolutions adopted by the International Association of Master House Painters and Decorators of the United States and Canada, in convention at Rochester, N. Y., favoring Government supervision and control over labor unions, which were referred to the Committee on Education and Labor.

He also presented a memorial of Baron Hirsch Camp, No. 28, Woodmen of the World, of Minneapolis, Minn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. RICHARDSON presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Derby, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented a memorial of the Board of Trade of Holland, Mich., and a memorial of the Chamber of Commerce of Lansing, Mich., remonstrating against any reduction of the duty on sugar, which were ordered to lie on the table.

He also presented a petition of members of the Real Estate Board, of Detroit, Mich., praying that an appropriation be made for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, submitted an adverse report (No. 840) thereon, which was ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the views of the minority on the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, which were ordered to be printed as part 2 of Report No. 840.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported it with amendments and submitted a report (No. 841) thereon.

SALARIES AND MILEAGE OF MEMBERS.

Mr. WARREN. Mr. President, I understand there is an emergency matter on the desk that has been received from the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate House joint resolution 323.

Mr. WARREN. The Committee on Appropriations have examined the joint resolution, and I move that it be formally referred to the committee, which will favorably report it and ask for its passage.

The joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson was read twice by its title and referred to the Committee on Appropriations.

Mr. WARREN subsequently said: I report back from the Committee on Appropriations favorably, and without amendment, the joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. STONE. Mr. President, I should like to ask the chairman of the Committee on Appropriations if he can tell whether, if this joint resolution be passed, it would authorize the signature necessary to the payment of the salaries of subordinate officers of the House of Representatives?

Mr. WARREN. I understand the joint resolution simply empowers one of the assistants to do what the principal would do if he were well and able to do the work.

Mr. STONE. As I heard it read, it was simply to authorize the assistant to sign what the principal might have signed in the payment of the salaries and mileage of Members of the House of Representatives. Does the Senator from Wyoming know whether that signature is necessary for the payment of salaries of the subordinate officers?

Mr. WARREN. I do not. It is entirely a House matter, which came here for the relief of the House. It does not apply to any other department except the officers of the House. Therefore, I assumed that the House had investigated it and that the joint resolution was in proper shape.

Mr. STONE. I presume that is so.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7028) for the relief of Fanny A. Crocker (with accompanying papers); to the Committee on Indian Depredations.

By Mr. FLETCHER:

A bill (S. 7029) for the relief of the heirs at law of Bartlett Baker and others; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on Public Lands.

By Mr. MARTIN of Virginia:

A bill (S. 7031) for the relief of L. L. Scherer; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 7032) granting an increase of pension to Patrick J. Whelan (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7033) for the relief of Henry States; to the Committee on Public Lands.

By Mr. REED:

A bill (S. 7034) for the relief of the estate of Jacob Keeney, deceased; and

A bill (S. 7035) for the relief of Charles Banzhaf and others; to the Committee on Claims.

A bill (S. 7036) granting an increase of pension to John F. Burton (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 7037) for the relief of John Green and others, of the State of Idaho; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 7038) to promote the safety of ocean navigation; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $1,750,000 toward the construction of eight submarine torpedo boats, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $5,000 to enable the Commissioner of Fisheries to investigate the method of fishing known as beam or otter trawling, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Fisheries and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly

known as the Bowman and the Tucker Acts, which were ordered to lie on the table and be printed.

ANTI-THIRD TERM LEAGUE.

Mr. GALLINGER. On the 16th of May last I presented a petition from ex-Senator Henry W. Blair, president of the Anti-Third Term League, which was printed in the RECORD at my request. I have a brief paper from ex-Senator Blair somewhat explanatory of that petition, and I make the same request—that it may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

We have organized the National Anti-Third Term League because we believe the integrity of our form of government and the preservation of our free institutions are seriously threatened by the proposed candidacy of Mr. Roosevelt for a third term.

To be sure, he is the only person in the country who could possibly be such a candidate at the present time, for he is the only one who has had a second term. But our special opposition is not to him as a man or on account of the principles or want of principles which he may represent, but to the third term itself.

We protest against the indorsement of the third term, which is implied by the election of delegates pledged to vote for him as a candidate in the national convention.

We protest that his name ought not to be considered at all in that convention because he is the third term itself.

We do not believe the Republican Party in any State designs to disregard the unwritten law which prohibits either the "form or the substance" of the third term of the presidency to any man, just the same "form and substance" of a third term as that which Mr. Roosevelt renounced and denounced in the most solemn manner.

We propose to help him redeem that pledge.

This is just what we are and mean.

THE NATIONAL ANTI-THIRD TERM LEAGUE,
HENRY W. BLAIR, *President.*

Organized May 6, 1912.
Headquarters: Rooms 808-809 Colorado Building.

PLATFORM.

No third term, either "in form or substance," for any man as President of the United States.

INDORSERS.

On the 4th of March next I shall have served three and a half years, and these three and a half years constitute my first term.

The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

THEODORE ROOSEVELT.

(After his election to the Presidency November, 1904.)

Three years afterwards he said he had not changed and should not change.

Roosevelt is not eligible and has no moral or legal right to be a candidate at all. He can not be President again, for he has had two terms. He has said so himself. There are millions of Republicans who will never vote for him as President again. It is against the unwritten law, which is the strongest of all laws. No candidate or faction or convention can, and the people never will, repeal it. Roosevelt is impossible. George Washington or Abraham Lincoln, if now running for President, would be defeated. I certainly for one would vote against both, and I am among the most conservative and hidebound of Republicans. I helped to organize the party, and have fought for it through thick and thin, both in war and in peace. A third term is revolution. It leads first to anarchy and then to monarchy and slavery—straight to the disfranchisement of both races and the practical reenslavement of the colored man.

It is the first step that costs. Revolutions never go backward.

The third term makes the United States first a Mexico and then a Russia.

But there will be no third term. Mark that.

THE CONSTITUTION OF THE UNITED STATES (S. DOC. NO. 755).

The PRESIDENT pro tempore. Is there further morning business?

Mr. CLARK of Wyoming. Before morning business is closed, I desire to ask unanimous consent for an order. I hold in my hand a document entitled "The Constitution of the United States of America." I ask that it be printed as a Senate document, and that a thousand additional copies be also ordered printed, and I further ask that the document, with the exception of the index, be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the Constitution of the United States be printed as a document, and also that it be printed in the RECORD excepting the index, and that a thousand additional copies be printed for the use of the Senate. Is there objection?

Mr. SMOOT. I should like to ask the Senator why he wants to have the Constitution printed as a public document.

Mr. CLARK of Wyoming. For the information and for the benefit of the public. Considerable interest is being evinced, I will say, throughout the United States to-day as to the present Constitution and proposed amendments. I think it would be a matter of public interest.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the Constitution of the United States of America be printed as a document, also that 1,000 additional copies be printed for the use of the Senate.

The Constitution of the United States is as follows:

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of 25 years, and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least 1 Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers and also a President pro tempore, in the absence of the Vice President or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the Members present.

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President

of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congres prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any knd whatever from any king, prince, or foreign State.

SEC. 10. No State shall enter into any treaty, alliance, or confederaton; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been 14 years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be

delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the 17th day of September in the year of our Lord 1787 and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GO. WASHINGTON,
Presidt and deputy from Virginia.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any persons of life, liberty, or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference

with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson, and it was thereupon signed by the President pro tempore.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. Agreeably to the notice heretofore given, I move that the Senate proceed to the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

ANNIE R. SCHLEY.

Mr. RAYNER. I ask the Senator from Wyoming whether he will yield to me. I should like to call up the bill (S. 4568) granting an increase of pension to Annie R. Schley, the widow of the late Rear Admiral Schley. I wish to make a few remarks in reference to the career of Rear Admiral Schley.

Mr. WARREN. I assume that this particular case is rather an emergency.

Mr. RAYNER. It is an emergency.

Mr. WARREN. I will yield if there is no objection.

Mr. SMOOT. Before the Senator yields I should like to call attention to the fact that the chairman of the Committee on Pensions is not present in the Chamber, and I believe he desires to be present when that bill is considered.

Mr. RAYNER. I hope the chairman of the committee will not offer much opposition. He can be sent for. The bill has practically been here for about six months. I have been trying for about six months to make some headway with it, and I should like very much, for the reasons I will state, to have it acted on by the Senate.

Mr. WARREN. Unless there is objection from other quarters, I shall not object.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Simmons
Bacon	Curtis	McLean	Smith, Ariz.
Borah	Dillingham	Martin, Va.	Smith, Ga.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Bradley	Foster	Myers	Smoot
Brandegee	Gallinger	Nelson	Sutherland
Bristow	Gardner	Oliver	Thornton
Brown	Heyburn	Overman	Tillman
Bryan	Hitchcock	Page	Townsend
Burnham	Johnson, Me.	Perkins	Warren
Catron	Johnston, Ala.	Rayner	Watson
Chamberlain	Jones	Richardson	Wetmore
Clapp	Lea	Root	Williams
Clark, Wyo.	Lodge	Shively	Works

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained by public business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to the roll call. A quorum of the Senate is present.

Mr. RAYNER. Mr. President, the bill that I call up is the bill (S. 4568) granting an increase of pension to Annie R. Schley.

Mr. McCUMBER. Does the Senator wish to call it up simply for the purpose of an address, or for the purpose of asking unanimous consent that it be considered and passed on at this time?

Mr. RAYNER. To ask unanimous consent that it be considered and passed and for the purpose of addressing the Senate.

Mr. McCUMBER. I will not object when the Senator makes that statement.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent that the Senate proceed to the consideration of the bill (S. 4568) granting an increase of pension to Annie R. Schley. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "fifty," to strike out the words "one hundred and," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie R. Schley, widow of Winfield S. Schley, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. RAYNER. Mr. President, the bill is entitled "A bill granting an increase of pension to Annie R. Schley," and it provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie R. Schley, widow of Winfield S. Schley, late rear admiral, United States Navy, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving.

The committee reported $50 a month, and my motion to amend will be to increase the pension to $150 a month, as in the bill I originally introduced.

Mr. President, in offering this amendment to the bill of the Pension Committee, asking $150 a month for the widow of Admiral Schley instead of $50 a month as allowed by the committee, I desire to say that I have no comment whatever to make upon the action of the committee. With the committee it is a matter largely of precedent and of rules and regulations. With us in the Senate I apprehend it will be a matter of patriotism and impartial justice. It is really a pittance that I am asking for the widow of Admiral Schley in her comfortless and declining years. I do not regard it exactly in the light of a pension, because it is beyond that, a recognition of the memorable services that this gallant officer performed for his country at so many stations and places that it would be almost impossible to enumerate them in the brief presentation that I am making to the Senate. One thing is sure, and that is that if this amendment is adopted it will meet from one end of the Union to the other with the commendation of our countrymen.

Admiral Schley was esteemed during his life by all who knew him personally and admired by hundreds of thousands who did not know him personally, and now in death there is not even in bated breath a whisper of enmity upon the part of those who were hostile to him during his life.

Mr. President, we pay nearly $200,000,000 a year in pensions. Is there a patriot in the land, or in any section of it, who will criticize an allotment to his surviving widow of $150 a month? As the report shows, she is in dire need of it, and if she did not need it I would not be here asking for it on her behalf at the hands of an American Congress. She is without the means to erect a suitable memorial upon his grave. Just think of it. Would any other country on this earth deny her at least this tribute to his memory? He deserves more than a shaft of marble and an epitaph to commemorate him. He deserves in this Capital of the Nation a testimonial that shall speak to all the ages of his illustrious deeds. And even such a memorial will perish and decay before his memory shall depart from the thoughts and remembrance of posterity.

I do not intend to exaggerate the achievements of his career. He was criticized when he was alive, but of all the heartless vocations in the world that of the critic is the most unenviable. A critic is generally a person who has no reputation of his own, but who expects to rise in public estimation upon the ruins of those whom he attempts to detract and humiliate. As a rule, contemporary historians are not fair judges of the events that are transpiring around them. History has hardly ever been cor-

rectly written by any man who was the living witness of its events, because, generally, political prejudice and personal enmities enter into the narrative and the recital. The career of Admiral Schley seems to be an exception to this rule, because never in my life have I known a man so universally idolized by the Nation whom he served. He had but one idea in his mind, and every other plan and purpose of his life seemed to be subordinate to that, and that idea was his country. When he entered its service he took a vow upon its altars that he would devote and dedicate his life to its cause, and I challenge the bitterest enemy that he ever had to point to a single and isolated instance where he ever wavered or faltered when duty summoned him to the front. He never possessed the element of fear, he never knew what fear was, and I am satisfied that in his own mind the greatest ambition that he could have achieved would have been at any moment to have given up his life in defense of the Union that he helped to cement and whose colors he proudly carried in every clime, from the Arctic to the Torrid Zone.

Is the widow of such a hero to pass her years in desolation and in sorrow without the ordinary necessities of life? If so, then the history of civilization presents no parallel to a case like this, and the heart of the Nation would no longer thrill with the patriotic recognition of patriotic deeds.

I will not refer to history in support of the assertion that in the earliest days even heathen nations accorded to their heroes and to their surviving families the recognition to which they were entitled. I will take a modern instance in referring to the fact that when in the war Great Britain waged in Africa Khartum was captured by a British general, the same year in which Schley destroyed the Spanish fleet at Santiago, all the honors were heaped upon her commander that a government could bestow. There was conferred upon him a great title at the hands of the Crown; he was voted the gratitude of both houses of Parliament; an enormous fund was subscribed to found a university in the capital that he captured; he was made governor general of the territory in which his services were rendered, and was granted a pension equal to $150,000 in American money.

This Republic, I know, will not be ungrateful. I will not rehearse at this moment a detailed description of his achievements in almost every quarter of the globe to which he had been sent. He has written his own biography in modest and accurate terms, and his biography has been written by others, and they will be read in the years to come by the rising generation, and will furnish an incentive to them to follow his deeds and emulate his example.

At Santiago he was surrounded by a band of heroic captains whose names will illustrate the annals of American history. Some are living, some are dead. Wainright is living, this valorous and intrepid man who performd a feat upon that day unsurpassed for daring skill by any that John Paul Jones ever performed upon the waters of the deep. Clark is living, who ran his ship, as if upon the wings of lightning, from sea to sea just in time that his soul could breathe the fire of battle amid the carnage of that day. Evans is gone. All honor to his imperishable name. He was separated from Schley in life; they are united in death. Chadwick, the commander of Sampson's ship, is living and has attested in the strongest way to the efficient maneuver that Cook, the great commander of the *Brooklyn*, ordered at a critical moment of the conflict. Sampson is dead, and I would have been here this day asking for a pension on behalf of his widow if she had not acquainted me with the fact that her situation was such that she did not need the aid of Congress.

All honor to the living and to the dead, and shame to the carping censors who would intrude themselves upon this scene of reunited glory.

I do not intend to enter upon a description of the conduct of Schley at Santiago, but it seems to me that this is the proper occasion, and I propose to avail myself of it, to show that the famous order for what is known as the "loop" of the *Brooklyn* that Schley gave upon the spur of the moment and in the heat of battle decided the conflict and saved the day for the American arms. After years of silence upon the subject by all who witnessed the event, Admiral Chadwick, the captain of Admiral Sampson's flagship, has proclaimed this fact to the world, but in deference to the memory of Schley I desire it once and forever to go down in unambiguous terms and indelible letters upon the records of an American Congress. We demonstrated it at the trial, and now comes the sustaining approval of Chadwick, which places it beyond the realm of doubt and uncertainty. I say that Schley gave the order. This is not entirely accurate. Cook, the captain of Schley's flagship, gave it, but Schley approved it, and with the generous heart that he had he was willing to assume all responsibility for it, even if it had been a mistake or an error, but it was neither, and it was a triumph of naval and nautical skill that was never understood by portfolio chiefs, but the scope of which was entirely grasped by Admiral Dewey when he declined to concur in the opinion of the remaining admirals who sat with him upon the tribunal that decided the case. I have not one word of comment to make upon their action, but, Senators, listen to the narrative for a moment. I would like anyone who ever takes the trouble to read a word of anything that I have ever said upon this floor to reflect upon the statement that I now make and to which I challenge contradiction.

Admiral Sampson before he left for Siboney gave the order to his fleet to close in upon the Spanish ships in the event that they made an effort to come out of the harbor of Santiago. Sampson with all his great skill and experience as a naval commander could not possibly have foreseen what the Spanish plan of battle would be. The *Brooklyn*, Schley's flagship, was steering a course diametrically opposite to that steered by the Spanish fleet, and in their attempt to escape the Spanish squadron had practically broken through and passed the battleship line, creating an emergency that no one could have foreseen and which had to be met immediately. The commander of the *Maria Teresa*, the leading ship of the Spanish fleet, intended to ram the *Brooklyn*, in accordance with the Spanish plan of battle. Not only this, but, owing to this new situation, there was danger of a collision among the American ships, and Cook immediately sent word to Schley that "We will soon be in the cross fire of our own fleet." It was then that Cook gave the order "hard aport" and the *Brooklyn* swung rapidly around to the west a little more than half her tactical diameter, and Sears, the flag lieutenant of the *Brooklyn*, was ordered by Admiral Schley to hoist the signal, "Follow the flag." Then, with Clark of the *Oregon* upon the *Brooklyn's* quarter, the most terrific fighting of the day began. In a short time smoke was seen issuing from the ports and hatches of the *Maria Teresa*, the leading Spanish ship. The smoke upon the *Brooklyn* had blinded the crew so that they could not see what was going on. "Keep the boys informed" said Schley to Cook, and every few minutes of the action word was sent by Cook to cheer them on, and the ringing cheers came back until the *Maria Teresa*, leaping from fire into flame, burning from fore to aft, turned into the beach 6 miles west of the Santiago Harbor. Then the *Brooklyn*, receiving more shells than and inflicting as much injury as the whole of the American fleet combined, went westward on her course in pursuit of the remaining Spanish ships until fire was seen issuing from the *Oquendo*, the second vessel of the Spanish fleet, and with the *Oregon* and *Brooklyn* in pursuit she was beached within a half mile of where the *Maria Teresa* gave up the fight.

Then came the *Viscaya*, and in her flight and in her despair, and in the last straits that she was in, she made a desperate turn toward the *Brooklyn* and the *Oregon* that were pursuing her, but as she did this she was struck by a shell from one of the vessels and, hauling her colors down, she was beached at Acerraderos, 16 miles distant from where the battle began. Then it was that Ellis, struck by a shell, fell upon the *Brooklyn* at the side of Schley, and then it was that as his headless body was about to be cast overboard Schley gave the order, "Bring the body back and we will give it Christian burial." The *Colon*, the last of the ships, was then making toward the Torquino River. Schley signaled the *Oregon*, under the command of Clark, to try his 13-inch guns upon her, and with the combined fire of the *Brooklyn* and the *Oregon* upon the ship, and with no possible chance of escape, and with her human cargo doomed to certain death if the fighting continued, her commander ran his ship ashore at the mouth of the Torquino River, fired his leeward gun, lowered his flag, and the colors of Spain went down before the colors of the Union upon the Western Continent.

"This entire plan of battle was all a mistake," said Schley's enemies, "and he ought to have conducted a different line of battle." Now, let me read you Dewey's verdict. These are his words:

> Commodore Schley was the senior officer of the squadron off Santiago when the Spanish squadron attempted to escape on the morning of July 3, 1898. He was in absolute command and is entitled to the credit due to such commanding officer for the glorious victory which resulted in the total destruction of the Spanish ships.

I will venture the prediction that you could go to-day to any section or quarter of this Union, from its eastern to its western coast, and assemble promiscuously any convention of patriots that you could collect and this verdict of Admiral Dewey's would be affirmed and ratified and applauded by the reechoing acclamation of his countrymen.

There is another charge that Schley had to meet that I desire briefly to refer to, and that was that in the conduct of the

fleet along the Cuban coast he had disobeyed orders of the Navy Department. This was not the first time that Schley in his military career had found it necessary to disobey the orders of his superior officers. During the Civil War, at the siege of Port Hudson, when he was in charge of the *Monongahela*, the signal was raised upon Farragut's vessel to retreat. The quartermaster reported to Schley that it was impossible for him to see the signals. The order had been previously given to storm the battery. This was the signal that Schley saw, and instead of retreating he leveled his guns against the fortifications. He was reprimanded by Farragut, but afterwards the admiral called him into his private cabin and said to him: "I have reprimanded you in the presence of the crew because you did not follow the signal to retreat, but I now congratulate you upon the work that you have done. May you repeat this accomplishment in after years." It will be recalled as an historic incident that years before Horatio Nelson at Trafalgar raised his signal "England expects every man to do his duty" and fell mortally wounded upon his flagship, at the battle of the Baltic he placed his glass to his blind eye and reported to his commander, Sir Hyde Parker, that it was impossible for him to see the signal to retreat, which was accurately true, and, instead of retreating, he made his famous charge upon the Danish line.

The time has passed when Secretaries of War or Secretaries of the Navy who have never perhaps observed any military tactics except a dress parade and who could hardly tell the difference between a revenue cutter and a battleship can fight battles with lead pencils and rulers and india rubber thousands of miles away from home. You tell a naval commander, for instance, that he must coal at sea when, owing to the condition of the tide and winds, coaling from a collier is absolutely impossible, he is bound to disobey orders or go to the bottom of the deep; you order an admiral to sail eastward on the southern coast of Cuba when he is encountering the Gulf Stream, and to make as good time as a vessel on the northern waters, where there are no impediments to encounter, and you are bound to have an unexecuted order. You instruct him to watch for signals on the Cuban coast and then you instruct another officer to meet him who knew the significance of the signals, but who failed to impart their meaning to him, so that he could not tell whether the signal lights were made by the Spanish forces or by the Cuban insurgents, and then you authorize a distinguished metaphysician and psychologist who was presiding over the Navy Department to court-martial him for not obeying orders. I ask what sort of discipline and justice and intelligence you can expect in the service of your country? I make the assertion that Schley never disobeyed a single order in all his military service except when it was absolutely necessary or utterly unintelligent, incomprehensible, and impossible of execution.

And now, Mr. President, all of these transactions have closed and Schley is gone. He has fought his last battle, he has raised his last signal, and his guns have roared their last farewell. He is now upon the beach where the tide no longer ebbs and flows. He has crossed the bridge that spans this life to the eternal shores and his ship has passed the horizon and is anchored in the harbor from which no voyager ever returns. I always felt that he never recovered from the blow his country dealt him. He delivered her as great a victory as she ever gained upon the sea and she accepted it with ingratitude and with ungracious hands. The greatest struggle he ever passed through was not amid the shot and shell at Santiago; it was when the shafts of malice and hatred were leveled at his breast; but he stood with head erect just as his boatswain described him standing on the *Brooklyn's* bridge with head erect when every other head was bowed but his. During all these trials his devoted wife stood by his side with all the fervor of her girlhood days, and in the hours of gloom and anxiety with heroic fortitude she cheered him on with all the consecration that only a woman can bestow and with all the sacred, self-sacrificing love that only a woman can feel. During one of the sleepless hours of the night, as the trial was proceeding, when he realized that all the mighty resources and influence of those in authority were arrayed against him, he said to me:

> I have battled with the elements in the Arctic Zone, I have battled with the foe in the service of my country, but this is the severest ordeal through which I have ever passed. I wish I had died at Santiago. I am weary; I am weary.

Yes, Mr. President, he was weary; but the weary sun hath made a golden set and by the bright track of its fiery car it gives token of a goodly day to-morrow.

Mr. President, I move that the amount named in the original bill—$150 a month—be substituted for the amount—$50 a month—named in the bill reported by the committee, and on that motion I ask for the yeas and nays.

Mr. HEYBURN. Mr. President, I am going to vote for the pension to the widow of Admiral Schley, but I am not for a moment going to do it as an indorsement of any claim on his behalf as against Admiral Sampson; and, so far as I am concerned, it is not to be taken as an expression in favor of Admiral Schley in the contest as between Admiral Schley and Admiral Sampson.

Mr. RAYNER. This bill raises no such issue as that, Mr. President.

Mr. HEYBURN. The Senator's remarks raise such an issue.

Mr. RAYNER. There is not one word in the remarks of the Senator from Maryland that could be so construed; on the contrary, if the Senator had listened to them instead of writing something at his desk, he would have noticed that I said that I would be equally ready to propose a pension on behalf of the widow of Admiral Sampson, had she not acquainted me with the fact that she did not need any pension; otherwise, I would have been here claiming for the widow of Admiral Sampson just exactly what I am claiming for the widow of Admiral Schley. They are united now in death, and there is no use of creating hostilities.

Mr. HEYBURN. I was not referring to anything in regard to a pension for Mrs. Sampson. I listened carefully to the Senator's remarks; but we differ in our conclusion as to who was the winner of that victory. I am not willing to concede, either directly or indirectly, at any time that Admiral Sampson was not the winner and entitled to the credit for the winning of that victory. I knew Admiral Schley well during his lifetime, and we were personal friends; nevertheless, I am not going to be suspected in this hour of changing my opinion in regard to the merits of that controversy.

Mr. RAYNER. The Senator is frequently a friend in life but an enemy in death.

Mr. HEYBURN. Mr. President, no; that is uncalled for. I am not voting here on sentiment; I am voting on the question of whether the widow of this gallant officer is entitled to a pension.

Mr. McCUMBER. Mr. President, the last Battle of Santiago seems to have lasted about as long, and no longer, than the first battle. The contest between Admiral Sampson and Admiral Schley was undoubtedly very much more earnest and probably more bloody and determined than the Battle of Santiago. I do not think it is a proper thing here for us to try over again that battle nor the controversy between the commodores connected with it. We had a thorough investigation of the subject. For my part I thought the investigation was uncalled for. I still believe it was, but Congress felt that an investigation ought to be had. It was had, and after a very full consideration the Commander in Chief of the Army and Navy of the United States came to the conclusion that the men who were really entitled to the great credit of the Battle of Santiago were the captains of the several ships, and he did not accord to them any wonderful credit for having destroyed an enemy so much inferior to themselves. But, Mr. President, they were all gallant officers; nobody denies that; and now the question arises, when we are asked to grant a private pension, whether we shall take one man and glorify him above all others in the service, whether we shall take the widow of one officer and grant her an annuity three times as much as we grant to the widows of other officers of equal rank and who have performed their duty to the Government as earnestly, as zealously, and as successfully, in my opinion, as the officer who has been discussed so eloquently to-day by the Senator from Maryland [Mr. RAYNER].

The last large pension bill that was granted by the Congress of the United States was granted in 1887 to the widow of Gen. John A. Logan. The majority of the Committee on Pensions reported against granting any special pension whatever. The Senate, however, voted in favor of a bill granting a pension of $2,000. There was such a strong opposition to it and so much feeling because of the injustice that was done all the other officers and the widows of all the other officers in the great Civil War that Congress has not since that time dared to vote such an enormous pension to anyone.

The report that was made at that time, in 1887, gave the names and the number of widows who had been granted pensions, and they take all the generals, the brigadier generals, and the major generals; they take the admirals, the rear admirals, and so forth, and out of about 75 at least that had been given pensions only 3 were granted above $50 per month. We have followed that rule right along since that time, and the Committee on Pensions has never reported, to my knowledge, for the widow of any officer of the Civil War or of any other war a greater amount than $50 per month. We have been granting that for years.

Now, to single out the widow of one officer and grant her $150 a month or $100 a month or any other large sum is a rank injustice to the widow of every other officer who has served under the flag of the United States.

Mr. RAYNER. Will the Senator permit me?

Mr. McCUMBER. You can not place it in any other light before the American people and especially before the widows of the hundreds of officers who have received a less amount. I think I am as patriotic in my impulses as any Senator here, but I think that my patriotism is measured by a justice and by a desire to treat everyone who serves his country exactly in the same way.

I confess, Mr. President, that, following my own convictions, I commend most highly the law of 1890, which granted pensions for the widows and soldiers of the Civil War where the death or injury was not the result of the service in the war. In that law it is declared emphatically that ranks shall not be considered. That is the most just law that was ever passed by the United States, because the soldier in the rank who listens and hears the command of his officer to charge over the trenches and into the mouths of blazing cannon has done as much for his country as the man who stands back in safety and orders him to make that charge. And when the Government is to pay a debt of gratitude to the man who escaped maimed or to the widow of that man where life is the penalty, the Government should pay as much to the widow of that man as to the widow of an officer. That is my own conviction, and I believe that is the conviction of the hearts of the mass of the American people upon this subject of pensions.

Mr. RAYNER. Mr. President——

Mr. McCUMBER. I will yield to the Senator in one moment. We have made the distinction. When we have attempted to destroy the distinction Congress has voted the committee down. So the committee has taken the sentiment of the Senate and the House as its guide and has made a distinction between the widow of the officer or the man in the ranks and the widows of the higher officers. I do not think we ought to have done so, but we have done it; and having done so, and in my opinion having by that act done an injustice against the soldier of the rank and against the widow of the soldier of the rank, I do not want to supplement that by a greater injustice by treating officers and the widows of officers of like rank in a different manner. For that reason I say that when he have reached the ultimate amount of $50 a month and have for years declared that to be the highest amount we would grant, then we ought not to select the widow of one officer and make that one a favorite and place her upon a pedestal above the widows of all other officers of equal rank who have shown equal ability and have been as patriotic in their duty.

I now yield to the Senator from Maryland.

Mr. RAYNER. The Senate has over and over again, I think, passed pensions bills as large as this. I recollect the pension to the widow of Gen. Hawley.

Mr. McCUMBER. Mrs. Hawley never received a pension at all.

Mr. RAYNER. The Senator talks about this being exceptional. The record is against it.

Mr. McCUMBER. Mrs. Hawley did not receive one dollar of pension, and she has not got it to-day.

Mr. RAYNER. Because the House did not pass the bill. She received it in the Senate.

Mr. McCUMBER. She was voted only $50 a month, and that not on the recommendation of the committee.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Did she receive $50?

Mr. McCUMBER. The Senate, I think, passed it at $50.

Mr. GALLINGER. I introduced the bill to grant a pension to Mrs. Hawley, but I have an impression that the Committee on Pensions refused to report the bill at all. That is my recollection.

Mr. McCUMBER. The Committee on Pensions did refuse to report the bill. My remembrance is, however, that the bill did pass the Senate and it was defeated in the House.

Now, we have two other cases. The case of the widow of Admiral Evans was before us a short time ago. She is receiving $30 a month now, and the committee decided that under the evidence before them they could not allow a greater amount than that. I will say, frankly, that was because the evidence was not forthcoming to bring her case within the rule. That rule is that in order to receive a private pension bill there should be a showing of destitution, and where there has been no showing of destitution the committee refuses to report any bill.

We have a rule here which we have tried to follow. That rule is that in measuring destitution the same rule shall be applied to the widow of an officer as to the widow of a private soldier; that the word "destitution" shall not be changed to fit particular cases, but that it shall be given the same meaning in every case. It is the opinion of the committee that a person who receives $50 a month, without any effort, has received enough at least to take him or her without the definition of being destitute.

Having applied that rule to all the others, I certainly feel, Mr. President, that it should be applied in this case.

Here is a thought that I want to submit not only to the Senator from Maryland but also to others. It has come to this pass in the matter of private pension bills: The general law gives to the widow of a captain and those above that rank $30 per month in every case where the death of the soldier was due to an ailment or disease or wounds received in the service. If it should be more, then, to treat every one alike, we should raise that amount to $45 or $50 or $60 or $100—whatever we think is just and proper. But for the last five years there has not been a single death of an officer, in my opinion, but that you will find that immediately thereafter there is an application for a private pension bill. In other words, we are treating the widows of all the officers under the private-pension-bill system, and we are treating most of the soldiers under the general law. If we are not giving enough we ought to give more by a general law and treat them all alike, so that we shall not be accused of dealing unfairly or unjustly to anyone. If it is $50 for one widow it ought to $50 for every one of them, unless they are able to make a showing of destitution.

But, Mr. President, I want to keep the record straight. I want to treat the widows of all these officers alike and do exact justice, and because I believed that you did an injustice to 500 of them when you granted those widows $50 a month, so I believe it would be an injustice to add one of them and make it $150 a month. Therefore, I oppose the increase in this case to $150.

Mr. RAYNER. My amendment is to give a pension of $150 a month in lieu of $50 a month as reported in the bill. I move to substitute $150, which was the original bill.

The PRESIDENT pro tempore. The Chair will state to the Senator from Maryland that the bill now contains a provision for $150, and the amendment proposed by the committee would strike out $150 and insert $50. It meets the same end as that sought by the Senator from Maryland to vote on the amendment of the committee.

Mr. RAYNER. Then I ask——

Mr. McCUMBER. I suggest that the proper vote for the Senator from Maryland and those who agree with him would be in this case to disagree with the amendment of the committee.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the amendment of the committee?

Mr. NELSON. I should like to inquire of the chairman of the Committee on Pensions what the resources of Mrs. Schley are. What are her means, as the evidence before the committee shows?

Mr. McCUMBER. I think it shows very little, at least.

Mr. LODGE. Mr. President, it seems to me if we make this large increase in this particular case it is impossible to draw the line. There have been widows of many admirals, gallant officers, distinguished in the service, and who were left in very straitened circumstances, to whom the committee never has given more than $50 a month, and some not so much. I have particularly in mind the widow of a distinguished admiral, who was left almost penniless, with a very small amount of money, and the committee would not even raise her pension from $30, the pension provided by law, to $50 a month. It seems to me it would be a very unfair and a very dangerous precedent to establish to select one widow in this way and give this very large pension.

Mr. McCUMBER. The Senator from Minnesota requested me to give a statement of the income of the widow of the late Admiral Schley. The report shows as follows:

> In a sworn statement filed with your committee it is stated that Mrs. Schley has an income of $425 per year, from the investment of her distinguished husband's life insurance, in addition to the $12 per month she is receiving as pension. In addition to this she received last year $500 from the sale of the writings of Admiral Schley, but this source of income will of course terminate within a very short time.

There is $425 a year that seems to be permanent, as well as the $12 per month; so, with the $50 per month which we propose to give her, she then would be receiving $1,025 a year.

Mr. SHIVELY and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Minnesota yield.

Mr. NELSON. I yield to the Senator from Indiana.

Mr. SHIVELY. I was going to suggest to the Senator that this would simply be an increase from $12 a month to $50 a month, and it would not make the increase he has suggested.

Mr. McCUMBER. Yes; I said with the $425 the $50 a month which we propose to allow her would be $600, making $1,025.

Mr. RAYNER. The income of $500 from the sale of the book does not amount to anything. That may go in a year or two. With the $12 a month and the $425 it would take three or four years to pay the funeral expenses and erect a proper tombstone.

Mr. NELSON. Mr. President, as an ex-corporal of the Union Army, I feel impelled to say a few words in this case.

All nations have their heroes and we all delight to honor them. I feel that it is not fair in a case of the kind of Admiral Schley to put him on a level with the ordinary and common officers of the Navy. He was one of the great heroes of the Spanish-American War, and it is a shame to this great country to leave his widow with only $400 a year to live on after services such as he rendered the country. He was practically in command of our fleet at Santiago. It fought under his direction. If he had been an admiral in the English Navy and rendered such services, he would have been given an estate, he would have been ennobled, and his family would have been pensioned in the most liberal manner.

In this great country of ours, when we have the case of a man of this kind, who rendered such great service, he should not be put on the level of an ordinary routine admiral in the Navy. I think the ordinary soldiers and the ordinary sailors and the ordinary officers of our Army and Navy would all of them be well satisfied to have one of our great naval heroes honored in this way. We gave the widow of Admiral Farragut $2,000 a year, a very small sum, indeed, and while I concede that Admiral Schley's record is not as great as that of Admiral Farragut, it seems to me it would be a shame to leave to the widow of such an officer the paltry pension of $50 a month.

The PRESIDENT pro tempore. The pending question is on agreeing to the amendment proposed by the committee, which is to strike out "$150" and insert "$50." Of course, if the amendment is adopted, the pension originally proposed of $150 is stricken out and $50 is put in the bill, and if the amendment is not adopted the provision of $150 must stand. The question is on agreeing to the amendment of the committee.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON], and withhold my vote.

Mr. GALLINGER (when Mr. BURNHAM'S name was called). I wish to announce that my colleague [Mr. BURNHAM] is paired with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON'S name was called). My colleague [Mr. CHILTON] is necessarily absent from the city. He is paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and I therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. Upon this proposition I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. PAYNTER (when his name was called). I would vote "nay" on this proposition except for my general pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. It is a general pair, and I withhold my vote.

Mr. MARTIN of Virginia (when Mr. SWANSON'S name was called). My colleague [Mr. SWANSON] is detained from the Senate in discharge of official business in connection with Senate work. He is paired with the Senator from Nevada [Mr. NIXON].

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to my colleague [Mr. PERCY] and vote. I vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN], but I am informed that if he were here he would vote "nay." Therefore I will vote. I vote "nay."

Mr. GORE. The junior Senator from Maine [Mr. GARDNER] transferred his pair to me, and I will allow the transfer to stand.

Mr. DILLINGHAM. May I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DILLINGHAM. I will withhold my vote.

The result was announced—yeas 10, nays 42, as follows:

YEAS—11.

Borah	Jones	Page	Smoot
Bristow	Lodge	Root	Sutherland
Hitchcock	McCumber	Smith, Ga.	

NAYS—41.

Ashurst	Foster	Nelson	Smith, Mich.
Bourne	Gardner	Newlands	Smith, S. C.
Bradley	Gronna	Oliver	Stone
Brandegee	Johnson, Me.	Overman	Thornton
Brown	Johnston, Ala.	Perkins	Townsend
Bryan	Lea	Poindexter	Warren
Catron	Lippitt	Rayner	Watson
Chamberlain	McLean	Reed	Williams
Clapp	Martin, Va.	Richardson	
Clark, Wyo.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NOT VOTING—43.

Bacon	Cullom	Guggenheim	Percy
Bailey	Cummins	Heyburn	Pomerene
Bankhead	Curtis	Kenyon	Sanders
Briggs	Davis	Kern	Smith, Ariz.
Burnham	Dillingham	La Follette	Smith, Md.
Burton	Dixon	Lorimer	Stephenson
Chilton	du Pont	Nixon	Swanson
Clarke, Ark.	Fall	O'Gorman	Tillman
Crane	Gallinger	Owen	Wetmore
Crawford	Gamble	Paynter	Works
Culberson	Gore	Penrose	

So the amendment of the committee was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it may first be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," on page 1, line 10, to increase the appropriation for compensation of Senators from $690,000 to $720,000.

The amendment was agreed to.

The next amendment was, on page 1, line 11, to increase the appropriation for the mileage of Senators from $47,000 to $51,000.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "journal clerk," to insert "principal clerk, reading clerk"; in line 15, after the word "each," to strike out "principal clerk, reading clerk"; in line 17, after the word "bookkeeper," to insert "one clerk, printing clerk"; in line 18, after the word "revenue," to strike out "and general appropriation"; in line 21, before the word "indexer," to insert "compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220"; in line 22, before the word "assistant," to strike out "printing clerk"; in the same line, before the word "clerks," to strike out "three," and insert "two"; on page 3, line 1, after the word "stationery," to strike out "$1,900," and insert "$2,000"; in line 4, after the word "each," to insert "laborer in stationery room, $720"; and in the same line, after the words "in all," to strike out "$88,960," and insert "$93,060," so as to make the clause read:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent

fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, one clerk, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, assistant librarian, and two clerks, at $2,220 each; four clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; three laborers, at $840 each; three laborers, at $720 each; laborer in stationery room, $720; in all, $93,060.

The amendment was agreed to.

The next amendment was, on page 3, line 8, before the word "assistant," to strike out "first assistant, $2,000; assistant, $2,000," and insert "two assistants, at $2,250 each"; and in line 9, after the words "in all," to strike out "$12,520," and insert "$13,020," so as to make the clause read:

Document room: Superintendent, George H. Boyd, $3,000; two assistants, at $2,250 each; assistant, $1,440; two clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

The amendment was agreed to.

Mr. REED. Mr. President, before we proceed any further, I want to ask the Senator in charge of the bill a question for information. I desire to ask him why, in line 10, on the first page, the appropriation for the compensation for Senators is changed from $690,000 to $720,000?

Mr. WARREN. Because there has been an increase of four new Senators since the estimate was made, and the increased amount is simply the difference.

Mr. REED. It just makes that difference?

Mr. WARREN. I think it does; and I think the Senator will so find.

Mr. REED. I have not figured it. I only asked for information.

Mr. WARREN. The same is true as to the proposed appropriation for mileage.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 3, line 14, after the word "clerk," to strike out "$1,440" and insert "$1,800"; in line 16, after the word "each," to strike out "assistant clerk, $1,440," and insert "two assistant clerks at $1,440 each"; in line 17, before the word "clerk," to insert "laborer, $720"; and in line 19, after the words "messenger, $1,440," to insert "messenger, $1,200," so as to read:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200.

Mr. REED. Mr. President, does that last amendment mean that there is to be another employee at $1,200 a year?

Mr. WARREN. Mr. President, perhaps I ought to say at this point that on the page now being considered there are numerous amendments. In each case they simply provide for putting on the annual roll what the Senate itself had ordered done in providing employees and paying them from the contingent fund of the Senate. As the Senator will remember, there was a very decided reform movement when the present Congress assembled in the way of having every employee noted as to where he was employed, in order to destroy what was termed "the bad practice of details." Before that time certain employees had been detailed to this or that Senator's committee in the line of economy, as it was thought. Some of us who were rather familiar with appropriations were of the opinion that the proposed changes would make no saving, but we had to submit. It is now thought desirable to show exactly where every man is employed, and we have carried out that plan. We took from the roll of employees who had been so detailed thirty-odd men. Meanwhile the Committee on Contingent Expenses from time to time allowed this committee, that committee, and the other committee clerks or messengers to take the place of those formerly detailed. In that way we have added some 8 or 10 more employees than we disposed of previously, and, of course, at an additional cost, perhaps, of from $15,000 to $20,000. The duty of the Committee on Appropriations is to fulfill the law; the Senate has already provided for these employees, and they are now being paid from the contingent fund of the Senate, which is hardly proper; in fact, the law regarding the contingent fund makes it impossible to indefinitely continue that practice without infringing upon the law.

Mr. REED. This amounts to a recognition of these places?

Mr. WARREN. For the next fiscal year.

Mr. REED. For the continuance of these places for the next year?

Mr. WARREN. Yes.

Mr. REED. We are not merely appropriating money for services that have been rendered, but it is expected to carry this over into next year?

Mr. WARREN. We are not doing anything in regard to these employees except putting them on a regular roll, paying them a stated amount, and placing everything in plain sight, rather than having them paid from the cashier's desk and charged to the contingent fund. That is all.

Mr. REED. Mr. President, while the Senator is on his feet I wish to ask another question. Of course, if this bill was one that simply proposed to pay the debts that we have created, I would not rise to say anything, but it is intended now to provide for next year. Now, I want to know why a messenger gets $1,440 in some instances and $1,200 in others? What reason is there for that discrimination?

Mr. WARREN. There are differences that have been recognized heretofore in the importance of committees, according to the character and volume of their work, and there also have been differences regarding the amount of work occasioned by seniority places on the higher committees of some of the Senators. It is pretty hard to say that every committee shall have employees at the same salary and of the same number, because the work is not evenly distributed.

Mr. REED. Mr. President, I can recognize the fact that one committee has work requiring technical knowledge or peculiar skill and another committee may have work of a simpler character, but the work of a messenger——

Mr. OVERMAN. I want to say to the Senator that I think he will find that the committee has not increased any salary or added anybody to the pay roll, but we have followed the law as it exists under resolutions which have been passed by the Senate. The question as to why this distinction should be made I am not able to answer, but the Senate has done it.

Mr. REED. Exactly.

Mr. WARREN. If the Senator will allow me, I wish to add to what the Senator from North Carolina [Mr. OVERMAN] has said that we have but followed what has been determined upon and reported by other committees and what the Senate itself has passed upon. We are simply obeying the command of the Senate in these matters as to the salaries that are paid here. The responsibility is not with the Committee on Appropriations. If the Senator has the idea that he has to reckon with the Committee on Appropriations in this matter, he is mistaken, because the Committee on Appropriations did not fix those salaries, but, as I have said, it simply followed what the Senate itself has heretofore established in regard to them.

Mr. REED. I understand that; and nothing I have said here is intended in the slightest degree as a criticism of the committee or of its work.

Mr. WARREN. I understood that, Mr. President, but it was as a matter of information that I responded to the Senator.

Mr. OVERMAN. Many amendments have been reported by the Committee on Appropriations to the House bill. The House bill only provides for the places established under the current law which was passed last year, and the Senator will understand that what the committee have added in italics is to cover places that have been added by the Senate since that time. Heretofore there have been stuck around all over this building, in positions that nobody knew anything about, certain men—a great number of them—who were paid from the contingent fund of the Senate. A man was slipped in here and a man was slipped in there. We determined to provide for these places in the regular appropriation bill, so that the entire Senate and everyone else might know who is provided for and where he is employed, instead of having everything in the dark.

Mr. REED. I think that is very commendable, and I believe I understand the situation. The point I am trying to make, or to give expression to, in my very imperfect way, is this: It seems to me now is the time to equalize these salaries. I was saying that, of course, there might be committees having employees required to possess particular and special skill, where a salary commensurate with their ability ought to be paid, and other committees, requiring service of a simpler sort, where a smaller salary would be proper. But now, when you come to the question of a messenger, unless it is a misnomer, and unless somebody is working under the name of messenger who is not in fact a messenger, they all ought to be of about the same class and receive the same amount of pay. Simply because a resolution was passed here in the hurry of some day's work giving a messenger to a certain committee at $1,440,

and the next day because a resolution was framed for another at $1,200, now when we have the matter before us there is no reason why we should perpetuate that inequality. I think that a messenger is a messenger, and whatever is just and proper to pay one should be paid to all the others. For that reason I have made these inquiries.

I think, Mr. President, they all ought to be paid $1,200 or $1,300 or $1,440, and that discrimination of this kind ought to cease. If any of these men are in fact not performing the duties of messengers, but are performing labor of a different character, they ought to be properly named in this bill, and their salaries ought to be fixed at whatever sum is right. I know the disposition of the Senate on bills of this kind is to regard such a matter as too burdensome for the Senate to pass upon in session, and consequently any effort to amend such a bill is generally regarded with little favor. That is particularly true when some Members are anxious to get away.

But as I glance over these pages, simply catching what I may as my eye runs over them, I find that the clerk's salary is very frequently $1,440, the messenger's salary very frequently $1,440; and, again, you will find plenty of clerks working at $1,200, if I am not mistaken, and you will also find plenty of messengers working at $1,200. So there is no system about it, and there is on the face of the papers no equity about it. If there be back of the mere names some reasons, I would like to know what they are.

In this connection, not to take up the time of the Senate unduly, I want to register my protest for whatever it is worth against the inequalities which exist generally. We pay a man who runs an elevator a certain salary. I think he gets a hundred dollars a month, or twelve hundred dollars a year. It is a position which can be filled with very little experience, without any education, without any special qualifications whatever. There is not one man in a thousand who can not learn to run an elevator. I am not saying that twelve hundred dollars a year is a penny too much to pay, but I think it is pretty liberal for that class of work. These men work on hours and work on shifts, so that they do not have long and tiresome hours of labor.

I never was in favor of being niggardly about the question of wages, and I am not so now, but if you come to the question of the clerks for Senators you will find messengers who are receiving as much pay as a Senator's clerk; you will find plenty of messengers receiving more pay than a Senator's stenographer; and you will find elevator men receiving the same pay as a Senator's stenographer.

The fact of the matter is, that no man is fit to be the clerk of a Senator who is not a man of education and of superior intelligence. He is constantly required to visit the departments and look after business in which the public are interested or in which various citizens of the Republic are interested, and he is required to possess a knowledge and a skill in many instances which would do credit to the ordinary lawyer. Just in proportion as he is educated, qualified, and learned is he able to serve the public and serve the constituency of his State. To keep a man of that kind at $1,440 a year, upon a par and level with a mere messenger, is inequitable, it is unjust, and it is against the interest of the public service. Any man can carry a package from one end of the town to the other and perform the duties of a mere messenger, while it requires learning, skill, and intelligence to perform these other duties in which the public are interested.

Mr. WARREN. If the Senator will allow me, perhaps I ought to say that a large number of these persons designated "messengers" are really clerks and stenographers; but the old name carries forward the appropriation as messengers. I think quite a proportion of them are really clerks and stenographers.

Mr. REED. That brings me to the statement I made early in my remarks, that if they are not in fact messengers, then the term is a misnomer and we ought to name them after the positions they actually occupy.

Now, I go a step further. Take stenographers to Senators. We call them, I think, messengers. They should not be so denominated. But no man is fit to hold that position who is not qualified, or at least very nearly qualified, to be a reporter in a court. The amount of work that must be performed by these men, particularly if they come from large and populous States, is onerous and burdensome in the extreme. They are frequently kept in their offices long after the usual working hours and they are required to possess a high degree of skill and efficiency.

I find that the clerk, or messenger of a Senator, as he is called—the stenographer—gets $1,200 a year; but if he happens to be a messenger for a committee he gets $1,440 a year, in some instances, and $1,200 a year in other instances. The same kind of men doing the same kind of work receive different compensations. I protest against that. I do not believe that the clerk of a Senator receives as much money as a competent stenographer ought to receive. I do believe that there are many positions around this Capitol that come under the direct jurisdiction of Congress where men are paid out of all proportion to the services they render, if we are to take as a standard the amount which is received by clerks and stenographers holding important positions.

I want to ask the Senate to give some thought and consideration to this subject. I want to ask the chairman of the committee if he does not think that these salaries could be equalized and the committee in a short time could ascertain the respective duties of the men covered by the bill and report a bill that would equalize the salaries.

Mr. WARREN. What was the Senator's inquiry? I hope the Senator will excuse me, but I was looking at the bill.

Mr. REED. I understand that the Senator was examining the bill. I made the inquiry whether it was not possible for the committee to report a bill here that would equalize the salaries and give us the proper name or title for the men engaged in the various employments which are covered by the bill. In other words, whether we could not have it stated on the face of the bill who are stenographers, and the compensation of "stenographers"; who are actually messengers, and the compensation of "messengers"; and whether they could not put all these men now in the various classes at the same salary and report a bill of that kind. Why is it necessary, if we have in the past made these inequalities by passing separate bills, to perpetuate these inequalities in this bill?

Mr. WARREN. Does the Senator assume that all clerks to committees and assistant clerks should be at the same salary, exactly?

Mr. REED. I see no reason why they should not be if they put in all their time.

Mr. WARREN. That in theory, perhaps, sounds well, but it requires an experience and ability for some work, in some committees, that are not required in others. Consequently men of great experience and more talent must be employed in order to do the work. So it would hardly be possible to put them all on a level as committee clerks. Some committees never have a meeting; other committees hardly have a day's rest during the session.

Mr. REED. If the Senator will pardon me, a committee that never has a meeting has no business to have a clerk at any salary.

Mr. WARREN. Unfortunately, perhaps, but nevertheless it is true, we make no provision for a Senator to have a clerk if he is chairman of a committee. I want to say to the Senator, if he will permit me——

Mr. REED. Certainly.

Mr. WARREN. I was unfortunate enough to be placed on the subcommittee on this bill when I first went on the Committee on Appropriations, and it is the bête noir of all bills. For instance, the gentleman who preceded me as chairman of the Appropriations Committee would never serve on the subcommittee on this bill because of the immense number of salaries it carries that affect not only Senators but Members of Congress and people at large, and it is impossible, with the differences of opinion that exist, to compose those differences so as to arrive at terms of satisfaction to everybody.

We have had various committees at work upon this. For instance, the Appropriations Committee will pass a bill with certain salaries. Perhaps a week or ten days afterwards a Senator will rise in his place and introduce a resolution to provide for an extra clerk at a certain salary. That goes to a certain committee, comes back, and the Senate approves of it. It is then out of the hands of the Committee on Appropriations and the place is established by law. All that the Committee on Appropriations can do is to follow and appropriate the money. This equalization has been tried a great many times. There have been committees on equalization, and whatever has been the result, there has always been more or less dissatisfaction, because one Senator looks at his own work, perhaps, a little differently from that of his neighbor. It seems to me that the present arrangement is as equitable as any arrangement heretofore made. In fact, I believe it to be more equitable. And if changes ought to be made here, the duty belongs just as relevantly to other committees of this body as to the Committee on Appropriations, and rather, I should say, to the Committee on Contingent Expenses of the Senate, because that is the committee which is called upon from time to time to raise the salaries or increase the number of clerks.

For instance, a Senator rises and asks to have a clerk whose salary is $1,440 raised to $1,800, and the resolution goes to the

Committee on Contingent Expenses, and it raises the salary of that clerk. The Committee on Appropriations thereafter accepts it as the will of the Senate.

A complete reorganization, I presume, is what the Senator is thinking of. I should never object to a reorganization if conditions could be bettered; but I must say that taking the past as a criterion, I think we have not made the progress in undertaking to reclassify that the sanguine people had hoped for.

Mr. REED. I take it, Mr. President, that the Senator does not mean to say either one of two things—that the Senate has reached a condition of perfection, and therefore no changes should be made, and to assert that it has reached a condition so hopeless that defects can not be remedied. I confess I do not criticize the Senator for not thinking that anything in the shape of a real reform can be passed in the present Senate. I am inclined to join him in the sentiment that it is a somewhat hopeless case.

Mr. WARREN. Mr. President, perhaps the Senator has given more color to that statement than I intended. I do not regard the present arrangement of the clerks of committees in the Senate as in complete disorder and in a position where immediate reform is necessary. I believe that generally speaking they are all right. As to a perfect arrangement I have never claimed that it was or that it ever will be. As I said, the interests of different Senators are bound to be reflected more or less in their own households, in their own clerkships, and so forth.

Mr. REED. I did not mean to put the Senator in that light, because he has been very courteous in answering these inquiries. I simply meant, by stating the matter in a somewhat extreme way, to point out what I thought was the defect in his logic.

What the Senator has said, however, warns me in insisting upon all that I have undertaken to maintain. It amounts to this: Some Senator concludes that he wants an additional clerk for a committee, which may and may not meet. He makes up his mind what he wants that clerk paid and introduces a resolution. If he happens to be a liberal and generous man, either with his own money or the public's, he introduces the proposition at a high salary. If he is of an economical turn of mind, he introduces it at a lower amount.

The PRESIDING OFFICER (Mr. BORAH in the chair). Will the Senator from Missouri suspend?

Mr. REED. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 20182. It will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I should like to inquire of the Senator from Wyoming whether he thinks we will be able to finish the consideration of the appropriation bill to-day?

Mr. WARREN. I am in hopes that we may. Of course, it is entirely within the will and pleasure of the Senate. But I think the Senator will agree with me that it is rather important to get the bill through. It is a bill of about 170 pages, with innumerable changes, and I think the Senator will agree that it is important that we should get it through as soon as we can and get it into conference, which will naturally take some time.

Mr. SIMMONS. I recognize the importance of that, Mr. President, and of course I do not desire to interfere with the Senator in going on with the appropriation bill, but I merely inquired whether he thought it was probable that he could finish the bill to-day.

Mr. WARREN. Yes; I indulge the hope that we may.

Mr. SIMMONS. In view of the importance of getting the appropriation bill into conference, I will ask that the unfinished business be temporarily laid aside, so that the Senator from Wyoming may proceed with the pending bill.

The PRESIDING OFFICER. The Senator from North Carolina asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Missouri will proceed.

Mr. REED. I was saying, Mr. President, that it is perfectly manifest from the statement of the Senator in charge of this bill that we have allowed the system to grow up of Senators coming before the Senate with a resolution for the employment of a clerk or a messenger and naming the compensation to be paid in the resolution and the Senate passing it without considering it in connection with the salaries paid to others filling like positions. The result is——

Mr. WARREN. No, Mr. President; I hardly think the Senator desires to carry that reflection. Of course, the chairman of this committee has been chairman for only a few months, and the reports from the committee from time to time have been such that there was no reason why he, as chairman of the committee, should contend against them, because they did not exceed the amounts that had been paid to others along the same line.

Mr. REED. Mr. President, I do not want to take the time of the Senate in haggling about the technicalities of a statement. The fact is this bill on its face shows, as I have already stated, that here are messengers receiving $1,440 a year, here are other messengers receiving $1,200 a year, here are clerks receiving $2,500 a year, and then many clerks are receiving only $1,200 a year.

I understand perfectly well that there may be a difference in the class of men required to perform certain clerical duties, and it may be necessary to pay some of them twice as much as you pay others, because you are requiring a higher degree of skill and efficiency. But I also understand that the fundamental fact remains that time after time resolutions have been introduced here creating a basis, fixing a salary in the resolution, and without any serious consideration the resolution has been passed. The result has been that the salary has depended in most instances upon the degree of generosity or the degree of economy which is exercised by the particular individual who introduced the resolution.

Now, it does seem to me that it is utterly wrong to pay an elevator man the same salary that you pay a high-class stenographer, capable of taking his position in a court and reporting evidence; and it is absolutely wrong to pay a messenger, who carries messages, the same salary that you pay the clerk of a Senator, who is required every day of his life to serve a constituency, numbering in many instances two or three millions of people, before the various departments of the Government. The fact that these resolutions have been introduced in this haphazard way, and thus the salaries have been once fixed on an inequitable basis, is no reason why, when we come to pass a general appropriation bill, we should perpetuate the mistakes which have been made.

I am not content to see a bill passed in this way. I would be content to see it passed if the Senate would appoint a committee and instruct that committee to equalize the salaries and report its findings here to the Senate, so that when these salaries come to be paid at the next session we could fix them upon a proper basis; but in its present form it seems to me that it is very unjust.

Just let me call attention to a few of these items as I run over them. Here are, for the Committee on Additional Accommodations for the Library of Congress, a clerk at $2,220 and a messenger at $1,440. I want somebody to tell me why a clerk for the Committee on Additional Accommodations for the Library of Congress is a more valuable man than the clerk of a Senator. I should like to inquire whether the Committee on Additional Accommodations for the Library of Congress have had one meeting at this session. I do not think there is anybody on this floor, except the members, who can tell who is on that committee without looking at the Directory.

Mr. HEYBURN. I will ask if the Senator can tell us?

Mr. REED. I do not know. I am saying that to emphasize the fact that so far as I have any light there is no reason why that salary should be $2,220, and other men should be employed requiring high skill, and constantly employed, at $1,440.

Mr. WARREN. Mr. President, there does not seem to be a very full attendance in the Senate; the chairman of that committee is not in his place at the present moment, but I will say that the chairman of the committee represents one of the greatest States in the Union, and the clerk is not only the clerk of the committee, but he is his personal clerk as well. He is one of those Senators who has been here a long time, so that in the distribution of the so-called steering committee on the Democratic side they have assigned to him that particular committee chairmanship. Those have been the standard rates and salaries for a number of years. It is a minority committee, and it is entirely within the hands of the minority as to who shall be the chairman. The Senator from Texas [Mr. BAILEY] is the present chairman of that committee. I can not state how often it may have meetings or what business it does.

Mr. REED. Mr. President, I am not complaining about who was put in as chairman of the committee; I am not complaining that the chairman of the committee has not performed his duties; but I am complaining that a salary should be paid here of several hundred dollars more than is paid to the clerk of an ordinary committee, or more than is paid to the clerk of a Senator. That is the point.

If that was a committee constantly in session, such a committee, for instance, as the great Finance Committee, I could see how a clerk of the committee would have very onerous

duties to perform and great labor, and he would of necessity possess considerable skill if he filled his place properly. But here is a committee that, so far as I know, has but slight duties to perform.

It is said he is also the clerk of a Senator. Well and good. He can not put in any more time than a clerk has to put in of a Senator coming from one of the large and populous States. He has all the work he can do as the clerk of the Senator, and if he had any considerable duties to perform as clerk of a committee he would not be able to perform both.

I take it that all this amounts to, in the long run, is that here is a man who has the title of clerk of a committee, and because he has that title, without any considerable duties to perform, he receives several hundred dollars a year more than his brother clerks, who do just as much work. Now, if that is true, it is not fair. It is not right.

Mr. WARREN. On general principles I do not believe that is true. A Senator who has no chairmanship of a committee has no responsibilities of that committee. The Senator is exclusively engaged in his business or the public business of a Senator. In the case of a chairmanship of a committee, the Senator has no clerk. He simply has the clerks of this committee, and the fact that one gets $2,200 and another $2,000 is because it is assumed that the Senator representing a great State, who has been here a number of years, has, because of his seniority, high places upon other committees, from which he has to make reports, upon which he has to expend labor, and he must have a better class of help than one who comes in new and who has not as yet those responsible duties to perform. For instance, a minority man may have a perfectly unimportant committee as chairman, but he may serve on the Appropriations or the Finance Committee or he may serve on the Naval Affairs Committee or he may serve on the Judiciary Committee, and on other important committees, and he must have his work done. If he prepares speeches, he must have his clerk hunt for his citations and papers, and he must do his departmental work. It has been thought that the difference between $2,000 for a newcomer who has no committee and $2,220 for the older Senator who has increasing duties is not a distinction between the two that is reprehensible in any way. That has been not only the belief of one side of the Chamber but of both sides of the Chamber.

Mr. REED. Mr. President, that is a strange philosophy. It amounts to this, that as a man gets wise and needs help less, because of his accumulated wisdom, he shall have wise men to surround him and advise him and assist him. But in the days of his darkness and ignorance, when he first breaks into the effulgence of this great body, he is not only to have his mind clouded by ignorance, but he is to be hobbled by inferior help. The truth is, if it was desired to put those of us who are newcomers, who suffer by reason of our inability to comply with the law of seniority, upon a basis of usefulness we ought to have high-priced men assigned to us so that we would not make so many mistakes.

Mr. WARREN. Will the Senator allow me?

Mr. REED. Certainly.

Mr. WARREN. I agree with the Senator's position as to newcomers. I have been a newcomer, and I desire to say to the Senator that I had no clerk. No other newcomer had in those days, except during the session itself, when he had a per diem clerk. I felt very much like making a row about it, as far as I could, and I succeeded, after long and strenuous effort, in obtaining an annual clerk at $1,200; and that is all a new Senator had here for years. I was one of those who strove to have it higher in the first place, and I have striven since then. The salary went from that sum to $1,500, and then to $1,800, and finally to $2,000, with a second clerk, or messenger, at $1,200. All that time the clerk of the Committee on Accommodations of the Library, which the Senator has seen fit to allude to specifically, had $2,220, just as he has now, and those $2,220 clerks are the same as they were then, when we newcomers could not get even one $1,200 clerk. So I think that, speaking in the line of reform, if the Senator is right in the reform that he proposes, he will at least admit that we have proceeded quite a way along the route he asks us to travel.

Mr. REED. Mr. President, that is very encouraging. A moment ago the Senator discouraged me; he led me to believe that it was impossible to effect any change in this body; that we had either reached a condition of perfection or a condition of fossilization, I do not know which, but anyway that we could not move.

Mr. WARREN. The Senator's remarks are very amusing; but I did not make any such statement as that, as the RECORD will show.

Mr. REED. That was my construction. Of course we all construe things differently. I confess there are some things here so abstruse anybody is likely to make mistakes; at least I am.

Now, I did not single out that committee to criticize it. I expressly said I did not criticize the committee. I did not criticize the Senator. I made no complaint on that ground, but as my eye happened to strike that one committee I inquired why the clerk of the committee received more than the clerk of a Senator, in view of the fact that the Senator had stated he was, in fact, merely the clerk of the chairman, having whatever small duties there were connected with the committee. I did not single it out for criticism, and I do not do it now. It was just one item that happened to strike my eye.

Mr. President, the Senator's remarks between the words and between the sentences reveal this: He states that when he first came here as a Senator he had no clerk, he had no stenographer, he had no help, but that these positions with these high salaries then existed.

Mr. WARREN. Excuse me. I said I had no help except a per diem man during the session.

Mr. REED. Yes, I accept the correction. But the Senator said the positions at higher salaries then existed. If I understand the Senator's argument right, it amounts to this: The theory is that when you come here you do not amount to much anyway; that there are various plums or persimmons high up on the tree, and when you have been here long enough you will get some of the plums.

Mr. President, that is the very thing I am protesting against. I am protesting not on account of the Senators, because whatever honors a Senator can get by long service, that comes to him personally and because of his experience, well and good, let him have them. I am not discussing that, but I do insist that the man who happens to be clerk for a Senator who has been here 10 years is not in equity or good conscience entitled to any more pay than a clerk who performs the same duties for a man who has been here only 10 months.

I go further than that. The Senator stated that he got along when he first came here with a per diem man. Well, if I represented a State with only 150,000 voters in it, or less, I could get along with a per diem man now. I do not say that to criticize the Senator nor to criticize his State, but there is a sufficient inequality now arising out of the fact that some Senators have to keep up a correspondence with the people of a State that has a population of 200,000 or 250,000 people; and others have to look after States, as I believe in the case of New York, of five and a half million people, and the work is not equal.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. Certainly.

Mr. WARREN. Perhaps the Senator has forgotten that a State like New York has 37 or 40 or 42 Members of Congress, while the smallest States have but one Member, and so the correspondence comes to Senators from small States that would naturally go to Members of the House from large States. It is hardly fair to say that the representation is the same with the small State that has but one Representative in Congress.

Mr. REED. But they have the same representation here. Then I want in all fairness to say to the Senator from Wyoming that there is a great difference between the burdens falling upon any man in the Senate to-day and the burdens that fell upon a Senator 10 or 12 years ago. Of course, I can not speak of that from experience; I was not here; but I can speak of it from equally certain knowledge. We have added in the last 10 or 15 years to the departments of this Government; we have added to the Cabinet; we have added all sorts of bureaus; we have multiplied the work of the Federal Government enormously; and year after year that is growing and increasing, so that to-day a man who sits here representing a State with any considerable population can keep a clerk and a very competent stenographer busy at their machines 8 and 10 hours a day and yet fall behind in the work that comes crowding upon him.

I have taken, because of these interruptions, about ten times as much of the Senate's time as I expected. I say that in my humble judgment a committee ought to be appointed to equalize the salaries of these various employees and to report back to the Senate; and at the proper time I intend to offer that kind of a resolution. I do not intend to undertake to obstruct the passage of this bill; that is furthest from my thought; but I should like to see it so arranged that men performing similar work would get the same pay; and it does seem to me that is not an impossible task.

Mr. HEYBURN. Mr. President, we evidently look upon this question from a different standpoint. The necessity of a Senator depends upon the work which he has to perform as a Sena-

tor regardless of his committee. The work assigned to a Senator who chances to be chairman of a committee that has little before it may be greater than that of a committee that has much business before it and none before any other. All this morning, before the meeting of the Senate, my clerks were engaged upon work assigned to me as a subcommittee by a committee of which I am not chairman. I have five assignments of that kind. It keeps the clerks busy.

My Committee on Manufactures affords a good deal of work, but committees of which I am not chairman involve upon me many times as much work, and receive, or must receive, at the hands of my secretary, much more work than the committee of which I am chairman. It will not do at all to judge a Senator's work by the amount of work before the committee of which he happens to be chairman. For instance, the Committee on the Philippines refer to me a bill which involves the making of a tariff law for that committee, or any other matter of that importance; they refer it to me as a member of the Committee on the Philippines, not as chairman of the Committee on Manufactures. I can not go to the Committee on the Philippines and say: "Please detail me some clerical force here to assist with this work"; I am not at liberty to do that. The nominal clerks of the Committee on Manufactures must do that work. The Committee on Public Lands refer measures that require a vast amount of work, research, and preparation for report in great detail. I can not go to the Committee on Public Lands and say, "I should like to have the assistance of some of the clerks to the Committee on Public Lands to do this work." I must do it with the clerks of the Committee on Manufactures. Thus it goes. I think it will be obvious that you can not measure the necessity for assistance by the chairman of a committee by the business that is referred to the committee of which he is chairman.

We have suffered under that condition here throughout many years, and it is pretty annoying to be required to do work and to have men coming to you, as they are coming to me continually, and saying, "How soon can you get that report ready?" "How soon can you report this measure from the committee?" of which I am not chairman at all, and urging me to do the work. I work all kinds of hours and under all kinds of extraordinary circumstances, yet a committee of this body, invested with the recommending power in regard to clerical help that a committee shall have, declines to give me another assistant. The result is that I am compelled to suffer under the burden of insufficient help. Is that fair?

I have no idle committees; I have no nominal assignments to any committee. I am on eight committees, and there are none of them committees without business.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. REED. I do not know whether the Senator from Idaho was really addressing his remarks to me, but whether he was or not I am enlightened by what he says. I understand him to say that, being burdened with work imposed upon him as a member of various committees, he has to call in to help him the clerks assigned to the committee of which he is chairman.

Mr. HEYBURN. I do not have to call them in. I have them there.

Mr. REED. You have them there and use them.

Mr. HEYBURN. Certainly.

Mr. REED. That is all right for a Senator who is the chairman of a committee, but what becomes of a Senator who is a member of a number of important committees and who has work assigned to him but who, unfortunately, is chairman of no committee and has no extra clerks?

Mr. HEYBURN. He should have sufficient clerical force to enable him readily and easily to perform any duties that may be assigned to him. In raising this question the Senator referred to the Committee on Additional Accommodations for the Library of Congress.

Mr. REED. Would the Senator pardon me a moment, while we are on that matter?

Mr. HEYBURN. Just a moment. The chairman of that committee is on the Committee on Census, on the Committee on Finance, on the Committee on Irrigation and Reclamation of Arid Lands, and on the Committee on Rules. Any one of those committees, and some others that I did not mention, would require as much clerical help as he has, and perhaps more. He is not a Senator for some particular committee or from some particular State, but he is a Senator of the United States. He is as much a Senator for the State of Missouri as he is for the State of Texas.

Mr. REED. I am not trying to get into an argument with the Senator, understand me. I agree with his last statement that the Senator who is chairman of this committee and a number of the other committees which have just been named by the Senator is a Senator from his State and is also a Senator of the United States, but that is true of every Member of the body——

Mr. HEYBURN. Certainly.

Mr. REED. According to his capacity. Of course there are some men of greater experience, of greater natural ability than others, and they may be more potential; but the Senator from Idaho has expressed an idea that I should like to get his view upon. He stated that if a Senator did not have the chairmanship of a committee, he ought to have all the help that is necessary, or some similar expression.

Mr. HEYBURN. For the work that he has to perform.

Mr. REED. Yes. I agree with the Senator on that point. The very thing that I complain about is that this additional help comes not to a Senator because of the labors which may be actually imposed upon him, but it comes because he happens to be the chairman of a committee. If he does not get the chairmanship of a committee, he does not get the additional help. For instance—not to make it personal at all—the Senator from Idaho is chairman of the Committee on Manufactures. I happen to be an humble member of that committee. I grant fully that the chairman, because he is chairman, perhaps, and perhaps for many other reasons, has a greater burden upon that committee than have I, but the Senator is also a member of several other important committees, and he has a large amount of work assigned to him. He is able to perform that work in part, at least, because as chairman of the Committee on Manufactures he has the command or the direction, at least, of the clerks of that committee, and he uses them as best he is able to use them to assist him in the work which calls to him from other committees. Of that I make no complaint or criticism; but that is a privilege that comes to the chairman of a committee; it does not come to anybody else.

I want to ask the Senator if he does not believe that a committee ought to be appointed to equalize all of these matters, including salaries? We started in discussing merely, as the Senator will remember, the question of differences in salaries; and, as usual, we have gotten a little aside from the question; but the Senator from Idaho has certain clerks in the Manufactures Committee. He may have an expert or two there, but there certainly is an inequality, a difference in the salaries that are paid to men performing exactly the same kind of labor.

Mr. HEYBURN. Mr. President, I will simply say that in the work that has been done and presented to this body from the Committee on Manufactures there has never been any expert called in.

Mr. REED. What are the salaries paid in that committee; does the Senator recall?

Mr. HEYBURN. To whom?

Mr. REED. To the clerks to the Manufactures Committee.

Mr. HEYBURN. I have it right here.

Mr. REED. I would not bother the Senator to look it up.

Mr. WILLIAMS. I have it right here, if the Senator will pardon me:

Clerk to the Committee on Manufactures, $2,500; assistant clerk, $1,440; messenger, $1,440.

Mr. HEYBURN. The Committee on Manufactures has one $2,500 clerk, one $1,440 clerk, and a messenger.

Mr. REED. Let me ask the Senator, without making this personal—I am simply trying to get light—does the Senator have in addition to those clerks two other clerks of his own?

Mr. HEYBURN. Do I have what?

Mr. REED. Does the Senator have any additional clerks of his own?

Mr. HEYBURN. No; I have not. When I require additional service, I pay for it myself.

Mr. REED. The three clerks of the Manufactures Committee do your personal work unless you pay for it yourself?

Mr. HEYBURN. My personal work?

Mr. REED. I mean your work in committee.

Mr. HEYBURN. I quit personal work when I came to the Senate. I do my public work here.

Mr. REED. The Senator is——

Mr. HEYBURN. I say that in entire good temper.

Mr. REED. Oh, certainly. When I said "personal work" I meant the work which the Senator performs as a Senator aside from his work in the committee. The clerk of the Senator's committee receives $2,500. If the Senator were not the chairman of a committee that clerk would receive but $1,800 a year, if I understand correctly.

Mr. WARREN. Mr. President, I must correct the Senator from Missouri. The sum of $2,000 a year is the minimum for any Senator's clerk.

Mr. REED. Two thousand dollars. Very well.

Mr. HEYBURN. May I help the Senator out a little?

Mr. REED. Certainly.

Mr. HEYBURN. The clerk the Senator refers to as receiving $2,500 is Mr. Addison T. Smith. Mr. Smith is not only useful to the committee of which he is clerk, but he is called upon by Senators in connection with legislation affecting their committees, and as a member of the bar of this District. He has been more than 20 years in the service of the committee. He was before that in the other House. He is a man capable of performing the duties of a member of either of these bodies; he is useful not only to the committee or to me, but, I repeat, he is useful to many other Senators who come to him for information and suggestions.

Mr. REED. Mr. President, if the Senator will pardon me just once more, that brings the matter right to the point from which I started, or almost to that point, that if there are men possessed of a certain knowledge and special skill they ought to be so classified. All men possessing that expert knowledge and skill ought to be compensated for it; but, outside of those special instances, it still remains true that one messenger gets $1,200, another gets $1,440, and one clerk gets $1,440, while another gets but $1,200, and that these inequalities run throughout this bill. I do not believe that the Senator—I know he will state it fairly—will say that these inequalities do not exist to a large extent, that they ought to be remedied, and that equalization ought to result.

Mr. HEYBURN. Does the Senator think that in the case of Mr. Smith there should be a reduction in his salary? Mr. Smith voluntarily, during the ordinary recess of the Senate, when employees are enjoying themselves, as a rule, took charge of the affairs of the investigation of Mr. STEPHENSON at Milwaukee and spent his time there, days and nights, up to midnight very often, in gathering the witnesses, arranging them, and providing for them, so that the work ran like a piece of machinery. There are very few men who can do that kind of work. He did it, as I say, in addition to his duties in connection with the Committee on Manufactures. Would the Senator think that his pay should be reduced at all?

Mr. REED. Mr. President, I have been very clear in my statement that I am not here haggling to reduce the salaries of men below where they ought to be. I said very clearly, perhaps before the Senator came in, that it was not a question with me of trying to cut down the salaries of these employees, but it was a question of giving the same pay for the same kind of work to all men engaged in that same kind of work with the same degree of capacity.

Mr. HEYBURN. Mr. President, I ask the Senator would he give to all other men holding similar positions the same pay, whether they performed the work or not?

Mr. REED. No, Mr. President; I would classify these clerks, and if there was a man possessed of special skill, learning, and ability I would put him in class A, to illustrate.

Mr. HEYBURN. Then what would you do with him after you put him there?

Mr. REED. I would give him a salary commensurate with his duties.

Mr. HEYBURN. What would be his duty after you have placed him in class A? Would he be transferred to some other committee?

Mr. REED. Oh, not necessarily. The Committee on Manufactures, a great committee, might be entitled to a clerk of that kind. That is not difficult to get at; but the Senator is a little aside—he is too logical not to see the point—from the point I am discussing. You can not break down the force of the fact that there are inequalities between men performing the same kind of service by showing that there is some man who does not perform the same kind of service and who is entitled to greater pay. If we have men of special skill, let us so classify them and so pay them. What I complain of is that throughout this bill there is not one illustration, but there are scores of illustrations, of the fact that men who do perform substantially the same service as others do not receive the same pay.

If the inequality exists, whether we can wipe it out absolutely and reach a condition of perfection is not the question; but the question is, Can we improve it? I ask the Senator candidly and fairly if he does not believe that a committee assigned to this work could improve present conditions?

Mr. HEYBURN. Mr. President, conditions shift from day to day. The Senator knows from experience that a period of six months might intervene during which there would be no assigned duty to a committee or to the chairman of a committee, and then again for six weeks there might be some important matter assigned to him as chairman or member of a subcommittee every week; so that I would be curious to know upon what basis the Senator would attempt to equalize conditions.

Mr. REED. Mr. President——

Mr. HEYBURN. Now, just a moment, and I will close; and then the Senator will have free opportunity. I only intervened to make the suggestions I have submitted, because I have sometimes rather chafed under the situation that existed here, where a committee—and I do not intend to be personal in my criticism of it—endowed with the power of reporting favorably or otherwise upon the applications for assistant help by a committee should receive a resolution introduced in this body and bury it. I would rather have them report adversely on it.

In the last session of Congress and in this session I introduced a resolution asking for an additional assistant clerk, but it has not been reported upon; it has been treated with a contempt of inattention that is not becoming in this body. I have frequently intended to call up the resolution and ask that the committee be discharged from its consideration, but I have enough rows on hand and so I have not moved in the matter. They have, however, no right to remain silent, and I do not intend they shall remain silent many days.

The idea that because the chairman of some committee only has a certain amount of business, every other Senator should be cut down to his size is an erroneous view of this thing. All any Senator wants is enough help. No Senator wants to have sitting around him in state and idleness people who have nothing to do—if he does, he is not fit to be in any body of this kind—but he does want enough help to perform the duties that he has to perform, and his judgment ought to count for something in the matter rather than the judgment of a lot of men who do not know anything about it, who do not seek to know, and do not even inquire, but who measure it up by some rule of political graft. I am getting tired of it. I do not consider what they call the patronage of this body as graft, and, so far as I am concerned, I will measure it by the necessities of the occasion. If a committee needs help, so far as I am concerned, that committee should have all the help it wants—and when I use the term "committee," I mean the chairman of the committee, because the chairman of the committee is the committee, so far as the responsibilities of the committee are concerned.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. WILLIAMS. I thought the Senator had concluded.

Mr. HEYBURN. No; the Senator will know when I am through. I will be through when I sit down.

Mr. President, I want to see the rule established here that whenever the chairman of a committee applies for more help he will get it. A Senator, being chairman of a committee, who would apply for help when he did not need it ought to be turned out of this body, but he ought to be present when he was tried; it ought not to be a question to be disposed of in silence behind the door of some committee room, and for that reason I object to the rule suggested by the Senator from Missouri. How can a Senator perform his duties unless he has help enough to do them? I have known men who did not know how to work but were always attempting to criticize the work that other men performed. I have known men who were so lazy by nature that they did nothing themselves, and their greatest discomfort arose out of the fact that other people did work. Now I will sit down.

Mr. WILLIAMS. Mr. President, I had not intended to intrude into this very interesting debate. I agree with the Senator from Missouri [Mr. REED] that there ought to be a committee appointed by the Senate for the purpose of considering and, if possible, decreasing the expenses of the Senate and equalizing the pay of employees to some extent—of course, with due regard to the character of the work to be performed by the employee. I have been drawn into the discussion, however, by rather a vicious attack made by the Senator from Idaho [Mr. HEYBURN] upon the Committee to Audit and Control the Contingent Expenses of the Senate, in which he virtually charges that, for some reason or other, they have not accorded due meed of recognition to the claim which the country has upon him and which he has upon the services of assistants.

The Senator seems to forget that he has made his main argument upon the ground that employees ought not to be paid in proportion to the importance of the committees which they serve as clerks or assistant clerks, but because a man who happens to be chairman of an unimportant committee might have a great deal of other work to do. Mr. President, it is also true that a man who happens to be chairman of no committee at all frequently has a great deal of work to do. His correspondence and his department work are perhaps equal to the similar work of the chairman of a committee; and then when he comes to the work which he must do on a subcommittee of committees

of which he is a member, that work is equal, at any rate in proportion to the number of committees to that assigned to other members of the committee who are chairmen.

The Senator has made this rather uncalled-for attack upon the committee, and it may be due to other Members of the Senate to let the Senate know what assistance the Senator from Idaho already has. The Senator from Idaho, as chairman of the Committee on Manufactures—a committee, I take it, which in itself does not entail much labor—and the Senator himself has rather confessed that what labor was entailed upon him by his senatorial service was entailed upon him as a member of some other committee or simply as a Senator—he has, as chairman of this unimportant committee, first, a clerk at $2,500—and I believe the clerk of no other committee has any greater salary, except the clerks to the Committees on Appropriations, Finance, and perhaps one or two others of first magnitude, which do a great deal of work and who do committee work, not merely the chairman's work—he has a clerk at $2,500, then an assistant clerk at $1,440, and a messenger at $1,440. One of these last is nearly always a stenographer.

Now, take as a mere illustration, the case of the Senator from Missouri [Mr. REED] or that of the Senator from Oregon [Mr. CHAMBERLAIN]. Each of them has to help him in doing his work only one clerk, who gets $2,000, and one stenographer, who gets $1,200; so that there has been no unfair treatment of the Senator from Idaho. He is enjoying—I have not time to calculate it now—the assistance of $2,880 plus $2,500 amounting to $5,380 worth of hired assistance.

Neither one of the two other Senators I have mentioned, and many others, such as the junior Senator from Virginia [Mr. SWANSON], the Senator from West Virginia [Mr. WATSON], and I myself, although some of us are on important committees, which entail a great deal of work, and we have the same work in connection with subcommittees that the Senator from Idaho has, none of us has more than $2,000 plus $1,200, which amounts to $3,200 worth of assistance.

Of course a man may make for himself any amount of work in the world he wants to. I knew a man once, a lawyer in my town, who, with five cases on the docket, could keep himself busy 16 hours a day. He hardly ever had over five cases at a term of court, yet he never seemed up with his work. It depends upon how the man works and upon his ability to focus himself upon his work.

But I did not rise to discuss the general subject. The chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, the Senator from New Jersey [Mr. BRIGGS], is absent. Another member of the committee, the Senator from Arkansas [Mr. CLARKE], is also absent; the Senator from Vermont [Mr. DILLINGHAM] is absent—all seem to be out of the Chamber except me. I rose only to say that I think the attack made upon the committee on the ground that it had been actuated by some desire of doing injustice to the Senator from Idaho or to any other Senator is totally ill placed. The Senator from Kansas [Mr. BRISTOW], another member of the committee, I see is present, and I believe he, with the Senators I have named, and I constitute the full committee.

I am sure that there is no man upon the committee who ever had the slightest idea of considering a proposition of this sort when put to them in any way except upon its merits. The committee came to the conclusion that the Senator from Idaho had already more help than the majority of the Members of the Senate, and therefore was not entitled to any more. We turned down several requests from several other Senators in just the same way and for just the same reason. As usual in the world, it is those who already have too much who cry for more.

The Senator from Idaho says that when any chairman of a committee asks for clerical help he ought to have whatever he asks for. That will not do. The Senator says, in reenforcing his statement, that no Senator who is chairman of a committee would ask for any help that he did not need. Ah, what a man needs is one thing and what a man thinks he needs or fancies he needs is another thing. I take it that no chairman of a committee would ask for anything that he did not think he needed, but that is a different thing from what he really needs, and a man ought to get along, if possible, with what he needs. I dare say if we adopted the rule of giving to every chairman of a committee of this body all the clerical and messenger service that he requested we would soon double the clerical and messenger expenditures of the Senate of the United States. I had the honor not long ago to call the attention of the Senate to the fact that it costs the American people for the Senate and House of Representatives to be waited upon ten times as much at its costs the English people for the House of Lords and the House of Commons. This disparity is not decreasing, but is increasing.

Now, as to myself, I have simply a clerk and a stenographer. I have no messenger; I have no assistant clerk or any help of that sort. I find that by doing a good deal of the work myself, as we all must do in the long run, for most of it can not be left to clerks and one must do it one's self, my force is not very much overworked, although at times it has to work long hours, but only when I work with them, and that I myself am not very much overworked. I could work more without danger to my health or without any risk of depriving of its necessary attention any other business that called upon me for attention.

Much of our time, of course, is taken up by sitting in the Senate. Lately this has been abused to some extent, because every time a Senator makes a speech it has become a habit for some one to call for a quorum to listen to him. We might be at work in our offices a good deal of the time, and we would be doing much more good than sitting here listening to one another, unless the discussion be upon some subject in which one is especially interested and where he wants to find out something from others to fix his conclusion. Very frequently the question under discussion is one with which one is familiar and about which one has formed his opinion and upon which he knows beforehand how he is going to vote; but still we are compelled to sit here and listen to Senators two, three, and four hours at a time.

I do not think the Senator from Idaho, upon second thought, will assert that he has been just in his criticism of the committee. The committee could not possibly be actuated by any desire to do him an injustice or by any desire to be partial to anybody else over him. It was actuated by the same motive in his case that has actuated it in every other case, when it has received requests of the same character with like result. The recital of the membership of the committee and of the present clerical and messenger assistance enjoyed by the Senator as compared with that enjoyed by other Senators of at least equal ability and capacity for service demonstrate that fact.

Mr. BRISTOW. Supplementary to what has been said by the Senator from Mississippi [Mr. WILLIAMS], I desire to say that the Committee on Manufactures, of which the Senator from Idaho [Mr. HEYBURN] is chairman, has the same number of clerks that the Committee on Commerce has—three—the only difference being that the assistant clerk in the case of the Committee on Commerce gets $1,800, while what might be termed the assistant clerk of the Committee on Manufactures gets $1,440. The Committee on Manufactures has the same number of clerks as has the Committee on the District of Columbia.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. I want to use that to illustrate the point I was making, that one of the clerks of the Committee on Manufactures gets $1,440, while in the case of the Committee on Commerce the assistant clerk gets $1,800. Do I correctly understand the Senator?

Mr. BRISTOW. Yes.

Mr. REED. There are two important committees, one the Committee on Commerce and the other the Committee on Manufactures, and I happen to be a member of both those committees. Does the Senator know of any reason for that difference in the salary, based upon merit? Let me say to the Senator—he has come in since I began to make my remarks—that I do not rise here to criticize the committee making this report, and I have not criticized them. I am simply urging the equalization of compensation where the service is the same, and upon that point this debate started.

Mr. BRISTOW. I do not think it is practicable to determine with mathematical accuracy what the specific compensation of this clerk or that clerk should be. It seems to me that $1,800 is not an excessive compensation for the second clerk or the assistant clerk to the Committee on Commerce. I consider that one of the very important committees of the Senate. Take the Committee on Foreign Relations. It has the same number of clerks as has the Committee on Manufactures, of which the Senator from Idaho [Mr. HEYBURN] is the chairman. The assistant clerk of the Committee on Foreign Relations get more pay than does the assistant clerk to the Committee on Manufactures. It would seem to me that that is perfectly proper, because it requires a man of wider experience, at least presumably it does. These committees have been adjusted through the years and years of experience, and I do not think you can pass a general act fixing specific and

definite compensation for the clerks of all committees alike. I do not think it could be made to apply with exact justice and equity.

The Committee on Contingent Expenses in passing upon the requests coming before it does the best it can to treat every Senator fairly and generously, as it thinks it is justified, considering the expenditures of the Senate and the amount of work that is to be done. Of course it is very difficult to determine with exact accuracy what ought to be done. We can only do the best we can with the information we have.

I am sorry the chairman of the committee is not here, but in justice to the committee that has passed on a number of such requests during this session of Congress, I want to say that we have considered the request of the Senator from Idaho [Mr. HEYBURN] and have not passed favorably upon his request for a fourth clerk, because we did not think it was justified, considering the clerks that were assigned to other committees.

Mr. HEYBURN. Mr. President, I would say it would result in this: That if we have not clerical force enough to do the work, we will not take the work; in other words, one is not compelled to accept an assignment to duty as a subcommittee; and when things pile up beyond the possibility of reporting on them, it will result in Senators refusing to act on subcommittees; that is all. I am only about five assignments behind now; I hope to catch up this week if no more will come to me, but I certainly am not going to take work that I can not perform for want of clerical assistance.

Mr. BAILEY. Mr. President, I am not entirely certain that it is a wise rule to allow one Senator the assistance of three people and allow other Senators the assistance of only two. The only explanation, perhaps I ought to say the only defense, of that is that, as the Senators grow in length of service, they have come into this additional assistance, and I believe that nearly any Senator who remains here longer than one term will find that the demands on his time increase with the length of his service. The matter equalizes itself at last, because the Senator who remains finally has the assistance which these increased demands upon his time and his attention make necessary. But I am not sure that that is a sufficient reason, and I would be willing to give to each Senator as much clerical assistance as may be allowed to any other Senator. But while I am in some doubt about that I am in no doubt whatever that there is an entirely sufficient reason for what appear to be the discrepancies in the salaries, and I do not predicate that explanation upon the fact that one clerk may be more important than another. We understand that the committee chairmanships come to Senators according to the length of their service; and it is fair to say that the clerk of a Senator serves somewhat in proportion to the length of the Senator's service; and if the United States does not increase the pay of a long-time and faithful employee over and above the pay of a beginner, it is the only institution in the land that fails to observe that just and proper rule. You go into a storehouse and you find several clerks at the same counter. One, having been there a long time and thus better qualified to do his employer's work, will be receiving a higher salary than a clerk of equal character and equal intelligence, but less experienced.

I happen to know that the clerk to the Committee on Additional Accommodations for the Library has been here for nearly 20 years, first in the other House and then in the Senate, and I think I pay him no compliment above what he deserves when I say that he possesses a capacity equal to some Senators and some Representatives, and if a 20 years' service does not earn for him the moderate addition of $250 as against a clerk or secretary in the first year or two of his service, then we fail to observe the rule that obtains in all other places.

Mr. WILLIAMS. As an illustration as to what the Senator said of the difference in value of clerkships of the various committees, the Senator will remember an illustration in the House of Representatives which proves that sometimes a man becomes indispensable as a clerk to a certain committee. The Senator will recall that the clerk of the Committee on Appropriations of the House of Representatives has served there since before the Senator and I entered the other House, has served under both parties, neither one thinking that they could get along without him. Of course, a man of that kind deserves and ought to have very much higher pay than a man who serves as clerk of a committee whose duties almost anybody might be capable of performing.

Mr. BAILEY. The Senator is entirely right about that, and I fully agree with him. But in what I am saying I am leaving out of account the important work of a committee, and I am considering the matter as it relates to the individual work of a Senator. The first clerk provided for here is a clerk of a committee that never meets, but that clerk does his work, and he does it with unusual fidelity and intelligence. I think the increase in his salary since he has been an employee of the Senate has not been greater proportionately than the increase which has come to the Senators themselves in their salaries. I believe that it works itself out justly and fairly in the end, unless it be, indeed, that a Senator employs a clerk or a secretary, and finds him unsatisfactory and dismisses him, or unless it might happen to be that some Senator uses his clerkship or secretary's place as political patronage, and passes it around among his deserving supporters. In those cases, of course, the clerks or secretaries do not get the benefit of the increase which is predicated upon supposed length of service. I believe that the man who has been here for 20 years is entitled to a little more than the man who has been here 10 years, because he is undoubtedly better able to do the work; he can render better service to the Senator himself; and I think a secretary who has been here 10 years is entitled to something more than a secretary who has been here only two years, because he can undoubtedly render better service.

Mr. WILLIAMS. If the Senator will permit me, in reenforcement of what I have said, the clerk to whom the Senator has referred, has been here 20 years in the public service and has fitted himself for his place by long time, and yet he gets only $2,220, whereas the clerk of the Committee on Manufactures gets $2,500. The Committee on Additional Accommodations for the Library has no assistant clerk at all, whereas the Committee on Manufactures has an assistant clerk at $1,440. They each have a messenger at $1,440.

Mr. BAILEY. Mr. President, I want to be entirely frank with the Senate. I have three persons assisting me, and I have never inquired exactly how the provision was made, and I hope the chairman of the committee has not omitted the provision to pay them, because they all earn it. I know that the clerk of the Committee on Manufactures receives $250 more than the clerk of the Committee on Additional Accommodations for the Library, but I can not believe that any clerk who is merely the clerk of a Senator in the Chamber earns more than the clerk to the Committee on Additional Accommodations for the Library.

But I did not arise to institute a comparison of that kind. I only rose to suggest that I believe there is a basis for a difference in the salaries of the clerks, because it will be found upon examination that it is graduated according to a presumed length of service; and I believe the better rule is to let these clerks come into an increase by a length of service here as we do in almost every other relation of our lives.

Mr. REED. Mr. President, just a word. The Senator from Texas discusses this matter in a very fair way, and there is no quarrel between his ideas and mine, in the main. I have not urged that there should not be a difference in salaries of employees of the Senate. I have urged that there should be no difference in salary where there is the same character of service rendered and the same amount of service rendered. I agree with the Senator from Texas that if a clerk remains at his post of duty for many years and acquires special skill, in fixing his salary his increased usefulness and his fidelity should be considered. I said that early in my remarks. I have not varied from it.

I have said from the first that if there are men employed by committees in positions that require special skill, and those men have that skill, they should be paid for it. The Senator from Texas dropped a remark, however, which I think is explanatory of this situation, and that was that these clerks were presumed to have greater experience, as I understood it, because they are the clerks of the chairmen of committees, which chairmen would be men of greater experience or they would not have the positions.

Mr. BAILEY. Not greater experience, but a longer time of service. These committee chairmanships go by seniority. I have never had very much patience with that rule, but it is observed. For instance, if the Senator will permit me——

Mr. REED. Certainly.

Mr. BAILEY. As the Senators holding the minority chairmanships pass out for one reason or another, the Senators next in order of service step up, and the chairmanships are not presumed to mean larger experience except where a larger experience must be presumed from a longer service.

Mr. REED. Yes; I understand that, and there is no difference between us.

The question, then, resolves itself into this: The chairman of a committee gets to be chairman because of length of service. Now, his clerk is presumed—because he is the clerk of a man of longer experience—to be a clerk of longer experience.

That is a presumption. But I am afraid that it is a presumption that is not always based on fact. The difference in salary ought not to be determined upon the presumption following merely from the fact that one man works under another, but it ought to be a fact itself.

I take it there can be no difference among Senators in regard to this view: First, if a man is required to possess special skill and knowledge, he ought to receive more pay than a man who is not required to possess it; and, second, it would be entirely proper to recognize length of service in fixing salaries, because that would have a tendency to encourage men to hold these positions.

That brings me back to the point I was discussing an hour ago: That these positions ought to be classified; and if there is a committee that requires a skilled man for its clerk, that fact ought to be ascertained, and it can be ascertained, and a salary ought to be paid which would compensate the individual holding the place for his special skill. When you get outside of those positions requiring special skill, then the salaries ought to be fixed according to the value of the work. There ought to be no question about that among Senators. I insist that these inequalities stand out on the face of this bill.

The Senator from Texas spoke of the long length of service of the clerk of his committee. Well and good; he ought to be paid for that. I agree to that. But look at the bill as we go along. Here is a messenger to the Committee on Coast and Insular Surveys. That messenger gets $1,440 a year. Is that based upon length of service or special skill? There is certainly nothing to show it. The messenger to the Committee on Coast Defenses gets $1,200 a year. Why should there be that difference? The assistant clerk to the Committee on Conservation of National Resources gets only $1,200 a year. The messenger for that committee, ranking below the assistant clerk, gets $1,440 a year. The clerk to the Committee to Examine the Several Branches of the Civil Service gets $2,220, and the messenger to that committee gets $1,440.

Now, Mr. President, I am not going to weary the Senate by going through this bill, but it is just as plain as anything can be that, taking the bill by and large, these salaries have not been fixed with reference to length of service. They have not been fixed with reference to special ability or special fitness. We have crystallized in this bill the haphazard legislation that has gone through the Senate from time to time, and we are perpetuating here the inequalities which arise from the fact that one man in introducing a resolution asked for a certain salary to be fixed to a certain position then to be created and another man introducing a resolution to create a similar position fixed a different salary.

I take it that the Senate is in no humor to undertake to thrash this matter out at this time. What I have said has been with a view of challenging, if I could, attention to these inequalities and with a view to introducing a resolution to create a committee and direct that committee to report a bill that will, as far as possible, equalize the present inequalities.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued on page 3, line 20.

The next amendment of the Committee on Appropriations was, on page 3, in line 21, before the word "clerk," to insert "messenger, $1,200"; in line 22, before the word "messenger," to insert "assistant clerk, $1,200"; in line 25, before the word "clerk," to insert "messenger, $1,200"; on page 4, line 1, after the word "messenger," to strike out "$900" and insert "$1,200"; in line 5, before the word "clerk" where it occurs the second time, to insert "messenger, $1,200"; in line 9, before the word "clerk," to insert "messenger, $1,200"; in line 11, before the word "messenger,' to insert "assistant clerk, $1,200"; in line 15, before the word "clerk," to insert "messenger, $1,200"; in line 21, before the word "clerk," to insert "messenger, $1,200"; on page 5, line 4, before the word "clerk," to insert "clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220; messenger, $1,440"; in line 6, before the word "clerk," to insert "messenger, $1,200"; in line 8, before the word "messenger," to insert "assistant clerk, $1,440"; in line 11, before the word "clerk," to insert "messenger, $1,200"; in line 13, before the word "clerk," to insert "messenger, $1,200"; in line 16, before the word "clerk," to insert "messenger, $1,200"; in line 18, before the word "clerk," to insert "messenger, $1,200"; in line 21, before the word "messenger," to insert "assistant clerk, $2,220; assistant clerk, $1,600; assistant clerk, $1,440"; on page 6, line 8, before the word "clerk," to insert "messenger, $1,440"; in line 11, before the word "clerk," to insert "messenger, $1,200"; in line 13, before the word "clerk," to insert "messenger, $1,200"; in line 15, before the word "messenger," to strike out "assistant clerk, $1,800" and insert "two assistant clerks, at $1,800 each"; in line 19, before the word "clerk," to insert "messenger, $1,200"; in line 22, before the word "messenger," to strike out "assistant clerk, $1,800" and insert "two assistant clerks, at $1,800 each"; in line 24, before the word "clerk," to strike out "messenger" and insert "assistant clerk, $1,440; messenger, $1,200"; on page 7, line 2, after the word "messenger," to strike out "$900" and insert "$1,200"; in line 4, before the word "clerk," to insert "messenger, $1,200"; in line 7, before the word "clerk," to insert "clerk to the Committee on Natfonal Banks, $2,220; messenger, $1,440"; in line 8, before the word "clerk," to insert "messenger, $1,440"; in line 13, before the word "clerk," to insert "messenger, $1,200"; in line 14, before the word "assistant," to strike out "two" and insert "three"; on page 8, line 3, before the word "assistant," to insert "assistant clerk, $1,800"; in line 4, before the word "clerk," to insert "messenger, $1,440"; and in line 18, after the words "in all," to strike out "$318,640" and insert "$370,940," so as to make the clause read:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Census, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Cairns, $2,500, assistant clerk, $2,000, assistant clerk $1,440, messenger, $1,200; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Conference Minority of the Senate, $2,220, assistant clerk, $1,800, messenger, $1,200; clerk to the Committee on Conservation of National Resources, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Engrossed Bills, $2,220, messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of Justice, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440, messenger, $1,200; clerk and stenographer to the Committee on Finance, $3,000, assistant clerk, $2,220, assistant clerk, $1,600, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, $2,220, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Indian Depredations, $2,220, messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Interstate Commerce, $2,500, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Manufactures, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on National Banks, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, three assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, three assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to

the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine,, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,800, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Trasportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $370,940.

The amendment was agreed to.

The next amendment was, on page 8, line 22, before the words "Sergeant at Arms," to strike out "clerk to" and insert "Assistant"; in line 25, before the word "messengers," to strike out "forty-seven" and insert "thirty-seven"; on page 9, line 1, after the word "each," to insert "messenger at card door, $1,600"; in line 4, after the word "storekeeper," to strike out "$1,800" and insert "$2,220"; in line 7, after the word "each," to strike out "two skilled laborers at $900 each" and insert "skilled laborer, $900"; in line 13, after the sum "$1,400," to strike out "two laborers, at $840 each," and insert "laborer, $840"; in line 14, before the word "laborers," to strike out "thirty" and insert "twenty-seven"; and in line 16, after the words "in all," to strike out "$148,884" and insert "$132,604," so as to make the clause read:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 4 messengers, acting as assistant doorkeepers, at $1,800 each; 37 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; messenger at card door, $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; 4 skilled laborers, at $1,000 each; skilled laborer, $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; chief telephone operator, $1,200; 2 telephone operators, at $900 each; night telephone operator, $720; telephone page, $720; superintendent of press gallery, $1,800; assistant superintendent of press gallery, $1,400; laborer, $840; 27 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $132,604.

The amendment was agreed to.

The next amendment was, on page 9, line 24, before the word "messengers," to strike out "three" and insert "two," and on page 10, line 1, after the words "in all," to strike out "$14,700" and insert "$13,500," so as to make the clause read:

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 2 messengers, at $1,440 each; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers, acting as mail carriers, at $1,200 each; and messenger for service to the press correspondents, $900; in all $13,500.

The amendment was agreed to.

The next amendment was, on page 10, line 4, before the word "privates," to strike out "seven" and insert "sixteen," and in line 5, after the sum "$1,200," to strike out "$8,550" and insert "$18,000," so as to make the clause read:

For police force for Senate Office Building under the Sergeant at Arms, namely: For 16 privates, at $1,050 each; 1 special officer, $1,200; $18,000.

The amendment was agreed to.

The next amendment was, on page 10, line 8, before the words "mail carriers," to strike out "seven" and insert "six"; in line 9, before the words "riding pages," to strike out "four" and insert "three"; and, in line 10, after the words "in all," to strike out "$17,300" and insert "$15,187.50," so as to make the clause read:

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); 6 mail carriers and 1 wagon master, at $1,200 each; 3 riding pages, at $912.50 each; in all, $15,187.50.

The amendment was agreed to.

The next amendment was, on page 10, line 12, before the word "folders," to strike out "nine" and insert "six"; in line 13, before the word "folders," to strike out "fourteen" and insert "eight"; in the same line, after the word "each," to strike out "page, $600," and in the same line, after the words "in all," to strike out "$25,360" and insert "$16,720," so as to make the clause read:

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 6 folders, at $1,000 each; 8 folders, at $840 each; in all, $16,720.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 11.

Mr. REED. I move to strike out the figures "1,200" in the ninth line, on page 11, and to insert the figures "1,800."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 11, line 9, after the dollar mark, strike out "1,200" and in lieu insert "1,800," so as to read:

Stenographers to Senators: For 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the three junior minority committees, at $1,800 each.

Mr. WARREN. It was the unanimous-consent agreement of the Senate that we should first consider the committee amendments before other amendments were to be offered.

The PRESIDENT pro tempore. The Chair inadvertently forgot that. The amendment will be reserved until after the committee amendments have been acted on.

Mr. REED. Did I understand that there has been a unanimous-consent agreement of that kind?

The PRESIDENT pro tempore. There was when the bill was taken up. The unanimous-consent request was that the bill should be read for amendment, that the committee amendments should first be acted on, and then other amendments would be in order. That was the request submitted to the Senate.

Mr. REED. I beg pardon of the Senate. I did not know that that was the unanimous-consent agreement.

Mr. WARREN. I will say to the Senator the usual course is to go through with the bill as we are doing, and certain amendments will then, perhaps, be offered by the committee, and following those the bill will be open to amendments offered on the floor.

The PRESIDENT pro tempore. The Chair will state that where there is a Senate amendment an amendment could be offered at the time.

Mr. WARREN. Oh, yes.

The PRESIDENT pro tempore. An amendment to the amendment.

Mr. MARTINE of New Jersey. Do I understand that it is in order for me to offer an amendment now?

The PRESIDENT pro tempore. No; the Chair is constrained to answer in the negative because it is not an amendment we are now upon. If there were a committee amendment pending, an amendment by the Senator would be in order to that amendment, but not an independent amendment, and there is now before the Senate no amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, line 12, after the word "including," to strike out "$5,000" and insert "$6,000"; and in line 13, after the word "Senate," to strike out "$16,625" and insert "$18,125," so as to make the clause read:

Contingent expenses, namely: For stationery and newspapers for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

Mr. WILLIAMS. I wish to ask the Senator in charge of the bill about that item "for stationery and newspapers for Senators and the President of the Senate." Are there really any newspapers that are bought by the Senate for Senators?

Mr. WARREN. That is the old language; and if a Senator chooses to have newspapers charged to his regular allowance of $120, it may be done.

Mr. WILLIAMS. But it never is done in any case now.

Mr. WARREN. Hardly ever; but the Senator knows that every six months settlement is made with each Senator as to his stationery account.

Mr. WILLIAMS. Yes.

Mr. WARREN. If he has taken any newspapers, they can be charged to him. Otherwise, the money is handed him if he has not drawn the stationery.

Mr. WILLIAMS. I would suggest that the chairman of the committee offer an amendment striking out the words "and newspapers," because it leads to a good deal of confusion in the public mind. A great many people in the United States think that payment is made out of the contingent fund for the newspapers Senators read. It is little things like these—little mistakes for the most part—that prejudice the public mind, when handled with a view and purpose of creating prejudice. People see that sort of thing repeated in the newspapers and they do not know any better.

Mr. WARREN. I will say to the Senator that that is in the main part of the bill. I shall not object if the Senator offers the amendment when we get to the matter of receiving amendments. I shall not oppose it.

Mr. WILLIAMS. I was going to suggest that the chairman of the committee offer it. I will do it, though, later if you say so.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 11, line 22, after the word "thousand," to strike out "$2,000" and insert "$8,000," so as to make the clause read:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

For fuel, oil, cotton waste, and advertising, for the heating apparatus, exclusive of labor, $5,000.

The amendment was agreed to.

The next amendment was, on page 11, line 25, after the word "furniture," to strike out "$5,000" and insert "$8,500," so as to make the clause read:

For purchase of furniture, $8,500.

The amendment was agreed to.

The next amendment was, on page 12, line 2, after the word "laborer," to strike out "$2,000" and insert "$3,000," so as to make the clause read:

For materials for furniture and repairs of same, exclusive of labor, $3,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to insert:

For rent of warehouse for storage of public documents for the Senate, $3,600, to be immediately available, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

Mr. WILLIAMS. Mr. President, I am opposed to that amendment upon the ground that it has a tendency to delay and postpone the building of a public archives building, which shall be fireproof and where Government documents and archives of every sort shall be stored. I think this has the effect of inclining people to delay still further about the building, which we ought to have.

In addition to that I want to say a few words generally about renting buildings in Washington. There is more or less of something suspicious about it. I remember when we built the Agriculture Department Building. We were going to get rid of an immense amount of annual rental paid by the Government in the city of Washington when we did it. The Forestry Service, I believe, and several other bureaus of the Agriculture Department are still renting premises down town.

Earlier than that we built the new Post Office Building, and the old Post Office Building was given up to the Interior Department, right opposite the old Patent Office Building, and in spite of that the Interior Department is still renting buildings everywhere. The Judiciary Department is renting them.

I think there ought to be a commission of Senators and Representatives appointed at some time—I will not offer it now on this bill, of course—for the purpose of inquiring into the various contracts of rental by the Government in the city of Washington, to find out not only what departments and what bureaus have rented the premises, but what particular flesh-and-blood man, representing the Government, made the actual contract, and how the rentals that are paid by the Government compare with similar rentals of equal accommodations rented by other people.

I do not know that there is anything wrong, but I do know that rumors are afloat all the time about it, and that it is common talk that the Government pays very much more for what it rents in the city of Washington than other people have paid for the same premises who had them previously.

But in connection with this particular question I see an item just following concerning which I wish to ask the Senator from Wyoming. What does this mean?

For miscellaneous items on account of the Maltby Building.

Mr. WARREN. Will the Senator allow me to allude to his remarks as to the rental first?

Mr. WILLIAMS. Yes.

Mr. WARREN. I agree perfectly with the Senator that we ought to build our own buildings instead of renting them. The Maltby Building was one of the purchases that the Government made to avoid renting. I do not believe it was a very fortunate purchase; but we have had it to care for, and as circumstances have changed from year to year as to the uses that we have put it to we have each year provided for it in a lump sum, as we are doing this year. The House, according to information I get, left it out because they were under the impression that we had moved everything out and into the new Office Building, but that is not the fact. The building is being used, and quite a large portion of it, at the present time. This provides for the elevator men and the various expenses of conducting the business.

Mr. WILLIAMS. Who is using it, and how is it used?

Mr. WARREN. I have not the memorandum at hand, but there are several uses made of it. For instance, a portion of the Census Bureau is there. There was a very large portion of it used for a long time by the Immigration Commission. There is a portion of it being used by the statistician who is in the employ really of the Finance Committee. There are various employments for it. I will say to the Senator that the subcommittee was very careful to inquire of the Sergeant at Arms, the Secretary of the Senate, and the Superintendent of the Capitol about the matter, as to how much room we could possibly get if we moved these documents into it. But if we did that we would have to strengthen it, and we found that there were those in the building using so much of it that we could not obtain more than the two lower floors at the present time.

Mr. WILLIAMS. Is it used to any extent by the Senate or by Senators now?

Mr. WARREN. It is used to some extent. The chairman of the Committee on Pensions can inform me, but I think there is a room or two used by the Committee on Pensions. Am I right about that?

Mr. McCUMBER. Yes.

Mr. WILLIAMS. We paid, if my memory serves me correctly, something like two and a half millions of dollars for offices for 92 men. That was the number of Senators we had at the time we built the Office Building. It is an enormous building, covering a whole square, capacious, roomy, and the rooms are numerous; and now to have to confess that in spite of that expenditure the Senate is compelled to find partially for its agencies rooms elsewhere seems to me to be rather humiliating.

Mr. WARREN. Mr. President——

Mr. WILLIAMS. And that is especially the case when one takes into account the manner in which a part of the Senate Office Building is now occupied.

Mr. WARREN. Let me say to the Senator that it was the original intention to move the documents into a large portion or all of the first floor of the Office Building. The construction was provided for accordingly, with steel beams underneath. The desire of Senators to have two rooms and then three rooms and sometimes four rooms has been so all-present and pressing that it seems the subcommittee of the Committee on Rules has consented to the arrangement, and we are left with only a small portion of room there for the folding rooms, and we have not space in which to put the documents that are now in storage in the large stable building. Furthermore, on looking the matter up with the Superintendent of the Capitol and the Sergeant at Arms, I find there has been very serious objection on the part of Senators who occupy that building to having the documents stored therein; that it would be insanitary and unhealthful, and for that reason we still have to provide for the storage of these documents.

The Senator will notice that the amendment which he read contains a provision for moving the documents. A year ago the chairman of the Committee on Appropriations was very insistent that something should be done, and therefore that language was put in. The annual rental is $3,600. It was put in there so that the removal could be made, but the protests of Senators have been such that it has not been done.

This year we speculated on it and asked the architect of the Capitol there to see whether we could strengthen the Maltby Building, which is notoriously weak and unsafe, and we could then accommodate these documents. We were informed by the Sergeant at Arms and by the Superintendent of the Capitol that while we could strengthen that building and store some of those documents, even with all the vacant room in the Office Building and with all we can spare in the Maltby Building we still could not take care of more than one-half of the documents that are now in storage down here in the building, something like 70 by 250 feet in size and extending from 8 to 16 feet high. The documents are there at the disposal of Senators and of the officers of the Senate.

Mr. WILLIAMS. Mr. President, if I understand the mapping of the situation now, it is this: We built a magnificent marble palace, which is a grace to the Capital and would be an ornament to any city in the world—a beautiful thing. It adds to the life of the Nation as all things of beauty do. We spent two and a half million dollars for it. We did it because the Maltby Building was "unsafe," and upon the ground that it was so heavily stored with documents and books that it was in danger of tumbling down. The documents and books are still in the Maltby Building.

Mr. WARREN. No; the books and documents are in a very large building, formerly a car stable, and not in the Maltby Building.

Mr. WILLIAMS. I thought the Senator said a great many of them were there yet.

Mr. WARREN. No; I said we were figuring upon the proposition to store a large quantity of them there, but the building was too weak without strengthening, and finally we discovered it could only take care of a small portion of the documents and we would still have to rent.

Mr. WILLIAMS. I understand now.

Now, the second position in the topography of the situation is that, notwithstanding the fact that we have the most magnificent office building in the world—Venice in all her wealth and Rome in all her glory never had anything approaching it—very large and with every convenience—we are still compelled to use the Maltby Building for something. We have never been able to sell it and put the money in the Treasury and get rid of it in some way or other.

Mr. WARREN. May I ask the Senator from Rhode Island if the Maltby Building is included in the real estate that it is expected to buy and use for the purpose of improving the ground between the Peace Monument and the Union Station?

Mr. WETMORE. It is included in one of the two squares that have recently been condemned by the United States Government under a law that provides for taking in a certain number of squares from the Union Station to the southern boundary of B Street, and which contemplates finally the acquiring of all those squares between the Union Station and the Capitol Grounds.

Mr. WILLIAMS. How many squares were included by that law? I have forgotten.

Mr. WETMORE. I do not recall the exact number, but I think there were 12 or 13.

Mr. WILLIAMS. Twelve, I think.

That brings me to another matter that looks to me as if the real estate interests of Washington had something to do with it. When that bill was passed, authorizing somebody to condemn those 12 or 13 squares, it was my own fault that I did not understand the proposition fully, as I was in the other House at the time. I heard others also say they did not understand it fully; we ought to have kept up with the public business; but I understood—I thought—the proposition was to condemn a little land right around the front of the Union Station for a Union Station park. But it turned out afterwards to be a proposition to condemn 12 squares, all, with the exception of 3 of them, compactly built, with expensive houses, running all the way down from the Union Depot to the Peace Monument, taking in the Maltby Building—Government property which has got to be thrown away, for it can never be sold now—all for the purpose of creating a greenery between the Capitol Grounds and the Union Station grounds, in the city of America which has the most bountiful supply of parks of any other city that I know of, here or abroad, right in the neighborhood of a great park, and a beautiful one at that—the Capitol. It not only turns out that we never can sell the Maltby Building, and thereby get any money to put in the Treasury, but we have deliberately authorized ourselves to condemn it for park purposes.

Then, more wondrous still, it turns out that nothing can be stored in the Senate Office Building, because "Senators complain that documents and books are insanitary and unhealthy." Why, Mr. President, if books had been unhealthful and insanitary this country would have ceased to enjoy the benefit of my constructive statesmanship many and many a year ago. [Laughter.] My whole house is full of them; nearly every student's house is full of them; nearly every college professor's house in the country is full of them, and that class live longer than any other class of people. That is one reason why we can not make more useful this two-and-a-half-million-dollar investment for offices for 96 men.

There is another reason which a Senator informs me of, and that is that Senators, "not being satisfied with two rooms, wanted three; some of them wanted four, and some of them wanted five." Simply because they "wanted them," I suppose they had to have them. But there is another reason yet. About half of one floor of the Office Building is filled with utterly useless bath arrangements. There is not a Senator here who wants the public to believe that he does the washing of his person at the public expense. It seems to me absurd and foolish. There is not a Senator who saves $10 a year out of all of that. Big graft is wicked; little graft is stupid. It merely gives the demagogues—it merely gives the muckrakers——

Mr. SMITH of Georgia. An excuse to rake.

Mr. WILLIAMS. An excuse to rake, as my friend from Georgia says. It gives the populistic demagogue a chance to get up everywhere and point to a lot of little bits of things that amount to nothing. We do not get any benefit from it. I never went into those magnificent and varied bath arrangements there but once in my life, and then I went in principally to see how it was carried on. Every Senator has his bath at his own home. There is no use having the United States Government bathe us, or worse yet, pay men whose raison d'être on the roll is to bathe us and who do not do it. If you will get rid of that, you will have a place to store these books, and you will not have to spend $3,600 for this warehouse rental, and you will not have to spend $17,280 to strengthen the Maltby Building. It strikes me as being worse than merely very wrong, because it is so foolish. A blunder in politics is sometimes worse than a crime. A very great man said that; and he was right. Another very great man said that more empires had been toppled over by the freshness and bad manners of flunkeys than by bad laws. There are little bits of things that nag. Tourists come here and go around, and the guides say, "Here is where Senators bathe at the public expense." A calculation has been made, and they will say it costs "so many dollars to bathe a Senator."

A Populist down in my State once had a calculation by which he proved that when the baths were here in the old Capitol it cost $12 to bathe a Senator and $18 to shave a Senator. The graft is not worth while, outside of every other consideration; it is as foolish as a man's going down into a pasture with a red flag and flaunting it at a bull. There is no sense in it. What is the use? You can go through the pasture just as well without the red flag. You have no need for the red flag. It does not keep the rain off you; it does not keep the sun off you; it does not do any good; and it makes a bad impression on the bull. [Laughter.] There is no sense in this. Rome built magnificent baths; the Baths of Caracalla, the greatest fool among the emperors, was the greatest of them; but they, at least, built them for the people.

I suggest that the Committee on Appropriations could find a place in the Senate Office Building for all the offices and officers over in the Maltby Building, especially those that are attached to senatorial work, public commissions, and things of that kind, if this bath foolishness were removed. Then we could sell the Maltby Building. By the way, one of the very first things we ought to do is to repeal the act whereby we agreed to buy 12 squares from the Peace Monument up to the new Union Depot, and including the new hotel, which I believe they call the "Continental," and running from there two or three squares on the other side—I have forgotten exactly, but to First, Second, or Third Streets—I do not know which—in the northeast. Not only must we pay for the ground, but for solidly built houses, some of them very expensively constructed.

Whom is it going to help? Merely the real-estate men who are renting property in Washington at exorbitant prices. You are merely tearing down that many well-built houses which have been there a long time and are very convenient to the Capitol. You are doing no good from the standpoint of a park, because if you want a park in northeast or southeast Washington, that is not where you want it. You have one for this part of Washington right here. Keep three squares there right in front of the Union Depot, or four squares if you choose, for a depot greenery and vista and then repeal the law as to the other eight squares.

Mr. President, it is no wonder—and I am going to repeat it almost as often as old Cato repeated his everlasting phrase that "Carthage must be destroyed"—that it costs the American people ten times as much to have the Senate and the House of Representatives waited on as it costs the people of Great Britain to have the House of Lords and the House of Commons waited on, including office accommodations as a part of the waiting.

Understand, I am not quarreling about that magnificent Senate Office Building, which is a thing of beauty, and which justifies itself in that sense. Buildings ought to be constructed frequently for no other reason than that they are beautiful, because the education of the taste of a people is just as important as the education of its intellect. When you educate a people's taste you educate its morals, you elevate its character, and give refinement and culture to men and women. I do say, however, that after you have spent the money and obtained the building, you ought to use it for the purposes for which you constructed it, to wit, for offices for the Senate and rooms for everything concerning the Senate's business, including, amongst other things, documents that are thought necessary to be kept on hand for Senators.

I move to strike out the words from line 7 to line 11, inclusive, on page 12.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that those words are not yet in the bill. They are simply proposed by the committee as an amendment. The only

thing that would be necessary for those who are opposed to it would be to vote against it.

Mr. WILLIAMS. That is true. I hope that the committee amendment will be voted down.

Mr. WARREN. Mr. President, the Senator will not accomplish his purpose in the manner he proposes. The documents are in that building, and they can not be removed without money to remove them. What disposition does the Senator propose to make of those documents?

Mr. WILLIAMS. Leave them there.

Mr. WARREN. But you can not leave them there on property that belongs to private individuals without paying rent.

Mr. WILLIAMS. When did it belong to private individuals? I thought we had bought the Maltby Building?

Mr. WARREN. But these documents are not in the Maltby Building.

Mr. OVERMAN. This is exactly the amount we are paying for rent of the building.

Mr. SMITH of Georgia. For rental and to take care of the documents.

Mr. WARREN. It is for rental of the building and to take care of them.

Mr. OVERMAN. The estimate is that it will take $3,000 to remove them, and we are paying $3,600 rent. If it will take $3.000 to move them, what are you going to do for rent and where will you move the documents?

Mr. WILLIAMS. Move them to the Senate Office Building.

Mr. OVERMAN. How would you move them? Who is going to move them?

Mr. WILLIAMS. I would take the $3,600 and move them to the Senate Office Building. That building is owned by the Government.

Mr. OVERMAN. I agree with the Senator that there ought to be some provision for them, either in the Maltby Building or in the Senate Office Building; but we have got to pay a rental for the building in which they are stored, amounting to $3,600, so long as we occupy the building and until we can move the documents. Wherever the Committee on Rules may determine they shall go, it will take a large amount of money to move them. I think the estimate was nearly $3,600. If the Senator will read the provision, he will find that the appropriation of $3,600 is not only for rent, but may be used also for moving the documents.

Mr. WILLIAMS. This is the language, and it is rather involved:

> For rent of warehouse for storage of public documents for the Senate, $3,600, to be immediately available, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

So that from this you might both continue the rent and then pay for moving the documents.

Mr. OVERMAN. No. If we come to the conclusion that we want to move them, then we have the money appropriated for the purpose of moving them; but without the money to move them, we can not move them.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Wyoming has the floor. To whom does the Senator yield?

Mr. WARREN. Mr. President, I only wish to occupy the floor for a moment.

Mr. WILLIAMS. Before the Senator replies, I should like to ask him one question for information. How was this matter formerly carried?

Mr. WARREN. It has been formerly carried as an item of $3,600 for rent. A year ago I raised the same question the Senator now raises, and I agree with him perfectly. We ought to do away with this expenditure, but in trying to do away with it we were confronted, first, with the proposition that there was no money for the removal of the documents. Last year we incorporated exactly the same provision as is now proposed, and when we found this year that the documents had not been moved an inquiry was instituted and I elicited the information which I have given the Senator. The documents are there, and we shall have to provide some way for their care. So we put in this provision again with the admonition, so far as the Committee on Appropriations is concerned, to the Sergeant at Arms and to the Superintendent of the Capitol that something must be done with those documents. It is not the province of the Committee on Appropriations to state where the documents shall go or to state how many rooms Senators shall have. That is a matter with the Committee on Rules, which has charge of the Office Building, and we have framed this provision so that the Committee on Rules or the officers of the Senate can take it up if necessary and go on with the work of providing some other place for these documents. To strike this provision out would leave us with no money to move the documents and would leave us liable for the rent of the building until they are taken out.

Mr. WILLIAMS. Are they useless documents that have piled up?

Mr. WARREN. No; they are documents that have accumulated there from day to day.

Mr. SMITH of Georgia. Will the Senator permit me to ask him a question?

Mr. WARREN. The Senator from Missouri [Mr. REED] had asked me to yield to him.

Mr. REED. I yield to the Senator from Georgia to ask a question.

Mr. SMITH of Georgia. Suppose we strike out the words "for rent of warehouse for storage of public documents" and put in simply a provision for the removal of public documents for the Senate, $3,600. That would furnish the money necessary for the removal, stop the rental, and necessitate the removal, would it not?

Mr. WARREN. Yes; but you can not stop the rental until you complete the removal. We must leave some leeway to those having it in charge, because the rental will go on until you complete the removal.

Mr. SMITH of Georgia. Then provide rent for 30 days and provide the money for the removal. Would not that cover it?

Mr. WARREN. Well, I am not competent, and I do not believe any Senator is competent, unless he should visit the building and look over the ground, to say whether or not it could be done in 30 days or 10 days or 60 days.

Mr. OVERMAN. I should like to ask the Senator from Georgia where he would move them?

Mr. SMITH of Georgia. I would move them to the Senate Office Building.

Mr. OVERMAN. I want to say that the original idea was to put them in the Senate Office Building, but Senators began to demand a third room. The rooms on the first floor were intended for documents, but Senators finally went into those rooms, and are occupying them to-day. Will we run Senators out of those rooms and put the documents in them? A great many of those rooms have been furnished and are being occupied. Now, if the Senator's proposed amendment should be adopted, we would have to remove the documents forthwith and deprive Senators of those rooms.

I agree with the Senator from Mississippi that there is room in the basement, but we had the Superintendent of the Capitol Building and the Sergeant at Arms before us, and consulted them about this very matter. The Committee on Appropriations, however, could not order the work done; the Committee of Rules may do so hereafter; but to amend this appropriation bill now and require the removal to be made forthwith, without any place being provided for the documents, will put us in a bad position. We do not know now how the matter can be arranged. We have the money now to rent the building until we can move the documents, and with this appropriation we will have enough money to move them when it can be determinded where they shall be moved. All we can then do is to call the matter to the attention of the Committee of Rules and let them provide a place. It is not for us to provide a place. We can vote the money to pay the rent and to provide for removing the documents.

Mr. SMITH of Georgia. If the Senator will permit me to ask him a question, I understood the Senator from Wyoming to say that last year exactly the same provision was put in the bill as is proposed now, but nothing was done toward removing the documents.

Mr. OVERMAN. Yes; but the Superintendent of the Capitol started to put the documents in the Senate Office Building. Senators objected, however, and said they did not want these documents there; they wanted the rooms for their own use.

Mr. SMITH of Georgia. That was the reason I was suggesting that we ought not to leave in the same language as last year, but we should have action here that will require them to be removed.

Mr. OVERMAN. I should like to see some such action taken.

Mr. SMITH of Georgia. Well, let us act in the matter.

Mr. OVERMAN. If the Senate wants to say that some Senators shall move out of their rooms in order to put these documents in those rooms, where they were intended to be put, the committee would like to see that done.

Mr. SMITH of Georgia. If arrangements can not be made for the storage of the documents in the basement, then it would seem to me that Senators will have to give up some of their rooms.

Mr. OVERMAN. We wanted to store the documents in the basement, but some Senators said, "We do not want the documents put there to bring cockroaches and rats, as is the case

in the House Office Building." Then we wanted to put the documents in the Maltby Building, but we were advised that the Maltby Building would not hold them, and that we would have to spend some money to restore that building.

Mr. WILLIAMS. How many vacant rooms are there in the Senate Office Building?

Mr. OVERMAN. There are comparatively few.

Mr. WILLIAMS. The Senator from Arizona [Mr. SMITH] has just informed me that there are two big rooms in the Office Building which might be used for this purpose; so that all you have to do is to move the documents.

Mr. OVERMAN. If anyone chooses to take that action, all right; but let it be by a resolution authorizing the Committee on Rules to take such action.

Mr. WILLIAMS. Why could we not do it on this bill?

Mr. OVERMAN. On an appropriation bill?

Mr. WILLIAMS. Yes. Why can you not take the amount that is needed and give direction that these documents shall be moved to the Senate Office Building, using for that purpose the rooms and space now occupied by the baths? Of course, you will have to increase the appropriation somewhat, because you will have to take out the bathing apparatus, and all that sort of thing.

Mr. SMOOT. I wish to state to the Senator that there is not room in the Office Building for the documents that are now in the warehouse, and it would be impossible to put them in there. If the printing bill becomes a law, as I hope it will, then I believe that within a year, at least after that time, the rooms in the Senate Office Building will be sufficient to hold the documents that will have to be carried under that law.

Mr. WILLIAMS. How will the printing bill affect that?

Mr. SMOOT. In the printing bill we have a valuation plan, and documents will not be ordered under the new bill and printed until there is a call for them. Under the present law, whenever there is an order made, the Public Printer prints them immediately.

Mr. WILLIAMS. I remember now, and I see the change that will be effected.

Mr. SMOOT. I hope that this provision in the bill will be allowed to go through.

Mr. WILLIAMS. Mr. President, feeling confident that members of the Appropriations Committee are in sympathy with the purpose I have in view and that they are going to proceed to try to accomplish it as best they can and that they will use their influence with the Committee on Rules for that purpose, I am disposed to withdraw my opposition.

Mr. OVERMAN. I want to say, in answer to the suggestion of the Senator from Arizona, that there are two very large rooms in the Office Building which might be used for this purpose; that we had an estimate made of the space in those rooms to ascertain whether or not they would hold these documents, and we were informed they would not hold one-third of them. So you see that we have made some investigation of the matter.

Mr. WARREN. I want to say to the Senator from Missouri, the Senator from Georgia, and other Senators that the Committee on Appropriations is exceedingly anxious to bring about what is now proposed. It has been so for the last year. If Senators had been present when the report of the subcommittee on this matter was made and when it was explained, they would have been satisfied that the Committee on Appropriations was not neglecting its duties in this regard; but, in view of the new printing bill, which it is hoped may become a law, and in view of the fact that if the bathrooms were given up there would only be room for a very small portion of these documents, we concluded to let it go over for this one year, hoping that our efforts with the other committees may bear fruit, and that Senators who are now expressing themselves about these documents may aid the Committee on Appropriations and aid the Committee on Rules to make room enough in the Office Building for the documents.

If a majority of the Senate agree that it is insanitary to have them there, and they do not desire to have them there, then we shall have a provision in the bill that will enable the Committee on Appropriations in the most economical manner to take care of these documents. The matter has received a great deal of attention. I do not see that the language can be changed. I want to express my gratitude to the Senator from Mississippi, first, for bringing this subject up, and, second, for doing what I think is wise, to leave the provision the way it is, so that the matter may be taken up with the proper committee.

Mr. WILLIAMS. I want to ask the Senator a question about the next clause, although I think it has not yet been read.

Mr. REED. Before the Senator does that—I understand he is going to leave this subject——

Mr. WILLIAMS. I am going to the next clause, which is part of the same amendment.

Mr. REED. Very well.

Mr. WILLIAMS. Following the amendment which has been under discussion occurs this committee amendment:

For miscellaneous items on account of the Maltby Building, $17,280.

I ask the Senator why could we not strike that out of this bill and give orders through the Sergeant at Arms to all the commissions and to others occupying that building to go over to the Senate Office Building? There is plenty of room for them.

Mr. WARREN. They would probably have to take some of the employees along with them, and I do not know that it would reduce expenditures at all. I think that matter will take care of itself, like the other, during the next year.

Mr. WILLIAMS. If they would leave that building I think we might sell it.

Mr. WARREN. I say I think this will take care of itself during the year. I think this is the last year it will be necessary to put such a provision in the bill, and I hope the Senator will not move to strike it out.

Mr. SMITH of Georgia. What are these miscellaneous expenses?

Mr. WILLIAMS. These miscellaneous expenses, I understand, are for elevator men, messengers, custodians, janitors, and charwomen, are they not?

Mr. WARREN. They are for all kinds of expenditures, such as are necessary around every building, and as the Senator says, they include elevator men, janitors, light, heat, and all those matters.

Mr. OVERMAN. Not only that, Mr. President, but there are some employees who are here at these doors belonging to the patronage of the majority side that are assigned to the Maltby Building.

Mr. WILLIAMS. Why not have them in the Senate Office Building?

Mr. OVERMAN. Because they belong here. They could not be put in the appropriation for the Senate Office Building. They are men who sit at the doors here, who are on the Senate roll, and they are charged up to this fund. That has never been changed.

Mr. SMITH of Georgia. It ought to be changed.

Mr. OVERMAN. It never has been changed.

Mr. WARREN. It seems to me that it ought to read so much a year as long as we use the Maltby Building as it is now being used.

Mr. WILLIAMS. The Senator perhaps did not understand what the Senator from North Carolina [Mr. OVERMAN] said, that some of these items that are charged as miscellaneous items cover the salaries of janitors and men at the doors.

Mr. WARREN. That naturally follows; but when we complete the removal from the Maltby Building, which, it is hoped, will be within the next year, then that can be wiped out and new terms used in providing for these employees.

Mr. WILLIAMS. I would change that in the appropriation bill now.

Mr. REED. Mr. President, I want to say to the Senator from Wyoming that the only difficulty about the arrangement he suggests is that it leaves us just where we were a year ago and just where we were when we started on this discussion. We have had an illuminating discussion, and it seems to be the consensus of opinion that something ought to be done at some time; but we are not doing it, and this matter will go over until next year and, likely enough, be forgotten.

It seems to me we ought at this time to order these documents removed to the Senate Office Building as soon as practicable. We ought to give the committee the authority they desire, and this clause in the bill ought to be so drawn as to pay rent for the time the building is occupied; and the rest of the appropriation ought to be used in removing these documents.

I do not like the idea that has been expressed here that the committee got ready to remove these documents and Senators objected. What Senators? I do not understand that individual Senators have the right to control the action of committees of the Senate or the disposition of public documents on the ground that cockroaches are offensive to them or that the smell of printed literature offends their nostrils. Therefore I suggest that we amend this clause so that it will read:

For removing public documents from the present place of storage to the Senate Office Building, $3,600, to be immediately available.

That will get action. If there is a little rent involved, I take it, the proprietor of the building may have to wait for the

small amount that may accrue until the next session of Congress makes an appropriation. I move to amend——

Mr. SMOOT. Mr. President, just a word before the Senator makes that motion. If the Senate should make such an order in this bill, it would be an utter impossibility to take all the documents that are in this warehouse and put them in the Senate Office Building. As I have already stated, there is no room there; I doubt very much whether there is room for one-third of them, and it would be a physical impossibility to carry out that order. I merely wish to call that to the Senator's attention. I do not know it to be a fact, but I think the Senator has never been to this warehouse to see the immense quantity of public documents stored there; and I know that if he would look at them and see the number he himself would immediately say that it is an utter impossibility to provide for them in the Senate Office Building.

Mr. REED. How large is this building and what is its storage capacity?

Mr. SMOOT. It is a very large storehouse.

Mr. REED. Can the Senator give us an idea of its size?

Mr. OVERMAN. It used to be an old railroad car barn. It is a very large building.

Mr. SMOOT. I think it is 200 feet long and that it is all of 70 feet wide.

Mr. SMITH of Georgia. I would like to ask the Senator if it is not probably true that a large part of the material stored there is really waste paper and that it ought to be burned?

Mr. SMOOT. We never burn anything. We have a committee to sell that paper at 80 cents a hundred pounds, or to the highest bidder.

Mr. OVERMAN. I believe we have a Committee on the Disposition of Useless Papers. If so, it does not seem that they have done their duty.

So far as removing these documents is concerned, a Senator has just suggested to me that he has two rooms in the basement where these documents could be stored, which he would give up if some of the Senators who have three rooms would give up their third room and let him have a room upstairs. You can see, therefore, the trouble we have had. If the Committee on Rules would take away from Senators who have three rooms one of the rooms they are now occupying, and the Senators who are downstairs could be moved upstairs, the documents might be stored where it was intended they should go; but we would have all sorts of trouble.

The only feasible plan seems to be that suggested by the Senator from Missouri. If it is left to a committee, I agree with him that the committee could probably make some arrangement by which most of these documents could be moved; but I do not think that more than one-half of them could be moved into the Senate Office Building. There are a great many documents which ought to be disposed of, and if the Committee on the Disposition of Useless Papers would get to work, probably hundreds of them could be disposed of, so that the documents we need could be placed in this building. I hope that such an arrangement may be made; but it is not for the committee to decide that. If the Senate desires to make any provision upon the subject in connection with this appropriation bill, I can not prevent it; but I was suggesting to the Senate the trouble we would have if we ordered the documents moved over there now. Where would you put them?

Mr. REED. If there is no room in the Senate Office Building to store these documents now, we do not escape that difficulty for a moment by referring to the committee the impossible task of putting something into a space that is not big enough to hold it. If the committee can hereafter solve this problem, they can do it under a resolution offered here, and if it is impossible of solution now, then the committee can solve it hereafter. Either there is space enough in the Senate Office Building to hold these documents or there is not space enough. If there is space enough, and we direct their removal there, the committee will be able to remove them. If there is not space enough, then the committee can not make that space.

It is said that we can dispose of a part of these documents; that we can sell them; that we can make way with them. If that is true, then that will be a fact whether we pass the resolution I was about to suggest, or it will not be a fact. It seems to me we ought to go at least this far on this day: We ought to amend this bill giving the committee specific authority to remove these documents, if it be practicable to do so, and to cut down the number as far as practicable. If we put it in that form, the committee has got specific authority to act.

Mr. FOSTER. Will the Senator yield for a statement?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. REED. Certainly.

Mr. FOSTER. It was distinctly stated before the committee that at present there is not sufficient room in the Senate Office Building to which these documents could be removed. If the Senator's proposed amendment prevails and this statement is true, then the Senate is ordering these documents to be removed to a place where there is not sufficient room to hold them. Do you want a resolution of that kind passed?

Mr. REED. If that is the fact, we might as well face it to-day and not be talking about passing some resolution authorizing the committee to do it hereafter. If there is no room there, let us face it and get a building to hold these documents. The point I am objecting to, if the Senator please, is this: We are confronted, first, by a statement that there is not room, and if we pass a resolution directing their removal to that building it would be an impossible task. Then, coming along with that, is the suggestion that if we just wait a little while the committee can accomplish it. If the committee can accomplish it at all, they can do it now, saving, of course, the exception which has been stated by the Senator from Utah, that there will be some cutting down.

Mr. WARREN. Will the Senator allow me?

Mr. REED. Certainly.

Mr. WARREN. There is a fact the Senator has entirely overlooked. This appropriation is for the year 1913, which extends from July 1, 1912, to July 1, 1913. On the 4th of March in that year there will probably be a great many changes, and that would be a much better time to rearrange matters in connection with the office building, it seems to me, than it is now, when Senators are located there. The chairman of the Committee on the Disposition of Useless Papers, the Senator from Arkansas [Mr. CLARKE], is not in the Chamber, but if he should get the gist of this debate and should feel like looking into the matter to ascertain what documents could be destroyed that would help a good deal. The Senator from Utah has referred to the new printing bill. That will also help.

Of course, the Committee on Appropriations does not have charge of this matter; the Committee on Rules has charge of the Office Building. The chairman of that committee does not happen to be here, but I am sure the Committee on Rules will be glad to conform substantially to the wishes of the Senate as a body, and they have tried, I think, heretofore to conform as nearly as they could to the wishes of Senators individually, as well as to the wishes of the Senate as a body. I think during the next year we will see the obliteration of this vexatious question. That is my opinion, and I do not believe we ought to undertake to do other than what this amendment provides for at this time.

Mr. REED. Mr. President, it strikes me that the Senator and myself are in complete accord on one proposition, and that is that there will probably be a great many changes on the 4th of next March, and it might be that if we postpone action to-day it will, I trust, save inconveniencing a large number of our Republican brothers. It may be that the lapse of time will be sufficient to remove the difficulty so far as they are concerned.

Mr. WARREN. I am asking no quarter for the Republican Senators or for the Committee on Appropriations. It is no object to us to defeat any provision the Senate may wish to make in regard to the disposition of these documents. I would be as glad, perhaps, as the Senator is to burn them. I do not care.

Mr. REED. I understand that the principle governing in the Republican camp to-day is that quarter is neither to be asked nor given, and I trust for the good of the country that that spirit will be maintained.

But, speaking more seriously of this matter, I want to ask the Senator from Wyoming if he will object to an amendment being offered to the bill later—that is, whether he will make a point of order against it—directing the committee to investigate, and, if feasible, to remove these documents?

Mr. WARREN. May I ask what committee? The Senator does not mean the Committee on Appropriations, of course?

Mr. REED. The Committee on Rules. But I want to have go into this bill the provision authorizing them to do so.

Mr. OVERMAN. I have no objection to that, but although I am not chairman of the committee—and I am sorry the chairman is not here—I want to call the attention of the Senate to the trouble the Committee on Rules has had. The Senator himself, as he knows, desired a third room, and he asked me, as representing the minority side, to do what I could to get it for him. I might say the same thing as to a number of other Senators. I have looked out for them the best I could, and tried to get rooms for them. Here is another Senator, the Senator from Missouri, who asked for a third room, and he has gotten it. We have tried to accomplish what we could in the way of contributing to the comfort and convenience of all Senators, in order that they may carry on their work properly.

We have been met with the question as to where these documents should be stored. We wanted to dispose of them in some way, but did not know exactly how to do so. After hearing this debate, however, which has taken a wide scope, and which has elicited a good deal of information, I think the committee will try to bring about a solution that will take care of these matters.

The Senator must consider the fact that the report of the Committee on Printing shows that a great many of these documents will be done away with, and also that this debate will probably bring out the fact that the Committee on the Disposition of Useless Papers has something to do, and if they will perform their duty and get rid of them, then the Committee on Rules can act.

Mr. REED. And the clerk of the committee can earn his salary.

Mr. OVERMAN. Yes, the clerk can earn his salary; but what can the Committee on Rules do under present conditions, with every Senator wanting a third room?

Mr. WILLIAMS. Refuse to give it to them. Members of the House of Representatives of equal legislative dignity have only one room apiece. I do not think there is an extra room over there.

Mr. OVERMAN. I do not think the Senator would refuse to give me a third room if I needed it and he had one to spare.

Mr. WILLIAMS. I certainly would refuse to do so if the public needed that third room for something else.

Mr. OVERMAN. I think the best thing to do is to provide that no Senator shall have more than two rooms. When that is done we can take care of every document. That is the question up to the Senate now. Will the Senate provide that no Senator shall have more than two rooms? Let us meet it face to face, and say that no Senator shall have more than two rooms, and the Committee on Rules will remove those documents forthwith.

Mr. REED. If that is all there is in the way, this question ought to be easily settled. The Senator speaks about the embarrassment his committee is under, and I know that it is. There is constant clamor for more room, and so long as the rooms are there, empty and unused, there is no reason why Senators should not enjoy them.

My idea in introducing the resolution providing that these documents should be taken there was to relieve the committee of the very embarrassment from which it is suffering. If they fill these rooms with documents, there will be no additional rooms left for Senators, perhaps, and the committee can answer that the Senate has ordered it; but so long as we put the burden on the committee to refuse a request for a room when the room stands there vacant, the committee, being composed of fair, good-humored, accommodating, and reasonable gentlemen, will give the room, because it is only fair that they should. So I think the resolution should be adopted, with the understanding that it will not be objected to on the ground that it is out of order, being new legislation. I will prepare such a resolution and introduce it before the bill is passed, and all I ask is a vote upon it.

I want to say to the Senator, further, as he speaks about the additional rooms for Senators, we have over there in the Senate Office Building a restaurant that is patronized by but very few people and is, I think, of very little use. It certainly is not of much use to any man who has any high regard for his stomach and his digestive apparatus. There is a kitchen in connection with that. I think if you would clean those things out, including your Turkish bath, you would find that there would be a good deal of additional room in that building. But I am in favor of drawing the resolve in such a form as to leave a large discretion with the committee, but nevertheless to give it authority to act.

Mr. OVERMAN. I think there is a Democratic caucus room there that could be used for documents.

Mr. REED. I was going to say there is a Democratic caucus room over there that is big enough to hold a meeting of a thousand people. While we expect some additional Members, we will not have enough to fill it. It is a room nobody can be heard in. There is a Republican caucus room that is a palace almost in itself, and that I do not think is occupied by our Republican brethren because it is so large. They may meet there; I do not know.

Mr. OVERMAN. Would the Senator oppose the documents being placed in those rooms?

Mr. REED. I would be glad to see the rooms put to some useful purpose.

Mr. OVERMAN. I do not think the Senate would agree to having the documents put in those rooms.

The PRESIDENT pro tempore. Without objection, the amendment pending on page 12——

Mr. SMITH of Georgia. I do not understand that the second amendment, as to $17,280, is agreed to.

The PRESIDENT pro tempore. Without objection, the amendment, down to line 11, on page 12, is agreed to. The next amendment will be stated.

The SECRETARY. On page 12, after line 11, insert, "For miscellaneous items on account of the Maltby Building, $17,280."

Mr. SMITH of Georgia. Mr. President, I object to that appropriation. It does not indicate what we are doing it for. No Senator who votes for it, unless he has some outside information, could give any explanation of it. "Miscellaneous expenses on account of the Maltby Building." What for? What are we spending that money for?

Mr. OVERMAN. I do not see the chairman here, but I will say when that was brought up by myself in the committee, I asked for an itemized list from the Sergeant at Arms, and he produced an item of every expense in the Maltby Building. I do not see how we can get rid of it at this time. To my surprise I found a good many officers included in that who are actually employed in the Capitol and who have really nothing to do with the Maltby Building proper, and yet they are on this $17,000 roll. It seems they have been used by the majority side. I do not say they are not needed. They are probably needed in the Capitol. Still, they appear on this Maltby Building roll, and we do not make an appropriation elsewhere for them. If we need these men, we would have to increase the appropriation somewhere else in order to take care of them. Among them are messenger boys and elevator men, and there are those who take care of the building. I think there are less in proportion there than in connection with any other building I know of.

So, with the itemized bill in my hand, after an examination and a cross-examination of every item, if we are going to let these employees stay, I can not see what it would amount to to take them from one roll and put them on another roll.

Mr. SMITH of Georgia. Would it not be better to take them from a roll where they do not belong and put them on a roll where they properly belong? If they are serving here in the Capitol they ought to be on that roll.

Mr. OVERMAN. I agree to that.

Mr. SMOOT. I think the Senator will find, if he makes an examination into the question, that the men who are on this roll were originally at the Maltby Building at the time Senators were located in the Maltby Building, and every year the appropriation has been for that building to take care of those employees. They have been transferred from there to places in this building.

Mr. SMITH of Georgia. When you gave up that building why were not they transferred to the Senate Office Building to do the service there?

Mr. WARREN. I think I ought to say that there has been a good deal of time when duties were done at both places. I think it better to leave it this way at present, because it will probably fall out at the end of the year, anyway.

Mr. SMITH of Georgia. I would like to ask what is being done with the Maltby Building now? It is not used as a Senate office building any longer.

Mr. SMOOT. A part of the Census Office is there. A great deal of the work is done there under the Census Office, and of course that work being done there, it compels us to have janitors, elevator boys, and so on.

Mr. SMITH of Georgia. Would not that belong to the census pay roll and not to the Senate pay roll?

Mr. SMOOT. No; it comes in the legislative appropriation bill. I will say to the Senator that there is a great deal of folding done in that building to-day, the folding of Senator's speeches and of Congressmen's speeches. The folding that they are compelled to do is done over in that building to-day.

Mr. SMITH of Georgia. Mr. President, I am opposed to carrying that kind of an appropriation. It is a small matter, but if we do not start at the top when the Senate legislates and be careful about expenses and items, it is likely to run down through all the various departments and set an example of carelessness in the way in which money is to be spent. I think the men who work here ought to be charged up to work around the Senate building, and I do not think a sufficient explanation is made to justify this appropriation.

Mr. OVERMAN. If the Census did not have the use of this building they would have to pay a large rent for some other building.

Mr. SMITH of Georgia. Then let it be charged up to the Census.

Mr. OVERMAN. What difference does it make when the people have to pay the money, anyway? I do not think the Senator would object if he would look at the items we had before us. I think the Maltby Building ought to be disposed of, but we can not do that at once. I think the documents really ought to be put in the Maltby Building. We have an estimate from the engineer that he can put those documents in there, and that was our idea, instead of putting them in the Senate Building. They can occupy two rooms and still let the Census have the rooms they have there now. We can economize in the way of space. We discussed all these questions. You can not do it all at once. This Maltby appropriation has been carried, as the Senator has said. The elevator men and others we had there have been kept. If you move to strike out this appropriation now, you will have to provide for these employees somewhere else.

Mr. SMITH of Georgia. Unless you drop them. I will ask if the same appropriation was made for the Maltby Building when the Senators had their offices there?

Mr. OVERMAN. Oh, no; this is nothing like it.

Mr. SMOOT. This item is not near as large as it was when the Senators were there. It is nowhere near the amount. This is simply to take care of the absolute expenses necessary to keep the Maltby Building in shape for the work that is being done there at the present time.

Mr. SMITH of Georgia. Does not the Senator think that is a very large sum to take care of that small building to let somebody else work there?

Mr. SMOOT. It is not to let somebody else work there. The work has to be done somewhere, and if, as the Senator from North Carolina said, we did not have this building there would have to be another building rented in some other part of the city to accomplish the work that is being accomplished there.

Mr. SMITH of Georgia. What work?

Mr. SMOOT. The census work that is being done there.

Mr. OVERMAN. For this amount of money I do not suppose you could rent another building anywhere in the city.

Mr. SMOOT. I am quite sure you could not for this amount rent a building with space enough to accommodate the people who are working there.

Mr. SMITH of Georgia. But you are furnishing that building to the Census Bureau, and they are working there.

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Then why should we appropriate money in addition? Why should not the Census, if it uses the building, run it and pay its men who are there? If there are men really on this roll called "for miscellaneous items on account of the Maltby Building" who are not doing work there, but are in the galleries here or around the Senate, ought they not to be taken off that miscellaneous roll and be charged up frankly and openly where they do the work?

Mr. SMOOT. That would be absolutely the case, Mr. President, if they were not used in other places than the Maltby Building; but their time is divided; a part of their time they are at the Maltby Building and a part of it at other places. This roll has been for the Maltby Building in the past, and it has been cut down until now it is $17,280.

Mr. FLETCHER. Mr. President, there seems to be objection to this item becauses of the language "miscellaneous items on account of the Maltby Building." The Senator from North Carolina states that the committee had an itemized statement showing just what was covered by this appropriation. I suggest that such a statement ought to be furnished to the Senate in some way or printed in the RECORD, so we can ascertain what it does mean. There seems to be some difference among Senators in regard to the matter.

Mr. WARREN. I would like to have the Senators have all the information that the committee has, and I am sorry they are such unbelievers.

Mr. SMITH of Georgia. Will the Senator allow me? It is not that we are unbelievers. We are voting for a miscellaneous appropriation without anything to indicate what it is for.

For miscellaneous items on account of the Maltby Building, $17,280.

That carries no idea except the suggestion that it is necessary to keep up that building. It is not simply Senators that we must consider. It is the people of the country. It is the other Government officials. It is the men engaged in other departments. If we make a record that looks as if we are careless, they will naturally become careless, and it reaches all out through the Government service, multiplying in quantity of wasted money as it goes further and further from us.

Mr. WARREN. I did not intend to open up the remarks of the Senator from Florida to others, and I intended to say only a few words myself. This bill comes from the other side, with some thousands of pages of hearings, and the subcommittee has gone all through that.

We had representatives of every one of the departments before us, and we have the testimony in print. Here is one of the volumes. It is all here. It is impossible in a bill to carry all the items. Miscellaneous expenses or contingent expenses have to be granted to every one of these departments, and this one is entirely for the Senate, and consequently is closer than any other one. There is no dark scheme in this $17,000. If the Senators want to strike it out, they can do that. But, of course, you will have to close your Maltby House in such a case, because you can not use the building without the elevators and without the building being taken care of, kept clean, and so on. The Senator from Georgia says we do not explain who were in there, and so forth.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Florida [Mr. FLETCHER] has the floor. Does he yield to the Senator from North Carolina?

Mr. FLETCHER. Yes.

Mr. OVERMAN. The subcommittee worked for 9 or 10 days, day and night, on this bill, and the hearings are printed. If there is any special item that any Senator objects to, he can turn to the index that has been made and find the subject in a moment. There is not only one book, but there is another book of testimony taken by the committee. If a Senator objects to every miscellaneous item in this bill, he will be objecting to a great many. If the Senator will read the testimony, perhaps he will not object to it.

Mr. FLETCHER. Mr. President, what I was suggesting was to meet the difficulty in the mind of some Senators apparently as to what this item covers. I have no question but that the committee has gone through it and found that it is a proper item, and I can see how there would be needed an appropriation of this sort. But it seems to be admitted that while it is now under the name of the Maltby Building it covers some items that really do not precisely refer to that building at all.

Mr. OVERMAN. Some of the men who do work over there are also employed here.

Mr. FLETCHER. All that I am suggesting is that the Senator put a statement in the RECORD covering this amount of $17,000. I do not suppose it will be a long statement. I have no objection to the item. I do not criticize it, but some want the information.

Mr. OVERMAN. I do not think there will be any objection to that. In fact, I will be glad to do that.

Mr. FLETCHER. If the Senator will simply put in the RECORD the items which this appropriation of $17,280 covers that, I think, will satisfy the minds of Senators, and then if there are objections to the items they can specify them.

Mr. SMOOT. Mr. President, I have here exactly what the items are. I find this item here is for wages entirely and these are the parties that it is paid to: W. H. K. Depue, F. J. Merkling, John B. Swift.

Mr. SMITH of Georgia. Will the Senator give the salary of each?

Mr. SMOOT. I will. W. H. K. Depue, $1,800. We all know Mr. Depue works at one of these doors. F. J. Merkling, $1,440.

Mr. REED. Where does he work?

Mr. SMOOT. I think he is at one of the doors.

John B. Swift, $1,440.

Mr. REED. Will the Senator kindly tell us where these different gentlemen work, as near as he can, as he goes along?

Mr. SMOOT. I can not answer that offhand because some of them work at doors here. Their duties are divided; they go wherever they are called. I will say that the next one is C. F. Jelliff, messenger, Maltby Building.

Mr. REED. And salary?

Mr. SMOOT. One thousand four hundred and forty dollars.

W. H. Stilley, engineer, Maltby Building, $1,440.

Mr. REED. The Senator is forgetting to give us the salaries as he goes along.

Mr. SMOOT. W. H. Stilley, engineer at Maltby Building, $1,440; Michael J. Mack, fireman at Maltby Building, $1,000; A. T. Hodge, fireman at Maltby Building, $1,000; A. W. Warfield, fireman at Maltby Building, $1,000; M. Thomas, elevator conductor, Maltby Building, $800; C. C. Burr, elevator conductor, Maltby Building, $800; Charlie West, skilled laborer, Maltby Building, $800; B. W. Kenney, laborer, Maltby Building, $720; Joseph Montgomery, laborer, Maltby Building, $720; Florence R. McKeever, laborer, Maltby Building, $720; Jesse Stotts, laborer, Maltby Building, $720; S. H. Sheppard, laborer, Maltby Building, $720; J. H. Smithers, laborer, Maltby Building, $720.

That, Mr. President, amounts to $18,480, and there is one place, that of custodian, $1,200, that has been taken from it, leaving a balance of $17,280.

Mr. WILLIAMS. How many of those are Census Bureau employees?

Mr. SMOOT. None of these are from the Census Office. They have been appointed to take charge of the building. The Census employees are located in the office and do the work of the Census Bureau, and they are paid from that department.

Mr. WILLIAMS. Their salaries are carried on the Census appropriation?

Mr. SMOOT. I do not think their salaries are carried in the bill.

Mr. OVERMAN. Excepting the elevator boys and firemen. Of course they get the benefit of it.

Mr. WILLIAMS. Of course; they take care of the building.

Mr. SMOOT. So every item, Senators will see, is appropriated directly for. As I said before, the men are used in different places. Many of them are at the doors here and other places where it becomes absolutely necessary to have them.

Mr. WARREN. Mr. President, in order to show the good faith, if Senators want to know who are the sponsors behind every one of these men, we have that information.

Mr. OVERMAN. I think you had better read that.

Mr. WARREN. Senators can have that information if they desire it.

Mr. OVERMAN. Let it be read. Let us have it all.

Mr. WARREN. As to Mr. W. H. K. Depue, he was put there on the recommendation of the Senator from New Jersey [Mr. BRIGGS]. He is on the door of the Senators' gallery.

Mr. F. J. Merkling——

Mr. OVERMAN. I want the Senator from Georgia [Mr. SMITH] to hear this.

Mr. WARREN. F. J. Merkling is charged to the Senator from Virginia [Mr. MARTIN]. He is his backer, I suppose.

J. B. Swift, messenger in men's southwest gallery, is charged to the Senator from Minnesota [Mr. CLAPP].

Mr. Jelliff, messenger, $1,440, on the diplomatic gallery door, to the Senator from Illinois [Mr. LORIMER].

Mr. Stilley, engineer, $1,440, engineer at the Maltby Building, to the Senator from Delaware [Mr. DU PONT].

Mr. M. J. Mack, fireman, Maltby Building, $1,000. He is not credited or charged to the patronage of any Senator.

Mr. Hodge, fireman, $1,000, on the ladies' gallery door, to the Senator from Massachusetts [Mr. CRANE].

Mr. Warfield, fireman, $1,000, Maltby Building, is charged to no one.

Mr. Thomas, on the elevator, $800, is on the janitor's force. He is charged to no one.

Mr. Burr, on the elevator, $800, warehouse of the folding room—it is of course at the Maltby Building—to the Senator from Connecticut [Mr. BRANDEGEE].

Charlie West, skilled laborer, $800, is on the janitor's force, as well as Kenney, laborer, at $720, and Montgomery, laborer, at $720, the regular force of the Sergeant at Arms, charged to no Senator.

There is Florence R. McKeever, laborer, at $720, from Kansas, in the folding room. The Senator from Kansas [Mr. BRISTOW] is her backer.

Mr. Jesse Stotts, laborer, $720, is on the janitor's force, charged to no one.

Mr. Sheppard, $720, is in the post office, charged to the Senator from Washington [Mr. POINDEXTER].

Mr. Smithers, laborer, $720, is simply on the regular Senate roll.

Mr. STONE. Mr. President, I should like to have some of those who are not charged to anybody. [Laughter.] I have not anything charged to me.

Mr. WARREN. I, the committee chairman, have none charged to me. I would like to have some.

Mr. OVERMAN. I have not been able to get any myself.

The PRESIDENT pro tempore. The amendment, without objection, will be agreed to.

Mr. SMITH of Georgia. I still object to it.

The PRESIDENT pro tempore. The question, then, is on the adoption of the amendment, which will be again read.

The SECRETARY. On page 12, after line 11, insert:

For miscellaneous items, on account of the Maltby Building, $17,280.

The amendment was agreed to.

The next amendment was, on page 12, line 18, after the words "printed page," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $50,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

To enable the postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $200.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and under the administration of the Librarian of Congress, but, until otherwise ordered, it shall be kept and maintained in the Senate Office Building in immediate charge of a custodian, who is hereby authorized at a salary of $2,500 per annum, and the sum of $2,500 is hereby appropriated for the salary of such custodian during the fiscal year ending June 30, 1913.

Mr. WILLIAMS. I wish to ask for some information from the Senator in charge of the bill. Prefatory to that I will say that I do not think the position taken by the Senator from North Carolina [Mr. OVERMAN] is quite sound. I refer to his opinion to the effect that we ought to read all these hearings.

Mr. OVERMAN. Oh, no; I do not say that; the Senator misunderstood me. I said, if the Senator had any particular objection to any particular item he would find that in the index.

Mr. WILLIAMS. Turn to the index and find the item and then inform himself. A much quicker route for the information is to apply for the information to competent men who have studied the question and had the reading. It is much quicker and much more satisfactory. It seems to me, if the Senator from Wyoming will pardon me, a part of this is unnecessary. It reads:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and under the administration of the Librarian of Congress, but, until otherwise ordered, it shall be kept and maintained in the Senate Office Building in immediate charge of a custodian who is hereby authorized at a salary of $2,500 per annum, and the sum of $2,500 is hereby appropriated for the salary of such custodian during the fiscal year ending June 30, 1913.

The question which I desire to ask of the Senator from Wyoming is why it is necessary to keep and maintain this library in the Senate Office Building with a specially employed custodian at $2,500 a year when the great Congressional Library, another most magnificent marble palace in the city of Washington, has space to burn for the storing of books.

Mr. WARREN. Oh, no, Mr. President, not space to burn. We are called on from year to year to build extra stacks to take care of the accumulations over there.

Mr. WILLIAMS. Yes; stacks would have to be built here and there, but the room is there, an abundance of it.

Mr. OVERMAN. I think this item was inserted at the special request of the Finance Committee. I so understood it.

Mr. WILLIAMS. Then, if it was the special request of the Finance Committee, as one of the nonconsidered members of the Finance Committee who have nothing to do with providing salaries of $2,500 for somebody as custodian, I had no knowledge of it. I received no sort of information, and I do not see any sense or use in it. It seems to me if it read this way:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is put under the administration of the Library of Congress, and the sum of $2,500, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books to the Congressional Library.

We would save at least $2,500 a year for a very indefinite period.

Mr. WARREN. I think the Senator is in error about that. The library is a very expensive one, and it has been accumulating, I understand, and from my observation I think it is true, with a great deal of care by the Monetary Commission during the last several years. It is a library that has been fitted up in rooms with steel cases and a steel spiral staircase to get to the top, where they seemed to want to economize room as much as possible. It is adjacent to the Finance Committee room, and it has been the desire of the House side as well as the Senate side, on the part of those who served on the Monetary Commission, that until some later date it might be preserved intact near by where it would be as useful as possible.

As to the $2,500, that is the salary the present custodian is getting, and possibly more than will be provided when we get through with the bill in conference; but as long as we had that salary, and because he is an expert in that line, and because of the particular usefulness of this library, it was thought best to insert that salary. The Library of Congress belongs to both House and Senate, and this will eventually properly be lodged there; but it will have to have a custodian there just the same.

Mr. WILLIAMS. Now, what was the authority of the commission for constructing a library room in the Senate building?

Mr. WARREN. Their authority was in the law which provided for that commission and which gave them everything between the sky and the earth.

Mr. WILLIAMS. That is it exactly. I wanted to get that statement.

Mr. WARREN. And I must say that their expenses, while possibly extravagant, were less so than usual commissions would have incurred under the expansive limit they had, and one of their very best investments was this library.

Mr. WILLIAMS. Mr. President, it is not at all wonderful that a commission with authority to do everything between the earth and the sky came within its limits. I should imagine that almost any limit would not exceed the authority.

Mr. WARREN. I desire to say that the Senator from Mississippi was a Member of the House, if I mistake not, which cooperated in passing the law, and I never heard of his objecting to it over there.

Mr. WILLIAMS. I do not think he was; but that is immaterial. If he was, he is not in the slightest responsible for what this commission has done or for its touring around and its enormous expenditure and its accumulation of this expensive library. The Senator from Wyoming is perfectly correct in saying that it is very expensive, and I was startled by the figures when I saw them.

Mr. WARREN. But both the Senator and I voted for cutting off further expense.

Mr. WILLIAMS. Yes; and I predicted at the time that we had better watch it, because apt as not, it might leave an employee or two behind it; and that is what I am trying to inquire into now. I find that they went to work and they have not only bought an expensive library, but without any specific authority of Congress for that specific purpose, under the general authority which hovered around between the earth and the sky, they have constructed a library room in the Senate Office Building with various arrangements for convenience. Now, it is proposed finally to send it over to the Congressional Library, and the books ought to be sent to the Congressional Library, because they ought to be at the behest and for the benefit and edification of the Members of the House as well as the Members of the Senate, and they ought to be open for the perusal and study of students and scholars everywhere, and such other people as choose to edify themselves by the perusal of those books.

Mr. OVERMAN. If the Senator will allow me, I will state that I understood that inasmuch as the monetary question will come up in the near future, temporarily, if not longer, that library matter ought to be kept there where the Finance Committee could get at it.

Mr. WILLIAMS. Oh, no; I draw——

Mr. OVERMAN. I want to say also that one reason why we voted to put it in was because the Senate had acted on this particular question about three weeks ago. A bill passed the Senate and went to the House providing that this should be done.

Mr. SMOOT. That is right.

Mr. OVERMAN. If the Senate had acted upon it and it had passed through the Senate requiring this to be done, we thought it was our duty as a committee of the Senate to put it in. But for the action of the Senate I would not have agreed to it.

Mr. WILLIAMS. Mr. President, one word, and then I will yield to the Senator from Utah. From the premises laid down by the Senator from North Carolina I arrive at a directly antagonistic conclusion.

The fact that monetary legislation is to be had is a reason, to my mind, for not consigning this information, if it be useful, to a place where it will be confined only to Senators, but would be a reason for consigning it right now to a place where it would be convenient to the entire American public that choose to study the question, including, certainly, the Members of the House of Representatives as much as ourselves, and certainly, in my opinion, other people as well.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. WILLIAMS. And there will be found there already custodians to take charge of it without any extra appropriation for a special custodian.

Mr. OVERMAN. It has got a right to be there, and with a custodian it will be as open to the public there as it would be in the Library of Congress.

Mr. WILLIAMS. Unfortunately it would be more open to the public. The old Congressional Library is called the Congressional Library——

Mr. WARREN. May I ask the Senator a question right there?

Mr. WILLIAMS. One moment, because this is a right pretty thought. It is called the Congressional Library; and I remember that in Amos Cummings's lifetime he wanted to change the name to National Library. I said, "Why, Amos, you remind me of a man who wanted to strike out what seemed to be the unnecessary letters in words that carry by their existence in the word the history of the word itself. They tell you whether they came from the Norman French or from the Latin or whether by accident they came from the Spanish; like the men who want to strike the letter 'u' out of the word 'honour.'" I have never any patience with them. I am perfectly willing to see the letter "u" struck out of the word "labour," because it came directly from the Latin. So I said, "Amos, do not do that; let the history of the Library remain for all time. You are right about it having become a national library, but do not let us call it one; let us carry the name so that it will help those who want to study its history and find out what it was." It was originally a congressional library, but now it has become a national library. Of course, anybody who wants to study any book in that great library can go there and study it. It is free to the entire public to go to. It is true that Members of Congress still have some exclusive privileges in connection with it, which they ought to have. It can not, however, be said that it is open to anybody to any great extent over here where it now is.

Now I yield very gladly to the Senator from Wyoming first, because he interrupted me.

Mr. WARREN. The Senator has got very far away from the subject matter that I wanted to talk about. I wanted to ask him how often he visits the Senators' reading rooms in the Library and how many Senators within the range of my voice go there twice a year on an average?

Mr. WILLIAMS. I do not visit them at all, but I have books sent to me every week.

Mr. WARREN. But books could be sent as readily from over here.

Mr. WILLIAMS. But people who can not do that go to the public library over there. Students from all over this country are going there and people who are collecting facts to serve as a basis for history and all sorts of investigations are going to the Congressional Library all the time. It is a great institution of great public utility. I should like to see a man like McLaughlin, of Chicago, and I should like to see all these men—Henry Adams and men who have been studying this question—have equal access to these books, and have it right away. I am going to propose, therefore, in a moment to amend the amendment in the manner in which I have indicated and which I will again repeat. Now, I again yield to the Senator from Wyoming.

Mr. WARREN. The Senator knows, of course, that the monetary library has not been open like a library of fiction or like the ordinary library of reference, but that it is one more largely for Congress itself; and whether it should be in the Senate Office Building or the House Office Building the courtesies between the two Houses make that equal. So far as the accommodation of books of the library for the Senate is concerned, as the Senator admits, if he wants a book he sends for it; but the nap has not yet been worn off the carpet of the Senator's reading room, and I do not believe the average is one Senator a week the year around in that room.

Mr. WILLIAMS. Mr. President, one word. I have two reasons for wanting to modify this provision. I want to be frank about them. The first is the reason I have given, to wit: If you are going to do it at all, you ought to do it at once. If you are going to make this information accessible to everybody, you ought to do it as soon as possible, for—

> If it were done when 'tis done, then 'twere well
> It were done quickly.

My second objection is that under this "nigger in the woodpile" is the custodian at $2,500, in whose employment for the purpose of taking care of these books I see no necessity, when the books can be carried over to the Congressional Library and be catalogued and taken care of by the regular Library force much better than any one custodian in the world could possibly take care of them. I mean by that every utility in connection with them could be served.

Mr. WARREN. I think there is no class of books anywhere nearly of the importance of this collection that does not have a special custodian in the library. You will have to have your man just the same. I do not know who this man is. He might go there or he might not, but when you take this collection to the library you will require a custodian for it.

Mr. WILLIAMS. I do not know who he is, but I know that the regular library force can catalogue these books and take

care of them. I do not know, but I should not at all be surprised to find that the custodian was very close to somebody on the Monetary Commission.

Mr. SMITH of Arizona. How many volumes are there in that library?

Mr. WILLIAMS. I have forgotten. It cost a big pile of money, but I have forgotten just how many books there are. I was astonished when I read a statement regarding it.

Mr. SMOOT. There are several thousand volumes; I should judge between eight and ten thousand volumes.

Mr. WILLIAMS. They cost some $50,000, did they not?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. LEA in the chair). Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. I do.

Mr. SMOOT. I simply wanted to state that no matter what anyone may say as to the good accomplished by the Monetary Commission, they must admit that they have collected the best monetary library in all the world. I have heard men who knew, make that statement time and again. That library now is intact, and the man who is its custodian is peculiarly adapted for its care. He knows every volume thoroughly. Any Senator can ask him to bring him a refefence upon any subject in the library, and he will be furnished with the book almost immediately. If the library is to be of any use whatever to Congress or to the people outside, there must be a custodian who knows the contents of the library. The present custodian, as I have before stated, is peculiarly fitted for this work. He is a graduate of one of the best universities in the United States; he has made a study of this particular question; and he knows, as I have said, almost everything that is in every book in that library. We are going to have monetary legislation. Most of the meetings to consider the subject will be held, as the Senator perhaps knows, in the Finance Committee room, where these questions will be discussed. I do think that it would be for the best interests of every Senator who is going at least to pass upon these great questions to have the library immediately at hand and have the custodian there, so that any question which may be asked while in meeting could be answered immediately and the information handed to the committee in five minutes after the request was made.

It is for that reason that I think it would be much better to leave the library where it is until the Monetary Commission shall have at least acted upon and presented monetary legislation to the Senate and the other House.

Mr. WILLIAMS. Mr. President, I am singularly lucky this afternoon in that everything said against the proposition which I am propounding reenforces me in my devotion to it. The Senator from Utah now tells us that this is the largest and best monetary library in the world. I presume that, with the Treasury of this great Government behind them, feeling that they were at liberty to spend all they wished to spend, the commission secured about the best selected monetary library in the world, and I do not doubt it is. I have looked over it; in fact I find some very curious things amongst it, and that is the very reason why I do not want to leave this precious jewel within the exclusive possession of the Senate of the United States. That is one reason why I want the Representatives of the people—and the Senator will pardon my devotion to the Representatives of the people; I was so long a part of them—I want the Representatives of the people to get a fair chance at them.

Mr. OVERMAN. I understand there is a good deal of jealousy between the Representatives of the people and the Senate because the Senate has passed a bill requiring this thing to be done, but the Representatives of the people say "No; they shall be placed in the House Office Building."

Mr. WILLIAMS. In the House Office Building?

Mr. OVERMAN. Yes.

Mr. WILLIAMS. Then I am trebly reenforced, because if the Representatives of the people want these books so badly that they are demanding that they be put in the House Office Building, then my proposition to compromise the issue and put the books where both Houses can have equal access to them is all the more recommended to my judgment. I hope there will not be a single vote against it. I now offer to amend——

Mr. WARREN. Will the Senator allow me a moment? It is quite certain that we shall not be able to finish this subject to-night; and, if the Senator is willing, I will be glad to lay the bill aside, so that one of the colleagues of the Senator on the other side of the Chamber may bring up a small matter which he wishes to have disposed of.

Mr. WILLIAMS. I will agree to that immediately after stating the amendment and giving notice of its pendency. I move to amend the Senate amendment so that it will read, beginning at line 23, on page 12:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress; and the sum of $250, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books constituting it to the Congressional Library.

Mr. WARREN. So that the Senator may perfect his amendment, I will say that the present library occupies steel shelving and trimmings fitted to the particular rooms now occupied, and that shelving might not be applicable to the other library.

Mr. WILLIAMS. Then, I will modify the amendment, right after the word "books," by inserting "and the present stacks and shelving to the Congressional Library."

Mr. WARREN. Does the Senator wish to include any appropriation for new furnishings?

Mr. WILLIAMS. Does the Senator think that $250 will be sufficient to do the work?

Mr. WARREN. Not to remove the books and supply the new furniture necessary to take care of them, because the present shelving is fitted to the room where the books now are, and will hardly fit the rooms to which they would be moved.

Mr. WILLIAMS. Very well, then, I will modify the amendment a little and make the appropriation $500, or so much thereof as may be necessary.

Mr. WARREN. Let me call the attention of the Senator to another matter. This being a Senate committee amendment, if we strike it out, of course, something will have to be inserted in its place. As this bill will have to be settled in conference between the House and the Senate, I wish the Senator to consider, and let me know to-morrow, whether he would not like to include a sufficient sum so that it will leave some play room between the House and the Senate. The House may want to keep it on the the Senate side when we meet. I suggest that to the Senator.

Mr. WILLIAMS. Just at this moment I do not see that that will be necessary. It seems to me that in case of a difference existing as to the subject matter, the conferees could modify it in any way they chose.

Mr. WARREN. I have been pulled up rather sharply lately on the matter of changing items in conference.

The PRESIDENT pro tempore. Before the bill is laid aside, the Chair will suggest that the amendment be stated, so that it may be considered as pending in its perfected form. The amendment as proposed by the Senator from Mississippi [Mr. WILLIAMS] will be stated by the Secretary.

The SECRETARY. It is proposed to amend the amendment of the committee so that it will read:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress; and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books and the present stacks and shelving to the Library of Congress.

Mr. WARREN. I wish to say that I have agreed to lay aside the bill so that the Senator from South Carolina [Mr. SMITH] may ask for the consideration of a small matter, but before asking that the bill be laid aside, I desire to say that I hope we may proceed with the further consideration of this bill to-morrow morning immediately after the routine morning business. I have been in communication with two Senators who have special notices recorded in the calendar, one of whom desires me to proceed and the other will confer with me in the morning; so to those Senators who wish to be here when the bill is proceeded with I may say that the prospects are that we will go on with the bill to-morrow morning. I now ask that the bill be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, the bill will be temporarily laid aside.

EIGHT-HOUR BILL.

Mr. LODGE. I ask that the 8-hour bill (H. R. 9061), as it passed the Senate may be printed, so as to show the Senate amendments numbered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

KINGSTON LAKE BRIDGE, CONWAY, S. C.

Mr. SMITH of South Carolina. Mr. President, I have a bill that will cause no debate at all. It is simply to grant to the citizens of Conway, S. C., the privilege of building a bridge across a navigable stream. They had to go through this routine form. The matter was referred to the War Department for information, which they have furnished, and the Committee on Commerce has recommended that the bill be passed. I ask

unanimous consent for the present consideration of Senate bill 6777.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 8, after the word "commissioners," to insert "and approved by the Secretary of War," so as to make the bill read:

Be it enacted, etc., That the board of county commissioners of Horry County, S. C., be, and they are hereby, authorized to construct, maintain, and operate a steel or wood bridge across Kingston Lake at Conway, S. C., at such a point as may be determined by the said board of county commissioners, and approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 4, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 3, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who are supremely wise, just, pure, and holy; whose mercy is from everlasting to everlasting, create within us as a ruling passion the desire to mold our characters into the likeness of our Maker, that we may be wise, just, pure, holy in all that pertains to life, and at least hear the words, "Well done, good and faithful servant, enter thou into the joy of thy Lord." And thine be the praise forever. Amen.

The Journal of the proceedings of Saturday, June 1, 1912, was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of the Civil War, with Senate amendments thereto, disagree to Senate amendments, and to ask for a conference.

Also, to call up the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of the Civil War, with Senate amendment thereto, disagree to the Senate amendments, and to ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up the bills H. R. 23063 and H. R. 23557, with Senate amendments thereto, to disagree to the Senate amendments, and to ask for a conference. Is there objection?

There was no objection.

The Chair announced the following conferees: Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purpose of a public park and public-school site; and

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads; and

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.; to the Committee on Indian Affairs.

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site; to the Committee on Indian Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

MEMORIAL DAY.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to print as a part of my remarks the able and patriotic address delivered by my colleague, the gentleman from Kentucky [Mr. LANGLEY], on Decoration Day at Glenwood Cemetery, in this city.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print as a part of his remarks in the RECORD a speech delivered by Representative LANGLEY, of Kentucky, on Memorial Day. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, it is understood that this will appear in the RECORD at the end of the proceedings?

Mr. AUSTIN. Yes.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day, and the Clerk will report the first bill on the Calendar for Unanimous Consent.

FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

Mr. CARTER. Mr. Speaker, I ask unanimous consent to have that bill passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection?

Mr. CARTER. Mr. Speaker, I make the same request in respect to the bill H. R. 22083, relating to inherited estates in the Five Civilized Tribes in Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to pass without prejudice the bill H. R. 22083. Is there objection?

There was no objection, and it was so ordered.

MEXICAN WAR SURVIVORS.

The next bill on the Calendar for Unanimous Consent was the bill H. R. 14054, to increase the pensions of Mexican War survivors in certain cases.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand that all of the provisions of this bill are covered in the general pension act.

Mr. RICHARDSON. Mr. Speaker, I am informed that through the kindness of my friend from Illinois, Mr. MANN, a few days ago, while I was absent, the Mexican bill was called up on the Calendar for Unanimous Consent. The Mexican bill was placed on that calendar for the purpose of making pro-

vision for these veterans in the event that the Sherwood bill did not pass.

The SPEAKER. Then there is no need to pass this bill.

Mr. RICHARDSON. No; it should be stricken from the calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be laid on the table.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

EXCHANGE OF SCHOOL SECTIONS WITHIN AN INDIAN OR OTHER RESERVATION, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think after they get through with any discussion I shall object.

Mr. RAKER. Will the gentleman object to the consideration of the bill?

Mr. MANN. I think so.

Mr. RAKER. Mr. Speaker, under the circumstances it is a long distance from here to California, and I have parties who have a good deal of information in regard to this matter. I hope by next Unanimous Consent Calendar day to have all the information desired in shape, and I ask unanimous consent that this bill be passed without prejudice until next Unanimous Consent Calendar day.

Mr. MONDELL. Mr. Speaker, I do not know I shall object to unanimous consent, but I do not understand why we should have to wait over for any information from California in reference to this bill. As a matter of fact, this is a bill in which every one of the public-land States is equally interested. We are all equally interested in having legislation, and it does not apply to California any more than it does to Wyoming, Montana, or any of these other States. It is simply an act declaratory of the present law, something made necessary by reason of the fact that there has been some difference of opinion in regard to the proper interpretation of the present law.

Mr. GARNER. May I interrupt the gentleman? Mr. Speaker, the last Unanimous Consent Calendar day we did not get through with the business on the calendar, and where a gentleman announces his intention to object to the bill anyway, it does not seem to me it is looking to the progress of business in the House to continue discussion on a bill where a gentleman is certain he is going to object in the end. If any gentleman in the House wants to have unanimous consent to extend his remarks in the RECORD on any bill on the Unanimous Consent Calendar he can get that privilege, but to use up 20 minutes or more in a discussion of a bill that is certainly going to be objected to, seems to me folly, and that the time of the House ought to be utilized on those bills that may be considered for the purpose of passing them.

Mr. RAKER. If the gentleman will allow me, we have not consumed two minutes upon this proposition. By the time the next unanimous-consent day comes around I will be in a position to give all the information that may be needed to avoid any possible objection to unanimous consent, and there ought not to be any objection to giving two weeks' time within which to do that and permit this bill to go over until next calendar day.

Mr. GARNER. I have no objection to the request of the gentleman from California to pass this without prejudice, and the gentleman from Illinois does not object to that, but why consume 30 minutes to accomplish the same purpose——

Mr. FOSTER. The gentleman does not think that a fair discussion of these bills is not a proper thing in the House?

Mr. GARNER. No; I do not object to a discussion of these bills; but when the gentleman from Illinois has already given notice that he is going to object I see no use in the discussion.

Mr. EDWARDS. But the gentleman from California simply wants it to go over now.

Mr. GARNER. He has a right to ask unanimous consent.

Mr. FOSTER. It occurs in the calling up of these bills there may be matter we do not understand and possibly an explanation of the object of the bill would make it so there would be no objection.

Mr. GARNER. Mr. Speaker, that is correct; and whenever the gentleman from Illinois [Mr. FOSTER] rises in his place and says that he would like to have this bill explained in order to determine whether he will object I am not objecting to that, but when the gentleman from Illinois [Mr. MANN] says that he intends to object, then I see no necessity of continuing this discussion.

Mr. FOSTER. I judge the gentleman from Illinois states that he will object on his present information.

Mr. MANN. I stated I thought I should object; I did not say I intended to object.

Mr. FOSTER. The gentleman from California might convince the gentleman from Illinois that he was wrong.

Mr. RAKER. Mr. Speaker, let me say to the gentleman from Texas and the gentleman from Illinois——

Mr. JACKSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is to find out whether gentlemen are going to object to this bill or not.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that we pass, without prejudice, the consideration of this bill to the next Unanimous Consent Calendar day.

The SPEAKER. The gentleman from California asks unanimous consent to pass over this bill without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman whether he thinks it will be sufficient to pass it over this day, or whether it will be necessary to pass it over a few more times?

Mr. RAKER. I will be in a position at the next unanimous-consent day to let it go on; and if not, I will have to take another course.

Mr. MANN. I do not object.

The SPEAKER. Is there objection to passing over this bill without prejudice? [After a pause.] The Chair hears none, and it is so ordered.

DISPOSAL OF SURPLUS LANDS, STANDING ROCK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

The Clerk proceeded to read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, lying and being within the following-described boundaries, to wit: Commencing at a point in the center of the main channel of the Missouri River where the township line between townships 18 and 19 north intersects the same; thence west on said township line to a point where the range line between ranges 22 and 23 east intersects the same; thence north along the said range line to the northwest corner of section 19, in township 21 north, of range 23 east; thence east on the section line north of sections 19, 20, 21, 22, 23, and 24 to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to a point where the same intersects the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west in North Dakota intersects the same; thence north on said range line between ranges 84 and 85 west to a point where it intersects the center of the main channel of the Cannon Ball River; thence in a northeasterly direction down and along the center of the main channel of said Cannon Ball River to a point where it intersects the center of the main channel of the Missouri River; thence in a southerly direction along the center of the main channel of the said Missouri River to the place of beginning, and including also entirely all islands, if any, in said river, except such portions thereof as have been allotted to Indians: *Provided*, That sections 16 and 36 of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization, heretofore engaged in mission or school work on said reservation, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

Mr. BURKE of South Dakota. Mr. Speaker——

Mr. FOSTER. Reserving the right to object——

Mr. BURKE of South Dakota. Mr. Speaker, the bill has not been read yet. The committee has reported a substitute, and the substitute in section 1 is exactly the same as Senate bill 109. I ask unanimous consent that, beginning on page 12, line 3, of the bill, the substitute be read instead of the original bill.

The SPEAKER. Without objection, the Clerk will read the substitute.

There was no objection.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Standing Rock Indian Reservation, in the States of

South Dakota and North Dakota, lying and being within the following-described boundaries, to wit: Commencing at a point in the center of the main channel of the Missouri River where the township line between townships 18 and 19 north intersects the same; thence west on said township line to a point where the range line between ranges 22 and 23 east intersects the same; thence north along the said range line to the northwest corner of section 19, in township 21 north, of range 23 east; thence east on the section line north of sections 19, 20, 21, 22, 23, and 24 to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to a point where the same intersects the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west in North Dakota intersects the same; thence north on said range line between ranges 84 and 85 west to a point where it intersects the center of the main channel of the Cannon Ball River; thence in a northeasterly direction down and along the center of the main channel of said Cannon Ball River to a point where it intersects the center of the main channel of the Missouri River; thence in a southerly direction along the center of the main channel of the said Missouri River to the place of beginning, and including also entirely all islands, if any, in said river, except such portions thereof as have been allotted to Indians: *Provided*, That sections 16 and 36 of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization, heretofore engaged in mission or school work on said reservation, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in said proclamation: *Provided*, That prior to said proclamation the Secretary of the Interior shall cause allotments to be made to every man, woman, and child belonging to or holding tribal relations in said reservations who have not heretofore received the allotments to which they are entitled under provisions of existing laws: *Provided, however*, That the said Secretary is hereby authorized to designate the superintendent of the Standing Rock Indian School to allot each child born subsequent to the completion of the allotments herein provided for and 60 days prior to the date set by said proclamation for the entry of said surplus lands: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed lands, if any, within said reservation, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal or other valuable minerals the said Secretary is hereby authorized to reserve them from allotment or disposition until further action by Congress: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged.

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the States of South Dakota and North Dakota, respectively, shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections 16 or 36, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe, and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any one town site, and patents shall be issued to the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct. He shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses and other public buildings, or in improvements within the town sites wherein such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid shall be credited to the Indians as hereinafter provided: *Provided further*, That all children of school age and of Indian parentage shall be admitted at all times to the public schools within said town sites on an equal footing with all other children admitted to the said schools.

SEC. 4. That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all lands entered or filed upon within three months after the same shall be opened for settlement and entry, $6 per acre, and upon all lands entered or filed upon after the expiration of three months and within six months after the same shall have been opened for settlement and entry, $4 per acre; after the expiration of six months, after the same shall have been opened for settlement and entry, the price shall be $2.50 an acre.

SEC. 5. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal installments, the first within two years and the remainder annually in three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the price fixed herein: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for the payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation of final entry as now provided by law where the price of land is $1.25 per acre; and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to patent for the lands entered: *Provided further*, That any lands remaining unsold after said lands have been opened to entry for five years may be sold to the highest bidder for cash, without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and patents therefor shall be issued to the purchasers.

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums of which the said tribe may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization: *Provided*, That from any moneys in the Treasury to the credit of the Standing Rock Indians derived from the proceeds arising from the sale and disposition of their portion of the surplus and unallotted lands disposed of under section 6 of the act approved May 29, 1908, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to distribute and pay to each of the Indians belonging to said tribe and entitled thereto a sum not exceeding $40 per capita.

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the States of South Dakota and North Dakota, respectively, for such purpose, and in case any of said sections or parts thereof are lost to either of the said States by reason of allotments thereof to any Indian or Indians or otherwise, the governor of each of said States, respectively, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

SEC. 8. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $180,000, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of $10,000, or so much thereof as may be necessary, for the purpose of making the surveys and allotments provided for herein: *Provided*, That the said $10,000, or so much thereof as may be expended for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

SEC. 10. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36, or the equivalent, in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and to expend and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Standing Rock Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to have the gentleman from South Dakota [Mr. BURKE] give some explanation of this bill. I have some communications from parties interested in the opening of this reservation, and it occurs to me that if the things contained in those communications are true, the Government ought not to open this reservation at this time and dispose of these lands.

The SPEAKER. Does the gentleman object?

Mr. FOSTER. I reserve the right to object.

Mr. BURKE of South Dakota. Mr. Speaker, the Standing Rock Reservation contains about 1,300,000 acres of land. It has all been allotted, with the exception of about 219,000 acres, which this bill proposes to put upon the market and to have sold to homestead settlers.

The Standing Rock Indians are one of the Sioux Tribes of Indians, and have in allotments the largest area of land of any tribe of Indians in the United States. The heads of families have 640 acres of land each. Their wives have 320 acres each. An unmarried Indian over the age of 18 years has 320 acres. Every child under 18 years of age has 160 acres. Consequently, a family of five in this tribe of Indians will have 980 acres in the husband and wife and 160 acres for each child, making in all 1,440 acres, which ought to be enough land for one family.

The original treaty, made in 1889, contemplated that after the allotments had been made the surplus lands should be disposed of and sold to homestead settlers. The theory of the law was that it would be beneficial to the Indians in many respects

to have the surplus lands settled upon and improved by the white people.

The communication that the gentleman from Illinois [Mr. FOSTER] refers to is from a delegation of Indians. This delegation came to Washington during the winter and spent some weeks here, and were twice before the Committee on Indian Affairs. They objected to the passage of this Senate bill for several reasons. The principal objection that they had to the bill was that they had not directly received any part of the proceeds from the sale of that portion of the Standing Rock Reservation which was opened to settlement under the law passed in 1908, and they were very solicitous that there be something paid to them from the sale of that land.

That law provides that the money shall go into the Treasury and be expended for the Indians for their support, civilization, and education. The Indians claim that the agent, Maj. McLaughlin, who negotiated with them before that law was passed, promised them that some part of the proceeds would be paid to them. After listening to this delegation and considering the communication which the gentleman referred to, the committee unanimously reported a substitute.

We have put into the substitute a provision by which not exceeding $40 per capita may be paid from the proceeds of the sale of a portion of the reservation opened under the act of 1908, and I may say that one of the leading Indians of that delegation said to me before he left Washington that if there was a provision that they could have that payment, then they practically had no objection to the passage of the bill.

Another objection that they had to it was section 11, which provided that there should be paid 20 per cent of the proceeds received from the sale of the land opened under this act of 1908. They objected to that very strenuously, and that section is eliminated from the bill.

Another objection they had to the passage of the bill was that it provided for the appraisement of the land, and that it involved an expense of from fifteen to twenty-five dollars. We have eliminated that, and provided that the land shall be disposed of under terms to be fixed so that all land taken in the first three months shall be sold at a certain price, and at a less price for the next three months, and after that a price of $2.50 an acre.

The department, in reporting upon this bill, recommends:

Notwithstanding the opposition to the opening of their reservation as expressed by the Indians in their council of November 28, 1911, I am of the opinion that the enactment of Senate bill 109, if amended as suggested herein, would be to the advantage of the Standing Rock Tribe at large.

We have made not only the amendments suggested by the department, but we have gone further, by making a provision that there shall be a per capita payment to the Indians.

If you will take the House report, you will find the report made by Maj. McLaughlin, the inspector who went to the Standing Rock Reservation and negotiated with these Indians, a man who has been in the Indian Service for more than 40 years, who for many years was the agent of the Standing Rock Indians, and he said in the concluding part of his report:

In conclusion, I desire to state that the Standing Rock Indians are well disposed and will acquiesce in any course pursued in the administration of their affairs; and notwithstanding their apparent opposition, as voiced by their chosen spokesmen, to the provisions of the pending bill, they will graciously accept whatever may be determined upon in this matter. Furthermore, having been intimately acquainted with the Standing Rock Indians for the past 30 years and believing that the opening of the surplus lands of their reservation will be beneficial to them as a people, as well as in the interests of the service, I respectfully recommend that legislation for the opening of their diminished reservation be enacted along the lines of Senate bill 109, Sixty-second Congress, first session, with the modifications herein suggested, and that at least one reasonable cash payment be made to them from the proceeds of their lands opened by the act of May 29, 1908.

Mr. GARNER. Mr. Speaker, I think the gentleman from South Dakota has made a very clear explanation of the bill. Undoubtedly the gentleman from Illinois [Mr. MANN] knows whether he is going to object to it. I want to give notice now that when these bills are called up, as they come up I am going to call for the regular order; and if gentlemen have not sufficiently examined a bill to know whether they will object to it, they will have to take the consequences. I demand the regular order.

Mr. BURKE of South Dakota. I do not understand that the gentleman objects to this bill——

Mr. GARNER. I do not object to the bill.

The SPEAKER. Did the gentleman from Texas object?

Mr. GARNER. I did not. I demand the regular order.

The SPEAKER. The regular order is what is going on now.

Mr. GARNER. The regular order is for the Chair to put the question whether or not there is objection.

The SPEAKER. The regular order is for Members to talk these things out. They sometimes exceed the limits of patience, but the Chair has no control of that.

Mr. GARNER. Mr. Speaker, if a gentleman, as the gentleman from Illinois [Mr. MANN] has done in this instance, reserves the right to object, and any gentleman in his place rises and says, "I demand the regular order," it is the duty of the Chair then to ask if anyone objects to this bill.

The SPEAKER. Perhaps that is true.

Mr. GARNER. I think it is true, and that is what I have done.

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object——

Mr. EDWARDS. I object.

The SPEAKER. The gentleman from Georgia [Mr. EDWARDS] objects.

Mr. STEPHENS of Texas. I hope the gentleman will not object to this bill. If there were any objectionable features in it, they have been removed.

The SPEAKER. The gentleman has already objected. The bill goes off the calendar, and the Clerk will report the next one.

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

The bill was read, as follows:

Be it enacted, etc., That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce, or are monopolizing or attempting to monopolize any part of such trade or commerce, in violation of such act, the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States; whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

SEC. 2. That a penalty of $25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in section 1 of this act, for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and which court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

SEC. 3. That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," on satisfactory evidence to him that any vessel performing such a service under such contract is, at the time of performing such service, owned, operated, or controlled by any person or persons who, in any proceeding, civil or criminal, instituted by the Government of the United States, have been adjudged by a court of the United States to have violated the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that said vessel performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceeding.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask some gentleman to explain this bill.

Mr. GARNER. I demand the regular order.

The SPEAKER. The rule ought to be construed in some reasonable way. The House is not obliged to vote on a bill or give unanimous consent instantly without knowing what there is in the bill. The Chair thinks there ought to be a reasonable limit. The Chair is with the gentleman from Texas that far.

Mr. HARDY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARDY. My impression is that on the last unanimous-consent day this bill was up for unanimous consent and was being considered.

The SPEAKER. Was there a reservation of the right to object?

Mr. MANN. This bill was not reached on the last unanimous-consent day.

Mr. ALEXANDER. Yes; it was.

Mr. GARNER. Yes; it was, and it went over.

Mr. HARDY. We were engaged in the discussion of it. I do not believe there was any objection to it.

The SPEAKER. The Chair will ask the gentleman, for information, how it happened that if this bill was being discussed at the time the House adjourned on last unanimous-consent day there are six or eight bills ahead of it on the calendar to-day?

Mr. ALEXANDER. I think it occurred in this way, that other bills preceding it had been passed over by unanimous

consent, and for that reason they had precedence on the Unanimous Consent Calendar to-day.

Mr. MANN. That is correct.

Mr. ALEXANDER. It is a fact that this bill was being considered.

Mr. MANN. There was a reservation of the right to object.

Mr. ALEXANDER. The gentleman from Illinois [Mr. MANN] and others discussed it somewhat.

Mr. STEPHENS of Texas. I requested that two of these preceding bills be passed over on account of the sickness of the gentleman from Oklahoma [Mr. CARTER].

The SPEAKER. The RECORD will show.

Mr. GARNER. If I may be indulged a moment, I have no desire to cut off opportunity to ascertain the purport of a bill before the House, but the Chair will remember that on the last unanimous-consent day we considered the Unanimous-Consent Calendar all day and yet did not finish the calendar.

The SPEAKER. No; but there were three pages and a half of that calendar.

Mr. FOSTER. I think we did remarkably well last unanimous-consent day.

Mr. GARNER. If we are going to take up 30 minutes or an hour in the discussion of each bill, and then if some gentleman is going to object, he undoubtedly knows whether he intends to object, and I do not believe it is in the interest of public business to let the discussion proceed indefinitely under such circumstances.

Mr. FERRIS. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. FERRIS. I would like to call the gentleman's attention to the fact that on Calendar Wednesday when a Member is recognized he has the right to speak for one hour, and I would like to call attention to the fact that we have not been getting for a long while the benefit we ought to; we have not got off the calendar on Wednesday but one bill—and I might say on the side that that rule ought to be amended——

Mr. MANN. It ought to be abolished.

Mr. FERRIS. This is the only possible hope that Members have of getting their little bills through. I hope the gentleman from Texas will exercise more leniency than he has manifested this morning so that we may explain these bills, at least for a little time, and let the Member who feels it his duty to reserve an objection know whether he is going to object or not. Here we are with a calendar loaded to the guards with bills. No one himself, unless he is more diligent than the most of us, can tell the moment the title to a bill is read whether he is going to object or not. Unless he is given more latitude than the gentleman—and I want the gentleman from Georgia [Mr. EDWARDS] to hear this—unless he is given more latitude to explain it, the Unanimous Consent Calendar will be of no more use than Calendar Wednesday. These bills, while seemingly unimportant, are important, and they ought to be disposed of. The big appropriation bills have the right of way, and I think a man should hesitate a good while before he cuts off all possibility of getting these local bills considered.

Mr. GARNER. Mr. Speaker, the gentleman from Oklahoma evidently misunderstands my object in the premises. In the first place, referring to Calendar Wednesday, I have no way under the rules of hastening matters, or else I would take that procedure. Under the rules of this House on Calendar Wednesday when a bill is taken up and a Member gets the floor he is entitled to one hour, unless the previous question is moved, and the next gentleman has an hour. So, under the rules, if I am not in charge of a bill I do not feel authorized to move the previous question.

But the Unanimous Consent Calendar; I am anxious to let the man who has a bill have the opportunity to have it considered. I am not making objection myself, and each Member of the House will realize that I have made no objection to any bill that has come up, because I believe if you let a bill come up and it is a bad bill the House will defeat it on its merits; but I do protest against this manner of discussing a bill a half an hour or an hour and then some gentleman saying, "I object." You have had the entire discussion with no benefit to the House, whereas if you permit a bill to come up on its merits and then discuss it, if it is not meritorious the House will refuse to pass it.

Now, one word further: I do not propose to insist on the regular order as each one of these bills is called, but I am calling the attention of the House at this time to the fact that they may take notice that a prolonged discussion of any bill before the question is put as to unanimous consent will not be permitted, but the regular order will be demanded.

Mr. MANN. Mr. Speaker, the Clerk reported the bill H. R. 23470, and thereupon I reserved an objection, and thereupon the gentleman from Texas [Mr. GARNER], without waiting for anything, demanded the regular order, evidently for the purpose of having the bill brought before the House for consideration or objected to. If no objection was made to the consideration of the bill, and the bill came before the House, it might take all the day under the rules of the House. It is a shorter procedure, as a rule, to reserve an objection until an explanation is made.

Now, this bill is not a local bill; no more important bill has been presented to this House than this bill, and no more drastic legislation has been proposed to this House than is contained in this bill. I should be unwilling to have it pass without some statement, so that Members of the House should not hereafter be permitted to say that this bill with all of its provisions, drastic as they are, passed by unanimous consent and I knew nothing about it. I want an explanation of the bill, so that members are put on notice and know what the bill is when they vote for it. As I say, it is frequently a shorter procedure to reserve an objection.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARNER. If the question was put and unanimous consent given for the consideration of the bill, would it not be opened up by discussion?

Mr. MANN. Yes; and it might take a day.

Mr. GARNER. And if it is as important a bill as the gentleman says it is, why should it not take all day, not only to-day but the next day, to consider important legislation like this?

Mr. MANN. No; it ought not to take all day on unanimous-consent day. If a bill is called up and the bill is found to be so important that it ought to receive full consideration and discussion, objection ought to be made, because it ought not to be taken up on unanimous-consent day.

Mr. GARNER. Then ought not the gentleman from Illinois to make the objection at once? A measure that the gentleman says ought to take more than one day to consider, ought not the objection to be made at once?

Mr. MANN. I have not said that it ought to take more than one day to consider it. I have not said that it ought to take 10 minutes. I should think 10 minutes ought to be enough, and possibly less time to state what every bill is, so that every Member can have brought home to him what it is.

The SPEAKER. The truth about the whole situation is this: There are three processes of getting a bill up which are exceptions to the general rule, and all three are intended to expedite, not to retard, public business. The first one is by unanimous consent, the second is by suspension of the rules, and the third is by a motion to discharge the committee. Evidently the philosophy of it is that bills would be put on the Unanimous Consent Calendar to which there could be no reasonable objection—that is, when Members find out what is in the bill there will be no objection to it. The two-thirds rule takes in a class of bills which are a little more difficult.

The gentleman from Texas [Mr. GARNER] is technically right when he demands the regular order, which means that the Chair should immediately put the question, "Is there objection?" But if that were done, without any chance for explanation, Members would object, as we have already seen them do, to every bill that was called up, and thereby make a farce out of the Unanimous Consent Calendar. Of course, the theory is that every Member understands every bill which comes up here, but that is a very wild presumption. [Laughter.]

When a bill is read the Chair does the best he can to keep order, but frequently there is so much confusion that Members do not know what is in the bill when the Clerk gets through. No Member ought to be refused the privilege of reserving the right to object, but to strike it out would be to the detriment of somebody else.

Some of these bills that are called up by unanimous consent are extremely important bills, and there ought to be a reasonable time allowed upon them. Whenever the Chair thinks a reasonable time has come, he puts the question for unanimous consent. Undoubtedly allowing a reasonable time for inquiries touching the contents of a bill tends to expedite the public business.

As far as Calendar Wednesday is concerned, the Chair is very frank to state publicly what he has stated privately, that he believes that rule ought to be changed and a limit fixed to the time that any gentleman can hold up the House upon that day. [Applause.]

The gentleman from Illinois [Mr. MANN] upon this bill has reserved the right to object, and the Chair is willing to hear him. Is there objection?

Mr. MANN. Mr. Chairman, I have no desire to be heard. I want to hear something about the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

I would like to inquire what the RECORD shows with reference to the status of this bill.

The SPEAKER. The RECORD shows that when the House adjourned upon last unanimous-consent day the bill was in precisely the condition that it is now in. The gentleman from Kentucky [Mr. SHERLEY] reserved the right to object and proceeded to make some remarks, and the gentleman from Illinois [Mr. MANN] then suggested the absence of a quorum, whereupon the gentleman from Alabama [Mr. UNDERWOOD], seeing there was no quorum, moved that the House adjourn, and the House did adjourn.

Mr. ALEXANDER. Mr. Speaker, I will undertake to briefly explain this bill. As has been suggested, it is an important bill, but it is not at all complicated in its provisions. On account of its importance and its far-reaching effect, I hope nobody will object to its consideration, for I do not believe there is any gentleman on this floor who is friendly to the combinations, whether they be domestic or foreign, at which this bill strikes. When the bill was first introduced in the House by the gentleman from Washington [Mr. HUMPHREY] it simply provided that no foreign ship in a combination or pool should be permitted to enter or depart from an American port under the penalties similar to those prescribed in section 2 of the bill. That did not meet the views of the committee. It was then referred to the Department of Justice for consideration and report to the committee. A substitute for the bill was sent to me as chairman of the Committee on the Merchant Marine and Fisheries from the Department of Justice. After consideration that bill did not meet the view of the committee. I then requested the Attorney General to appear before the committee. He kindly did so, and the provisions of the substitute bill were discussed at length. As I stated, the original and the substitute bill were aimed at foreign shipping pools or combinations. The committee suggested that it should apply to domestic as well as foreign combinations. The Attorney General readily yielded to that suggestion. It was also suggested that the law should be so framed that there would be no doubt that the courts, having found that ships were in these unlawful combinations and pools in violation of the terms of the Sherman Antitrust law, should have the authority in the decree to expressly provide that no ship used as an instrument to carry out the unlawful purpose of the combination should be permitted to enter or depart from an American port until the court should find that the combination or pool no longer existed. Also that section 2 should provide that if in the meantime any vessel should enter or depart from an American port, which vessel by the terms of the decree was prohibited from so entering or departing, it should be subject to the penalties prescribed in section 2. The Attorney General concurred in the suggestions of the committee, and sections 1 and 2 were redrafted to conform to that view. The bill further provides that the Postmaster General shall cancel any mail contract which may have been entered into with a company the vessels of which are embraced in the decree of the court and are being operated in violation of law. That is the substance of the bill, and it is simply to make more effective the provisions of the Sherman antitrust law and provide a better remedy for the violation of that law.

Those who have studied the question at all agree that not only the foreign shipping interests are in these pools or combinations, but that our domestic shippers, our coastwise shipping, as far as that is concerned, are all to a more or less extent in these combinations or pools. After full consideration by the committee and after conferences with the Department of Justice, and finally after having had the Attorney General before the committee and having discussed the matter thoroughly, this bill was evolved and has the approval of the Department of Justice.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. ALEXANDER. Certainly.

Mr. HARDY. I would like to state that it is also the purpose of this bill to make certain the authority of the court to render the decree which the Attorney General said should be asked for in the suits pending against these unlawful combinations, and the Attorney General thought it might be essential to have this bill passed into law in order to efficiently administer the proceedings of the court.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for the suggestion. Suits are already pending in the Federal courts in New York the purpose of which is to dissolve these rings or pools or unlawful combinations; and while the Attorney General did not say that the court has no power under the Sherman antitrust law to enter a decree to the effect that vessels in the pool might not enter or depart from our ports so long as the rings, pools, or unlawful combinations exist, yet we wanted it in the form of express law that it should be a part of the decree of the court. Hence we provide:

That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce or are monopolizing or attempting to monopolize any part of such trade or commerce in violation of such act the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States, whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

In my view, the chief merit of this bill is this, that after it has once been judicially determined that these companies have been in a combination or ring or pool and the court has expressly decreed that the vessels named shall not enter or depart while the combination exists, it throws the burden on the companies to show that the ring, pool, or combination has been dissolved and that the ring, pool, or combination no longer exists, and the burden is not upon the Government, as it would have been in the original bill, to prove it in each case.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. TOWNER. I understood the gentleman to say, although I was unable to hear him distinctly, that the bill as it now stands meets with the approval of the Department of Justice.

Mr. ALEXANDER. Yes.

Mr. TOWNER. Is it the opinion of the Department of Justice that the Sherman antitrust law is sufficient to bring these foreign combinations that are now doing this business under its jurisdiction?

Mr. ALEXANDER. Yes.

Mr. TOWNER. I am quite sure that it would be possible to bring them under its jurisdiction, but I am not sure at all that they are now under its jurisdiction.

Mr. ALEXANDER. I will say to the gentleman that the Attorney General has no doubt upon that question. There are two suits now pending, one relating to the Far Eastern trade and one to the north Atlantic trade, involving that question.

Mr. TOWNER. I take it the gentleman assumes or takes for granted the proposition that this foreign shipping can be brought within the jurisdiction of the Sherman antitrust law.

Mr. ALEXANDER. Yes; of course, we have a right under the Constitution, which vests in Congress the power to regulate commerce between the States, and foreign commerce, to legislate on the subject matter, and it is our opinion these vessels that have entered and departed from American ports come under the provisions of that law.

Mr. TOWNER. Well, the difficulty, I suppose, lies with the determination whether or not a trust which was entirely foreign in its makeup and constituent parts could be brought under the jurisdiction of the Sherman antitrust law unless so specifically stated. It seems to me that is rather a serious question and one I have not given sufficient consideration——

Mr. ALEXANDER. The answer of the Shipping Trust is that we can not enforce this law for the reason that 90 per cent of our commerce is carried on foreign ships, and if we should undertake to enforce the provisions of this act we would cut off our means of transportation of our goods in foreign commerce. But the answer to that is that the prosperity of those companies depends upon their commerce with the United States, and we take it that rather than subject themselves to the penalties under this act they will obey the law, otherwise they will be the greater losers, and, next, we are not disposed to yield to any such suggestion as that.

Mr. TOWNER. I would like to ask the gentleman whether it would not be easy to have an amendment to this bill to place them unquestionably and specifically under the terms of the Sherman antitrust law?

Mr. ALEXANDER. Well, we would not care to suggest at this time, with two suits pending in the United States District Court of New York in which demurrers have been overruled, that there is any lack of authority under the Sherman antitrust law to enforce the law against this ship combination.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to protect American trade and American shipping from domestic and foreign monopolies."

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, be, and is hereby, amended so as to read as follows:

"SECTION 1. That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Arizona, Colorado, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming, 320 acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over 1½ miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. BUCHANAN. Mr. Speaker, reserving the right to object——

Mr. MANN. As I understand this bill, while it names a number of States which should have the enlarged-homestead law as the Senate passed it, one is North Dakota, and as the House committee reports it, they have an addition of California.

Mr. RAKER. Yes, sir.

Mr. MANN. What reason is there for extending the enlarged-homestead law to California or North Dakota?

Mr. RAKER. Of course, the gentleman is aware that it applies to Colorado, Montana, Nevada——

Mr. MANN. Yes; to these other States named.

Mr. RAKER. For the same reason that it is necessary to apply it to the other States. There is a large quantity of land in the east and southeast of California where a man has a present homestead, and if he could enter 160 acres and cultivate it or cultivate one-eighth of it and then continue on until he makes final proof, he is in better shape to make a living and provide for his family and himself and build up the country. The reason for North Dakota is specified in Senator GRONNA's letter to the committee in the Senate when it passed the bill.

Mr. MANN. Well, Mr. Speaker, we made the enlarged-homestead law apply first to one or two States, and we have increased it on the theory that there were certain arid lands in the West this side of the Rocky Mountains where it was impossible to do anything without having more than 160 acres. In some places it has been abused and in some places it has been a very beneficial act, but it seems to me we ought to have very full information in regard to it, and there is absolutely no information in regard to it in relation to California.

Mr. RAKER. I want to call attention to the fact that this matter was submitted to the department, and the gentleman will find full information on page 3 of the report. They have gone into the matter thoroughly and reported in favor of this bill. The same circumstances which would call for the application of this extended homestead to Nevada, Colorado, and New Mexico call for it so far as the south and east of California are concerned.

Mr. MANN. How much land is there in California that this bill would apply to if it should be passed?

Mr. RAKER. I should believe possibly half a million acres.

Mr. MANN. That is down in the lowlands of the southeastern part of California?

Mr. RAKER. Along the eastern side of the State, and the southeastern, and such places.

Mr. MANN. Some of it, if we gave 320 acres or 32,200 acres, you could not make a living, and the gentleman does not expect to apply it there with any effect?

Mr. RAKER. Yes; the eastern part of the State, and places like that.

Mr. MANN. The bill ought not to be passed, because it would be a pure confidence game.

Mr. RAKER. In this the gentleman from Illinois is entirely mistaken, and I hope there will be no objections and that the bill with the amendment will pass.

Mr. MONDELL. Will the gentleman from Illinois yield for a moment?

Mr. MANN. Certainly.

Mr. MONDELL. I will say to the gentleman from Illinois I made some inquiry of the Land Office officials with reference to the situation in California with regard to the enlarged homestead laws. I can say that it is the opinion of the officials charged with the responsibility of administering the homestead laws that there are some areas of land in California in different sections to which the enlarged homestead law might properly be applied. The gentleman recollects that this law does not apply to any lands until the Secretary of the Interior designates them as lands of a character not irrigable at a reasonable cost. It enlarges the homestead area as to certain classes of lands, because on those classes of lands more than 160 acres is necessary, or believed to be necessary, for the support of a family. They must be nonirrigable and nonmineral and not containing merchantable timber. They are either dry lands, where they must practice dry-farming methods, or very rough lands in the hills where but a small portion of the 320 acres can be cultivated and where that area is necessary for a permanent home for the support of a family.

I think there is no question but that in the two States now proposed to be embraced within the provisions of the bill there are considerable areas which the Secretary will probably designate as falling under the provisions of the act.

Mr. MANN. The provision of the law is that "no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known water supply." Of course, if the land is such that it does not require irrigation at all, it still may be taken up under the provisions of this law?

Mr. MONDELL. Yes.

Mr. MANN. There is much land in California that does not require irrigation, where we ought not certainly to give more than 160 acres. Yet under the provisions of this law that land which has a plentiful supply of water fall might be taken up under the provisions of the law in areas of 320 acres.

Mr. MONDELL. I suppose the gentleman is aware of the fact that these entries are limited to lands that do not contain merchantable timber. There are now no lands in the State of California subject to homestead entry, nonirrigable and nontimbered, where the entryman does not require more than 160 acres to care for a family and to make a fair home.

Mr. MANN. I am not aware of that, and, with due respect to the gentleman, I do not think he is aware of it.

Mr. MONDELL. The gentleman thinks he is not aware of it, but if the gentleman had lived as long as I have lived in the West——

Mr. MANN. In California?

Mr. MONDELL. I have not lived in California; but if the gentleman recalled the successive waves of homestead seekers who have gone over that land in the last 40 years he would realize that if there were 160 acres in that territory that was good land it would long since have been taken.

Mr. MANN. There were more acres of land taken up last year than in any year in the history of the country—much of it good, new land.

Mr. CAMPBELL. Mr. Speaker, will the gentleman from California permit a question?

The SPEAKER. Does the gentleman from California yield to the gentleman from Kansas?

Mr. RAKER. I do.

Mr. CAMPBELL. Does this apply to lands in the neighborhood of San Bernardino, Cal.?

Mr. RAKER. If the lands come within the description of the bill, that they are nonmineral and nonirrigable and nontimbered and not appropriated, and, in the opinion of the Secretary of the Interior, not susceptible of irrigation at a reasonable cost.

Mr. CAMPBELL. But the lands in that section of the country are irrigable, and anywhere from 10 to 20 or 30 acres of land makes a ranch upon which men are making a good living.

Mr. RAKER. Oh, no.

Mr. CAMPBELL. Oh, I have been there.

Mr. RAKER. That land could not be entered under this act.

Mr. CAMPBELL. The gentleman said it would apply to land in that neighborhood. If it does apply to it, or if it could be made to apply to it, I would certainly object, because 40 acres would make an ample ranch.

Mr. RAKER. I mean only lands that are designated by the Secretary in San Bernardino County, not in the city. The unoccupied lands in the county are very extensive. Take it up in Mono and Modoc and Lassen and other counties of that character and it would apply and it would be beneficial. This matter was taken up with the Secretary of the Interior, and he makes a report to the effect that the department approves it and sees no objection to it. And it applies in the same way as to Nevada and Oregon and other States adjoining.

Mr. CAMPBELL. I would rather have the gentleman's own opinion in regard to a policy than that of some clerk in a General Land Office or in the Department of the Interior, if he knows about the subject.

Mr. RAKER. I would say to the gentleman that from personal experience I am satisfied that with the restrictions here specified it would be a good thing, because there are many acres of land in that country that would come under private use and taxation if we could add to the holding of a homesteader a sufficient amount to enable him to handle it by virtue of expending the money necessary to put it under successful cultivation.

Mr. CAMPBELL. Well, there are so many people without any sort of homestead that I do not think it is very good policy to enlarge the size of the homestead where it is possible to irrigate and make 10 or 20 or 30 acres a sufficient homestead for anyone.

Mr. RAKER. This does not do that.

Mr. CAMPBELL. Here is a plan to enlarge a homestead to 160 acres.

Mr. GRAHAM. The bill contains the words "or less," and the discretion is given to the Secretary to make it as low as 40 acres.

Mr. CAMPBELL. It can not always be predicted whether land can be irrigated or not. An inspector of the General Land Office might be sent out to inspect a piece of land, a section of country, and he might report back, "No; this can not be irrigated." But some practical engineer could go there and construct an irrigating ditch and irrigate that whole section of country.

Mr. GRAHAM. If the department declares it to be nonirrigable, the chances are that it is nonirrigable. And would it not be better to utilize it now than to wait to see if in the future a spring might break out or some sort of water supply could be found?

Mr. CAMPBELL. Oh, well, there is sufficient water supply out there if engineers can be found to construct irrigating ditches. They are constructing them and extending the irrigable area constantly.

Mr. GRAHAM. This land is above the source of any known water supply.

Mr. FERRIS. Mr. Speaker, I want the gentleman to look at that proviso on page 2:

That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

It seems to me that is about as secure as you could possibly make it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, after the word "Arizona," insert the word "California."

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

CHEYENNE AND ARAPAHO SCHOOL LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the following-described tracts of land within the State of Oklahoma, to wit, the southeast quarter and the south half of the northeast quarter of section 30, the east half of section 31, and section 32, all in township 19 north of range 13 west of the Indian meridian; and the west half of section 5 and the northeast quarter of section 5, and section 6, all in township 18 north of range 13 west of the Indian meridian; and also any other tract or tracts of land within what was formerly the Cheyenne and Arapaho Indian Reservation which heretofore may have been reserved for agency or school purposes which, in the judgment of the Secretary of the Interior, are no longer needed or necessary for the purpose for which said tract or tracts were originally reserved; and said lands shall be opened to entry and settlement and the proceeds thereof disposed of under the conditions, terms, and provisions prescribed in the act approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman a question. I notice that the department in reporting upon this bill states that it has authority now to make sale of the land in question. Is that the case?

Mr. MORGAN. Mr. Speaker, in answer to the gentleman's inquiry I will state that I have in my hand a letter from Assistant Secretary Adams, dated May 21, 1912, and addressed to Hon. John H. Stephens, chairman of the Committee on Indian Affairs, which letter is very brief and will probably explain that. He says:

SIR: Referring to the report of the department of May 2 relative to H. R. 22647 providing for the disposition of certain lands embraced within the Cantonment school and agency reserve, Oklahoma, Hon. Dick T. Morgan calls attention to the reference therein to the act of June 17, 1910 (36 Stat. L., 533), and suggests that the act cited does not now afford authority for any disposition of the lands covered by the proposed bill. By reference to the act it appears that Mr. Morgan's contention is correct, and I am so advising your committee in accordance with his request.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

In other words, it was an oversight that this statement was made in the first letter of the Secretary of the Interior, which is printed by the committee in its report.

Mr. MANN. The gentleman means that the department was very careless in making such a statement as that.

Mr. MORGAN. I call it an inadvertence, an oversight.

Mr. MANN. This bill proposes to make a sale of land now occupied for a school, which sale the superintendent of the school did not recommend, and then the bill provides that the proceeds of the sale shall be deposited in the Treasury to the credit of the Indians. Objection has been made by some of the Indians to the sale of the lands. The committee in its report says that that objection is not valid, because the Indians have been paid for the land and have no interest in it. If that is so, why should the proceeds be turned into the Treasury for their benefit?

Mr. STEPHENS of Texas. I will say to the gentleman that it will be a gratuity.

Mr. MORGAN. Mr. Speaker, the Cheyenne and Arapaho Indians occupied something like 2,000,000 acres of land. The Government, in treating with the Indians, allotted 160 acres to each Indian. In that treaty the Indians ceded all their right, title, and interest to lands other than their allotments. Now, there were certain schools, with lands surrounding these schools, which were used for school and agency purposes by the Government. These lands, technically, were ceded to the United States; so that, legally speaking, these Indians have no right, title, or interest in those lands. Heretofore, in opening a small school reservation of this kind, Congress—very wisely, in my opinion—by the act of June 27, 1910, provided that the proceeds of the sale of these lands should be placed in the Treasury of the United States to the credit of the Cheyenne and Arapaho Indians. Now, it is thought that, as a matter of justice and right to these Indians, the proceeds from the sale of these little remnants of land reserved by the President for school purposes ought not to go to the people of the United States, but ought to be preserved for school purposes or some worthy purpose for the benefit of these Indians.

Mr. MANN. If the gentleman will permit me, I call his attention to the report of the committee in this case. Among other things, the report says:

To the letter of the Secretary of the Interior is also attached a letter, signed by the Indians, opposing the disposal of these lands, but the Indians have been misled relative to the land. This is shown in the closing sentence in the petition, which reads as follows: "We understand that when this reserved land is no longer needed for school and agency purposes, the land reverts to the Cheyenne and Arapaho Indians."

That is quoted from the petition of the Indians. Now, the committee goes on to say:

From this statement it appears that the Indians, as well as the superintendent of the school, believe that these lands belong to the Indians. Such, however, is not the case. This is shown by the letter of the Secretary of the Interior, which says "that the territory within which the Cantonment lands are included was ceded to the United States by act of March 3, 1891 (26 Stat. L., 989, 1022), and payment in full therefor was made to the Indians by the United States." In other words, the Indians have ceded all right, title, and interest in these lands. The land belongs entirely and exclusively to the United States and the Indians have no title or claim thereto.

Now, if it be the fact that the Indians have no title or claim to the lands, why should the proceeds go to the credit of the Indians? If it be a fact that the Indians have some legal or moral claim to the land, why should it be disposed of against their protest?

Mr. MORGAN. Mr. Speaker, the committee in their statement had reference, of course, to the naked legal title, which does belong to the United States and not to the Indians. But these Cheyenne and Arapaho Indians are not very far advanced

in civilization and education, and in making this treaty they did dispose of these lands. But it has been the practice in disposing of such lands instead of putting the funds derived from the sale of the lands into the National Treasury for the benefit of all the people of the United States to devote such funds to the education of the Indians. Now, the Indians evidently had a misconception when they stated in their petition that these lands when no longer needed for school purposes will revert to the Indians. Of course, that is not true.

Now, these lands are not needed there——

Mr. MANN. Is it not a fact that the department in making the report on the bill stated that if this money was to be considered as the money of the Indians it ought to be used for school purposes and not deposited in the Treasury as other funds arising from the public sale of lands?

Mr. MORGAN. I will yield to the gentleman from Minnesota [Mr. MILLER] to answer that.

Mr. MILLER. Mr. Speaker, I do not know that I am possessed of any excessive information in regard to this. I have looked it up somewhat, but I am confident from the remarks of the gentleman from Illinois that I know as much as he does about it, and possibly some things that he does not know.

Mr. MANN. If the gentleman knows as much as I do about it, it is strange that he is for the bill. Let us see whether he does or not.

Mr. MILLER. Well, our judgment might lead us to different conclusions. The gentleman from Illinois asked if this land was not the property of the Indians, why we are selling it against their protest, and why there was any desire on the part of the committee that the proceeds should go to the Indian funds. The committee had a clear conception of this situation, and I think when the facts are explained to the gentleman from Illinois he will see the justice of it.

Mr. MANN. Why does not the gentleman state the facts and not give us so much hot air?

Mr. MILLER. I am so accustomed to listening to hot air from the gentleman from Illinois——

Mr. JACKSON rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MANN. I have not the floor.

Mr. MILLER. I have the floor, Mr. Speaker, at present, and I do not propose to be taken off my feet by anybody.

Mr. MANN. Any Member can take the gentleman off the floor if he sees fit.

Mr. MILLER. But you will cut your head off at the same time.

Mr. JACKSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JACKSON. Is this bill to be objected to?

The SPEAKER. It is still being discussed under the reservation of a right to object.

Mr. JACKSON. I think we have discussed it sufficiently so that any gentleman can tell whether he wants to object or not, and I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of this bill?

Mr. MANN. I object.

Mr. MORGAN. I hope the gentleman will not object.

Mr. MANN. It is due to the gentleman from Kansas that objection is made.

Mr. MORGAN. I hope that the gentleman from Kansas will withdraw his demand.

Mr. JACKSON. I think with five distinguished gentlemen on the floor discussing this matter we are not getting very far.

The SPEAKER. Does the gentleman from Kansas withdraw his demand?

Mr. JACKSON. I have nothing to withdraw. If the gentleman from Illinois wants to object it is entirely satisfactory to me.

Mr. MORGAN. I hope the gentleman from Illinois will withdraw his objection.

The SPEAKER. Does the gentleman from Illinois withdraw his objection?

Mr. MANN. The gentleman from Kansas demanded the regular order, which was that we should fish or cut bait, and I did not cut bait. [Laughter.]

RIVER AND HARBOR BILL.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *June 1, 1912.*

The Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby resign my position as a member of the conference committee on the river and harbor bill. My reason for this action is that I am obliged to leave Washington for an absence of at least one week, and in all probability for a longer time.

Very respectfully, yours,

GEO. P. LAWRENCE.

The SPEAKER appointed Mr. DAVIDSON, of Wisconsin, as a conferee in place of Mr. LAWRENCE.

NAVAL HISTORY SOCIETY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24026) to incorporate the Naval History Society.

The Clerk read the bill, as follows:

Be it enacted, etc., That Charles Francis Adams, of Massachusetts; James Barnes, of New York; Willard H. Brownson, of the District of Columbia; French E. Chadwick, of Rhode Island; William C. Church, of New York; George Dewey, of the District of Columbia; Henry A. du Pont, of Delaware; Loyall Farragut, of New York; Caspar F. Goodrich, of Connecticut; Charles T. Harbeck, of New York; Grenville Kane, of New York; Stephen B. Luce, of Rhode Island; John F. Meigs, of Pennsylvania; Robert W. Neeser, of New York; Herbert L. Satterlee, of New York; Charles H. Stockton, of the District of Columbia; Charles W. Stewart, of the District of Columbia; Robert M. Thompson, of New York; Richard Wainwright, of the District of Columbia; John W. Weeks, of Massachusetts, and their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate in the District of Columbia, by the name of "The Naval History Society"; and by that name may sue or be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal, and change the same at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incidental to fraternal and benevolent corporations within the District of Columbia.

SEC. 2. That the object of such corporation shall be to discover and procure data, manuscripts, writings, and whatever may relate to naval history, science, and art, and the surroundings and experience of seamen in general and of American seamen in particular, and to preserve same by publication or otherwise; and to acquire, establish, or maintain in the city of Washington or elsewhere, for the use of its members and others, a house or rooms having a library, reading room, and such other appurtenances and belongings as may be desired.

SEC. 3. That said corporation may adopt a constitution and by-laws, and shall have power to amend the same at pleasure: *Provided*, That they do not conflict with the Constitution and laws of the United States.

SEC. 4. That said corporation shall have the right to hold meetings at any place in the United States, but annual meetings for the election of officers shall be held in the city of Washington, where the principal office of said corporation shall be.

SEC. 5. That the said corporation shall have the power to take and hold, by gift, grant, purchase, or devise, real and personal property not exceeding in value $500,000, which shall not be divided among the members of the corporation, but shall be used and administered as a trust for the purposes of the corporation, and so far as unexpended transmitted to their successors for the further promotion of such purposes.

SEC. 6. That the government of such corporation shall be vested in a board of 11 managers, to be elected by the members of such corporation, and the corporation shall have such officers as its constitution and by-laws may prescribe. The incorporators herein named, or a majority of them, shall act as the board of managers until their successors in office are chosen at the first meeting of the society after the passage of this act.

SEC. 7. That this charter shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

SEC. 8. That this act shall take effect immediately on its passage.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. SLAYDEN. Mr. Speaker, the purpose of this bill is absolutely and clearly explained in the text and a further and more elaborate explanation is made in the report. In the language of the report:

The purpose of the Naval History Society that it is proposed to incorporate is purely patriotic and entirely national in its scope. The object is to discover and procure data, manuscripts, writings, and whatever there may be relating to naval history, science, and art, and the surroundings and experience of seamen in general, and of American seamen in particular, and to preserve the same by publication or otherwise. There is no thought of private gain, and the bill distinctly provides that the real and personal property received by the society, whether by gift, purchase, or otherwise, shall not be divided among the members of the corporation, but shall be used and administered as a trust for the purposes of the corporation, and so far as unexpended transmitted to their successors for the further promotion of such purposes.

Every patriotic citizen of this country is proud of the achievements of our Navy. There is nothing local or sectional in this pride, for the Navy is as much identified with one section of the country as another, and its achievements in the past are the common heritage of all the people. No State in the Union now has or ever has had a navy of its own. There is and has been but one Navy and that is the American Navy, the common property of all the States and all the people. The Navy is thus essentially national, and any legislation relating to it or affecting it must and should be of national origin.

Mr. Speaker, this bill was introduced by the gentleman from Georgia [Mr. BRANTLEY], and sent to the Committee on the Library. That committee had an elaborate hearing by distinguished gentlemen who are interested in the procuring of data referring to the history and operations of the American Navy, who want to see it properly edited and published.

It seems that up to this time there has been nothing but a voluntary association, limited in the theater of its operations, and not doing completely what these gentlemen who are interested in the preservation of the history of the American Navy thought should be done. They have an opportunity to secure bequests that will make them entirely solvent and enable them to gather data and secure its publication.

The committee was unanimous in its approval of the bill, and I can see no reason why it should not be passed. As to the objection that may be made by some gentlemen that they should have taken a charter from a State, I can only say that

the Navy, by its very nature, does not belong to or appertain to any particular State. We do have volunteer organizations in the event of war from New York, Texas, and other States, but never is that the case in any important operations of the Navy. The Navy is purely national in its scope and nature, and therefore it was believed that there could be no reasonable objection to granting a national charter.

Mr. MANN. I notice that the report says:

> Every patriotic citizen of this country is proud of the achievements of our Navy. There is nothing local or sectional in this pride, for the Navy is as much identified with one section of the country as another, and its achievements in the past are the common heritage of all the people.

All of which is true and very well stated. Then, looking at the incorporators, who are 20 in number, we find 8 from New York, 5 from the District of Columbia, 2 from Rhode Island, 1 from Delaware, 1 from Connecticut, and 1 from Pennsylvania, which looks to me quite sectional; not only sectional, but almost centralized in one State. Nearly a majority of these incorporators reside in the city of New York. Now, here you propose to incorporate a national society to inculcate patriotism on the part of the Nation at large, composed of a few very eminent gentlemen located in small sections of the country, mostly in New York City and a few in the District of Columbia. It is no reflection upon New York City to say that there are other parts of the country. I know that it is seldom that persons that reside in New York, and sometimes in districts that are near New York, on the floor, know that there are other portions of the country. [Laughter.]

Mr. TOWNSEND. Mr. Speaker, let me suggest to the gentleman from Illinois that the reason that the proposed incorporators are limited in geographical extent is that they happen to be the gentlemen who compose the voluntary association to carry out in part the purposes of the bill. They were the only ones sufficiently interested to appear before Congress and ask for the incorporation. There will undoubtedly be associate members attached to this body who will represent every great State, including the State of Illinois.

Mr. MANN. I have no doubt that every State in the Union with an hour's notice, could get plenty of gentlemen who would like to be incorporated as a naval history society by the United States Congress.

Mr. TOWNSEND. Not 20 accomplished gentlemen, who are as much interested and who have accomplished as much as these gentlemen have.

Mr. MANN. I do not know how much they have accomplished, but the work for the Navy has not been altogether accomplished by these great States, much as they have done.

Mr. TOWNSEND. Mr. Speaker, I am not referring to military work, but purely historical work.

Mr. MANN. Perhaps they have done more historically than they have in real combat.

Mr. SLAYDEN. Mr. Speaker, I am sure that the membership of the Naval History Society will be expanded just as rapidly as gentlemen who take an interest in it apply for membership. It happens that these gentlemen had organized themselves and had been operating in a voluntary capacity. They now want the privilege of receiving certain bequests that are awaiting them. With that they propose to buy manuscripts and other papers and things of historic interest and value.

Mr. JACKSON. Mr. Speaker, will the gentleman yield for a question?

Mr. SLAYDEN. Yes.

Mr. JACKSON. Does not the gentleman think, in line with what has been suggested by the gentleman from Illinois [Mr. MANN] and others, that if you are going to incorporate a body of this kind you ought to include in it some representative from the Great Lakes, from the Pacific coast, and, inasmuch as the river navigation of the country has had considerable naval history, that some one from the State of Louisiana or the State of Missouri ought to be included in this board which is to compose the charter members of this great society?

Mr. SLAYDEN. Mr. Speaker, the gentleman perhaps knows as well as I do that measures of this kind do not originate with the Members of Congress. The old voluntary Naval History Society was operated at the personal expense of certain gentlemen in private life, who, by reason of former association with the Navy, being perhaps the sons of eminent commanders or related in some other way, had taken an interest in the matter and had undertaken all of the expenses pertaining to the gathering of such data as was necessary for their purposes. They are properly the charter members. I have no sort of doubt they will be glad to take into association with them any creditable, reputable citizen of any part of the country who has an interest in the matter and will help to pay the expenses of the society, but I do not feel authorized to add the name of any man to the list we have here.

Mr. JACKSON. Can not the gentleman tell us why they have not already done so?

Mr. SLAYDEN. Mr. Speaker, I believe the gentleman from Massachusetts [Mr. WEEKS], who is one of the incorporators, may be able to answer that question.

Mr. WEEKS. Mr. Speaker, I see no objection to adding any number of names to the incorporators who appear in this bill. If the gentleman from Kansas [Mr. JACKSON] or the gentleman from Illinois [Mr. MANN] would like to have their names added——

Mr. JACKSON. No; I thought that, inasmuch as these gentlemen seem to have the matter in hand, they certainly had been in conference or communication, perhaps, with certain citizens of different States who would be interested in the subject and they would know who ought to be suggested.

Mr. WEEKS. The gentleman from Kansas knows that somebody has to start associations of this sort; there is now a voluntary organization which is getting together matter which is being printed. The men who appear as the incorporators in this act are among those who have been furnishing the funds to do what has been done up to this time. Of course the membership in this society will be extended, and a general invitation will quite likely be extended to all those who are interested in work of this character to join the society. The idea of any local character being given it is entirely removed from the minds of those gentlemen who appear as incorporators. I would be glad to have the gentleman from Kansas or the gentleman from Illinois join as incorporators of the society.

Mr. GARNER. There is no object, I presume, of laying a foundation for future appropriations by the Government to sustain the library of the society or the society itself?

Mr. WEEKS. Absolutely nothing of the sort.

Mr. TAYLOR of Colorado. I would like to inquire whether or not this is not a rather close corporation which we are giving a national standing, and whether or not there ought not to be a little more liberality as to others getting into it; whether or not there ought not to be, for instance, a provision that the governor of each one of the States shall be an ex officio member, so that this little coterie of distinguished gentlemen could not select for all time who should be a member of the society.

Mr. McCALL. Mr. Speaker, if the gentleman will permit, of course the objection which was made to the place of residence of the incorporators is more apparent in its force than real. This is simply a nucleus, in any event. These gentlemen are simply named, in the first place, to take the incorporation. They will probably enlarge, and may have 500 or 1,000 members.

Mr. TAYLOR of Colorado. These particular gentlemen designated to take this corporation are the individuals who will exclusively determine who hereafter shall belong, are they not?

Mr. McCALL. Yes; but we know from the character of the men that they are broad minded. There is Charles Francis Adams, who is the president of the Massachusetts Historical Society, the oldest and one of the greatest historical societies, with a great membership, and undoubtedly it is the purpose of these gentlemen, if they shall associate themselves together and have an incorporation, to elect associate members, and as they are broad minded I have no doubt they will take their membership from all over the country.

Mr. TAYLOR of Colorado. I trust the gentleman will not assume that I am presuming that they are not broad-minded men. My only doubt was that when we incorporate a national society, we ought not to do it in the way that one may incorporate a little private company in a State.

Mr. McCALL. I fancy none of these gentlemen was present who desires to be named as an incorporator.

Mr. WEEKS. May I add this: Six of these incorporators are retired rear admirals. Half of them are graduates of the Naval Academy, and almost every one of them has been connected with the Navy in some way at some time. That is the reason they are directly interested in this association. It is simply carrying on in this form the work they have been doing in another form, and it is believed that as there is a gift which is likely to come to the society, and others which may come, there should be an incorporation.

Mr. SLAYDEN. I want to suggest to the gentleman from Colorado that it is not the purpose of these gentlemen to limit the membership to themselves.

Mr. WEEKS. Oh, not at all.

Mr. SLAYDEN. They hope to make a large organization.

Mr. TAYLOR of Colorado. Why should there not be an automatic membership of retired naval officers—that is, if they desire to join the society?

Mr. GARNER. But they might not want to put up the necessary money.

Mr. WEEKS. There will be an opportunity given to every reputable man who wishes to come into this association and who will pay the dues which will be imposed to do so.

Mr. TAYLOR of Colorado. I suppose the gentleman is authorized to speak for the others?

Mr. WEEKS. No; I am authorized to speak only for myself.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Is it not a fact that in almost all of these bills that Congress passes incorporating some society or association that the original number of incorporators is comparatively few?

Mr. SLAYDEN. Necessarily limited——

Mr. LONGWORTH. Necessarily limited in the legislation.

Mr. SLAYDEN. And by all the circumstances.

Mr. LONGWORTH. And I venture to say few bills have been passed containing a list of more than 20 incorporators. Is not that the fact?

Mr. MANN. Most of them contain a great many more.

Mr. SLAYDEN. I have now pending a bill which contains a larger list of charter members, but that has been changed and modified from time to time, chiefly because of the death of some of the proposed incorporators.

Mr. LONGWORTH. At any rate there have been a number of such bills in which the number was very small?

Mr. SLAYDEN. It is necessarily limited, but not for the purpose of restricting membership, which they want to enlarge.

Mr. MANN. As I understand, the purpose of the naval-history society, if incorporated, is to study naval history and publish in regard to naval history; in other words, to largely control naval history, because we all know that history is not a record of things which actually took place, but is a record of what somebody says took place.

Mr. SLAYDEN. If the gentleman is going into the domain of criticism, that is another matter.

Mr. MANN. I would like to ask the gentleman, in view of some incidents of recent history about which there has been a great deal of controversy, whether the corporation the gentleman proposes now is to influence the future history of naval affairs of this country in favor of Schley or Sampson?

Mr. SLAYDEN. Well, Mr. Speaker——

Mr. MANN. I believe that is one of the important things that this corporation will have to deal with, so as to determine what will be the thought 100 years from now—whether it shall be in favor of Schley or Sampson.

Mr. SLAYDEN. Mr. Speaker, if the gentleman had been with the committee when we had hearings he would have realized that a great majority of those gentlemen who appeared will not for any very long time take any particular interest in what happened at Santiago or elsewhere.

Mr. ADAMSON. If the gentleman will permit, I think the high authority to which the case was appealed decided that neither of them was in it; that it was a battle of captains.

Mr. MANN. I shall withdraw my reservation of the right to object because one name on the list of incorporators, the gentleman from Massachusetts [Mr. WEEKS], is sufficient leaven not only to leaven the entire lump but the whole barrel of flour. [Applause.]

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, reserving the right to object; now, there are four States represented by the proposed organization—Massachusetts, New York, Rhode Island, Delaware, and the District of Columbia.

Mr. MANN. And Pennsylvania, five.

Mr. AUSTIN. California also. Not a Southern or Western State, nor a Middle State, nor a State up by the Lakes is represented. If this is to be really national and take in the naval history of the United States, why should not the gentleman agree to an amendment, to which the gentleman from Massachusetts, whose name is here as one of the incorporators, says there is no objection, and enlarge the number?

Mr. SLAYDEN. Does the gentleman want an answer to that?

Mr. AUSTIN. Yes; I want to ask the gentleman in charge of this bill if he will not consent to that?

Mr. SLAYDEN. I will say I do not think there is any man on this floor more jealous of the dignity and the rights and the part played in history by the South than I am, and I have constituents who, I think, may become members of this historical society. But I do not believe it would be agreeable to any one of them for me to undertake to compel their association with those gentlemen who have been in the naval history society.

I do not believe my constituents would like that, and I think on reflection the gentleman will reach the conclusion that the constituents whom he may have in mind would not like it. I have not the slightest doubt that nearly every reputable citizen who has enough interest in this matter to apply for membership and to pay such dues as may be assessed will be made members of this Naval Historical Society.

Mr. AUSTIN. I understood the gentleman from Massachusetts to state some were there without their knowledge or consent——

Mr. SLAYDEN. I do not think the gentleman stated that, because if he did he is mistaken.

Mr. WEEKS. I did not state that.

Mr. AUSTIN. Have all of these gentlemen been connected with this movement in regard to this organization?

Mr. SLAYDEN. That is my information, and they have been putting up the funds for it.

Mr. WILSON of Pennsylvania. If the gentleman will allow me a suggestion, the incorporation of this society will not give any official status to any statement that may be made by this association.

Mr. SLAYDEN. None whatever.

Mr. WILSON of Pennsylvania. It would be just as acceptable from a historical standpoint if it was made by this association unincorporated as if it was incorporated.

Mr. SLAYDEN. Yes; and that is not the purpose of it. I will say to the gentleman——

Mr. WILSON of Pennsylvania. If the gentleman will permit, I simply wanted to bring out this thought, that the whole purpose of incorporating this society would be to facilitate the management of its affairs and——

Mr. SLAYDEN. To receive bequests and to have means to do its work. A bequest of importance is now waiting on the granting of this charter.

Mr. WILSON of Pennsylvania. It is desired as part of the business handling of its affairs.

Mr. SLAYDEN. Yes.

Mr. TOWNSEND. If the gentleman from Texas will permit, I simply want to add to what the gentleman from Texas has said, that this national incorporation would be an advantage to the society by receiving the benefit of bequests; that I happen to know of a very important historical literary bequest that will be made to the national association, the owner of which would not make it to a State association.

Mr. SLAYDEN. Or a private association.

Mr. TOWNSEND. It is one of the best naval historical collections.

Mr. GARNER. Mr. Speaker, I am sure we have had all the information the House wants in regard to this matter, and I would like to have the regular order.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, accepting the assurance of the gentleman in charge of this bill that the other sections of this country shall be recognized in this organization, I withdraw the objection.

Mr. SLAYDEN. Mr. Speaker, I take great pleasure in saying that so far as my influence goes I will use it to have the gentleman himself elected.

Mr. AUSTIN. Oh, no; I do not wish to be elected, but I did not want the entire South and West of this country ignored in the organization.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4568. An act granting an increase of pension to Annie R. Schley.

CUSTOMS DISTRICT OF PHILADELPHIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4011) amending sections 2541 and 2543 of the Revised Statutes of the United States, defining the boundaries of the customs collection districts of Philadelphia, Pa., and Bridgeton, N. J., and establishing ports of entry and subports of entry therein.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Is there objection?

Mr. BUTLER. Mr. Speaker, I reserve the right to object.

Mr. DALZELL. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Unanimous consent for consideration of the bill has not yet been obtained.

Mr. GARDNER of New Jersey. Mr. Speaker, I object.

Mr. MOORE of Pennsylvania. I ask the gentleman to reserve his objection.

The SPEAKER pro tempore. Objection is made.

Mr. DALZELL. The gentleman from Pennsylvania [Mr. BUTLER] has not objected. He has reserved his objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. GARDNER] objected.

Mr. MOORE of Pennsylvania. I asked the gentleman from New Jersey to reserve his objection. I would like to know if he yields to that request?

Mr. DALZELL. Does the gentleman from New Jersey object?

Mr. GARDNER of New Jersey. I object.

The SPEAKER pro tempore. The gentleman still objects, and the bill will be stricken from the calendar.

SUBJECTION OF LANDS OF FORT NIOBRARA MILITARY RESERVATION TO HOMESTEAD ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22090) to subject the lands in the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unreserved lands within the former Fort Niobrara Military Reservation, in the State of Nebraska, together with the south half of the north half and south half of section 4; the south half of the north half and the south half of section 5; the south half of the northeast quarter, northwest quarter of the northeast quarter, northwest quarter and the south half of section 6; all of sections 7, 8, and 9; south half of section 10; all of sections 15, 17, 18, 19, 20, 21, and 22; north half of section 27; southwest quarter and the north half of section 28; all of sections 29 and 30, all in township 33 north, range 25 west; all of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 17, and 20 to 29, inclusive, all in township 33 north, range 26 west; the southeast quarter of section 26; south half of the northeast quarter and the south half of section 33 and the south half of the northwest quarter, northeast quarter, and south half of section 34; all of section 35, all in township 34 north, range 26 west, sixth principal meridian, except as hereinafter expressly provided, shall be subject to entry at such time, in such manner, and under such regulations as the Secretary of the Interior may prescribe, as follows: All that portion of said lands lying north and west of the Niobrara River, together with that part of the southeast quarter of section 22, the southwest quarter of section 23, the west half of section 26, and all of section 27, in township 34 north, range 27 west, lying south and east of the said Niobrara River, except such part of the lands south and east of the said river as the Secretary of the Interior may reserve from entry as provided by section 8 hereof, shall be entered and patented under the general provisions of the homestead laws; and all the remaining portion of said lands lying south and east of said Niobrara River shall be entered and patented under the provisions of the act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, but entries made under this act shall not be subject to commutation.

SEC. 2. That lots 1 and 2 and the west half of the southeast quarter and the west half of section 33 and all of section 32, in township 34 north, range 27 west, sixth principal meridian, within said reservation, be, and the same are hereby, granted to the State of Nebraska for use by said State as an agricultural experimental station.

SEC. 3. That the Secretary of the Interior, upon the payment of $1.25 per acre therefor, shall cause patent to issue to the village of Valentine, in the State of Nebraska, to the east half of section 19; the southwest quarter of the southwest quarter of section 20; the east half and the southwest quarter of section 29; the northwest quarter and the northeast quarter of the southwest quarter of section 30; the northwest quarter of the southwest quarter of said section 30, except that parcel of land in the southwest corner of said northwest quarter of the southwest quarter described as follows: Commencing at the southwest corner of the northwest quarter of the southwest quarter of section 30, running thence north 435.6 feet; thence east 500 feet; thence south 435.6 feet; thence west 500 feet to the place of beginning, all of said lands being in township 34 north, range 27 west, sixth principal meridian.

SEC. 4. That the Secretary of the Interior, upon the payment of $1.25 per acre therefor, shall cause patent to issue to W. F. Gilman to the parcel of land within said reservation, described as follows: Commencing at the southwest corner of the northwest quarter of the southwest quarter of section 30, township 34 north, range 27, running thence north 435.6 feet; thence east 500 feet; thence south 435.6 feet; thence west 500 feet to the place of beginning.

SEC. 5. That the Secretary of the Interior, upon the payment of $1.25 per acre therefor, shall cause a patent to issue to Charles H. Cornell for lot 4 in section 22 and lot 1 in section 27, in township 34 north, range 27 west, within said reservation.

SEC. 6. That the Secretary of the Interior shall cause patent to issue to the State of Nebraska for section 9 in exchange for section 36 in township 34 north, range 27, title thereto to be conveyed by Nebraska to the United States, upon the ratification by the State of Nebraska by an act of the legislature to be passed at the next regular session and the consent of W. F. A. Meltendorff, lessee, of said school section 36.

SEC. 7. That said former military reservation lands be, and the same are hereby, exempted from the statutes requiring payment to be made of the appraised value thereof.

SEC. 8. That the Secretary of the Interior is hereby directed to reserve from entry under this act a tract of land not exceeding 640 acres in area, upon which the buildings used in connection with said military reservation are located, and to sell the lands so reserved and the buildings thereon at public auction at not less than their appraised value, after one year from the date of the approval of this act if the Government shall not have appropriated the same to some public purpose.

SEC. 9. That the disposition of said military reservation lands shall be subject to the rights acquired by Charles H. Cornell, by acts of Congress approved June 18, 1906, and February 18, 1911.

SEC. 10. That the costs of carrying out the provisions of this act shall be paid from the appropriation for the expenses of the survey, appraisal, and sale of abandoned military reservations.

Amend the title so as to read: "A bill to subject the lands in the former Fort Niobrara Military Reservation in Nebraska to homestead entry."

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this bill or the gentleman from Nebraska, who introduced it, if this does not give to one Charles H. Cornell a water-power site for a mill at $1.25 an acre against the express statement of the Secretary of the Interior that water-power sites should be reserved?

Mr. KINKAID of Nebraska. Mr. Speaker, answering the question of the gentleman from the State of Illinois [Mr. FOSTER], I am pleased to assure him that the Secretary of the Interior has given his express sanction to the sale of these lands to Charles H. Cornell. I will say further that Charles H. Cornell owns the water-power site, having acquired it under the laws of the State of Nebraska, and owns the land on one side of the river, and he has the material on the ground ready to construct a dam, and he simply wants to abut on the other side of the river. He already has the right to abut on this side of the river, which is Government land, by virtue of an act passed by Congress a session or two back; and the Secretary of the Interior recommends reserving the water-power sites, except such as are provided for in the bill, excluding those and agreeing to this.

Mr. FOSTER. Then there is another water-power site provided for in section 4, is there not?

Mr. KINKAID of Nebraska. That is a mill site.

Mr. MONDELL. I will say to the gentleman from Illinois that a right is reserved to the person named to buy 5 acres of land.

Mr. KINKAID of Nebraska. There is a large flouring mill, which has been in operation for several years—I have forgotten how long—and the mill owner, by a mistake made by a surveyor, abutted his dam against the military reservation land, and it is considered proper to sell to him 5 acres on that side of the little stream that his dam crosses.

Mr. FOSTER. But it does not provide for selling this and giving the present occupant the right to purchase at a fair price, does it?

Mr. KINKAID of Nebraska. The affidavits here show that the land is really worthless. The affidavits show that this land consists of precipices, except where there is room for sand hills. I will read you briefly one affidavit, signed by four affiants who were examined together. They are leading citizens, all of them, and I know them personally right well. They are gentlemen of high standing. They state that the affiants have examined personally these lands described in the bill, and that they are covered with rocky canyons and precipices; that is, these lands that the city wants to buy and the mill owner wants to buy also, and it includes the 5 acres for the mill dam to abut. Affiants state the land is covered with rocky canyons and precipice after precipice, with no grazing ground of any value existing thereon. And further, at the conclusion of the affidavit, it is stated that the land is absolutely worthless for farming purposes; that no crop could ever grow on such land; that it has no hay growing on it, and no amount of grass sufficient for stock grazing.

Mr. FOSTER. In section 2 it is proposed to give to the State of Nebraska some of this land as a site for an agricul-

tural experiment station, so that by the time we get through with this, the Government will be expected to make up the difference of these lands.

I observe also in section 7 that the gentleman proposes that this land which is to be opened for settlement shall be exempted from the statute requiring payment to be made of the appraised value thereof. So that it seems to me that the gentleman has in this bill evidently taken good care of the State of Nebraska, on which I compliment him as a wise and careful Representative. But it seems to me that the National Government in all this is to get the little end of the horn, as it is called, and that there will be nothing left by the time that the State of Nebraska and other parties take the water-power sites, and the part that goes to the State of Nebraska, and so on. So, Mr. Speaker, I think that this bill ought to go back to the Committee on Public Lands and be reconstructed.

Mr. KINKAID of Nebraska. Just a moment. I guess the gentleman is not going to object.

The SPEAKER pro tempore. Does the gentleman from Illinois reserve the right to object?

Mr. FOSTER. I reserve the right to object.

Mr. KINKAID of Nebraska. Mr. Speaker, I thank the gentleman from Illinois [Mr. FOSTER] for all the compliments he has expressed, which are undeserved. The provisions of this bill taking care of the State of Nebraska and exempting specifically the lands from sale at the appraised value are well fortified by precedent. Where lands of an abandoned military reservation are of a very poor quality and are such that ordinarily homesteaders will not enter them and you have got, instead of leaving them subject to entry in quarter-section amounts, to increase them fourfold and make them one section, it is evident that the lands should not be disposed of as existing law provides.

And it has been the practice to exempt from appraised value lands of a very poor quality, and that has been done in two or three instances in the district which I have the honor to represent, namely, as to Fort McPherson and also as to Camp Sheridan. Homesteaders did not succeed in perfecting their entries, broke down, were unable to pay the appraised value, and they relinquished and kept on relinquishing. A successor would come in and make an entry and then relinquish again, so that finally an act was passed exempting these lands from payment of the appraised value.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Certainly.

Mr. MANN. Under the existing law can not this land be disposed of by sale as an abandoned military reservation?

Mr. KINKAID of Nebraska. There are some other lands which are not on the military reservation. The lands on the military reservation are less than a township in extent, and those lands can be sold under what I would now call an obsolete statute.

Mr. MANN. The statute is not obsolete, although the practice of really selling any Government land may be obsolete as long as gentlemen are so insistent that the land shall be given away to their constituents. But is not this the fact, that under the existing law this land can be sold to people who are willing to buy it? Under this bill the land will be given away and people will not have to pay for it. Is not that the distinction between the bill and the law?

Mr. FOSTER. That is the effect of this bill.

Mr. GARNER. It is evident that the gentleman from Nebraska realizes——

Mr. RAKER. Will the gentleman from Texas allow the gentleman from Nebraska to finish his explanation?

Mr. GARNER. I might allow the gentleman to stand here and talk for two hours, or he may extend his remarks in the RECORD, but the gentleman from Illinois [Mr. FOSTER] has given notice that he is going to object.

Mr. KINKAID of Nebraska. I do not think the gentleman is serious in that.

Mr. GARNER. May I ask the gentleman from Illinois [Mr. FOSTER] if he is going to object?

The SPEAKER. Is there objection?

Mr. FOSTER. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The bill goes off the calendar.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 826), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that I will call the bill up for consideration to-morrow morning.

Mr. MANN. At what time to-morrow?

Mr. FITZGERALD. Immediately after the reading of the Journal.

Mr. MANN. We may have some unfinished business to-morrow, perhaps.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 97, authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The joint resolution was read, as follows:

Resolved, etc., That the American Red Cross is hereby given permission to allow the temporary structure erected by it in Potomac Park, under the provisions of the joint resolution approved May 11, 1911, to remain in position for a sufficient length of time to be used for exhibition purposes by the Fifteenth International Congress on Hygiene and Demography at its meeting in 1912, and that authority is hereby given to the Chief of Engineers, United States Army, to grant permission to the responsible officers of the Fifteenth International Congress on Hygiene and Demography to erect on the public grounds, on a site to be approved by the Chief of Engineers, such additional temporary structures as may be necessary for exhibition purposes: *Provided*, That the United States shall be put to no extra expense of any kind thereby, and that all the structures shall be promptly removed by the Fifteenth International Congress on Hygiene and Demography at the close of the meeting and the site cleared of all débris and put in as good condition as before the erection of the structures.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object. I wish to call the attention of gentlemen to the situation created by this bill.

By resolution of Congress the Red Cross Society was authorized to erect some temporary structures on one of the public reservations in the District of Columbia upon condition that they should be removed and the grounds restored to their original condition without expense to the United States.

This resolution apparently relieves the Red Cross Society from that obligation and devolves it upon the Congress on Hygiene and Demography. They have estimated that $12,000 will be required to do that work. They expect to raise $40,000 by subscription, and they hope to get Congress to give them $51,000, in addition to the $60,000 that they have already had, to make this congress a success. In the present shape of this resolution Congress will practically be paying for the removal of these structures and the restoring of the grounds to their original condition.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I hardly think this resolution if passed would relieve the Red Cross from anything. It would impose the obligation additionally upon the Congress on Hygiene and Demography.

Mr. FITZGERALD. I am not so sure that it does not relieve the Red Cross.

Mr. MANN. I think not. They have given bond, as I understand it, to remove these buildings.

Mr. FITZGERALD. What would be the effect of this resolution, which turns these buildings over to this Congress and provides that they shall be removed at the expense of this Congress? As nearly as I can ascertain from the investigation I have given——

Mr. MANN. Here is a law permitting the Red Cross to erect buildings and requiring the Red Cross to remove those buildings, under bond, as I recall it. That removal is to be at the close of the Red Cross meeting here.

Mr. FITZGERALD. No.

Mr. MANN. Yes. Now, here is a permission proposed to be given to the Red Cross to permit the Congress on Hygiene and Demography to use these buildings instead of removing them at the time originally contemplated. As a part of the provision the Congress on Hygiene and Demography is required to remove the buildings. But the Red Cross is obligated under the original provision to see that those buildings are removed and the grounds replaced in good order in any event. I do not think they are relieved by this.

Mr. AUSTIN. There is a provision here——

Mr. MANN. Now, here is the situation in regard to it. We have unfortunately gotten in the habit of giving easy invitations to people to come to Washington and meet. One of these invitations was given for this Congress on Hygiene and Demography, originally provided for the year 1908, I believe. It was

extended afterwards by permission of Congress. There is absolutely no place in Washington for such a congress to meet. No such congress ought ever to be invited by this Congress to meet in Washington. They ought to meet in some other American city, where they have facilities for taking care of such a congress. This is an international congress. It probably will be as large as the tuberculosis congress was several years ago, with four or five thousand members.

When the tuberculosis congress met there was great demand for the use of this Capitol and the House Office Building.

The House very generously shifted the burden of objecting to that on my shoulders. Fortunately my shoulders were able to stand up under it. We happen to have a National Museum Building, and we gave $40,000 for the purpose of putting it in shape for that tuberculosis congress. Of course, if we do not allow these buildings of the Red Cross to be used in the end we will build some buildings for them.

Mr. FITZGERALD. Mr. Speaker, there are some other features in regard to this Congress on Hygiene and Demography that make me somewhat suspicious of their intention and ability to remove these buildings. As the gentleman said, this Congress was authorized to be held in 1908 or 1909. Congress appropriated $10,000 to pay the preliminary expenses of it. Then it was postponed, and Congress appropriated $10,000 additional to pay for the preliminary expenses, and in the diplomatic and consular appropriation bill that passed this year there was $40,000 additional placed at the disposal of the State Department to pay expenses in connection with this congress. An estimate of $51,000 was submitted for some other purposes connected with the congress.

I was curious as to what had been done with the $20,000 appropriated for the preliminary expenses. I ascertained that a secretary had been appointed at a salary of $5,000 a year, and had drawn three years' salary, amounting to $15,000, out of the $20,000, and had made one trip, at least, to Europe, at the expense of the Government out of the $20,000; so that more than $15,000, as I recollect, of the $20,000 appropriated for the preliminary expenses of preparing for this congress has been turned over to one gentleman, who has been at various times secretary to one kind of congress or another. I think he was secretary to the tuberculosis congress. I am not sure whether he calls himself a hygienist or a demographist, but one or the other.

Mr. MANN. Is it Dr. Fulton?

Mr. FITZGERALD. I think it is Dr. Fulton who is the secretary of this outfit. He has drawn about $16,000 out of the $20,000 appropriated for the preliminary expenses—$15,000 in salary and the balance in expenses. Congress never dreamed that it was creating anything so "soft" when it appropriated this money for these so-called preliminary expenses. I do not care whether it is Dr. Fulton or Dr. anybody else; whoever is responsible for that situation has been guilty, in my opinion, of gross impropriety in the administration of public funds.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I have met Dr. Fulton several times. I think he is secretary of this association. I know I met him in connection with the tuberculosis congress, and in connection with the extension of the meeting of this congress for hygiene and demography. In fact, I got myself considerably disliked one time by Dr. Fulton and some other members of the tuberculosis congress because I would not consent to their using the House Office Building or the Capitol Building for a meeting. But, after all, Dr. Fulton is a very competent man.

Mr. FITZGERALD. I should hope so.

Mr. MANN. Five thousand dollars a year is not an exorbitant salary for a competent man. This work requires his entire time. Dr. Fulton is organizing this congress, an international congress of hygiene and demography, one of the most important subjects which concerns the human race to-day. It concerns matters that receive the greatest attention and the ones that receive the most consideration to-day, and the organization of this congress is no slight matter. The tuberculosis congress that was held here, which gentlemen who attended it will realize, was an enormous affair and productive of immense good. For the first time in many years we are beginning to see the tide of tuberculosis on the ebb. The movement is going the other way; we are overcoming the growth and increase of tuberculosis. The congress of hygiene and demography is along the same lines, and to organize it requires great attention.

Now, the gentleman says that the secretary received this fund. The fund donated by the Government is not the only fund that is used; there has been a considerable sum of money raised by private means and by societies.

Mr. FITZGERALD. For this particular congress it is hoped to obtain $40,000 by private subscription. We have already appropriated $60,000.

Mr. MANN. It is hoped to obtain $40,000 by private subscription, but the gentleman will remember that a large sum of money is raised for its use by different societies throughout the country which is not expended here, but through the organization a much larger sum than $40,000 is raised. Now, I have no doubt it is true—because the gentleman from New York would not make the statement unless he knew it to be true—that the secretary has received the appropriation which the Government made, but other moneys have been paid out of private funds.

Mr. GARNER. Mr. Speaker, may I suggest that one reason that this secretary's salary has been so great is that the appropriation of $10,000 was made with the expectation that the next congress would assemble in 1908, but instead of that it was postponed; and at the next session we appropriated another $10,000 for preliminary work, and it was the distinct understanding, my recollection is, that the total limit should be $40,000, and the House Committee on Foreign Affairs carried that limit out, but an additional amount was placed on it in the Senate, and the House agreed to the conference report, which carried a larger amount than the original understanding.

Mr. FITZGERALD. My recollection is that the diplomatic bill this year carried altogether about $40,000 for this purpose.

Mr. MANN. It carried $10,000 in the House, and was increased to forty or fifty thousand dollars in the Senate, and, I suppose, compromised in conference. I was not here when the conference report was agreed to.

Mr. FITZGERALD. That makes $50,000, and the request is now made for $5,000 additional. My understanding of the original appropriation for preliminary expenses was not to employ a high-priced secretary, but to pay for clerical assistance required in the Department of State in sending out invitations, which are sent out pursuant to the proclamation issued by the President.

Mr. MANN. But this is a matter of great organization.

Mr. FITZGERALD. Oh, I understand. I have learned a great deal about it since I have undertaken this investigation, and I am quite sure that nobody ever anticipated that out of the $20,000 appropriated for preliminary expenses some one was to be paid $15,000 in salary.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. Is there objection to the present consideration of the joint resolution?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman from Illinois whether in his opinion this resolution makes obligatory on this Congress alone the removal of these buildings?

Mr. MANN. I was going to suggest to the gentleman from New York that if there be any question about that, why we should not provide that these buildings shall be removed by the American Red Cross instead of by this society, keeping the present obligation in force?

Mr. BARNHART. That is all right.

Mr. FITZGERALD. I have no objection to that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This resolution is on the Union Calendar.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the resolution has been read, and I move to amend, on page 2, lines 8 and 9, by striking out the words "Fifteenth International Congress of Hygiene and Demography" and inserting in lieu thereof the words "American Red Cross."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, lines 8 and 9, strike out the words "Fifteenth International Congress of Hygiene and Demography" and insert in lieu thereof the words "American Red Cross."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution as amended.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. AUSTIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

RADIO COMMUNICATION.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15357, to regulate radio communication.

The Clerk proceeded to report the bill.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill S. 6412, to regulate radio communication, may be substituted for the House bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a Senate bill of like tenor be substituted for the House bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from Missouri where the Senate bill is?

Mr. ALEXANDER. It is on the table.

Mr. MANN. Has it been referred to a committee?

Mr. ALEXANDER. It has; and it has been reported back. It is in substance the same bill.

Mr. MANN. It is House Calendar 243.

Mr. ALEXANDER. I will state for the benefit of the House that Senate bill 6412 is the same as H. R. 15357, with the exception of three or four minor amendments. For that reason I ask unanimous consent that it be substituted for the House bill.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, the House bill is on the House Calendar. Has it been transferred from the Union Calendar? It is printed as being on the Union Calendar No. 193. It seems to be on the House Calendar with the same number, 193. It would be very odd that it would have the same number, having been transferred from one calendar to the other.

The SPEAKER. The Clerk at the desk informs the Chair that the bill was transferred from the Union to the House Calendar.

Mr. MANN. It is No. 193 on the House Calendar and the same number on the Union Calendar.

Mr. BUTLER. Mr. Speaker, reserving the right to object to the request of the gentleman from Missouri—I do not happen to have a copy of the Senate bill here, but have a copy of the House bill. I could not hear what the gentleman said a moment ago concerning the difference between the Senate bill and the House bill.

Mr. ALEXANDER. Mr. Speaker, as the Clerk reads, the gentleman will find that there is no material difference between the two bills.

Mr. BUTLER. But I do not happen to have a Senate bill here.

Mr. ALEXANDER. Has the gentleman a copy of the House bill?

Mr. BUTLER. Yes.

Mr. ALEXANDER. Very well; he can follow the reading with the House bill and he will see that it is to all intents and purposes the same as the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the Senate bill of like tenor, 6142, be substituted for the House bill?

Mr. MANN. That does not affect the right of objection?

The SPEAKER. No; that will not interfere with the right of objection to the Senate bill. [After a pause.] The Chair hears none, and the Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 6412) to regulate radio communication.

Be it enacted, etc., That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the receipt or transmission of radiograms or signals the effect of which extends beyond the exclusive jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this act shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce and Labor. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

SEC. 2. That every such license shall be in such form as the Secretary of Commerce and Labor shall determine and shall contain the restrictions, pursuant to this act, on and subject to which the license is granted; that every such license shall be issued only to citizens of the United States or to a company incorporated under the laws of some State of the United States and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station and in case of a station in actual operation at the date of passage of this act shall contain the statement that satisfactory proof has been furnished that it was actually operating on the above-mentioned date; shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein and such regulations as may be established from time to time by authority of this act or subsequent acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

SEC. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce and Labor. Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States. Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this act or subsequent acts or treaties of the United States, or any one of them, in addition to the punishments and penalties herein prescribed, upon convicion shall suffer the suspension of the said license, and the same shall not be renewed for a period of one year from and after the date of his conviction of any such failure. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $100 or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense: *Provided*, That in case of emergency the Secretary of Commerce and Labor may authorize a collector of customs to issue a temporary permit in lieu of a license to the operator on a vessel subject to the radio ship act of June 24, 1910.

SEC. 4. That for the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section. These regulations shall be enforced by the Secretary of Commerce and Labor through the collectors of customs and other officers of the Government as other regulations herein provided for.

The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

The Secretary of Commerce and Labor may grant special temporary licenses to stations actually engaged in conducting experiments for the development of the science of radio communication, or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and under such conditions as will insure the least interference with the sending or receipt of commercial or Government radiograms, of distress signals and radiograms, or with the work of other stations.

In these regulations the naval and military stations shall be understood to be stations on land.

REGULATIONS.

NORMAL WAVE LENGTH.

First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed 600 meters or it shall exceed 1,600 meters. Every coastal station open to general public service shall at all times be ready to receive messages of such wave lengths as are required by the Berlin convention.

OTHER WAVE LENGTHS.

Second. In addition to the normal sending wave length all stations, except as provided hereinafter in these regulations, may use other sending wave lengths: *Provided*, That they do not exceed 600 meters or that they do exceed 1,600 meters: *Provided further*, That the character of the waves emitted conforms to the requirements of regulations third and fourth following.

USE OF A "PURE WAVE."

Third. At all stations if the sending apparatus, to be referred to hereinafter as the "transmitter," is of such a character that the energy is radiated in two or more wave lengths, more or less sharply defined, as indicated by a sensitive wave meter, the energy in no one of the lesser waves shall exceed 10 per cent of that in the greatest.

USE OF A "SHARP WAVE."

Fourth. At all stations the logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

USE OF "STANDARD DISTRESS WAVE."

Fifth. For the purpose of sending signals of distress every station on shipboard shall be so adjusted, except on vessels of small tonnage unable to have plants insuring that wave length, as to permit these signals to be sent with a wave length of approximately 300 meters.

SIGNAL OF DISTRESS.

Sixth. The distress call used shall be the international signal of distress . . . — — — . . .

USE OF "BROAD INTERFERING WAVE" FOR DISTRESS SIGNALS.

Seventh. When sending distress signals the transmitter of a station on shipboard may be tuned in such a manner as to create a maximum of interference with a maximum of radiation.

DISTANCE REQUIREMENT FOR DISTRESS SIGNALS.

Eighth. Every station on shipboard, wherever practicable, shall be prepared to send distress signals of the character specified in regulations 5 and 6 with sufficient power to enable them to be received by

day over sea a distance of 100 nautical miles by a shipboard station equipped with apparatus for both sending and receiving equal in all essential particulars to that of the station first mentioned.

"RIGHT OF WAY" FOR DISTRESS SIGNALS.

Ninth. All stations are required to give absolute priority to signals and radiograms relating to ships in distress; to cease all sending on hearing a distress signal; and, except when engaged in answering or aiding the ship in distress, to refrain from sending until all signals and radiograms relating thereto are completed.

REDUCED POWER FOR SHIPS NEAR A GOVERNMENT STATION.

Tenth. No station on shipboard, when within 15 nautical miles of a naval or military station, shall use a transformer input exceeding 1 kilowatt, nor, when within 5 nautical miles of such a station, a transformer input exceeding one-half kilowatt, except for sending signals of distress or signals or radiograms relating thereto.

INTERCOMMUNICATION.

Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively.

DIVISION OF TIME.

Twelfth. At important seaports and at all other places where naval or military and private or commercial shore stations operate in such close proximity that interference with the work of naval and military stations can not be avoided by the enforcement of the regulations contained in the foregoing regulations concerning wave lengths and character of signals emitted, such private or commercial shore stations as do interfere with the reception of signals by the naval and military stations concerned shall not use their transmitters during the first 15 minutes of each hour, local standard time. The Secretary of Commerce and Labor may, on the recommendation of the department concerned, designate the station or stations which may be required to observe this division of time.

GOVERNMENT STATIONS TO OBSERVE DIVISIONS OF TIME.

Thirteenth. The naval or military stations for which the above-mentioned division of time may be established shall transmit signals or radiograms only during the first 15 minutes of each hour, local standard time, except in case of signals or radiograms relating to vessels in distress, as hereinbefore provided.

USE OF UNNECESSARY POWER.

Fourteenth. In all circumstances, except in case of signals or radiograms relating to vessels in distress, all stations shall use the minimum amount of energy necessary to carry out any communication desired.

GENERAL RESTRICTIONS ON PRIVATE STATIONS.

Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes at the date of passage of this act, shall use a transmitting wave length exceeding 200 meters, or a transformer input exceeding 1 kilowatt, except by special authority of the Secretary of Commerce and Labor contained in the license of the station.

SPECIAL RESTRICTIONS IN THE VICINITIES OF GOVERNMENT STATIONS.

Sixteenth. No station of the character mentioned in regulation 15 situated within 5 nautical miles of a naval or military station shall use a transmitting wave length exceeding 200 meters or a transformer input exceeding one-half kilowatt.

SHIP STATIONS TO COMMUNICATE WITH NEAREST SHORE STATION.

Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiograms transmitted. The station on shipboard shall then wait until such shore station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

LIMITATIONS FOR FUTURE INSTALLATIONS IN VICINITIES OF GOVERNMENT STATIONS.

Eighteenth. No station on shore not in actual operation at the date of the passage of this act shall be licensed for the transaction of commercial business by radio communication within 15 nautical miles of the following naval or military stations, to wit: Arlington, Va.; Key West, Fla.; San Juan, P. R.; North Head and Tatoosh Island, Wash.; San Diego, Cal.; and those established or which may be established in Alaska and in the Canal Zone; and the head of the department having control of such Government stations shall, so far as is consistent with the transaction of governmental business, arrange for the transmission and receipt of commercial radiograms under the provisions of the Berlin convention of 1906 and future international conventions or treaties to which the United States may be a party, at each of the stations above referred to, and shall fix the rates therefor, subject to the control of such rates by Congress. At such stations and wherever and whenever shore stations open for general public business between the coast and vessels at sea under the provisions of the Berlin convention of 1906 and future international conventions and treaties to which the United States may be a party, shall not be so established as to insure a constant service, day and night, without interruption, and in all localities wherever or whenever such service shall not be maintained by a commercial shore station within 100 nautical miles of a naval radio station the Secretary of the Navy shall, so far as is consistent with the transaction of governmental business, open naval radio stations to the general public business described above, and shall fix rates for such service, subject to control of such rates by Congress. The receipts from such radiograms shall be covered into the Treasury as miscellaneous receipts.

SECRECY OF MESSAGES.

Nineteenth. Every operator shall be obligated in his license to preserve, and shall preserve faithfully, the secrecy of radiograms which he may receive or transmit; and for failure to preserve such secrecy his license may be revoked by the Secretary of Commerce and Labor.

PENALTIES.

For violation of any of these regulations, subject to which a license under sections 1 and 2 of this act may be issued, the owner of the apparatus shall be liable to a penalty of $100, which may be reduced or remitted by the Secretary of Commerce and Labor, and for repeated violations of any of such regulations, which shall be deemed a misdemeanor, the license may be revoked.

For violation of any of these regulations, subject to which a license under section 3 of this act may be issued, the operator shall be subject to a penalty of $25, which may be reduced or remitted by the Secretary of Commerce and Labor, and for repeated violations of any such regulations, which shall be deemed a misdemeanor, the license may be suspended.

SEC. 5. That every license granted under the provisions of this act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not willfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed $500 or imprisonment for not to exceed one year, or both.

SEC. 6. That the expression "radio communication" as used in this act means any system of electrical communication by telegraphy or telephony without the aid of any wire connecting the points from and at which the radiograms, signals, or other communications are sent or received.

SEC. 7. That a person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent distress signal or call or false or fraudulent signal, call, or radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent distress signal or call shall be a fine of not more than $2,500 or imprisonment for not more than five years, or both, in the discretion of the court, for each and every such offense, and the penalty for so uttering or transmitting, or causing to be uttered or transmitted, any other false or fraudulent signal, call, or radiogram shall be a fine of not more than $1,000 or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense.

SEC. 8. That a person, company, or corporation shall not use or operate any apparatus for radio communication on a foreign ship in territorial waters of the United States otherwise than in accordance with the provisions of sections 4 and 7 of this act and so much of section 5 as imposes a penalty for interference. Save as aforesaid, nothing in this act shall apply to apparatus for radio communication on any foreign ship.

SEC. 9. That the trial of any offense under this act shall be in the district in which it is committed or in any district in which the offender may be found, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district the trial shall be in the district where the offender may be found or into which he shall be first brought.

SEC. 10. That this act shall take effect and be in force on and after 90 days from its passage.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. ALEXANDER. Very well.

Mr. MANN. This is a very important subject to which attention has been particularly attracted in recent days. I have examined the bills which the gentleman from Missouri has reported from his committee and would like to take occasion to congratulate the gentleman from Missouri on the very hard, earnest, and intelligent work that his committee has done in reference to these various propositions.

Mr. ALEXANDER. I appreciate the compliment.

Mr. MANN. I think the work done by the Committee on the Merchant Marine and Fisheries at this session is the most important that has been done by that committee in many years, and, I will say, is as important as any committee of this House. Yet it seems to me that a bill of this sort ought to receive more consideration than can be given it on the unanimous-consent calendar. Now, does not the gentleman believe if Congress runs on he will have an opportunity to bring this up by unanimous consent, fixing a day for its consideration in the near future? The gentleman has introduced a rule providing for the consideration of a number of bills. Of course, if we should have the good fortune to adjourn Congress in the middle of this month, I take it——

Mr. BUTLER. That is a radiogram the gentleman is sending.

Mr. MANN (continuing). That this bill would have to go over; but, even at that, if we should adjourn this month without the consideration of this bill and these other bills which the gentleman has for consideration, the gentleman will remember, when we convene in December, there are no appropriation bills ready to report, and that gentlemen who are ready to take up other bills at once usually get most of the month of December for the passage of such bills. This being a Senate bill, and we pass it, that would end it. Now, I do not think the gentleman ought to ask the House to consider a bill like this on unanimous-consent day, notwithstanding its great importance and notwithstanding the intelligent work which the gentleman and his committee have done on this and the other bills.

Mr. ALEXANDER. Mr. Speaker, I appreciate all the gentleman has said, and I appreciate very much the compliment he has paid to my committee.

Mr. MANN. It was deserved.

Mr. ALEXANDER. Now, I felt it my duty, in view of the lateness of the session and the chances that the bill might not

be reached on the call of committees, to exhaust every parliamentary method to secure consideration of this bill.

Mr. MANN. The gentleman was quite right in that, of course.

Mr. ALEXANDER. And I appreciate the weight of the suggestion made by the gentleman from Illinois, and, as the bill has been read, if the gentleman thinks it ought not to be considered to-day, why would it not be well to ask unanimous consent that its consideration may be deferred until the next Unanimous Consent Calendar day? That will give the Members of the House an opportunity to study the bill, and if there are amendments which they wish to have considered, I shall be very glad to entertain them. I think it possibly may be better to let the House adopt amendments to the bill if it so desires and let it go over to the Senate, and if they are rejected let the bill go to conference. This bill, of course, comes to the House and the Senate from the Department of Commerce and Labor, cooperating with the Navy and War Departments. There are very large commercial interests involved; extensive hearings have been held both by the Senate and House committees, and the bill has been considered for months past by subcommittees of the House and the Senate, and as amendments were suggested in one committee they were conveyed to and considered and in most instances agreed to by the other, so that the two bills are in all essential particulars the same.

Mr. BUTLER. I notice a little difference in the reading.

Mr. ALEXANDER. I can point out the differences to the gentleman. It was simply that I might discharge a duty which is an important one in having wireless telegraphy regulated, to prevent the interferences that are a constant source of annoyance, and to place this great art on some footing under wholesome and reasonable regulations that I have placed it on the Calendar for Unanimous Consent.

Mr. MANN. Will the gentleman yield to allow me to ask one question on the subject matter of the bill?

Mr. ALEXANDER. Certainly.

Mr. MANN. What jurisdiction, in the first place, has the Government of the United States over an electric current which passes in the air from one State to another? How can anybody tell the effect of a radiogram which extends beyond the exclusive jurisdiction of a State or Territory where the same originates?

Mr. ALEXANDER. Of course, that provision is incorporated under the provision of the Constitution vesting in Congress the power to regulate commerce between the States, and if a radiogram or message sent by a station within a State is received by a station beyond a State it might be regarded as interstate business and may be taken as evidence of the fact that they are violating this law. The purpose of the bill is to prevent interference by amateurs with commercial and Government business.

Mr. MANN. If the gentleman will permit, I do not think he gets part of my question. Say there is an amateur working with a wireless instrument and he sends out a current. It goes beyond the limits of a State, and by the fact it goes beyond the limits of the State he is subjected to an offense under the provisions of this bill.

Mr. ALEXANDER. Yes; if they use a wave length exceeding 200 meters or it interferes with Government or commercial stations.

Mr. MANN. Oh, it does not make any difference what is the wave length he uses. If he has not taken out a license under the provisions of this bill, he can not send out a radiogram or other electric current the effect of which extends beyond the limits of the State. How does anyone know how far it goes, and if they do know, how far does the commerce clause of the Constitution give to us the power to say that that thing done in a particular State the effect of which extends beyond the State is punishable? In other words, we say that a man on the Indiana side of the State line between Indiana and Illinois can not talk because the sound of his voice goes across the State line.

Mr. ROBERTS of Massachusetts. If that is an interference with interstate commerce.

Mr. MANN. That has nothing to do with interference with interstate commerce. This requires a license. I only ask the gentleman——

Mr. BUTLER. So that he may think about it.

Mr. MANN. So he may think about it. Now, if the gentleman will permit, I do not propose to place the responsibility upon the gentleman, but assume it myself. I shall object to the consideration of the bill at this time, but will not object to the gentleman asking unanimous consent to pass the bill over without objection to the next calendar day.

Mr. ALEXANDER. I think that is quite fair.

Mr. MANN. And let it come up on the next calendar day.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the consideration of this bill may go over without prejudice until the next calendar Monday.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that the consideration of this bill go over without prejudice until two weeks from to-day.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The bill on the Unanimous Consent Calendar is the House bill. As I understand, the Senate bill has been substituted now for that on the Calendar for Unanimous Consent, and it is the Senate bill that goes over.

The SPEAKER. Yes; it is the Senate bill that goes over. Is there objection?

Mr. BUTLER. Mr. Speaker——

Mr. MANN. What about the House bill?

The SPEAKER. The House bill will be laid on the table, under the usual practice, if anybody asks for it to be.

Mr. MANN. The House bill might as well be laid on the table.

Mr. BUTLER. This request carries the consideration of the bill over for two weeks from this day?

The SPEAKER. That is the Senate bill.

Mr. MANN. Unless it should come up sooner?

The SPEAKER. Yes; and by unanimous consent the House bill is laid on the table. The Chair will call the attention of the gentleman from Missouri and of the gentleman from Illinois to the fact that the last six days of the session are suspension days. Of course, that has nothing to do with the Calendar for Unanimous Consent.

Mr. MANN. Mr. Speaker, I hope the Speaker will not make that statement, because it has always been held heretofore that the last six days of the session, which will not occur at this session, being suspension days, are also Unanimous-Consent Calendar days.

The SPEAKER. The Chair does not hold that now, because the Chair is not required to pass an opinion upon it. The Chair was referring only to the two-thirds rule. There may not be the six days in contemplation of that clause. We do not know about it.

CARRIAGE OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23001) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States, as amended by the act of March 3, 1905, and by the act of May 28, 1906, be further amended by substituting a colon for the period at the end of said section as amended and adding thereto the following proviso: "*Provided further*, That nothing in the foregoing or following sections of this act shall prohibit the use, by steam vessels carrying passengers for hire, of lifeboats equipped with gasoline motors and tanks containing gasoline for the operation of said motor-driven lifeboats: *Provided, however*, That no gasoline shall be carried other than that in the tanks of the lifeboats."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 5, by adding, after the word "lifeboats," the following proviso:

"*Provided further*, That the use of such lifeboats equipped with gasoline motors shall be under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SUBPORT OF ENTRY AND DELIVERY, INDIANA HARBOR, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana.

The Clerk read the bill, as follows:

Be it enacted, etc., That Indiana Harbor, in the State of Indiana, on the southern shore of Lake Michigan, be, and the same is hereby, constituted a subport of entry and delivery within the district of Chicago, Ill., and customs officers shall be stationed at said subport with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services, and receive such compensation, as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, this bill being on the Union Calendar, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF CERTAIN LANDS TO STATE OF IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20684) authorizing the donation of the lands, buildings, and other property heretofore used as the Lemhi Indian School, on the Lemhi Reservation in Idaho, to the State of Idaho.

The Clerk read the bill, as follows:

Be it enacted, etc., That the lands and buildings and other property heretofore used as a school for the Lemhi Indians, and situated on the Lemhi Reservation in Idaho, are hereby donated to the State of Idaho, to be used as a reform school by said State; and the Secretary of the Interior is hereby authorized to issue patent in fee to the State of Idaho for the property embraced in this grant.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the amendment reported, reserving the right to object.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out lines 3, 4, 5, 6, 7, 8, and 9, page 1, and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized to cause to be sold, under such regulations, terms, and conditions as he may prescribe, the unappropriated school and agency lands on the former Lemhi Indian Reservation, in the State of Idaho, described as follows: Northwest quarter, northwest quarter southwest quarter, section 28, northeast quarter northeast quarter, west half southwest quarter northeast quarter, east half southeast quarter northeast quarter, excepting 1 acre of ground and the building thereon to be sold to the school board of district No. 26, Lemhi County, Idaho; lot 1, northwest quarter southeast quarter, south half southeast quarter, section 29, township 18 north, range 24 east, Boise meridian, containing 434 acres, together with the buildings thereon, and to convey the same by patent or patents in fee simple to the purchaser or purchasers: *Provided*, That the State of Idaho shall be given the preference right for one year from and after the passage of this act to purchase said lands, together with the buildings, at the present appraised value thereof."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho."

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NORWEGIAN ICE BREAKER "KIT."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit*.

Mr. WILSON of Pennsylvania. Mr. Speaker, in the absence of the gentleman from Texas [Mr. HARDY], I ask unanimous consent that the bill go over until the next unanimous-consent day, without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill go over, without prejudice, until the next unanimous-consent day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SUBPORT OF ENTRY AT BAY CITY, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17679) to make Bay City, Mich., a subport of entry.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

That Bay City, in the State of Michigan, be, and is hereby, constituted a subport of entry in the customs collection district of Huron, and that the privileges of the first section of the immediate transportation act, approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport. And such customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport as, in his judgment, the interests of the service may require, who shall receive such compensation as may be fixed by him.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. MANN. Mr. Speaker, this is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. RAINEY, a motion to reconsider the last vote was laid on the table.

RADIO COMMUNICATION ON CERTAIN OCEAN STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The bill was read as follows:

Be it enacted, etc., That the act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended by the addition of the following words to section 1:

"*Provided also*, That on and after the 1st day of July, 1912, it shall be unlawful for any ocean-going steamer of the United States or of any foreign country, carrying 100 or more persons, whether passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication in good working order, in charge of two or more persons skilled in the use of such apparatus, one of whom shall be on duty at all hours of the day and night, which apparatus shall be capable of transmitting and receiving messages over a distance of at least 100 miles, night or day."

The following substitute proposed by the Committee on the Merchant Marine and Fisheries was read:

That section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry 50 or more persons, including passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, under all atmospheric conditions safe for an operator to work.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

"That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart."

SEC. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean-going cargo steamers shall take effect on and after July 1, 1913.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman whether he thinks it would be proper for this bill to go over with the other one, which went over a few minutes ago?

Mr. ALEXANDER. This is a substitute for the Senate bill, which was passed by the Senate as an amendment to the act of June 24, 1910. I would prefer that it be considered now. It is a simple proposition. If any amendments are desired to improve the bill, we have no particular pride in the language.

Mr. MANN. I should like to ask the gentleman one question in reference to the bill, if I may.

Mr. ALEXANDER. Certainly.

Mr. MANN. The provision is that the radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Just what jurisdiction has the United States to say how a vessel shall be navigated on the high seas, outside of the 3-mile limit, if that vessel belongs to a foreign country?

Mr. ALEXANDER. I should say that we have no jurisdiction to enforce the penalty, and as to those vessels it would be no more than advisory. At the same time, I could point the gentleman to legislation by Congress along the same lines, in which they prescribe regulations for foreign ships on the high seas.

Mr. BUTLER. Could we not decline to admit them to American ports and decline to give them clearance papers?

Mr. MANN. That is the trouble. Supposing Great Britain makes one regulation for foreign ships on the high seas and we make another regulation concerning the same ships on the high seas. Those ships would be on the high seas, but they would be between the devil and the deep sea.

Mr. BUCHANAN. They would be between two devils, would they not?

Mr. ALEXANDER. In my opinion the practical effect would be that it would be impossible to enforce the penalties except as to American vessels or foreign vessels in American waters.

Mr. MANN. Of course we could decline to give clearance and entry unless they did certain things, but I do not see where we get the authority to control the navigation of a foreign vessel on the high seas, and I have been afraid that if we assume that authority other nations will assume the same thing, and that there will be conflict rather than accord.

Mr. BUTLER. Will the gentleman explain why it is that the limit is placed at 100 passengers? It seems to me all ships carrying passengers for hire, even if no more than half a dozen, ought to have the very best wireless apparatus.

Mr. MANN. How can a little tugboat carry wireless apparatus?

Mr. BUTLER. A little tugboat would not be carrying passengers for hire.

Mr. MANN. Not on the high seas.

Mr. BUTLER. No.

Mr. MANN. But they would on the rivers and lakes.

Mr. ALEXANDER. The House substitute provides that it shall apply to 50 or more persons, including the crew. The Senate bill makes it apply to 100 persons.

Mr. BUTLER. I did not hear the reading of the amendment.

Mr. ALEXANDER. That is the existing law, except that the existing law does not apply to cargo vessels, whereas the committee amendment does apply to cargo vessels as well as to passenger vessels.

Mr. BUTLER. Does not the law apply to vessels carrying both passengers and freight?

Mr. ALEXANDER. Not the existing law.

Mr. BUTLER. It should.

Mr. ALEXANDER. This amendment proposes to do so.

Mr. BUTLER. I did not hear it as it was read, and I could not get a copy of the bill. I understand that the committee substitute applies to vessels carrying 50 or more persons, including the crew.

Mr. ALEXANDER. With the gentleman's permission, I will explain briefly the provisions of the House substitute for the Senate bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object until the gentleman finishes his explanation.

Mr. ALEXANDER. The act of June 24, 1910, which may be found on page 424 of the navigation laws of the United States, requires passenger vessels to be equipped with wireless apparatus. That act applies to passenger steamers carrying 50 or more persons, including passengers and crew. It also provides that those vessels should be equipped with apparatus for radio communication, and that the apparatus should be in charge of a skilled operator. This bill only amends section 1 of that act.

The first amendment suggested by the Committee on the Merchant Marine and Fisheries to the Senate bill is to postpone the time when the act shall go into effect till October 1, 1912. I am not sure but that the bill should be amended so as to provide that it shall go into effect on the 1st of January next, because I have communications from the companies manufacturing wireless apparatus and from the vessel owners who are endeavoring to secure operators stating that it will be very difficult to provide the apparatus and to secure skilled operators by the 1st day of October next.

The second respect in which the House substitute amends the Senate bill is to provide that the act shall apply to cargo as well as passenger vessels, where they carry or are licensed to carry 50 or more persons, including passengers or crew, or both. The House substitute provides:

That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry 50 or more persons, including passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set.

There are times when it is dangerous to the operator's life to work the set, for instance, during thunderstorms.

You will note that we further amend the existing law by providing—

that an auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, etc.

Suggestions have been made that we ought to provide for an auxiliary power supply to enable the sending set to send messages over a distance of 300 miles or more, but manifestly if the ship was foundering at sea it would not be possible for a ship more than 100 miles away to go to her relief, and hence 100 miles for all practical purposes will meet the situation.

Mr. BUTLER. That is only six hours' notice. I was wondering why the gentleman did not increase the distance of the radiograph from 100 to 300 miles, but he is making the explanation.

Mr. ALEXANDER. Yes. Then it is well known that daylight absorbs the radio energy, and the efficiency of the apparatus in the daytime is not so great as at night. The provision in the committee substitute is that the auxiliary power supply shall be efficient for 100 miles both day and night.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. MOORE of Pennsylvania. There is nothing in this bill that binds ordinary tugboats plying in harbors to comply with its conditions, is there?

Mr. ALEXANDER. No. The Senate bill and the committee substitute both provide:

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated.

The criticism that we have no jurisdiction over foreign vessels navigated outside of our waters is a legitimate criticism, but we will not undertake to enforce any penalty against those vessels in our courts for an offense committed outside of the 3-mile limit, but it is intended to apply to all vessels of the United States.

The committee substitute for the Senate bill further provides that such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master in the case of a vessel of the United States, and that every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

Now, the Berlin convention regulates many of these matters, and from time to time we may pass further legislation relating to wireless telegraphy, and hence that clause was inserted to meet those conditions as they may arise.

Mr. GARNER. Mr. Speaker, may I ask the gentleman for whose benefit he is making this explanation?

Mr. ALEXANDER. I am making it for the benefit of the House.

Mr. GARNER. Who reserved the objection?

Mr. ALEXANDER. The gentleman from Illinois [Mr. MANN].

Mr. GARNER. But the gentleman from Illinois has been busily engaged in conversation with two other gentlemen for some time.

Mr. MANN. I beg the gentleman's pardon; I can listen to all that the gentleman from Texas says worth hearing and talk with two other gentlemen besides. [Laughter.] I have listened carefully to what the gentleman from Missouri has been saying, and I will say, further, that I do not desire to object. The gentleman desired to explain his bill, and I reserved an objection. I did not desire to talk all day on the bill.

Mr. GARNER. Well, Mr. Speaker, I simply wanted to bring the matter to a close.

Mr. WILLIS. Will the gentleman from Missouri yield for a question?

Mr. ALEXANDER. Yes.

Mr. WILLIS. I want to ask the gentleman whether he has considered what might be the result of the language in lines 19, 20, and 21, on page 3——

That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart.

It occurs to me that there are ports less than 200 miles apart between which vessels are plying and where such vessels carry

a large number of passengers. I ask the gentleman whether it would not be advisable to have that language stricken out?

Mr. ALEXANDER. That is the existing law, passed in 1910.

Mr. WILLIS. Does the existing law apply to steamers on the Great Lakes the same as on the ocean?

Mr. ALEXANDER. It does not, but this will. I am told that most of the steamers on the Great Lakes are equipped with wireless telegraphy now.

Mr. WILLIS. Even if it is existing law, does not the gentleman think it would be wise to have this provision stricken out so that the requirement might apply to vessels that carry a large number of passengers between lake ports where the lives of thousands of people are involved? I do not see why this distinction should be in there.

Mr. ALEXANDER. We were reluctant to disturb existing law unless it was necessary.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read the amendment in the nature of a substitute.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The amended Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISPOSITION OF CONDEMNED BRONZE OR BRASS CANNON IN CERTAIN CITIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, and so forth.

The Clerk proceeded to read the bill.

Mr. HAY. Mr. Speaker, this bill was read in the House in full two weeks ago and I ask unanimous consent to dispense with the reading of the bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to waive the reading of the bill. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman from Virginia object if I offer an amendment to the bill?

Mr. HAY. Not at all. I think every city that wants one of these cannon ought to have it.

Mr. MANN. I would like one for the city of Chicago or for a Grand Army post.

The SPEAKER. The Clerk will read the amendment.

Amend, page 5, after line 8, by inserting as a new paragraph the following:

"To the city of Chicago, Ill., one condemned bronze or brass cannon with its carriage and a suitable outfit of cannon balls, to the use of L. H. Drury Post, No. 467, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War."

Mr. GARNER. That does not cost the Government anything; it is subject to the proviso, is it?

Mr. MANN. It comes in ahead of the proviso.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

IMMIGRATION STATION SITE, BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

The Clerk began to read the bill.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to have this bill go over.

Mr. TOWNER. Mr. Speaker, I was just going to ask, at the request of the gentleman from Maryland [Mr. LINTHICUM], that, pending some facts which he desires to investigate, the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas and the gentleman from Iowa?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4568. An act granting an increase of pension to Annie R. Schley; to the Committee on Pensions.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

DESERT-LAND ENTRIES, CHUCKAWALLA VALLEY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 each; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5 and 6 south, range 22 east, Santa Bernardino meridian, State of California, shall be canceled because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1913.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I will state that I understand the situation and think the bill is all right, but reading it over hurriedly just now this fact has occurred to me, that it might affect some entries other than those the gentleman had in mind, because it provides that no entry shall be canceled because of failure on the part of entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1913. Does the gentleman want to include any such entries against which contests might have been filed?

Mr. RAKER. I think this would cover them all. In other words, if there have been contests filed——

Mr. MONDELL. Does the gentleman know whether there have been such contests?

Mr. RAKER. There seem to have been none, so far as the report of the department is concerned and so far as the information that I can get from those who live in the valley is concerned. I received several letters, one yesterday and one to-day. The history of the matter is set out clearly in the report. It simply gives these people up until that time to determine whether they will go ahead and try to improve the desert claims. There are about 780 of them, and there is a contest now between the United States and Mexico as to who is entitled to the water. This bill will give these people the necessary temporary relief until the water controversy between the United States and Mexico is settled. This relief is urgent and necessary and I trust it will pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, this is on the Union Calendar, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BETWEEN DAUPHIN ISLAND AND MAINLAND AT CEDAR POINT, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23799) to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved June 25, 1910, entitled "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," be amended to read as follows:

"SEC. 6. That the authority granted in section 1 of said act shall be considered withdrawn and deemed to be revoked if the said railroad bridge or bridges and approaches thereto be not constructed and put in operation by or before the 18th day of September, 1916."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not suppose that the gentleman from Maryland [Mr. COVINGTON] in charge of the bill will know, but there is some item relating to this matter, I think, which was inserted as an amendment in the Senate to the river and harbor bill. Is the gentleman familiar with that?

Mr. COVINGTON. I understand, Mr. Speaker, that the necessity for this bill is that the bridge work depends upon certain river and harbor work, and that the time for construction of the bridge having expired and the river and harbor work not having been completed, but an appropriation now being provided for it, it is necessary to extend the time to construct the bridge. It is represented that it can not be satisfactorily constructed until the river and harbor work is done.

Mr. MANN. There is in the river and harbor bill now in conference a Senate amendment. I do not recall just what it is, nor whether it is as to the same company, but it gives certain rights to some company with reference to Dauphin Island. I do not know whether it is in conflict with this or whether it is the same thing. Of course, if it is the same thing it does not make any difference. If it goes through in this bill, it would not have to stay in the river and harbor bill.

Mr. COVINGTON. I do not think it affects this proposition.

Mr. MANN. I think it does affect this, but I shall not object.

Mr. SABATH. Mr. Speaker, reserving the right to object, I will ask the gentleman where Dauphin Island is?

Mr. COVINGTON. It is near Mobile, Ala.

Mr. SABATH. Is that the property that is now being used by a railroad?

Mr. COVINGTON. I think so.

Mr. MANN. Dauphin Island is between Mobile and the Gulf. We have had this matter up a number of times in the Committee and in the House.

Mr. COVINGTON. This legislation in one form or another has been before the House a number of times.

Mr. SABATH. Is not this the fact, that this railroad is trying to preclude other companies from getting into the harbor?

Mr. COVINGTON. Oh, no.

Mr. SABATH. If I am not mistaken, some charges have been made to that effect.

Mr. COVINGTON. Mr. Speaker, I think the gentleman refers to the situation of the Mobile & Ohio Railroad Co., in connection with what are known as the Turner-Hartwell Docks. That is a controversy with regard to the exclusive operation of certain water-front properties and the monopoly of terminal facilities at Mobile.

Mr. SABATH. That is it.

Mr. COVINGTON. It has no connection whatever with the Dauphin Island Railway & Harbor Co.

Mr. SABATH. This is not the property or place?

Mr. COVINGTON. No. The dock and terminal controversy is a matter which is now before the Interstate Commerce Commission as affecting the right to the exclusive control of dock operations within the city of Mobile.

Mr. SABATH. That is what I had reference to.

Mr. MANN. This is an effort to construct a competing proposition below the city.

Mr. COVINGTON. This is an effort of the citizens of Mobile themselves to provide for the destruction of the exclusive monopoly that exists there.

Mr. SABATH. I understood there was an exclusive right maintained by the Mobile & Ohio Co., and no other railroad company was able to enter the harbor and could not obtain any facilities. I did not know whether this was owned by the Mobile & Ohio or was a separate and distinct and independent railroad.

Mr. COVINGTON. It is a separate and distinct concern. It provides competition rather than promotes monopoly.

Mr. SABATH. The gentleman is sure of that?

Mr. COVINGTON. That is my understanding.

Mr. SABATH. And will give the people of Mobile relief from the operation of the Mobile & Ohio Railroad?

Mr. COVINGTON. That is my understanding.

Mr. MOORE of Pennsylvania. It does not involve any cost to the Government?

Mr. COVINGTON. None at all.

Mr. ADAMSON. It is merely extending the time to build the bridge.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out section 6 and insert:

"That the Dauphin Island Railway & Harbor Co., a corporation existing under the laws of the State of Alabama, be, and it is hereby, authorized to construct, maintain, and operate a bridge or bridges, and approaches thereto, between the mainland, at a point suitable to the interests of navigation at or near Cedar Point, and Dauphin Island, both Little and Big, situated in Mobile County, State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the authority hereby granted shall be considered as withdrawn and deemed to be revoked if the said bridge or bridges and approaches thereto be not constructed and put in operation by or before the 18th day of September, 1916."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GOOSE CREEK, BERKELEY COUNTY, S. C.

The next business on the Calendar for Unanimous Consent was the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

The Clerk read as follows:

Be it enacted, etc., That the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, at or near a point within a radius of about one and one-half miles below the waterworks spillway, in Berkeley County, State of South Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore (Mr. GRAHAM). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk reads as follows:

Page 1, line 9, after the words "South Carolina," insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER OF THE NORTH AT PEMBINA, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

The Clerk read as follows:

Be it enacted, etc., That the municipal authorities of Pembina, in the State of North Dakota, and St. Vincent, in the State of Minnesota, are hereby authorized to construct and maintain a pontoon bridge across the Red River of the North, at a point suitable to the interests of navigation within the corporate limits of said cities, in accordance with the provisions of the act of Congress entitled "An

act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WALHALLA, NECHE, AND ST. JOHN, N. DAK., SUBPORTS OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 4572) to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress, approved June 10, 1880, to said subports.

The Clerk read as follows:

Be it enacted, etc., That Walhalla, Neche, and St. John, in the State of North Dakota, be, and the same are hereby, designated subports of entry in the customs collection district of North and South Dakota.

SEC. 2. That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the said subports.

SEC. 3. That the Secretary of the Treasury is hereby authorized to discontinue the said subports of entry, or to withdraw the privileges of the first section of the act of June 10, 1880, therefrom, at any time when he shall be satisfied that the interests of commerce or of the revenue no longer require their continuance.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I observe that this bill proposes to make three different places in North Dakota subports of entry. We have already to-day passed two bills each making one place a subport of entry and another bill of the same character was objected to. What is the additional expense, if any, to the Government where one of these towns is made a subport of entry? Does the gentleman happen to know?

Mr. HAMMOND. In the report it appears that there will be no extra expense to the Government. These are three small towns on the North Dakota border. Already a customs officer is there to examine freight and passengers' baggage, and if they are made subports of entry there will be no additional expense so far as known.

Mr. MANN. I know the Secretary of the Treasury reports in this case that there will be no extra expense. I desire to have it go on the record because I am very certain that that statement is incorrect.

Mr. HAMMOND. Unless business should increase so very, very largely that it will be necessary to have more officers there I can say the statement is correct. I do not see how there can be any more expense. The amount of business done in all three of those towns will not probably exceed $6,000 at the present time, and this is simply a convenience——

Mr. MANN. I understand it is a convenience which I think should be granted where it can be and where it is not too expensive.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMMOND. Mr. Speaker, this bill is upon the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAMMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF BRIDGE ACROSS SNAKE RIVER IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21171) authorizing the use of the reclamation fund in the construction of a bridge across Snake River in Wyoming.

Mr. MONDELL. Mr. Speaker, I wish to ask the gentleman from Oklahoma [Mr. CARTER] if he intends to object to the consideration of this bill. If he does, I do not care to take up the time of the House in having it read.

Mr. CARTER. Mr. Speaker, I much regret that at the request of my colleague from Oklahoma [Mr. FERRIS] I will be obliged to object.

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar.

LIGHTING OF PINEY BRANCH ROAD FROM GEORGIA AVENUE TO BUTTERNUT STREET.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to light and maintain the lights on Piney Branch Road from Georgia Avenue to Butternut Street.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, considering the fact the District of Columbia Committee has been shunted a few times from District day, I suppose there is no real objection to putting a District bill on the Calendar for Unanimous Consent, although that is not to be the customary thing.

Mr. LOBECK. I do not think so.

Mr. MANN. Now, may I ask the gentleman: Under the existing law the District Commissioners have the authority to light this street?

Mr. LOBECK. They seem to have that authority whenever they want to change a street or make any changes in a street.

Mr. MANN. Well, now, I have been here a long time, and I do not recall any case where Congress passed a bill directing that a certain street be lighted. I am very confident that the District Commissioners have authority to light streets out of appropriations that Congress makes for that purpose. Now, does the gentleman propose that Congress shall hereafter determine in each case where a gas lamp shall be located and not the District Commissioners?

Mr. LOBECK. I only know in this case that this street was lighted for over 30 years, and I know from having seen the street myself that the lights should not have been removed, but by some authority the lights have been taken away from the street, and a wrong has been done to citizens and home owners on that street. It is a street that has much travel now, more than any street in that neighborhood.

Mr. MANN. Is not this the case, that Congress appropriates so much money for street lighting, but did not appropriate the amount which the District Commissioners asked for, but Congress made a reduction, a perfectly proper practice. Thereupon the District Commissioners, making an examination of the situation and being compelled to make use of the money as best they could, came to the conclusion that this street might do without lighting better than some other street and thereupon cut off the lamps. Now Congress proposes to order the lamps to be restored, but did not provide the means.

Mr. LOBECK. No. It is reported that the commissioners removed these lights, placed them on another street, and removed the lights from a street that has a great deal of travel on it, that has buildings built along it and homes built along it and has been lighted for the last 30 years. This street or road has been lighted during all that time. The lights should not have been taken away, as anyone will agree who will go over the street.

Mr. MANN. The fact is they cut off those lights in order to light some other place.

Mr. LOBECK. That is what is reported.

Mr. MANN. The gentleman said the commissioners moved these lamps to another street——

Mr. LOBECK. You can call it moving, but they took them away.

Mr. MANN. I do not know whether they did or not. The fact is that they cut off these lights because they could not light all the places they wanted to light, and they had to cut off at some place. Now, does the gentleman believe that it ought to be the policy of Congress to determine where a gas lamp shall be located instead of leaving that to the commissioners after we determine how much money shall be expended for the purpose?

Mr. LOBECK. If they do not expend the money appropriated for the lighting fund any better than they do in other funds of this city, I want to say that it is no credit to the commissioners. They have plenty of money to light the city with.

Mr. FOSTER. Do I understand from the gentleman that there were lights on this particular street before?

Mr. LOBECK. Yes; for over 30 years.

Mr. FOSTER. And the commissioners removed the lights to some other street where, in their judgment, they were more necessary?

Mr. LOBECK. They removed them a block away, so it is said, to a new street, and then placed some lights on that street.

Mr. FOSTER. Does the gentleman from Nebraska think it is a good policy, when the general law covers these cases, that

Congress should be asked to pass a bill placing lights on certain streets?

Mr. LOBECK. Well, I do not know what you have a District of Columbia Committee for, if it has no jurisdiction—where the General Government pays part of the expense.

Mr. FOSTER. I gather from what my colleague from Illinois [Mr. MANN] has said that you have a law on the statute book placing this matter in the hands of the District Commissioners.

Mr. MANN. Nobody denies that. That is too patent for question.

Mr. FOSTER. Now, you want to pass a law saying that this particular street shall be lighted, notwithstanding the statement of the commissioners that it is not necessary.

Mr. LOBECK. If I thought the judgment of the commissioners was infallible, I would agree with the gentleman. But the people who have spent their money in improving this street and in building their homes along it are entitled to protection, and the Commissioners of the District have taken that protection away from them. A light is as good as a policeman.

Mr. SABATH. Mr. Speaker, will the gentleman yield to me?

Mr. LOBECK. Yes.

Mr. SABATH. I desire to inquire if there is any truth in the report that I hear to the effect that there is a tendency on the part of the commissioners to discriminate; that they do light certain sections of the city, namely, some special subdivisions owned by some real large property owners and discriminate against other sections of the city?

The SPEAKER. Is there objection?

Mr. SIMS. How are you going to correct abuses if the exercise of the discretion is lodged with the commissioners unless by an act of Congress?

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I understand the Piney Branch Road is a street that has been opened for 50 years or more, and has been lighted for many years?

Mr. LOBECK. Yes.

Mr. MADDEN. And there are other streets in that neighborhood that are being opened and paved and they are not lighted?

Mr. LOBECK. They are lighted.

Mr. MADDEN. I understand some of the streets connected with Piney Branch Road in this neighborhood are not lighted, and it is the intention of the commissioners to take the lights away from the Piney Branch Road and put them in some other place along that street?

Mr. LOBECK. That is my understanding.

Mr. MADDEN. There is no need for a bill to direct the commissioners to light the streets, is there?

Mr. LOBECK. They took the lights away, and the people want them replaced. They have been there for 30 years.

Mr. MADDEN. It ought not to be necessary to enact legislation for that.

Mr. LOBECK. The travel is greater on that street now than it was when it was laid out, and the lights should not have been removed. The commissioners have no right to destroy property to benefit others.

Mr. SIMS. Suppose the commissioners will not exercise their discretion?

Mr. MADDEN. There ought not to be any necessity for legislating in this way.

Mr. LOBECK. There is a church on that road, and many homes there.

Mr. SABATH. The charge is made that the District Commissioners in certain sections favor the large landowners.

Mr. MANN. Nobody who knows the facts believes that.

Mr. MADDEN. I do not believe we have the right to assume that the commissioners discriminate against anybody.

Mr. SABATH. Why, then, should they remove the lights from one street and put them on other streets?

Mr. MADDEN. I think the gentleman will find, if he asks why it was done, that it will not be necessary to have legislation. I object to the consideration of this bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. SABATH. Is the gentleman opposed to allowing the people on that street to have their street lighted?

Mr. MADDEN. No; I do not object to that; but I object to the consideration of this bill.

The SPEAKER. Objection is heard, and the bill goes off the Calendar for Unanimous Consent.

TRANSFER OF CERTAIN LANDS TO SULPHUR SPRINGS, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to deed to the city of Sulphur Springs, in the State of Texas, for street purposes and no other, a strip of land not exceeding 9 feet in width off both the east and south sides of the Federal building site in said city.

The SPEAKER. Is there objection?

Mr. MANN. Who is in charge of the bill?

Mr. STEPHENS of Texas. I have looked into the report, Mr. Speaker, and——

Mr. MANN. The report indicates in this case that there is reason for deeding to the city of Sulphur Springs a strip of land 9 feet in width on the east side of the building site and a strip of land not to exceed 6 feet 2 inches on the south side. Is the gentleman willing to have the bill corrected so as to make the description of the land correct, instead of saying "a strip of land not exceeding 9 feet in width on both the east and south sides," making it "a strip of land not to exceed 9 feet on the east side and a strip of land not to exceed 6 feet 2 inches on the south side"?

Mr. STEPHENS of Texas. It seems to me, in reading the report, that that was the object and intention when they drafted this bill. I have no objection to the gentleman's suggestion.

Mr. MANN. That correctly describes it and saves any difficulty.

Mr. STEPHENS of Texas. Let the gentleman offer an amendment.

Mr. FOSTER. This, as I understand, deeds to the city of Sulphur Springs, Tex., a strip of land 9 feet wide on two sides?

Mr. MANN. The amendment which I propose will cover a strip of land 9 feet wide on one side and 6 feet 2 inches wide on another side. They already have possession of the land under a license from the Government.

Mr. FOSTER. Is the street the same width all the way through?

Mr. AUSTIN. Certainly.

Mr. FOSTER. How does it come that this particular point is 9 feet narrower, where the Government building is located? Did they sell it to the Government and then ask the Government to give it back to them?

Mr. MANN. The sidewalk space was a part of the lot. They sold the lot to the Government, which included what was used for the sidewalk space on the street. That being the case, they found that the Government owned that sidewalk space, but the Government then gave a license to the city to use that space for a sidewalk. Now it is proposed to deed to the city what is used for the sidewalk. Evidently in laying out the land in some way the property used for sidewalk space was not dedicated as a part of the street.

Mr. STEPHENS of Texas. I think it is well guarded. It says that it shall be for street purposes and no other purpose.

Mr. MANN. While it says street purposes, it means a sidewalk. There is a sidewalk there now.

Mr. AUSTIN. It is recommended by the department.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the word "both" in the beginning of the line, and the words "and south" in the same line, and strike out the letter "s" in the word "sides" in the same line, and at the end of line 8 add:

"And a strip of land not exceeding 6 feet and 2 inches in width off the south side of said building site."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. AUSTIN, a motion to reconsider the last vote was laid on the table.

FIFTH INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE.

The next business on the Calendar for Unanimous Consent was House joint resolution 234, making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The joint resolution was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America and suggest their cooperation.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I reserve the right to object. I desire to inquire if this bill carries an appropriation.

The SPEAKER. Fifty thousand dollars.

Mr. BARTLETT. Then it is on the Union Calendar, Mr. Speaker?

The SPEAKER. Yes; it is on the Union Calendar.

Mr. PETERS. Mr. Speaker, if I am granted unanimous consent for the consideration of this bill, I propose then to ask unanimous consent to substitute for it Senate joint resolution 72, which has passed the Senate and is now on the Speaker's table. Senate resolution 72 provides for extending to the Governments of the commercial nations of the world an invitation to be officially represented at the Fifth International Congress of Chambers of Commerce, to be held at Boston September 24, to 28. Since the resolution has already passed the Senate, it will immediately go to the President on its passage by this House. This resolution does not call for an appropriation.

Mr. BARTLETT. Then I suggest to the gentleman that he ask to substitute the Senate resolution, and I will ask him if he does not think there ought to be an amendment to the Senate resolution providing that no expense shall be incurred hereafter by the United States. I am not willing to vote for a bill which carries an appropriation for this purpose, and I doubt very much whether we ought to pass a resolution inviting people from other countries to come here for any purpose on behalf of the United States without providing for the payment of the expenses for the entertainment of our guests. I am not in sympathy with the proposition at all.

Mr. PETERS. There is no appropriation intended or asked for.

Mr. BARTLETT. Mr. Speaker, I have been fortunate or unfortunate enough to remain here in this House nearly 18 years and I never saw one of these little innocent propositions come in to invite people to the United States to participate in any exposition or other entertainment that we proposed to have for them that did not eventually cost the United States Government a good deal of money; and I do not think we ought to engage in this kind of business—of extending an invitation to foreigners as a national thing or that the Government of the United States should invite people here to participate in what is given the character and nomenclature of a national undertaking and invite them as our guests here unless we do propose to treat them as our guests. I am not willing that we shall engage in the business of making a mere meeting of the chambers of commerce of the United States on a matter in which the United States takes no part as a Government a national matter.

Mr. MANN. Will the gentleman yield?

Mr. BARTLETT. Yes; I will.

Mr. MANN. As I understand, this meeting is to be held this summer or fall?

Mr. CURLEY. September 24 to 28.

Mr. MANN. So that it can not occur that at any subsequent session of Congress we shall be asked to provide any money to meet these expenses?

Mr. BARTLETT. To pay those already incurred.

Mr. MANN. There is no danger of that.

Mr. BARTLETT. I have heard on previous occasions the solemn promise on the floor of this House that no such appropriation would be asked for later and still the Government has later on paid for the expenses. Take the Buffalo Exposition and the Charleston Exposition. We were solemnly assured that Congress never would be asked to pay any money, and yet we did pay hundreds of thousands of dollars.

Mr. MANN. Those were expositions.

Mr. BARTLETT. They were local affairs.

Mr. MANN. I suggest that the assurance of the gentleman from Boston that they will not ask for any more money at this time is sufficient.

Mr. BARTLETT. At this or at any other time.

Mr. MANN. Or, as far they are concerned, at any time. That would bind them and would carry it beyond this session of Congress. Heretofore these propositions have bound the gentlemen who made the promises, but they have not bound their successors or other gentlemen who came into Congress. In this case these gentlemen from Boston, being bound at this session of Congress, we will have passed the critical point before the next session, and hence there is no danger.

Mr. CURLEY. If my colleague from Massachusetts asks that Senate resolution 72, which has already passed the Senate, be considered in lieu of this resolution now pending, and it is passed on favorably by the House, does not that dispose of the question of the appropriation of money?

Mr. MANN. I was assuming that that proposition was the one—that we extend the invitation but that there shall be no appropriation made by Congress in regard to it.

Mr. PETERS. I will make that assurance on behalf of the chambers of commerce, that no appropriation will be asked.

Mr. FITZGERALD. I do not question the sincerity of the gentleman, but I wish to add one observation. The State Department has declined to issue such invitations heretofore unless some money was appropriated to enable the department to perform certain services which it claims were necessary. That was the way in which the $20,000 in two appropriations was obtained for the Congress on Hygiene and Demography, out of which was paid the compensation of $5,000 a year for the secretary of the congress. I simply wish to add that if the State Department makes a request for any money for services in connection with this proposition I shall assume that it is bound by this statement, as well as everybody else.

Mr. PETERS. The gentleman may assume that, and that no appropriation will be asked for with my approval.

Mr. BARTLETT. If the gentleman from Massachusetts will allow me, what is the purpose of having the United States Government extend an invitation?

Mr. PETERS. Because it is an international event. The chambers of commerce abroad are semiofficial bodies. Their Governments extended invitations to our commercial bodies; it is essentially an international affair. They have some semiofficial bodies which are cooperating to bring the delegations here. I hope the gentleman will not place any great embarrassment in the way of this legislation.

Mr. BARTLETT. Any earnest appeal by the gentleman from Massachusetts like that always meets a ready response from me, and I will not object if the gentleman will call up and pass the Senate joint resolution in lieu of the House joint resolution.

Mr. PETERS. I am about to make that request.

Mr. CANNON. Will the gentleman yield for a question?

Mr. PETERS. Certainly.

Mr. CANNON. What would the gentleman from Massachusetts think of an individual that invited another individual to bring his knitting across the sea and visit him and at the same time bring his lunch. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. PETERS. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The Chair hears none.

Mr. FITZGERALD. But, Mr. Speaker, the gentleman from Massachusetts was about to ask unanimous consent that the Senate joint resolution be substituted for the House joint resolution.

The SPEAKER. The gentleman from Massachusetts was asking unanimous consent to consider the House joint resolution.

Mr. PETERS. I will put it in one request, to consider the House joint resolution and substitute the Senate joint resolution in lieu of that.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the Senate joint resolution of like tenor instead of the House joint resolution. Is there objection? [After a pause.] The Chair hears none. The Senate joint resolution is on the Speaker's table, and the Clerk will report it.

The Clerk read the Senate joint resolution, as follows:

Senate joint resolution 72.

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America and suggest their cooperation.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PETERS, a motion to reconsider the last vote was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the House joint resolution lie on the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House joint resolution lie on the table. Is there objection.

There was no objection.

PATENTS TO SEMINOLE ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill H. R. 23184, directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however*, That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. DAVENPORT. Mr. Speaker, I do not know what the gentleman reserves the right to object for, because there can be no injury done to anyone by this bill.

Mr. MANN. I thought the gentleman was going to ask to have this go over.

Mr. DAVENPORT. I want to say to the gentleman from Illinois that while he reserves the right to object, I want to understand if there is anything in the bill that he bases his objections upon; anything that he might want to object to the consideration of the bill for? I do not know whether the House will pass it or not, but if there is any valid objection, if there is anything that is not shown in the report the gentleman wants explained, then I am willing to make the explanation.

Mr. MANN. There is no reason shown yet for the passage of the bill, either by the gentleman or in the report. It is a bill that affects the administrative department of the Government, and has not been referred to the department for information or otherwise. The gentleman can not expect to pass by unanimous consent a bill which reflects directly upon the administration of the Government, without giving the administrative officers any opportunity to explain, or give information concerning it.

Mr. DAVENPORT. That is the very thing the bill does not do. It does not reflect on the department.

Mr. MANN. I think it does.

Mr. DAVENPORT. The committee investigated this matter, went over that question, and knowing that there had been some question by the department as to whether they ought to deliver the deeds before a certain court decision was delivered, they did not report the bill until after the Supreme Court rendered the decision, and said that the question of withholding the patents in no way affected the allottees of the Five Civilized Tribes.

Mr. MANN. The other day the gentleman was supporting a proposition to cut off investigations by the Interior Department by which it might make these investigations. He now proposes to have a law directing the department to issue the patents without an investigation. Possibly we begin to see why they did not want to have the money with which to make the investigation—in order that they may have a plea that they must give patents without investigation.

Mr. DAVENPORT. Oh, the gentleman from Illinois is certainly mistaken, and he surely does not want to leave the impression on the House that I at any time or under any circumstances objected to the Interior Department ever investigating patents in any of the Five Civilized Tribes, and his statement that as to what he saw with reference to my desiring to have patents delivered without investigation, is unwarranted and without foundation. I did object to an appropriation to keep a certain number of agents in the Indian Territory where they are not needed, but that appropriation had nothing to do with this bill.

Mr. MANN. We told the gentleman at that time that this money was necessary to make this investigation. The gentleman was opposed to making the appropriation of the money, saying that it was not necessary. That was what the appropriation was asked for.

Mr. DAVENPORT. It was not.

Mr. MANN. I say it was, and the gentleman says it was not.

Mr. DAVENPORT. And it never has been used for that purpose.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

GRANTING CERTAIN LAND TO PORTLAND, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant, relinquish, and convey, by quitclaim deed, to the city of Portland, Oreg., a strip of land approximately 10 feet in width off of the Seventh Street side of the new post-office site in said city of Portland, Oreg., and extending along said Seventh Street from Hoyt to Glisan Streets, being part of the east end of lots 8, 5, 4, and 1, in block S; and he is further authorized and directed to grant, relinquish, and convey to said city of Portland, by quitclaim deed, a strip of land approximately 10 feet in width off of the Seventh Street side of the customhouse site, in said city, and extending along said Seventh Street from Davies to Everett Streets, the Secretary of the Treasury to reserve such portion of said strip for the use of the United States as he may consider necessary for areas, steps, approaches, etc., the said strips of land to be used for street purposes only.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like to know why the city of Portland does not pay for this land?

Mr. HAWLEY. Mr. Speaker, the city of Portland has found it necessary to open Seventh Street more extensively than ever before on account of the increased travel on the street. They are building a large bridge across the Willamette River at the foot of this street, and in order to make the street of uniform width they desired this additional strip of land. They submitted the question of reducing the width of the Government property there to the same width as the other Government property along that street to the Secretary of the Treasury, Mr. MacVeagh. The Secretary, under date of March 29, 1912, in a letter to the senior Senator from the State, said that—

the enactment of said bill into a law would not militate against the efficiency of the buildings in question.

Mr. FITZGERALD. Why should the city not pay the United States? When the United States bought the land it paid very liberally for it. If it wished to take the property of any private citizen there, it would have to pay very liberally for it. Why should not the Government insist upon being paid now? Why should the Government donate the land to the city?

Mr. HAWLEY. The improvement of the street at the expense of the city will make the property so much more accessible and valuable to the Government that we can readily do this and still be the gainers by the transaction.

Mr. FITZGERALD. It will not make it any more valuable to the Government, because if we ever abandon it for public purposes and seek to sell it we would sell it to some citizen in Portland for an insignificant amount——

Mr. MANN. Sell it! We would give it away.

Mr. FITZGERALD. Or give it to them.

Mr. HAWLEY. The improvement of the street makes the property much more accessible——

Mr. FITZGERALD. To the citizens of Portland, Oreg.

Mr. HAWLEY. And to the Government.

Mr. FITZGERALD. I inquire about it because a few years ago the city of New York desired a little strip of land in Staten Island upon which to build a road around the lighthouse depot there——

Mr. MANN. Oh, the gentleman ought not to refer to that, because I am thoroughly familiar with it.

Mr. FITZGERALD. It very greatly enhanced the value of the property, and the city was permitted to do so on paying to the Federal Government about $33,000.

Mr. MANN. The city of Brooklyn—or one of the cities over there—desired to use a large amount of ground of great value to the Government for its exclusive benefit, and the Government gave it to the city for a song. The matter went through my committee.

Mr. FITZGERALD. The gentleman is mistaken. I am thoroughly familiar with it.

Mr. MANN. And so am I.

Mr. FITZGERALD. The road was around the Government lighthouse depot, and the city of New York paid the Government $33,000 for the land upon which the road was constructed.

Mr. MANN. For the benefit of the city.

Mr. FITZGERALD. It was of benefit not only to the people of Staten Island but equally beneficial to the Government.

Mr. MANN. That road was exclusively for the benefit of the citizens there, and it was a detriment to the Government to have it there.

Mr. FITZGERALD. The gentleman is mistaken. This street here is exclusively for the benefit of the people of Portland, Oreg.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Oregon a question, if I may; also the gentleman from New York. We have been quite insistent upon having reports from departments upon bills of this kind reported from commit-

tees. The distinguished gentleman who presides over the Treasury Department, for whom I have very high regard, reports as follows, and this is all there is to his report:

I have the honor to inform you that if said bill is enacted into law this department will take the necessary steps to comply with the authority vested in it by said legislation.

Mr. FITZGERALD. Does not the gentleman from Illinois think that is a very great concession for an official who lives in Chicago to make to Congress? [Laughter.]

Mr. MANN. Yes; it probably looks that way to the gentleman from New York. Here is a bill directing the Secretary of the Treasury to do certain things, and when asked for a report upon the bill he says that he has the honor to inform us that if we direct him to do it he will comply with the direction. Of course he will comply with the direction. That is mandatory upon him, but what he ought to have done was to give the House some information concerning the bill.

Mr. MONDELL. He did.

Mr. MANN. He did not give a particle of information in his report upon the bill, not an iota of information. He wrote a letter to one of the Senators from Oregon that gave a little information, but precious little.

However, I shall not object to the bill if the gentleman will allow me to help correct a defect which occurred at the other end of the Capitol. I object to their grammar.

Mr. HAWLEY. With pleasure.

Mr. MANN. I notice that the bill provides for taking a strip of land 10 feet in width "off of" the Seventh Street side, and so forth. That is in the bill twice; "off of" some street. Now, it is sufficient to say "off the street," and I think that the House ought, in justice to its own dignity and standing, to correct this grammar.

Mr. HAWLEY. Will the gentleman offer the amendment he suggested?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend, in line 6, page 1, and in line 2, page 2, by striking out after the word "off" the word "of" in each case.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "of" after the word "off," and in line 2, page 2, strike out the word "of" after the word "off."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LAFFERTY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATENTING OF CERTAIN LANDS TO RURAL HIGH-SCHOOL DISTRICT NO. 1, NEZ PERCE COUNTY, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4791) authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause a patent to issue to rural high-school district No. 1, of Nez Perce County, Idaho, for the use and benefit of said district, for the following-described tract of land within said county, to wit: Commencing at the southeast corner of lot No. 27, on the north boundary of Fort Lapwai Military Reservation, in section 2, township 35 north, range 4 west, Boise meridian; thence south along the west line of the Presbyterian mission reserve 300 feet; thence south 85 degrees west 726 feet; thence north 300 feet to the north boundary of the Fort Lapwai Military Reservation; thence north 85 degrees east along said military reservation boundary 726 feet, to the place of beginning, containing 5 acres, more or less: *Provided*, That Indian pupils residing within said district shall at all times be admitted to such schools as may be established on the lands granted herein on terms of equality with the white pupils: *Provided further*, That in the event the proposed school building is not completed within two years after the title has passed to the rural high-school district No. 1, the land shall revert to the United States: *And provided further*, That in the event said lands are ever abandoned and not used for educational purposes all right, title, and interest therein conveyed to the said district by this act shall be forfeited and the same shall revert to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING CERTAIN LANDS FOR RESERVOIR PURPOSES, TWIN FALLS, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the authorities of the city of Twin Falls, in the State of Idaho, for reservoir purposes, in connection with the water supply of said town, for the following-described land, to wit: The south half northeast quarter and the northwest quarter southeast quarter section 6, township 12 south, range 18 east, Boise meridian, in the Hailey, Idaho, land district, containing 120 acres, said patent to contain a provision that said land shall be used for reservoir purposes and in connection with the water supply for said city only; and in case said land shall cease to be used for such purposes it shall at once revert to the United States: *Provided*, That said city shall pay $1.25 per acre therefor.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to inquire what these lands are worth now on the market?

Mr. FRENCH. I presume that they have no value. They have been available for public entry for years. They lie many miles away from the nearest town, and, indeed, in a country that is covered with sagebrush, cactus, and juniper shrub. I regard them as really being worthless lands.

Mr. CULLOP. How far are they from any town?

Mr. FRENCH. About 18 miles from Twin Falls. There may be some small post office or hamlet nearer, but there is no considerable town nearer than Twin Falls.

Mr. CULLOP. It seems to me the price is inadequate for the land to be used for that purpose if it was anywhere near any settlement.

Mr. FRENCH. It would be, but I have no idea these lands are worth $1.25 an acre.

Mr. CULLOP. How many acres are there?

Mr. FRENCH. One hundred and twenty acres.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River.

The Clerk read as follows:

Be it enacted, etc., That the Norfolk & Western Railway Co., a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate bridges and approaches thereto across the Tug Fork of Big Sandy River at such points where the same forms the boundary line between the States of West Virginia and Kentucky, or the boundary line between the States of West Virginia and Virginia, as may be selected by said company and approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend page 1, lines 10 and 11, by striking out the words "as may be selected by said company," and insert in lieu thereof the words "at points suitable to the interests of navigation."

Mr. COVINGTON. Mr. Speaker, I desire to correct the committee amendment by striking out, in line 1, page 2, of the bill, the words "at points," and insert in lieu thereof the words "as may be."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the words "at points" and insert in lieu thereof the words "as may be."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion by Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS CHOCTAWHATCHEE RIVER, DALE COUNTY, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.

The Clerk read as follows:

Be it enacted, etc., That the Choctawhatchee River Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Choctawhatchee River, at a point suitable to the interests of navigation, at a point about one-eighth of a mile below or west of the bridge across said river, on the road known as the Newton and Ozark Public Road, in Dale County, in the State of Alabama, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. And, Mr. Speaker, in that connection I would like for the name to be pronounced correctly, "Choctawhatchee," and not "Chocta-whatchee." It is a beautiful and historic Indian name, and I object to its being murdered as it was done in the reading of the bill.

BRIDGE ACROSS DELAWARE RIVER SOUTH OF TRENTON, N. J.

The next business on the Calendar for Unanimous Consent was the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors.

The Clerk read as follows:

Be it enacted, etc., That section 6 of the act approved March 16, 1906, authorizing the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors to construct, maintain, and operate a bridge across the Delaware River between a point south of and within 1 mile of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 1 mile of the southern boundary line of the borough of Morrisville, in the county of Bucks and State of Pennsylvania, be, and the same is hereby, so amended that the time within which the said bridge shall be required to be completed shall be within five years from the date of the approval of this act: *Provided*, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

SEC. 2. That said act as thus amended be, and the same is hereby, revived and reenacted.

Mr. COVINGTON. Mr. Speaker, I understand there is an objection——

Mr. MANN. Mr. Speaker, I reserve the right to object——

Mr. WOOD of New Jersey. Mr. Speaker, I object.

Mr. COVINGTON. Mr. Speaker, I desire to make a request before objection is made, if it should be made. I understand, after reference to the chairman of the committee, that arrangement has been made by which there will be opportunity for the persons who are opposed to this measure to be heard, and I desire to ask whether it would not be entirely satisfactory to have the bill passed without prejudice for two weeks?

Mr. WOOD of New Jersey. Mr. Speaker, I prefer to have the bill stricken from the calendar.

The SPEAKER. Does the gentleman object?

Mr. WOOD of New Jersey. I do.

JAIL BUILDING AND FIXTURES ON ABANDONED FORT ASSINNIBOINE MILITARY RESERVATION IN MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the jail building and the fixtures of said building, now situate on the abandoned Fort Assinniboine Military Reservation, in the State of Montana, be, and the same are hereby, granted to the county of Hill, in the State of Montana, and said county, by its duly authorized officials, shall have the right to enter upon the said abandoned Fort Assinniboine Military Reservation at any time after the passage of this act and remove said buildings and such fixtures.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I was very much pleased a while ago on seeing a bill come in here from the Committee on the Public Lands proposing to have a State pay something for some lands and buildings which the Government owns. Evidently that feeling did not reach as far as Montana.

Mr. PRAY. Mr. Speaker, I will state to the gentleman from Illinois that the jail on the abandoned Fort Assinniboine Military Reservation is practically of no value as it stands—no commercial value. Hill County was created in February of this year. There is no jail there worth the name.

Mr. MANN. Well, if it is a good jail they had better buy it.

Mr. PRAY. Havre, the county seat, is 6 miles from the fort. It would be necessary to remove the building and fixtures that distance from the reservation.

Mr. MANN. We would sell it cheap.

Mr. PRAY. The county could not afford to pay anything for it if the officials were obliged to pay for the removal of the building and fixtures a distance of 6 miles.

Mr. MADDEN. Does this bill contemplate the removal of the present building to another site?

Mr. PRAY. Yes. It allows the commissioners of the county of Hill to enter upon the reservation and remove the brick building and fixtures.

Mr. MADDEN. I will say to the gentleman that it would cost more money to remove it than it is worth. I say that from experience.

Mr. PRAY. They are willing to take chances in that respect.

Mr. MANN. If the gentleman will permit me, here is a military reservation which has been abandoned. Thereupon the State asks to have the reservation, with the buildings, turned over to the State, without any expense to it, for certain school purposes, and the county asks to have one of the buildings turned over to it. Does not anybody ever think of old Uncle Sam?

Mr. PRAY. I will say to the gentleman from Illinois that I am not asking for the turning over to the State of Montana——

Mr. MANN. Not at this time——

Mr. PRAY. Of the buildings on the reservation. I know that there is a bill of that kind pending in a committee of the Senate, but it has not yet come over here. This building could properly be turned over to the county without affecting any educational institution that might be established there. An educational institution could hardly have any use for a jail.

Mr. MANN. In fact, when we grant land to a State for school purposes and it happens to be in a forest reservation, they avail of the right to exchange it, and then they sell the forest land for as high as $10 an acre and make a profit out of the Government. Nobody ever attempts apparently, in relations between the States and the Federal Government, to protect the financial interests of the Federal Government. The States and counties think if the Government owns any land that it is not using they have the right to it. I do not. [Applause.]

Mr. PRAY. I will say to the gentleman that the Government will not lose anything by turning over the jail and fixtures to this county. It is of no use or value to the Government. There are many precedents for a measure of this kind. The gentleman knows that heretofore, on the admission of new States into the Union, Federal buildings have been turned over to the newly organized counties, and I see no reason why the same thing should not be done in this case.

Mr. MANN. I think the gentleman had better present a reasonable proposition.

Mr. PRAY. I hope the gentleman from Illinois will not object to this bill. The jail and fixtures are worth nothing where they are and could now be utilized by this new county. Even if the Government retains the jail it can get nothing out of it.

Mr. MANN. One thing is certain, and that is that the Government can not lose anything by our not passing the bill.

Mr. BUTLER. How long ago did the Government abandon this property?

Mr. PRAY. The fort was abandoned last November, and the buildings, so I am informed, are not very well taken care of. I can see no good reason why a little matter of this kind should not be allowed to pass. We have precedents for it. It has been done before a number of times.

Mr. MANN. There is full authority for the disposition of all of these lands under existing law, and I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The bill will be stricken from the calendar.

PATENTS TO ALLOTMENTS ON WHITE EARTH RESERVATION IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20739) providing for the issue of patents to allotments on White Earth Reservation in certain uncontested cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the expiration of 90 days from and after the passage of this act the Secretary of the Interior shall cause to be issued fee-simple patents in the name of the allottee for any land within the White Earth Reservation, in Mahnomen, Becker, or Clearwater Counties, in the State of Minnesota, upon presentation of the certificate of the register of deeds of the county where the land is situated showing that such land has been conveyed by deed, or encumbered by way of mortgage executed by the allottee prior to January 1, 1912, and in case of the death of the allottee by his heirs at law or legal representatives; and that no notice of lis pendens on behalf of the United States, or the allottee, has been filed against such land, or, if filed, that it has been discharged, which certificate shall be brought down to a date at least 90 days subsequent to the passage of this act, and when issued the Secretary of the Interior shall transmit such patents to the register of deeds of the county where the land is situated by registered mail, which shall be deemed a delivery thereof.

With the following committee amendment:

That from and after the passage of this act the status of the lands heretofore or hereafter allotted to the Chippewa Indians on the White Earth Indian Reservation, in the State of Minnesota, as regards restrictions on alienation or incumbrance, shall be as follows: All lands of adult Indians enrolled upon the rolls herein provided for as mixed bloods having no more than one-half or less than one-half Indian blood shall be free from all restrictions. All other allotted lands shall be restricted and not subject to alienation, contract to sell, power of attorney, or other incumbrance by the allottee prior to July 1, 1933, except that Indians enrolled on said rolls as of more than half and not over three-quarters Indian blood who have allotments in area exceeding 80 acres may designate in writing, executed, witnessed, and acknowledged as a deed, 80 acres as a homestead, and file the same in duplicate with the Indian agent and the register of deeds of the proper county, and after such designation all restrictions as to alienation by the allottee shall be wholly removed as to the surplus lands over and above the 80 acres so designated. The Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions heretofore removed in cases where conveyances have heretofore been made.

SEC. 2. That within six months from the date of the passage of this act a complete roll of persons to whom allotments have heretofore been made, or may hereafter be made, on the White Earth Indian Reservation, in the State of Minnesota, shall be made under the direction of the Court of Claims. Such roll shall show the allotment number or numbers, the name, age, sex, and quantum of Indian blood of each allottee, and when completed and approved by said court shall be conclusive as to the facts therein shown in so far as such facts affect or determine the right or power of such allottees to hereafter alienate, convey, or otherwise dispose of their allotted or inherited lands on said reservation: *Provided*, That where an Indian is found to have less than one-half Indian blood the exact quantum of Indian blood need not be ascertained, but such Indian shall be enrolled under the heading "Less than one-half Indian blood." And for the purpose of carrying this section into effect the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That upon the expiration of six months from and after the passage of this act the Secretary of the Interior shall cause to be issued fee-simple patents in the name of the allottee for any land within the White Earth Indian Reservation, in Mahnomen, Becker, or Clearwater Counties, in the State of Minnesota, upon presentation of the certificate of the register of deeds of the county where the land is situated, showing that such land, or any interest therein, has been conveyed by warranty deed or quitclaim deed, or encumbered by way of mortgage executed by the allottee prior to January 1, 1912, and in case of the death of the allottee by his heirs at law or legal representatives; and that no notice of lis pendens on behalf of the United States or the allottee has been filed against such land, or if filed that it has been discharged, which certificate shall be brought down to a date at least six months subsequent to the passage of this act, and when issued the Secretary of the Interior shall transmit such patents to the register of deeds of the county where the land is situated by registered mail, which shall be deemed a delivery thereof.

SEC. 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. GRAHAM. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] reserves the right to object.

Mr. STEPHENS of Texas. Mr. Speaker, this is a bill introduced, I believe, by the gentleman from Minnesota [Mr. STEENERSON], and he can explain the bill better than I can. I yield to him.

Mr. STEENERSON. Mr. Speaker, as will be observed, the original bill was what is embraced in section 3 of the substitute.

Mr. GRAHAM. Will the gentleman yield for a question or two?

Mr. STEENERSON. Yes.

Mr. GRAHAM. The bill now reported is really a substitute for a former bill?

Mr. STEENERSON. A substitute reported from the Committee on Indian Affairs.

Mr. GRAHAM. Has the substitute been referred to the Interior Department for a report?

Mr. STEENERSON. As I understand it, the substitute is the result of a letter written by the Assistant Secretary of the Interior, by direction of the President, requesting the repeal of the so-called Clapp amendment of 1906, removing restrictions upon alienation by adult mixed-blood Indians on White Earth Reservation.

Mr. GRAHAM. Is there any report from the Secretary of the Interior on the substitute, or on the original bill, for that matter?

Mr. STEENERSON. The only communication is a letter from Assistant Secretary Adams, requesting the repeal of the Clapp amendment, and this is a partial repeal. This repeals the Clapp amendment in part. The chairman of the Committee on Indian Affairs, the gentleman from Texas [Mr. STEPHENS], introduced a bill pursuant to a letter from Assistant Secretary of the Interior, Mr. Adams, requesting the repeal of the Clapp amendment. That was brought in before the committee. I understand the subcommittee—and I am not a member of the committee—deliberated whether they would repeal the Clapp amendment in whole or in part, and the result of their deliberation was that they have in this bill repealed it in part. They could not very well reimpose restrictions upon those who had been released. Of course it will be effective as to those who become of age hereafter.

Mr. GRAHAM. But no report of the Secretary of the Interior accompanied the bill or is referred to by the committee.

Mr. STEENERSON. There could be no such report, when they were acting on the initiative of the Secretary of the Interior.

Mr. CARLIN. In view of the fact that the gentleman from Illinois [Mr. GRAHAM] is going to object, I demand the regular order.

The SPEAKER. Does the gentleman from Illinois object?

Mr. GRAHAM. I reserved the right to object, subject to the explanation of the gentleman from Minnesota [Mr. STEENERSON]; but I would like to ask, further, if the repeal of the Clapp Act is contained in section 4 of the amended bill?

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. GRAHAM. I object.

The SPEAKER. The bill will be stricken from the Calendar for Unanimous Consent.

MANEUVER CAMP NEAR ANNISTON, ALA.

The next business on the Calendar for Unanimous Consent was House joint resolution 322, authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

The joint resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. BLACKMON. Mr. Speaker, I ask unanimous consent that this resolution be passed without prejudice.

The SPEAKER. The gentleman from Alabama asks that this resolution be passed without prejudice. Is there objection?

There was no objection.

ZUNI NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture, for the purpose of increasing the area of the timberland included within the Zuni National Forest by the addition thereto of certain privately owned timberland lying within the exterior limits of the said national forest, be, and the same is hereby, authorized and empowered, in his discretion, in behalf of the United States, to enter and to consummate contracts for the exchange of timber on any national forest in New Mexico for privately owned timberlands embracing in the odd-numbered sections of township 11 north, range 12 west, New Mexico principal meridian, which are now within the exterior limits of the Zuni National Forest, New Mexico: *Provided*, That such exchange shall be made under the following conditions: The saw timber on such private lands shall be exchanged for the saw timber on such national forest lands, thousand feet for thousand feet; cordwood and posts from piñon and cedar on such private lands shall, after estimate and appraisal by forest officers, be exchanged for an equivalent value of national forest timber at an appraisal of not less than $2.50 per thousand feet board measure; and the privately owned land at a valuation of not more than 62½ cents per acre shall be exchanged for an equivalent value of national forest timber at an appraisal of not less than $2.50 per thousand feet board measure: *Provided further*, That the national forest timber to be so exchanged shall be cut under the rules and regulations promulgated by the Secretary of Agriculture for the cutting of timber on the national forests, and that the time within which such timber shall be removed shall be determined by the said Secretary of Agriculture: *And provided further*, That upon the consummation of

such exchange the land deeded to the United States thereunder shall forthwith become and thereafter continue to be national forest land to all intents and purposes as if such land had been duly withdrawn by the proclamation which placed the contiguous land under the jurisdiction of the Secretary of Agriculture for forest purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this bill proposes to make an exchange of timber for timber and timberlands. It looks to me like a reasonable proposition. As I understand, the proposition is to exchange timber which the Government now has within the Pecos National Forest. The bill provides for the exchange of timber on any national forest in New Mexico. Would the gentleman be willing to agree to an amendment, on page 1, line 10, to strike out the words "on any" and insert the words "within the Pecos," so as to confine the matter of exchange to timber within the Pecos National Forest?

Mr. FERGUSSON. Yes. I understand the object is to exchange the timber in the Pecos National Forest for timber and lands within the exterior limits of the Zuni National Forest. The land within the Zuni National Forest is railroad land, the Government having the alternate sections. The object of this bill from the Government standpoint is to permit the exchange of the timber on the Pecos National Forest for this railroad-owned land that has been bought by a private party, so that the Zuni National Forest may be consolidated. At both ends it is for the interest of the Government.

Mr. MANN. And, as I understand, for the further reason that the timber in both forests is ripe.

Mr. FERGUSSON. Yes.

Mr. MANN. Unless it is cut now, it probably could not be sold advantageously for a good while to come.

Mr. FERGUSSON. That is especially true of the Pecos Reserve, for this reason: It is away up in the mountains. The dead and fallen timber on the Pecos Reserve can be exchanged now for this land and timber on the Zuni Forest, because just north of the Pecos Forest is a private Mexican land grant which is owned by private parties, on which they have a mill now sawing ties. They have also a method of getting the ties out by floating them down the Rio Grande, at a good deal of expense. If that mill goes away before this exchange is consummated, then the Government will have great difficulty in getting rid of the dead and fallen timber, and, of course, in removing the danger from forest fires.

The SPEAKER. Is there objection?

There was no objection.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, on page 1, line 10, by striking out the words "on any" and inserting the words "within the Pecos."

The SPEAKER. The question will first be taken on the committee amendments. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 9, strike out the words "enter and to consummate contracts for the."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 1, line 10, strike out the word "of" after the word "exchange."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 17, after the word "measure," insert the following: "*Provided*, That the Attorney General of the United States shall first pass upon the title of the privately owned land to be exchanged under the provisions of this bill."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, lines 1 and 2, strike out the words "upon the consummation of such exchange."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, line 3, strike out the word "thereunder" and insert the words "under the provisions of this act."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Strike out the language in lines 4 to 8, inclusive, reading as follows: "and thereafter continue to be national forest land to all intents and purposes as if such land had been duly withdrawn by the proclamation which placed the contiguous land under the jurisdiction of the Secretary of Agriculture for forest purposes," and insert in lieu thereof the words "a part of the Zuni National Forest."

The committee amendment was agreed to.

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Page 1, line 10, strike out the words "on any" and insert in lieu thereof the words "within the Pecos."

The amendment was agreed to.

The amended bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERGUSSON, a motion to reconsider the last vote was laid on the table.

AMERICAN ACADEMY IN ROME.

The next business on the Calendar for Unanimous Consent was the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the American Academy in Rome incorporated by the act of Congress approved March 3, 1905, may by a resolution of its board of trustees enlarge its purposes so as to include the study and investigation of the archæology, literature, and history of the classical and later periods; and that the said corporation may take and hold real and personal property to an amount not exceeding $3,000,000.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I reserve the right to object.

Mr. SLAYDEN. Mr. Speaker, this bill proposes to amend the charter granted by Congress in March, 1905, to the American Academy in Rome, which is a corporation that has for its purpose the training of American students in the art of painting, sculpture, and architecture, as well as in the study of archæology.

Mr. MADDEN. Let me ask the gentleman, does this bill authorize the ownership of real estate in this country to the extent of $3,000,000?

Mr. SLAYDEN. I must confess that I never read the charter granted in 1905. I dare say I was in the House and ought to be familiar with it, but I am not. Their office is in Washington, but the academy is in Rome. It had endowments given it shortly after the charter was granted amounting approximately to $800,000. Then Mr. McKim, the New York architect, made them a considerable bequest, and other subscriptions were given them that brought it up to somewhat more than they were authorized to hold. Within the last few months a lady residing in Rome has willed to the academy her villa, estimated to be worth between $200,000 and $300,000. They can not receive it and hold it under the charter, because it will carry the value of their holdings above the legal limit.

Mr. MADDEN. This provision in the bill which authorizes them to acquire real estate to the value of $3,000,000 is to enable them to take this title, is it?

Mr. SLAYDEN. Title to that property and other bequests that may be made. It is proposed by the friends of the late Frank Millet, whom many Members of the House knew as a great artist and a thoroughly high-class American citizen, to raise a fund of $100,000 as a memorial to him. He lost his life, as Members may remember, on the *Titanic*. The income from these endowments is expended in the way of scholarships for American students, to support the poor young men while studying art in Rome. That is the sole purpose of the endowment. This institution can not accept what is to be given it unless the charter is amended in the way proposed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RESIGNATION FROM THE JUDICIARY COMMITTEE.

The SPEAKER. The Chair desires to lay before the House a matter of routine business.

The Clerk read as follows:

WASHINGTON, D. C., *June 3, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby resign as a member of the Committee on the Judiciary.

Yours, very respectfully, ROBERT L. HENRY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE.

Mr. WICKLIFFE, by unanimous consent, was given leave of absence for 10 days, on account of important business.

SALE OF LAND IN FOREST GROVE, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18504) to provide for the sale of fractional

block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, and to convey by patent in fee simple to the purchaser the fractional block No. 6, as designated and numbered on the recorded plat of Naylor's addition to the town of Forest Grove, Oreg.: *Provided*, That N. R. Wells, who has been occupying the tract, be permitted to remove the improvements made thereon by him and his family prior to the date fixed for the sale hereunder, and that the proceeds of sale be used for the benefit of the Salem Indian School.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether the department has not now authority under existing law to sell the land?

Mr. HAWLEY. It has the authority to sell the land, but is not authorized to make the arrangement with Mr. Wells, which fair play seems to indicate.

Mr. MANN. What element of fair play is it which seems to indicate that where the Government owns a piece of property and a man deliberately moves a building upon it without any authority whatever the Government shall sell him the land in order to carry out a fair-play proposition?

Mr. HAWLEY. This land was originally purchased by the Government for the purpose of establishing and maintaining an Indian school.

Mr. MANN. And was used for that purpose.

Mr. HAWLEY. For one year. The school was then moved to Salem, Oreg. When they removed the school they had some buildings on the land, and in order to care for what property they had on the premises they requested Mr. Wells to act as caretaker and gave him authority to move this building on the land. He has remained there and cared for the buildings of the Government during that time. The Government having no use for the land, desires to sell it, and the city desires to have the land subject to taxation, and so this proposition is made. Since the Government allowed him to move the building upon the land he has cared for all of the property without compensation, and it seems to me he ought to have the privilege of removing the building, that is less than $300 in value.

Mr. MANN. I do not find anywhere in the report that the Government permitted this man to move his building onto this land. My friend from Oregon says since the man has taken care of the lot for all these years, therefore we ought to do something for him. What is the fact? This was a vacant lot; it did not require or need to be taken care of. The man moved his house onto it, did not have to pay rent, did not pay taxes, did not pay anything, got the use of it for nothing, and then supposes that we ought to pay him for taking care of the lot which would have taken care of itself.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. The regular order is, Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. Is the gentleman from Virginia going to insist upon my declaring now whether I object or not?

Mr. CARLIN. Mr. Speaker, if the gentleman intends to object, I shall insist upon the regular order; if he does not intend to object, I shall let him go on as long as he desires.

Mr. MANN. I shall not declare my intentions until I know what the gentleman from Virginia is going to do.

Mr. CARLIN. Then, Mr. Speaker, I demand the regular order.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

ADJOURNMENT.

Mr. HARDWICK. Mr. Speaker, I move that the House do now adjourn.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, June 4, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a communication from the Acting Secretary of Agriculture submitting an estimate of reappropriation for inclusion in the general deficiency bill (H. Doc. No. 783); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Department of Commerce and Labor, giving views on H. R. 21220, in response to inquiry of the chairman of the Committee on Immigration and Naturalization (H. Doc. No. 784); to the Committee on Immigration and Naturalization and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior for reappropriation in sundry civil bill for examinations into the water supply of San Francisco (H. Doc. No. 785); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior submitting an estimate of appropriation for the acquisition of lands for the enlargement of the Capitol grounds (H. Doc. No. 786); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce and Labor submitting estimate of appropriation to replace the lighthouse tender *Armeria* (H. Doc. No. 787); to the Committee on Appropriations and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Fornance, executor of the estate of James Fornance, deceased, *v.* The United States (H. Doc. No. 788); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hamilton Trust Co., of Brooklyn, N. Y., executor of Loomis Lyman Langdon, deceased, *v.* The United States (H. Doc. No. 793); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Clifford H. Frost and Frank B. McAllister, trustees under the will of the estate of Zealous B. Tower, deceased, *v.* The United States (H. Doc. No. 790); to the Committee on War Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha R. Hitchcock, widow and executrix of Ethan Allen Hitchcock, deceased, *v.* The United States (H. Doc. No. 791); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Oliver D. Greene, administrator of the estate of Oliver D. Greene, deceased, *v.* The United States (H. Doc. No. 792); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Union Trust Co., administrator of estate of Thomas Murray Tolman, deceased, *v.* The United States (H. Doc. No. 789); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Louis J. Garesché, administrator of J. P. Garesché, deceased, *v.* The United States (H. Doc. No. 794); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frank H. Phipps *v.* The United States (H. Doc. No. 795); to the Committee on War Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James W. Scully *v.* The United States (H. Doc. No. 796); to the Committee on War Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin D. Critchlow *v.* The United States (H. Doc. No. 797); to the Committee on War Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Lemuel Turner *v.* The United States (H. Doc. No. 799); to the Committee on War Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Maria T. Knox, administrator of George T. Balch, deceased, *v.* The United States (H. Doc. No. 798); to the Committee on War Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case

of J. Nelson Caldwell, administrator of the estate of J. N. Caldwell, deceased, *v.* The United States (H. Doc. No. 800); to the Committee on War Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Catley *v* The United States (H. Doc. No. 801); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George H. Chadeayne, ancillary executor of Joseph H. McArthur, deceased, *v.* The United States (H. Doc. No. 802); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Simon Lyon, administrator of the estate of John A. Campbell, deceased, *v.* The United States (H. Doc. No. 803); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John M. Wilson *v.* The United States (H. Doc. No. 804); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Isabella H. Silvey, widow of William Silvey, deceased, *v.* The United States (H. Doc. No. 805); to the Committee on War Claims and ordered to be printed.

24. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lizzie F. Remington, executrix of Philip Halsey Remington, deceased, *v.* The United States (H. Doc. No. 806); to the Committee on War Claims and ordered to be printed.

25. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William L. Marshall *v.* The United States (H. Doc. No. 807); to the Committee on War Claims and ordered to be printed.

26. A letter from the Secretary of War, transmitting copy of House Document No. 1110, Sixty-first Congress, third session, regarding an abandoned cemetery in Bucks County, Pa., known as the China or White Hall Cemetery (H. Doc. No. 808); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4445) concerning unrigged vessels, reported the same with amendment, accompanied by a report (No. 823), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 6977) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 822), which said bill and report were referred to the Private Calendar.

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 20124) for the relief of E. Rosenwald & Bro., reported the same without amendment, accompanied by a report (No. 824), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14593) authorizing the President to reinstate Charles Lewis Clifford as a midshipman in the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 825), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred House bill 15207, reported in lieu thereof a resolution (H. Res. 567) referring to the Court of Claims the papers in the case of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, accompanied by a report (No. 827), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17123, reported in lieu thereof a resolution (H. Res. 568) referring to the Court of Claims the papers in the case of Fred Fox, jr., accompanied by a report (No. 828), which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 25065) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25066) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 25067) providing for the sale of restricted surplus allotments of the Choctaw and Chickasaw Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 25068) providing for the sale of restricted surplus allotments of the Choctaw and Chickasaw Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. FITZGERALD: A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RUSSELL: A bill (H. R. 25070) for the acquisition of a site and the erection of a building thereon at Sikeston, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25071) for the acquisition of a site and the erection of a building thereon at Westplains, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. DENT: A bill (H. R. 25072) to establish a subport of entry and delivery at Montgomery, in the State of Alabama; to the Committee on Ways and Means.

By Mr. McKINNEY: A bill (H. R. 25073) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25074) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same, and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; to the Committee on the Library.

By Mr. COPLEY: A bill (H. R. 25075) making an appropriation for the improvement of Fox River, Ill.; to the Committee on Rivers and Harbors.

By Mr. ALEXANDER: A bill (H. R. 25076) to promote the safety of ocean navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: A bill (H. R. 25077) providing for the purchase of a site and the erection thereon of a public building at Unionville, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 25078) for the protection of fraternities; to the Committee on the Judiciary.

By Mr. GUERNSEY: A bill (H. R. 25079) for the establishment of a national park and acquiring national forests in the Mount Katahdin region of the State of Maine; to the Committee on Agriculture.

By Mr. LINDBERGH: Resolution (H. Res. 564) providing for the appointment of a committee to investigate the personal conditions and the property rights of the Mississippi Chippewa Indians; to the Committee on Rules.

By Mr. BELL of Georgia: Resolution (H. Res. 565) to pay Charles L. Williams and Marshall Pickering, special messengers, $1,200 per annum each; to the Committee on Accounts.

By Mr. AKIN of New York: Resolution (H. Res. 566) authorizing the appointment of a committee to investigate the conduct of the Assistant Attorney General of the Post Office Department in withholding mail matter of a Member of the House of Representatives; to the Committee on Rules.

By Mr. DICKINSON: Resolution (H. Res. 567) referring the bill (H. R. 15207) for the relief of L. D. Hildebrand, adminis-

trator of the estate of John W. Hildebrand, deceased, to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 568) referring the bill (H. R. 17123) for the relief of Fred Fox, jr., to the Court of Claims; to the Committee of the Whole House.

By Mr. CULLOP: Joint resolution (H. J. Res. 324) proposing an amendment to the Constitution of the United States providing for the election of all public officers by the qualified electors of the several States and the respective districts thereof, other than the members of the President's Cabinet, ambassadors, ministers plenipotentiary, and consuls, and fixing their terms of office; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 25064) for the relief of the vestry of St. Peter's Parish, in Montgomery County, Md., a corporation; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 25080) granting an increase of pension to Ellie A. Hill; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25081) granting a pension to Alberta W. K. Brown; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25082) granting a pension to James Kelley; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25083) granting a pension to Oscar W. Davis; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 25084) granting a pension to Lurena A. White; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 25085) granting an increase of pension to Thomas Clark; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25086) granting a pension to Samuel F. Webb; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 25087) granting a pension to Frazier Ward; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25088) granting an increase of pension to Patrick F. Heenan; to the Committee on Pensions.

By Mr. McDERMOTT: A bill (H. R. 25089) granting a pension to Joseph Mulholland; to the Committee on Pensions.

Also, a bill (H. R. 25090) granting a pension to Edward A. Mueller; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 25091) granting an increase of pension to Thomas Campbell; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 25092) granting a pension to Augustus B. P. Palmer; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 25093) granting an increase of pension to Anderson R. Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25094) to remove the charge of desertion from the record of William T. Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 25095) authorizing the issuance of a patent to the NW. ¼ sec. 27, T. 17 S., R. 40 W., Dodge City (Kans.) land district, to George H. Lowrey; to the Committee on the Public Lands.

By Mr. PARRAN: A bill (H. R. 25096) granting a pension to Genca Harrison Eakle; to the Committee on Pensions.

By Mr. PEPPER: A bill (H. R. 25097) granting a pension to Susan F. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25098) granting a pension to Albert S. Allen; to the Committee on Pensions.

By Mr. SPEER: A bill (H. R. 25099) granting a pension to Bell B. Orr; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25100) granting an increase of pension to Thomas F. Gher; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 25101) granting an increase of pension to Albert Foraker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of S. & Stan Kostka, No. 440, Chicago, Ill.; St. Joseph Society, No. 25, Erie, Pa.; St. Stanislaus M. B., No. 244, Philadelphia, Pa.; Polish, Ruthenian, and Lithuanian American citizens, Scranton, Pa.; Workmen's Sick and Death Benefit Fund of the United States of America; Latt Albet Surajdy Society, No. 74, Manistee, Mich.; and A. Hamsans Society, No. 21, Alpena, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the American Association of Masters and Pilots, of St. Louis, favoring passage of House bill 23676; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge No. 21, Firemen and Enginemen, of St. Louis, Mo., protesting against the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of 37 citizens of St. Louis, Mo., protesting against increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the Daughters of Liberty, Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Labor Council of Greater New York, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against the passage of the Richardson drug bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce and the Nineteen hundred and twenty Club, Augusta, Ga., favoring investigation of the fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Theodore Metzeler, New York, protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of O. H. A. Milham, Brooklyn, N. Y., protesting against bill exempting labor unions from the Sherman anti-trust law; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of citizens of the eleventh congressional district of Illinois, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the eleventh congressional district of Illinois, favoring Government regulation of express companies; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Joliet, State of Illinois, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Resolutions of Boston Typographical Union, of Boston, Mass., against the lowering of the coinage unit; to the Committee on Banking and Currency.

Also, petition of the United States Civil Service Retirement Association, against passage of the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, resolutions of the Manila Merchants' Association, of Manila, P. I., favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, resolution of Chicago citizens, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Associated Charities of Boston, Mass., and the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DIFENDERFER: Petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Manila Merchants' Association, protesting against further sale of the Philippine friar lands; to the Committee on Insular Affairs.

By Mr. DANIEL A. DRISCOLL: Petition of Niagara Lodge, No. 148, and United States Grand Lodge, Order B'rith Abraham, Buffalo, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of American Exporter, of New York, favoring passage of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, petition of the Manila Merchants' Association, of Manila, P. I., against sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Medical Department of the Alumni Association of St. Louis University, favoring passage of the Owen bill (H. R. 11724); to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for the relief of Patrick Burke; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Manila Merchants' Association, protesting against sale of the Philippine friar lands; to the Committee on Insular Affairs.

By Mr. FULLER: Petition of the American Vigilance Association favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of Swedish Baptist Church, Rockford, Ill., favoring passage of the Kenyon-Sheppard Interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Jerome Romme, San Antonio, Tex., and Oscar Dunlap, South Bend, Wash., favoring passage of House bill 1339 for increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also petition of the Rockford Manufacturing and Shippers' Association, Rockford, Ill., favoring passage of Senate bill 6810, relating to bills of lading in commerce with foreign nations and among the several States; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Resolutions of First Bohorschaner Lodge, No. 463, and Eolvos Lodge, No. 4, Independent Order B'rith Abraham, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Los Angeles Chamber of Commerce, Los Angeles, Cal.; the New York State Chamber of Commerce; the board of trustees of the Toledo Chamber of Commerce, of Toledo, Ohio; and the Merchants' Exchange of St. Louis, Mo., favoring provision for mental examination of immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi River and its tributaries and immediate relief; to the Committee on Rivers and Harbors.

Also, petition of the Retail Cutlers' Association of New York and vicinity, against use of trading stamps and coupons; to the Committee on Ways and Means.

Also, petition of the Wisner Manufacturing Co., of New York City, N. Y., favoring lowering of letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Committee of Wholesale Grocers, of New York City, N. Y., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of John G. Klein & Co., of New York City, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, petition of William Rahr Sons & Co., of Manitowoc, Wis., favoring passage of House bill 17222, relative to shipping unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Long Island Game Protective Association, of New York City, favoring passage of the McLean-Weeks bill (S. 6497) for Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. GOULD: Petition of citizens of Bar Harbor, favoring passage of House bill 19133, creating a postal-express system; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of R. E. Butler, A. W. Sclewcler, and A. H. Nudgley, San Francisco, Cal., relative to the passage of the Stephens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Martha Washington Council, No. 2, and other members of Daughters of Liberty, San Francisco, Cal., and of the Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Rosenblatt Co., San Francisco, Cal., protesting against passage of the Works bill relative to establishment of a license law for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Waterhouse & Lester Co., San Francisco, Cal., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., favoring continuance of the Efficiency Commission in the administration of the Federal Government; to the Committee on Appropriations.

By Mr. LEVY: Petition of Joseph Isaacs, of New York City, against passage of bills proposing change in present patent law; to the Committee on Patents.

Also, petitions of the Prospect Heights Citizens' Association and the Manufacturers' Association, of Brooklyn, N. Y., favoring passage of the Page bill, known as the vocational education bill; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the American Exporter, New York, relative to the improvement of the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of the Manila Merchants' Association, protesting against the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MALBY: Resolution of Joel Lodge, No. 118, Independent Order B'nai B'rith, of Plattsburg, N. Y., against passage of Senate bill 3175 and House bill 22517; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petition of Brass Workers Local Union, No. 189, Newark, N. J., favoring the prohibiting of the use of the stop-watch system; to the Committee on Labor.

Also, petition of the United States Civil Service Retirement Association, Newark, N. J., favoring pensioning all Government employees who have served for 30 years or more; to the Committee on Reform in the Civil Service.

Also, petition of the National Jeweler's Board of Trade, New York, protesting against any legislation that would affect price maintenance; to the Committee on Patents.

Also, petition of New Jersey Lodge, No. 38, Independent Order B'rith Abraham, Newark, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., and General Putnam Council, No. 137, Junior Order United American Mechanics, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of American Yeoman, Des Moines, Iowa, relative to the Dodds amendment to an appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Resolutions of State Council of Pennsylvania, Order of Independent Americans, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Manila Merchants' Association, of Manila, P. I., favoring the sale of the friar lands; to the Committee on Insular Affairs.

Also, petition of the Hannibal (N. Y.) Board of Education, favoring passage of bill relative to agricultural school; to the Committee on Agriculture.

Also, resolutions of the United States Civil Service Association, against the five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. PARRAN: Petition of 29 citizens, members of Patapsco Council, No. 58, Junior Order United American Mechanics, favoring passage of bills providing for restrictions of immigration and the illiteracy test; to the Committee on Immigration and Naturalization.

Also, petition of 23 citizens of Hughesville, Charles County, Md., members of the Society of Friends, against passage of the Warren bill, to promote rifle practice in the public schools of the United States; to the Committee on Military Affairs.

By Mr. REYBURN: Petition of State Council of Pennsylvania, Order Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of State council of Pennsylvania, Order Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of Atlantic Council, No. 154, Junior Order United American Mechanics, Point Pleasant, N. J.; the Brotherhood of Locomotive Engineers at Harrisburg, Pa.; the Daughters of Liberty of Ridgefield, South Amboy, and Asbury Park, N. J.; and the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Civil Service Reform League, against section 5 of the legislative, executive, and judicial appropriation bill (H. R. 24023), against the five-year tenure of office; to the Committee on Appropriations.

Also, resolutions of the Richmond Chamber of Commerce, of Richmond, Va., and the New Jersey bankers, favoring sound banking and currency reform; to the Committee on Banking and Currency.

Also, petition of the Atlantic City Turnverein, of Atlantic City, N. J., against passage of interstate liquor bills; to the Committee on the Judiciary.

Also, petition of the American Mining Congress, favoring passage of House bill 17260, providing a new organic act for the Bureau of Mines; to the Committee on Mines and Mining.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bills, proposing change in patent laws; to the Committee on Patents.

By Mr. SULZER: Petition of the Central Federated Union, New York, favoring increase of the scale of wages in the Government Printing Department; to the Committee on Appropriations.

Also, petition of the Advertising Men's League (Inc.) of New York City, favoring the printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Stern-Katzenstein Co., New York, and A. L. Shakman, New York, N. Y., favoring passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, relative to the Fifth International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, petition of the Lackawanna Steel Co., New York, and the Labor Council of Greater New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalizaton.

By Mr. THISTLEWOOD: Petition of citizens of Coulterville, Ill., against passage of the Oldfield and Brown bill, proposing change in patent laws; to the Committee on Patents.

By Mr. TILSON: Petition of the Bridgeport (Conn.) Branch of the United States Civil Service Retirement Association, against the provision in House bill 24023; limiting the term of office in the civil service to five years; to the Committee on Appropriations.

Also, petition of the New Haven Chamber of Commerce, of New Haven, Conn., favoring passage of House bill 19227, to provide for the permanent exhibit of the resources of the States in the Union in or near Washington, D. C.; to the Committee on the Judiciary.

Also, petition of the New Haven Chamber of Commerce, New Haven, Conn., favoring continuance of the Director of Consular Service and the Division of Information; to the Committee on Expenditures in the State Department.

By Mr. WILSON of New York: Resolutions of the Manila Merchants' Association, of Manila, P. I., favoring passage of bill to dispose of Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Labor Council of Greater New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *June 4, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Lord, our heavenly Father, who by Thy holy word hast promised that Thou wilt in no wise leave us nor forsake us, and that Thou wilt be with us in the time of trouble, look with compassion upon us, we pray Thee, as we stand before Thee, with hearts pained and saddened. Our hearts are saddened by the loss of the Member of this Congress so suddenly called from the labors of earth; and we are sore pained for the Member of this body, our fellow-laborer, who this hour lies hovering between life and death. Be nigh unto him, we pray Thee, and comfort him with Thy presence. If it be Thy will, send forth Thy healing Spirit and restore him to life and strength, that again he may share the counsels and deliberations of the Senate.

And unto Thee, our Father, whose we are, living or dying, will we render praise now and for evermore. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

PENSION APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact and conclusion and opinion filed by the court in the cause of B. L. Garber, administrator of the estate of James Rhodes, deceased, *v.* The United States (S. Doc. No. 758), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Alfred C. Cassell *v.* United States (Washington, D. C., Navy Yard) (S. Doc. No. 757); and

Hannah McCray, widow of John McCray, deceased, James H. Macon, sr., *v.* United States (Pensacola Navy Yard) (S. Doc. No. 756).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports;

S. 4791. An act authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho;

S. 6508. An act to exempt from cancellation certain desert-land entries in Chuckawalla Valley, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The message also announced that the House had passed the following bills and joint resolution, each with an amendment, in which it requested the concurrence of the Senate:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909;

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910;

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The message further announced that the House had passed the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate.

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes;

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 20684. An act providing for the sale of the Lemhi School and Agency land and lands on the former Lemhi Reservation, in the State of Idaho;

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers;

H. R. 23470. An act to protect American trade and American shipping from domestic and foreign monopolies;

H. R. 23799. An act to amend "An act to authorize the Dolphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands;

H. R. 24026. An act to incorporate the Naval History Society; and

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.

The message further informed the Senate that Mr. DAVIDSON had been appointed a member of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, vice Mr. LAWRENCE, excused.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of the executive committee of the Illinois and Chicago Civil Service Reform Associations, remonstrating against the adoption of sections 4 and 5, as proposed in the legislative appropriation bill, relative to a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented a petition of members of the Women's Guild of Grace Episcopal Church, of Cambridge, Ill., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of members of the Warren County Medical Society, of Illinois, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of members of the Evangelical Ministers' Alliance of Washington, D. C., remonstrating against intervention in Cuba by the United States, which was referred to the Committee on Cuban Relations.

Mr. GALLINGER presented the petition of W. P. Lord, of Lancaster, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Southwest Citizens' Association of the District of Columbia, praying that an appropriation be made for the construction of a modern school building in the vicinity of the Randall School in the District, which was referred to the Committee on the District of Columbia.

Mr. CATRON presented petitions of sundry citizens of Chaves County, N. Mex., praying for the enactment of legislation providing for two judicial districts for New Mexico, which were referred to the Committee on the Judiciary.

Mr. LORIMER presented a memorial of sundry citizens of Galesburg, Ill., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Local Granges, Patrons of Husbandry, of Bridgton, Union, Passadumkeag, Sheepscott, South Bridgton, Greenfield, West Bethel, and Fairfield, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the Diocese of Maine, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. CURTIS presented a petition of sundry citizens of Kansas City, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. SHIVELY presented resolutions adopted by the Federation of Labor of Fort Wayne, Ind., favoring an investigation relative to the production, transportation, and sale of coal, which were referred to the Committee on Interstate Commerce.

Mr. WILLIAMS presented a petition of sundry citizens of Jackson, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of Holland Camp, No. 38, United Spanish War Veterans, Department of Michigan, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Charlevoix, Mich., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a petition of Benona Center Grange, No. 994, Patrons of Husbandry, of Shelby, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the German Central League of Saginaw, Mich., praying for the enactment of legislation providing for the protection of migratory game birds, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council of Grand Rapids, Mich., praying for the enactment of legislation to protect the labels and other emblems of labor organizations in the District of Columbia and the Territories, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 4675) for the relief of George W. Brown, reported it without amendment and submitted a report (No. 842) thereon.

He also, from the same committee, to which was referred the bill (H. R. 16493) to correct the military record of William Z. Norman, reported it with an amendment and submitted a report (No. 843) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 5886. A bill for the relief of Calvin G. Linville (Rept. No. 844); and

S. 3797. A bill to remove the charge of desertion from the military record of Lemon Barnes (Rept. No. 845).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 7039) for the relief of Calvin D. Cowles and others; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 7040) authorizing the Secretary of War, in his discretion, to deliver to the city of Canton, Ill., condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. LORIMER:

A bill (S. 7041) to amend the military record of William H. H. Edwards; to the Committee on Military Affairs.

A bill (S. 7042) granting an increase of pension to F. W. Chapman;

A bill (S. 7043) granting a pension to Tim McCarthy;

A bill (S. 7044) granting a pension to Ethel T. Scudamore; and

A bill (S. 7045) granting an increase of pension to William Goulding (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7046) granting an increase of pension to James Allinsworth (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7047) granting an increase of pension to George E. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. LEA:

A bill (S. 7048) for the relief of heirs or estate of L. B. Moore, deceased; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 7049) granting an increase of pension to Samuel D. Plandk; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7050) to establish a mining-experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN (for Mr. CLARKE of Arkansas) submitted an amendment relative to leasing the Arlington Hotel premises at Hot Springs, Ark., etc., intended to be proposed to the sundry civil appropriation bill (H. R. 25069), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CULLOM submitted an amendment proposing to pay the balance due the depositors in the Freedman's Savings & Trust Co., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment relative to the transmission through the mails of publications of State boards or departments of public charities and corrections, intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

COAL LANDS IN ALASKA.

Mr. BORAH submitted two amendments intended to be proposed by him to the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, which were referred to the Committee on Public Lands and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SHIVELY submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

LOSS OF STEAMER "TITANIC."

Mr. SMITH of Michigan submitted the following resolution (S. Res. 327), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be reimbursed out of the contingent fund of the Senate an amount not to exceed $566.71 additional expenses necessarily incurred by order of the subcommittee of the Committee on Commerce in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington and care while in Washington in attendance upon said committee.

FREEDMAN'S SAVINGS AND TRUST CO (S. DOC. NO. 759).

Mr. CULLOM. I ask to have printed as a public document a statement by Rev. James L. White, a colored citizen of Washington, D. C., relative to the Freedman's Bureau and the Freedman's Bank and the balance due the depositors in the Freedman's Savings & Trust Co.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

PAY AND ALLOWANCES OF CERTAIN ARMY OFFICERS (S. DOC. NO. 760).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Cuban Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War with reference to the receipt by the three officers of the United States Army detailed for service in connection with the army of the Republic of Cuba of pay and certain allowances from the Government of Cuba.

It seems proper that these officers, who have been placed at the request of the Government of Cuba in a position where, by the nature of their official duties, they have had to incur considerable additional expense, should be authorized to receive the additional pay and allowances which the Government of Cuba has generously tendered them.

I recommend that the consent of Congress be given as requested by the Secretary of War.

WM. H. TAFT.

THE WHITE HOUSE, *June 4, 1912.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act:

On June 3, 1912:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

ENLARGED HOMESTEADS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, which was, on page 1, line 10, after "Arizona" to insert "California."

Mr. SMOOT. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C., which was, on page 2, in lines 7 and 8, to strike out "Fifteenth International Congress on Hygiene and Demography" and insert "American Red Cross."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

RADIO COMMUNICATION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

Mr. NELSON. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Michigan, Mr. BURTON, and Mr. NEWLANDS conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest; and

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho.

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 23470. An act to protect American trade and American shipping from domestic and foreign monopolies was read twice by its title and referred to the Committee on the Judiciary.

H. R. 24026. An act to incorporate the Naval History Society was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, and so forth, was read twice by its title and referred to the Committee on Military Affairs.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. LEA. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Jones	Simmons
Bacon	Cummins	Kern	Smith, Ariz.
Bailey	Curtis	Lea	Smith, Ga.
Borah	Davis	Lorimer	Smith, Md.
Bourne	Dillingham	McCumber	Smith, S. C.
Bradley	du Pont	Martin, Va.	Smoot
Brandegee	Fletcher	Myers	Stephenson
Bristow	Foster	Nelson	Stone
Brown	Gallinger	Oliver	Sutherland
Bryan	Gardner	Overman	Thornton
Burnham	Gronna	Page	Tillman
Catron	Guggenheim	Perkins	Warren
Chamberlain	Heyburn	Rayner	Wetmore
Clapp	Hitchcock	Richardson	Williams
Clark, Wyo.	Johnston, Ala.	Shively	Works

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

Mr. KERN. Mr. President, I rise to address myself to Senate resolution 315. I ask that it be laid before the Senate.

The VICE PRESIDENT. The Senator from Indiana calls up the privileged matter which will be read by the Secretary.

The Secretary read Senate resolution 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, in speaking to the Senate on this question I have no purpose to indulge in rhetorical flourishes; I shall employ no words of mere ornamentation; but I shall content myself by giving to the Senate as briefly and concisely as I can my views on the single question of law presented in the case, and as plainly and as briefly as I can I shall present to the Senate the salient points in this vast volume of testimony, as I conceive them to be salient points, with the sole view of informing Senators respecting the evidence adduced at the hearings, because I know that a very large majority of the Members of this body have not had time to wade through the thousands of pages of testimony offered in the case.

Mr. President, in addressing the Senate in support of the resolution declaring vacant the seat of one of its Members because of corrupt methods and practices employed in his election, I am performing one of the most unpleasant duties ever devolving upon me in the course of my life. It has never given me pleasure, sir, to inflict pain upon my fellow men, nor by word or act to do them injury.

In the practice of my profession, which covered a period of 40 years, my voice was raised many times in defense of men charged with wrongdoing, seldom in a demand for their condemnation, and in the few cases of that kind in which I succeeded in the conviction of men charged with crime, the pride of professional victory vanished as I witnessed the downfall of the men against whom my efforts had been directed, and the lamentations of the mothers, wives, and children of such men were so distressing that, except in cases of exceptional public importance, I abandoned that field of practice altogether.

My duty here is particularly painful, because the man against whose right to a seat here is in question is a fellow Senator, representing a State adjacent to my own, a man of pleasing personality, whose private life, as I understand, has been pure and whose home life is ideal. My personal relations with him during my short stay here have been exceedingly pleasant, and I can but regard him as a genial and kindly man.

The fact that he is a Republican while in every nerve and fiber I am a Democrat does not mitigate the unpleasantness of my work, because throughout my life my dearest and most valued personal friends have been Republicans, and while I come from a State noted for the fierceness of its political conflicts I am proud to say that in that Commonwealth the people are big enough and broad enough to yield to others the same liberty of thought they claim for themselves, and when the conflicts have ended and the smoke of battle blown away they recognize in each other the same good neighbors and friends that they were before they were summoned into action.

But, sir, from the moment I accepted the responsibilities attaching to a membership on this committee of investigation I have been deeply impressed with the gravity of the case, the momentous questions involved—questions momentous alike to the Senator whose right to a seat here is involved and to nearly an hundred million people interested vitally in the perpetuity of their Government and the stability of its institutions. And it is but fair to say that I believe that every member of this investigating committee entered upon the discharge of his duties fully alive to the importance of the case and highly resolved to render fair, impartial, and patriotic service to the country.

It would be idle to say that any member of the committee was without preconceived opinions on the question submitted to them by the Senate for investigation, for it was known to the Senate, as it was known of all men, that four members of the committee had served upon the Burrows committee which had investigated the same questions, five members of the committee had voted in the Senate on those questions, and that the other three, while new members, were men who had read the published testimony and the very able arguments made in the Senate on both sides of the case—that they were men who, having so read, must have thought on the subject, and having thought, must have formed some opinion as to the merits of the controversy.

I believe, sir, that every member of that committee realized from the beginning that he was handicapped by these opinions already formed, but that all were determined that there should be a full and complete investigation—a thorough exploration of every known place where facts might possibly exist which would in any degree illuminate the questions to be investigated.

That this investigation has been complete, and of an entirely different character from that of the Burrows committee, is attested by the fact that whereas the testimony taken by that committee is contained in a single volume of 748 pages, the testimony adduced before this committee fills 8 volumes and covers 8,587 pages.

In this investigation counsel on both sides were given the widest latitude, and neither pains nor expense was spared in exploring every avenue which might possibly lead to the truth and in bringing before the committee nearly every person likely to be in possession of facts which might possibly aid in the solution of the questions before it.

Now, sir, after the conclusion of these labors there are widely divergent views amongst members of the committee, not only as to the facts proven, the weight of evidence, the credibility of witnesses, but also on the main question as to whether corrupt methods and practices were employed in this election.

Mr. President, I hesitate not to accord to my associates upon this committee, collectively and individually, the same honesty of purpose and purity of motive that I claim for myself. From my point of view it is inconceivable that from the facts proven the members constituting the majority of the committee could reach the conclusion they have announced, but I recognize the fact that my viewpoint is not theirs and that I have no right, even if I had the remotest inclination, to asperse their motives or reflect upon their honesty of purpose. So that, while in the remarks I shall make I may with earnestness and zeal endeavor to enforce my views of this case upon the Senate, I trust that no part of this address may be construed as an attempt to belittle or stigmatize the members of the committee who do not agree with me, for they are gentlemen for whom I entertained the kindliest feeling when I commenced service with them, and the long months of constant association have resulted rather in strengthening than diminishing that feeling of personal regard.

RES ADJUDICATA.

Mr. President, before proceeding to a discussion of the evidence, I desire to allude briefly to the defense of res adjudicata which was first mentioned in the presence of your committee on the very last day of the hearings in February of this year.

I do not propose to discuss this question at length, because a majority of the Members of this body are lawyers by profession and those who are not are men of affairs, not likely to be misled by this eleventh-hour technical defense.

I shall only remind the Senate that under the Constitution it is the judge of the elections, returns, and qualifications of its own Members; that acting under this authority on the 7th of June, 1911, it passed the resolution naming this committee and specifically authorizing and directing it to investigate whether corrupt methods and practices were employed in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois, and also to inquire fully into and report upon the sources and use of the alleged jack-pot fund or other fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. Yes.

Mr. HEYBURN. I desire once, and only once, to interrupt the Senator for the purpose of inquiring as to the status of this investigation. I have it in mind that only the Senate concurrently elected can inquire into the regularity of the election of a Senator of that class. I do not believe that subsequent Senates may go back and repudiate or overrule the action of the Senate to which the Member was elected. Were it not that we are divided into classes, and recognizing the fact that the Senate is a continuing body, I think there would be nothing in the suggestion; but the Senator was elected together with the Members constituting one-third of this body, and that Senate investigated this matter. Now, can a new class of Senators coming in reopen that question and review the action of the Senate to which he was elected a Member?

That presents a question rather different from the question as I have heard it discussed and read; but it is worthy of consideration, because if the next class can raise the question, it might be done repeatedly. If the Senator were reelected and reelected every succeeding Senate that might be opposed to him might reopen the question. It is quite a large and material question.

Mr. KERN. Mr. President, I have always supposed that the Senate of the United States was a continuing body, and that though every Member of the body might die, the Senate would still be in existence. I had supposed, sir, that it was a continuing body, the same as a court is a continuing institution. The judge of a court may resign; the judge of a court may die; and yet the court continues and the incumbent of the office of judge continues to administer the affairs of that tribunal. But I do not propose at this time to be diverted from the line of discussion which I have mapped out.

Why did the constitutional provision clothe this body with the power to be the sole judge of the qualifications, election, and returns of its own Members? It was to the end that the Senate of the United States might always act respecting the qualifications of its Members unfettered by judicial decisions or precedents, and deal with each case according to its own merit.

Neither during the debate, sir, which preceded the adoption of the resolution, nor at the time of its adoption, was there any suggestion made by Senator LORIMER or by anyone in his behalf that the Senate had not ample power to direct a reinvestigation of his case. He tacitly acquiesced in the action of the Senate. When your committee met he appeared in person and by counsel, and was present throughout the months of investigation cross-examining all witnesses called by the committee and examining scores of witnesses in his own behalf on every possible phase of the case, not only as to matters not called to the attention of the former committee, but bearing upon all the questions investigated by that committee, and it was not until the hearings had ended that intimation was given that the power of the Senate to order, or that of the committee to make a full investigation of the questions submitted, was to be questioned.

If any members of the committee believed that the questions being investigated were res adjudicata, they were strangely reticent in not mentioning it, but, on the other hand, proceeded with an investigation at a cost of more than $50,000.

Mr. DILLINGHAM. Mr. President, may I interrupt the Senator for just a moment to set myself right?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. Yes.

Mr. DILLINGHAM. I think, if the Senator will look at the debate preceding the adoption of the resolution authorizing this investigation, he will find that I called attention specifically to the du Pont case and the report that was filed by the committee on that occasion, written by the late Senator Hoar, where he used this language:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or facts which are involved.

I will say that I called attention to such expression of views in the remarks I then made and based my contention on that ground, that it was alleged there was a large amount of newly discovered evidence. I do not want to interrupt the Senator; I merely wanted to set myself right.

Mr. KERN. Will the Senator permit me to ask him if he did not vote in favor of the reopening of this case and a reinvestigation?

Mr. DILLINGHAM. I did, and I advocated it. In doing so I placed myself upon the ground of newly discovered evidence.

Mr. KERN. But the Senator did not object to reopening the case on that or any other ground. He surely recognized the power of the Senate to reopen the case or he would not have voted in favor of its reopening.

Mr. DILLINGHAM. Will the Senator allow me one word more?

Mr. KERN. Certainly.

Mr. DILLINGHAM. I voted gladly and freely to reopen the case because, under the representations made, I thought, in view of the ground taken by a previous committee, whose views have been read, that the case ought to be reopened. I was fully conscious of the fact then, as I am now, that if there was no newly discovered evidence that would change the former action of the Senate the principle of res adjudicata ought to be applied, and thus have the matter ended. In my view of the case, not having found such evidence, I think that that doctrine should be considered and applied. I do not want to interrupt the Senator any further. I beg his pardon for having done so at all, but I did not want by implication to be placed in a wrong position.

Mr. KERN. I am glad the Senator interrupted me. I only beg to remind him that, while I have no doubt his mental processes were as he has stated, it is remarkable, if he believed the Senate had no power to do more than investigate or reinvestigate newly discovered evidence, that he voted for a resolution which commanded this committee to go out and enter upon a full and complete investigation of all the facts in the case and to report back to the Senate upon the original question that was submitted to the Burrows investigating committee in 1909.

Mr. President, if the power of the Senate under the Constitution to order the reinvestigation of a case for any reason is conceded, then this defense of res adjudicata must fail. Conceding for the moment that this proceeding is analogous to a civil action at law, the granting of a new trial, even on the sole ground of newly discovered evidence, opens up the case for a full and complete reinvestigation. And here the Senate, without reciting the reasons why, reopened the case and directed the committee to investigate the question not as to the truth of the alleged newly discovered evidence, to investigate not the question as to whether there was newly discovered evidence of such weight and character as to justify action, but to investigate the question as to whether corrupt methods or practices had been employed in Senator LORIMER'S election; not to examine new evidence which might be adduced, but to hunt out, hear, and report all evidence bearing upon the subject to be investigated.

The time for a plea of former adjudication was when the Senate was considering the question as to whether the case should be reinvestigated. After acquiescing in that action—aye, taking part in that action—and, without objection or protest, taking part in the proceedings before the committee, using the process of the Government in procuring the attendance of his witnesses before the committee at public expense, it is now too late for Senator LORIMER to be permitted to urge this remarkable defense.

Mr. President, I do not know what prompted other Senators to vote for a reinvestigation of this case except as they stated the reasons for their action on the floor of the Senate, and only a few of them expressed themselves upon that question. It was not solely on account of the newly discovered evidence that I voted for this second investigation. I was very largely influenced to that action by the firm belief that the first investigation had been utterly incomplete and had failed to develop facts which must have been accessible.

I could not fail to observe that the confessions of Link, Beckemeyer, and Holstlaw had been discredited by that committee because of the claim that they had been coerced into making them by barbarous methods alleged to have been employed by the prosecuting officers of Cook and Sangamon Counties, and yet these prosecuting officers were not permitted to come before

the committee and refute these charges, as they have done in this investigation. Although one of the chief offenders, as alleged, the distinguished and able prosecuting attorney of Cook County, Ill., was before the Burrows committee he was not asked a single question on the subject of the coercion of these men.

This case, sir, largely turns upon that proposition. The confessions of Beckemeyer and Holstlaw and Link were repudiated by the Senate, in speeches made on the floor of this body, for the sole reason that they had been coerced into making them by methods intolerable in a civilized country. And yet, sir, the prosecuting officers charged with the employment of these methods were not asked a word on the subject as to whether or not the charges were well grounded.

I might cite numerous other instances of the failure of that committee to investigate important questions which of necessity pressed upon them, but the one instance named is fairly illustrative.

Whatever the causes that existed for ordering the reinvestigation, it was ordered; that order was acted on; the new investigation has been made, Senator LORIMER freely and without protest participating in it; and the report of the committee is here for final disposition. It will be quite apparent to lawyers that this plea comes too late, if it ever could have been made. The plea itself is res adjudicata.

I desire to call attention to some of the statements and arguments made on this subject in the report of the majority. I read from page 38:

> Before the public hearings in this case closed counsel for Mr. LORIMER raised the contention that all of the issues relating to the election and qualifications of WILLIAM LORIMER as a Senator of the United States from the State of Illinois had been adjudicated and finally determined by the Senate of the United States by its action on the 1st day of March, 1911; that such former adjudication and final determination of the issues was in law and justice a bar to any further proceedings designed to call in question the validity and legality of the election of Mr. LORIMER and his right to his seat in the Senate.
>
> Your committee is of the opinion that all such issues touching the election and qualifications of WILLIAM LORIMER were so finally adjudicated, and that the action of the Senate on the 1st day of March, 1911, recognizing the right of Mr. LORIMER to retain his seat in the Senate of the United States is a bar to any further proceedings in the Senate.

Again, from page 41:

> Under all the authorities we have been able to find, the Senate acts in this matter in a judicial character and its decision is of the same nature as the decision of any regularly constituted court of justice, and has the same force and effect. We are here exercising a judicial function. This being true, the doctrine of res adjudicata applies in this case.

Again, from page 54:

> Our conclusion is the doctrine of res adjudicata applies here and the former judgment of the Senate, rendered March 1, 1911, herein is conclusive.
>
> Under the principles laid down by the highest judicial tribunals in the land, the Senate of the Sixty-second Congress would not question the title of Mr. LORIMER to his seat, the right to which was determined in the Sixty-first Congress, even though new evidence had been produced to impeach it. This committee, however, would not feel inclined to follow this rule implicitly—

Why not? If we are sitting as a judicial body, bound by judicial precedents—if, as a court, we are bound by the law—what warrant is there for the suggestion here that the Senate ought not under any circumstances to apply those judicial authorities and precedents?

> This committee, however, would not feel inclined to follow this rule implicitly, and if new and substantial evidence had been discovered showing clearly that he had secured his election by corruption we would recommend—

What?—

> we would recommend a reconsideration in order that the honor and integrity of the Senate may be maintained. Absolutely no new and substantial evidence has been discovered impeaching his title, and for the Senate under such circumstances to reconsider its action taken in another Congress would be to invoke the rule of might instead of the rule of right, and would violate the uniform and universal rule of action followed by all the courts of Christendom and the unbroken precedents of the Senate itself.

If there has been new evidence which tended to impeach the title of the sitting Member, I assume they would agree that the case ought to be reopened and that the Senate ought to act upon the report. I assume that if the new evidence discovered fortified or confirmed the evidence already introduced the same rule would obtain. If, then, it be shown in this evidence, new and old, that four malefactors have confessed participation in the corruption charged; if it be shown that these men were corrupted by Lee O'Neill Browne and his accredited agent, Robert E. Wilson; if it be shown that Lee O'Neill Browne was the active and duly accredited agent of Senator LORIMER; if by the new evidence or by the new and old the relationship between White and Browne and LORIMER has been traced and shown to have continued until very nearly the time of the exposure, and if it be further shown that Browne and LORIMER attempted to quiet White by providing him, a Democrat, with an appointment in a Republican county office in Chicago; if it be shown that Senator LORIMER's interest in Browne continued to be such that he paid $10,000 out of his own funds to aid in his defense in a case where his guilt was unmistakable; if it be shown that about the time of the payment of the corruption money to White, Beckemeyer, Link, and Holstlaw, a number of other Democratic members who had betrayed their people in the matter, were exhibiting almost simultaneously in various parts of the State $100 bills which they had in their possession and for which they were unable to account; if circumstances have multiplied since the former hearing dispelling all doubt as to the bribery of Holstlaw and the other confessing malefactors, then, according to the report of the majority, the honor and integrity of the Senate would demand affirmative action regardless of the defense of res adjudicata. These things which I have just enumerated I propose in a subsequent part of this address to show. Every member of the majority of this committee is a lawyer of experience and ability. So every such member, in common with every lawyer in the country, is entirely familiar with the law of res adjudicata. The law of res adjudicata has not changed since the Senate voted on the 7th of June, 1911. It has not changed for a hundred years. The principle is so well known to lawyers that it is regarded as one of the elementary, fundamental principles. If it is the law now that the Senate was without power to reopen and cause the reinvestigation of the case, it was without power on the 7th of June 1911, and it must have been known then to every lawyer in this body, including the members of the investigating committee. Yet, as I pointed out a while ago, the distinguished Senator from Vermont, the chairman of the committee, addressed the Senate in favor of a reinvestigation and favored the proposition to place the work of reinvestigating the case into the hands of his committee; and every member of the committee, I believe, voted in favor of opening the case.

There was a proposition pending in the Senate for a month to refer this matter of reinvestigation to a special committee of five members. That was opposed, I believe, by every member of the Committee on Privileges and Elections, including myself. If these gentlemen believed then as they believe and declare now, why did they not decline this useless and fruitless task? If the Senate was without power to act, and the committee, its creature, was under the law to be sent forth to combat imaginary windmills and be compelled to report, after seven long, weary months of effort, that its work according to law and precedent was a joke, why did not these gentlemen of the majority declare their views of the law and spare the country the expense of the investigation and spare the members of the committee that very arduous and trying experience during the heated and sultry days of last July and August while this investigation was grinding its weary way along? One Senator here, a member of the committee, has declared in an address to the Senate that he was so intent upon his duties as a member of this committee that he did not permit himself to read the newspaper accounts of the investigation during the seven or eight long months that it dragged along. His life during that period must have been a dreary waste. Why did he subject himself to such cruel privation if, as a lawyer, he knew that the committee was powerless to condemn and the Senate powerless to act except in violation of law and precedents?

If this defense prevails, the plain people of the country, unfamiliar with this technical term of the law, will be utterly confused and bewildered, and they will ask: "Is it true that four men confessed to taking bribes, two of whom connected the bribe with the election of the Senator?" and the answer must be, "Yes; it is true, but it was res adjudicata"; and then, when the question is asked whether the confessions of these men were fortified by other circumstances, and the answer is given, "Yes; fortified and buttressed at every point until doubt was dispelled"; and the next questions follows, "Why, then, no action?" the only response, res adjudicata. Is it true that there were all over the State of Illinois, immediately upon the distribution of this money, a dozen members of the legislature, impecunious and bankrupt before that time, who all at once began to display hundred-dollar bills? Is it true that they were unable in a single instance to account for their possession of those hundred-dollar bills? Yes; it is true. Then, adding that to the confession, adding that to the fortification and buttressing of the confessions by outside evidence, adding to that the thousand other circumstances of the case, the innocent voter will puzzle his brain as to how there could be escape in such a case, but he will have to be satisfied with the explanation that puzzles him still more—res adjudicata.

Fellow Senators, I know it is urged here that the people of this country are not to be consulted by the Members of this body in cases of this kind. It is claimed, perhaps, that they are not even to be considered in such cases. But you must be

aware of the impression that would be made upon the public mind by a decision that this hairsplitting defense of res adjudicata is a sufficient answer to these serious charges. Such a decision would be received with derision in every part of the country by the men and women who believe in fair and open administration of justice and whose common sense tells them that the interposition of such a defense is for the purpose of thwarting justice rather than promoting it.

Gentlemen, this charge is too serious and this evidence too strong for the course of justice to be thwarted by this miserable technical defense which was born out of the travail of the closing scenes of the committee's hearings.

Mr. President, having concluded this part of my speech, as I have been indisposed all the forenoon, I should like to continue my remarks to-morrow.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDING OFFICER (Mr. MYERS in the chair). The pending question is the amendment of the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the Committee on Appropriations on page 12. The amendment to the amendment will be read.

The SECRETARY. It is proposed to amend the amendment of the committee so that it will read:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

Mr. WILLIAMS. Mr. President, for fear there may be some Senators present who were not present upon yesterday when this question was under consideration, I wish that they may at least understand it.

It is an amendment to a Senate committee amendment. The Senate committee amendment provides that the library collected by the National Monetary Commission shall be transferred ultimately to the Library of Congress, but it provides that in the meantime it shall be kept and maintained at the Senate Office Building under the charge of a custodian at $2,500 a year. The Senate committee amendment as amended by my amendment would force the removal of the library of the Monetary Commission to the Congressional Library at once and do away with the necessity of the salary of this custodian. That is the question as it presents itself sharply for the consideration of the Senate.

Mr. GALLINGER. Mr. President, may I ask the Senator from Mississippi how many volumes are in that so-called library at the present time.

Mr. WILLIAMS. I understand that there are from 6,000 to 8,000, but I do not know. I have understood that to be the number. I made inquiry and was so informed.

Mr. JOHNSTON of Alabama. I do not think there are near so many as that, I will say to the Senator from New Hampshire, because I went into the room. It is a small office room, just as Senators have in the Senate Office Building, and that one room is pretty well filled up. Then there are two or three cases in the Senate Finance Committee room with volumes in them, but they are large volumes. I should estimate that there are about 3,000 volumes.

Mr. WILLIAMS. They are very expensive books, and I have been told that there are 6,000 or 8,000 volumes. I know they fill one whole side of the Finance Committee room, and I know they fill one room and spread out into another. They overflow two rooms, one a very large one.

Mr. GALLINGER. I think there could not be six or eight thousand volumes, but I have not made a personal examination recently.

Mr. WILLIAMS. I asked some Senator yesterday going down on the street car. We were talking about it, and he said there were six or eight thousand volumes. It astonished me somewhat that there was so great a number of them. It is a regular little library, and a very valuable one.

Mr. HEYBURN. I desire to ask a question of the chairman of the committee. It is as to whether these volumes or any of them are in duplicate. I do not understand that they are. So those books ought not to be taken from the library as we ordinarily take books for independent use, because some other Senator might desire to use the same books at the same time. I should like to inquire during what hours the library is kept open.

Mr. WARREN. From 9 in the morning until 10 at night.

Mr. HEYBURN. The hours are the same as at the Congressional Library?

Mr. WARREN. Oh, I thought the Senator was inquiring about the Congressional Library.

Mr. HEYBURN. I know about that. I refer to the library where it is now located.

Mr. WARREN. I suppose that would be arranged, if not the same way, according to whatever the wants of the public might be.

Mr. HEYBURN. I understand it is not kept open now during any specified hours, so that it is only available when the custodian happens to be there. Is that a fact?

Mr. WARREN. As I understand it, it is rather disorganized now, since the Monetary Commission has ceased to exist. I do not know that I would be able to inform the Senator what the regulations are as to hours.

Mr. HEYBURN. I have this in mind: Senators must do the work in connection with any question depending upon the use of that library out of hours—that is to say, when we are not in session. If the books were at the Congressional Library, they would be available in the evening. If Senators were working upon any question that might be up for consideration they would want to have access to that library out of hours—that is, out of senatorial hours.

I do not understand that the library is now opened at any particular time, but, of course, if the books were in the Congressional Library we could go over there in the evening and spend an hour or two in investigating questions that might be up for consideration, and it would be very much more convenient, unless corresponding regulations could be made as to the keeping open of this library.

I speak only from what I should consider my own methods. Questions necessitating the use of that library would be taken up after the Senate had adjourned, and probably after this custodian had locked up the rooms and gone away, while if the books were at the Congressional Library we could go over there through the evening hours up to 10 o'clock and have a convenient reference to them or use of them.

Mr. WARREN. I have some information here which I will give when the Senator is through.

Mr. HEYBURN. I will yield until the Senator gives it.

Mr. WARREN. I should like the attention of the Senator from Mississippi. The Senator from Mississippi yesterday, and I assume he may have the same impression to-day, thought there must be a Senegambian in the woodpile somewhere about the library. I have taken some pains to ascertain. I understood, when we adopted this amendment in committee, that it was on the recommendation of the Librarian of Congress as the best solution of this problem. I now hold in my hand a letter written by the librarian covering the ground, and I will ask if the Senator will kindly allow it to be read at this time.

Mr. HEYBURN. Certainly.

The PRESIDING OFFICER. The letter will be read by the Secretary.

Mr. WARREN. I will say before the reading that the reason why this man was employed was because he was recommended by the librarian as being the man who should have charge of the library, and he had no backing from any Senator or Member of Congress.

Mr. HEYBURN. I do not raise a question as to his efficiency or the propriety of his appointment.

Mr. WARREN. This will cover the point the Senator has been talking about.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

COMMITTEE ON THE LIBRARY,
UNITED STATES SENATE,
Washington, D. C., June 4, 1912.

MY DEAR SENATOR WARREN: If I recall rightly the details, I was asked to recommend a librarian for the Monetary Commission, and immediately and without hesitation recommended Mr. Slade as admirably fitted for the post by education, training, and a long experience with us in the Library of Congress precisely to the purpose.

Faithfully, yours,

HERBERT PUTNAM.

I may add that if the project be carried out, Mr. Slade would, as custodian, render a service to Senators and the Senate committees far in excess of the mere care and use of that collection, for his knowledge of the Library of Congress is such that he would constantly draw upon it in their behalf, and, in fact, act as an outpost of it.

Should the collection come to the main library, it could not well be kept separate, but would have to be merged. It would not in this case require the special custodian. On the other hand, its usefulness would be greatly impaired by the lack of one devoted to it, with close knowledge of it, and applying himself to the duty of making it serviceable to Congress.

Mr. WARREN. I have only one further word to add. Of course, I am presenting the matter for Senators according to the information I get. I shall be perfectly satisfied with whatever the Senate chooses to do; but it seems to me that one point ought to be considered now. If this is a rare library that is not easily duplicated and is now kept together where a reference to it can be made instantly, we ought not to distribute it all through the Congressional Library.

If that is what you wish to do, to avoid the employment of a custodian, well and good; but if, on the other hand, it is worth preserving the individuality of that library and you have to have a custodian, then the question of the custodian would seem to be eliminated and it comes down to the question of where it would be best protected and most convenient.

Mr. HEYBURN. It could be just as well protected and as completely under the management of a custodian in the Congressional Library if we direct that it shall be so.

Mr. WARREN. But the amendment offered by the Senator from Mississippi does not carry any provision for that, and we should have to provide for it if it is to have a custodian.

Mr. HEYBURN. I attach little importance to the question of the salary, because I presume that it would cost about as much to keep a custodian specially fitted for the work in charge of it in the Congressional Library as it would over here.

Mr. WARREN. Will the Senator allow me a moment?

Mr. HEYBURN. Yes.

Mr. WARREN. This, being put in by the Senate, must necessarily be only an offer to the House, because the House has equal rights, and when it comes to conference the matter of salary will be, of course, adjusted according to the views of the House and the Senate, if they can be ascertained. But it is better, if you are to have a custodian, to have the salary included, I think. It might be stricken out in conference.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. I will ask the chairman of the committee whether this man who is recommended by the Librarian of Congress is now in the service of the Government and employed in the Library of Congress?

Mr. WARREN. I assume that he has been employed, but he has been paid, I think, from the Monetary Commission. As to his exact status to-day I would be unable to tell the Senator.

Mr. GALLINGER. My thought was that if he is in the employ of the Government in the Library of Congress it is not going to cost us anything more to have him take charge of this library in the Library Building.

Mr. WILLIAMS. If he did he would go back to his old salary and not to the extravagant amount of $2,500 a year.

Mr. WARREN. There is no provision in the bill for his salary except the amendment of the committee.

Mr. HEYBURN. Is there a provision anywhere for him as an employee of the Congressional Library?

Mr. WARREN. Not that I know of.

Mr. HEYBURN. It seems to me, Mr. President, if those books are as accessible and the custodian is as constantly there to give attention, it would make but little difference, so far as the Members of the Senate are concerned, as to whether they were in the Senate Office Building or in the Library. But my attention is directed more particularly to the completeness of the service of the custodian. Undoubtedly Senators will want to make a very extended use of these books or of that library, or some of them, and they ought to be as available both as to convenience and as to hours as though they were in the Congressional Library. If the House is willing to have that library over here in the Senate Office Building, that is for the House to determine, and I am not going to enter any plea on their behalf, but I am only speaking of the convenience to Senators. I do not know to what extent it has been catalogued, whether as to the subject or merely as to the name of the volume and its place on the shelves, but it should be accessible to Members of both Houses at such hours as would accommodate them in using it.

I repeat, I have given no thought to the question of the custodian, because it would be practically the same for the same service wherever it was. I do not know that the Senate is going to take up the consideration of any financial legislation, but it may do so, and when it does any Senators anxious or willing to enter into a thorough preparation for the consideration of a question of that kind should have the freest access to those books. If we go over there now, I assume that every courtesy is extended and every convenience provided for the use of those books. But whether that custodian will be there during all the hours when they might desire to consult the books is a very important question.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. I asked the Senator to yield for the purpose of making this suggestion: It seems to me that the Senator from Wyoming [Mr. WARREN] has a total misapprehension of how books may be accessible in a public library. He seems to think that these books ought to be kept together in a batch, the idea being that you or I could go there, look them over, and find out what we want. It does not make a bit of difference in what part of a library building a book is, it is shelved according to certain rules of classification, chiefly topical. The only thing that you need in a batch is the name of the book. If you go over there, for example, you will find the names of books there that were bought by Congress from Mr. Jefferson. Mr. Jefferson's library is in a separate catalogue. You would find after these books went there one of the first things the librarian would do would be to print a list of the books contained in the Monetary Commission library, so you would not go to the shelves, but the names of the books on the shelves, the authors, the topics, would be brought to you. You could send for it to the Library and have it sent to you. The Library over there has, I suppose, a great number of these bibliographies, so that you can get the books that are published upon any subject you want almost by asking the librarian to send you the bibliography upon that subject. For example, if you wanted to write something or study something about Mr. Jefferson, you would ask for a bibliography, and the librarian would send you the Jefferson bibliography, which is this thick [illustrating], I suppose, and it contains the name of every book in the Library ever written about Jefferson. So when you wanted these books you could either send for the bibliography of the Monetary Commission library or you could send for a list of the books upon the subject of banking and currency. That would include those. Then, running down them, you would find what you wanted, and have it sent to your chamber. You could not have that done where that library is now placed.

Mr. HEYBURN. Well, Mr. President, I think it would be decidedly wise to keep the books together in stacks, so that we would know just exactly where the books that are now in those rooms are and so that those desiring to use them could have access to the stacks for the purpose of looking over the books.

Mr. WILLIAMS. But—one moment more, if the Senator will pardon me—that is totally unnecessary. If the librarian thinks it is necessary or advisable he can do it that way, but it is totally unnecessary. They have this matter so arranged that all I have got to do right now is to sit down and write the name of any book that is in the Congressional Library, together with the name of the author, give it to a page here, and send it over there, and it will be back here in a very short time—I started to say eight minutes; but in a very short time. I might write for three books at the same time. One of them might be in the northwest corner, one of them in the southeast corner, and one in the center of that great Library upon the shelves; but before the man at the desk is a map on which is the name of the stack where a particular book is, and this communication is at once sent to the person in charge of the stack, and the book comes right straight back. It is not a question of keeping books together, but it is a question of being able to get them immediately.

Mr. HEYBURN. Mr. President——

Mr. WILLIAMS. Now, if the Senator will pardon me, one more remark, for I do not want to disturb him again. A Senator asked how many books were there, and I told him that some one had stated to me yesterday, going down upon the car, I think, that there were six or eight thousand. I find by reference to the RECORD of yesterday that the Senator from Utah [Mr. SMOOT], who has a rare faculty for accuracy about details, in reply to a similar question, said:

> There are several thousand volumes; I should judge between eight and ten thousand volumes.

So I should say 6,000 would be a very reasonable estimate of the number of books there. I do not know, however.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I will say that I had never heard stated definitely by anyone the number of books in the library, but it was suggested to me just before making the statement yesterday that there were the number I named in the library.

Mr. President, I wish to say, so that the Senator will understand the matter, that Mr. Slade was recommended by the librarian for the position of custodian of the Monetary Commission's library. His salary was fixed and paid by the

Monetary Commission. After the Monetary Commission ceased, Mr. Slade was paid out of the contingent fund of the Senate by order of the chairman of the Committee on Finance, and is being paid to-day out of that fund. If he is to continue as custodian of the library an appropriation must be provided in this bill.

Mr. CULBERSON. I will ask the Senator from Utah what authority—and I am asking purely for information—did the chairman of the Finance Committee have to order the salary paid out of the contingent fund of the Senate?

Mr. SMOOT. By the passage of a resolution authorizing the payment of whatever expense there might be in attending to the business of the committee.

Mr. CULBERSON. That is what I wanted to get at.

Mr. HEYBURN. I will ask the Senator if he knows what salary the commission paid?

Mr. SMOOT. They paid Mr. Slade a salary of $2,500 a year.

Mr. HEYBURN. Mr. President, what I was addressing my remarks to is not included within the consideration of the salary of this man.

Mr. SMOOT. I understood that, Mr. President, but I wish to say to the Senator, if he has no objection, that Mr. Slade at the present time is receiving the same salary that he received before, and the question on which the Senator was speaking was as to how long each day Mr. Slade was in charge of the library.

Mr. HEYBURN. No; I was not. I am not discussing Mr. Slade. I am discussing the question of the arrangement of these books.

Anyone accustomed to investigating questions knows that if he had access to the stack he will open a book that promises information and find that it contains none, or at least not what he was seeking, and he will immediately put it back on the stack and look at another book and see whether or not that contains the desired information. In looking up a law question you will stand up in front of your stacks of law books and probably eliminate a dozen from consideration that seem to promise information before you find the one that you want to give consideration to, but that would mean we would be sending for books and having them brought over here merely to ascertain whether they contained any information upon the particular subject. If they are in accessible stacks you will stand in front of those stacks, take down a book and look at it, and perhaps it may contain what you want or it may not. That will obviate the necessity of bringing over a large number of books. Whether that stack is in this room or whether it is in the Congressional Library is not very material, if the hours are so arranged as to make them accessible for that purpose.

I would like to see these books, if they go to the Congressional Library, placed in stacks by themselves, catalogued, and accessible, so that Senators or Members of the other House could go over to the stacks and by a few moments' investigation determine whether they wanted any of the books. While Senators had them sent over here by the dozen or the score for the purpose of finding out whether they wanted them at all other persons in Congress or elsewhere might desire to refer to those same books. The question of convenience is a very important question in disposing of these books.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. I think, if I read a part of the amendment, the Senator will see that it renders it very easy for the librarian to do just what he wants. This is the language in the latter part of the amendment:

> And the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books and the present stacks and shelving to the Library of Congress.

All the librarian will have to do will be to set up stacks and shelves, and put in the books, if he thinks that is the best way to make the books accessible to the reading public.

Mr. HEYBURN. Mr. President, from experience with libraries and reference to them, we all know that much depends upon the arrangement of the books so far as the availability of the information contained in them is concerned. I really care little whether those books are in their present quarters or in the Congressional Library if the same convenience can be afforded for reference; but if we are to keep these rooms open and keep a custodian there during all the hours the Congressional Library is open we would have to provide for elevator service, and we would have to provide that that custodian should remain there, say until 10 o'clock at night. I undertake to say that any busy Senator would have to defer his investigations until after the adjournment of Congress.

Mr. WILLIAMS. And he would have to remain there while Congress was in session.

Mr. HEYBURN. Yes.

Mr. WILLIAMS. And all the elevator service would have to go on all the time.

Mr. HEYBURN. He would undoubtedly have to remain there in and out of session. All that I desire is that the arrangement, whatever it is, shall insure accessibility to those books. My private opinion is that they would be more accessible if they were in designated locations and stacks in the Congressional Library; but if you can make this just as convenient and as complete as possible, I am not otherwise very particular about it.

As I have said, of course you will add to the expense of maintaining the Congressional Library to the extent of whatever it would cost to keep some one whose attention should be given entirely to that stack. If we engage in financial legislation here Senators of necessity will be giving a great deal of attention to that library, if it is what it is claimed to be. If, however, it is made up of a lot of essays written by men who call themselves financiers, as is the case with some of the volumes that I have in my room, I would not bother myself about them; but if there be valuable and reliable statistics or information contained in those books, we will have to be able to find them quickly; to investigate them then and there; and to make such notes and memoranda as are proper, so that when on the floor in the discussion of these questions if you have a reference to a subject and the treatment of a subject you will not have to send for several books in order to determine what you need on the floor.

The Congressional Library has a system, but if it is not a convenient system it is entirely within our power to change it. We can provide that the librarian shall keep this stack together, available, and under the care of a custodian, who can refer you to books that you may need in order that you may run down the subject.

Mr. WILLIAMS. I should like to suggest one difficulty in that connection, if the Senator will pardon me. If we did that, and made the librarian keep this as a separate library within a library, there would have to be a librarian for it, and there would have to be an assistant, because one man can not stay there during all the hours it should be accessible.

Mr. HEYBURN. No.

Mr. WILLIAMS. He would have to be relieved. If the books take the ordinary course, each one goes to its classified place; and as they are topically arranged, they will probably be all together anyhow; but they would fall within the regular service of the librarian. We would not have to hire another man or woman at the Congressional Library to put six or eight thousand more volumes in that library.

Mr. HEYBURN. No; but they have now assistants whose services are devoted to certain classes of the library.

Mr. WILLIAMS. Absolutely to certain classes. The Senator uses the word "classes" in the sense of the subject matter of the books

Mr. HEYBURN. The subjects matter of the books.

Mr. WILLIAMS. Yes; but not somebody to keep a certain territorial area—a library within a library, or a sort of imperium in imperio—but they have certain people who have charge of certain stacks, and those stacks for the most part are topically arranged in connection with matters of this sort. Of course, when you come to fiction, poetry, and literature of that kind, the books are not topically arranged; they are arranged on a different principle. But if you were to provide that this library were to be kept separately over there, you would have to carry along with this library the custodian, or you would have to appoint some other custodian to attend to it, as if it were a sort of separate library, whereas if it is merely carried over and is subjected to the usual rules and treated in the usual way, not another employee will be required.

Mr. HEYBURN. It would not be practicable at all to place these books according to the authors, for instance. They should be arranged according to the topic, "Finance."

Mr. WILLIAMS. They would be so arranged, naturally, anyhow.

Mr. HEYBURN. Then they would be together. The Congressional Library is open on Sundays, and there are some zealous Members of both Houses who find it necessary to do a good bit of that kind of work on Sunday. All I desire is a convenient arrangement that will enable us to have full advantage of whatever this library may present. I do not suppose if there are 8,000 volumes in this Monetary Commission library, that all of them are very important; but we will have to sift them. I like to go into a library with the books on the shelves and with the right to go up to a book, take it down, stand there, and see whether or not it is a book that I want to investigate.

Mr. WILLIAMS. If the Senator will pardon me, that is a thing that ought never to be allowed in any library.

Mr. HEYBURN. I do not think a Senator——

Mr. WILLIAMS. Nobody ought to go to the stacks or shelves except the employees of the library.

Mr. HEYBURN. I think that is a very inefficient way of arranging a library. I would not think of arranging one under my own control in that way. I must have access to the books on the shelves. They belong to the Senators and Representatives in Congress, and they should not be placed under embarrassing rules where they would have to send to a custodian, and say, "Bring me volume so-and-so, treating on a certain class of finance," and he brings it to you only to take it back again. You should be able to look for it yourself.

I only make these remarks in the interest of a proper arrangement. No lawyer ever handles his library as is suggested here. Any lawyer who knows how to use books has his shelves so arranged that he can look at a book and put it back again without loss of time. But to sit there and say to one of these messengers, "I want volume so-and-so," only to find that you do not want it at all, you would suffer a loss of time; and that would not occur if the investigator went to the shelves and looked at the books himself. You must not have it limited as to hours, for we want the fullest access to the books that can be had. That is all I want.

Mr. SMOOT. Mr. President, if it were not for the fact that the question of monetary legislation will be under consideration—if not at this session, more than likely at the next session—I would not care whether the Monetary Commission library now in the Finance Committee room of the Senate should remain there or be transferred to the Congressional Library; but for the very reason the Senator from Idaho has mentioned I believe that it ought to remain where it is, so that whenever the Finance Committee meets for the purpose of considering the framing of legislation affecting our monetary system it can have the reference books right at hand and not wait to send to the Congressional Library for them. We have a custodian who knows every book, and, as I said yesterday, he is peculiarly qualified for the position. He is at the office at 9 o'clock in the morning, and I have often sent there for books at 7 o'clock at night and found him there. I do not think that he remains there later than that, however. The thing for us to consider in this connection is as to whether it will be more convenient for the Finance Committee, in preparing legislation and gathering the necessary information, to have this library in the committee rooms or at the Congressional Library. I believe, Mr. President, with the library as it is, it will be much more convenient for the committee to get such information than if they had to send to the Congressional Library for it.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. The Senator will pardon an interruption. Does he not think that the convenience of these books to the members of the committee as against that of the General Legislature is very small ground upon which to base his argument? Does he not think that the books should be available to all Members of the National Legislature? If you are going to have a library in the Finance Committee, because some time that committee is going to consider a monetary bill, then you ought to have in that committee room a library of the tariff—a library of 50,000 volumes. I think there are that many, and most of them are very entertaining, if you have time to peruse them. If we start this business of putting into every committee room a library on the matters under the jurisdiction of each committee, we had better abolish the Congressional Library, which was originally instituted for the very purpose of keeping books that Senators and Representatives wanted, and allow Senators to have in their committee the special books connected with their own work. I do not think that argument ought to have much weight.

Mr. SMOOT. Mr. President, the Monetary Commission collected this library for the purpose of affording to Congress information to be used in considering legislation with a view of revising our monetary system, and as it was selected it was put into the rooms of the Finance Committee. The stacks are especially fitted for the room. The cases were made to conform to the room.

I do not think they could be used at the Congressional Library.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Mississippi?

Mr. SMOOT. Yes; I yield.

Mr. WILLIAMS. The Senator has now made a little broader statement. The first argument was that it was for the use of the library of the Committee on Finance, and now he has gone back further and says this library was for use in formulating monetary legislation. Does he not think that is too restricted a statement? It was not done solely, nor even chiefly, for the Monetary Commission. The Monetary Commission was not appointed to get this information solely for Members of Congress. This information was to be filtered through Members to all the people of the United States who were concerned in the consideration of the importance of legislation of that sort to the people of the United States. Does he not think it is too restricted a field, that he has taken a too restricted territory in his statement, and that the broader and better ground is that the books ought to be not only accessible for the Finance Committee, but all Senators, and not only all Senators, but all Members of the House of Representatives, and not only all Members of the House of Representatives, but all students and bankers and financiers, and so forth?

Mr. SMOOT. I think the Senator from Mississippi is wrong when he says it was not collected chiefly for the use of Congress. I think that was the purpose; that it was collected to be used in securing information for the purpose in view of revising our monetary system.

Mr. HEYBURN. May I ask a question?

Mr. SMOOT. Yes. I yield to the Senator from Idaho.

Mr. HEYBURN. I understand there are chutes running from the Congressional Library to both Houses of Congress, and when we order a book it comes from the Library in a very few minutes. That chute runs to the House as well as the Senate, and if we have information as to what books we shall want during a debate and order them, they can be sent immediately to the Senate. On the other hand, the Senate Office Building is a half mile from the House—I believe that is the distance—and it would necessitate probably the time and expense of sending those books over in the wagons that run to and from the Library.

Mr. SMOOT. The Senator knows there is no chute from the Library to the Senate Office Building nor to the House Office Building, and those are the places where the committees meet. There is a chute running from the Library to the central Dome of this building.

Mr. HEYBURN. But it is available to the Senate and the House, whereas if the suggestion is complied with we will place those books a half mile distant from the House of Representatives and a quarter of a mile from this Chamber, and time must elapse before we can get the books. Perhaps an argument will have been finished or a vote had before the book would be in the hands of the Senator wanting to refer to it.

The use of the books is not of as much importance to the committee as it is to a Senator on the floor, because these questions are thrashed out on the floor, and the present arrangement for sending them quickly to the Capitol is certainly a convenience, and a convenience far greater than would be afforded by having to send them by messenger or by wagon. I think we ought to take that into consideration.

Mr. SMOOT. I will further state that if the proposed amendment of the Senator from Mississippi is adopted it will not provide for the salary of the present custodian. I understand he desires that the books be transferred to the Congressional Library, and that the Congressional Library shall hereafter handle the Monetary Commission's library.

Mr. President, I believe the custodian to-day of that library, if it is transferred to the Congressional Library, should go to the Congressional Library and handle this particular library. The librarian sent a letter here this morning, which has been read from the desk, stating that Mr. Slade was at one time an employee of the Congressional Library and is ably fitted for the position now held by him. There is no provision made in any appropriation bill for his salary.

Mr. WILLIAMS. Mr. President, this man was formerly employed in the Congressional Library at a small salary; I do not know what; certainly not $2,500. All the Congressional Librarian has to do is to restore this man, if he chooses, to the rolls at his old salary, giving him what he is worth.

Mr. SMOOT. I call the attention of the Senator from Mississippi to the fact that there will be no place for him, as he is not provided for in any appropriation bill.

Mr. WILLIAMS. I have never found that there was no place for anybody when the man at the head of things wanted him. I have frequently been unable to find any place when I wanted a man appointed. But if there is a desire on the part of those in power to find a place for him, you can bet 25 tons of gold against a dozen eggs that they can find a place, and at his old salary, too.

The Senator from Wyoming [Mr. WARREN] suggests to me that those are rather large odds which I am offering. But it shows my confidence in the proposition; and the odds are not so large because the price of eggs, though the eggs be not completely fresh, has gone up so. If this particular man is wanted, the librarian can take care of him by just putting him back on the roll at his old figure. There will not be a bit of trouble about that. The matter of the custodian can be taken care of, if it is desired to put him back at his old salary—not this salary—and then I imagine nobody would have any objection to offer.

Mr. REED. Mr. President, I was not here when the letter of the librarian was read. I wondered what happened that the librarian assumed to advise the Senate what it ought to do with reference to business before it. So far as I am concerned——

Mr. SMOOT. I take it for granted the librarian was asked by the chairman for an explanation as to the item under discussion, and that it was in answer to that request that he sent the letter.

Mr. REED. How is that?

Mr. SMOOT. I say I take it for granted that information was requested from the librarian, and in answer to that request he sent the letter.

Mr. REED. I only know what I have heard here in regard to it. The statement was made that a letter from the librarian was read, saying this man was necessary to take charge of these books.

Mr. SMOOT. I never made any such statement.

Mr. REED. That is the way I understand it. What was it sent here for?

Mr. SMOOT. I stated that there was read from the desk a letter from the librarian stating that he recommended this man to the Monetary Commission for the position of custodian of the Monetary Commission's library; that he was peculiarly fitted for the place, and that he also added in the letter that the library as it is now located would be of more or greater advantage to the committee than if transferred to the Congressional Library, although the latter part of this I did not state when the Senator from Missouri entered the Chamber.

Mr. REED. Here is the letter, it just having been handed to me.

Mr. WATSON. How is it addressed?

Mr. REED. To "My dear Senator WARREN." After stating that he had recommended Mr. Slade to the Monetary Commission, in a postscript he adds this:

> I may add that if the project be carried out Mr. Slade would as custodian render a service to Senators and the Senate committees far in excess of the mere care and use of that collection, for his knowledge of the Library of Congress is such that he would constantly draw upon it in their behalf and, in fact, act as an outpost of it.
>
> Should the collection come to the main Library it could not well be kept separate, but would have to be merged. It would not in this case require the special custodian; on the other hand, its usefulness would be greatly impaired by the lack of one devoted to it, with close knowledge of it, and applying himself to the duty of making it serviceable to Congress.

If that does not constitute a letter of advice to the Senate of the United States with reference to what it ought to do in the matter now being discussed, then I am unable to understand the English language, and I simply rise to remark in language which is plain at least that I regard that as a piece of superlative impudence, wholly unwarranted, and ought not to be tolerated.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. WARREN. I want to ask the Senator how he can be consistent when he asks the chairman of the committee for information and then on what he bases his information, if the committee is to be debarred from addressing a communication to a man having charge of some one of the great bureaus or departments of the Government and get an answer in a perfectly deferential way. Is not that inconsistent?

I hold no brief to defend the librarian. He has always wanted more in the appropriation bill than we have been able to give him, but in this matter he can not be blamed, in my judgment, for answering the inquiry I made as to the facts. The question was raised here last night how this man came to be employed. I presumed the librarian knew what is a good and what is a poor man in the way of a custodian. I also asked him what would be the result in sending the books over there. There was no color on the part of the committee in what they desired, nor is there any color in the letter. It merely states the facts. I do not think I ought to sit silent in my place, after having had the letter read, and hear a Government officer charged with impertinence for merely answering a letter requesting information. Where are we to get our information? Where is the committee to get its information if it is debarred from asking the heads of bureaus and heads of departments for it? Are they to answer and say to the chairman of the Committee on Appropriations contemptuously, "It is none of your business"?

Mr. REED. If the Senator has concluded his question, I will proceed. The Senator says that he did not send his letter with any color, by which I take it he means he did not ask this man for his opinion, but for facts. It would have been entirely proper for the librarian to have stated that he had recommended Mr. Slade and to have stated that he recommended him because of his experience; it would have been entirely proper for the librarian to have said that if these books came to the Library he could not keep them together, because that would be a mere statement of fact, if it be a fact—a fact, however, which I very much doubt, because I think with a little shifting they could keep all these books together in that great building. But this gentleman does not stop at a statement of fact. He proceeds to tell us what ought to be done, and he seemingly does it without having been asked to advise us, because the Senator says he did not ask him for any coloring. He proceeds to tell us what service this man can render the Senate; in fact, he becomes the advocate of this particular man. No man reading this letter can arrive at any other conclusion, unless he starts out, in my judgment, with a peculiar frame of mind.

I take it this brings us to the very kernel of this whole controversy. It is not a question as to where the books shall be so much as it is a question as to who is to draw the salary of custodian of these books; and, accordingly, after a debate that has lasted now for a day and a half, we find that the appeal put forward by the Senator from Utah that if we do move the books to the Library, where they belong and ought to be, then this particular man should follow the books and the salary should follow the man; and on top of that comes a letter from the librarian recommending this particular man and insisting that he is the one man to have the custody of these books.

The VICE PRESIDENT. Will the Senator suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. MARTIN of Virginia. The Senator from North Carolina [Mr. SIMMONS], who is in charge of the bill, is engaged in a meeting of a conference committee, and at his request I ask that it be temporarily laid aside.

The VICE PRESIDENT. Without objection, upon the request of the Senator from Virginia, the unfinished business is temporarily laid aside. The Senator from Missouri will proceed.

Mr. REED. All this battle, in my judgment, is not over whether the books shall be close to the Finance Committee room or whether they shall be in the Senate Office Building or whether they shall be in the Congressional Library, but it is over the question as to whether this particular gentleman shall continue to draw $2,500 a year for sitting in the same room where the books are and looking wise. That is about all there is to it. If it was a special act it ought to be entitled an act to perpetuate this particular man in office and insure him his salary. So we find the librarian, for whatever reason he saw fit to do it, telling us, in effect, that this is the only man who can take care of those books. My experience in life has led me to this conclusion: Whenever you get a job that only one man on earth can fill, you ought to abolish the job and do it quick, because that one man may die and then we would be in an awful situation.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. REED. Certainly.

Mr. BACON. I wish to suggest to the Senator that, so far as the individual man is concerned, I do not suppose that would be a matter of much concern for the librarian in making the suggestion regarding him, because if I understand correctly we furnish the money for the payment of the salary, and the question of the selection of the man rests with him under the present law and not with Congress. So I suppose, as far as that part of it goes, in reference to the particular man, it could not have been with a view of having Congress name that man, because under the law of the land he would have the right to name him, and it would not be necessary for him to come to Congress for that purpose.

I suppose that what was in the mind of the librarian, who, by the way, is a very worthy and efficient officer, was simply the fact that if the books went over there it would be necessary

to have some additional force, and though it was not necessary to be done, he named this particular man as one suitable for the work. I say it was not necessary, because he himself could appoint him.

Mr. REED. Possibly, then, he wanted to be frank with the Senate or with certain Senators and let them have the assurance in advance that he had his eye on this man. I am constrained to believe that he is not the only man who has his eye on this particular man.

I say, Mr. President, again, if this position is one that can only be filled by one man, then we ought to abolish it utterly, because if the Lord should gather that man to his fathers this country would be in an awful condition. I know there is one man in this country that the world is certain to resolve itself back into chaos and old night, and all the elements are going to melt with fervid heat, when that man passes away; and the only solace and satisfaction that some of us have lies in the fact that we may die and pass away from this vale of tears before he goes, and the world and all that is therein contained comes to destruction. But I hope that principle will not be extended to the custodian of this library.

There has been a good deal of talk about the importance of having these thousands of volumes. Nobody seems to know how many volumes there are. Nobody has ventured a guess as to whether the number is 1,000 or 10,000. The vast amount of study that has been given to these books is evidenced by the fact that nobody has counted them, and nobody can come within thousands as to the number of them. Nobody is sufficiently familiar with this library to give us any definite notion with reference to that important fact. Yet we are told that the library is so important that it must be near the Commitee on Finance.

It strikes me that we are bordering upon the absurd when we say that the Senate Finance Committee can not consider financial legislation unless next door to it there is a library of so many volumes that nobody has counted them or can come within several thousand of the number there are. Every man here knows that the Finance Committee of the Senate will not get together in its room and undertake to read the books in that library or to examine the books in that library. It may at some time upon some disputed fact have occasion to send for a book, but it is utterly absurd to claim that it will sit there and burrow through these volumes. It may be that as a matter of antiquarian taste and as a mere love of book lore upon the shelves the expenditure of this money was justified. Yet I undertake to say that there never was for all practical purposes a more complete waste of money than when the books were bought, and that there is not a man on this earth to-day, and never will be a man, who will give to that library any exhaustive study, except it be a historian engaged in tracing the history of financial legislation.

I want to say that instead of the Finance Committee getting together to burrow through those books as they threaten to do, they are much more likely to get together on a financial bill as they got together on a tariff bill, to wit, the Republican Members get together in a room, call before them the men interested in financial legislation, to wit, the great bankers and owners of trust companies, and consult them as to their wishes and put their wishes forward in a bill, just as it has been admitted on this floor that different members of the Finance Committee in the past got together with the proprietors of the great protected industries behind locked doors and in secret and wrote the amendments to the Payne-Aldrich bill. That will be the kind of library which they will be consulting. They will be consulting the wishes of the great financial centers of this country as expressed by their mouthpieces, and they will not be hunting through musty tomes and ancient literature that gives us the history of money from the days when they bought by swapping first things, and then some representative of the things, and finally down through all the ages to our present monetary system.

The thing to do is to cut this little graft out of this bill, $2,500 a year to this man to look after these books. I undertake to say that those books will not be inquired after to any considerable extent, and when they are inquired after, tabulated and catalogued as the books are in the library, they can be taken from the shelves by a $900 a year clerk and brought to the desk of any man who wants to read them.

As far as I am concerned I propose to protest upon the passage of this bill against carrying items of this kind.

Mr. GALLINGER. Mr. President, it strikes me that we have spent a good deal of time over an inconsequential matter, and yet I want to say a word in addition to what has been said.

I regret that the Senator from Missouri has arraigned the Committee on Finance in its method of investigating questions relating to the tariff, and that he looks forward to the same methods which he denounces in the matter of framing a monetary bill. I do not know that we will ever have sane monetary legislation in this country; I have some doubt about it; but I am not going to waste time on that matter. I wish to say just a word or two in connection with the amendment of the committee and the amendment submitted by the Senator from Mississippi to the amendment.

Mr. President, as to the number of volumes in this so-called library I am quite as much at sea as every other Senator. It was stated in debate a little time ago that there are eight or nine thousand volumes, and it has been whispered in my ear within five minutes that there are about 3,000 volumes. I doubt very much whether there are 3,000 volumes or a thousand volumes upon monetary subjects, and if we had a little more time I think I would take the trouble to make a little investigation along those lines. I do not think the library is as important as some people believe it is.

It must be remembered that this library belongs not to the Senate but to both Houses of Congress, and it is a serious question in my mind whether we ought to establish a library in the Senate Office Building that will be open to the three or four hundred Members of the other House. I think that they might well, and I am sure that they will, object to having this library, if it is to be of any practical use, housed in the Senate Office Building, something over a third of a mile from the House Office Building.

It does seem to me that it is but a proposition sensible in every way that these books should be in the Congressional Library, midway between the two Houses, where they could have access to them, where the Senate has a reading room and the House has a reading room palatially furnished, and where I am told Senators and Members seldom are found. But if they desire to investigate these subjects, if these books are in the Congressional Library, they have delightful rooms there where they can go, and they will have an assistant not at $2,500 but at about $900 a year to wait on them. So much for that.

Now, Mr. President——

Mr. SMITH of Georgia. Will the Senator allow me just a word?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. Also it is true that any Senator can telephone to the Library and they will send him nearly any book on nearly any subject that he wants to examine in his office, or they will furnish it to him here.

Mr. GALLINGER. They come through the pneumatic tube under the Dome here.

Mr. SMITH of Georgia. If the Senator will allow me one word more, I only wish to express my appreciation of the splendid services that I have always received whenever I have called upon those at the Congressional Library to render me service. For that reason, I should like to have these books there, because I know I can get them quickly and easily if I ever want them.

Mr. GALLINGER. There is not any doubt about that splendid service, and it is at our command. Every request that is made by us is complied with with alacrity. I believe that is exactly what we ought to seek, rather than to have the library housed over here without any facilities such as we enjoy at the present time.

Now, as to the salary of this man, I think there is a good deal of anxiety expressed to take care of this particular man. He was in the employ of the Librarian of Congress at one time. I can not speak with authority as to what his salary was, but if he was such an extremely valuable man I wonder he was not kept there. I have observed that the Librarian of Congress, who is a very independent man, can usually work in a clerk there when he wants to, but he is horrified if a Senator should suggest the propriety of his doing that Senator a little favor. He does not think that that is right. So this man having been in the employ of the Librarian of Congress, if he was so extremely valuable, he ought not to have been separated from the Library of Congress, and if a little additional work is imposed upon the Librarian of Congress in placing this library in that building, I have no doubt but that he can find a place for this man, though not at $2,500 a year, because if you turn to this bill you will find that the Toner Library, which is a much larger library than this, has an attendant at $900. The Washingtonia Library has an attendant at $900 and an assistant, I believe. I do not know the extent of the Smithsonian Deposit, but I think it is a large deposit, and it has a custodian at $1,500. The Congressional Reference Library has a custodian at $1,500 provided for in this bill.

I never saw this man in my life. I presume he is a man of ability, a man of some knowledge of books, but I am not worrying over the possibility of that man's services being dispensed

with, because I have no doubt there are a multitude of other men who can do the work just as well as he.

It does seem to me that the persistent efforts to keep this library in the Senate Office Building, where I think it ought not to be, and the suggestion that this man ought to follow the library, have not much force. I remember that we had a railroad in New Hampshire once that frequently changed hands, and it was always said that the rolling stock and a certain number of lawyers went with it; they followed the change; it was a part of the understanding and the program.

Mr. President, I dislike exceedingly to differ even in minor particulars with the committee of which I am a member, but I really think that the suggestion made by the Senator from Mississippi in the amendment he has offered to the amendment will adequately provide for the protection of this library and will secure to the Members in both Houses better facilities than they can possibly enjoy if the amendment of the committee should be agreed to.

Mr. OVERMAN. Mr. President, as I said yesterday, I agree with what the Senator from Mississippi has said, but the Senate Committee on Appropriations acted in accordance with the Senate joint resolution which the Senate itself passed. It is exactly in accord with the provision inserted by the committee. It passed the Senate, and the committee of the Senate has, in acting upon this appropriation bill, acted in accordance with the current law so far as it can. I made the suggestion just as the Senator has that these books ought to go to the Library, and I shall vote for the Senator's amendment. But I want to show the Senator why the Appropriations Committee acted as it did. Here is a current law that the Senate has already passed; that is, it is a Senate resolution that it passed on March 14, 1912. It provides:

That all books, maps, and other documents now in the possession of the National Monetary Commission be, and they are hereby, transferred to and made a part of the reference library of the Committee on Finance, United States Senate, and said property shall not be disposed of as provided by section 3618 of the Revised Statutes of the United States.

Mr. BACON. Before what committee was that, if any?

Mr. OVERMAN. I do not know. All I know is that it is a joint resolution of the Senate that was passed.

Mr. BACON. I want to say for myself, and I presume it is true of other Senators, very frequently we have legislation of that kind on the calendar, and it goes through sometimes when no attention is given to it. I certainly would never have agreed to it at that time if I had known it was before the Senate.

Mr. OVERMAN. It passed.

Mr. BACON. By whom was it introduced?

Mr. OVERMAN. By the Senator from Ohio [Mr. BURTON].

Mr. CULBERSON. Does the resolution show from what committee it was favorably reported?

Mr. OVERMAN. I only have a copy in my hand. There is nothing to show from what committee it came. It was before the Committee on Banking and Currency.

Mr. GALLINGER. Is it a joint resolution or simply a Senate resolution?

Mr. OVERMAN. A joint resolution.

Mr. GALLINGER. Has it become a law?

Mr. OVERMAN. I do not know whether it has become a law or not. I know that the Senate acted on it.

Mr. GALLINGER. I do not think it became a law.

Mr. OVERMAN. It went from the Senate, and was referred to the Committee on Banking and Currency.

Mr. CULBERSON. That is the House committee.

Mr. OVERMAN. The House committee. It is Senate joint resolution No. 88 and passed the Senate, and is now pending before the Committee on Banking and Currency in the House of Representatives. But that was the action of the Senate.

Mr. BACON. I understood the Senator to say that it was a House resolution.

Mr. OVERMAN. No; I said it was a Senate joint resolution, S. J. Res. 88, but it is in the House of Representatives, having passed the Senate, and it is now before the Committee on Banking and Currency.

Mr. WILLIAMS. It had to be passed by both Houses before it could be a law.

Mr. OVERMAN. I say the Senate took action on the joint resolution. In that we did not go as far as the Senate Committee on Appropriations did. But if the Senate desired the books to be kept there, we provided they should be kept there until otherwise ordered, and made provision for one year. The committee acted upon the idea that the Senate had acted upon the question and desired to have them kept there. I am in favor of the amendment of the Senator from Mississippi transferring the books to the Congressional Library.

Mr. BACON. Mr. President, I just want to say one word without detaining the Senate long. I entirely agree with the suggestion that this library should go to the Congressional Library for a great many reasons, which I will not repeat, although satisfactory to me. I think it would be highly improper in view of the fact that the House has its joint interest in the property that it should be kept in the Senate Office Building, and I think it would be highly undesirable on account of the inconvenience of those who are particularly interested in the Senate Office Building to have it there.

I think it proper to say one word with reference to this letter from the librarian. I do not entirely agree with my friend from Missouri in the view he takes of it. We have rather had occasion to complain that officers in the different departments have not been as ready as we sometimes thought they should have been to give us the information which we desired. I am not disposed to criticize an officer when he responds promptly to an inquiry made to him either in the name of the Senate or by an individual Senator, even though he may have in some particular gone outside of the response required to the immediate inquiry.

I do not believe that the librarian intended to be officious in the matter. I do not agree with him at all in the suggestion that the library officer now in charge of this library should be transferred with the library, and what I say is not in defense of that proposition. I disagree with him in that regard. I think these books ought to be sent to the Library, to be treated like any other books that belong to the Library; and if the increased labor imposed by the presence of those books is such as to demand an increased force, it will be brought to the attention of Congress in the proper way; but I do not think that an officer, even though he may give us views with which we do not agree, is to be considered as endeavoring to unduly communicate with Congress when he responds promptly to an inquiry made to him as in this instance by the chairman of the Committee on Appropriations. I think, as I said, he is a very worthy and efficient officer. I am not in a position to judge whether he is open to the criticism which the Senator from New Hampshire [Mr. GALLINGER] made upon him, but I say, as far as his duties as a librarian are concerned, I have been impressed with the fact that he is a very superior and efficient officer.

Mr. HITCHCOCK. Mr. President, I concur in what the Senator from Georgia [Mr. BACON] has said, and I am glad to hear the fact stated by the Senator from New Hampshire [Mr. GALLINGER] that the librarian is disposed to be somewhat independent when Senators ask him for the appointment of positions in the Library. I think it would be a deplorable condition if the librarian were disposed to yield pleasantly when Senators ask for positions upon his Library staff.

If there is one place in the Government where it has been shown that patronage is abused it is that patronage under the control of the Senate. There is hardly a place in the Government service where there are so many men occupying positions approaching to the standard of the sinecure. I think the Senators of the United States have not shown themselves to be admirable as advisers to an administrative officer in filling appointive positions. If the librarian is to conduct the Library in the interest of the public service and is to secure full service for the salaries earned, he ought not to be subject to the influence of every Senator in the awarding of positions, and he certainly ought not to be partial to particular Senators.

I am glad to hear that the librarian has shown independence and in the selection of his staff and in the appointment to positions has not yielded to senatorial influence. I consider that a certificate of good character rather than a just criticism.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WILLIAMS. Mr. President, before we go further I want to make a statement to the Senate in the hope that it may lead to some stress being brought on the proper quarter to do what we all agreed substantially yesterday that we wanted to do, and passed over the provision.

A Representative in the other House this morning left this telephone message for me: "He states that there are 10 or 12 census employees working in the Maltby Building, and that Director Durand"—this is the Director of the Census—"says he can move them to the Census Bureau if necessary; in fact, he intends to move them there in the near future."

He also states in the same telephone message: "That on referring to the Book of Estimates, it will be ascertained that the appropriation for miscellaneous items for the Maltby Building has not varied over $2,000 in 10 years."

That leads me to this: I believe that if the chairman of the Committee on Appropriations were to request the Director of

the Census to move his men out of the Maltby Building back into the Census Building as soon as he could, it would be done within a week, showing us what has occurred here in the Senate, you understand. A part of the message also was—the clerk told me he failed to take it down—that the director said he could make room for them in the Census Building.

Mr. WARREN. Mr. President, the Committee on Appropriations has no jurisdiction whatever over the Maltby Building, except to provide for the appropriation. The Committee on Rules has charge of that.

Mr. WILLIAMS. I did not suggest that the Committee on Appropriations had such jurisdiction. I merely suggested that if you were to drop a note calling the attention of the Director of the Census to what had occurred here, that the fact of these census employees being there necessitated our keeping elevator people and everybody else in there all the time, and that you had been informed by a statement of mine in the RECORD, founded upon a statement made to me by Representative JOHNSON of South Carolina—I might just as well name him—I think the Director of the Census would move them out in a week.

Mr. WARREN. Is that the Representative JOHNSON who is chairman of the subcommittee who prepared this legislative bill?

Mr. WILLIAMS. I do not know. It is Representative JOHNSON of South Carolina.

Mr. CULBERSON. He is the chairman of the subcommittee.

Mr. WARREN. I will say to the Senator, then, that that Member of the House will have his opportunity when the matter commes to conference, as he will undoubtedly be in charge of the conferees on the House side, and those things can be composed there. There are other employees besides those of the Census Bureau in that building. It seems to me, in view of the fact that there are some of those employees, as was stated yesterday, employed here on the floor or at the doors of the Senate and in other places, that we ought not to wipe out that appropriation.

Mr. WILLIAMS. What I was trying to get at was this: The one real reason why we have to maintain anybody in the Maltby Building now is because some of the census employees are there at work, and I think somebody said some Senate commission or committee was there.

Mr. WARREN. There are numerous persons there.

Mr. WILLIAMS. A part of the Pension Committee, I think. They can be moved, of course, at once. If that is done, we shall lock the whole thing up, discharge the elevator attendants, the custodians, and the remainder of the employees and sell the building.

Mr. GALLINGER. Mr. President, I desire to say a single word in response to the remarks of the Senator from Nebraska [Mr. HITCHCOCK]. I know the Senator from Nebraska did not intend to apply what he said to me directly, although he did not quite comprehend what I had in mind, as he naturally would not.

About 14 years ago I joined with my then colleague, Senator Chandler, to ask for a position in the Congressional Library for a man who had been State librarian of the State of New Hampshire. He was given a small position and I think is still employed there. He was a competent man. From that time to the present I have not asked the librarian to appoint anyone from my State and probably never shall. I have given two or three letters, perhaps, to parties not residents of New Hampshire, some of whom came with a request from my colleagues to give them a word of commendation, and I ventured to do that. I do not know that it influenced the librarian one way or the other, and I would not expect that it should.

What I more particularly meant to lay stress on was the fact that I have reason to believe the librarian finds it in his power, and that he exercises his right, to give places to parties that very likely are competent in that great institution and that there is no obstacle in his way of doing that when he desires to do it. For that reason I felt that there would be no obstacle in the way of his giving a position to this gentleman, who is now in charge of the so-called Monetary Commission library. That is all I meant to say.

The Librarian of Congress is, beyond question, a very competent man; he is administering the affairs of that great institution with great ability. He came here recommended in the highest possible terms from the public library at Boston, where they always try to get the best. I had no purpose of reflecting in an improper way upon that official at all.

Now, Mr. President, if the chairman of the committee will permit me, I should like to ask him to go back, because I was detained from the Senate on yesterday, to an item on page 12, contained in lines 7, 8, 9, 10, and 11. I only wish to ask a question about it. That clause reads:

For rent of warehouse for storage of public documents for the Senate, $3,600, to be immediately available, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

I have noticed in reading this bill—in fact, I noticed it when the bill was before the committee—that we are paying immense rentals in the District of Columbia. I think I am not mistaken, certainly not if the statement was correct that was submitted to the committee, that there is one building in this District that was hired by the District government year after year for $8,000, the owners claiming they ought to have $10,000 and always saying that the Government owed them $10,000 each year, but nevertheless they receipted in full. I say that building, if I am not mistaken, is now being rented to a department of the Government for more than twice that amount.

It has often occurred to me that if some Senator or some committee of the Senate or of both Houses would take hold of this matter of rented buildings in the District of Columbia, ascertain their value, and ascertain what a fair rental would be, they would astonish themselves and astonish Congress in view of the developments they would find. I may be wrong about it, but that is my impression.

Here is the item for the rental of a warehouse for the storage of public documents. When we erected the Senate Office Building—and I chanced to be on that commission, and my distinguished friend the senior Senator from Illinois [Mr. CULLOM] was the chairman of it—we were told that the lower story of that building, especially on the C Street side—you will remember the building slopes down to C Street—would provide ample facilities for storing, I think, all the documents certainly of the Senate. I know that that entire floor is empty, or comparatively so; and unless there is some valid reason for not using it for storage purposes it does seem to me that we ought not to pay $3,600 a year rental for storing public documents for the Senate. I want to ask my distinguished friend, the chairman of the Committee on Appropriations, if he has at all looked into the matter of the possibility of storing all these documents in the Senate Office Building on the lower floor?

Mr. WARREN. Mr. President, the most of yesterday was spent in a debate of that subject. It seemed that the lower floor of the Office Building, which was prepared for documents and had steel beams put under it, has been apportioned to Senators, and they now occupy the room, or nearly all of it, that was intended for documents. The Senator from North Carolina [Mr. OVERMAN], who is a member of the Committee on Rules and who, I believe, is the chairman of the subcommittee in assigning rooms to the minority, reported quite fully upon that subject.

Mr. GALLINGER. I did not mean the floor that is No. 1, but the floor underneath.

Mr. SMITH of Georgia. Which is half above ground.

Mr. GALLINGER. Yes; it is half above ground.

Mr. SMITH of Georgia. And amply suited for documents.

Mr. WARREN. On one side it is not only not half above, but it is one and one-half below the ground.

Mr. GALLINGER. On the C Street side.

Mr. WARREN. If you go into the cellar, of course it is another proposition.

Mr. GALLINGER. I mean the lower floor, you may call it the cellar, but I would not call it that, exactly; it is a basement.

Mr. SMITH of Georgia. The end of the building toward the depot is, even as a basement, about half above the ground.

Mr. GALLINGER. Well, Mr. President, I was not present yesterday, and hence I did not hear the debate. I have not had time to read the RECORD, which I usually try to do, but frequently fail. However, I call attention to this, and more particularly for the reason that I am profoundly of the opinion that the Government is paying exorbitant rentals in the District of Columbia. Perhaps it is my duty as chairman of the Committee on the District of Columbia, although it is a governmental matter, to make an inquiry, rather than that of any other Senator; but I think it is a matter that might be inquired into very carefully. I believe I heard it whispered when I was on my feet that some Senator had made such an investigation, but I know of my own knowledge that the owners of the buildings in the District of Columbia are doing exactly what the owners of buildings everywhere else would do; they are getting just as high a rent as they can for their buildings, and I question very much whether as great care is being exercised in that matter as would be if we were purchasing buildings.

Mr. OVERMAN. Is not the Government to-day paying very much greater prices for some buildings than they were rented for prior to the time they were rented to the Government? In other words, has not the District of Columbia itself rented some buildings, then gave them up, and subsequently the Government has rented them for about twice the original rental?

Mr. GALLINGER. That is what I suggested a moment ago. That, I think, is an accurate statement. I want the owners of buildings in the District of Columbia, of course, to get a fair return upon their investment; that is proper; but I do not think the poor old Government, which, of course, has not many friends, should be imposed upon to an undue extent in this matter.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. In confirmation of what the Senator is saying—of course, neither he nor I like to base our action upon rumors; we want proof—but not long ago some one pointed out to me a building here that is now being rented by the Government. The building was owned by a florist and it used to be rented by a private individual—I have forgotten now by whom—and my friend said to me that the Government was paying four times as much rent for that building as the previous tenant had paid. So that upon yesterday I suggested that there should be a joint committee of the two Houses—not one of these commissions, but a joint committee—to try to ascertain, first, how much the Government was paying, and, secondly, not alone what department or bureau entered into the contract, but what particular flesh-and-blood man represented the Government in making the agreement, so that if we find any fraud, or stuff like that, we will know the man to punish and not place the blame in the wrong place; and then to find out how the rent paid by the Government for premises compares with the rent paid by others for the same or for similar premises in the District of Columbia.

I had intended, I will say to the Senator, almost at the beginning of the session to introduce a resolution to that effect and have it referred to the appropriate committee, my notion being that members of the Committee on Public Buildings and Grounds in the Senate and members of the Committee on Public Buildings and Grounds in the House of Representatives should form a joint committee for the purpose of determining the question; but it escaped me later on in doing other things, and I never thought of it again until yesterday, when we were running over this bill. I should be very glad if the Senator would introduce a resolution of that sort, because, coming from him, and moreover from his side of the House, it would have much more easy sailing than if it came from me or from my side. It ought to be done; there is no doubt about it. I am afraid—I hate to use the word—but I am afraid there is graft going on and that men—I do not mean the bureaus or the departments, for they are not flesh and blood, but somebody acting for them—either receive a bonus or receive some benefit in some way from this abuse, and I am persuaded that the abuse exists.

Mr. GALLINGER. I will be glad to confer with the Senator about the matter.

Mr. SMITH of Georgia. Does the Senator know how much the Government is paying annually for rent now?

Mr. GALLINGER. I do not know the aggregate amount, but I think the chairman of the committee probably has the information.

Mr. WARREN. I have it here, and every Senator can have it if he will look in the Book of Estimates. Every piece of property that the Government rents is included in that publication.

Mr. SMITH of Georgia. I will ask what is the aggregate amount?

Mr. WARREN. The aggregate amount is $586,274.74.

Mr. SMITH of Georgia. That was the information I had received.

Mr. WARREN. Of which the District of Columbia is paying $44,360. I suggest to my colleague on the committee that he might look at that some time.

Mr. GALLINGER. Well, Mr. President, I am not subject to criticism from the Senator from Wyoming on this matter. I would make no distinction as to the District of Columbia. If the District authorities are renting buildings they ought not to rent or paying too high rentals, I should be in favor of calling them to account.

Mr. SMITH of Georgia. I should like to say to the Senator from New Hampshire that I obtained the figures five hundred and eighty odd thousand dollars, and then I was told by a Member of the other House that there were other rentals in the District of Columbia in other directions that would really carry the total up to over $800,000. I have not any accurate information to support that statement, and I think it is probably a mistake.

Mr. WARREN. There is no doubt about that, Mr. President.

Mr. SMITH of Georgia. That it is a mistake?

Mr. WARREN. Yes. It is bad enough as it is. The present chairman of the Appropriations Committee has for years been seeking to remedy this condition, not only by urging the construction of our own buildings, but in trying to secure lower rents. I want to say to the Senator from New Hampshire [Mr. GALLINGER], my colleague on the committee, that the subcommittee spent the greater part of one day and a good deal of one night in figuring upon this very problem which now at this late time he brings up—the matter of $3,600 for the rent of the building where these documents are stored and their removal. It is a matter that we spent several hours on a year ago, and we had the Superintendent of the Capitol and the Sergeant at Arms before us, and undertook to formulate some plan whereby this appropriation could be obviated. The wording "for the removal of books" was put in at my suggestion, so that we might have them moved into the office building; but the Committee on Rules and the Sergeant at Arms informed me that they have listened to the importunities of Senators who desired those rooms, and it is not an easy proposition to walk up to a Senator and say, "Get out of this room; they want to fill it with documents." So we have once more, hoping it may be the last time, put in this $3,600 item, so that it can be used for moving the documents or for paying rent.

I will say in this connection that it is the cheapest rent per square foot by a very large percentage that the Government is paying. We hope this trouble will not occur again, but there will have to be some self-denial practiced on the part of those who are now using the Senate Office Building if we get all these public documents in there.

Mr. SMITH of Georgia. If the Senator from Wyoming will pardon me, it was not with reference to the item of $3,600 that I rose, but in reference to the item of $580,000 paid for rental of buildings in the District of Columbia.

Mr. WARREN. I understood that, but the Senator from New Hampshire stated that he was not here yesterday, and I wanted to give him the substance of what was said then.

Mr. SMITH of Georgia. Is it not true that a considerable portion of that $580,000 consists of rentals for properties arranged for by the departments without coming directly to the Committee on Appropriations?

Mr. WARREN. If the Senator will permit me, it would only take a moment to insert in the RECORD what each department is paying out for rent; and when the Senator from New Hampshire is through, I shall be glad to insert the figures.

Mr. SMITH of Georgia. I should be very glad if the Senator would read them, because I think it would help the departments to obtain a reasonable rental if it were known that an investigation was in prospect.

Mr. WARREN. With the permission of the Senator from New Hampshire, I shall give the figures:

The State Department, $11,480; Treasury Department, $52,000; War Department, $15,220; Quartermaster's Department, United States Army, $45,377.10; Navy Department, $40,326.24; Interior Department, $59,100; Post Office Department, $48,455; Department of Agriculture, $85,329; Department of Commerce and Labor, $87,581.24; Department of Justice, $31,580.40; United State Commerce Court, $11,772; United States Court of Customs Appeals, $7,000; Interstate Commerce Commission, $41,000; Public Printer, $5,093.76; and the District of Columbia, $44,360.

Mr. WILLIAMS. Mr. President, I would like to ask the Senator one question——

Mr. WARREN. If the Senator would like, I can give the particulars for the District of Columbia as they are given here.

Mr. WILLIAMS. I want to ask the Senator this question: I notice that the Public Printer is paying out money for the rent of a building——

Mr. WARREN. Yes.

Mr. WILLIAMS. He has the old Printing Office, and we built him a magnificent great new building, covering two squares, I believe. Does the Senator recall what he is renting an additional building for?

Mr. WARREN. I am not able to inform the Senator, but I imagine that it is for storage purposes for public documents, printer's supplies, and so forth.

Mr. SMOOT. Mr. President, it is for warehouses used in connection with the Public Printing Office; and the $3,600 item that is mentioned in this very amendment is part of the $5,000 that is paid out by the Government Printing Office for rent.

Mr. SMITH of Georgia. Mr. President, if the Senator from New Hampshire will allow me a moment——

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. I wish to express my very cordial approval of the suggestion of the Senator from Mississippi. I do hope that the Senator from New Hampshire will move that a joint committee on this subject be appointed to look into the matter and make suggestions as to what we ought to do, preparatory to lessening this enormous expenditure for rent. Coming from the Senator from New Hampshire, in view of his long service, no one will feel that it is intended as a reflection upon any particular person, but simply a business proposition and a business effort to make a saving where we ought to make it, if it can be done.

Mr. GALLINGER. Mr. President, I owe the Senate an apology for calling attention to this matter, which it seems was discussed at great length on yesterday, and I owe the chairman of the committee an apology for not having taken it up when the committee was considering the bill. I have been laboring under some handicaps, from the fact that I have a great deal of work in connection with other bills, especially a conference upon an appropriation bill, and this matter escaped my attention, or, rather, the item had been passed upon before I attended a meeting of the committee, and I ought to have looked into the RECORD and noticed that this matter had been discussed on yesterday, as I am told, at great length.

Another thing has impressed me along the same line as this matter under discussion, and that is, that it does not make very much difference how many public buildings we construct in the District of Columbia, immediately some department wants more room. I think if a committee is appointed it might well devote part of its time likewise to looking into the several departments and ascertaining if they could not economize more. I think that we might do a public service in that regard. However, so far as that is concerned, I will talk with the Senator from Mississippi and the Senator from Georgia, and, while I do not think that I necessarily ought to introduce a resolution of this kind, I will be glad to cooperate with them in the matter.

Mr. President, I have said all I care to say, and, as I remarked a moment ago, perhaps I owe the Senate an apology for going back and raising any question about this matter. I am not posing here as an economist, and yet there are some things in the administration of public affairs that appeal to me very strongly. I think we are inclined in this age to run riot in certain directions in the line of extravagance that we might curb if we took a business view of these public questions. All I care to do is to try to correct any evils that may exist and save the Government some money.

Some years ago there was a proposition to purchase a certain building in the District of Columbia. I will not go into the particulars, but the senior Senator from Minnesota [Mr. NELSON] in conjunction with myself took up that matter and made a careful investigation. We found that the amount named in the bill was just about twice the value of the building, and, while I made some enemies on account of the position I took about that matter, we did defeat the proposition and saved that money to the Government. I think the building is now being rented to the Government, and I presume at a good round rental, although I do not know.

Mr. WILLIAMS. I wish to ask the Senator in charge of the bill a question about an item which I notice under the head of "Capitol police."

Mr. WARREN. Will the Senator excuse me a moment? I simply wish to say, in regard to what the Senator from New Hampshire has said, that there is no apology due me whatever and that there was no criticism of him intended on my part; I merely desired to lay before him the facts.

I hope the suggestion of the Senator from Georgia may be effectuated and that the Senator from New Hampshire may take up the matter of the rental of buildings. There is always room for improvement.

Referring to the building which it has been said it was proposed to buy at twice its value, that is one of the difficulties we encounter; and here is another: Some years ago we undertook, so far as the Senate was concerned, to purchase the Census Building. We were unable to get the proposition accepted by the House or through conference, and there never has been a time since when we could buy that same building for anywhere near the small sum for which it could then have been purchased. It could not be bought to-day for twice the sum then asked. So that the difficulties of the Appropriations Committee multiply in whatever direction we may seem to go. If we want to buy a building there must be graft somewhere, in the minds of the suspicious; there must be something wrong, and we lose the opportunity. The judgment of a committee, after a careful examination of the facts, may be that we ought to buy; but we are met with the statement that there must be some graft in it.

When we come to the matter of rentals, we have to deal with the different departments—the War Department, on the one hand, the Agricultural Department, on another, and so forth; and it is very hard for Congress, and certainly it is difficult for a committee of Congress, to prevent the rental of any building until such time as the Senate and House have passed upon the proposition and determined what amount should be paid. I assume there must be overpayments in some cases, and I know that in some others which we have investigated we are renting at a lower rate than others, private parties, are paying; but I presume the average is somewhat higher, as the Senator has said.

Mr. WILLIAMS. I wish to ask a question of the Senator from Wyoming in charge of the bill. I notice under the head of "Capitol police" there is 1 lieutenant and 34 more privates provided for than are provided for in the bill as it came from the House. How does the provision of the bill as proposed to be amended by the Senate committee compare with this year's law? Did the House cut the number?

Mr. WARREN. The House cut the number a little more than half. In other words, they did not leave the number provided in the current law.

Mr. WILLIAMS. Does this bill as it is now propose an increase over the present law?

Mr. WARREN. The Senate has restored the number to cover those now on duty. That is all.

Mr. WILLIAMS. It has but kept up the number?

Mr. WARREN. Yes, sir.

Mr. WILLIAMS. I did not know whether it was an increase or a restoration.

Mr. WARREN. It is no increase whatever.

Mr. WILLIAMS. It is simply a restoration.

Mr. WATSON. I should like to ask the Senator in charge of the bill if he does not think we could dispense with half of these policemen? I notice sleepy-headed officers sitting around that never would be allowed in a real business institution. They are of no use to anybody, even themselves, except to draw their salaries. That, I think, is of personal knowledge to every Senator. Why pension them in this manner?

Mr. WARREN. If those employed here and there are pensioned, it is a different understanding than what I have. I understand that every one of them is on duty. But there are 24 hours in the day, and under the law and custom such employees are on duty 8 hours of each 24. So it takes three shifts. There are various places where, as the Senator from West Virginia says, they may be sitting at these doors where they must necessarily watch the incoming and the outgoing, but there has to be a watch on account of the liability of fire or accident, and therefore these policemen are watchmen as well. If it is thought that this building and grounds can go without guards and without sufficient police, there will be no captious opposition to their going on behalf of the committee or of myself, although I think they should all be retained. If we have all been wrong here for a hundred years, and if it requires nobody to watch the building, well and good. We had a valuable Senate painting quite recently carved up.

Mr. SMITH of Georgia. Notwithstanding the 67.

Mr. WARREN. If the Senator wants to know my opinion, I believe we could better afford to have a sufficient watch on the Capitol than to take the chance we would run without it.

Mr. MCCUMBER. Mr. President, I did not rise to discuss the number of policemen provided for in this bill, but I do want to make an inquiry in reference to the compensation of the policemen.

The Senator probably feels, as I do, that if there is any criticism which can be made on the legislative bill, it is in relation to the apportionment of salaries. We divide clerks into classes—A, B, C, and D—and we pay them salaries according to the class they may be placed in, without reference whatever to the work that is performed in that particular class. The result is you have at a table one employee working for $900 a year, or for 11 months, and you have working at the same table another clerk receiving $1,400, doing exactly the same kind of work. That certainly is an inartistic method of distribution of salaries. I believe that all salaries should be based upon the character of work done and the skill necessary to do that work.

I appreciate, however, that that is a difficult problem to be solved by the committee. But what I especially want to call the Senator's attention to is this: We are paying in our departments, on the average, I believe, for the labor of women,

about $1,200 per year. As a rule there are perhaps three or four in nearly every family receiving these salaries. So that it makes a very good family salary.

I have always believed that as a rule a man's position in life is to be the provider. I believe he should have a salary or earnings sufficient to care for a family, and I believe if there should be any differentiation at all in salaries it ought to be in favor of the man who is compelled not only to take care of himself, but also to take care of others. The Capitol policemen as well as the policemen throughout this city are men mostly of middle age, mostly married men, mostly men of families, and when I compare the salaries allowed to them with the salaries of clerks doing copying, and so forth, it raises naturally an inquiry in my mind why the policeman, who is required not only to do very hard service at times, but who is supposed to be alert, who is supposed to be patient and enduring, should have a salary of only a thousand and fifty dollars a year to care for himself and his family while the average girl in a department receives $1,200 a year and has to care for herself only.

I do not agree with the Senator who preceded me with reference to these policemen. I believe the policemen in the city of Washington and in the Capitol are not only the equal but the superior of policemen elsewhere, and I also believe this force is one of the poorest paid, and this is a city where the cost of living is exceedingly high.

I notice there are two amendments in the provision between line 8 and line 15. The amendments are made necessary by reason of adding to the number of policemen, and while we are supposed to be considering only committee amendments, in the corrections and amendments increasing the amount, there will be a necessary amendment to the sum total. I at least am going to move to modify them, and I will place it in a single motion, if there is no objection.

I move to strike out "$1,800," where it appears on line 8, page 13, and insert in lieu thereof "$2,000"; upon the same line, strike out "$1,200" and insert "$1,600"; strike out "$1,200," in line 9, and insert "$1,600"; and in line 10, strike out "$1,050" and insert "$1,500."

Mr. SMITH of Georgia. I wish to suggest that by unanimous consent amendments of the committee were first to be considered on this reading of the bill, and until they are disposed of——

Mr. McCUMBER. But the amendment proposed by the committee can also be amended; and I will explain it. This is an amendment by the committee, and therefore an amendment to its amendment would be in order.

Mr. SMITH of Georgia. The amendment by the committee applies only to the number of officers, not to their salaries.

Mr. McCUMBER. Oh, no. It applies to their number, and that affects the total amount of the salaries. If we were to adopt the amendment we have a certain number at $78,150, and if that is fixed it would require a second amendment in order to raise any of the salaries of the policemen preceding.

Mr. SMITH of Georgia. But the amendment proposed by the Senator from North Dakota goes to a subject that the amendment of the committee does not apply to—the amount of the compensation of each one of these men. He proposes to go into a new subject matter and change the salary paid to each man, and it would seem to me clear that it reaches a different subject than that to which the amendment of the committee applies.

Mr. WARREN rose.

Mr. McCUMBER. Just a moment. That could not be right. I will endeavor to make this perfectly clear. Suppose there were adopted the amendment of the committee in line 13, striking out "$41,250" and inserting "$78,150." Then the bill, before being reported to the Senate, is further amended by striking out the words "one thousand eight hundred" and inserting in lieu thereof "two thousand." You will then readily see that this amendment does not stand alone, but is dependent upon any other amendment within that paragraph. Therefore, if you amend any portion of that paragraph, fixing either the number or the sum total, it makes it proper that you should amend it as a part of the committee amendment before the matter goes from the Committee of the Whole and before the Senate.

The Senator certainly will see that if he will stop to consider for a moment.

Mr. SMITH of Georgia. I understand the position of the Senator. I think it is a mistake to agree by unanimous consent to consider committee amendments alone, and in the future as to any bill in which I am interested I shall object to that course. There should be opportunity to offer other amendments to perfect a particular section before we pass from it, because while we are considering it we should consider all subjects related to it. It would lessen the consumption of time——

Mr. McCUMBER. The Senator knows that that is not a parallel case.

Mr. SMITH of Georgia. I suppose there is a practice in the Senate, with which I am not familiar, and whatever that practice is it ought to be followed in this instance. The chairman of the Committee on Appropriations is much more familiar with the subject than I am.

Mr. WARREN. I suggest that the orderly way would be first to determine the number of employees, second the salaries, and third the total.

Mr. McCUMBER. That is right.

Mr. WARREN. That being true, I ask the Senator to state his amendment; then we shall proceed with the reading of the section, and then perfect the Senate amendments so far as they go.

Mr. McCUMBER. I agree entirely with the Senator and I did state——

Mr. WARREN. I did not wish to take the Senator off the floor.

Mr. McCUMBER. No; that is all right.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Chair calls the attention of the Senator from North Dakota to the unanimous-consent agreement of yesterday.

Mr. McCUMBER. I understand the unanimous-consent agreement, and I agree with the Senator from Wyoming that the orderly way to consider these amendments would be first to consider the number of officers; second, the salary; and third, the total. Now, the committee moves to amend the total. The Chair will quickly perceive that if we adopt that amendment, then a motion would not be in order to amend any of the others while the bill was in the Senate as in Committee of the Whole.

Mr. SMOOT. Mr. President, in all appropriation bills the totals are not taken as final. I call the Senator's attention to the fact that on May 28, 1896, Statutes at Large 29, page 148, this rule was adopted:

> That hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided.

In other words we could go through an appropriation bill, make changes, and if for some reason the footing was not properly changed, it would not affect the appropriation in the least. That has been the rule of the Senate ever since 1896, and generally I will say there is a motion made that all footings be corrected by the clerks.

Mr. WARREN. Usually the Senator in charge of an appropriation bill makes such a request and it is granted—that all footings shall be corrected by the clerks.

Mr. McCUMBER. That is not the issue here at all. It is this: The Senate as in Committee of the Whole now proposes to adopt an amendment in line 13, on page 13. Now, if they passed that total and did not ask that it be inserted until we have determined what the salary shall be, that would be applicable; but now as in Committee of the Whole we are reaching that amendment, and that amendment fixes the total. Suppose we vote for an amendment and it is adopted, and then afterwards we adopt another amendment fixing the salary of any one of these officers for a greater amount, then the total remains as it is, inaccurate and improper. The orderly and proper way is that which has just been suggested by the Senator from Wyoming, to complete first the number and the salaries and then adopt your total, or else allow the total to be passed over until we can vote on the other question.

Mr. SMOOT. The only amendments that are being considered now, under the unanimous-consent agreement, are committee amendments. The committee has made no amendment to the salary, but it has made an amendment as to the number. When the committee amendments are adopted or disapproved of, then the Senator from North Dakota can offer any amendment as to the number or as to any salary and have it acted upon.

Mr. SMITH of Georgia. If the Senator from Utah will permit a suggestion, it is this: If the Senator from North Dakota is right in his view that justifies him in moving an amendment anywhere prior to the total being fixed, the fact that some change in the total has to be made will practically do away with the unanimous-consent agreement of the Senate and open up everything.

Mr. McCUMBER. I will not take up any further time in debate. We were on this bill all day yesterday and up to this hour to-day, and we have disposed of but a few pages of it. I simply desire to say I am willing to have passed over the amendment, which I purpose to make, until we reach the matter. But right now I do not wish it to be understood that I

agree with the proposition that when the committee has made an amendment that that amendment can not be further amended upon the suggestion of any Senator under the unanimous-consent agreement, for it certainly can.

Mr. WARREN. Mr. President, I am sorry there are not more Senators in the Chamber, but I think I ought to state briefly how this question has come up.

Last year the Committee on Accounts on the House side recommended that the police force be cut in two and that the appropriation for those who were cut off should be covered back into the Treasury. I do not know whether it received the sanction of the caucus or not. That is a matter, of course, about which I am not informed. But it did not seem to receive attention in either the Committee on Rules or the Committee on Appropriations, but in an informal way representatives of the Committee on Accounts visited me; I referred them to the Committee on Contingent Expenses of the Senate; but they stated that the committee did not seem to want to discuss it. So I appointed a subcommittee, consisting of the Senator from Rhode Island [Mr. WETMORE] and the Senator from North Carolina [Mr. OVERMAN], who took up that subject and sifted it from top to bottom.

The decision then was that we could not act favorably upon what the Committee on Accounts had recommended, and it has gone on until now.

The committee on the other side have cut the 67 policemen down to 33 for the House and Senate. They are appointed by the Sergeant at Arms of the House and the Sergeant at Arms of the Senate jointly, and I think the Senator from Rhode Island, for his subcommittee, ought to give the Senate the benefit of the tables they made, so the Senate and the country, for that matter, may know exactly what these men do and where they are stationed. Then if the Senate feels it can get along with half of these policemen, it will act upon full intelligence.

So I shall ask the Senator from Rhode Island to give us the benefit of his research.

Mr. WETMORE. Mr. President, as has already been stated by the chairman of the Committee on Appropriations, a year ago he appointed a subcommittee consisting of the Senator from North Carolina [Mr. OVERMAN] and myself to take this matter of the Capitol police into consideration. I think we have sifted it pretty thoroughly, and have come to the conclusion that the police force can not properly be reduced. We must take into consideration, in the first place, that the Capitol Building has cost about $17,000,000, is not fireproof, and is uninsured both as to building and contents. The building is very large—750 feet in length by 350 feet in width. In addition, the grounds about the Capitol are in area about 59 acres. The chief of the Capitol guides states that sightseers and persons having business here, to the extent of about a million people, go through the Capitol Building each year.

The Capitol police are allowed 50 days' annual leave, when the sessions of Congress will permit, and, in addition, sick leave, in the discretion of the Sergeants at Arms of the House and the Senate.

The police are employed 8 hours a day, 365 days a year, including Sundays. The 50 days' leave, therefore, is not quite equal to the fifty-two Sundays that other employees receive with pay.

I have here a list showing the shifts and assignments of the Capitol police force.

There are 15 stations, manned night and day with 3 men each on 8-hour shifts. These 15 stations require 45 men.

For day service only there are 13 stations—1 man at each station.

For night service only there are 2 stations—1 man for each.

Attached to the headquarters, day service, are 3 men.

On special duty for day service there are 4 stations, requiring 4 men.

The reserve, not assigned, consists of 5 men.

At the present time there is 1 vacancy. This makes up the total of 73 men.

All of the men on day service work from 9 a. m. until Congress adjourns. They not only work the regular eight hours, but remain on duty as long as Congress is in session.

The number of entrances to the Capitol is 17. Twelve of these are unguarded and 5 are guarded. Now, I have here a diagram of each of the stories of the Capitol—basement, first story, and so forth—and on this diagram is marked the station of every man. The list I have in my hand shows the stations, the number of men required to man the stations, the location, and the service, whether regular or not.

In addition to that, I have another sheet which shows exactly what is the duty of every man at each of these stations. It is rather long. I can read it, if the Senate desires.

I have also another list in my hand, which shows the names of every member——

Mr. WATSON. I should like to inquire if the statements show to what Senators these men are charged?

Mr. WETMORE. No; I have not that, but that is very easily ascertained.

Mr. WATSON. I think it would be well to get that information if we can.

Mr. SMITH of Georgia. Are these men charged to Senators, or are they selected on the basis of efficiency and as a result of some kind of a competitive examination?

Mr. WETMORE. I take it these men are included within what is termed Senate patronage, although I do not know. It would make no difference whether they are or not, because this number of men is needed.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. WETMORE. Certainly.

Mr. WATSON. Did the committee inquire in any way into the efficiency of these men?

Mr. WETMORE. I take it for granted, unless complaints are made, that they are efficient men. I have had no complaints brought to my attention.

Mr. WATSON. I should like to ask the Senator what is the police force of an average city of 75,000 people?

Mr. WETMORE. I think, Mr. President, it is necessary to have an adequate force to properly protect the Capitol Building, preserve order, and prevent vandalism. The building is open to the public, and a very great number of people visit it while Congress is in session as well as during the summer recess.

Mr. WATSON. I think the building should be well policed, but I think there is an unnecessary number of inefficient men around this building, as I think every Senator will agree.

Mr. WETMORE. If the Senator from West Virginia can point out any place where a man can be spared, I shall be glad to aid him.

Mr. WATSON. I can point out some perfectly useless men acting as policemen around this building.

Mr. WETMORE. Would you give me a list of useless men?

Mr. WATSON. I can do it very readily.

Mr. WETMORE. With their names?

Mr. WATSON. I do not know their names.

Mr. WETMORE. You can easily determine that, I take it.

Mr. WATSON. I do not think any Senator will disagree with that statement.

Mr. WETMORE. I am not so sure about that.

Mr. SMITH of Georgia. The Senator spoke of a million people visiting the building. I suppose he meant in 12 months. He did not state within what length of time.

Mr. WETMORE. During a year.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. WETMORE. Certainly.

Mr. WILLIAMS. I suggest that the Senator have this matter published in the RECORD.

Mr. WETMORE. I should like to have it inserted in the RECORD. I prepared these tables in order that they might be inserted in the RECORD.

Mr. WILLIAMS. I have not heard the Senator make that request yet.

Mr. WETMORE. I make the request now. I ask that the tables and figures I have may be inserted in the RECORD.

Mr. WILLIAMS. The Senator said we could very easily get the information as to how these men were appointed, and upon whose recommendation. Where could we get it?

Mr. WETMORE. I suppose from the Sergeant at Arms of the House and the Sergeant at Arms of the Senate. I may state as to the positions that were to be made vacant on the House side, where it was not thought necessary to have so many people to take care of the building, all those places have been filled.

Mr. WILLIAMS. I should not be at all surprised.

Mr. WETMORE. I do not suppose anyone should be surprised.

Mr. WILLIAMS. I would not be at all surprised if twice as many places, if allowed by law, would be filled on that side and on this side too; and I should not be a particle surprised if about 40 per cent of the men who filled them were absolutely inefficient, hangers on of Democratic Representatives and Republican Representatives, and Democratic Senators and Republican Senators. I do not see what that has to do with it, but I should like to have that list included among the other things which the Senator is going to put in the RECORD, and with the

backers, I believe you call them, or vouchers, of these different employees, and who they were charged to.

Mr. WETMORE. I suppose any Senator can get that information by a request from the Sergeant at Arms.

Mr. WILLIAMS. The Senator has just said that we could easily get it. I do not know whether I could or not.

Mr. WETMORE. Any Senator can get it easily.

Mr. WILLIAMS. Certainly the Senator could, but I do not know that I could.

Mr. WETMORE. I am quite sure the Senator from Mississippi can get it as easily as the Senator from Rhode Island.

Mr. WILLIAMS. I do not know about that.

Mr. WETMORE. Suppose the Senator tries it, and if he is unable to get the information he might ask me, and we would try together.

Mr. WILLIAMS. I ask that the Senator be permitted to insert that matter with these other things and a list of the vouchers behind these gentlemen.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. If the Senator from Wyoming will indulge the Chair he will put the request of the Senator from Rhode Island. It is that the report which he has read and other matter be printed in the RECORD. Without objection, it is so ordered.

The matter referred to is as follows:

Capitol police stations.

No. of station.	Men.	Location.	Service.
Headquarters:			
A	1	Captain	Day service.
B	3	Lieutenants (1 for each relief).	Regular relief.
17	1	Plain-clothes man	Day service.
18	1	....do	Do.
C	3	Sergeants (1 for each relief)	Regular relief.
D	1	Clerk	Day service.
19	1	Turnkey	Do.
21	1	Special	Whenever assigned.
Cellar, 10	3	Terrace, west door	Regular relief.
Basement:			
1	3	West door	Do.
2	3	Senate door	Do.
7	3	House door	Do.
8	3	Office Sergeant at Arms, House of Representatives.	Do.
9	3	Crypt	Do.
Principal floor:			
3	1	Senate floor	Day service.
4	3	Rotunda	Regular relief.
5	3	Statuary Hall	Do.
6	1	House floor	Day service.
12	1	Senate reception room	Do.
14	1	Speaker's door	Do.
13	2	Senate gallery	Do.
15	1	Upper dome	Do.
16	1	Lower dome	Do.
Capitol grounds:			
22	3	Northeast	Regular relief.
23	3	Northwest	Do.
24	3	Southeast	Do.
25	3	Southwest	Do.
26	1	Special bicycle	Day service.
27	1	Cab stand, south	Do.
28	1	Cab stand, north	Do.
Senate Annex, 11	3	Maltby Building	Regular relief.
Senate warehouse, 29	1	First and B Streets SW	Night service.
Detailed duty:			
20	1	Capitol telephone exchange	Do.
E	1	Special duty, House Office Building.	Assigned to lieutenant police, House Building.
F	1	Special duty, Sergeant at Arms' office, House.	
G	1		Vacant.
H	1	South door (doorkeeper), Senate special duty	
Reserves, I	5	Not assigned	
Total	73		

CAPITOL POLICE STATIONS.

Station No. 1. West front: Regular detail. Important post. Visitors coming in on west front use this door, and officer is needed to direct strangers and sight-seers and to keep a lookout for beggars and suspicious characters getting into the building.

Station No. 2. Senate door: Regular relief. Principal entrance to Senate wing; open from 6 a. m. to midnight. Telephone station.

Station No. 3. Senate floor: Day service. Officer patrols corridors on the Senate floor. On duty from 9 a. m. to adjournment of Senate; also assists doorkeepers at south door of Senate and relieves them when they go to meals.

Station No. 4. Rotunda: Regular service. Principal entrance for excursionists. Important post during day on account of large number of strangers and sight-seers congregating there. When one of the Houses is in session officer guards the Rotunda door to the other wing. Raises and lowers the flags on east and west fronts.

Station No. 5. Statuary Hall: Regular relief. Important on account of the large number of strangers and sight-seers and in order to prevent vandalism. This post is abandoned when officer is required for special duty. Might be changed to day service only.

Station No. 6. House floor: Day service. Officer stands at main House card door. Space is very limited and it is necessary to keep crowds moving during session of the House. Assists doorkeepers in sending cards to Members of the House.

Station No. 7. House door: Regular relief. Main door of House wing. Open from 6 a. m. to midnight. Telephone station.

Station No. 8. Sergeant at Arms House of Representatives: Regular relief. Guards safe in disbursing office, which is on the ground floor in southeast corner of the building.

Station No. 9. Crypt: Regular relief. Doors open here to admit supplies being delivered prior to opening of building. This officer also prevents removal of Government property not authorized (see Police Manual, p. 21); also guards property condemned and awaiting sale.

Station No. 10. Terrace: Regular relief. Main west entrance to building. Three doors to guard—two Terrace doors and door to main building. Open day and night. Telephone station. Used by engineers, mechanics, and laborers going in and out at night and in the early morning.

Station No. 11. Senate Annex: Maltby Building. Regular relief. Only watchman in building. Telephone station.

Station No. 12. Senate reception room: Day service. Duty on Senate card door. Preserves order in the reception room, keeps crowds moving, and assists men at card door. On duty from 9 a. m. until Senate adjourns.

Station No. 13. Senate gallery: Day service. Two officers on this station regularly. On occasions when galleries are crowded and corridors filled with visitors waiting to be admitted, it has been necessary to detail two extra officers.

Station No. 14. Speaker's door: Day service. This officer guards the Speaker's door and keeps order in the corridor.

Station No. 15. Upper Dome: Day service. On duty from 9 a. m. to 4 p. m. This post is necessary for the preservation of order, to protect the Dome from defacement, and to guard sightseers from dangerous places.

Station No. 16. Lower Dome: Day service. On duty from 9 a. m. to 4 p. m. Conditions same as above.

Station No. 17. Special: (Webber) Day service. Detective. Plain-clothes man. Considered as necessary as any station in the Capitol. Circulates among the crowds to protect visitors from questionable characters. Also detailed to serve subpœnas of investigating committees.

Station No. 18. Special: (Quarles) Day service. Detective. Plain-clothes man. Conditions same as above.

Station No. 19. Turnkey: Officer locks and unlocks 13 doors of the Capitol every day except Sundays and holidays, opening 3 of them at 7 a. m. to admit supplies for the restaurants, also janitor and Government Printing Office employees, and closes them when the Senate and House adjourn, however late that may be. No other person in the past two years has had possession of the key that safeguards the Capitol. The plan of having one special officer to do this service has had the approval of the Superintendent of the Capitol and the Sergeants at Arms of the Senate and House.

Station No. 20. Telephone exchange: Night service. On detail at Capitol telephone exchange as night operator for the past 10 years. The telephone operators on day service are women.

Station No. 21. No regular station. Carried as a special on duty sheet to have a special man available for emergency duty.

Station No. 22. Northeast grounds: Regular relief. Patrol. Protects the lawns from trespassers and the roadways and plaza from invasion by unauthorized vehicles and from fast driving of all kinds.

Station No. 23. Northwest grounds: Regular relief. Same as above.

Station No. 24. Southeast grounds: Regular relief. Same as above.

Station No. 25. Southwest grounds: Regular relief. Same as above.

Station No. 26. Special: (Bicycle) Day service. The bicycle officer patrols the grounds and driveways, warns automobile and carriage drivers against fast driving, keeps an eye on hackmen who follow their calling in the Capitol Grounds and can not be controlled by an officer on foot, catches and sends to the pound dogs without licenses.

Station No. 27. Cab stand, south: Day service. Directs the coming and going of all vehicles, their station while waiting, and calls Members' carriages. Important station.

Station No. 28. Cab stand, north: Day service. Main entrance to Senate wing. Duties of this officer same as above.

Station No. 29. Senate warehouse: Night duty. Is the only watchman in the building at First and B Streets SW., where Senate documents are stored.

Station A. Captain: Has general supervision of the Capitol police force under direction of the Sergeant at Arms of the Senate and Sergeant at Arms of the House of Representatives; is responsible for discipline, issues all orders, makes assignments and transfers, passes on applications for leave of absence, makes contracts for uniforms for the men, etc.

Station B. Lieutenants: Regular relief. One lieutenant for each relief. Day and night service. Is in command of the relief. Makes three inspections of all posts during his tour, including the Maltby Building, Senate Office Building, and Senate warehouse and the four posts on the Capitol Grounds.

Station C. Sergeants: Regular relief. One sergeant for each relief. Day and night service. Has charge of guardroom; keeps the record of his relief and makes daily report; acts as assistant to the lieutenant.

Station D. Clerk: Day service. Keeps the record of officers coming into the service and going out, keeps the time book, accounts of officers charged with equipments, pay accounts, and pay rolls, records of all lost and found articles, and records of all arrests and orders issued.

Station E. Detached service: At request of Sergeant at Arms of the House, detailed to assist the lieutenant in the House Office Building, where they are short-handed, and the force is composed almost entirely of new men.

Station F. Detached duty: On request of Sergeant at Arms of the House, detailed to do duty in plain clothes in House galleries.

Station G. Detached duty: (This station is now vacant.)

Station H. Assigned to Sergeant at Arms of the Senate, and is acting as doorkeeper at the south door of the Senate.

Station I. Not assigned: The four officers not assigned, as well as the two officers on detached duty, are all required to take the places of men sick or on leave, and, in addition, to man certain stations that, while not continuous, still require men for considerable periods—such as the officer at the Supreme Court while the court is in session; the officers detailed at the hearings of committees; and extra officers on the main floor when the building is filled with sight-seers.

Assignment of Capitol police.

	Stations.	Number of men.
Regular stations, night and day, 3 men each station, 8-hour shifts (B, C, 10, 1, 2, 7, 8, 9, 4, 5, 22, 23, 24, 25, 11)	15	45
Regular stations, day service only, 1 man to each station (17, 18, 3, 6, 12, 14, 13 (2 men), 15, 16, 26, 27, 28)	13	13
Regular stations, night service only (20, 29)	2	2
Headquarters, day service (A, D, 19)	3	3
Special duty, day service (21, E, F, H)	4	4
Reserve, not assigned (I)	5	5
Vacancy (G)	1	1
Total		73

NOTE.—All day-service men, except the two on the Dome, work from 9 a. m. until House adjourns.

Entrances to Capitol.

	Cellar.	Basement.	Principal floor.	Total.
Guarded night and day	1	2		3
Guarded day		1		1
Law library, 4.30 to 10.30 p. m.		1		1
Unguarded		9	3	12
Total	1	13	3	17

ROSTER OF THE UNITED STATES CAPITOL POLICE.

First relief: Lieutenant Stephan; Sergeant Davis; Privates Barnard, Doyle, Farrell, Greene, H. J. Hauser, Johnson, Lane, Murphy, Nolan, Perry, Reardon, and Ward.

Second relief: Lieutenant Shinners; Sergeant Greer; Privates E. B. Bell, Bentley, Curnan, Cook, Gerding, Jones, Moore, Mullen, Malone, McKeever, McCarthy, Ridenour, Short, and Schultz.

Third relief: Lieutenant Hammond; Sergeant True; Privates Bailey, Barnes, W. H. Bell, Davison, Downs, Buchannan, Foley, High, Kasson, McMillan, Ruggles, Stack, Wilcox, and Hamrick.

Special details.

UNITED STATES SENATE.

Daily.

Reception room: Sellers.
Senate gallery: Ernst and Nichols.
Senate floor: Becke.
Senate cab stand: Holmes.
Special duty: Hamilton.
Senate warehouse (night duty): Burke.

HOUSE OF REPRESENTATIVES.

Daily.

Main door: O'Brien.
Speaker's door: Kenah.
Supreme Court: Brand.
Cab stand: Howe.
Sergeant at Arms' office: Hanlon.
House Office Building: Gannaway.

REGULAR OR NEUTRAL STATIONS.

Daily.

Dome: Burrows and Kennedy.
Clerk: Berger.
Turnkey: Ivins.
Bicycle: Jacke.
Detectives: Webber and Quarles.
Acting detective: Way.
Telephone (night duty): Meeker.

SUMMARY.

Captain	1
Lieutenants	3
Sergeants	3
Detectives	2
Clerk	1
Privates	62
Vacancy (House)	1
Total	73

Mr. WARREN. Mr. President, I was about to say that in accommodation of the Senator from Mississippi I might be able to read the list before we finish the consideration of this bill as to the backers of a great many of these people. The Senator will remember that I read a list yesterday and the backers of those who had accredited backers, but there were a good many of those who were old employees, who are hired by the Sergeant at Arms because of their ability for their work. I hardly expect that I could get the list on the House side without being called impertinent, as that is handled entirely from there.

Mr. WILLIAMS. I am not requesting any list on the House side. I request a list on the Senate side, and I will let some wide-awake Republican get the list on the Democratic side. I suppose it can be done on both sides.

My understanding is that as a matter of fact here is this great big magnificent Capitol, in some respects the greatest building of its kind in the world, very valuable, and its safety is guarded, the safety of people going through it is guarded, not by a well-appointed police force, put there as policemen upon the police force of a city are placed, because of merit, but on the House side because every one of them is placed by the Democratic majority, and on the Senate side I understand that every one of them is placed by the Republican majority. It is just as purely a case of favoritism as ever existed. They are political hangers-on, and to them we intrust the safety of this great national property, and they attend to it with such little efficiency that although there are 67 of them hanging around between here and the House somewhere, somebody came in here the other day and ruthlessly cut one of the pictures in the Capitol all to pieces. When we are up here they are hanging around. I dare say that would not be the case if anyone would come up and go through here at night. It used to be my duty very frequently to do it, because then the minority room upon the House side was away up in the Capitol, and I had lots of work to be done and it had to be kept up with at night. So my force and I went there and were there at night again and again, and you could pass through this Capitol night after night and you would not hear anything except the resounding echoes of your own footsteps, and you would see a man at the door as you came in.

Mr. WARREN. Will the Senator allow me? I expressed a regret yesterday because of the unbelief that seemed to exist, and I think as far as we got I was able to prove that there was no hidden graft in the bill, as had been intimated. I now propose to read the list of policemen, where they came from, the salary they are getting, and who is responsible for them, as nearly as I can.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I do.

Mr. REED. Will the Senator kindly tell us the document in which we will find that information? I want to find the document.

Mr. WARREN. I propose that the Senator shall read it to-morrow morning in the RECORD.

Mr. REED. I understand; but I thought the Senator had some document, and I wanted to get the name of the document, not that I do not trust the Senator's reading, but I want to know where to find it.

Mr. WARREN. There is no document about it. It is simply a list of the Sergeant at Arms, of which there is no duplicate.

Mr. REED. Very well; then I can get it in the RECORD.

Mr. WARREN. There is no duplicate, because it is liable to be changed every few days.

Before I commence I want to say that this list is very largely filled from the old soldiers' roll. That brings up the problem whether the Senators on this side of the House or on the other side of the House wish to attack the old soldiers' roll, that both sides have given their adherence to. If they do, now is a good time to do it.

Mr. WILLIAMS. How does that enter into this question?

Mr. WARREN. The Senator will see as I read it.

Mr. WILLIAMS. A great many were put on because they were old soldiers?

Mr. WARREN. They are on the roll now, and they are old soldiers.

Mr. WILLIAMS. What is the average age of an old soldier now? Has the Senator any idea?

Mr. WARREN. Looking at the Senator from Mississippi and myself, the Senate can easily decide that.

Mr. WILLIAMS. I think not, because the Senate certainly would not decide it by looking at me. I was not 11 years old until after Johnston had surrendered. An old soldier who entered the Army very young anywhere near the beginning must be about 62, 63, or 64 now.

Mr. WARREN. Probably.

Mr. WILLIAMS. I do not intend to attack any old soldier, although the Senator seems to say so. I have not the slightest idea of doing it, either here or elsewhere. I never have done it in my life. But if I were going to select policemen for day and night service to defend a great building, they ought to be active young men, and especially if they are to keep guard to prevent fire and to prevent damage to paintings and things of that sort.

Mr. WARREN. I will say to the Senator that many of them were young men when they came here.

Mr. WILLIAMS. They may have been.

Mr. WARREN. They may be somewhat old now.

Mr. WILLIAMS. But if they are now here they are not young men now, and can not possibly be very active unless they are an exception to the general rule.

Mr. OVERMAN. Mr. President, I wish to say that I was very much astonished at the number of watchmen in the public buildings in Washington. These people are not only policemen but they are watchmen. I have gone into the question very thoroughly with the superintendents of these buildings, and when I saw 40 and 50 and 60 and 75 watchmen for a building I was simply astonished. I asked the superintendent, "How comes this?" He replied, "Take off 15 or 20 or 30 of these watchmen and what will be the result? The result will be that we will have the majority of them incompetent men. The young men will have to go. The competent men that we have employed are men who were not in the Army, and the law requires that in discharging these men we shall discharge the young men and leave the old men. Therefore if we cut down this force we have got to cut off the competent men and leave the incompetent men, because they are the old soldiers."

Mr. WILLIAMS. They ought to be pensioned, some of them, rather than be put in a place they can not fill.

Mr. TOWNSEND. Mr. President, if I recall correctly, at the beginning of this Congress the question of patronage was brought up before the Senate, and a committee was appointed and a great many of the employees of the Capitol were placed on the permanent roll and taken out of patronage. Some of them were policemen, and many of them were very old men, but by the unanimous vote, as I remember it, of the Senate, after some discussion, these gentlemen were placed on the permanent roll of the Senate, filling various offices. So if there is any complaint as to this class of men the complaint should be lodged against the Senate, because it was here discussed in open session, and many of these old soldiers were taken out from the list of patronage and their positions made permanent.

Mr. WILLIAMS. The Senator seems to misunderstand me. I am arraigning nobody. I am just in an inquiring mood. In fact, I did not make the inquiry of the Senator. Somebody proposed to give the information, and I thought it would be good to have it. I should like to have it, and I suggest now that we permit the Senator from Wyoming to give it to us.

Mr. WARREN. I am taking the time of the Senator from Rhode Island, with his indulgence, but I wish to stop a minute and say that after the House had undertaken to cut down their force last year you will all remember what occurred in the House Office Building. The pass keys were lost, and they had to change every lock on every door at the expense of several hundred dollars. That occurred amongst a great many other happenings. The places were filled, as has been stated, and that was considered necessary.

Now, as to this matter of the old soldiers' roll, I happened to serve in the war. I have never made a single special plea for the old soldier or for special pensions. I have not been one who has wanted to fill to overflowing the old soldiers' roll. In fact, I was one who objected in the Committee on Rules to an addition at present that would include all those who might have served in the Spanish War. I did not believe that the time had arrived for that. On the other hand, I hope my heart beats as warmly for the old soldier as that of any other man, on either side of the Chamber.

I remember the Senator from Mississippi—and I speak with entire respect—made a very pathetic appeal here for a man who was doing nothing, who had been recommended for dismissal because he was entirely useless, and the Senate backed the Senator from Mississippi and voted to retain the man, and he is drawing his salary yet. This committee has in this bill provided for a continuance of his salary, believing that it was right.

Now, we have men on the Capitol roll who have been here 25 or 30 years, men who were young once. I do not want to be personal, but if the Senator goes out through that west door and goes into the President's room, or if he goes through any one of several of these doors he will find men at the doors who have been there for 25 or 30 years, men who served in the Army, men who are old soldiers, some on one side and some on the other in the struggle of the Civil War.

Mr. WILLIAMS. I am making no point about that.

Mr. WARREN. If the Senator wants that brought up——

Mr. WILLIAMS. I am making no point about that.

Mr. WARREN. The Senator was saying that their time for usefulness is past.

Mr. WILLIAMS. A man might be as old as Methuselah and make an excellent guard at one of these doors. There is no trouble about that. I thought the Senator was explaining about the Capitol police.

Mr. WARREN. That is the admission I want the Senator to make—the point that a man may be 80 years old and yet be a good man so far as his work here is concerned.

Mr. WILLIAMS. I thought the Senator was referring to the Capitol police force. A policeman is not like a man who sits at a door.

Mr. WARREN. The policemen on night service have to guard the doors, and they have as much right to thus sit at the doors then as during the day. They are both policemen and watchmen.

Mr. WILLIAMS. Of course, if he has no duty but to sit at a door—but could he get up and make a rush to catch somebody who was perpetrating some evil? You can not get around the objection by making it apply to that particular place. By the way, I want to say, as far as the old-soldier feeling is concerned, I think one of the oldest men who sits at one of these doors was a rebel soldier.

Mr. WARREN. Of course; Col. Edwards.

Mr. WILLIAMS. And he was a mighty good one at that. I am very glad to see him sitting there, but if that man had to go over the Capitol Grounds and attend to the duties of a policeman I should say that it was not the place for him.

Mr. GALLINGER. If the Senator will permit me, as to the soldier he refers to, who is an admirable old fellow——

Mr. WILLIAMS. He is an excellent man.

Mr. GALLINGER. I am very fond of him. Not many years ago we increased his salary three or four hundred dollars above that of the Union soldier who stands in that door. [Indicating.]

Mr. WARREN. Not only that, but——

Mr. WILLIAMS. I merely said that to show that I am not trying to bring that in here. I make no point upon the question as to whether they are or are not old soldiers. The Senator himself began to make that point in defense of the fact that there were so many of them on the roll. I merely made it by saying it could be no defense because they were men of that age. What I was trying to get at, regardless of the age and service of any of these men, is the manner in which they are appointed, and that the Senator holds in his hands.

Mr. WARREN. I propose, when I get this difference between the Senator and myself composed, to go on with it.

Mr. WILLIAMS. All right.

Mr. WARREN. The Senator asked how old a man must be who served in the Army. Let me say to the Senator there are a good many men about the Hall here sixty years and odd, including the Senator himself, who are quite lively.

Mr. WILLIAMS. When I made the inquiry as to the old men who served here, it was after the Senator from Wyoming had said that he wanted to know who was going to make an attack, or something of that sort, upon the old soldiers. I merely made the remark that the fact that a man served in the war was not a reason of itself to believe that he would make a good Capitol policeman; but, on the contrary, if it argued anything, it argued that he was too old for that sort of work.

Mr. OVERMAN. The Senator calls them policemen. They are watchmen and policemen. We have not provided for watchmen for this building.

Mr. WILLIAMS. I understood the Senator to talk about policemen.

Mr. OVERMAN. As I recollect it, in addition to being policemen these men are watchmen. They are called policemen, but a great many of them simply sit at the doors and watch, as I understand.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield further?

Mr. WETMORE. Certainly.

Mr. WARREN. Before I leave the subject of the very admirable messenger at the door here, let me state that his salary was raised to $1,800, and because the minority asked for it. Let me say there were forty-odd—it is now thirty-odd—messengers, every one of whom wants the same salary now because this man has it; but that was tendered to him in respect of his old age; not because he was young, but because he was old, and because of his Army service, without regard to what Army he served in.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. WARREN. I do not want to get too far away before I put in this list.

Mr. REED. The Senator can come right back to it. In order that this matter may not be misunderstood, let it be remembered that the discussion about the old soldiers and old men had its origin in the statement of some Senator from the other side that we were required under the law to discharge the younger men and that that would result in our discharging the efficient men. It may have been made from this side.

Mr. OVERMAN. I said that of one of the departments. That came out in another department.

Mr. REED. That came out and the discussion with reference to age sprang from that remark. I believe I was wrong. I believe it was made by the Senator from North Carolina [Mr. OVERMAN]. The point was not made from any antipathy to these old soldiers from this side. I just wanted that clear.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island further yield?

Mr. WETMORE. Certainly.

Mr. SMOOT. The Senator from West Virginia brought the question up by making the statement that there were a good many policemen in the employment of the Government who were useless. I could not help but think of his position a year ago when this whole question was gone into by a committee and reported to the Senate. We found the case of a gentleman from West Virginia by the name of Mr. Lynch who had been in the employment of the Government a great many years. He was an old soldier, but he had not been on duty for a considerable time, and the committee recommended that his services be discontinued. Our recommendation in his case was the same as in all cases where men were on the pay roll and were unfit for work and did not report for work. I know that the Senator from West Virginia was very insistent that we should keep Mr. Lynch on the pay roll. The Senate voted that he should be employed, and he is now in the service of the Government. No doubt he would be classed as one of the employees that are useless, for he is one of the older men in service.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. WETMORE. Yes.

Mr. WATSON. I presume the Senator refers to a man who was the guard at the dome of the Capitol and met with an accident, and who was absent on account of that accident. I think you will find that the man has been on duty ever since I have been here. I have never missed him a day.

Mr. SMOOT. He has been on duty for some time past.

Mr. WATSON. I had nothing to do with his appointment.

Mr. BACON. If the Senator will permit me, I have knowledge of the fact. He is the old man, I suppose, now down on the floor below?

Mr. SMOOT. That is right.

Mr. BACON. He was very severely injured in the discharge of his duty serving the Senate, and as soon as he was sufficiently restored he was returned to his work and has been at it ever since.

Mr. SMOOT. Of course, the testimony did not show that when the matter was before the Senate committee; but be that as it may, I want the Senator from West Virginia to understand, and also any Senator, that after the investigation all admitted that there were men employed who had passed, I will say, their usefulness. It was a question as to whether we should carry men on the pay roll of the Senate when they actually did no work, and the Senate decided it should be done. Therefore I acquiesced in it, although I was one of the committee that reported that such positions should be abandoned. I only say this for the information of the Senate.

Mr. WETMORE. Mr. President, I should like to ask the Senator in charge of the bill to permit me to say a word.

Mr. WARREN. Certainly.

Mr. WETMORE. I wish to say the problem that confronted the subcommittee was as to the number of men required to guard the Capitol. Their efficiency was not gone into. That is a question for the Senate to take up at any time. What we considered was the number of men required to properly guard and police the Capitol, and we think that the number can not be reduced. Now, whether any of them are worn out, and whether or not they are efficient is entirely a different question.

Mr. WARREN. I want to say in reading this roll that where I do not give the name of a backer there will be no name to give, because it will be some one who has remained here who was so useful to the Senate that he has been kept on the roll by the Sergeant at Arms in the same manner as the laborers and others on the roll which I read yesterday.

Mr. BACON. It is true, is it not, that a certain number of employees have been put on what is known as the permanent roll and are not changed?

Mr. WARREN. Not only that, but there is a soldiers' roll, which was adopted unanimously by the Senate. There is not only a soldiers' roll, but there is the permanent roll and a long-service roll. Take, for instance, the clerks here at the desk. They have been placed by both parties beyond the reach of other parties or Senators unless at some future time the Senate shall reverse itself.

Now, this roll commences here with J. P. Megrew, captain. He receives $1,600; is from Indiana. He is on the soldiers' roll.

John Hammond, lieutenant, $1,200, from New York; on the soldiers' roll.

F. N. Webber, sr., special, who serves as detective, and so forth, from Kentucky; charged to the Senator from Kentucky [Mr. BRADLEY].

F. G. Jones, private, $1,050, from Indiana.

D. R. Nichols, private, $1,050, from Michigan; soldiers' roll.

J. A. Burrows, private, $1,050, Connecticut; soldiers' roll.

J. F. Sellers, $1,050, Pennsylvania; charged to the Senator from Pennsylvania [Mr. PENROSE].

T. C. Meeker, private—they are all privates now—$1,050, from Nevada; charged to the Senator from Nevada [Mr. NIXON].

James Holmes, $1,050, West Virginia.

George Butler, $1,050, Indiana; soldiers' roll.

A. L. Bentley, $1,050, New Mexico; to the Senator from New Mexico [Mr. CATRON].

Clyde C. Way, $1,050, South Dakota; to the Senator from South Dakota [Mr. CRAWFORD].

E. R. Ernst, $1,050, Kansas; charged to the Senator from Kansas [Mr. CURTIS].

Loyd True, $1,050, Indiana.

Edward Becke, $1,050, Pennsylvania.

T. C. Ivins, $1,050, Pennsylvania; charged to the Senator from Pennsylvania [Mr. OLIVER].

E. B. Bell, $1,050, Michigan; charged to the Senator from Michigan [Mr. SMITH].

J. A. McMillan, $1,050, Wisconsin; charged to the Senator from Wisconsin [Mr. STEPHENSON].

L. B. Moore, $1,050, Michigan; charged to the Senator from Michigan [Mr. SMITH].

G. A. Wilcox, $1,050, Rhode Island; charged to the Senator from Rhode Island [Mr. WETMORE].

D. J. Berger, private, $1,050, New York; backed by the Vice President.

H. T. Davison, South Dakota; charged to the Senator from South Dakota [Mr. CRAWFORD].

T. F. Burke, $1,050, Massachusetts; backed by both the Senators from Massachusetts [Mr. CRANE and Mr. LODGE].

H. A. Kasson, $1,050, Ohio, soldiers' roll.

J. G. Hamilton, $1,050, North Dakota; charged to the Senator from North Dakota [Mr. MCCUMBER].

E. T. McCarthy, $1,050, New Jersey; charged to the Senator from New Jersey [Mr. BRIGGS].

J. R. Perry, $1,050, Pennsylvania; charged to the Senator from Pennsylvania [Mr. PENROSE].

H. J. Hauser, $1,050, Idaho; charged to the Senator from Idaho [Mr. BORAH].

W. B. Lurty, $1,050, Washington; charged to the Senator from Washington [Mr. JONES].

J. L. Ridenour, $1,050, Washington; charged to the Senator from Washington [Mr. POINDEXTER].

John Lane, $1,050, Michigan; charged to the Senator from Michigan [Mr. TOWNSEND].

W. B. Greene, $1,050, Connecticut; charged to the Senator from Connecticut [Mr. MCLEAN].

W. R. Johnson, $1,050, Illinois; charged to the Senator from Illinois [Mr. LORIMER].

E. R. Ruggles, $1,050, Minnesota; charged to the Senator from Minnesota [Mr. NELSON].

J. S. Abbott, $1,050, from Vermont.

J. L. Barnard, $1,050, from Idaho; charged to the Senator from Idaho [Mr. BORAH].

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. Certainly.

Mr. CULBERSON. As I understand it, that list is for the Capitol police. Could the Senator read the list from the Senate Office Building, composed of 16 privates, and let us see to whom they are charged?

Mr. WARREN. I have no list of the 16 privates for the Senate Office Building.

Mr. CULBERSON. We provide for them in this bill.

Mr. WARREN. Where?

Mr. SMITH of Georgia. We have passed over it. It is on page 10.

Mr. CULBERSON. On page 10?

Mr. SMITH of Georgia. We changed it from 7 to 16 privates.

Mr. CULBERSON. I understand that there are 63 privates in the Capitol police. In the Senate Office Building there are

16 provided for in this bill, and in the House Building there are 10 provided for at page 19. What I wanted of the Senator from Wyoming, if it was convenient for him——

Mr. WARREN. Mr. President, the Senator will understand——

Mr. CULBERSON. The Senator did not probably understand me. I understood him to read a list of the private policemen in the Capitol Building and to whom they were charged.

Mr. WARREN. Yes.

Mr. CULBERSON. What I want to know is if we have a corresponding list of private policemen for the Senate Office Building and to whom they are charged?

Mr. WARREN. I have not asked for that, but I shall investigate it. Of course, it came up by this being a joint matter between the House and the Senate. These policemen are joint officers, as the Senator knows.

Mr. CULBERSON. Yes. There are 33 for the Senate and about the same number for the House.

Mr. WARREN. Say, 67 altogether, and they are arranged between the two Houses.

Mr. CULBERSON. Yes; I understand that.

There is one other matter to which I want to invite the attention of the chairman of the committee, and that is that there are provided for the House Building 10 private policemen, whereas the Senate Building, as the bill is proposed to be amended by the Senate committee—to which I called attention, by the way, in committee—provides for 16 policemen. I do not understand why there should be a greater number of policemen in the Senate Building to provide for 95 Senators than for the House Building, when that body has 394 Members.

Mr. WARREN. Well, Mr. President, the Senator from Texas forgets that all these grounds have to be policed around the Senate building, and that there are no grounds to police at the other building. There are 12 policemen detailed to the grounds here.

Mr. CULBERSON. Probably the Senator did not catch my meaning. There are only 10 policemen provided for to police the House Office Building, whereas it is proposed to amend the pending bill so as to provide for 16 policemen in the Senate Office Building. I do not understand why there should be 6 more policemen to keep order with us than is required to keep order with the 394 Members of the House of Representatives.

Mr. WARREN. I suppose they are more orderly over there than we are here. [Laughter.]

Mr. OVERMAN. Mr. President, perhaps I ought to say a word. I was on the subcommittee, and I want to say right here that I did object to the number of policemen provided for the Senate Office Building. I think there are too many there now. I think also that the Capitol police might be cut down by six. They are allowed 50 days' leave, which I think is too much. If we cut down the leave of absence to 30 days, that will allow us to cut down 6 policemen.

Mr. WARREN. The Senator should remember that there are no holidays for the police force—no Sundays.

Mr. OVERMAN. I understand that. Cutting down the leave of absence is the only way I see that we can reduce the number of the Capitol police.

I examined this matter. I thought it looked outrageous to have so many policemen around this Capitol Building; but they are something more than policemen. We did not provide for any watchmen, and therefore these men are not only policemen to keep order, but they are also watchmen in Statuary Hall and in other places here. If any Senator will examine the plans and specifications, which we have made out, and will look at the entrances to this building and the important positions in the building, it will be seen that it is absolutely necessary for some one, either a watchman or policeman, to be stationed there. I do not believe there is a Senator here who will disagree with me in that report.

As has been said, there are 59 acres of ground surrounding these buildings, which have to be policed. These watchmen or policemen work but eight hours a day. Therefore, there being 67 policemen, one-third of 67 would be, say, 22. Senators should consider the number of competent policemen that go out in the grounds, some on their bicycles, who ride around to stop fast driving, to stop depredations upon the shrubbery, and to watch over these 59 acres of ground. This requires 4 or 5 plain-clothes men and 1 or 2 detectives. Then there are about 17 or 18 men who are required here at the entrances. There are many entrances to these buildings. Men are required to stand at this door here for this great corridor [indicating]; one is required to stand there [indicating]; one to stand in Statuary Hall to preserve the beautiful statuary in the old Hall of the House of Representatives, and another in the Rotunda, where the paintings are. If you will take the estimate we have made and examine the specifications, you will see that there is no place from which we could discharge one of these policemen.

Furthermore, I went into an examination of this matter thoroughly by taking the testimony of witnesses; and it appeared that if we are to accept the judgment of the Sergeant at Arms, of the Superintendent of the Capitol, Mr. Woods, and also that of the captain of the Capitol police, who say they can not discharge one of these men without being crippled in the protection of the building, we can not well make a reduction. We have to be governed somewhat by their testimony.

Mr. WETMORE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. OVERMAN. I do.

Mr. WETMORE. If the Senator from North Carolina will take the time to call off any particular place I will tell him exactly who is stationed there and whether on "regular relief," "day service," or otherwise.

Mr. OVERMAN. Well, take the man at the cab stand.

Mr. WETMORE. What plan is the Senator referring to—the basement or the first floor?

Mr. OVERMAN. This is the House front, first, I see.

Mr. WARREN. What floor?

Mr. OVERMAN. "Basement plan, United States Capitol."

Mr. WETMORE. What is the number?

Mr. OVERMAN. No. 27. I think Senators ought to know exactly where every man is stationed, so as to see whether we can discharge anyone. We have concluded we would leave it to the Senate to see if any Senator could suggest one man who could be discharged.

Mr. WETMORE. I do not think the Senator will find No. 27 on the basement floor.

Mr. OVERMAN. It is marked here "cab stand."

Mr. WETMORE. That is outside on the plaza, and is No. 27, day service, cab stand.

Mr. OVERMAN. We are now reading No. 26. I will ask the Senator from Rhode Island to read No. 26. That is the east front.

Mr. WETMORE. Twenty-six is:

(Bicycle) Day service. The bicycle officer patrols the grounds and driveways, warns automobile and carriage drivers against fast driving, keeps an eye on hackmen who follow their calling in the Capitol Grounds who need watching and can not be controlled by an officer on foot, catches and sends to the pound dogs without licenses.

Mr. OVERMAN. Now, take No. 24——

Mr. WILLIAMS. Let us ask the Senator questions as we go along. Why is it that the Senate ought to provide a man to catch dogs and send them to the pound? It seems to me the District of Columbia should do that.

Mr. WETMORE. They have no right to be here on the Capitol Grounds.

The VICE PRESIDENT. Will Senators please bear in mind that the official reporters desire to make a record of what is being said?

Mr. OVERMAN. Mr. President, I think I will just submit this document to the Senator from Mississippi and let him ask questions of the Senator from Rhode Island. Then, if the Senator from Mississippi can find where any man can be discharged, I shall be very glad to learn of it.

Mr. WILLIAMS. Now, as to No. 26?

Mr. WETMORE. Where is that—on the basement floor?

Mr. WILLIAMS. On the basement floor.

Mr. WETMORE. I have just read as to No. 26. There are 59 acres in the Capitol Grounds. There is a policeman stationed at each of the sections—northeast, southeast, southwest, and northwest—to take care of each quarter of the Capitol Grounds. Those policemen have to be on duty day and night, not only to guard during the day, but during the night to prevent highway robbery, and also unbecoming conduct that sometimes occurs in dark places or in lighter places.

Mr. WILLIAMS. Now, as to No. 22, right on the other side?

Mr. WETMORE. As to No. 22:

Northeast grounds: Regular relief; patrol; protects the lawns from trespasses and the roadways and plaza from invasion by unauthorized vehicles and fast driving of all kinds.

Nos. 23, 24, and 25 perform the same duties.

Mr. WILLIAMS. I find another one, marked "28, cab stand, north."

Mr. WETMORE. As to 28:

Cab stand, north: Day service. Main entrance to the Senate Wing; duties of this officer same as No. 27.

That officer—

Directs the coming and going of all vehicles, their station while waiting, and calls Members' carriages.

Also when automobiles happen to approach in the wrong direction he prevents collisions, although I understand a collision took place the other day.

Mr. WILLIAMS. Now, as to 27 and 28, which have as a part of their duties calling cabs for Members and Senators?

Mr. WETMORE. Yes. They have the same duties, except there is one officer for the House and another for the Senate.

Mr. WILLIAMS. I said for Members of the House and of the Senate. Now, we will go to the next story. This one is marked "Principal floor plan."

Mr. WETMORE. What number does the Senator want?

Mr. WILLIAMS. This is No. 3.

Mr. WETMORE. That is the Rotunda, one of the main approaches to the Capitol. More excursionists go through there than perhaps through any other portion of the building.

Mr. REED. I should like to inquire if this is in the nature of a confidential communication?

The VICE PRESIDENT. The Chair is inclined to think that it is; but the Chair thinks that it ought not to be. Will Senators supposedly occupying the floor give the Chair attention for a moment? The Senator from Missouri rises to a question of order, that seemingly what is going on is a private conversation between two Senators.

Mr. WETMORE. I had supposed my voice had carried farther than that.

Mr. WILLIAMS (to Mr. WETMORE). Come back here and we will speak louder.

Mr. BRISTOW. Mr. President, I would suggest that a committee of three be appointed to look after the details of that chart, and that the Senate proceed to the transaction of business.

Mr. WILLIAMS. We are transacting business now. The Senator from Rhode Island is trying to explain where each one of these men is stationed.

Mr. BRISTOW. My suggestion was that a committee of three be appointed to attend to that chart and that the Senate proceed with the transaction of business.

Mr. WETMORE. What would be the result of that suggestion?

Mr. BRISTOW. Let the committee report to the Senate its findings at a later date.

Mr. WETMORE. Before this bill is through?

Mr. BRISTOW. Yes.

Mr. WILLIAMS. And yet, if it is going to shed any light upon this particular business, we had better find out now where these men are located.

Mr. WARREN. I desire to say to the Senator from Kansas, in view of what the Senator from Mississippi has said, that he is hardly showing proper respect to our rapid progress. We have nearly accomplished the feat of considering a quarter of one page of the bill up to this time—in about five hours; so I think the Senator from Kansas is getting unduly impatient.

Mr. WILLIAMS. Mr. President, there was a proposition made to show to Senators just where each one of these policemen was placed, with the idea of demonstrating to the Senate that the Senate could not afford to do without the services of any one of them. The Senator from Rhode Island is attempting to do that, and he needs somebody to help him to call the numbers while he finds the service these men are performing. If the Senate does not want to know where these men are, I do not see how the Senate is going to find out whether or not it can get along without them.

Mr. CLARK of Wyoming. Mr. President, I am thoroughly in sympathy with the operations of the Senator from Mississippi and the Senator from Rhode Island, but unfortunately we can not all see the map, and, therefore, I ask unanimous consent, in connection with this debate, that the chart be printed in the RECORD along with the debate.

Mr. WETMORE. That would probably take two weeks.

Mr. CLARK of Wyoming. But the discussion is of little use to other Senators who can not see the map.

Mr. WETMORE. I quite agree with the Senator; but how are you going to get over it?

Mr. CLARK of Wyoming. I propose to have it printed in the RECORD.

Mr. WETMORE. I say it will take two weeks to do that.

Mr. CLARK of Wyoming. We will be far longer than two weeks on this bill according to present progress.

Mr. WILLIAMS. Mr. President, I request that the diagrams be published in the RECORD, too, so that the matter may be understood.

Mr. CLARK of Wyoming. Let the whole thing be published in the RECORD.

Mr. WILLIAMS. That seems to me a very satisfactory solution of it.

The VICE PRESIDENT. The Secretary will resume the reading.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, line 8, before the word "lieutenants," to strike out "two" and insert "three."

The VICE PRESIDENT. In the absence of objection the amendment is agreed to.

Mr. REED. Mr. President, that is what we have been discussing here all day, and I do not want the amendment passed by unanimous consent.

The VICE PRESIDENT. Does the Senator from Missouri desire to discuss it or shall the Chair put the question?

Mr. REED. I want to say a word about the merits of this proposition.

We have had a report read here from the Sergeant at Arms, who apparently occupies in this matter the position of chief of police. The Sergeant at Arms says he can not do with a less number of policemen. I never saw a chief of police yet who had enough policemen to suit him. It was not only my misfortune, but the misfortune of my city once that I was mayor of that city and a member of the police board. We had a very good chief of police, but there never was a day or an hour that the chief of police would not have liked to have doubled his force, and yet we got along in a city of about 250,000 inhabitants with about one policeman for every thousand people, and that city happened to be one of the gateways to the great West, and through it there were constantly flowing large numbers of that element of society, the migratory human birds, that commit a great portion of the crimes; yet that police force of approximately one for every thousand people was obliged to police the depots, the gateways of the town, the dram-shop districts, the dangerous district of the city, and the members of it served 12 hours a day. Half of the time the men served at night and half of the time during the day.

Mr. President, if 250 policemen could look after that large population, with hundreds and hundreds of miles of streets, six or seven hundred dram shops, run to earth the criminal element that was in that city, as it is in all other cities, attend the police courts and produce testimony in the criminal courts, guard the street crossings—and many of them were assigned to the duty of acting as guards at street crossings—and perform the multitudinous duties falling upon the ordinary policeman in a large city, then I say that it is upon its face—I will not say "absurd"—but upon its face it is an extreme proposition to claim that we need 67 policemen here on the Capitol Grounds, attached to this one building; in addition to that, 16 policemen in the Senate Office Building and 10 more policemen over at the House Office Building. That makes a total of 93 policemen; and when we go across the Capitol Grounds to the Congressional Library, I take it we will find a large detail of policemen there. In addition to all that, the Capitol Grounds and the Capitol Building are under the protection now of the regular police force of the city the same as other portions of the city are under the protection of the regular police force.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. I think the Senator is mistaken in the supposition that the Metropolitan police have any jurisdiction over the grounds of the Capitol. I am very clear in the view that they are excluded from these grounds.

Mr. REED. I should have made my statement a little more specific and meant to have done so. The Capitol Grounds are under their protection in this way: That if there was a riot or any disorder they could be called upon, and these grounds are also under the protection of the Metropolitan police in this, that the criminal element coming into this town or infesting this community are handled by the Metropolitan police.

Mr. GALLINGER. In that respect the Senator is right. I apprehend if a crime were committed on the Capitol Grounds and the criminal escaped beyond the grounds the Metropolitan police would have jurisdiction.

Mr. REED. Yes; and I think they would take jurisdiction very speedily.

I am informed that in the city of Memphis, a large and populous city, they have only about 75 policemen. There is a city of approximately 160,000 people, with great commercial interests, and a population coming up and down the river. Those elements that will be found in all large cities that do not make for law and order are, of course, in Memphis—not more than in other cities, but there are plenty of them there, as there are in all large cities. If it is necessary to have 67 policemen in the

Capitol Building, 16 policemen in the Senate Office Building, 10 policemen in the House Office Building, and other policemen in the Congressional Library, then this must be the most lawless spot on the face of the earth. At the same rate, the city at large would need a police force of about 2,500, and I do not know how many thousands they would need in New York City, but it certainly would be a good-sized standing army.

In the early part of this discussion it was suggested that the reason we needed so many men was because a large number of the present policemen were superannuated. I observe these policemen, as others do, and I do not think it can be said that there are many of them so old that they can not fulfill their duties. I do not think that argument is a sound one.

Then it was suggested that a large number of them was necessary to be kept because they were on the old soldiers' roll; yet, as I heard the list read by the chairman of the committee, I did not find that the old soldier element preponderated, but rather that the element recommended by Senators was very largely in the majority.

It is easy enough to say that we need a man at this spot and one at another particular place; but, Mr. President, policemen in cities have to guard beats sometimes miles in length; they have to guard with reference to fire as well as with reference to life; and there is no reason that I can see why we need a policeman at every corner in this Capitol. There is no reason that I can see why a policeman must be given a standing position at some point in this building; there is no reason that I know of why two policemen should be posted in front of this building to call cabs; in other words, if we were entirely frank about this matter, I think we would be compelled to say that about one-half of this force is a luxury. It is nice to have them around, but they cost money, and therefore I object to having them around unless they are necessary.

At the other end of the Capitol the policemen are required to perform the same duties they are required to perform here, and there are nearly four times the number of Representatives that there are Senators. As you multiply the number of Representatives, you multiply the number of people going to and from that end of the Capitol. It is a fact that everybody must know that the galleries of the House of Representatives are crowded more than are the galleries of the Senate; more people come and go; and yet the House committee and the House itself has seen fit to cut the number in that end of the Capitol to 37.

Mr. WETMORE. Mr. President, they are still employed, even if they have cut them off.

Mr. REED. They will be employed until this bill becomes a law; and when this bill becomes a law they will no longer be employed. The Senator and I can not disagree that the policy of the House is to cut the number to 37.

Mr. WETMORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. REED. Certainly.

Mr. WETMORE. I may state that one of the Capitol police is detailed to the House Office Building on account of the inadequacy of the force there.

Mr. REED. The Senator misunderstood me.

Mr. WETMORE. By request from the House side, I think, there are four other policemen also detailed to certain duties in the House Office Building.

Mr. REED. The Senator misunderstood me. I am speaking about the 37 policemen in the Capitol.

Mr. WETMORE. I suppose that man is one of the 37.

Mr. REED. I am not speaking about the Senate Office Building.

Mr. WETMORE. I was not, either.

Mr. REED. I do not consider that there is any force in the suggestion of the Senator that some experienced policeman was called on to go over and train the inexperienced men who came in when the majority shifted in the House of Representatives. They did put in inexperienced men, which illustrates the truth of what the Senator from Mississippi said when he intimated that, after all, the distribution of policemen was a matter of the distribution of spoils and that men were not employed because of their ability or because of their skill, but because of their politics.

It is not at all remarkable that they had to send for some one to train these green men. I apprehend that some of the men who came in did not know how to find their way through the corridors and the meanderings at the other end of the Capitol. But they nevertheless are getting along with their 37 men, and they are not now clamoring for assistance; and they are getting along with their 10 men in the House Office Building, where we insist upon having 16, while our building is the smaller, or at least the less populous. So that, Mr. President, I am opposed to this amendment, and I ask for a roll call upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. REED. Upon which I have asked for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED. I move to strike out in line 8, on page 13, the word "three" and insert the word "two."

The VICE PRESIDENT. That is the amendment upon which the vote is about to be taken.

Mr. REED. Yes.

The VICE PRESIDENT. That is the pending amendment.

Mr. REED. Exactly, and I move to strike out the word "three" and insert "two."

The VICE PRESIDENT. But the pending amendment is to insert "three" instead of "two."

Mr. REED. I understand it now. It comes in the other form. I want to ask a question. The matter has not been discussed. Why do we need three lieutenants—three commanding officers?

Mr. WETMORE. There are three shifts of policemen, and there is one officer in charge of each shift.

Mr. REED. They have eight-hour shifts?

Mr. WETMORE. Eight-hour shifts.

Mr. REED. How many hours do the Capitol policemen work—8 hours or 12?

Mr. WETMORE. Eight hours.

Mr. REED. Mr. President, I raise the question of quorum.

The VICE PRESIDENT. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	Jones	Smith, Ga.
Bacon	Clark, Wyo.	Lea	Smith, Md.
Bailey	Cullom	McCumber	Smith, S. C.
Borah	Cummins	Martin, Va.	Smoot
Bourne	Curtis	Myers	Stephenson
Bradley	Fletcher	Oliver	Stone
Briggs	Gallinger	Overman	Thornton
Bristow	Gardner	Page	Townsend
Brown	Gore	Perkins	Warren
Bryan	Gronna	Reed	Watson
Burnham	Heyburn	Richardson	Wetmore
Catron	Hitchcock	Simmons	Williams
Chamberlain	Johnston, Ala.	Smith, Ariz.	

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the committee amendment.

Mr. REED. I call for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been refused on this amendment.

Mr. REED. Mr. President, a parliamentary inquiry. What are we voting on now?

The VICE PRESIDENT. The Senate is about to vote upon the amendment in line 8, page 13, to strike out "two" and insert "three."

Mr. REED. That is the only part of this proposition upon which we are now voting?

The VICE PRESIDENT. That is all.

Mr. REED. Very well.

Mr. WARREN. Mr. President, a number of Senators came in and answered to the call of the roll. The motion was made, as I understand—and the Chair will correct me if I am wrong—by the Senator from Missouri to disagree to the committee amendment to insert three lieutenants instead of two.

The VICE PRESIDENT. The question now is on the committee amendment to strike out "two" and insert "three."

Mr. WARREN. The reason I asked the question is that Senators may know the exact question.

We are in this condition. There are three shifts of police during the day. There are the House and the Senate and the grounds to be overlooked. If a lieutenant is needed at all, three are needed, so that there may be one on duty all the time. I hope the committee may be sustained by an affirmative vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 13, line 9, after the word "and," to strike out "thirty-three" and insert "sixty-seven," so as to read "67 privates, at $1,050 each."

Mr. REED. That is the main question which we have been discussing here for several hours—whether we will have 33 policemen or 67. The House, as I understand, has already

fixed the number at 33. Upon the question of agreeing to that amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. A question of order. I ask the Vice President to state the question.

The VICE PRESIDENT. The question is on agreeing to the committee's amendment, in line 13, page 9, proposing to strike out "thirty-three" and insert "sixty-seven." The Secretary will call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON], and withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is necessarily absent from the city. He is, however, paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. BAILEY (when Mr. DIXON's name was called). The Senator from Montana [Mr. DIXON] is in Chicago.

Mr. GALLINGER (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE]. I transfer it to the senior Senator from Massachusetts [Mr. LODGE], and will vote. I vote "yea."

While I am on my feet, I wish to announce the pair of the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from New York [Mr. O'GORMAN].

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE].

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer it to the junior Senator from Tennessee [Mr. SANDERS] and vote "yea."

Mr. SMITH of Arizona. I am paired with the senior Senator from New Mexico [Mr. FALL]. I therefore withhold my vote.

Mr. OLIVER (when the name of Mr. PENROSE was called). My colleague [Mr. PENROSE] is necessarily absent. He is paired with the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from New York [Mr. ROOT] and will vote. I vote "yea."

Mr. SIMMONS. I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, and therefore withhold my vote.

The result was announced—yeas 33, nays 13, as follows:

YEAS—33.

Bacon	Cullom	Martin, Va.	Stephenson
Bradley	Curtis	Nelson	Thornton
Briggs	Dillingham	Oliver	Tillman
Bristow	Foster	Overman	Townsend
Brown	Gallinger	Page	Warren
Burnham	Gronna	Perkins	Wetmore
Catron	Heyburn	Richardson	
Chamberlain	Johnston, Ala.	Smith, Md.	
Clark, Wyo.	McCumber	Smoot	

NAYS—13.

Ashurst	Hitchcock	Reed	Watson
Bryan	Jones	Smith, Ga.	
Fletcher	Lea	Smith, S. C.	
Gore	Myers	Stone	

NOT VOTING—49.

Bailey	Davis	Lorimer	Root
Bankhead	Dixon	McLean	Sanders
Borah	du Pont	Martine, N. J.	Shively
Bourne	Fall	Newlands	Simmons
Brandegee	Gamble	Nixon	Smith, Ariz.
Burton	Gardner	O'Gorman	Smith, Mich.
Chilton	Guggenheim	Owen	Sutherland
Clapp	Johnson, Me.	Paynter	Swanson
Clarke, Ark.	Kenyon	Penrose	Williams
Crane	Kern	Percy	Works
Crawford	La Follette	Poindexter	
Culberson	Lippitt	Pomerene	
Cummins	Lodge	Rayner	

Mr. BACON. Mr. President——

The VICE PRESIDENT. On the question of agreeing to the committee amendment the yeas are 33 and the nays 13. The Senator from Texas [Mr. BAILEY], the Senator from Maine [Mr. GARDNER], the Senator from Arizona [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], the Senator from North Carolina [Mr. SIMMONS] having announced their pairs and that they refrained from voting, because of being paired, it makes a quorum; the yeas have it, and the amendment is agreed to.

Mr. BACON. Mr. President, before the result was announced I sought the recognition of the Chair. I wish to say that as I understand there is no rule of the Senate which authorizes those who do not vote upon a yea-and-nay call to be counted.

Mr. President, this is a self-governing body; this is a body in which the Senators make their own rules and enforce them; and that is not the rule of the Senate; it has never been the rule of the Senate, and I hope never will be the rule of the Senate. Of course, I recognize the fact, Mr. President, that frequently precedents are made in parliamentary bodies under stress of political or other influences which induce members of the parliamentary body to cast their votes, frequently because the casting of their votes in a particular way will accomplish the particular thing then under consideration.

It so happens that upon this occasion I am one of those who voted with the majority, and therefore in making this objection to the ruling of the Chair I am not influenced by the fact that that ruling accomplished a result which I myself favored. On the contrary, I favored the result which would be sustained by that ruling of the Chair.

Mr. President, of course there are some Senators here who have been here much longer than I have, but I have been here now for more than 17 years; and I wish to say, in all respect for the present occupant of the chair, for whom I personally have the highest regard and respect, that, so far as I know and can recall, prior to the occupancy of the chair by the present distinguished, honored, and highly esteemed officer, there has never been such a ruling in the Senate.

Of course, I know the facts that there have been occasions when there have been efforts made to justify the proposition that the Chair had the right to count a quorum, and that is a precedent which may in particular instances have been in a way recognized; but it is a rule which has never, so far as I know, received the distinct recognition and approval of the Senate.

Mr. President, this is no ordinary parliamentary body. This is a body with distinct and peculiar functions. This is a body with distinct and peculiar responsibilities and powers, far greater than those belonging to other parliamentary bodies, and I for one am unwilling that the rules which have been observed for a hundred years shall be overturned in this way.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. I do.

Mr. BRISTOW. I desire to suggest to the Senator from Georgia that upon another occasion recently a vote was taken on a bill that is upon the calendar, in which I am interested and the vote was affirmatively in favor of the motion which I made, but a quorum did not vote and the motion was declared lost because a quorum had not voted. That was repeated upon more than one occasion that day, and it is an exact parallel to this case.

Mr. BACON. Yes.

Mr. President, I want to say this: I have seen occasions when upon a division the count showed the number voting less than a quorum, and I have seen that passed over several times without remarks.

I want to say that I myself have at times objected, at other times I have sat silent when that has been done, because it is not pleasant to take issue with the Chair. It is not pleasant to be making a point of this kind. The acceptance of the count in such cases can only be justified upon the ground that when a motion is put viva voce, very frequently there is nobody who votes at all, and in the absence of a vote the Chair says the ayes have it, upon the assumption that the absence of any negative vote indicates an assent on the part of Senators, and that the reasoning might be carried a little further and applied to the absence of a certain number voting upon a division. In other words, applied to the case where, on a division, less than a quorum vote. While I do not approve of that suggestion, still it is suggested that it may be conceded or concluded from that that those who do not vote are assenting. But I do not agree to that at all. Still that is the argument as to that. But that argument can not be applied to a yea-and-nay vote.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. Did I understand the Senator correctly to say that the decision just announced was without precedent in the Senate; that a quorum had never been counted before?

Mr. BACON. No; I did not say that. I referred to the ruling made by the Chair to-day, in which, after the call of the yeas and nays was concluded, showing less than a quorum, the

Chair read the names of those who had announced a pair and said, counting the pairs thus announced on that vote, there was a quorum.

Mr. GALLINGER. Would the Senator permit me to read what Mr. Thurman said on that point?

Mr. BACON. Yes.

Mr. GALLINGER (reading):

On question of laying an appeal from the decision of the Chair on the table yeas were 32, nays 3—no quorum voting. The President pro tempore (Mr. Thurman) counted the Senate and announced a quorum present in the following language:

"The Chair has usually taken the fact of there being no quorum voting as evidence that there was no quorum present, but the Chair has not decided that it is not possible to ascertain otherwise whether there is a quorum. The Chair does not think the fact that a quorum has not voted is conclusive evidence that a quorum is not present. On the contrary, in the opinion of the Chair, he has a right to count the Senate. He has counted the Senate and found that a quorum is in attendance, but a quorum has not voted.

If the Senator will permit me, Vice President Breckinridge made the same decision and Vice President Fairbanks decided in the same way.

Mr. BACON. Let me have the other decisions.

Mr. GALLINGER (reading):

During the consideration of S. 161, "For the admission of Kansas into the Union," on a motion to adjourn no quorum voted.

The Vice President (Mr. Breckinridge) "stated to the Senate that the number of Senators voting did not constitute a quorum of the Senate, but that, in the opinion of the Chair, a quorum was present in the Chamber."

Mr. BACON. There was no quorum required on that vote.

Mr. GALLINGER. That is true. In the case of Mr. Fairbanks:

Mr. Aldrich raised a question of order, viz, that a Senator must be in possession of the floor, and that he can not take the floor by asking a parliamentary inquiry, and then make any motion.

The Vice President (Mr. Fairbanks) sustained the question of order.

An appeal having been taken from the decision of the Chair,

On motion by Mr. Aldrich to lay the appeal on the table, yeas 32, nays 14—no quorum voting.

The Vice President (Mr. Fairbanks) counted the Senate and announced that a quorum was present, and so the motion prevailed.

Mr. BACON. Was that on a yea-and-nay vote?

Mr. GALLINGER. On a yea-and-nay vote, 32 to 14.

Mr. BACON. I stand corrected to that extent. That instance had escaped my recollection.

Mr. GALLINGER. The Senator will find it at page 403 of Gilfry's Precedents.

Mr. BACON. Has the Senator the proceedings before him?

Mr. GALLINGER. I have not.

Mr. BACON. Very well. The Senator will find that in that particular case I am sure, because that is since I have been here, it was protested against at that time. I have never assented to such a ruling.

Mr. GALLINGER. It may have been protested against, but it was a motion to lay the appeal on the table.

Mr. BACON. I do say one of the most vital questions that can come before the Senate is whether or not the Presiding Officer can declare a law enacted when less than a majority of the Senate votes on the question of the passage of that law, and the results to which it can lead are some which we can now appreciate the gravity of; but there are others that will doubtless present themselves in the future that we do not now realize.

Mr. President, I say this is not a matter for construction by a Presiding Officer of this body. It is a matter to be determined only by the specific rules of the Senate. This is not an ordinary parliamentary body. This is not a body in which the Presiding Officer is taken from the House itself. This is a self-governing body, and we are highly honored by the fact that the Vice President is called on to preside over it. I would not have it otherwise. I think it dignifies this body that the Vice President of the United States is chosen to preside over it and is assigned to that duty by the fundamental law of the land. I would not under any circumstances have it otherwise. I am gratified not only that such is the law, but by the fact that since I have had the honor to have a seat in this Chamber those who have been chosen for that high office and who have presided over the Senate have not only by their official station, but in their several persons, given dignity and character and consequence to the deliberations of this Chamber.

But while that is true, Mr. President, it can not be ignored that the fact that the Presiding Officer is not a Member of this body carries with it an increased responsibility and power in the body itself to make its own rules and to govern itself. When a Presiding Officer is chosen by the body, he represents the majority of that body and is responsible to that majority. That is not true of the Vice President presiding over the Senate.

Mr. President, there is no rule in our list of rules which gives to the Presiding Officer of this body that power, and that power should not be exercised unless it is distinctively conferred by this body. We have rules which are prescribed. They are made by this body and we have the power to change them. We have the power to repeal those which are there, and we have the power to make others; and until this body determines, not simply upon an occasion when party exigency may call upon Senators to speak in a way when they possibly would speak otherwise under other circumstances, but until the Senate determines and orders in its regular way, through a rule brought in a regular way before this body, that the Presiding Officer has the right to count a quorum, then, Mr. President, I protest against it with all the vigor and all the earnestness of which my nature is capable.

Mr. President, what is the fundamental rule as to the passage of a law? It is one thing to say that a quorum is present to do business. It is another thing to say whether or not a quorum has done the business. If we were to go to the extent of saying that the Presiding Officer can count a quorum and say that therefore the business shall proceed, that is one proposition. That is going further than I am willing to have it go, because I think the only way to disclose a quorum is by the answer of Senators on the floor.

Mr. BAILEY. Would the Senator permit me?

Mr. BACON. If the Senator will let me conclude that sentence, I want to draw the contrast. One is the exercise of the power to count a quorum for the purpose of ascertaining whether a sufficient number of Senators are present in order to constitute the body as a legal body to do business. That is one thing; but the fundamental proposition is that to pass a law a majority of a quorum must either actually or by recognized assent approve of that law. To pass a law it is not sufficient that there should be a quorum present. To pass a law it is necessary that a majority of a quorum should favor the passage of that law. That is exactly what this proceeding will negative and destroy, and put it in the power of the minority not only for a minority to pass a bill, but for less than a majority to vote upon the question to pass the law. Can it be said for a moment that when the law requires that a majority is necessary to pass a law it shall be less than a majority voting upon that question?

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. The Senator certainly does not wish to say that it takes a majority of the Senate to pass a law.

Mr. BACON. I have said repeatedly a majority of a quorum.

Mr. WARREN. A majority of those present.

Mr. BACON. A majority of a quorum.

Mr. WARREN. And they must be present, of course.

Mr. BACON. Certainly. It can not be a quorum unless it is present.

Mr. WARREN. The Senator does not doubt that the number were present in the Senate when the Presiding Officer announced it. He does not doubt that Senators were here as they voted and as announced?

Mr. BACON. But I am trying to draw a distinction between a quorum being present and therefore being a body sufficient in numbers present to proceed with business, and less than a quorum voting on the question. That is what I say. I say, Mr. President, that there can be no passage of a law unless a majority of a quorum vote for that law; and that quorum must be present; and that, in the absence of a specific rule made to the contrary by the body itself, the only way to ascertain that a quorum is present is the answer to the roll call.

When there is no call for the yeas and nays and the vote is taken viva voce, then, of course, the presumption is that those who are not voting are assenting; but that can not be the case when the yeas and nays are called. When the yeas and nays are called the question is distinctly raised how each man votes and the question is distinctively and affirmatively decided not only how every man votes but how many men there are voting, and nothing is taken by construction or by assent.

Therefore, Mr. President, I say that to count Senators not voting is a violation of the fundamental proposition that in order that a law shall be passed a quorum shall vote on it, and that a majority of that quorum shall favor that law. I ask pardon of the Senator from Texas for having delayed him as long as I have done, and I now yield to him.

Mr. BAILEY. Mr. President, what I wanted to ask the Senator just at that point was whether a quorum as here disclosed is disclosed by the answers of Senators appearing on the record or whether the quorum has been disclosed by a count of the Chair. My understanding was that the Chair ascertains the quorum from the record, adding to those who have voted on the roll call the names only of the Senators who answered

to their names but who instead of voting announced their pairs.

I thoroughly agree with the Senator from Georgia that the occupant of the chair, either temporary or permanent, has no right to look about the Senate and count Senators. I would utterly dissent from the statement of Mr. Thurman in the Precedents of the Senate, read by the Senator from New Hampshire [Mr. GALLINGER], but where the record itself discloses a quorum and where, as the Senator so aptly said, the presence of a quorum is ascertained by the responses of the Senators, there I am inclined to think the rule might be safely followed.

I merely wanted to invite the attention of the Senator from Georgia to what appears to me a difference between a quorum ascertained by a roll call and a quorum ascertained by the mere counting of the Chair. It might or it might not happen that the Chair would count some Senator who had voted or would count some Senator who did not want to be counted; but when the Senator himself records his presence in the Chamber, I ask the Senator from Georgia whether that differs the case at all?

Mr. BACON. Mr. President, I am afraid my distinguished and learned friend was not listening to what I said in the second part of the proposition which I presented, or else I was not myself happy in my statement.

Mr. BAILEY. I will state to the Senator from Georgia he is always clear and I always understand him, but I was called out of the Chamber a moment ago and I might not have heard what he said on that point.

Mr. BACON. The Senator was sitting exactly in the seat where he is now when I made that proposition.

Mr. BAILEY. No; I just this moment took this seat.

Mr. BACON. It may be it was the second chair from that he now occupies. The proposition is this, Mr. President: If it were a question whether or not the proceedings should be suspended on account of the absence of a quorum——

Mr. BAILEY. If the Senator will allow me to interrupt him before he addresses himself to that point, I did not miss that and I did not ignore the force of that argument, but I rose to ask him the other question.

Mr. BACON. I am trying now to answer it.

Mr. BAILEY. I am not sure that I disagree with the Senator about that, but that was not my question.

Mr. BACON. What I was about to say is this, Mr. President: If when the roll is called and 43 Senators vote "yea" or "nay" and 8 Senators get up and announce their pairs, that does disclose the fact that a quorum is present, and the Chair would not be under obligation to say that there is no quorum present and therefore the Sergeant at Arms must go and bring in absent Senators; because by that fact of the announced presence of Senators it is disclosed that there is a quorum present. But the point I make is that when you come to the question of the passage of a law you can not say, because eight other Senators are in the Chamber and did not vote on the call of the yeas and nays, therefore less than a quorum acting upon a question can pass a law. The eight did not vote and can not be counted as voting.

Mr. BAILEY. Less than a majority?

Mr. BACON. Less than a quorum. I will repeat exactly the words I used. I said "Less than a quorum acting upon that proposition"; and in order to pass it, of course, there would have to be a majority of that quorum. When I say less than a quorum acting upon that proposition, I mean less than a quorum voting both "yea" and "nay"; that is, those voting both "yea" and "nay" making less than a quorum.

Does the Senator now understand what I mean by that? My proposition is that when less than a quorum vote, counting both the yeas and nays, that is not a vote, although a majority of that number voting may vote in a particular way. It is not a vote which can legally pass a law, because to pass a law it must be acted upon by a quorum. It is not sufficient that a quorum should be present; it is necessary that a majority of a quorum should vote in order to pass a law. It is not that the vote discloses that there is no quorum present, but it is the fact that less than a quorum voted upon the question of the passage of that law. That is the proposition. The Chair is not in such case called upon to say there is no quorum present and then wait for some Senator to suggest that the Sergeant at Arms be instructed to request the presence of Senators. He would not be called upon to do that, because the responses have shown that there is a quorum here, but I announce it as a fundamental proposition, and I challenge any Senator who disputes it to produce the authority in a standard work on parliamentary law to the contrary, that to pass a law, in the absence of a rule of the body to the contrary, it is necessary that there should be acting upon that a majority of what shall constitute a quorum of that body.

I do not say it would invalidate the law thus passed, because it is a question of procedure, and the action by the legislative body controls. Courts recognize the right of legislative bodies to control and determine their procedure, and go a long way to sustain their actions thereunder. But the question of proper procedure is one devolving a distinct responsibility on the legislative body. In this sense I contend that the action of a quorum, counting the yeas and nays, is necessary to legally pass a law.

If you do otherwise you put it in the power of a minority to pass a bill, even though no quorum has voted. Frequently a minority can pass a bill. If there is a quorum present and the votes yea and nay when added together make more than a quorum, of course a majority of that quorum will pass a bill, although that majority may constitute a minority of the whole body. That is a general rule of parliamentary law; but I venture the assertion, Mr. President, that the book can not be found in which the proposition is not distinctly recognized, and in which there is not an utter absence of anything to the contrary, that a quorum is necessary in order to constitute legal action by a body. It is, of course, competent for a legislative body to determine, unless otherwise provided by law, what shall constitute a quorum and how the presence of that quorum can be ascertained.

When there is no call for the yeas and nays—we have that situation here all the time—the action of those who vote is assumed to be the action of the entire body. It is the assumption that there is a quorum present; it is the assumption when the vote is unchallenged that a majority of that quorum is voting in favor of the particular proposition; but that is an altogether different thing. When you come to a record vote, where every man is called upon to say how he votes and where there is no vote, which is a silent assent to a proposition, but where every vote is announced, a distinctly stated vote, then, I say, Mr. President, it is necessary that a quorum should vote upon such a question, and that without it you have a destruction of the fundamental proposition that a quorum is necessary to do business; that whenever the vote is had in a way to put each man upon his answer "yes" or "no," the yeas and nays added together must make a quorum, or it is not the legal action of the body. This, I contend, is the necessary rule in the absence of any rule to the contrary made by the body itself.

Mr. President, if we are going to have this practice, I insist that it should be in response to a rule adopted by this body, and not be left to the chance of an appeal from the Chair when there might not be a full attendance or when Senators would, in a measure, as is the case in every parliamentary body, be influenced by the particular question which is before the body, and sometimes political questions.

I presume you will find, even if you turn to the case where Senator Thurman ruled, that the Democrats were then in a majority, and I have no doubt the ruling was to carry out something which the Democrats then wanted. In the other House, Mr. President, their records are full of cases where such rulings were made, first by one party and then by another when in power. The Senator from Texas [Mr. BAILEY] knows of the fact, having served there as long as he did, and the present occupant of the Chair knows of the fact from his service in that body, that there is a constant practice in the other House to make precedents which are the product of the interest of the moment—the political interest as well as the personal and selfish interest, probably, of parties who may be interested in a particular measure before the House the fate of which will be determined by the ruling.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. I meant in the statement I made to cite the fact that Mr. Cockrell, who was one of the fairest-minded Senators we ever had, not on the passage of a bill, but on a motion, and a quorum failing, proceeded to count the Senate, and announced that a quorum was present. I repeat, it was not on the passage of a bill; and I am not controverting the Senator's contention on that point, but simply citing the fact that Mr. Cockrell, who I never knew in the long service I had with him here to do an unfair thing to either side of the Chamber, did count a quorum.

Mr. BACON. Well.

Mr. BAILEY. Is that in the book?

Mr. GALLINGER. It was on a vote. I will read the exact record.

Mr. BACON. That has been a matter which, while it has occasionally occurred, has never been conceded in this Chamber.

Mr. GALLINGER. This was on the 3d day of March, 1881:

MARCH 3, 1881.

While a motion to postpone further consideration of one bill for the purpose of considering another was pending, a motion to proceed to the consideration of executive business was made, on which no quorum voted.

The PRESIDING OFFICER (Mr. Cockrell) proceeded to count the Senate and announced the presence of a quorum.

Mr. BACON. Mr. President, I want to submit another thought in that connection, to show how dangerous is such a ruling as that which the Chair has just made. I understand with our present membership it now takes 48 to make a quorum—I believe I am correct in that. Say that there is a question before the Senate, that 19 Senators vote in the negative and 20 Senators vote in the affirmative, and 9 Senators announce pairs and refrain from voting. Say that it is a party question upon which the Democrats are voting on one side and the Republicans are voting on the other. In order that I may put the illustration in a way which will commend itself more forcibly to the Senators upon the other side, I will assume that 20 Democrats vote in favor of the motion, that 19 Republicans vote against it, and that 9 Republicans, every one of whom would, if at liberty to vote, vote with the 19, get up and say that they have pairs with Democrats; and that if they were not paired they would vote with the other Republicans, making 27 votes, and yet, under the ruling of the Chair, with 48 present——

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. If the Senator will let me finish the sentence. With a quorum of 48 present and only 20 Democrats and 28 Republicans, the 20 Democrats would carry the day. Now I yield to the Senator from Kansas.

Mr. CURTIS. In the case cited by the Senator the difficulty is that not a majority of a quorum would have voted in favor of the proposition.

Mr. BACON. Oh, no.

Mr. CURTIS. I understand that to be different from a case where a majority of a quorum does vote.

Mr. BACON. Oh, no.

Mr. CURTIS. Rule IV decides what shall constitute a quorum.

Mr. BAILEY. No rule decides that; the Constitution decides it.

Mr. CURTIS. Of course, the Constitution provides as to that; but it is also set out in Rule IV of the Rules of the Senate. When a Senator announces from his place that he declines to vote because he is paired, frequently he announces that, if he were permitted to vote, he would vote yea or nay. It is then perfectly evident that he means to stay here to help make a quorum to do business. I think the Chair is perfectly right in holding that if a call of the yeas and nays does disclose that a majority of a quorum votes for a proposition and enough others to make a quorum announce that they would vote if at liberty to do so, but declined to vote because they are paired, a quorum is present, and the vote should be valid. I think the Chair has properly decided the question.

Mr. BACON. I will give another illustration to cover the Senator's contention. Suppose, Mr. President, there are present 25 Republicans, or, rather, I will say, 25 Democrats, in order not to make the same illustration I made before—suppose 25 Democrats are present and vote in favor of a proposition and 20 Republicans vote against it, that would make 45; and suppose there are 15 Republicans present, each of whom says he is paired with a Democrat and therefore refrains from voting. There would be a case where there would be a majority of a quorum voting; there would be 35 Republicans present, and yet under this ruling 25 Democrats would pass the bill.

It is still worse when it is not a party question, because in many such instances it is not known how an absent Senator would vote if present. Then with a large majority of Senators present favoring the passage of a law, if less than a quorum upon the call of the yeas and nays can legislate, a small unpaired minority can defeat its passage.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. If the Senator will pardon me a moment, the fundamental proposition in the case presented by the Senator from Kansas is that he assumes that in the absence of any specific rule by the body, a majority of a quorum voting for a measure is sufficient to pass it. I say that the Senator will not find any support for the proposition that in the absence of a particular rule, if less than a quorum votes, it is sufficient if those voting in the affirmative have in their favor a majority of a quorum. In the absence of a rule to the contrary it takes a quorum acting on the question. It takes a rule to say that a Senator present and not voting shall in a certain way be ascertained to be one of a quorum necessary to the passage of a bill.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. I understand the Senator from Georgia to hold that if a Senator, on a call of the yeas and nays, rises in his seat and states that he is paired with another Senator, and announces that if he were not paired he would vote yea or nay, as the case may be, that that is not a vote?

Mr. BACON. It is not a vote.

Mr. SMOOT. And it should not be counted?

Mr. BACON. And it should not be counted.

Mr. SMOOT. Either in making a quorum or on the passage of a bill?

Mr. BACON. I will admit that it should be counted as a quorum to the extent that it is not necessary that business should be suspended; in other words, there is a quorum present, but it is not sufficient to constitute the legal action of the body in the passage and enactment of a law.

The Senator from Utah has stated it very much more happily than I have; and that is, that in the absence of a rule to the contrary, the Senators voting must make up a quorum in order to constitute the legal action of the body. That is the only way in which the quorum is ascertained in the absence of a rule. In the case of a viva voce vote it is the presumption that a quorum is present and voting in acting upon a measure; but where there is a call of the yeas and nays there is no such presumption; it is an actuality; it is a fact; each Senator has said whether he is voting or not; and when he simply says, "If the Senator with whom I am paired were present, I would vote so-and-so," that does not constitute a vote.

Now, Mr. President, the suggestion I want to make is this: Let us settle this matter in the legal way, not by the construction of a presiding officer. This body has got a right to make a rule that way if it wishes to do so; but until it does so in the formal way that we legislate in regard to the rules, then I say this practice ought not to be pursued. So far as I am concerned, of course, I would not like to break a pair and would not do so under any ordinary circumstances; but I would very much prefer that some Senators on a vote that was not very material should take the liberty of disregarding their pairs than to see this ruling established as the rule of the Senate. Therefore I hope this matter may be passed over; let the Committee on Rules be charged with the duty of making a recommendation to this body, and then let the Senate determine shall it or shall it not be the rule of this body. If the Senate makes a rule that a quorum can be ascertained in this way as voting, we will know what to expect and to do. I trust that no such rule will be made.

The VICE PRESIDENT. If the Senator from Georgia will indulge the Chair for a moment it will be a very simple matter, and perhaps save time if, by unanimous consent, the Secretary be permitted to call the names of the Senators now present who were absent at the time the call of the yeas and nays was concluded. If there be no objection, that course will be followed and leave the other matter in abeyance.

Mr. BAILEY. Well, Mr. President, I want to say before that is done that I can not consent to the proposition that the Senate can determine by a rule whether or not a given number of votes is sufficient or insufficient to pass a bill.

Mr. BACON. I believe the Senator is right about that.

Mr. BAILEY. I think that is a question of the Constitution.

Mr. BACON. The Senator is right, and I accept the suggestion. I think he is absolutely right about that; and that is a fundamental proposition.

The VICE PRESIDENT. If there be no objection, the Secretary will call the names of those Senators who did not respond on the last call of the yeas and nays.

Mr. REED. For what purpose?

The VICE PRESIDENT. To vote upon the proposition.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Is there objection?

Mr. BRISTOW. Mr. President, I do not object, but I want to make an inquiry after that matter is concluded. Let the roll call proceed, and then I will make the inquiry.

The VICE PRESIDENT. If there be no objection, the Secretary will call the names of those Senators who were absent on the former call of the yeas and nays.

The Secretary proceeded to call the names of the Senators who failed to respond when the names were called on the last yea-and-nay vote.

Mr. BORAH (when his name was called). I vote "yea."

Mr. CLAPP (when his name was called). Although my pair is absent, I understand he stated that if at liberty to vote he would vote "yea." I therefore will vote "yea."

Mr. CUMMINS (when his name was called). I vote "yea."

Mr. SHIVELY (when his name was called). I vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER] and therefore withhold my vote.

The Secretary concluded calling the names of the Senators who had not previously voted.

Mr. CURTIS. Mr. President, I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER].

The VICE PRESIDENT. The vote now is—yeas 37, nays 13. The yeas have it, and the amendment is agreed to.

Mr. BRISTOW. Mr. President, I think there should be some settled policy of the Senate in regard to this matter. The Senate ought to know what the rules are. On April 16, on a motion of my own to take up a bill the vote was 32 yeas and 14 nays, and the motion was declared lost because a quorum had not voted. On another yea-and-nay vote 30 voted in favor of taking up the bill and 4 against, and the motion was ruled as lost because a quorum had not voted. A roll call was immediately had and 61 Senators answered "present." Again, on April 26, upon a motion of my own on the same bill, there was a similar result. The RECORD shows that the Chair ruled each time that a quorum not having voted the motion was lost. The Vice President was not in the chair. Upon the last date the Senator from New Hampshire [Mr. GALLINGER] was in the chair, and upon the former date, if I remember rightly, the Senator from Michigan [Mr. TOWNSEND] was in the chair. The pairs announced on the first vote showed that there was a quorum present, and on the second vote the roll call showed that there were more than 60 Senators in the Chamber. I want the question settled one way or the other. I do not want the rule to prevail against a bill one day and in favor of it another day.

Mr. GALLINGER. Mr. President, as the Senator has called attention to the fact that I chanced to be in the chair on a certain occasion when a vote was taken on a particular bill, I want to say for myself—and I do not say it in any controversial spirit at all—that if I chanced to be in the chair when less than a quorum voted and pairs were announced by Senators sufficient in number, who, added to those voting, would have constituted a quorum, that was not my view of the question. I would have declared that a quorum had not voted. But other Senators in the history of the Government have ruled differently, as the Vice President did to-day. However, that is not my personal view.

Mr. BRISTOW. I am not questioning the wisdom of the Senator's ruling; but I do think there ought to be a consistent ruling, and not have a bill lost one day and have it carried the next day under exactly the same circumstances.

Mr. WILLIAMS. Mr. President, I do not think the question which has just been discussed is a question of rights and privileges amongst Senators and Representatives. I think it is a question of rights of constituencies as represented by them. It seems to me that it would be a very good thing if the Senate would provide a rule whereby when a yea-and-nay vote was had each Senator could, under the rule, respond either "yea" or "nay," or "present" or "present and paired"; or, to go still further, "present for the purpose of being counted to make a quorum, but paired," adding what he pleased to that statement.

The idea, it seems to me, is this: I have a right here to represent my constituents by voting or by refraining from voting, as I think best in their interest; by helping to make a quorum or by refusing to help to make a quorum, as I think best in their interest. If, at any time, I am in favor of or opposed to a bill, but at the same time am willing to be counted for the purpose of making a quorum, representing my constituents, the rule ought to provide that I could rise in my place and say, "Present, but paired with So-and-so," and the rule should be understood as giving a right to count me for a quorum when I made that announcement. In other words, if I think it is to the interest of my constituents to vote "yea" on a bill, I vote that way. If I think it is to their interest to vote "nay," I vote that way. If I think it is to their interest for me to sit in the Chamber and not be counted to make a quorum, I ought to have that right. If I think it is to their interest to sit in the Chamber and ask to be recorded to make a quorum, while being excused from voting because I am paired, I ought to have that right.

I merely rose to say that I hope the matter will go to the Committee on Rules, and that they will fix it so that in addition to the present responses to the roll call a Senator may rise in his place and say "present, and desirous to be counted to make a quorum," and then "paired," or whatever he chooses.

The VICE PRESIDENT. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the subhead "Capitol police," on page 13, line 13, after the words "in all," to strike out "$41,250" and insert "$78,150," so as to make the clause read:

For captain, $1,800; 3 lieutenants, at $1,200 each; 2 special officers, at $1,200 each; and 67 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives; in all, $78,150, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "expenses," to strike out "$200" and insert "$300," so as to make the clause read:

For contingent expenses, $300, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 24, line 21, before the words "in all," to insert "photostat operator, $600," and in the same line, after the words "in all," to strike out "$20,120" and insert "$20,720," so as to make the clause read:

General administration: Librarian of Congress, $6,500; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian's secretary, $1,800; clerk, $1,200; clerk (assistant to chief clerk), $1,000; stenographers and typewriters—one at $1,200, one at $720; messenger, $840; junior messenger, $360; photostat operator, $600; in all, $20,720.

The amendment was agreed to.

The next amendment was, on page 25, line 20, before the word "each," where it occurs the first time, to strike out "$1,500" and insert "$1,800"; in line 21, after the word "blind," to strike out "(formerly in free public library)" and insert ": *Provided*, That pavilion No. 7 shall be used for the accommodation of the blind; two at the charging desk, at $1,080 each"; in line 25, before the word "at," where it occurs the first time, to strike out "five" and insert "three"; and on page 26, line 9, after the words "in all," to strike out "$52,500" and insert "$53,460," so as to make the clause read:

Reading rooms (including evening service) and special collections: Superintendent of reading room, $3,000; assistants—2 at $1,800 each, 5 at $1,200 each, including 1 in division for the blind: *Provided*, That pavilion No. 7 shall be used for the accommodation of the blind; 2 at the charging desk, at $1,080 each, 3 at $900 each, 10 at $720 each, 2 at $600 each; stenographer and typewriter, $900; attendant, Senate reading room, $900; attendants, Representatives' reading room—1 at $900 and 1 at $720; attendants—2 in cloakrooms at $720 each, 1 in Toner Library, $900, 1 in Washingtonian Library, $900, 2 for gallery and alcoves, at $480 each; telephone operator, $600; 4 junior messengers, at $360 each; 2 watchmen, at $720 each; evening service, 5 assistants, at $900 each; 15 assistants, at $720 each; 2 assistants, at $600 each; in all, $53,460.

The amendment was agreed to.

Mr. REED. Is it understood that this bill is being read now? If it is, the copy that I have is sadly deficient. If it is understood that part of the bill is being read, I have nothing to say.

The VICE PRESIDENT. The Secretary will continue to read the bill in full.

The reading of the bill was resumed.

The next amendment was, on page 27, line 20, after the word "each," to strike out "sixteen" and insert "eighteen"; and in line 25, after the words "in all," to strike out "$95,180" and insert "$96,980," so as to make the clause read:

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, $4,000; assistant register of copyrights, $3,000; clerks—3 at $2,000 each, 2 at $1,800 each, 7 at $1,600 each, 1 at $1,500, 8 at $1,400 each, 10 at $1,200 each, 10 at $1,000 each, 18 at $900 each, 2 at $800 each, $10 at $720 each, 4 at $600 each, 2 at $480 each; 4 junior messengers, at $360 each. Arrears, special service: Three clerks, at $1,200 each; porter, $720; junior messenger, $360; in all, $96,980.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 28.

Mr. HEYBURN. I give notice at this time that I will move to strike out, in lines 14 and 15, the words "within the discretion of the Librarian."

The VICE PRESIDENT. The Secretary will report the amendment.

Mr. HEYBURN. Inasmuch as the bill is now being read for committee amendments, I do not intend to move the amendment now, but merely to give notice of it.

The VICE PRESIDENT. Very well. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment was, in the item of appropriation for the custody, care, and maintenance of Library building and grounds, on page 30, line 8, before the word "charwomen," to strike out "forty-five" and insert "forty-seven," and in line 13, after the words "in all," to strike out "$71,705" and insert "$72,185," so as to read:

Assistant mistress of charwomen, $300; 47 charwomen; chief engineer, $1,500; assistant engineers—1 at $1,200, 3 at $900 each; electrician, $1,200; machinists—1 at $1,000, 1 at $900; 2 wiremen and 1 plumber, at $900 each; 3 elevator conductors and 10 skilled laborers, at $720 each; in all, $72,185.

The amendment was agreed to.

The next amendment was, on page 30, line 25, after the word "thereto," to strike out "$5,000" and insert "$15,000," so as to make the clause read:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, $15,000.

Mr. REED. Mr. President, for my part, I should like to know some reason for raising that amount and making it three times as great as the House reported.

Mr. WARREN. What is the Senator's inquiry?

Mr. REED. The bill as it comes from the House appropriates $5,000 for this item, at the bottom of page 30. The committee proposes to raise it to $15,000. I should like to know some reason for it.

Mr. WARREN. The estimate explains the great portion of it. The House evidently did not take into consideration the electrical work that has to be done there. The Senate committee, after investigating the matter, decided that they could not get along with less than $15,000.

Mr. REED. It is new work.

Mr. WARREN. It is mainly new work, and also repairs.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 31, line 17, after the words "United States," to strike out "Secretary, at the rate of $7,500 per annum until March 4, 1913, and at the rate of $6,000 per annum on and after March 4, 1913," and insert "Secretary, $7,500"; on page 32, line 2, before the word "laborers," to strike out "two" and insert "three"; and in the same line, after the words "in all," to strike out "$71,336.66" and insert "$72,540," so as to read:

For the following in the office of the President of the United States: Secretary, $7,500; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant, $2,500; 2 correspondents, at $2,250 each; disbursing clerk, $2,000; clerks—3 at $2,000 each, 6 of class 4, 2 of class 3, 5 of class 2, 2 of class 1; 1 clerk-messenger, $1,000; 2 messengers, at $900 each; 2 messengers; 3 laborers, at $720 each; in all, $72,540.

The amendment was agreed to.

The next amendment was, on page 32, line 13, after the word "President," to strike out "for services rendered, and articles delivered and for use, within the District of Columbia," so as to make the clause read:

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, carriages, harness, automobiles, expenses of stables, including labor and miscellaneous items, to be expended in the discretion of the President, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 32, line 23, before the words "of class 2," to strike out "twenty-eight" and insert "twenty-nine"; in line 24, before the words "of class 1," to strike out "thirty-eight" and insert "thirty-nine"; in line 25, before the words "at $1,000 each," to strike out "thirty-two" and insert "thirty-three"; on page 33, line 2, before the word "watchmen," to strike out "two" and insert "three"; in the same line, after the word "watchmen," to strike out "elevator conductor, $720," and insert "2 elevator conductors, at $720 each"; in line 4, before the word "laborers," to strike out "three" and insert "four"; in the same line, before the words "messenger boys," to strike out "three" and insert "four"; in line 5, after the word "each," to insert "3 charwomen"; and in the same line, after the words "in all," to strike out "two hundred and twenty-seven thousand two hundred and thirty dollars" and insert "two hundred and thirty-four thousand and ten dollars," so as to make the clause read:

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; 3 chiefs of division, at $2,000 each; examiner, $2,400; 3 examiners, at $2,000 each; 4 examiners, at $1,800 each; clerks—4 of class 4, 21 of class 3, 29 of class 2, 39 of class 1, 33 at $1,000 each; 20 clerks, at $900 each; messenger; assistant messenger; engineer, $840; telephone switchboard operator; 2 firemen, at $720 each; 3 watchmen; 2 elevator conductors, at $720 each; 4 laborers; 4 messenger boys, at $360 each; 3 charwomen; in all, $234,010.

Mr. WILLIAMS. I should like to ask the Senator from Wyoming why these increases were made in the bill as passed by the House. There is an increase of one clerk of class 2, one of class 1, one clerk at $3,000, an increase of one watchman, an increase of one elevator conductor, an increase of one laborer, and one messenger boy.

Mr. WARREN. As the Senator knows, the commission is just moving into new quarters, and at the time the original estimate was made they did not, apparently, take that into consideration. While we did not give them any large fraction of what was finally estimated and what they desired, the committee, after adducing all the evidence they could, believed that this was the very minimum sum which would enable them to handle the business.

Mr. WILLIAMS. They are moving into new, rented quarters?

Mr. WARREN. Yes; they have moved into an entirely new building.

Mr. WILLIAMS. They rented a larger building, and therefore had to have more employees?

Mr. WARREN. Yes; they will have to have more in the way of another elevator, and so forth.

Mr. CUMMINS. I should like to ask the Senator from Wyoming how long he expects the Senate to remain in session?

Mr. WARREN. Probably not over five minutes.

I will say that I should like to complete the bill down to the middle of the next page, and then I shall be willing that the Senate adjourn.

The amendment was agreed to.

The reading of the bill was continued to line 12, page 34.

Mr. WARREN. The hour is late, and as we are now to the place in the bill where the items for the State Department will be taken up, I desire to ask permission to have printed in the RECORD, and also as a document, a communication from the Secretary of State transmitting a statement relative to the continuance of the Bureau of Trade Relations in the Department of State, which by right should have been included in the Senate hearings, but for the convenience of the subcommittee it was retained in committee. I will ask that it may be printed in the RECORD and also as a document.

The VICE PRESIDENT. Without objection, an order therefor is entered.

The matter referred to is as follows:

BUREAU OF TRADE RELATIONS.

[Senate Document No. 761, Sixty-second Congress, second session.]

DEPARTMENT OF STATE,
Washington, May 25, 1912.

MY DEAR SENATOR WARREN: When I had the pleasure of appearing before your subcommittee day before yesterday you were good enough to suggest that, owing to the impression of a duplication of work between the Department of State and the Department of Commerce and Labor, I should confer with the Secretary of Commerce and Labor and with the President in order that you might be given such explanations or suggestions by me as would enable the committee to carry out its purpose of eliminating duplications, if any important ones were found to exist, while at the same time conserving and strengthening the machinery for the promotion of our great foreign trade.

I have had a conversation with the Secretary of Commerce and Labor, but Mr. Nagel showed a reluctance to address himself to the subject in so far as it passed the direct concern of his own department. On the other hand, the President's absence has made it impossible for me to discuss this subject with him. In these circumstances, realizing the urgency of your committee's work and desiring to facilitate it so far as possible along the line of your suggestion, I have caused to be prepared the inclosed memorandum, which frankly discusses the subject which you raised. In transmitting this memorandum, in the hope that it may be of some use to your committee, I must particularly emphasize the fact that the memorandum simply sets forth the views of this department.

It has been suggested, I understand, by your committee that the report of the Economy and Efficency Commission may throw some light upon the subject under consideration, but the shortness of the time and the vast importance of the matters at stake has made me reluctant to await that report. Meanwhile I shall transmit a copy of this memorandum to the President.

If I can serve you in any other way, pray command me.

Yours, very sincerely,

P. C. KNOX.

The Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

—

MAY 25, 1912.

It was kindly explained to the Department of State by the subcommittee of the Senate Committee on Appropriations that it was desired to continue and to strengthen thoroughly efficient governmental instrumentalities for the promotion of the foreign trade interests of the United States, and that beyond this the sole wish was to make sure that there should be no unnecessary duplications of work.

The legislative, executive, and judicial appropriation bill, as it now stands, takes away from the Department of State some $94,000, and by doing so destroys not only the Bureau of Trade Relations, but the Division of Latin-American Affairs, the Division of Far Eastern Affairs, the Division of Near Eastern Affairs, the Division of Western European Affairs, the Division of Information, the office of Director of the Consular Service, the office of counselor, the office of resident diplomatic officer, an assistant solicitor, a law clerk, etc.—in fact, completely wipes out the new organization with which alone the modern methods and useful activities of the foreign-service establishment, as now constituted, can be continued.

To speak first of the Bureau of Trade Relations, it is to be observed that the total cost of that bureau is now only $29,220. Of this total,

59 per cent is eliminated by the bill as it now stands. That is to say, $17,300 are taken away from the Bureau of Trade Relations with the effect of eliminating its chief and its most expert employees.

It has become quite clear to the Department of State that there are several misapprehensions as to the Bureau of Trade Relations. The prototype of that bureau was established in 1856 and has since functioned continuously under different names. Prior to 1903 the consular reports and foreign trade statistics were prepared in this bureau for publication, and were printed in the Department of State. In 1903 this function of printing, publishing, and promulgating commercial information to the business community of the United States was given to the newly created Department of Commerce and Labor, where it has since been carried on in the Bureau of Manufactures. By the same organic act creating the new Department of Commerce and Labor, the old Bureau of Foreign Commerce of the Department of State was provided for, an office of chief of bureau being created with the specific functions of formulating for the instruction of consular officers the requests of the Secretary of Commerce and Labor and preparing from the dispatches of consular officers for transmission to the Secretary of Commerce and Labor such information as pertains to the work of the Department of Commerce and Labor. In view of the historic fact that the prototype of this section of the Department of State had been in existence for some 47 years and had been occupied, naturally, with the commercial functions peculiar to the Diplomatic and Consular Department of the Government, it had never for a moment been suggested that this stipulation was intended to be a complete indication of the work of the Bureau of Trade Relations or should affect in any way the commercial functions inherent in and inseparable from the Department of State as a foreign office.

Foreign trade is fostered and promoted by the activities of diplomatic and consular officers. Consular officers have many duties affecting official international relations and do much useful work, as at present during the Mexican disturbances; as in China, Turkey, Persia, and Siam, with their extraterritorial functions; as in any country in case of local disturbances or in keeping the department and their Diplomatic Service superiors informed on local conditions. They are thus a necessary part of the foreign service and inevitably are subordinates of the Department of State. Nevertheless, the main part of their work is commercial.

So, too, diplomatic officers must give their attention and energetic efforts to a thousand negotiations affecting the award of Government and other contracts, the removing of discriminatory treatment, the securing of equality of opportunity, and so forth. From these few words it will be quite evident that in the field of foreign trade the Department of State is the only governmental agency in position to do the main work, from the point of view of already having the machinery as necessary to foreign intercourse, as well as from the standpoint of international usage, custom, and, indeed, the whole logic of the situation.

Most governments have some department of commerce or industry, but the government of every important country has in its foreign office an organization corresponding to the Bureau of Trade Relations of the Department of State, and it is upon that office that it mainly relies in the sphere of foreign trade expansion. For example, in the foreign office of Germany there is a trade division, which disburses between $100,000 and $120,000 annually, distributed as follows: One director, at $5,000 salary and $2,500 extra for expenses; 7 assistants, who receive salaries ranging from $2,000 to $3,000; 6 permanent secretaries, at from $1,300 to $1,900; 14 experts and 30 registrars, at from $750 to $1,600; 6 assessors, at $1,000 each; and about 30 clerks. Traveling and other necessary expenses are paid out of the general foreign office contingent fund and naturally vary from year to year.

Again, France has a department of political and commercial affairs which is the more important of the two departments of the foreign office and is divided into 10 bureaus and subdepartments under the immediate directions of departmental directors and bureau chiefs. There is also a commercial and financial counselor, who, with the assistance of an attaché, has control of commercial and financial negotiations, preparation of commercial treaties, and the general commercial and financial relations of France.

Although the foreign trade of Austria-Hungary is small in comparison with that of the United States, the commercial bureau of the Austrian foreign office costs annually over $32,000. The foreign offices of Great Britain, Italy, Belgium, the Netherlands, and Japan—in fact, of all important commercial countries—have, as a matter of course, bureaus of trade relations in their foreign offices which correspond to the Bureau of Trade Relations in the State Department of the United States. This is irrespective of the fact that in all those countries there is another department analogous to the Department of Commerce and Labor, which has also certain commercial functions.

The view of the Department of State has always been that, in addition to its field in matters of domestic commerce and manufacture, a domestic department, like the Department of Commerce and Labor, and specifically its Bureau of Manufactures, would deal with the home end of foreign trade and the Department of State with the foreign end. This line of demarcation appears entirely clear. The Department of State, with its hundreds of diplomatic and consular officers, carries on the commercial missionary work in the foreign field. The Bureau of Manufactures, through its various activities, has the field for a propaganda of education and helpfulness in bringing the American manufacturer to take advantage of the opportunities of the foreign field.

As to the suggestion that there is at present duplication, a careful analysis will show that duplication, so far as it exists, is unimportant. The Department of State must edit and digest for use in an infinite number of directions all the commercial reports of its diplomatic and consular officers. It must also go over these with a view to the elimination of anything the publication of which would be detrimental from a diplomatic point of view. Diplomatic and consular dispatches of this kind bear directly and indirectly upon the many commercial and other negotiations on foot to secure business, to meet competition, or for any other purpose peculiar to the foreign field. What is suitable for use by the Bureau of Manufactures is sent to the Department of Commerce and Labor and there edited for the distinctive purposes of that department. These two processes of editing, being for different purposes and of different nature, seem scarcely to be duplications any more than is duplication when the same raw material passes through different machines each designed to extract particular elements from the original material. The Bureau of Manufactures would presumably cull from such correspondence also much information useful to its other commercial work, quite aside from the field of foreign trade.

There may be a slight increase of clerical work due to the constant stream of correspondence between the two departments, but this is insignificant and probably inevitable, because it seems obvious that the Department of State can not any more be a department of industry and commerce in the domestic sense than the Department of Commerce and Labor can be a department of state in the sense of a foreign office.

There may be a certain duplication in the existing arrangement, by which the Department of Commerce and Labor sends special agents to cover fields already covered by consular officers, but this is not always so. For example, it is the view of the Department of State that when, on some special occasion, the interests of American manufacturers require a complete technical report upon some great industry, like the chemical industry, or any such, that the Government of the United States ought to select from private life a thoroughly qualified expert and send him for a limited period of service to do the work; the Department of Commerce and Labor in such case to select the expert and the Department of State to accredit and attach him in some capacity to the proper embassy, legation, or consulate general. This would be done much as military and naval attachés are attached to embassies by the Department of State, but without prejudice to their duties to the War and Navy Departments. Except in such cases, the Department of State, for its part, knows of no need for such agents, and thinks that the Diplomatic and Consular Service can perform the entire work of the foreign field. If a commercial specialist for general trade matters is required at one of our embassies or legations, the Department of State should have sufficient appropriation to supply one.

It is the practice of the Department of State to have American consuls visit American business communities, in order directly and in person to impart useful commercial information as to the countries where such consuls serve. It is the purpose of the Department of State to suggest that this practice be in future changed by having such consular officers make these tours within the United States under the formal auspices of the Department of Commerce and Labor.

This change, together with the placing of all agents in the foreign field under the formal auspices of the Department of State, would remove the only known case in which there appears to the Department of State to be at present an overlapping of the functions of the two departments. This would leave the whole foreign field to the Department of State, and the whole domestic field to the Department of Commerce and Labor, and this is the logical line of cleavage.

It will be recalled that the organic act creating the Department of Commerce and Labor gives to that department the duty to "foster and promote" the foreign and domestic commerce of the United States. Inasmuch as practically all the instrumentalities for fostering American foreign trade in the foreign field are immemorially and inevitably part and parcel of the Department of State, it has never been seriously suggested, so far as is known, that the words of the act were construed in anyone's mind as designed to disturb the usual channels of promoting foreign trade, or to place the responsibility for promoting foreign trade upon another department entirely lacking in the requisite instrumentalities for all phases of the work abroad, as is any department other than the one which directs the Diplomatic and Consular Service. It has, therefore, always been believed by the Department of State that it was the intent of the act to put upon the Department of Commerce and Labor the distinct duty not only of promoting domestic commerce and industry, but also of fostering and promoting foreign trade indirectly by the important work of ascertaining the needs of the home manufacturer and merchant, communicating them to the Department of State, and, in turn, promulgating among American business men the sum total of suggestive and valuable knowledge acquired by it as a domestic department, as well as that gained for it by the Department of State, which covers the field of foreign relations and foreign commercial affairs.

If more information were necessary to carry conviction of the fact that a powerful Bureau of Trade Relations in the Department of State is indispensable, it could readily be supplied. It was suggested, as the result of a misapprehension, that the enlargement of the Bureau of Trade Relations, made in 1909, was merely due to the work imposed by the maximum-minimum tariff law. On the contrary, that work was an incident, the main work being the general promotion of American foreign trade. Moreover, as to tariff arrangements, favorable ones can only be maintained through constant vigilance, and plans for future improved tariff arrangements with foreign countries require constant study and preparation far in advance. All the administrative discriminations, such as those against dried fruits, cottonseed oil, etc., require the assiduous application of commercial diplomacy. The award of Government or other contracts, the collection of commercial data by hundreds of consular officers, the confidential reports of commercial opportunities—these and many other activities can only be directed by the Department of State, and with the aid of a powerful Bureau of Trade Relations.

Of course the wiping out of the four politico-geographical divisions of Latin-American affairs, far eastern, near eastern, and western European affairs, the destruction of the Division of Information, and the elimination of the Director of the Consular Service and several other offices, without exaggeration, would completely cripple the diplomatic arm of the Department of State, and their restoration is simply indispensable if the Department of State is to carry, with any efficiency, the heavy responsibility of our foreign relations.

With conditions such as are found to-day, for example, in China, Mexico, and Cuba, where so many Americans are concerned, this hardly requires demonstration, and it is well known that with diplomatic and commercial relations with the whole world there are never times when the Department of State of the United States can afford to be deprived of the machinery for looking after American interests.

The wiping out of all these divisions has, however, a direct bearing upon the efficiency of the Bureau of Trade Relations. For example, if there is in a Latin-American country a large piece of business which we hope will come to the United States, the Bureau of Trade Relations is assisted and advised by the Division of Latin-American Affairs, which supplies minute knowledge as to conditions in the country concerned which bear upon the business in hand. The piece of business may involve a contract, raising some questions of international law and requiring consultation with the law officers of the department. It may, through impinging upon the interests of some other country, raise purely diplomatic questions of policy. In a word, all these instrumentalities are interdependent, and none can have its full efficiency without the other. As to the Bureau of Trade Relations, without it and the other divisions which the bill now eliminates, the consular and diplomatic services would be, in their efforts on behalf of American trade, like a strong body from which the head had been lopped, depriving it of its directing and guiding energy. It is an indisputable fact, and one recognized by the uniform practice of all first-class commercial powers, that no other department whatever is able to take the place of the department charged with foreign affairs in the promotion of foreign trade.

Mr. WARREN. In laying the bill aside I wish to say that I shall seek to take up the bill in the morning the first thing

after the morning business unless for some reason the Senate may desire to do otherwise.

DEATH OF REPRESENTATIVE ELBERT H. HUBBARD.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. ELBERT HAMILTON HUBBARD, late a Representative from the State of Iowa, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. HAUGEN, Mr. KENNEDY, Mr. GOOD, Mr. PROUTY, Mr. PICKETT, Mr. KENDALL, Mr. WOODS, Mr. TOWNER, Mr. PEPPER, Mr. GREEN, Mr. LLOYD, Mr. DAVIS, Mr. LENROOT, Mr. LOBECK, and Mr. AYRES the committee on the part of the House to attend the funeral of the deceased.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

House resolution 571.

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, for eight years a Representative from the eleventh district of the State of Iowa.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed by the Speaker to attend the funeral at Sioux City, Iowa, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. CUMMINS. Mr. President, it becomes my duty to announce to the Senate the death of Mr. HUBBARD, late a Representative in Congress from the State of Iowa, and I submit the resolutions I send to the desk and ask for their adoption.

The VICE PRESIDENT. The Senator from Iowa offers resolutions which the Secretary will read.

The Secretary read the resolutions (S. Res. 328), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELBERT H. HUBBARD, late a Representative from the State of Iowa.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

The VICE PRESIDENT appointed as the committee on the part of the Senate, under the second resolution, Mr. CUMMINS, Mr. KENYON, Mr. OVERMAN, Mr. BORAH, Mr. SHIVELY, Mr. CRAWFORD, Mr. GRONNA, and Mr. HITCHCOCK.

Mr. CUMMINS. Mr. President, as a further mark of respect I move that the Senate adjourn.

The motion was unanimously agreed to, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 5, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 4, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee Almighty God, our heavenly Father, that in the press and push of life's activities we may pause for a moment, enter the holy of holies, and commune with Thee. It is not what we pray for, since Thou knowest our needs better than we know them. It is the touch of spirit with spirit, the communion of soul with soul, which exalts, ennobles, purifies, and fits us for the work before us. So touch us with Thy spirit; so guide us that our work may be efficient and well-pleasing in Thy sight now and always in the spirit of the Master.

And now, O Father, we are touched by the sudden death of another one of our Members. Help us and encourage us to go forward with new resolutions, that we may fulfill our destiny, and when the time comes we may be ready to enter upon that higher life. Comfort, we beseech Thee, the friends and family of the deceased Member, and help them to look forward with faith and confidence to a higher and better life. In Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMENDMENT TO THE CONSTITUTION.

Mr. HENRY of Texas. Mr. Speaker, I desire to withdraw resolution No. 204 from further consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent to withdraw House joint resolution 204. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, just what does the request mean?

The SPEAKER. It means the gentleman withdraws his resolution about the constitutional amendment.

Mr. MANN. That he withdraws it from present consideration?

Mr. HENRY of Texas. From further consideration at this session.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means. By direction of that committee I report back to the House the bill H. R. 25034, a bill to reduce the duties on manufactures of cotton. (H. Rept. 829.)

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. PAYNE. Mr. Speaker, I desire, according with the understanding with the committee, to have until Thursday to file the views of the minority.

Mr. UNDERWOOD. Mr. Speaker, there will be no objection on our part to the request.

The SPEAKER. The gentleman from New York asks unanimous consent to file the views of the minority on or before Thursday. Is there objection? [After a pause.] The Chair hears none. This bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25069, the sundry civil appropriation bill, and pending that motion I ask unanimous consent that the time for general debate be controlled by the gentleman from Illinois [Mr. CANNON] and myself, to be equally divided.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be controlled by himself on one side and the gentleman from Illinois [Mr. CANNON] on the other. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to give the Members of the House general leave to print or to give a long time for general debate on this bill?

Mr. FITZGERALD. Personally I shall be very glad to have debate close before we adjourn to-day. There are not many requests for time on this side of the House. I understand there are more demands on the other side of the House.

Mr. GARDNER of Massachusetts. Why does not the gentleman ask for an arrangement as to time and general permission to print? There are many of us who do not want to waste the time of the committee, but who do wish to print.

Mr. GARNER. On this bill—on the subjects contained in this bill?

Mr. FITZGERALD. That may be arranged later.

Mr. MANN. The gentleman will not have any trouble in getting recognition for the purpose of obtaining leave to print.

Mr. CANNON. What is the request?

The SPEAKER. The request is that the gentleman from New York shall control the time on one side and the gentleman from Illinois [Mr. CANNON] control it on the other. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. One moment, Mr. Speaker. I have just come in. There is no limit fixed for debate?

Mr. FITZGERALD. No. I wish to state, however, so far as I know there is but an hour and a half requested on this side of the House outside of whatever I may use, and I do not anticipate or expect that I shall be compelled to use very much time.

Mr. CANNON. I have applications for five hours. That would make it six hours and a half.

Mr. FITZGERALD. The gentlemen might stir up some debate——

Mr. CANNON. The matter of closing debate, I suppose, will come up later.

Mr. FITZGERALD. I thought we might determine when to close debate a little bit later. It is just possible we may be able to close debate before the end of the day; have six hours' debate, perhaps.

Mr. CANNON. That is a matter to come up subsequently.

The SPEAKER. The question is, Shall the House resolve itself into the Committee of the Whole House on the state of the Union?

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The motion was agreed to.

Mr. CANNON. Will the gentleman from New York [Mr. FITZGERALD] yield a moment to the gentleman from Massachusetts, who is desirous of leaving the city?

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER] so much time as may be necessary.

Mr. GARDNER of Massachusetts. Mr. Chairman, I admit that in the last few years I have not invariably acted either with the insurgent or with the regular wing of the Republican Party. For that reason it is natural for my constituents frequently to ask, "How does GARDNER stand?" To anyone who wishes to know how GARDNER stands I say, "Read this and you will learn his position on the great questions of the day." Fifteen months ago, on the floor of this House, on March 4, 1911, I made the following remarks:

PARCEL POST.

I favor the establishment of a parcel-post system on a scale of charges which shall yield no loss to the Government.

RAILROADS.

I believe that the rates charged by railroads should be regulated by the Interstate Commerce Commission so as to yield a reasonable return on the value of each road. To that end I favor a physical valuation of every railroad in the country, including its terminals.

LABOR.

I favor a workmen's compensation act on progressive lines, together with an improved provision for employers' liability.

I favor rigid inspection of dangerous apparatus, and I believe that the use of all approved safety appliances should be required by law.

I am opposed to child labor, and I believe that the labor of women should be carefully circumscribed.

I am in favor of the extension of the national 8-hour law so as to include contracts made by the National Government, as recommended in President Taft's last annual message and as provided in the bill introduced by Representative GARDNER of New Jersey, chairman of the Committee on Labor.

I favor such an anti-injunction law as was advocated by the last Republican national platform, but I do not favor the drastic anti-injunction law provided in the Little bill.

TARIFF.

I believe in a protective tariff which shall measure the difference in the cost of production at home and abroad, together with a reasonable profit for the American producer. In my opinion, this means a high tariff.

I favor a permanent tariff commission, such as is provided in the Longworth bill.

I do not favor tariff revision schedule by schedule. In my opinion, this would result in tariff destruction schedule by schedule.

RECIPROCITY.

I favor reciprocity in noncompetitive articles only. If the people desire lower tariff rates, they should be obtained by legislation, not by entangling treaties and contracts which favor one nation and antagonize many nations.

CONSERVATION.

I favor additional legislation for the conservation of our national resources.

TWO CHANGES IN VIEWS.

So much for my statement of 15 months ago. My views are the same to-day except in two respects: First, it may sometimes be necessary to revise tariff schedules separately. When necessary I approve it. Second, I favor the Clayton anti-injunction bill, although it contains certain provisions by no means in accord with the views of the last Republican national platform.

I have a few other matters on which I wish to make myself clear.

INDUSTRIAL DISPUTES.

I favor the Borah bill for a commission of industrial relations.

IMMIGRATION.

I favor laws which will radically cut down the number of immigrants entering this country. To begin with, I favor a law excluding all immigrants who can not read, but other laws must follow. I favor the Dillingham-Burnett immigration-restriction bill.

THE RECALL OF JUDGES, ETC.

I am opposed to the recall of judges and to the recall of judicial decisions.

THE TRUSTS.

I am not prepared at this time to offer any opinion as to the best way to deal with the trusts. However, when the Stanley committee reports on the United States Steel Corporation it is my intention to discuss this question with some elaboration. For the present I shall confine myself to this observation, to wit, whether or not dissolution be the true method of dealing with trusts, I am definitely opposed to dissolutions which do not dissolve. Therefore I favor the passage of the Cummins bill calling on the Supreme Court of the United States to pass upon the recent dissolution of the Tobacco Trust.

CONCLUSION.

Obviously there are many public questions which I have not touched upon. On some of them my views are not as yet by any means matured. I have tried, however, to touch on the leading questions of the day.

Mr. FITZGERALD. Mr. Chairman, the sundry civil appropriation bill now under consideration is the last of the regular appropriation bills. There remains in this session to present only the general deficiency bill; then the work of the House in its initial stages, so far as providing funds for the maintenance of the Government is concerned, will be ended. The bill as recommended by the committee carries $109,577,414.40. The estimates submitted to the Congress in the regular Book of Estimates, including specific appropriations for public-building projects which were not carried into the totals, but which must be included in the general total of estimates for proper consideration under this bill, aggregate $142,006,303.25, and there has been submitted additional a supplemental estimate aggregating $9,984,803.62. The total estimates considered in preparing the bill amounted to $151,991,106.87. The bill is a reduction under the estimates of $42,413,692.47, and under the appropriations in the current law of $33,060,629.74.

Mr. Chairman, the recommendations contained in this bill do not in any measure include all of the reductions that might and may yet be made in the various recommendations for the conduct of that portion of the public service which is provided for in this bill. At the outset of the Congress, however, I asserted that the Democratic House would recommend in every instance every dollar required to enable the public service to be efficiently administered. The committee, if anything, has given the benefit of the doubt to the various departments, bureaus, and divisions, rather than by arbitrary reductions in recommendations risk crippling or impairing in any degree the efficient administration of the public service. It had been hoped that certain information would have been submitted to the Congress at a sufficiently early date to have enabled the committee to have gone more thoroughly into certain questions connected with the administration of the public service for the purpose of recommending definite reforms.

During the past two years there has been appropriated the sum of $175,000 to enable the President to employ experts in and out of the public service for the purpose of inquiring into the methods of administering the public service and to recommend such changes as might be deemed advisable in order to permit important reforms to be put into effect. In the sundry civil appropriation act for the current year a provision was inserted requiring a report to be submitted to the Congress by the 31st day of December, 1911, of the results obtained to that date, and recommendations based thereon, so that the Congress might have sufficiently early the benefit of any information acquired by the persons employed by the President under these appropriations. These reports were not submitted within the time designated. Some 23 or more reports affecting various branches of the public service were submitted to the President by his experts about the time fixed. For many reasons it was deemed advisable by the President to submit these reports and the recommendations based thereon to the various branches of the public service that might be affected thereby. Examination of those reports and of the recommendations, and the preparation of comments thereon by the services affected, occupied considerable time, so that in the preparation of the legislative appropriation bill the committee, while it had information that certain recommendations had been made as to changes in the public service, was not in a position with the information in its possession to act intelligently upon the recommendations. While perhaps the information might have been of considerable benefit had it been in the possession of the committee sufficiently early to have been utilized in the preparation of the bill, the committee, in the consideration of that bill, was unable safely to follow recommendations made or to go into matters suggested in that spirit and with that thoroughness

that would have justified it in basing recommendations upon the information furnished. In connection with the preparation of the present bill, certain very drastic, revolutionary, and far-reaching changes in the public service were submitted by these experts. They did not come at a time that enabled the committee, in view of the extreme character of the recommendations, to obtain the information that would have justified in many of these respects the committee in adopting the recommendations or in attempting to determine whether the recommendations were wise. Many reforms that might have been initiated have been held back until opportunity could be had to study other suggestions of reforms originating with these experts. Some additional reforms might properly have been adopted, but all were permitted to stay in abeyance until a later date, when time sufficient to enable the committee to take under consideration all the information available and all of the proposed changes would result in such matured recommendations as would result in substantial improvement of the public service. So that, Mr. Chairman, it is not to be understood that this bill contains all of the reforms or all of the retrenchments or economies that are possible in the various services affected by it.

The committee has been engaged in the consideration of this bill since about the 4th day of March, industriously and earnestly and thoroughly. It has been handicapped to some extent by the fact that there has been a very great disregard of the law by the executive departments of the Government in respect to additional or supplemental estimates. The law provides that all estimates for the public service shall be submitted to Congress in the regular Book of Estimates at the opening of the session, and that no additional or supplemental estimates shall be submitted unless to carry out laws subsequently enacted by Congress or by reason of some unanticipated or unforeseen emergencies which require appropriations and which, in the opinion of the head of the department, will be imperatively necessary for the public service; and in such cases the head of the department is required to state the reasons which, in his opinion, make it imperative that the appropriations should be made and of the failure to include the estimates in the regular Book of Estimates.

I have heretofore called attention in the House to one of the most flagrant instances in which this law has not only been ignored, but in which Congress has been treated with the utmost disrespect. The Secretary of the Navy submitted a supplemental estimate of $1,000,000 for the Bureau of Equipment, for wireless telegraph stations in different parts of the world. In compliance with the law he undertook to state the reasons which, in his opinion, made it imperative that the appropriation should be made for next year and the reason of his failure to include the estimate in the regular Book of Estimates. The only statement made was that this estimate was not submitted in the regular Book of Estimates because of the desire to keep the estimates as low as possible.

It should be remembered that there is a statute which requires the Secretary of the Treasury, before transmitting the estimates of appropriations to Congress at the beginning of the session, to cause to be prepared an estimate of the probable revenues during the next ensuing fiscal year, and in the event that the estimated revenues will not be sufficient to meet the estimated requirements for the public service in the way of appropriations, to submit both estimates to the President, so that the President may inform the Congress in what way the appropriations for the next ensuing fiscal year may be reduced, so as to bring them within the estimated revenues without impairing the efficiency of the public service, or else to recommend to Congress new methods for obtaining the additional revenue required. If the heads of departments may take a million-dollar item here and there and withhold such items for the purpose of keeping the estimates of appropriations down, and withhold such items until after the regular estimates have been transmitted, and then transmit them with such impertinent explanations, the whole purpose of the law is destroyed. It is a matter of great regret to me that any committee of the House should have seriously considered an estimate submitted in that way and based a recommendation upon it.

I have in mind, Mr. Chairman, another instance where a supplemental estimate was submitted for increases of compensation to certain employees. The Chief of the Bureau of Insular Affairs, in the War Department, in his annual report called attention to certain increases of compensation which in his opinion should be given to certain employees in his bureau. In the regular estimates no recommendation for these increases was contained, but subsequently a supplemental estimate was submitted in which these increases in compensation were requested, and in that supplemental estimate he stated, as an explanation for his failure to include them in the regular Book of Estimates, that when the estimates for his bureau were being prepared, he was under the impression that it was the policy of the administration not to recommend any increases of salary or new places except where it was absolutely essential for the public service, so that the estimates might be kept down as low as possible; but in the meantime he had ascertained that he was mistaken as to the policy, that in some way he had been misled, and that under those circumstances he had transmitted a supplemental estimate for the increased compensation of the employees of his bureau.

Unless some attempt is made by the administration to obey the law, and to be honest with the Congress and the country in the preparation of the estimates, it is absolutely impossible to determine when the estimates are submitted to Congress whether they are actually the views or the opinion of the administration as to the moneys required for the public service, or whether they are merely a haphazard putting together of estimates with the intention, subsequently, after the first discussion of appropriations and probable revenues has taken place, to submit largely increased estimates. It is not a partisan matter, but is one of those things as to which men ought to join, regardless of politics, in an attempt to put the business of the Government upon a satisfactory and sane basis.

Mr. Chairman, it may be interesting to the House at this time to call attention to some facts in connection with the appropriation bills during the present session and during the last regular session of Congress.

The total of the annual appropriation bills for 1912, as reported to the House, was $869,507,292.67.

The total amount of the regular annual bills as reported to the House during this session is $829,772,598.57, a reduction of $39,734,694 under the bills as reported to the House in the last Congress.

The total estimates for the regular appropriation bills for 1913 are $893,661,107.25. The total of the regular annual bills as reported to the House in this session is $829,772,598.57, a reduction, under the estimates, of $63,888,508.68.

The total estimates for the regular annual bills in 1912 were $880,711,581.69, and as reported to the House the bills carried $869,507,292.67, so that in the last session the bills as reported to the House were but $11,204,289.02 under the estimates, as against $63,888,508.68, under the estimates, in this session of the House.

The amount appropriated in the regular annual appropriation bills for the current year is $882,592,679.55, and the amount of the regular annual bills, as reported to the House for 1913, is $829,772,598.57, or a reduction, under the bills for 1912 as finally enacted into law, of $52,820,080.98.

I have already stated that this bill does not by any means measure the extent to which retrenchments and reforms can be introduced. If we had the hearty cooperation of other branches of the legislative and the executive departments we could not only make these retrenchments, but we could initiate many more that would result in a saving of a great many millions of dollars.

Mr. Chairman, during the consideration of the bill ample time will be allowed to consider a great many matters in connection with it. I do not intend to attempt to review the various items in the bill at this time. They range over the entire field of the public service. There are one or two matters which, perhaps, it may be desirable that I should review briefly.

Mr. LONGWORTH. Will the gentleman yield for a question? Does the gentleman propose——

Mr. FITZGERALD. Mr. Chairman, there is such a rumble of conversation in the Hall of the House that it is impossible to hear what the gentleman from Ohio is saying.

The CHAIRMAN. The committee will be in order. Gentlemen will cease conversation or retire to the cloakrooms; and if they do not, the Sergeant at Arms will request them to do so.

Mr. LONGWORTH. Is the gentleman during his remarks going to touch upon the great reduction that has been made in the appropriation for the Panama Canal, and will he state whether or not that would delay the completion of the canal?

Mr. FITZGERALD. It does not mean a deficiency. The appropriations for the Panama Canal for the current year were $45,560,000. The estimates submitted in the regular Book of Estimates for the next ensuing fiscal year are $41,622,810.20.

The amount recommended in this bill is $28,780,000. I suppose the gentleman from Ohio is prompted to ask this question by reason of an absolutely ridiculous editorial contained in a morning newspaper.

Mr. LONGWORTH. No; I was not prompted. I observed in the report of the committee the fact, without any explanation whatever, that the appropriations had been reduced nearly $17,000,000, and that was the reason I asked the gentleman the question.

Mr. FITZGERALD. I assume that in addition to that the gentleman also read the editorial to which I referred.

Mr. LONGWORTH. No; the gentleman was not prompted at all. He has done this of his own motion.

Mr. FITZGERALD. I assumed that the gentleman from Ohio had read that editorial.

Mr. LONGWORTH. No; I had not read the editorial.

Mr. FITZGERALD. Whether it had any influence on him or not of course I do not know. But, Mr. Chairman, the appropriation is about $13,000,000 under the estimates. The estimates were $41,622,810.20, and the appropriation recommended is $28,780,000. But that is not an unusual reduction. The estimates for $1911 were $48,000,000, and the appropriations were $37,855,000, a reduction of about $11,000,000. My recollection is that between 15 and 20 per cent more work was accomplished with the $37,000,000 than was estimated would have been done with the $48,000,000.

But that is not what actuated the committee in making the reduction. Investigation showed that there would be a surplus at the end of this year which would be carried over into next year of about $5,000,000—somewhat in excess of $5,000,000. When the chairman of the Isthmian Canal Commission was last in Washington the committee conferred with him, and he pointed out where the estimates could be reduced because of information he had at that time, which he did not have when the estimates were prepared. The committee has recommended every dollar required to continue the work of the Isthmian Canal during the next fiscal year in accordance with the plans of the Isthmian Canal Commission.

It has recommended appropriations for the full fiscal year for the Isthmian Canal Commission, and has not adopted the policy which has been in force a number of years in the river and harbor appropriations and the public-building improvements of appropriating only until the next sundry civil bill becomes a law, but it has carried the amounts necessary to continue the work until the 30th of June, 1913.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I will yield.

Mr. MANN. I assume that the committee desires to appropriate all the money that can be properly expended on the canal. The other day we passed a Panama Canal bill with reference to the operation of the canal. Of course, that bill is not now a law, and the committee could not predicate appropriations upon it. But that bill provided, and probably will provide when it becomes a law, for the construction of docks, warehouses, and such things as that in connection with the supplies for vessels going through the canal. Have these matters been taken care of in this bill as reported, and if not, is it the expectation they will be taken care of after the other bill becomes a law?

Mr. FITZGERALD. They were all included in the estimates for the current year, and no reduction on that account was made. If the gentleman from Illinois will examine one provision in the bill which was recommended by the chairman of the commission, the provision regarding the issuance of bonds is so changed as to cover the expenditures for the very purpose that the gentleman indicates.

Mr. MANN. Of course, there is now no authority at law for the construction of these warehouses and docks.

Mr. FITZGERALD. That is a debatable question, whether the docks and certain other matters do not come within the language of the original act. Those in charge of the work believe that without any specific authority those things are so connected and identified with the canal and its operation that the President has the right to have them constructed if he has the money with which to construct them, and provisions have been made with that in view.

Mr. MANN. The bill that the gentleman reports carries a sufficient amount of money to provide this construction?

Mr. FITZGERALD. That is the intention.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. MARTIN of South Dakota. Will the gentleman inform the committee what items have been cut or modified for the purpose of the Panama Canal construction which make up the difference of $13,000,000 between the estimates and the appropriation?

Mr. FITZGERALD. I should be compelled to take the bill and pick up each item and go through them in that way. It is impossible for me to carry the details, and I believe it will be more desirable to discuss them when they are reached.

I might add this for the information of the committee: That I have been a member of the Committee on Appropriations ever since the appropriations for the canal have been made. There has never been any difference of opinion as to how the appropriations should be made. The estimates have always been somewhat radically cut without any conflict among the Members. No item recommended by the Appropriations Committee for the Isthmian Canal has ever been changed either in the House or in the Senate, and there has never been a deficiency, but in most instances a very substantial surplus.

I wish to say to the committee that there has been no change in the policy pursued up to this time in fixing the amounts of this bill for canal purposes.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MANN. A cut of $13,000,000, practically 30 per cent, from the estimate which was submitted last fall in the present bill means inevitably one of two things: Either the lengthening of the time in which to complete the canal or a reduction in the expenditures for the completion of the canal.

Mr. FITZGERALD. Mr. Chairman, it is the result of two things—one of the surplus that will be carried over from the present year, of over $5,000,000; the other thing that contributed very largely is that with the progress of the work the efficiency of the force is increasing beyond all expectations.

Mr. MANN. It is a fact, is it not, that, contrary to the usual custom, the cost of the work being carried on there now is less than was anticipated?

Mr. FITZGERALD. Oh, yes; very much less, and not only that, but, as the work has been progressing, the efficiency of the canal force has increased, and the unit of cost of certain kinds of work has been materially decreased.

Mr. MANN. My understanding is that the unit of cost of excavation has actually decreased, although the actual cost of doing the work naturally would have increased as the canal became deeper.

Mr. FITZGERALD. Yes. The difficulty due to the increased depth of the cut and the additional length of the haul would naturally have added to the cost. Instead of that, my recollection is that the cost has been decreased.

Mr. MANN. Has been decreased by increased efficiency.

Mr. FITZGERALD. That is true.

Mr. MANN. And the canal will be completed sooner than was expected, and probably at a less expense than was anticipated.

Mr. FITZGERALD. I believe that is correct.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. LONGWORTH. Then, as I understand it, the gentleman states with absolute confidence that this reduction of appropriation will not delay in any respect the work on the canal.

Mr. FITZGERALD. Not in any respect. I believe that we are recommending exactly the appropriations that the Canal Commission desire at this time, perhaps with one or two insignificant exceptions. I am speaking now of the bulk of the appropriations. There might be some differences of opinion upon some matters of not very great moment, but as to the total of the $28,780,000 this bill carries for the canal, $13,000,000 below the estimate, $5,000,000 of it is to be made up by the surplus coming over from the present year, and the balance of it is due to the fact that upon a recasting of the estimates it is found that much less money will be required to do the work anticipated than was expected would be necessary when the estimates were prepared last September or August.

Mr. MADDEN. Mr. Chairman, as a matter of fact, in the operation of the steam shovels through the Culebra Cut, which is 9½ miles through, the number of shovels depends entirely upon the number of levels they can work, and as they work the levels down to the bottom of the canal the number of levels is reduced, and then the number of shovels is necessarily reduced, and so the force is reduced, and when the force is reduced, of course, the quantity of material taken out is reduced, and the consequence is that the expense is reduced. You can not help that. That is all there is to it.

Mr. FITZGERALD. That undoubtedly is another element, and a very important one.

Mr. MADDEN. That is the whole thing.

Mr. COVINGTON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. COVINGTON. As a matter of fact, was or was not Col. Goethals, the chairman of the Isthmian Canal Commission, before the subcommittee having charge of the sundry civil appropriation bill at the time of the preparation of the items for the Panama Canal?

Mr. FITZGERALD. The committee visited the Isthmus last November. The inquiry regarding the estimates was had at that time. Col. Goethals was in Washington before the committee, I believe, in April of this year. At that time the committee went over with him the estimates and then practically determined upon the recommendations.

Mr. COVINGTON. Were these estimates made with the practical approval of Col. Goethals?

Mr. FITZGERALD. We fixed these amounts after conference with him. He did not fix them, but we had him state how much money would be necessary under various items, and the amounts fixed are practically, with very few exceptions, what he stated were necessary.

Mr. COVINGTON. Were these items, as finally fixed by the committee, satisfactory to Col. Goethals?

Mr. FITZGERALD. I do not think he has seen them yet, but I have no doubt they are, because the intention of the committee was in good faith to give the money that is necessary to do the work.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The committee reduced the estimates for the Panama Canal construction about 30 per cent. I notice at the same time they reduced the estimate for fortification only about 6 per cent. In view of the desire of the committee to economize, does not the gentleman believe they could very properly have reduced the estimate for fortification somewhat more?

Mr. FITZGERALD. The gentleman has overlooked something. We had supplemental estimates for fortifications of about three and a half million dollars, which do not appear in the regular estimates.

Mr. MONDELL. I was making my statement from the report.

Mr. FITZGERALD. And the report also shows that there have been submitted supplemental miscellaneous estimates that are not carried out in the same way as the estimates transmitted in the regular way have been, aggregating $9,984,803.62, in which are included over $3,000,000 additional for the canal fortifications.

Now, if the gentleman will add three and a half millions to the regular estimates of $5,640,950 and then take his percentage he will find it is materially different.

Mr. MONDELL. As a matter of fact, the fortifications are going to cost very much more than they were originally estimated for.

Mr. FITZGERALD. Yes. When we reach those items I may point out the most remarkable thing in connection with the fortifications that has ever been made known in any civilized country having a trained force of technically educated men.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield.

Mr. CANNON. If the gentleman will allow me, touching the appropriations for the canal, my impression is—and recollection from a hurried hop, skip, and jump reading of that portion of Col. Goethals's statement which I did not hear—my impression is that this recommendation of the committee is substantially short $6,000,000 for the Panama Canal over his recommendation, after taking into consideration, in round numbers, the $5,000,000 of surplus which appears in this remarkable decrease from the estimates.

Mr. FITZGERALD. Let me say to the gentleman from Illinois he is entirely in error.

Mr. CANNON. It may be.

Mr. FITZGERALD. That might be an inference drawn from reading the hearings, but the gentleman from Illinois may recollect the day in my office when Col. Goethals was there when we went over the estimates without a stenographer. We took his statement and made notes of the amounts required. The gentleman from Illinois suggested perhaps it would be desirable to have it taken by a stenographer. We have the statement of Col. Goethals fixing the estimates in accordance with his views, with the additional information he then had of the amounts necessary.

Mr. CANNON. The gentleman may be right, and that can be developed during the five-minute debate. I am still under the impression that the gentleman is about $6,000,000 short of Col. Goethals's recommendation.

Mr. FITZGERALD. I am absolutely certain that I am not, and I know what I am speaking about. I have participated intimately in the preparation of appropriations for the Panama Canal for at least five years, and I know that this time there has been no change in the policy adopted and followed in that time. The same policy has been pursued in preparing this bill. When it is shown that a surplus of $5,000,000 will exist at the end of the present fiscal year, it is apparent that the appropriations have never been niggardly. I have no doubt from my knowledge of the way the work is done that at the end of the next fiscal year, out of the $28,000,000 appropriated now there will be a surplus of at least $2,000,000. If we had desired, simply for the purpose of making some kind of a showing, we could have justified a reduction of $2,000,000 additional on these estimates. No one on this side desires to make a false showing; we do not propose to take any chances of any delay in completing the canal. It would not be taking much chance to make further reductions, however, because if we did reduce these appropriations further next December, if there were any possibility of a deficit in the next fiscal year, we would have six months within which to provide the needed money. We discussed at one time the propriety of appropriating sufficient money only to carry the canal work up to the 4th of March, but we abandoned that notion and we have recommended here the amount that will be required until the 30th of June next.

Mr. AUSTIN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. AUSTIN. I see the committee, on page 102 of the bill, carries an appropriation for the Bureau of Mines.

Mr. FITZGERALD. I will come to that; I did not intend to take up every item in the bill.

Mr. AUSTIN. This is important to a number of us.

Mr. FITZGERALD. I will take up one matter which I think perhaps is of greater universal interest to the Members; however, if the gentleman wants to ask a question I will yield to him.

Mr. AUSTIN. On pages 26 and 27 of the report is a comparative statement of appropriations for 1912, estimates for 1913, and the amounts recommended for 1913. The amount carried under the head of appropriations, 1912, for the Bureau of Mines was $510,500; the amount submitted by the department or bureau for 1913 is $784,800; and the amount carried in the bill is $533,100, an increase of $22,600 over the existing appropriation and $251,700 less than the amount that the bureau has estimated for the coming fiscal year. Will the gentleman kindly tell us why the committee refused to give in this bill the department what it certified it needed?

Mr. FITZGERALD. I will give the gentleman the reason. There was submitted an estimate for over $200,000 for work not authorized by law, including $50,000 for the construction of a building which is not authorized. I believe the Bureau of Mines and river and harbor work and one or two other insignificant exceptions are the only services in this bill which have received any increase over the appropriations for the current fiscal year. Gentlemen should be quite content in accepting what the committee recommends under the circumstances without expecting recommendations of appropriations for services which the bureau is not authorized to conduct or for buildings which have never been authorized for that bureau. If the gentleman will take the $200,000 out of the $784,800 estimated, he will see the committee has been very liberal with the Bureau of Mines in this bill.

Mr. AUSTIN. Does the committee provide for the expense of conducting our mine-rescue cars in the amount carried in this bill?

Mr. FITZGERALD. It appropriated the money it thought would be necessary to provide the additional car.

Mr. AUSTIN. Also expenses for operating the car already owned?

Mr. FITZGERALD. Yes; that was the intention of the committee.

Mr. Chairman, there is one other matter which perhaps more Members are especially interested in than any other and that is the items for public buildings. The bill carries appropriations aggregating $8,053,517.92 for public buildings. In the report of the committee the question is gone into quite extensively, and considerable information is furnished for the use of the Members. In the regular Book of Estimates appropriations or amounts for specific projects are stated, but are not carried into the totals, which aggregate $13,109,701.20. The Secretary of the Treasury, however, requested an appropriation of $3,000,000 for next year, and at the same time suggested legislation by which the unexpended balances in all appropriations heretofore made for specific projects be put into one general fund. With an additional $3,000,000 the department would thus be authorized to expend the $13,000,000 upon such buildings and projects as the department thought proper. The statement was made that if that policy were adopted as much could be done in the next fiscal year with an appropriation of $3,000,000 as if $13,000,000 were appropriated. It appears that of the appropriations heretofore made for specific buildings during the next fiscal year there will be at least $10,000,000 that can not be expended. The Secretary believed that if the $10,000,000 were made available for expenditure with the $3,000,000

added, to be expended in his discretion upon such buildings as he determined, it would not be necessary to appropriate more than $3,000,000. The committee did not believe, however, that it would be satisfactory either to the Members of the House or to the country to adopt that method of appropriating for public buildings.

The practice has been for many years—indeed, from the very beginning—to appropriate some specific sum toward the construction of some specific building or the acquisition of a site in some particular place. The money is available immediately upon the bill becoming a law and remains available until expended. Those interested in any particular project are always in a position to tell just how much money is available, just how much may be required additional to what has been provided. The committee did not believe that anyone would be satisfied with any change of policy and made no attempt to change it. In 1910 it was ascertained that, as at present, there was a considerable sum of money appropriated that could not be utilized during the fiscal year, and in an attempt to prevent the unnecessary segregation of funds in the Treasury and the useless tying up of money there the Supervising Architect was requested to revise his estimates so as to show how much money would be required upon every building authorized until the 4th of March next following, when the next sundry civil bill which carries these appropriations must become a law. Such revised estimates were prepared, and the appropriations were made in accordance with them. The committee at this time, in view of the fact that $10,000,000 is unnecessarily tied up, believing it desirable to prevent as much as possible the unnecessary tying up of the money, requested the revision of the estimates until the 4th of next March, and that revision was made and the figures submitted, showing that $8,053,517.92 would be required and was all that could possibly be expended upon public buildings until the 4th of March, 1913, and the committee included in this bill every recommendation made of that character.

Mr. HULL. It is the policy of the committee to insert in the appropriation bill just such amounts of money under these authorizations as may be asked for by the Treasury Department?

Mr. FITZGERALD. It has been the policy of the committee, and the committee has followed that practice at this time, to give to the Treasury Department for buildings and for sites theretofore authorized all the money it said it could use until the 4th of next March.

Mr. HULL. As I understand the gentleman, it is the policy of the committee and has been the policy of Congress, where authorizations for sites and buildings are once made, to then transfer the entire matter of locating sites, purchasing them, preparing plans and specifications, and determining every phase of building construction and also the proper time or times when a given building or buildings shall be constructed, to the Treasury Department.

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations has not done any of the many things stated by the gentleman from Tennessee [Mr. HULL]. This committee has authority to recommend appropriations in accordance with existing law, and it has done on these public buildings what it has done on recommendations for river and harbor improvements.

When Congress authorizes certain projects, nobody anticipates that they are all going to be completed in one year. It is expected that they will cover a period of years. The War Department submits to Congress estimates of the amount of money it will require during the next fiscal year to carry out the projects authorized by Congress. It states the amount of money it can use, and the committee recommends that sum. It does the same with respect to the Treasury Department on the public buildings.

Mr. MANN. But, Mr. Chairman, is the gentleman quite accurate about that? On river and harbor work the Committee on Appropriations only recommends appropriations where contracts have been authorized. For the public buildings no appropriation is carried in the public buildings' bill, whereas there is in a river and harbor bill. All the money asked for comes from the Committee on Appropriations for the public buildings, but the bulk of the money for the river and harbor improvements comes from the river and harbor bill.

Mr. FITZGERALD. I think the statement I have made is substantially correct, for this reason——

Mr. MANN. I have no doubt that the gentleman intended it to be correct, but the two classes are not on all fours by any means.

Mr. FITZGERALD. I think it is substantially correct, for this reason, that the Treasury Department asks for such sums as it will be possible for it to expend on contracts then in force or which it thinks will be in force during the period for which the appropriation is asked. As to letting the contracts and doing the work the Committee on Appropriations has no more control than has any other committee of the House.

Mr. MANN. Now the gentleman is talking about public buildings?

Mr. FITZGERALD. I am.

Mr. MANN. The Committee on Public Buildings and Grounds reports a bill for public buildings, which becomes a law. That provides for the authorization. No appropriation is made in the bill.

Mr. FITZGERALD. But it authorizes contracts, the same as the river and harbor bill.

Mr. MANN. But no contracts are ordinarily let until some appropriation is made for public buildings, or otherwise. That is not the case with rivers and harbors. They have an appropriation to begin with there before they let the contract. The Treasury Department will not let contracts for the construction of buildings until there has been ordinarily some appropriation to start the buildings.

Mr. FITZGERALD. There is a reason, and I think the gentleman will understand it. Before the Committee on Rivers and Harbors authorizes any river and harbor improvement the surveys have all been made and the plans all prepared, and just as soon as the work is authorized the engineers are ready to go ahead with it. But we do not do that with public buildings. We authorize the public buildings first, and then the plans have to be prepared, and an attempt is made to obtain a site and a building for the amount fixed.

Mr. AUSTIN. You make the appropriation before the plans are prepared?

Mr. FITZGERALD. Yes.

Mr. CANNON. That is a general appropriation.

Mr. HULL. I am not criticizing the Committee on Appropriations. I am simply trying, Mr. Chairman, to ascertain the real attitude of the Committee on Appropriations with respect to this public-building policy of the Treasury Department. If I understand the method by which this work has been conducted heretofore, it makes no difference how many buildings Congress authorizes or how much money Congress is ready to appropriate with which to construct those buildings. The very moment the authorizations are made the matter becomes entirely divested and taken out of the direction or control of Congress and is transferred to the Treasury Department. The Secretary of the Treasury, exercising his own discretion from his own viewpoint, proceeds to determine how much money he will allow to be expended in the erection of public buildings annually; and by that means Congress, which is held responsible to the people for this work, for these appropriations, thus surrenders control; and Congress may authorize a number of buildings in a bill, but when we go to the Treasury Department and inquire when the work of construction will commence, we are informed there that a particular building or a particular number of buildings will be commenced next year, or two years from now, or three or five years hence, according to the direction of the Secretary of the Treasury, Congress in the meantime acting as a bank of deposit, as it were, ready, as the gentleman from New York [Mr. FITZGERALD] says, to make appropriations if the Secretary of the Treasury asks for the same, and in such amounts as he may ask for.

Now, this condition of affairs, it does seem to me, is altogether unsatisfactory. I heard the gentleman from New York some days ago criticizing some other department of the Government for exercising powers that properly ought to be shared, at least, by Congress, and it does seem to me that here is one subdivision of the executive department, expending during past years more than $200,000,000 in connection with this public-building work, and we have not been able—at least, I have not been able—to fathom the administrative business methods by which sites and buildings, under the direction of the Secretary of the Treasury exclusively, have been obtained. I do believe that some systematic method as to the administration and as to a definite time when these buildings will be taken up and constructed ought to be pointed out by Congress, in order that Members may know and be able to inform their constituents, to whom the Members are alone responsible for this work, as to when it will be done, and not turn the entire matter over to the Treasury Department.

Now, here is $10,000,000 asked for by this department during past years appropriated and unexpended. Here is the Secretary of the Treasury annually and arbitrarily saying that notwithstanding Congress has authorized a certain number of buildings he will only permit 10 a month to be taken up and dealt with and will not increase his office force enough to construct 12 or 15 or 18, notwithstanding the fact that Congress,

which alone is responsible for the projected work, has already acted in so far as it is able to act in the premises.

I simply make this comment in the hope that the gentleman from New York [Mr. FITZGERALD] may suggest whether it is or will be the policy of this committee to acquiesce in the present unsatisfactory business methods under which the Supervising Architect's office is conducted. I am opposed to allowing agents under the present system to go out and locate sites for certain Members every time a bill is passed authorizing sites and buildings, or either, and leaving the other Members at the end of the list. Every time this occurs the constituents of a large number of Members are required to wait two or three years longer than the constituents of other gentlemen who are fortunate enough to have their sites located first by these agents, the title approved, and the building plans and specifications prepared. It seems to me we ought at least to be permitted to cast lots as to the order in which this work will be taken up, or, if the Appropriations Committee has no remedy and has not the time to prepare a remedy, I think the Public Buildings Committee, which has ample time, ought to be clothed with the duty of working out a businesslike system for this department in order that if it is not deemed wise to construct all these buildings immediately after they are authorized they may at least be constructed within two years and the country may understand definitely that they will be constructed within that time.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. HULL. I will.

Mr. BEALL of Texas. I should like to know if the gentleman has any facts upon which he bases his suggestion that any species of favoritism has been practiced down there in the department? I know there has been very great and, it seemed to me, very unreasonable delay, but I did not know that there had been in vogue any such practice as the gentleman suggests. I have in mind an appropriation made for a place in my district in 1908, and advertisement was but recently made for the bids for the building.

Mr. HULL. Mr. Chairman, I am discussing the system and the effects of the operation of the system. I hope I am not trespassing too long on the time of the gentleman from New York.

Mr. FITZGERALD. I understand the situation the gentleman is complaining about, and I have no objection to his finishing his statement.

Mr. HULL. When a bill is enacted by Congress authorizing sites, for instance, the Treasury Department sends a number of agents out in different directions. I assume that they naturally go in the same directions each time such a bill is passed. They proceed to locate the sites. When their work is approved by the Treasury Department, the question of title comes up. That is turned over to the district attorney's office. That work is then sent to the Department of Justice for its ultimate approval. Finally, when the title is approved and reaches the Treasury Department, it is noted there for further attention and work by the department in the order of time in which it is approved and placed on file.

Naturally, this method may place a large number of the membership here at the end of the list every time a bill for sites and buildings is enacted. Then, following that, the Secretary of the Treasury lops off the entire proposed work except to the extent of $10,000,000 or $11,000,000 or whatever number of million dollars' worth of work his discretion may suggest shall be done annually, and under which prohibition the work on the remaining buildings must wait. Congress under the present policy will not permit even an enlargement of their force, so as to permit a more rapid construction of this work, until it is asked for by the department.

Mr. MANN. Why not?

Mr. HULL. That is one of the evils of which I complain. We sit here apparently with our hands tied; we go to the Supervising Architect's Office and inquire when work will commence on a building. He will inform us that he can not reach it this year or next year or perhaps the year after next. Now, every Member knows that that is not true. It is simply a question of what they want to do.

Mr. MANN. Will the gentleman yield?

Mr. HULL. Yes.

Mr. MANN. The gentleman says it is a question of what they want to do, when it is a question of what they can do with the force that they have in the office.

Mr. GARNER. I want to suggest that in one year, the same fiscal year, they cut the buildings down from 15 a month to 10 a month with the same office force.

Mr. MANN. The office is fully occupied. It is very unfair to the Supervising Architect's Office for Congress to refuse to give it the help it needs and then curse them because they do not do the work they would do if they had the help. It is our own fault.

Mr. BARTLETT. Mr. Chairman, who has the floor, the gentleman from Illinois, or who?

Mr. FITZGERALD. I have the floor.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. HULL. I understand the gentleman from New York yields to me. With reference to the statement of the gentleman from Illinois, it has been the policy of Congress to furnish the Supervising Architect's Office an increase of force when it needed and asked for an increase of force. If the Secretary has asked that the force be diminished, it has been diminished; and if he has asked that it be increased, it has been done. That is the objection which I offer.

Mr. AUSTIN. Will the gentleman from New York yield?

Mr. FITZGERALD. No; I want to occupy some of my own time. I know that many Members of the House are very much embarrassed in regard to public buildings. But we might as well be honest about it. The truth is Congress authorized public buildings and the acquisition of sites far beyond the capacity of the Government to handle them, within any reasonable time, and they did it to delude the people whom they represented, so that the Members might go home and say that they had got a site or a building, when they knew there was no possibility of having a building erected within four or five years from the time it was authorized. We might as well speak frankly about these things, because that is what happened.

Public-building bills were passed in 1902, 1903, 1906, 1908, and 1910. Under those acts 427 sites for buildings were authorized. One hundred and eighty-five buildings were authorized with sites owned by the United States. Four hundred and eighty-two sites with buildings combined were authorized. One hundred and twenty-four additions to existing buildings were provided, and the limit of cost was increased on 359 buildings which had been authorized by some act other than the act which increased the limit. We have now 652 public buildings, an increase of about 65 per cent since the year 1900. We had in the first 125 years of our existence about 250 public buildings. Within the last 12 years we have authorized about double that number, and have actually in commission 652 buildings. There are, in addition, 203 contracts in force, 79 for new buildings and 24 for extensions, and 130 projects for which drawings and specifications are in various stages of completion.

If we had authorized a number of other buildings and sites in this session of Congress, Members of Congress would justly have been indignant in the next few years to come, because, regardless of the amount of money appropriated for the Supervising Architect's Office, there is a limit to the output of that office.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. YOUNG of Kansas. In the case of all these authorizations, as a matter of fact, the Treasury Department does not let a contract for any of the buildings until Congress makes a specific appropriation for that particular building or buildings, does it?

Mr. FITZGERALD. I think the gentleman is mistaken; they make contracts whenever they are ready to make them and Congress appropriates the money.

Mr. YOUNG of Kansas. My understanding from the department is to that effect, and to that extent Congress at all times has control of the buildings notwithstanding the authorization.

Mr. FITZGERALD. There is no criticism resting on Congress because of that. Congress has never refused any appropriation for any building authorized that the department said it could possibly use before the next bill became a law.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. How does the gentleman from New York explain the situation that during one fiscal year for which appropriation was made for the Architect's Office, at the suggestion of the Secretary of the Treasury the number of buildings were reduced from 15 a month to 10 contracts a month, and the excuse given to the committee on expenditures in the department was the fact that the Treasury was running low, and they did not think it was necessary to construct more than 10 buildings a month?

Mr. FITZGERALD. The gentleman should not ask me that question.

Mr. GARNER. I am replying——

Mr. FITZGERALD. One moment. The Secretary of the Treasury is a member of the executive branch of the Govern-

ment. If he made a statement that because of the condition of the Treasury he was impelled to act in a certain way in the discharge of his public duties, I am not responsible and can not help it.

Mr. GARNER. No.

Mr. FITZGERALD. And the committee over which I happen to preside has no power to make any recommendations to cure any conditions about which there may be complaint.

Mr. GARNER. But the gentleman from New York was undertaking to defend the fewer buildings that had been constructed upon the theory that the architect's office was unable to turn out these buildings. I controverted that by the statement that the Treasurer makes in which he voluntarily reduced the number of buildings to be constructed, because there was not sufficient money in the Treasury to meet the expense. So it is not a fact that the failure of Congress to appropriate or the want of sufficient force in the architect's office to construct these buildings are the reasons they have not been constructed more rapidly.

Mr. FITZGERALD. The gentleman is mistaken. They made that complaint last summer—that Congress had given insufficient money for the force—and they tried to stampede this Congress into appropriating $200,000 additional for the Supervising Architect's Office at that time. The committee declined to do it, largely because of my stubbornness. A plan was then adopted by which they proceeded to do just a little more work than they would have done if we had given them the $200,000 additional, by the simple device of utilizing a plan for some building that had already been used rather than going to the expense and delay of having a special plan prepared for every building.

They had, I understood, some five or six hundred plans in the office that had been used but once. They could have been used on any number of occasions without any impairment in the efficiency of the service or the artistic features of the scheme. The plans for a building, for instance, in Texas, in a community of a certain size, with a certain space required, might just as well have been used for a building on the Atlantic seaboard in the Southern States, where no additional requirements as to heating would be required.

Mr. GARNER. Or at other points in Texas.

Mr. FITZGERALD. A plan for a building in the upper part of the State of New York could very easily, without any undue comment, have been used in half a dozen other States. But the policy existed whereby every time $50,000, or any other sum, was authorized for a building it was deemed necessary to devote certain technical men to the preparation of plans which differed from every other building of the same character that had been authorized. They have now adopted a new system, and this committee has given in this bill all of the money that has been asked by the Supervising Architect's Office to do the work and all the money that has been asked to enable it to carry on the work already authorized.

Mr. GARNER. If the gentleman will permit, if the hands of Congress are tied and the matter of the construction of a building is to be left entirely in the discretion of the Secretary of the Treasury, regardless of what plan he may suggest, then what remedy has Congress in the matter?

Mr. FITZGERALD. Mr. Chairman, let me add to what I have already stated that the Committee on Public Buildings and Grounds has already authorized these buildings. That committee has the authority to recommend legislation that will remedy any abuse. I do not imagine that anybody believes that these buildings will be constructed at once. If they were to be constructed at once, it would require some special form of taxation in order to pay for them, and while it is very easy to authorize a number of buildings, it is not so easy to pay for them.

I have had prepared a statement, which has just come from the printer to-day, which contains some very valuable information about public buildings. It shows that every time we add to our investment in public buildings we add to the permanent fixed charges of the Government a sum which, excluding the interest, is very greatly in excess of what we could very readily have the public service performed for in many places without the investment in a building.

Mr. GARNER. Mr. Chairman, I agree with what the gentleman from New York says, that the Congress ought to do one of two things—it ought to either cease authorizing these buildings or it ought to furnish the money to construct them, as the people expect them to be constructed after they are authorized. Since the Committee on Appropriations has been so good this session and has brought in such an amount of wholesome legislation on appropriation bills, it occurred to me that possibly, if the committee should consider this question, as it may do, and it had the time, it might bring in some wise legislation along this line, and that the Committee on Rules would likely make it in order. It occurs to me that if, in the wisdom of the Committee on Appropriations, these buildings ought to be constructed, and that the desire of the people, as expressed through their Representatives, ought to be carried out at an early date, then the Committee on Appropriations owed a duty to the House, in the event that the Committee on Public Buildings and Grounds refused or failed to perform that duty, to do as it has done in a number of other instances, namely, bring in general legislation on an appropriation bill in order that the country may have relief.

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations has failed in no duty to the House and owes none. The gentleman from Texas [Mr. GARNER] evidently has not kept track of what the Committee on Appropriations has done at this session. It has not recommended any legislation in any bill reported from it the purpose of which was to increase expenditures and increase the burdens upon the people. The legislation which it has reported on appropriation bills has been for the purpose of relieving people from some burdens of taxation. The purpose has been to prevent inefficient administration, to prevent extravagance in the Government service, and to prevent the expending of undue sums, and thereby impose either new taxes or make it impossible to relieve the people from many of the burdens under which they are now groaning. It does not propose either to permit any Member or any number of Members to coerce it in recommending legislation by means of which much money will be more easily poured out of the Treasury. I now yield to the gentleman from Tennessee.

Mr. HOUSTON. Mr. Chairman, do I understand the gentleman to say that the Committee on Appropriations has been willing and has provided such additional architectural force when it has been asked for by the Treasury Department, or all that they have asked for? Did I understand the gentleman to state that?

Mr. FITZGERALD. We have recommended in this bill all that has been asked for. I called attention to the fact last summer that the committee refused to give $200,000 that was then said was necessary, because, being familiar with what had happened when the appropriations for the current fiscal year was made, I knew not only it was not necessary, but I was under the impression that what was being done was an attempt to allay a certain agitation which was going on.

Mr. HOUSTON. As I am informed by the department the reason for cutting down recommendations that have been made to the Committee on Appropriations—for instance, in one district, the district which I have the honor to represent—they recommended for the building at Shelbyville $23,000 to carry on the work. Now, they have revised their request and reduced the sum to $1,000, and give as a reason——

Mr. FITZGERALD. The gentleman is speaking of a different thing entirely.

Mr. HOUSTON. The reason given by them is——

Mr. FITZGERALD. The gentleman is now speaking of an entirely different matter. He asked me if the committee had recommended all of the appropriations required to enable the Supervising Architect's Office to do its work. I supposed he was speaking about technical and other assistance required. It did. The committee did, in connection with the building of which the gentleman speaks, gives every dollar to carry on construction purposes, to acquire sites, that the department said would be used between now and the 4th day of next March. In the original estimates there was an estimate of $23,000 for the building in which the gentleman is interested, and that estimate contemplated expenditure during the period to June 30, 1913. All of it except $1,000, which is in the revised estimates, is to be expended after the 4th of March. The next sundry civil bill carrying these appropriations becomes a law on the 4th of March, and this committee did not believe it was justified in adding at this time to this bill over $5,000,000 that could not possibly be used before the next bill became a law, simply to carry out the original recommendations.

Mr. HOUSTON. I am informed that the reason they were compelled to revise the estimates that they did submit was the fact that with the limited architectural force at their command that was provided for by appropriations they were not able to carry on the work as rapidly as they desired or expected to do.

Mr. FITZGERALD. That statement I do not believe is accurate.

Mr. HOUSTON. That is the reason given.

Mr. FITZGERALD. They got all they asked for. They were given the force they said was enough. If they believed that they should have had more they would have asked for it, and any statement to the contrary that they have not been given

the force they believed they needed and should have had can not be substantiated by the facts.

Mr. GARNER. And the gentleman and his committee have given to the Treasury Department all the money that they have requested or suggested that they could use for the construction of public buildings that have been authorized between now and March 4 next?

Mr. FITZGERALD. Yes, we have.

Mr. GARNER. Will the gentleman permit another statement in connection with the statement I made a moment ago? I did not intend to convey the idea I wanted the Appropriations Committee to bring in legislation here that would increase the obligations of the Government, but I did intend to convey the idea that I thought that the Appropriations Committee ought to bring in legislation, if it is necessary, for the purpose of paying the obligations that the Government had already contracted or authorized for in the construction of public buildings.

Mr. FITZGERALD. A great deal of the difficulty about public buildings arises from the manner in which the work is carried on. Congress first authorizes a site, or sometimes a site and a building. After the law passes, an agent is sent to select the site. Gentlemen, perhaps, are more familiar with what happens than I am. In most instances a first-class controversy develops in the community as to what particular site shall be selected, and after a very considerable period of time has been wasted in conflict among the people of the community as to whether a site in one place or another, located here or there, shall be selected, and after time is taken to get a site where it will be most satisfactory to everybody concerned, including the convenience of the public service, there may be more time taken in endeavoring to acquire it within the amount of money which is available.

When the site has been finally selected and a contract made, under the law the United States district attorney is required to search the title. There are all sorts of district attorneys employed by the United States; some of them are wide-awake, hustling men, and their offices are up to date, and others are of the type that will not do more business than they are compelled to do, and unless they are prodded and kept after and urged, they keep putting aside these questions of searching titles. After they do get the records in shape and ready to make a certification, I have been informed that frequently they have left the papers lying on their desks rather than to take the trouble to send them to the department, so that they could be sent to the Department of Justice, which, under the law, is required to make a certificate before any property can be acquired. Frequently very long and vexatious delays occur, first because of the very proper differences of opinion that may exist as to where a site should be selected, the difficulties that arise in acquiring it, and these other delays in searching and proving the title, because of the difficulties involved in a complex title, or because of the lack of interest in the public officials charged with that duty. After a site is finally approved and acquired, I am informed that in the Supervising Architect's Office it is given a number next in rotation, and then plans are taken up and prepared for buildings in the order in which these numbers have been given to them. Under the act of 1910 there were 13 buildings advanced out of their turn. I have obtained from the Secretary of the Treasury a list of these buildings and a statement of the reason for their advancement, and in no other instance have buildings been advanced out of their turn.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question? It is on a different line. I do not want to interrupt on this question to which the gentleman is referring.

Mr. FITZGERALD. I shall put in the RECORD that part of the report dealing with public buildings.

Mr. AUSTIN. On page 28 of the report the amount the department asks for the fiscal year ending June 30, 1913, is $13,234,201.20, and the amount that this bill carries is $8,053,517.92, showing that the bill carries $5,180,683.28 less than the department states it needs for the construction, rent, and so forth, of buildings.

Mr. FITZGERALD. I have stated several times that following the policy adopted by a Republican Congress in 1910 the committee requested the Supervising Architect to revise his estimates so as to show the amount of money that would be required until the 4th of March next, when the next bill will become a law, and we have given the amount that will be required up to that date.

Mr. AUSTIN. That explains this difference, then?

Mr. FITZGERALD. Yes; that explains the difference.

Mr. AUSTIN. I was out of the Chamber and did not hear it.

Mr. FITZGERALD. I am sorry that the gentleman did not hear it previously, but I stated it during his absence.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to a question relating to a paragraph in another part of the bill, page 35, line 18, an item as follows:

To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections, under the provisions of the act approved May 27, 1908, $30,000.

I wanted to ask the chairman of the committee if that is the amount usually carried under that item?

Mr. FITZGERALD. That is the amount.

Mr. ROBERTS of Massachusetts. I want also to ask the chairman if he is not aware that this amount in the current fiscal year has been exhausted in these refunds, and that there is considerable deficit existing?

Mr. FITZGERALD. It is an amount that is utterly impossible to estimate accurately, and it is an appropriation in which Congress meets the requirements that are necessary by carrying a deficit in the deficiency bill.

Mr. ROBERTS of Massachusetts. I want to ask if the deficit for the current fiscal year will be met in the deficiency bill?

Mr. FITZGERALD. Oh, yes. The gentleman understands in these cases this money must be deposited.

Mr. ROBERTS of Massachusetts. I understand that. Now, I want to ask the chairman a little further, if he does not think that the operations under that act of May 27, 1908, are working a great hardship on many people who are endeavoring to settle claims against them by being pressed by the Government, and if it would not be a more equitable practice to return to the procedure held before the year 1908. Now, the gentleman, if he will give me his attention just a moment, realizes that if a citizen wishes to settle his suit against the Government he must deposit the amount of money which he tenders in settlement, and that money is deposited under the promise that it shall be returned to him if the settlement is not accepted. It has so happened, and I have in mind now two cases, one from my own State, which have been brought to my attention.

One of those cases is the case of a woman who was sued by the Government for the collection of an inheritance tax, and by advice of her attorney, after consultation with the district attorney, she was given to understand that substantially $2,500 would be taken in settlement. This woman raised the $2,500 required by placing a mortgage on her home, on which she is paying 6 per cent interest. She deposited with the proper official of the Government a certified check for the $2,500, but a settlement was refused. She has applied for the payment of her money back, but she is told that there is no fund from which that money can be paid. She paid interest on that money at 6 per cent, not only from the time she gave the mortgage until the certified check was tendered, but also since that time, in February last, when settlement was refused.

Another case brought to my attention, that of a man engaged in the manufacture of moonshine whisky down in Virginia, where, on being sued by the Government, the man was advised by his counsel that substantially $1,200 or $1,500 would be accepted by the Government. He raised the amount by a mortgage, upon which he pays 6 per cent, and deposited that amount with the Government, but a settlement was refused. The Government got a judgment against him for about $1,500, practically for the same amount, and the judgment of the Government carries 7 per cent interest. Now, this man has his check tied up in the hands of the Treasury officials for practically the amount of the judgment that the Government of the United States obtained, and he can not get an offset, and can not get his $1,500 back, because the appropriation out of which that is paid is exhausted. Now, that man is in this position: He is paying virtually 13 per cent interest on the amount of money he owes the Government, whereas if there was a simple business arrangement under the law he would not be required to pay any interest.

Mr. FITZGERALD. I would say to the gentleman that the man he refers to would have avoided all that trouble if he had not tried to violate the internal-revenue law by manufacturing whisky without a license.

Mr. ROBERTS of Massachusetts. It does not matter whether he violated the law or not. He ought to have his money paid back to him.

Mr. FITZGERALD. We are not responsible, Mr. Chairman, for this particular condition, and we have no power to remedy it.

Mr. ROBERTS of Massachusetts. I would say that the chairman of this committee has the power to remedy the conditions if he will simply increase the amount that can be utilized for the repayment of these different deposits. And he can also establish a sensible business proposition if he will repeal that law of 1908 and allow these collection officers to take this trust money and hold it as a separate fund as trust money and not turn it into the general fund of the Treasury, where it can not be got at.

Mr. FITZGERALD. It is better that the violators of the law should be subjected to some inconvenience than that a number of public officials should be permitted to handle public money without any supervision or control or regulation. We have given in this instance the estimate of the Treasury Department, and I do not know what more we can do. The amount varies one year from another because of differing conditions. In some years much larger sums are required than in others.

Mr. ROBERTS of Massachusetts. Let me say to the gentleman that this money, deposited under these conditions, is not public money until the Government accepts it as a settlement. It is trust money; and there can be no objection whatever to allowing the United States officials to hold that money as trust money, in a separate fund, and not turn it into the Treasury.

Mr. FITZGERALD. There can be objection, because that practice was pursued until, if I recall correctly, the Comptroller of the Treasury held that that money was not private trust funds, but had to be turned into the Treasury as miscellaneous receipts.

Mr. ROBERTS of Massachusetts. These officials are responsible.

Mr. FITZGERALD. At any rate, we have appropriated the amount estimated by the department as necessary, and there is nothing further for us to do.

Mr. ROBERTS of Massachusetts. I wanted to see if the gentleman would be willing to accept an amendment that would repeal that act and prevent these cases arising in the future.

Mr. FITZGERALD. No; I would not. Mr. Chairman, I think I have covered everything——

Mr. KNOWLAND. We have received a great many letters from California regarding the appropriation for the suppression of the white-slave traffic. I should like to know whether the committee has given the Department of Justice an amount sufficient to carry on that commendable work?

Mr. FITZGERALD. We increased an appropriation available for that purpose by the full amount of the estimate of the department.

Mr. KNOWLAND. The full amount asked for by the department?

Mr. FITZGERALD. I shall insert here part of the committee report on the public buildings and the tables to which I have referred.

"To continue the construction of public buildings heretofore authorized, the bill appropriates, as stated, the sum of $8,053,517.92.

"In the regular estimates for public buildings, transmitted in the Book of Estimates, the Treasury Department proposed a new method of appropriating for such public works. Heretofore there have been appropriated at various times large sums for construction under existing authorizations of public buildings.

"At least $10,000,000 of the sums heretofore appropriated for specific buildings can not be expended upon the particular projects for which the money is available during the ensuing fiscal year. The Secretary of the Treasury set forth in the Book of Estimates, but did not carry into the totals, estimates for projects for which the sum of $13,109,701.20 would be required.

"Instead of asking that this sum be appropriated, he proposed that legislation be enacted which would make one fund of the various specific appropriations heretofore made, and in addition that $3,000,000 be appropriated to be added to such fund, and asserted that with the control of the $13,000,000 thus made available for use in the discretion of the department upon buildings heretofore or hereafter authorized, that equal results could be produced during the next fiscal year as if, in addition to the $10,000,000 heretofore appropriated and unexpended, specific appropriations aggregating $13,109,701.20 be appropriated .

"The committee did not feel warranted in adopting the recommendation of the department. It would have revolutionized the present method of providing for work upon authorized buildings. Under the present system specific appropriations are made for particular projects, and those interested in any building are able to ascertain definitely the money available for use on the particular project. To change that system and to put absolute control over the appropriations in the department, to be allotted in the discretion or according to the caprice or prejudices of some official, would very greatly increase the irritation, discontent, and dissatisfaction which appears to be inevitable even under the present method.

"The committee in its recommendations follows the prevailing custom. The estimates set out in the Book of Estimates, but not carried into the totals, would necessitate appropriations for construction work during the entire ensuing fiscal year aggregating, as already pointed out, $13,109,701.20.

"Appropriations for the construction of public buildings are excepted from the provisions of the "covering in" act. When made, they are available at once and continue available until expended. The custom for many years has been to accept the estimate of the Supervising Architect as to sums required for particular projects and to recommend appropriations strictly in accordance with the estimates.

"In 1910 it was ascertained that, as at present, large sums had been appropriated in excess of the amounts that could actually be expended.

"In an attempt to prevent the unnecessary segregation of funds in the Treasury and the tying up of moneys that could not possibly be used the committee in that year requested that the estimates be revised so as to indicate the various sums required for authorized projects until the 4th of March, 1911, the date of the end of the Sixty-first Congress, at which time the sundry civil appropriation bill for the fiscal year 1912 would become law. Such revised estimates were prepared by the department and submitted to the Congress, and the committee recommended appropriations in accordance therewith.

"The same course has been pursued at this session, and in compliance with the revised estimates the committee recommends appropriations aggregating $8,053,517.92, which amount includes appropriations for every site and building which the Treasury Department states can be expended by the 4th of March, 1913, when the next bill carrying such appropriations will become law.

"This practice is not unusual. It has been applied to appropriations for river and harbor improvements under contract and has been eminently satisfactory. If any other policy were followed it would necessitate the appropriation of $5,056,183.32 additional to the sum recommended in this bill, and would result in increasing the appropriations of money for buildings which must necessarily be idle and unused to $15,056,183.32. To do so would be indefensible from any standpoint, and the committee has declined to follow such a course.

"It may be of value to state some facts relative to public buildings which at times are overlooked.

"Public-building acts were approved June 6, 1902, March 3, 1903, June 30, 1906, May 30, 1908, and June 25, 1910. Under those acts 427 sites for buildings were authorized to be purchased; 185 buildings were authorized on sites then owned by the United States; 482 sites and buildings combined were authorized; 124 additions to existing buildings were provided; and the limit of cost was increased on 359 buildings which had been authorized in some act other than the one in which the limit of cost was increased.

"All of these sites and buildings were authorized in bills considered and reported by the Committee on Public Buildings and Grounds or placed in such bills by Senate amendments.

"The Committee on Appropriations has no authority to recommend new sites or buildings, extensions, or increases in the limit of cost of buildings heretofore authorized. It has not attempted to do so in this bill.

"The authority of the committee is limited to recommendations of appropriations to carry out projects authorized by law. It has not attempted to exceed that authority, but has rigidly adhered to the estimates of the Treasury Department, recommending every dollar that can be utilized until March 4 next. Requests have been made for appropriations that the department states can not be used prior to the enactment of the next bill, for authority to exceed the limit of cost, for appropriations for buildings that will not be reached unless advanced out of turn over other buildings. The committe has not been able to justify such action, and has not made such recommendations.

"Under date of March 15, 1912, the Supervising Architect submitted the following statement, which shows the status of the various authorizations for sites and buildings heretofore printed.

"1. There are 203 contracts for buildings now in force, of which 179 are new buildings and 24 extensions. This work is carried out under the direct supervision of 94 superintendents of construction. The drawings for 6 of the buildings have been prepared by private architects.

"2. There are 130 projects for which drawings and specifications are in various stages of completion, but for which contracts have not yet been awarded. Of these, 97 are new buildings and 33 extensions.

"Drawings for 121 of these buildings are being prepared in the office of the Supervising Architect, and for the other 9 by outside architects.

"3. There are 194 projects, all new buildings, for which no drawings have yet been commenced.

"4. There are 172 sites authorized for which no buildings have been provided.

"To complete the buildings heretofore authorized will require $27,750,100. The Supervising Architect's Office is so organized as to perform annually about $13,000,000 of work. In this bill there is carried $831,920, the amount requested by the department to enable the present speed to be maintained.

"There are at present 652 public buildings owned and used by the United States for the transaction of the public business, 128

buildings are under construction, and 106 will be completed during the present year.

"The value of the original construction aggregates $169,675,396; including enlargement of buildings, $185,000,000; including alterations repairs, and maintenance to June 30, 1911, $201,337,229; including sites, which have cost $46,000,000, $247,337,229. For the maintenance and upkeep of these buildings, the sum $5,172,000 is carried in this bill. Every building completed adds to the permanent fixed charges upon the Treasury and can not be *ignored nor evaded.*

"This committee does not determine the order in which buildings are placed under construction. The Supervising Architect states that buildings are planned in regular order. Whenever a site is acquired it is given a number in the office and the preparation of plans proceeds in the order in which the projects are so numbered.

"The Secretary of the Treasury states that no sites nor buildings authorized under the act of June 25, 1910, have been advanced out of this order, except as hereinafter stated, and the reasons for such advancements are herein given, namely:

"1. Austin, Tex.: The reason for this advancement is that it is located at the State capital. No contract, however, has yet been let.

"2. Bangor, Me.: Advancement is on account of the destruction of the old building by fire. Contract not yet in force.

"3. Dayton, Ohio: This building was advanced on account of the urgent necessity for increased accommodations for Government offices, there being no court quarters in the old building. This building is under construction.

"4. Gettysburg, Pa.: Advanced in order to be ready for the celebration of the fiftieth anniversary of the Battle of Gettysburg. Building is under construction.

"5. Hanover, Pa.: Same reason as No. 4. Contract has not yet been let.

"6. Executive mansion, Juneau, Alaska: Advanced because of the short building season and the urgent necessity for building. Construction just started.

"7. Lorain, Ohio: Advanced on account of the urgent necessity for increased accommodations for Government offices and inability to rent adequate quarters. Building not yet under contract.

"8. Olympia, Wash.: Advanced on account of being located at the State capital and the necessity for increased accommodations for Government offices. Contract just let.

"9. Oneonta, N. Y.: Advanced in order to make up for the extraordinary delay in acquisition of title for the site. Building not yet under contract.

"The following buildings—

"10. Orange, N. J.;

"11. Booneville, Mo.;

"12. New Haven, Conn.;

"13. San Francisco, Cal., subtreasury—

have been placed in the hands of private architects and for this reason have been taken out of the regular order.

"The committee has treated at some length the matters affecting the appropriations for public buildings, because of the widespread interest in the subject, and in order to have accessible in one document and in somewhat concise shape the information herein contained. It is believed that the statement will be of service to the House and tend to a better understanding of the situation relative to public buildings in the many communities interested in the subject."

STATEMENT OF PUBLIC BUILDINGS AUTHORIZED UNDER THE ACTS OF 1902, 1903, 1906, 1908, AND 1910, SHOWING THE LIMITS OF COST, POPULATION, POSTAL REVENUES, ANNUAL COST OF MAINTENANCE, AND ANNUAL RENTAL AND OTHER EXPENSES.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 31, 1912.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

SIR: Referring to your letters of January 20 and 27, 1912, and in response to the requests contained therein, the department has the honor to forward herewith certain detailed information relative to each new public building authorized in the separate building acts of June 6, 1902, March 3, 1903, June 30, 1906, May 30, 1908, and June 25, 1910. The details called for are embraced in five separate statements, accompanied with a separate sheet covering a recapitulation in the aggregate for all the acts referred to. In compliance with your request, the data furnished have been supplied in detail only as to each new building, eliminating additions or extensions to buildings.

The information desired by you in connection with the postal revenues, the population of cities and towns, the annual rental and expenses of quarters at the times the buildings were authorized, and other probable expenses of operation and upkeep, has been procured from the various executive departments and independent offices charged with the control of such matters, and the figures supplied have been incorporated in appropriate columns for each of the acts named.

All remaining features of information, other than those just referred to, embracing limits of cost, occupancy of buildings, probable annual cost of maintenance, including personal services, fuel, light, water, repair, and other expenses of operation and upkeep, have been compiled from the records of this department, and, with the exception of the last-named item (maintenance), the figures and details given are absolute.

The annual cost of maintenance of public buildings under the control of this department, as given in the statements, is believed to be a fairly close approximation of the actual expense incurred, and is in consonance with your inquiry asking for "probable cost." The figures given in the statements, under this head, were based upon averages ascertained by a division of buildings into 16 different classes and determining the pro rata measure of expense, including all the items referred to in your inquiry, for a period of five years. The result has been a very close approach to the true conditions. An exhaustive research and analysis, involving a considerable period of time, would, of course, be necessary if this particular class of detail was worked out to a result based upon actual figures. These latter could only be acquired by considering the cubic area of each building in its relation to the respective occupants and the space occupied by them, together with a due consideration of other questions more or less affecting the conditions incident to the occupancy and use of the rooms in the respective buildings.

With reference to the last paragraph of your letter of January 20, 1912, in which you ask to be advised as to the approximate percentage of annual depreciation in value of public buildings, having due regard for the purposes for which such buildings are used and the ravages of time, the department desires to state that, in its opinion, giving due weight to the conditions incident to the care and upkeep of public buildings, as compared with others of like character, the approximate rate of depreciation could be fairly expressed as about 2 per cent annually. An element, however, in this connection, which it seems is deserving of consideration, is the constantly increasing value, from an investment standpoint, of the majority of public building properties under the control of the department.

In the event that your committee should decide to have the accompanying statements printed as a public document, this department would be pleased to receive about a dozen copies thereof for its files and for future reference.

Respectfully,

FRANKLIN MACVEAGH,
Secretary.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, in compliance with the request, dated Jan. 20, 1912, from the chairman of the Committee on Appropriations, House of Representatives.

ACT OF JUNE 6, 1902.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Adrian, Mich	Post office	$40,000.00	9,654	$29,905.00	Post office	$2,219.38	$1,075.00
Allentown, Pa	do	100,000.00	35,416	60,119.00	Post office, Internal Revenue, pension examiner, Civil Service.	4,837.85	2,440.00
Amesbury, Mass	do	45,000.00	9,473	12,386.00	Post office	2,219.38	800.00
Anderson, Ind	do	80,000.00	20,178	42,846.00	do	3,743.36	600.00
Athens, Ga	Post office and courthouse	100,000.00	10,245	21,853.00	Post office, United States court, Civil Service	4,837.85	600.00
Atlantic, Iowa	Post office	30,000.00	5,046	11,487.00	Post office	2,219.38	750.00
Atlantic City, N. J	do	125,000.00	27,838	98,229.00	Post office, Civil Service	4,837.85	2,500.00
Baraboo, Wis	do	45,000.00	5,751	10,169.00	Post office, Internal Revenue	2,219.38	700.00
Batesville, Ark	Post office and courthouse	70,000.00	2,327	5,336.00	Post office, United States court, Internal Revenue.	2,836.95	632.00
Battle Creek, Mich	Post office	100,000.00	18,563	95,095.00	Post office	4,837.85	2,000.00
Biloxi, Miss	Post office, courthouse, and customhouse.	125,000.00	5,467	8,440.00	Post office, United States court, customs	4,837.85	358.00
Boone, Iowa	Post office	100,000.00	8,880	14,995.00	Post office	4,837.85	850.00
Burlington, Vt	Post office and customhouse.	170,000.00	18,640		Post office, customs, Internal Revenue, United States court, Civil Service.	7,185.80	
Centerville, Iowa	Post office	35,000.00	5,256	10,441.00	Post office	2,219.38	460.00
Charlottesville, Va	Post office and courthouse	100,000.00	6,449	21,573.00	Post office, United States court	4,837.85	1,200.00
Chillicothe, Ohio	Post office	70,000.00	12,976	22,731.00	Post office, Internal Revenue, Civil Service	2,836.95	1,000.00
Colorado Springs, Colo	do	135,000.00	21,085	100,002.00	Post office, Internal Revenue, United States court, Civil Service.	4,837.85	2,800.00
Crawfordsville, Ind	do	50,000.00	6,649	20,299.00	Post office, Internal Revenue, Civil Service	2,836.95	650.00
Deadwood, S. Dak	Post office and courthouse	200,000.00	3,498	13,269.00	Post office, United States court, Forestry Service, assay office.	10,559.46	2,780.00
Decatur, Ill	Post office	80,000.00	20,754	64,237.00	Post office, Civil Service	3,743.36	1,550.00
De Kalb, Ill	do	65,000.00	5,904	16,169.00	Post office	2,836.95	650.00
Durham, N. C	do	70,000.00	6,679	20,075.00	Post office, Internal Revenue, United States commissioner.	2,836.95	1,000.00
Elizabeth, N. J	do	135,000.00	52,130	67,188.00	Post office, United States court, Internal Revenue, Civil Service.	4,837.85	3,350.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 6, 1902—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Elkhart, Ind	Post office	$85,000.00	15,184	$71,993.00	Post office	$3,743.36	$1,400.00
Emporia, Kans	do	41,000.00	8,223	23,724.00	do	2,219.38	600.00
Evanston, Ill	do	90,000.00	19,259	48,350.00	do	3,743.36	1,500.00
Evanston, Wyo	Post office and courthouse	100,000.00	2,110	5,634.00	Post office, United States court, land office, Internal Revenue.	4,837.85	605.00
Findlay, Ohio	Post office	55,000.00	17,613	28,150.00	Post office	2,836.95	1,200.00
Flint, Mich	do	65,000.00	13,103	32,032.00	Post office, Civil Service	2,836.95	1,000.00
Florence, S. C	Post office and courthouse	100,000.00	4,647	6,076.00	Post office, United States court	4,837.85	356.00
Fond du Lac, Wis	Post office	60,000.00	15,110	28,570.00	Post office	2,836.95	1,050.00
Fresno, Cal	Post office and courthouse	100,000.00	12,470	41,069.00	Post office, United State court, Internal Revenue.	4,837.85	2,400.00
Gainesville, Fla	Post office	35,000.00	3,633	10,184.00	Post office, United States court, land office	2,219.38	1,020.00
Gainesville, Tex	do	70,000.00	7,874	15,666.00	Post office	2,836.95	600.00
Geneva, N. Y	do	75,000.00	10,433	31,787.00	do	3,743.36	930.00
Georgetown, S. C	Post office and customhouse	50,000.00	4,138	7,745.00	Post office, customs, United States Engineers, Weather Bureau.	2,836.95	538.00
Gloversville, N. Y	Post office	75,000.00	18,349	30,850.00	Post office	3,743.36	1,400.00
Goldsboro, N. C	do	35,000.00	5,877	12,103.00	Post office, Internal Revenue, Civil Service, referee in bankruptcy.	2,219.38	600.00
Grand Haven, Mich	Post office and customhouse	50,000.00	4,743	8,107.00	Post office, customs	2,836.95	335.00
Grand Forks, N. Dak	Post office and courthouse	165,000.00	7,652	30,744.00	Post office, United States court, Internal Revenue.	7,185.80	3,500.00
Green Bay, Wis	do	140,000.00	18,684	37,634.00	Post office, United States court, customs, Internal Revenue, recruiting office.	4,837.85	1,200.00
Greeneville, Tenn	do	110,000.00	1,817	10,131.00	Post office, United States court	4,837.85	560.00
Guthrie, Okla	do	50,000.00	10,006	25,026.00	do	2,836.95	2,920.00
Hammond, Ind	do	140,000.00	12,376	30,220.00	Post office, United States court, Internal Revenue.	4,837.85	1,080.00
Harrison, Ark	do	70,000.00	1,551	4,663.00	Post office, United States court, Forestry, land office, referee in bankruptcy.	2,836.95	588.00
Hastings, Nebr	Post office	125,000.00	7,188	19,850.00	Post office	4,837.85	1,500.00
Henderson, Ky	do	40,000.00	10,272	16,793.00	do	2,219.38	425.00
Holyoke, Mass	do	135,000.00	45,712	70,306.00	do	4,837.85	2,040.00
Huntington, W. Va	Post office and courthouse	125,000.00	11,923	26,707.00	Post office, United States court, Weather Bureau.	4,837.85	1,900.00
Hutchinson, Kans	Post office	50,000.00	9,379	25,195.00	Post office	2,836.95	900.00
Iowa City, Iowa	do	60,000.00	7,987	38,099.00	do	2,836.95	1,310.00
Ironton, Ohio [1]	do	40,000.00	11,868	17,110.00	do	2,219.38	480.00
Ithaca, N. Y	do	70,000.00	13,136	56,552.00	do	2,836.95	2,100.00
Jacksonville, Ill	do	60,000.00	15,078	30,674.00	Post office, Internal Revenue	2,836.95	1,200.00
Kankakee, Ill	do	70,000.00	13,595	18,953.00	Post office	2,836.95	800.00
Kingston, N. Y	do	80,000.00	24,535	42,071.00	do	3,743.36	1,925.00
Kirksville, Mo	do	40,000.00	5,966	14,760.00	do	2,219.38	700.00
Laramie, Wyo	do	100,000.00	8,207	11,703.00	Post office, Forestry Service, agricultural investigation.	4,837.85	1,422.00
Laredo, Tex	Post office, courthouse, and customhouse.	150,000.00	13,429	10,347.00	Post office, United States court, customs, Immigration Service.	7,185.80	435.00
Lawrence, Kans	Post office	50,000.00	10,862	32,141.00	Post office	2,836.95	1,500.00
Lebanon, Pa	do	75,000.00	17,628	32,115.00	Post office, Civil Service	3,743.36	1,200.00
Little Falls, N. Y	do	50,000.00	10,381	21,714.00	Post office	2,836.95	1,500.00
Logansport, Ind	do	75,000.00	16,204	29,957.00	do	3,743.36	1,000.00
Los Angeles, Cal	Post office and courthouse	675,000.00	102,479		Post office, customs, United States court, Internal Revenue, land office, Immigration Service, Indian Service, Bureau of Animal Industry, Naturalization Service, Geological Survey, Forestry Service, pension examiner.	24,007.89	1,918.92
Louisiana, Mo	Post office	35,000.00	5,131	19,660.00	Post office	2,219.38	600.00
Marblehead, Mass	do	40,000.00	7,582	11,444.00	Post office, customs	2,219.38	240.00
Marshalltown, Iowa	do	85,000.00	11,544	40,650.00	Post office	3,743.36	1,000.00
Martinsville, Va	do	35,000.00	2,384	6,036.00	Post office, Internal Revenue, deputy United States marshal.	2,219.38	600.00
Maysville, Ky	do	40,000.00	6,423	13,105.00	Post office, United States judge, Internal Revenue	2,219.38	700.00
McKeesport, Pa	do	100,000.00	34,227	35,054.00	Post office, Civil Service	4,837.85	1,884.00
Meriden, Conn	do	100,000.00	24,296	60,214.00	Post office, Civil Service, national-bank examiner.	4,837.85	2,100.00
Muncie, Ind	do	80,000.00	20,942	50,562.00	Post office	3,743.36	898.00
Muskegon, Mich	do	70,000.00	20,818	33,796.00	Post office, customs	2,836.95	1,000.00
Nashua, N. H	do	90,000.00	23,898	25,018.00	Post office	3,743.36	1,500.00
Natchez, Miss	do	50,000.00	12,210	21,816.00	do	2,836.95	800.00
Nevada, Mo	do	40,000.00	7,461	28,284.00	Post office, Pension Office	2,219.38	600.00
New Castle, Pa	do	125,000.00	28,339	39,055.00	Post office	4,837.85	364.00
Niagara Falls, N. Y	do	75,000.00	19,457	53,549.00	Post office, customs	3,743.36	1,205.00
Norfolk, Nebr	do	100,000.00	3,883	10,304.00	Post office, United States court, Internal Revenue	4,837.85	40.00
Norristown, Pa	do	78,000.00	22,265	33,106.00	Post office	3,743.36	1,914.00
Northampton, Mass	do	70,000.00	18,643	32,341.00	do	2,836.95	850.00
Oak Park, Ill	do	35,000.00		50,705.00	do	2,219.38	1,000.00
Ogden, Utah	Post office and courthouse	200,000.00	16,313	36,917.00	Post office, United States court, Civil Service, Quartermaster's agent, United States Army.	10,559.46	1,550.00
Oil City, Pa	Post office	60,000.00	13,264	39,670.00	Post office	2,836.95	1,100.00
Oklahoma City, Okla. [1]	do	50,000.00	10,037	49,320.00	Post office, United States court, Internal Revenue, food inspector, pension examiner.	2,836.95	2,600.00
Ottawa, Ill	do	60,000.00	10,588	23,095.00	Post office	2,836.95	900.00
Owosso, Mich	do	35,000.00	8,696	22,011.00	Post office, pensions	2,219.38	700.00
Pekin, Ill	do	70,000.00	8,420	13,070.00	Post office, Internal Revenue	2,836.95	660.00
Perth Amboy, N. J	Post office and customhouse	50,000.00	17,699	20,217.00	Post office, customs	2,836.95	840.00
Providence, R. I	Post office, courthouse, and customhouse.	1,000,000.00	175,597		Post office, United States court, customs, Internal Revenue, Bureau of Animal Industry, Marine-Hospital Service.	38,441.98	293.40
Reno, Nev	Post office	60,000.00	4,500	13,979.00	Post office, Internal Revenue, Geological Survey, land office.	2,836.95	600.00
Richmond, Ind	do	80,000.00	18,226	47,859.00	Post office, Civil Service	3,743.36	1,600.00
Rock Hill, S. C	do	35,000.00	5,485	8,406.00	Post office	2,219.38	358.00
St. Louis, Mo	do	550,000.00	575,238		do	24,007.89	4,540.00
San Francisco, Cal	Customhouse	1,000,000.00	342,782		Post office, United States court, customs, Immigration Service, land office, Forestry Service, pension examiner, Weather Bureau, Bureau of Animal Industry, Secret Service, Naturalization Service, Civil Service.	38,441.98	4,340.00
Selma, Ala	Post office	75,000.00	8,713	25,477.00	Post office, United States court, Civil Service, Internal Revenue, Bureau of Animal Industry.	3,743.36	1,170.00
Sherman, Tex	Post office and courthouse	125,000.00	10,243	29,103.00	Post office, United States court, Civil Service	4,837.85	4,020.00
Spartanburg, S. C	Post office	60,000.00	11,395	18,892.00	Post office	2,836.95	300.00
Stillwater, Minn	do	60,000.00	12,318	17,238.00	do	2,836.95	1,000.00
Superior, Wis	Post office, courthouse, and customhouse.	225,000.00	31,091	5,181.00	Post office, United States court, Customs, Internal Revenue.	10,559.46	1,500.00

[1] Lapsed. (See act of May 30, 1908.)

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 6, 1902—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Torrington, Conn	Post office	$50,000.00	8,360	$20,120.00	Post office	$2,836.95	$1,000.00
Vincennes, Ind	do	75,000.00	10,249	20,104.00	Post office, Internal Revenue	3,743.36	600.00
Warren, Ohio	do	45,000.00	8,529	23 520.00	Post office	2,219.38	650.00
Washington, Pa	do	60,000.00	7,670	30,642.00	do	2,836.95	811.00
Waterbury, Conn	do	135,000.00	45,859	85,834.00	Post Office, Civil Service	4,837.85	2,500.00
Waterloo, Iowa	do	150,000.00	12,580	42,244.00	Post office, United States court, pension examiner	7,185.80	1,200.00
Wausau, Wis	do	50,000.00	12,354	20,194.00	Post office, land office	2,836.95	900.00
West Chester, Pa	do	60,000.00	9,524	30,704.00	Post office	2,836.95	1,500.00
Wheeling, W. Va	Post office, courthouse, and customhouse.	400,000.00	38,878		Post office, United States court, Internal Revenue, customs, United States Engineers, pension examiner, Civil Service.	11,526.19	1,690.00
Zanesville, Ohio	Post office	110,000.00	23,538	58,700.00	Post office, United States Engineers, Civil Service.	4,837.85	2,500.00
Total		12,079,000.00	2,617,188	3,089,485.00		529,948.56	136,360.32
			ACT OF MAR. 3, 1903.				
Champaign, Ill	Post office	$70,000.00	9,098	$26,953.00	Post office, Civil Service	$2,836.95	$1,500.00
Columbia, Mo	do	35,000.00	5,651	18,199.00	Post office	2,219.38	1,000.00
Moberly, Mo	do	35,000.00	8,012	14,660.00	do	2,219.38	900.00
Natchitoches, La	do	60,000.00	2,388	5,582.00	Post office, land office	2,836.95	500.00
Pierre, S. Dak	Post office and courthouse	170,000.00	2,306	10,065.00	Post office, United States court, land office, Weather Bureau, Civil Service.	7,185.80	1,140.00
Spokane, Wash	do	400,000.00	36,848	132,343.00	Post office, customs, Internal Revenue, land office, Immigration Service, special agent Treasury, special inspector, Interior Department, United States court.	11,526.19	8,000.00
Sterling, Ill	Post office	40,000.00	6,309	17,387.00	Post office	2,219.38	1,000.00
Tacoma, Wash	Post office, courthouse, and customhouse.	400,000.00	37,714	97,395.00	Post office, customs, Internal Revenue, Marine-Hospital Service, Immigration, courts, Forestry, Civil Service.	11,526.19	6,430.00
Traverse City, Mich	Post office and customhouse	50,000.00	9,407	20,895.00	Post office, customs	2,836.95	800.00
Yankton, S. Dak	Post office	80,000.00	4,125	11,542.00	Post office, Internal Revenue, United States attorney, Weather Bureau.	3,743.36	900.00
Total		1,340,000.00	121,768	355,021.00		49,150.53	22,260.00
			ACT OF JUNE 30, 1906.				
Albany, Ga	Post office and courthouse	$125,000.00	8,190	$20,112.00	Post office, United States court	$4,837.85	$700.00
Albuquerque, N. Mex	Post office	100,000.00	11,020	36,327.00	Post office, courthouse, Railway Mail Service, Forestry Service, Indian Service.	4,837.85	2,568.00
Alexandria, Minn	do	30,000.00	3,001	8,895.00	Post office	2,219.38	400.00
Alpena, Mich	do	50,000.00	12,706	15,721.00	Post office, Weather Bureau, customs, Forestry Service.	2,836.95	1,450.00
Alton, Ill	do	75,000.00	17,528	33,840.00	Post office	2,836.95	900.00
Americus, Ga	do	50,000.00	8,063	15,931.00	Post office, Internal Revenue	2,836.95	1,000.00
Anderson, S. C	Post office and courthouse	50,000.00	9,654	19,139.00	Post office	2,836.95	600.00
Ann Arbor, Mich	Post office	80,000.00	14,817	56,931.00	do	3,743.36	2,000.00
Atlanta, Ga	Post office and courthouse	1,000,000.00	154,839		Post office, customs, United States court, Internal Revenue, Civil Service, Bureau of Animal Industry, food inspector, Geological Survey, Railway Mail Service.	38,441.98	480.00
Auburn, Me	Post office	75,000.00	15,064	27,942.00	Post office	2,836.95	1,050.00
Baker City, Oreg	do	65,000.00	6,742	17,707.00	Post office, Weather Bureau	2,836.95	1,192.01
Bar Harbor, Me	do	60,000.00	(1)	16,586.00	Post office	2,836.95	1,000.00
Barre, Vt	do	60,000.00	10,734	23,743.00	do	2,836.95	1,250.00
Bedford, Ind	do	50,000.00	8,716	12,752.00	do	2,836.95	700.00
Belleville, Ill	do	75,000.00	21,122	22,407.00	Post office, Internal Revenue, Civil Service, special examiner.	3,743.36	900.00
Belvidere, Ill	do	65,000.00	7,253	20,103.00	Post office	2,836.95	750.00
Bessemer, Ala	do	60,000.00	10,864	12,235.00	do	2,836.95	590.00
Bluefield, W. Va	Post office and courthouse	100,000.00	11,188	26,211.00	Post office, United States court, Civil Service	4,837.85	1,200.00
Boston, Mass	Appraisers' stores	900,000.00	670,585		Customs	28,685.50	20,634.05
Boulder, Colo	Post office	60,000.00	9,539	33,485.00	Post office	2,836.95	1,200.00
Bowling Green, Ky	Post office and courthouse	80,000.00	9,173	18,662.00	Post office, United States court, Internal Revenue, Civil Service.	3,743.36	1,487.63
Bridgeton, N. J	Post office and customhouse.	65,000.00	14,209	25,620.00	Post office, Customs, Internal Revenue, Civil Service.	2,836.95	850.00
Calais, Me	do	60,000.00	6,116	9,244.00	Post office, customs, Immigration Service, Bureau of Animal Industry.	2,836.95	530.00
Canandaigua, N. Y	Post office	75,000.00	7,217		Post office	3,743.36	
Cape Girardeau, Mo	Post office and courthouse	100,000.00	8,475	16,681.00	Post office, United States court	4,837.85	600.00
Carlisle, Pa	Post office	75,000.00	10,303	24,831.00	Post office	3,743.36	900.00
Carthage, Mo	do	75,000.00	9,483	23,352.00	Post office, Civil Service	3,743.36	894.00
Charleroi, Pa	do	50,000.00	9,615	17,020.00	Post office, Internal Revenue	2,836.95	800.00
Chester, S. C	do	50,000.00	4,754	9,432.00	Post office	2,836.95	360.00
Chippewa Falls, Wis	do	70,000.00	8,893	17,657.00	Post office, Internal Revenue, Civil Service	2,836.95	775.00
Clarinda, Iowa	do	40,000.00	3,832	15,762.00	Post office	2,219.38	720.00
Clifton Forge, Va	do	40,000.00	5,748	9,130.00	Post office, Civil Service	2,219.38	400.00
Coldwater, Mich	do	42,500.00	5,945	16,402.00	Post office	2,219.38	800.00
Columbia, Tenn	do	65,000.00	5,754	19,673.00	do	2,836.95	1,350.00
Columbus, Miss	do	40,000.00	8,983	17,173.00	do	2,219.38	300.00
Corning, N. Y	do	60,000.00	13,730	26,806.00	do	2,836.95	1,025.00
Corsicana, Tex	do	50,000.00	9,749	20,570.00	do	2,836.95	1,200.00
Crookston, Minn	do	50,000.00	7,559	22,323.00	Post office, Internal Revenue, land office	2,836.95	840.00
Dalton, Ga	do	50,000.00	5,324	11,903.00	Post office	2,836.95	540.00
Danville, Ky	do	50,000.00	5,420	11,827.00	Post office, Internal Revenue	2,836.95	700.00
Denison, Tex	do	85,000.00	13,632	27,059.00	Post office	3,743.36	900.00
Des Moines, Iowa	do	500,000.00	86,368		Post office, Civil Service	24,007.89	618.00
Devils Lake, N. Dak	Post office and courthouse	150,000.00	5,157	11,039.00	Post office, United States court, land office	7,185.80	1,860.00
Dixon, Ill	Post office	50,000.00	7,216	21,412.00	Post office	2,836.95	1,000.00
Dothan, Ala	do	40,000.00	7,016	10,977.00	Post office, United States court, Civil Service	2,219.38	500.00
Dover, N. H	do	95,000.00	13,247	23,663.00	Post office, Civil Service	3,743.36	700.00
Eagle Pass, Tex	Post office and customhouse.	50,000.00	3,536	4,555.00	Post office, customs, Immigration Bureau, quarantine office.	2,836.95	803.88
East Liverpool, Ohio	Post office	100,000.00	20,387	46,367.00	Post office	4,837.85	1,775.00
East St. Louis, Ill	Post office and courthouse	300,000.00	58,547	68,612.00	Post office, United States court, Internal Revenue.	11,526.19	4,230.00
Escanaba, Mich	Post office	50,000.00	13,194	20,209.00	Post office, customs, Weather Bureau	2,219.38	1,340.00

[1] Not incorporated.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 30, 1906—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Eugene, Oreg	Post office	$50,000.00	9,009	$16,489.00	Post office, Forestry Service	$2,219.38	$1,426.00
Eureka, Cal	Post office and customhouse	120,000.00	11,845	23,077.00	Post office, customs, United States court, Weather Bureau, land office.	4,837.85	1,458.00
Fairmont, W. Va	Post office	75,000.00	9,711	32,405.00	Building not yet erected	3,743.36	1,500.00
Fayetteville, Ark	do	50,000.00	4,471	17,515.00	Post office, Internal Revenue, United States marshal.	2,836.95	800.00
Fayetteville, N. C	do	60,000.00	7,045	16,286.00	Post office	2,836.95	800.00
Fernandina, Fla	Post office, customhouse and courthouse.	100,000.00	3,482	8,923.00	Post office, customs, United States court, Immigration Service, Weather Bureau.	4,837.85	450.00
Florence, Ala	Post office	50,000.00	6,689	11,775.00	Post office, United States court	2,836.95	870.00
Fredericksburg, Va	do	40,000.00	5,874	13,457.00	Post office, Internal Revenue, Civil Service	2,219.38	700.00
Gadsden, Ala	do	60,000.00	10,557	13,840.00	Post office	2,836.95	600.00
Gainesville, Ga	do	50,000.00	5,925	12,296.00	Post office, Internal Revenue	2,836.95	1,000.00
Gonzales, Tex	do	50,000.00	3,139	6,176.00	Post office	2,836.95	274.00
Grand Island, Nebr	Post office and courthouse	125,000.00	10,326	28,198.00	Post office, United States court, Internal Revenue	4,837.85	1,600.00
Grand Rapids, Mich	do	500,000.00	112,571		Post office, United States court, Internal Revenue, pension examiner, Civil Service, United States Engineers.	24,007.89	1,949.95
Great Falls, Mont	do	200,000.00	13,948	30,216.00	Post office, United States court, customs, land office, Forestry Service, Reclamation Service.	10,559.46	3,570.00
Greenville, Miss	Post office	60,000.00	9,610	24,722.00	Post office	2,836.95	900.00
Greenville, Ohio	do	35,000.00	6,237	16,310.00	do	2,219.38	700.00
Greenville, Tex	do	70,000.00	8,850	17,775.00	Post office, Bureau of Animal Industry	2,836.95	480.00
Greenwood, S. C	do	60,000.00	6,614	11,980.00	Post office, Internal Revenue	2,836.95	500.00
Gulfport, Miss	Post office and customhouse	100,000.00	6,386	20,276.00	Post office, customs, Civil Service, immigration inspector.	4,837.85	1,320.00
Hagerstown, Md	Post office	85,000.00	16,507	34,759.00	Post office, Internal Revenue	3,743.36	1,100.00
Hamilton, Ohio	do	100,000.00	35,279	60,696.00	Post office, Internal Revenue, Civil Service	4,837.85	1,635.00
Hazleton, Pa	do	75,000.00	25,452	28,896.00	Post office	3,743.36	900.00
Houston, Tex	Post office and courthouse	400,000.00	78,800		Post office, United States court, customs, Internal Revenue, immigration inspector, Civil Service, Naturalization Bureau, Bureau of Animal Industry.	11,523.19	2,500.00
Hudson, N. Y	Post office	75,000.00	11,417	26,493.00	Post office	3,743.36	1,300.00
Iola, Kans	do	60,000.00	9,032	21,327.00	do	2,836.95	360.00
Johnson City, Tenn	do	50,000.00	8,502	14,476.00	Post office, pension examiner	2,836.95	840.00
Johnstown, Pa	do	130,000.00	55,482	73,665.00	Post office, Civil Service	4,837.85	1,600.00
Kearney, Nebr	do	80,000.00	6,202	14,951.00	Post office, pensions	3,743.36	850.00
Kenosha, Wis	do	75,000.00	21,371	36,760.00	Post office	3,743.36	1,100.00
Kewanee, Ill	do	65,000.00	9,307	30,310.00	do	2,836.95	1,400.00
Kinston, N. C	do	30,000.00	6,995	11,133.00	do	2,219.38	650.00
Lake Charles, La	Post office and courthouse	125,000.00	11,449	23,815.00	Post office, United States court	4,837.85	1,200.00
Lancaster, Ohio	Post office	75,000.00	13,093	23,321.00	Post office, Civil Service	3,743.36	1,000.00
Lead, S. Dak	do	80,000.00	8,392	13,381.00	Post office	3,743.36	600.00
Lebanon, Ky	do	30,000.00	3,077	7,203.00	Post office, Internal Revenue	2,219.38	358.00
Lincoln, Ill	do	65,000.00	10,892	17,931.00	Post office, Civil Service	2,836.95	885.00
Little Rock, Ark	Post office and courthouse	125,000.00	45,941		Post office, United States court, land office, Weather Bureau, recruiting office.	4,837.85	600.00
Logan, Utah	Post office	50,000.00	7,522	14,772.00	Post office, Forestry Service	2,836.95	839.00
London, Ky	Post office and courthouse	65,000.00	1,638	3,903.00	Post office, United States court, Internal Revenue, Army recruiting office.	2,836.95	234.00
Manchester, Va	Post office	60,000.00	[1]9,715	16,215.00	Post office	2,836.95	500.00
Manhattan, Kans	do	30,000.00	5,722	14,069.00	Post office, Civil Service	2,219.38	600.00
Manistee, Mich	do	55,000.00	12,381	19,660.00	Post office, customs, Civil Service	2,836.95	900.00
Manitowoc, Wis	do	75,000.00	13,027	29,426.00	Post office, customs, Internal Revenue	3,743.36	1,000.00
Marietta, Ga	do	50,000.00	5,949	12,159.00	Post office, Internal Revenue, Civil Service	2,836.95	1,200.00
Marietta, Ohio	do	100,000.00	12,943	38,598.00	Post office	4,837.85	1,200.00
Marinette, Wis	do	80,000.00	14,610	23,148.00	Post office, Internal Revenue	3,743.36	800.00
Marion, Ind	do	100,000.00	19,359	51,065.00	Post office, Internal Revenue, pension examiner, Civil Service.	4,837.85	740.00
Marion, Ohio	do	75,000.00	18,232	36,243.00	Post office, Civil Service	3,743.36	1,200.00
Mason City, Iowa	do	70,000.00	11,230	35,435.00	Post office	2,836.95	720.00
Mayfield, Ky	do	40,000.00	5,916	11,039.00	Post office, Civil Service	2,219.38	420.00
Meadville, Pa	do	110,000.00	12,780	36,108.00	Post office, Civil Service, pension examiner	4,837.85	1,860.00
Michigan City, Ind	do	70,000.00	19,027	20,391.00	Post office, customs	2,836.95	700.00
Milford, Del	do	30,000.00	2,603	7,295.00	Post office	2,219.38	256.00
Mitchell, S. Dak	do	90,000.00	6,515	17,584.00	Post office, United States attorney	3,743.36	1,150.00
Moline, Ill	do	75,000.00	24,199	66,734.00	Post office	3,743.36	3,000.00
Moscow, Idaho	Post office and courthouse	100,000.00	3,670	12,172.00	Post office, United States court	4,837.85	1,660.00
Murfreesboro, Tenn	Post office	30,000.00	4,679	10,535.00	Post office	2,219.38	400.00
Muscatine, Iowa	do	75,000.00	16,178	32,202.00	do	3,743.36	1,350.00
Newark, Ohio	do	90,000.00	25,404	46,631.00	Building not yet erected	3,743.36	1,500.00
New Britain, Conn	do	140,000.00	43,916	78,275.00	Post office	4,837.85	2,100.00
New Orleans, La	Post office and courthouse	1,300,000.00	339,075		Post office, United States court, United States commissioner, Weather Bureau.	38,441.98	1,504.41
Newton, Kans	Post office	60,000.00	7,862	15,305.00	Post office	2,836.95	900.00
New Ulm, Minn	do	30,000.00	5,648	12,926.00	do	2,219.38	750.00
Niles, Mich	do	40,000.00	5,156	13,027.00	do	2,219.38	780.00
North Adams, Mass	do	115,000.00	22,019	40,769.00	Post office, Bureau of Animal Industry, Civil Service.	4,837.85	875.00
Ocala, Fla	Post office and courthouse	85,000.00	4,370	15,074.00	Post office, United States court	3,743.36	500.00
Olean, N. Y	Post office	70,000.00	14,743	29,115.00	Post office	2,836.95	1,000.00
Owensboro, Ky	Post office and courthouse	175,000.00	16,011		Post office, United States court, Internal Revenue.	7,185.80	
Paris, Ill	Post office	65,000.00	7,664	18,998.00	Post office	2,836.95	900.00
Paris, Ky	do	40,000.00	5,859	11,892.00	do	2,219.38	780.00
Paris, Tenn	do	40,000.00	3,881	7,033.00	do	2,219.38	288.00
Pine Bluff, Ark	do	75,000.00	15,102	36,842.00	Post office, Internal Revenue, Civil Service, United States district attorney, pension examiner.	3,743.36	1,540.00
Pittsburg, Kans	do	75,000.00	14,755	27,151.00	Post office	3,743.36	500.00
Pittsfield, Mass	do	115,000.00	32,121	68,419.00	Post office, Internal Revenue, Civil Service	4,837.85	2,000.00
Platteville, Wis	do	40,000.00	4,452	12,231.00	Post office	2,219.38	675.00
Portland, Me	Courthouse	200,000.00	58,571		United States court	10,559.46	1,050.00
Portsmouth, Va	Post office and customhouse	98,000.00	33,190	41,960.00	Post office	3,743.36	1,500.00
Provo, Utah	Post office	60,000.00	8,925	14,547.00	Post office, Forestry Bureau, Civil Service	2,836.95	1,276.20
Quincy, Mass	Post office and customhouse	80,000.00	32,642	59,547.00	Post office	3,743.36	1,450.00
Rawlins, Wyo	Post office	80,000.00	4,256	9,096.00	do	3,743.36	600.00
Red Wing, Minn	do	60,000.00	9,048	21,251.00	do	2,836.95	1,025.00
Ruston, La	do	30,000.00	3,377	10,012.00	do	2,219.38	360.00
St. Charles, Mo	do	60,000.00	9,437	10,093.00	do	2,836.95	480.00

[1] Annexed to Richmond, Va., in 1910.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 30, 1906—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Salisbury, N. C.	Post office	$75,000.00	7,153	$20,167.00	Post office, United States court, Civil Service	$3,743.36	$800.00
San Angelo, Tex.	Post office and courthouse	100,000.00	10,321	14,952.00	Post office, United States court	4,837.85	1.00
San Diego, Cal.	Post office and customhouse	150,000.00	39,578	77,226.00	Post office, customs, United States court, Immigration Service, Bureau of Animal Industry, Civil Service, Forestry, Weather Bureau.	7,185.80	2,892.00
San Juan, P. R.	Post office and courthouse	300,000.00	48,716	57,719.00	Post office, United States court, Internal Revenue, Lighthouse Service, customs, Immigration Service, Marine-Hospital Service.	11,526.19	3,923.00
Santa Rosa, Cal.	Post office	70,000.00	7,817	21,754.00	Post office, Internal Revenue	2,836.95	900.00
Sault Ste. Marie, Mich.	do	100,000.00	12,615	27,331.00	Post office, customs, Revenue-Cutter Service, special agent of United States Treasury, Immigration Service, Navy Hydrographic Office, United States court, Civil Service.	4,837.85	1,436.00
Schenectady, N. Y.	do	170,000.00	72,826	138,580.00	Post office	7,185.80	5,250.00
Sharon, Pa.	do	80,000.00	15,270	30,856.00	do	3,743.36	1,200.00
Sheridan, Wyo.	Post office and courthouse	150,000.00	8,408	12,756.00	Post office, United States court	7,185.80	720.00
Sumter, S. C.	Post office	50,000.00	8,109	18,980.00	Post office	2,836.95	540.00
Texarkana, Tex.	Courthouse	100,000.00	9,790		United States court	4,837.85	
Toledo, Ohio.	Post office	500,000.00	168,497		Post office	24,007.89	1,226.00
Trinidad, Colo.	do	60,000.00	10,204	25,084.00	Post office, Civil Service	2,836.95	875.00
Tuscaloosa, Ala.	Post office and courthouse	150,000.00	8,407	15,450.00	Post office, United States court, United States Engineers.	7,185.80	850.00
Valdosta, Ga.	do	125,000.00	7,656	23,326.00	Post office, United States court	4,837.85	1,100.00
Versailles, Ky.	Post office	25,000.00	2,268	6,185.00	Post office	2,219.38	352.00
Washington, N. C.	Post office and courthouse	75,000.00	6,211	10,581.00	Post office, United States court, Customs	3,743.36	700.00
Watertown, N. Y.	Post office	77,000.00	26,730		Post office, Internal Revenue	3,743.36	
Watertown, S. Dak.	do	90,000.00	7,010	16,817.00	Post office, Civil Service	3,743.36	1,050.00
Waukegan, Ill.	do	75,000.00	16,069	35,992.00	Post office	3,743.36	850.00
Webster City, Iowa	do	70,000.00	5,208	12,460.00	do	2,836.95	750.00
Willimantic, Conn.	do	50,000.00	11,230	19,236.00	do	2,836.95	1,200.00
Winchester, Ky.	do	45,000.00	7,156	11,622.00	do	2,219.38	700.00
Winchester, Va.	do	60,000.00	5,864	16,375.00	Post office, Internal Revenue, Civil Service	2,836.95	700.00
Woonsocket, R. I.	do	90,000.00	38,125	39,804.00	Post office	3,743.36	1,250.00
Yazoo City, Miss.	do	40,000.00	6,796	14,307.00	do	2,219.38	630.00
Yonkers, N. Y.	do	170,000.00	79,803	92,063.00	Building not yet erected	7,185.80	2,725.00
York, Nebr.	do	70,000.00	6,235	14,642.00	Post office	2,836.95	900.00
Total		17,087,500.00	3,639,122	3,632,078.00		754,488.18	187,778.17

ACT OF MAY 30, 1908.

Abbeville, S. C.	Post office	$50,000.00	4,459	$7,058.00	Building not yet erected	$2,836.95	$480.00
Aiken, S. C.	do	50,000.00	3,911	10,026.00	Post office	2,836.95	700.00
Alameda, Cal.	do	120,000.00	23,383	41,690.00	Post office, customs, special Treasury agent, Forestry Service, Army and Navy Bureau, Marine-Hospital Service.	4,837.85	1,400.00
Albany, Oreg.	do	65,000.00	4,275	13,137.00	Post office, Forestry Service, Civil Service	2,836.95	720.00
Alliance, Ohio	do	90,000.00	15,083	40,423.00	Post office	3,743.36	1,050.00
Ames, Iowa	do	60,000.00	4,223	18,731.00	Post office, Civil Service	2,836.95	550.00
Amsterdam, N. Y.	do	65,000.00	31,267	52,484.00	Post office	2,836.95	1,800.00
Ansonia, Conn.	do	90,000.00	15,152	26,983.00	Building not yet erected	3,743.36	1,200.00
Appleton, Wis.	do	65,000.00	16,773	42,247.00	Post office	2,836.95	1,350.00
Asbury Park, N. J.	do	125,000.00	10,150	62,798.00	Post office, Internal Revenue	4,837.85	2,500.00
Ashtabula, Ohio	do	80,000.00	18,266	35,483.00	Post office	3,743.36	1,437.00
Athol, Mass.	do	65,000.00	8,536	25,915.00	do	2,836.95	1,000.00
Austin, Minn.	do	50,000.00	6,960	18,612.00	do	2,836.95	900.00
Bellingham, Wash.	Post office and courthouse	120,000.00	24,298	51,923.00	Post office, United States court, customs, Internal Revenue, Forestry Service, Immigration Service.	4,837.85	2,845.00
Beloit, Wis.	Post office	75,000.00	15,125	44,624.00	Post office, Civil Service	3,743.36	1,190.00
Beverly, Mass.	do	70,000.00	18,650	33,778.00	do	2,836.95	1,500.00
Big Stone Gap, Va.	Post office and courthouse	100,000.00	2,590	4,946.00	Post office, United States court, Internal Revenue	4,837.85	300.00
Billings, Mont.	Post office	125,000.00	10,031	41,600.00	Post office, land office, Geological Survey, Civil Service.	4,837.85	1,380.00
Bismarck, N. Dak.	Post office and courthouse	150,000.00	5,443	25,660.00	Post office, land office, United States court, Bureau of Animal Industry.	7,185.80	4,978.00
Bloomington, Ind.	Post office	66,000.00	8,838	21,913.00	Post office, Civil Service	2,836.95	1,000.00
Bonham, Tex.	do	50,000.00	4,844	11,148.00	Post office	2,836.95	980.00
Braddock, Pa.	do	125,000.00	19,357	46,736.00	do	4,837.85	1,800.00
Bradford, Pa.	do	70,000.00	14,544	49,631.00	do	2,836.95	1,400.00
Brainerd, Minn.	do	45,000.00	8,526	16,423.00	do	2,219.38	240.00
Brattleboro, Vt.	Post office and courthouse	90,000.00	6,517	40,646.00	Building not yet erected	3,743.36	1,100.00
Brazil, Ind.	Post office	65,000.00	9,340	16,534.00	Post office, Civil Service	2,836.95	888.00
Bristol, Conn.	do	90,000.00	9,257	26,867.00	Post office	3,743.36	1,400.00
Bristol, Pa.	do	75,000.00	9,256	14,990.00	Building not yet erected	3,743.36	600.00
Brookhaven, Miss.	do	65,000.00	5,293	15,182.00	Post office	2,836.95	580.00
Burlington, N. J.	do	50,000.00	8,336	20,146.00	Building not yet erected	2,836.95	900.00
Carbondale, Pa.	do	60,000.00	17,040	24,017.00	Post office, Internal Revenue	2,836.95	750.00
Carrollton, Mo.	do	60,000.00	3,452	9,401.00	Post office	2,836.95	600.00
Catlettsburg, Ky.	Post office and courthouse	100,000.00	3,250	6,635.00	Post office, United States court, United States Engineers.	4,837.85	292.00
Centralia, Ill.	Post office	60,000.00	9,680	17,805.00	Post office	2,836.95	700.00
Chambersburg, Pa.	do	65,000.00	11,800	31,379.00	Post office, Internal Revenue, Civil Service, pension examiner.	2,836.95	1,150.00
Chelsea, Mass.	do	125,000.00	32,452	57,047.00	Post office	2,836.95	2,300.00
Chicago Heights, Ill.	do	65,000.00	14,525	26,937.00	do	4,837.85	890.00
Clay Center, Kans.	do	65,000.00	3,438	13,914.00	Post office, Civil Service	2,836.95	550.00
Cleburne, Tex.	do	70,000.00	10,364	20,833.00	Post office	2,836.95	600.00
Cleveland, Tenn.	do	50,000.00	5,549	10,868.00	Post office, Civil Service	2,836.95	720.00
Clinton, Mo.	do	65,000.00	4,992	13,908.00	Post office	2,836.95	1,000.00
Coffeyville, Kans.	do	75,000.00	12,687	29,787.00	do	3,743.36	900.00
Columbus, Ind.	do	65,000.00	8,813	23,418.00	do	2,836.95	1,000.00
Columbus, Nebr.	do	65,000.00	5,014	13,566.00	do	2,836.95	800.00
Concord, N. C.	do	60,000.00	8,715	13,229.00	do	2,836.95	1,000.00
Connellsville, Pa.	do	90,000.00	12,845	28,256.00	Post office, Internal Revenue	3,743.36	2,000.00
Connersville, Ind.	do	60,000.00	7,738	20,050.00	Post office	2,836.95	800.00
Cordele, Ga.	do	50,000.00	5,883	14,825.00	Post office, Civil Service	2,836.95	600.00
Corinth, Miss.	do	60,000.00	5,020	15,666.00	Building not yet erected	2,836.95	660.00
Corpus Christi, Tex.	Post office and customhouse	70,000.00	8,222	18,836.00	Post office, customs, Weather Bureau	2,836.95	734.00
Crowley, La.	Post office	55,000.00	5,099	12,787.00	Post office	2,836.95	600.00
Danbury, Conn.	do	115,000.00	20,234	54,663.00	Building not yet erected	4,837.85	2,300.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF MAY 30, 1908—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Danville, Ill	Post office and courthouse	$275,000.00	27,871		Post office, United States court, pension agent	$10,559.46	
Darlington, S. C	Post office	50,000.00	3,789	$8,395.00	Post office	2,836.95	$310.00
Decorah, Iowa	do	60,000.00	3,592	25,276.00	do	2,836.95	500.00
Delaware, Ohio	do	65,000.00	9,076	23,244.00	do	2,836.95	930.00
Del Rio, Tex	Post office and courthouse	90,000.00	(1)	6,530.00	Post office, United States court, customs, Internal Revenue, Civil Service, Weather Bureau, Immigration Service, Secret Service, special agent of Department of Commerce and Labor	3,743.36	956.00
Demopolis, Ala	Post office	40,000.00	2,417	8,135.00	Post office	2,219.38	204.00
Denver, Colo	do	1,000,000.00	213,381		Post office, United States court, customs, Immigration Service, Weather Bureau, land office, Forestry Service, pension examiner, Bureau of Animal Industry, Secret Service, Naturalization Service, Civil Service.	53,664.83	9,456.98
Dublin, Ga	do	50,000.00	5,795	13,770.00	Post office	2,836.95	660.00
Dyersburg, Tenn	do	50,000.00	4,149	10,242.00	do	2,836.95	260.00
Easton, Pa	do	100,000.00	28,523	91,091.00	Post office, Internal Revenue, Civil Service	4,837.85	2,321.00
Elwood, Ind	do	50,000.00	11,028	14,310.00	Post office	2,836.95	900.00
Enid, Okla	Post office and courthouse	100,000.00	10,087	31,453.00	Post office, United States court, Internal Revenue	4,837.85	845.00
Ensley, Ala	Post office	60,000.00	(1)	17,909.00	Post office	2,836.95	592.00
Estherville, Iowa	do	60,000.00	3,404	11,115.00	do	2,836.95	660.00
Eufaula, Ala	do	50,000.00	4,259	10,653.00	Post office, Civil Service	2,836.95	500.00
Everett, Wash	Post office and customhouse	130,000.00	24,814	45,769.00	Building not yet erected	4,837.85	2,316.00
Fairbury, Nebr	Post office	70,000.00	5,294	14,225.00	Post office	2,836.95	600.00
Faribault, Minn	do	50,000.00	9,001	22,871.00	Post office, Internal Revenue	2,836.95	900.00
Fort Collins, Colo	do	60,000.00	8,210	28,263.00	Post office, Civil Service	2,836.95	500.00
Franklin, La	do	50,000.00	3,857	7,470.00	Post office	2,836.95	244.00
Frostburg, Md	do	50,000.00	6,028	9,840.00	Building not yet erected	2,836.95	475.00
Gaffney, S. C	do	50,000.00	4,767	8,550.00	Post office	2,836.95	600.00
Gastonia, N. C	do	65,000.00	5,759	12,135.00	do	2,836.95	250.00
Goldfield, Nev	do	75,000.00	4,838	62,689.00	Building not yet erected	3,743.36	2,820.00
Goshen, Ind	do	70,000.00	8,514	35,421.00	Post office	2,836.95	1,200.00
Granite City, Ill	do	70,000.00	9,903	15,770.00	do	2,836.95	900.00
Great Bend, Kans	do	60,000.00	4,622	12,187.00	do	2,836.95	460.00
Greencastle, Ind	do	50,000.00	3,790	14,180.00	do	2,836.95	700.00
Greensburg, Pa	do	100,000.00	13,012	47,430.00	do	4,837.85	1,850.00
Greenville, Ill	do	65,000.00	3,178	14,634.00	do	2,836.95	720.00
Greenwood, Miss	do	60,000.00	5,836	14,600.00	do	2,836.95	675.00
Griffin, Ga	do	50,000.00	7,478	13,354.00	do	2,836.95	575.00
Harriman, Tenn	do	55,000.00	3,061	10,231.00	do	2,836.95	720.00
Hattiesburg, Miss	do	70,000.00	11,733	41,266.00	do	2,836.95	540.00
Henderson, N. C	do	60,000.00	4,503	12,622.00	do	2,836.95	720.00
Highpoint, N. C	do	65,000.00	9,525	28,413.00	Post office, Civil Service	2,836.95	1,750.00
Hillsboro, Tex	do	60,000.00	6,115	16,004.00	Post office, special agent Department of Commerce and Labor.	2,836.95	720.00
Hillsdale, Mich	do	50,000.00	5,001	16,640.00	Post office	2,836.95	800.00
Hinton, W. Va	do	50,000.00	3,656	11,607.00	do	2,836.95	400.00
Holdrege, Nebr	do	80,000.00	3,030	12,566.00	do	3,743.36	760.00
Homestead, Pa	do	100,000.00	18,713	25,765.00	do	4,837.85	1,200.00
Honolulu, Hawaii	Post office, courthouse, and customhouse.	850,000.00	52,183		Post office, Customs, United States court, Internal Revenue, files, United States engineers, Weather Bureau, Steamboat-Inspection Service, Lighthouse Board.	28,685.50	7,720.00
Hope, Ark	Post office	50,000.00	3,639	10,722.00	Post office	2,836.95	600.00
Huron, S. Dak	do	80,000.00	5,791	20,829.00	Post office, Weather Bureau, surveyor general's office.	3,743.36	1,350.00
Independence, Kans	do	75,000.00	10,480	31,425.00	Post office	3,743.36	900.000
Independence, Mo	do	80,000.00	9,859	12,534.00	do	3,743.36	415.00
Ionia, Mich	do	70,000.00	5,030	22,162.00	do	2,836.95	900.00
Ironton, Ohio	do	90,000.00	13,147	24,295.00	do	3,743.36	1,200.00
Jeffersonville, Ind	do	65,000.00	10,412	15,122.00	Post office, Civil Service	2,836.95	600.00
Jersey City, N. J	do	350,000.00	267,779		Post office, Internal Revenue, Census Office, Naturalization Bureau, Navy inspector, powder inspector, Civil Service, Customs, Bureau of Animal Industry, Pensions.	11,526.19	1,110.00
Jonesboro, Ark	do	80,000.00	7,193	18,830.00	Court, post office	3,743.36	480.00
Keene, N. H	do	70,000.00	10,068	35,295.00	Post office, Civil Service	2,836.95	1,519.00
Kokomo, Ind	do	75,000.00	17,010	52,795.00	Post office	3,743.36	996.00
La Grande, Oreg	do	65,000.00	4,843	13,595.00	Post office, land office, customs, Forestry Service	2,836.95	980.00
Lagrange, Ga	do	50,000.00	5,587	12,391.00	Post office	2,836.95	720.00
Lander, Wyo	do	115,000.00	1,812	5,951.00	Post office, United States court, land office, Forestry Service.	4,837.85	859.00
Laporte, Ind	do	70,000.00	10,525	30,429.00	Post office	2,836.95	850.00
La Salle, Ill	do	65,000.00	11,537	25,146.00	Building not yet erected	2,836.95	1,370.00
Laurens, S. C	do	50,000.00	4,818	9,182.00	Post office	2,836.95	660.00
Lewiston, Idaho	do	85,000.00	6,043	21,500.00	Post office, land office, Weather Bureau	3,743.36	2,076.00
Lexington, Mo	do	45,000.00	5,242	10,895.00	Post office	2,219.38	600.00
Lexington, N. C	do	65,000.00	4,163	9,103.00	do	2,836.95	725.00
Lexington, Va	do	60,000.00	2,931	13,399.00	do	2,836.95	700.00
Litchfield, Ill	do	60,000.00	5,971	15,111.00	Post office, Internal Revenue	2,836.95	720.00
Macon, Mo	do	60,000.00	3,584	13,778.00	Post office	2,836.95	550.00
Malone, N. Y	do	50,000.00	6,467	20,969.00	do	2,836.95	2,015.76
Mansfield, Ohio	do	100,000.00	20,768	70,263.00	Post office, Internal Revenue, Civil Service, pension examiner	4,837.85	2,000.00
Marlboro, Mass	do	70,000.00	14,579	25,115.00	Post office, Civil Service	2,836.95	950.00
Maryville, Mo	do	50,000.00	4,762	13,630.00	Post office	2,836.95	500.00
Massillon, Ohio	do	90,000.00	13,879	31,435.00	do	3,743.36	1,200.00
Mattoon, Ill	do	70,000.00	11,456	24,003.00	do	2,836.95	1,010.00
McKinney, Tex	do	60,000.00	4,714	21,203.00	Post office, Civil Service	2,836.95	720.00
Mexico, Mo	do	80,000.00	5,939	16,572.00	Post office	3,743.36	800.00
Miami, Fla	Post office, courthouse, and customhouse.	175,000.00	5,471	25,361.00	Post office, United States court, customs, Weather Bureau, Immigration Service.	7,185.80	1,180.00
Middletown, N. Y	Post office	75,000.00	15,313	45,523.00	Post office	3,743.36	1,650.00
Milford, Mass	do	80,000.00	13,055	21,565.00	do	3,743.36	1,100.00
Milledgeville, Ga	do	50,000.00	4,385	12,638.00	do	2,836.95	650.00
Mineral Wells, Tex	do	60,000.00	3,950	17,727.00	Post office, Civil Service	2,836.95	460.00
Minneapolis, Minn	do	500,000.00	301,408		do	24,007.89	1,362.81
Minot, N. Dak	Post office and courthouse	150,000.00	6,188	32,830.00	Building not yet erected	7,185.80	3,060.00
Missoula, Mont	Post office	115,000.00	12,869	40,347.00	Post office, Civil Service, Forestry Service	4,837.85	2,200.00
Monroe, Mich	do	60,000.00	6,893	18,276.00	Post office, customs	2,836.95	575.00

(1) Not incorporated.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF MAY 30, 1908—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Morgantown, W. Va.	Post-office	$100,000.00	9,150	$29,070.00	Post office, United States engineer	$4,837.85	$1,710.00
Mount Clemens, Mich.	do	65,000.00	7,707	24,145.00	Post office, Customs	2,836.95	900.00
Mount Sterling, Ky.	do	65,000.00	3,932	11,538.00	Post office	2,836.95	500.00
Murphysboro, Ill.	do	65,000.00	7,485	14,513.00	do	2,836.95	700.00
Muskogee, Okla.	do	200,000.00	14,418	65,174.00	Post office, United States court, Internal Revenue, Indian Service, Dawes Commission, Civil Service, recruiting station.	10,559.46	17,036.43
Newark, N. Y.	do	50,000.00	6,227	33,147.00	Post office	2,836.95	650.00
Newberry, S. C.	do	50,000.00	5,028	11,074.00	do	2,836.95	800.00
Newnan, Ga.	do	45,000.00	5,548	12,004.00	do	2,219.38	420.00
North Platte, Nebr.	Post office and courthouse	110,000.00	4,793	11,314.00	Post office, United States court, land office	4,837.85	1,250.00
North Yakima, Wash.	do	120,000.00	14,082	34,052.00	Post office, United States court, land office, Weather Bureau, Reclamation Service.	4,837.85	2,880.00
Oklahoma City, Okla.	Post office	250,000.00	32,452	185,376.00	Post office, United States court, Internal Revenue, food inspector, pension examiner.	10,559.46	6,123.77
Orangeburg, S. C.	do	50,000.00	5,906	13,045.00	Post office, Internal Revenue	2,836.95	600.00
Ottumwa, Iowa	Post office and courthouse	200,000.00	22,012		United States court, Internal Revenue, pension examiner.	10,559.46	
Palestine, Tex.	Post office	70,000.00	10,482	24,491.00	Post office, Civil Service, Weather Bureau	2,836.95	704.50
Pana, Ill.	do	70,000.00	6,055	12,566.00	Post office	2,836.95	580.00
Paragould, Ark.	do	50,000.00	5,248	11,467.00	Building not yet erected	2,836.95	720.00
Park City, Utah	do	25,000.00	3,439	8,360.00	do	2,219.38	900.00
Parsons, Kans.	do	75,000.00	12,463	31,195.00	Post office	3,743.36	1,300.00
Peekskill, N. Y.	do	40,000.00	15,245	33,036.00	Post office, Internal Revenue	2,219.38	1,200.00
Pendleton, Oreg.	do	70,000.00	4,460	18,498.00	Post office, United States court, Bureau of Animal Industry.	2,836.95	1,062.00
Penn Yan, N. Y.	do	50,000.00	4,597	20,409.00	Post office	2,836.95	800.00
Peru, Ind.	do	75,000.00	10,910	24,261.00	do	3,743.36	1,000.00
Phoenix, Ariz.	Post office and courthouse	140,000.00	11,134	45,426.00	Post office, land office, United States court, surveyor general, Weather Bureau.	4,837.85	5,110.00
Plainfield, N. J.	Post office	100,000.00	20,550	66,544.00	Building not yet erected	4,837.85	2,500.00
Plattsmouth, Nebr.	do	50,000.00	4,287	9,716.00	Post office	2,836.95	1,200.00
Plymouth, Mass.	do	75,000.00	12,141	21,169.00	Building not yet erected	3,743.36	900.00
Point Pleasant, W. Va.	do	75,000.00	2,045	5,796.00	Post office, Weather Bureau, Steamboat-Inspection Service.	3,743.36	275.00
Pontiac, Ill.	do	65,000.00	6,090	20,181.00	Post office	2,836.95	800.00
Pontiac, Mich.	do	70,000.00	14,532	30,105.00	do	2,836.95	1,030.00
Port Arthur, Tex.	Post office and customhouse	125,000.00	7,663	11,010.00	Post office, United States court, customs, Immigration Service.	4,837.85	610.53
Princeton, Ind.	Post office	65,000.00	6,448	13,103.00	Post office	2,836.95	600.00
Richford, Vt.	Post office and customhouse	60,000.00	2,907	5,029.00	Post office, customs, Bureau of Animal Industry	2,836.95	160.00
Riverside, Cal.	Post office	110,000.00	15,212	41,081.00	Post office, Bureau of Plant Industry	4,837.85	561.00
Rochester, Minn.	do	50,000.00	7,844	24,337.00	Post office	2,836.95	700.00
Rock Springs, Wyo.	do	75,000.00	5,778	11,487.00	Post office, Civil Service	3,743.36	700.00
Roswell, N. Mex.	Post office and courthouse	125,000.00	6,172	18,692.00	Post office, United States court, land office, Weather Bureau, Reclamation Service, Bureau of Animal Industry.	4,837.85	2,476.00
Santa Barbara, Cal.	Post office	110,000.00	11,659	43,869.00	Post office	4,837.85	580.00
Santa Cruz, Cal.	do	90,000.00	11,146	35,402.00	Post office, Civil Service	3,743.36	660.00
San Marcos, Tex.	do	50,000.00	4,071	11,068.00	Post office	2,836.95	496.00
Sewickley, Pa.	do	60,000.00	4,479	14,600.00	do	2,836.95	1,000.00
Shamokin, Pa.	do	75,000.00	19,588	26,844.00	do	3,743.36	1,300.00
Shenandoah, Iowa	do	50,000.00	4,976	23,471.00	do	2,836.95	700.00
Shreveport, La.	Post office and courthouse	200,000.00	28,015		Post office, United States court	10,559.46	
Somerset, Ky.	Post office	65,000.00	4,491	12,039.00	Building not yet erected	2,836.95	900.05
Steelton, Pa.	do	75,000.00	14,246	23,317.00	Post office	3,743.36	875.00
Stevens Point, Wis.	do	65,000.00	8,692	17,273.00	do	2,836.95	720.00
Suffolk, Va.	do	60,000.00	7,008	20,137.00	do	2,836.95	700.00
Sulphur Springs, Tex.	do	50,000.00	5,151	8,685.00	Post office, Civil Service	2,836.95	360.00
Talladega, Ala.	do	65,000.00	5,854	15,105.00	Post office	2,836.95	900.00
Temple, Tex.	do	70,000.00	10,993	22,404.00	Post office, agent of Department of Agriculture	2,836.95	960.00
Terrell, Tex.	do	50,000.00	7,050	14,218.00	Post office	2,836.95	420.00
Troy, Ala.	do	40,000.00	4,961	11,025.00	Post office, Internal Revenue	2,219.38	500.00
Union, S. C.	do	50,000.00	5,623	9,178.00	Building not yet erected	2,836.95	430.00
Union City, Tenn.	do	50,000.00	4,389	10,497.00	Post office	2,836.95	600.00
Victoria, Tex.	Post office and courthouse	95,000.00	3,673	12,561.00	Post office, United States court	3,743.36	1,440.00
Virginia, Minn.	Post office	60,000.00	10,473	15,255.00	Post office	2,836.95	660.00
Wabash, Ind.	do	65,000.00	8,687	24,351.00	Post office, Internal Revenue	2,836.95	950.00
Walla Walla, Wash.	Post office and courthouse	140,000.00	19,364	39,560.00	Post office, United States court, Internal Revenue, land office, Weather Bureau, Immigration Service, Forestry Service.	4,837.85	3,366.00
Wallingford, Conn.	Post office	60,000.00	8,690	21,020.00	Post office, Immigration Service, land office, Forestry Service, Internal Revenue, United States court, Civil Service.	2,836.95	600.00
Warrensburg, Mo.	do	65,000.00	4,689	13,506.00	Post office	2,836.95	500.00
Watertown, Wis.	do	65,000.00	8,829	19,504.00	do	2,836.95	1,000.00
Waterville, Me.	do	120,000.00	11,458	57,792.00	do	4,837.85	2,300.00
Waxahachie, Tex.	do	60,000.00	6,205	16,146.00	Post office, Civil Service	2,836.95	300.00
Waycross, Ga.	do	75,000.00	14,485	20,259.00	Post office	3,743.36	600.00
Webster, Mass.	do	60,000.00	11,509	17,401.00	do	2,836.95	800.00
Wellington, Kans.	do	65,000.00	7,034	14,311.00	do	2,836.95	720.00
Westerly, R. I.	do	100,000.00	8,696	27,235.00	do	4,837.85	950.00
Westfield, Mass.	do	75,000.00	16,044	41,573.00	do	3,743.36	1,200.00
West Point, Miss.	do	50,000.00	4,864	11,003.00	Building not yet erected	2,836.95	750.00
Wichita Falls, Tex.	do	50,000.00	8,200	18,025.00	Post office	2,836.95	460.00
Willmar, Minn.	do	50,000.00	4,135	12,012.00	do	2,836.95	550.00
Wilmington, N. C.	Customhouse and appraiser's stores.	300,000.00	25,748		Building not yet erected	11,526.19	
Wilson, N. C.	Post office	60,000.00	6,717	16,773.00	do	2,836.95	600.00
Woburn, Mass.	do	60,000.00	15,308	19,552.00	Post office	2,836.95	900.00
York, Pa.	do	300,000.00	44,750		Post office, Internal Revenue	11,526.19	
Total		19,261,000.00	2,769,487	4,734,294.00		853,017.79	242,137.77

ACT OF JUNE 25, 1910.

Abilene, Kans.	Post office	$70,000.00	4,118	$21,710.00	Drawings commenced	$2,836.95	$850.00
Albion, Mich.	do	70,000.00	5,833	20,359.00	Drawings not commenced	2,836.95	840.00
Amarillo, Tex.	Post office and courthouse	200,000.00	9,957	46,822.00	do	10,559.46	1,260.00
Ardmore, Okla.	do	150,000.00	8,618	23,134.00	do	7,185.80	3,092.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 25, 1910—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Arkansas City, Kans.	Post office	$75,000.00	7,508	$23,637.00	Drawings not commenced	$3,743.36	$1,200.00
Augusta, Ga.	Post office and courthouse (new).	250,000.00	41,040		Drawings commenced	10,559.46	
Austin, Tex.	Post office	210,000.00	29,860		do	10,559.46	
Bainbridge, Ga.	do	50,000.00	4,217	14,372.00	Drawings not commenced	2,836.95	750.00
Baltimore, Md.	Immigrant station	130,000.00	558,485		Drawings commenced	4,837.85	3,000.00
Bardstown, Ky.	Post office	60,000.00	2,126	5,886.00	Drawings not commenced	2,836.95	300.00
Beardstown, Ill.	do	55,000.00	6,107	11,971.00	do	2,836.95	760.00
Bedford, Pa.	do	80,000.00	2,235	10,995.00	do	3,743.36	600.00
Bedford City, Va.	do	45,000.00	2,508	11,160.00	do	2,219.38	600.00
Bellaire, Ohio	do	95,000.00	12,946	23,383.00	do	3,743.36	775.00
Bellefontaine, Ohio	do	70,000.00	8,238	20,749.00	Drawings commenced	2,836.95	890.00
Beloit, Kans.	do	50,000.00	3,082	12,515.00	do	2,836.95	660.00
Bennettsville, S. C.	do	50,000.00	2,646	10,547.00	Drawings not commenced	2,836.95	480.00
Bennington, Vt.	do	75,000.00	6,211	17,891.00	do	3,743.36	900.00
Berkeley, Cal.	do	180,000.00	40,434	104,882.00	do	7,185.80	2,400.00
Biddeford, Me.	do	75,000.00	17,049	19,578.00	do	3,743.36	1,450.00
Big Rapids, Mich.	do	70,000.00	4,519	18,222.00	do	2,836.95	650.00
Blackwell, Okla.	do	50,000.00	3,266	11,977.00	do	2,836.95	840.00
Blue Island, Ill.	do	70,000.00	8,043	21,516.00	do	2,836.95	880.00
Boonville, Mo.	do	50,000.00	4,252	11,711.00	Drawings under competition	2,836.95	500.00
Bowling Green, Ohio	do	60,000.00	5,222	14,403.00	Drawings not commenced	2,836.95	700.00
Bozeman, Mont.	do	75,000.00	5,107	21,973.00	do	3,743.36	900.00
Brigham City, Utah	do	35,000.00	3,685	7,369.00	do	2,219.38	400.00
Brookfield, Mo.	do	65,000.00	5,749	11,262.00	do	2,836.95	530.00
Brookings, S. Dak.	do	75,000.00	2,971	17,645.00	do	3,743.36	750.00
Brownwood, Tex.	do	70,000.00	6,967	22,239.00	Drawings commenced	2,836.95	800.00
Bryan, Tex.	do	50,000.00	4,132	11,566.00	Drawings not commenced	2,836.95	260.00
Butler, Pa.	do	75,000.00	20,728	48,089.00	Drawings commenced	3,743.36	2,520.00
Cadillac, Mich.	do	80,000.00	8,375	24,952.00	Drawings not commenced	3,743.36	852.00
Cambridge, Ohio	do	85,000.00	11,327	27,415.00	do	3,743.36	925.00
Camden, Me.	do	75,000.00	3,015	47,624.00	do	3,743.36	600.00
Camden, S. C.	do	50,000.00	3,569	10,163.00	do	2,836.95	660.00
Canton, Ill.	do	85,000.00	10,453	27,487.00	do	3,743.36	930.00
Canton, Miss.	do	50,000.00	3,939	10,148.00	do	2,836.95	600.00
Carnegie, Pa.	do	80,000.00	10,009	15,632.00	do	3,743.36	700.00
Carrollton, Ga.	do	45,000.00	3,297	9,078.00	Drawings commenced	2,219.38	711.00
Cartersville, Ga.	do	45,000.00	4,067	11,200.00	Drawings not commenced	2,219.38	571.00
Casper, Wyo.	do	55,000.00	2,639	7,883.00	Drawings commenced	2,836.95	210.00
Cedartown, Ga.	do	45,000.00	3,551	10,068.00	do	2,219.38	480.00
Chanute, Kans.	do	75,000.00	9,272	23,638.00	Drawings not commenced	3,743.36	750.00
Chickasha, Okla.	Post office and courthouse	135,000.00	10,320	31,460.00	do	4,837.85	501.00
Chico, Cal.	Post office	100,000.00	3,750	27,340.00	do	4,837.85	1,000.00
Chillicothe, Mo.	do	65,000.00	6,265	19,337.00	do	2,836.95	1,260.00
Clarksdale, Miss.	do	60,000.00	4,079	14,455.00	do	2,836.95	520.00
Clarksville, Tex.	do	45,000.00	2,065	7,416.00	Drawings commenced	2,219.38	400.00
Coeur d'Alene, Idaho	Post office and courthouse	100,000.00	7,291	22,782.00	Drawings not commenced	4,837.85	1,260.00
Collinsville, Ill.	Post office	70,000.00	7,478	10,266.00	do	2,836.95	300.00
Concordia, Kans.	do	70,000.00	4,415	17,111.00	Drawings commenced	2,836.95	927.00
Cookeville, Tenn.	Post office and courthouse	100,000.00	1,848	6,711.00	Drawings not commenced	4,837.85	319.00
Corry, Pa.	Post office	65,000.00	5,991	24,450.00	do	2,836.95	1,200.00
Cortland, N. Y.	do	80,000.00	11,504	43,256.00	do	3,743.36	1,750.00
Covington, Tenn.	do	45,000.00	2,990	8,284.00	do	2,219.38	400.00
Covington, Va.	do	45,000.00	4,234	10,228.00	do	2,219.38	840.00
Cuero, Tex.	do	45,000.00	3,109	11,401.00	do	2,219.38	10.00
Cullman, Ala.	do	50,000.00	2,130	10,227.00	do	2,836.95	300.00
Cynthiana, Ky.	do	65,000.00	3,603	10,711.00	do	2,836.95	600.00
Dayton, Ohio	Post office and courthouse	500,000.00	116,577		Post office, courts, pension examiner, Internal Revenue, Bureau of Animal Industry, Civil Service Commission, Customs Service.	24,007.89	
Defiance, Ohio	Post office	65,000.00	7,327	22,797.00	Drawings commenced	2,836.95	1,000.00
Delavan, Wis.	do	62,500.00	2,450	11,783.00	Drawings not commenced	2,836.95	780.00
Denison, Iowa	do	50,000.00	3,133	11,561.00	do	2,836.95	720.00
De Soto, Mo.	do	60,000.00	4,721	9,691.00	do	2,836.95	460.00
Douglas, Wyo.	do	65,000.00	2,246	8,021.00	do	2,836.95	840.00
Duquoin, Ill.	do	60,000.00	5,454	10,510.00	do	2,836.95	720.00
East Pittsburgh, Pa.	do	100,000.00	5,615	46,209.00	do	4,837.85	950.00
Edwardsville, Ill.	do	70,000.00	5,014	14,429.00	do	2,836.95	480.00
Elberton, Ga.	do	45,000.00	6,483	10,349.00	Drawings commenced	2,219.38	460.00
Elkins, W. Va.	do	85,000.00	5,260	22,177.00	do	3,743.36	1,320.00
El Reno, Okla.	do	100,000.00	7,872	29,688.00	Drawings not commenced	4,837.85	1,090.00
Ennis, Tex.	do	60,000.00	5,669	12,497.00	do	2,836.95	400.00
Eureka Springs, Ark.	do	57,500.00	3,228	12,117.00	do	2,836.95	550.00
Excelsior Springs, Mo.	do	60,000.00	3,900	15,106.00	do	2,836.95	720.00
Fayetteville, Tenn.	do	50,000.00	2,439	9,359.00	do	2,836.95	525.00
Fort Atkinson, Wis.	do	60,000.00	3,877	31,730.00	do	2,836.95	900.00
Fort Madison, Iowa	do	65,000.00	3,900	18,127.00	do	2,836.95	800.00
Frankfort, Ind.	do	70,000.00	3,634	23,069.00	Drawings commenced	2,836.95	900.00
Fulton, Ky.	do	50,000.00	2,575	9,518.00	Drawings not commenced	2,836.95	400.00
Fulton, Mo.	do	60,000.00	5,228	14,334.00	do	2,836.95	600.00
Fulton, N. Y.	do	75,000.00	10,480	28,436.00	do	3,743.36	750.00
Garden City, Kans.	do	60,000.00	3,171	14,271.00	do	2,836.95	600.00
Gardiner, Me.	do	105,000.00	5,311	15,517.00	do	4,837.85	600.00
Gary, Ind.	do	125,000.00	16,802	25,957.00	do	4,837.85	2,000.00
Georgetown, Ky.	do	60,000.00	4,533	10,969.00	do	2,836.95	900.00
Gettysburg, Pa.	do	100,000.00	4,030	16,162.00	Post office, Internal Revenue, National Park Commission.	4,837.85	900.00
Glens Falls, N. Y.	do	100,000.00	15,243	46,535.00	Drawings not commenced	4,837.85	1,700.00
Gouverneur, N. Y.	do	70,000.00	4,128	13,441.00	do	2,836.95	850.00
Grafton, W. Va.	do	135,000.00	7,563	20,322.00	Drawings commenced	4,837.85	1,920.00
Grand Junction, Colo.	do	100,000.00	7,754	31,924.00	do	4,837.85	1,780.00
Grass Valley, Cal.	do	55,000.00	4,520	11,829.00	Drawings not commenced	2,836.95	720.00
Greeley, Colo.	do	75,000.00	8,179	35,090.00	do	3,743.36	1,500.00
Greenfield, Mass.	do	100,000.00	10,427	44,821.00	do	4,837.85	1,000.00
Greenville, N. C.	do	55,000.00	4,101	10,202.00	do	2,836.95	1,000.00
Grenada, Miss.	do	50,000.00	2,814	10,010.00	do	2,836.95	384.00
Hampton, Va.	do	80,000.00	5,505	20,334.00	do	3,743.36	1,000.00
Hanford, Cal.	do	75,000.00	4,829	20,395.00	do	3,743.36	720.00
Hanover, Pa.	do	100,000.00	7,057	20,335.00	Drawings commenced	3,743.36	1,250.00
Harrisburg, Ill.	do	60,000.00	5,309	12,122.00	Drawings not commenced	2,836.95	1,000.00
Hendersonville, N. C.	do	70,000.00	2,818	11,938.00	do	2,836.95	480.00
Hickory, N. C.	do	60,000.00	3,716	14,199.00	do	2,836.95	960.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 25, 1910—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Hilo, Hawaii	Post office, customhouse, and courthouse.	$200,000.00	6,745	$10,875.00	Drawings under competition	$10,559.46	$120.00
Holland, Mich	Post office	80,000.00	10,490	30,926.00	Drawings not commenced	$3,743.36	1,000.00
Hopkinsville, Ky	do	65,000.00	9,419	22,310.00	do	2,836.95	725.00
Huntingdon, Pa	do	80,000.00	6,861	27,189.00	do	3,743.36	950.00
Idaho Falls, Idaho	do	100,000.00	4,827	20,573.00	do	4,837.85	1,731.00
Iowa Falls, Iowa	do	50,000.00	2,797	12,782.00	do	2,836.95	660.00
Ishpeming, Mich	do	75,000.00	12,448	22,559.00	do	3,743.36	900.00
Jackson, Ky	Post office and courthouse	100,000.00	1,346	2,932.00	do	4,837.85	140.00
Jennings, La	Post office	50,000.00	3,925	10,764.00	do	2,836.95	650.00
Johnstown, N. Y	do	75,000.00	10,447	30,080.00	Drawings commenced	3,743.36	1,100.00
Juneau, Alaska	Executive mansion	40,000.00	1,644	5,941.00	do	2,219.38	3,183.22
Do	Post office and customhouse	200,000.00			Drawings not commenced	10,559.46	
Kingfisher, Okla	do	45,000.00	2,538	10,976.00	do	2,219.38	1.00
La Fayette, La	do	65,000.00	6,392	11,082.00	do	2,836.95	300.00
La Junta, Colo	do	50,000.00	4,154	17,459.00	do	2,836.95	700.00
Lake City, Minn	do	55,000.00	3,142	13,507.00	do	2,836.95	500.00
Laurel, Miss	do	60,000.00	8,465	17,794.00	do	2,836.95	1.00
Lawrenceburg, Ky	do	50,000.00	1,723	7,008.00	Drawings commenced	2,836.95	368.00
Lawton, Okla	Post office and courthouse	152,300.00	7,788	24,549.00	Drawings not commenced	7,185.80	1,680.00
Lebanon, Tenn	Post office	50,000.00	3,659	11,723.00	do	2,836.95	400.00
Le Mars, Iowa	do	50,000.00	4,157	15,638.00	do	2,836.95	1,200.00
Lewes, Del	do	40,000.00	2,158	5,041.00	Drawings commenced	2,219.38	300.00
Live Oak, Fla	do	45,000.00	3,450	10,622.00	Drawings not commenced	2,219.38	660.00
Livingston, Mont	do	75,000.00	5,359	22,903.00	Drawings commenced	3,743.36	1.00
Long Branch, N. J	do	125,000.00	13,298	31,323.00	Drawings not commenced	4,837.85	1,000.00
Longview, Tex	do	50,000.00	5,155	11,707.00	do	2,836.95	600.00
Lorain, Ohio	do	150,000.00	28,883	42,237.00	Drawings commenced	7,185.80	1,300.00
Macomb, Ill	do	70,000.00	5,774	15,899.00	Drawings not commenced	2,836.95	800.00
Mandan, N. Dak	do	55,000.00	3,873	14,922.00	do	2,836.95	900.00
Marlin, Tex	do	45,000.00	3,878	12,107.00	do	2,219.38	480.00
Marshall, Mo	do	60,000.00	4,869	15,191.00	Drawings commenced	2,836.95	720.00
Marshall, Tex	do	65,000.00	11,452	22,626.00	Drawings not commenced	2,836.95	750.00
McAlester, Okla	Post office and courthouse	135,000.00	12,954	40,087.00	Drawings commenced	4,837.85	1,392.00
McCook, Nebr	do	95,000.00	3,765	11,679.00	do	3,743.36	500.00
McPherson, Kans	Post office	50,000.00	3,546	15,955.00	Drawings not commenced	2,836.95	900.00
Medford, Oreg	Post office and courthouse	110,000.00	8,840	21,343.00	do	4,837.85	652.50
Menominee, Wis	Post office	50,000.00	5,036	16,405.00	do	2,836.95	880.00
Middlesboro, Ky	do	60,000.00	7,305	14,635.00	do	2,836.95	640.00
Miles City, Mont	do	75,000.00	4,697	21,738.00	do	3,743.36	1,200.00
Millville, N. J	do	55,000.00	12,451	18,298.00	do	2,836.95	975.00
Milwaukee, Wis	Appraisers' stores	75,000.00	373,857		do	3,743.36	240.00
Mishawaka, Ind	Post office	75,000.00	11,886	44,047.00	do	3,743.36	1,600.00
Mobile, Ala	do	225,000.00	51,521		do	10,559.46	
Monongahela, Pa	do	80,000.00	7,598	17,405.00	do	3,743.36	900.00
Monroe, N. C	do	50,000.00	4,082	10,195.00	do	2,836.95	900.00
Moorhead Minn	do	50,000.00	4,840	18,776.00	Drawings commenced	2,836.95	1,400.00
Morristown, N. J	do	75,000.00	12,507	55,745.00	Drawings not commenced	3,743.36	1,500.00
Morristown, Tenn	do	70,000.00	4,007	13,982.00	do	2,836.95	600.00
Moundsville, W. Va	do	65,000.00	8,918	17,063.00	do	2,836.95	840.00
Mount Vernon, Ill	do	75,000.00	8,007	18,869.00	do	3,743.36	800.00
Mount Vernon, N. Y	do	100,000.00	30,919	78,903.00	do	4,837.85	1,200.00
Narragansett Pier, R. I	do	50,000.00	(1)	7,495.00	do	2,836.95	500.00
New Bedford, Mass	do	350,000.00	96,652		do	11,526.19	
New Castle, Ind	do	75,000.00	9,446	34,021.00	do	3,743.36	1,000.00
New Haven, Conn	do	1,200,000.00	133,605		Drawings under competition	38,441.98	600.00
New Orleans, La	Subtreasury	250,000.00	339,075		Drawings not commenced	10,559.46	4,965.26
Newport, Ark	Post office	55,000.00	3,557	13,312.00	do	2,836.95	650.00
New Rochelle, N. Y	do	125,000.00	28,867	68,982.00	do	4,837.85	2,350.00
North Attleboro, Mass	do	70,000.00	9,562	30,641.00	do	2,836.95	1,300.00
North Tonawanda, N. Y.	do	80,000.00	11,955	29,315.00	Drawings commenced	3,743.36	900.00
Oldtown, Me	do	60,000.00	6,317	11,943.00	Drawings not commenced	2,836.95	510.00
Olympia, Wash	do	100,000.00	6,996	27,363.00	Drawings commenced	4,837.85	1,000.00
Oneonta, N. Y	do	75,000.00	9,491	30,555.00	Drawings not commenced	3,743.36	1,000.00
Opelika, Ala	do	55,000.00	4,734	15,194.00	do	2,836.95	600.00
Orange, N. J	do	100,000.00	29,630	102,461.00	Drawings under competition	4,837.85	2,050.00
Osage City, Kans	do	50,000.00	2,432	10,006.00	Drawings not commenced	2,836.95	430.00
Ottawa, Kans	do	65,000.00	7,650	28,911.00	Drawings commenced	2,836.95	1,020.00
Owatonna, Minn	do	58,000.00	5,658	21,319.00	Drawings not commenced	2,836.95	900.00
Oxford, N. C	do	50,000.00	3,018	11,310.00	do	2,836.95	771.00
Palatka, Fla	do	60,000.00	3,779	14,267.00	do	2,836.95	432.00
Pasadena, Cal	do	200,000.00	30,291	102,593.00	do	10,559.46	1,500.00
Perry, Iowa	do	60,000.00	4,630	12,193.00	do	2,836.95	840.00
Petoskey, Mich	do	65,000.00	4,778	23,088.00	do	2,836.95	900.00
Piqua, Ohio	do	100,000.00	13,388	41,524.00	do	4,837.85	1,555.00
Pocatello, Idaho	Post office and courthouse	100,000.00	9,110	26,751.00	Drawings commenced	4,837.85	1,250.00
Poplar Bluff, Mo	Post office	65,000.00	6,916	19,394.00	Drawings not commenced	2,836.95	460.00
Port Jervis, N. Y	do	80,000.00	9,564	22,175.00	do	3,743.36	600.00
Portland, Ind	do	60,000.00	5,130	15,521.00	do	2,836.95	600.00
Princeton, Ill	do	70,000.00	4,131	16,614.00	do	2,836.95	570.00
Pulaski, Tenn	do	50,000.00	2,928	10,079.00	do	2,836.95	525.00
Punxsutawney, Pa	do	60,000.00	(1)	20,708.00	Drawings commenced	2,836.95	690.00
Putnam, Conn	do	65,000.00	6,637	15,301.00	Drawings not commenced	2,836.95	850.00
Quitman, Ga	do	50,000.00	3,915	13,005.00	do	2,836.95	900.00
Rapid City, S. Dak	do	100,000.00	3,854	18,129.00	Drawings commenced	4,837.85	1,680.00
Red Oak, Iowa	do	75,000.00	4,830	38,498.00	do	3,743.36	1,200.00
Robinson, Ill	do	70,000.00	3,863	22,904.00	Drawings not commenced	2,836.95	600.00
Rochelle, Ill	do	55,000.00	2,732	10,267.00	do	2,836.95	780.00
Rochester, N. H	do	75,000.00	8,868	15,360.00	Drawings commenced	3,743.36	800.00
Rocky Mount, N. C	do	70,000.00	8,051	18,426.00	Drawings not commenced	2,836.95	600.00
Rolla, Mo	do	50,000.00	2,261	8,637.00	do	2,836.95	360.00
St. Petersburg, Fla	do	55,000.00	4,127	16,964.00	do	2,836.95	1,150.00
Salem, Ohio	do	85,000.00	8,943	40,340.00	do	3,743.36	800.00
San Francisco, Cal	Subtreasury	500,000.00	416,912		Drawings under competition	24,007.89	23,353.00
Searcy, Ark	Post office	45,000.00	2,331	8,095.00	Drawings not commenced	2,219.38	525.00
Seymour, Ind	do	60,000.00	6,305	15,351.00	do	2,836.95	1,000.00
Shelbyville, Tenn	do	50,000.00	2,869	9,124.00	do	2,836.95	425.00
Sistersville, W. Va	do	60,000.00	2,684	13,165.00	do	2,836.95	900.00
Smyrna, Del	do	25,000.00	1,843	5,388.00	do	2,219.38	200.00

[1] Not incorporated.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 25, 1910—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
South Chicago, Ill.	Post-office.	$150,000.00	(1)	$49,961.00	Drawings commenced.	$7,185.80	$2,650.00
Sparta, Wis.	do.	60,000.00	3,973	12,951.00	Drawings not commenced.	2,836.95	600.00
Springfield, Tenn.	do.	45,000.00	2,085	7,801.00	do.	2,219.38	200.00
Stamford, Conn.	do.	150,000.00	25,138	74,207.00	do.	7,185.80	2,300.00
Steubenville, Ohio.	do.	120,000.00	22,391	55,488.00	do.	4,837.85	1,500.00
Sunbury, Pa.	do.	100,000.00	13,770	30,395.00	do.	4,837.85	800.00
Sycamore, Ill.	do.	60,000.00	3,926	13,834.00	do.	2,836.95	680.00
Tarboro, N. C.	do.	60,000.00	4,129	10,567.00	do.	2,836.95	660.00
The Dalles, Oreg.	do.	80,000.00	4,880	18,317.00	do.	3,743.36	1,440.00
Thomasville, Ga.	do.	70,000.00	6,727	21,232.00	do.	2,836.95	1,000.00
Three Rivers, Mich.	do.	60,000.00	5,072	21,721.00	do.	2,836.95	720.00
Tiffin, Ohio.	do.	97,500.00	11,894	49,935.00	do.	3,743.36	1,030.00
Tifton, Ga.	do.	50,000.00	2,381	13,194.00	Drawings commenced.	2,836.95	600.00
Tulsa, Okla.	Post office and courthouse.	135,000.00	18,182	59,129.00	Drawings not commenced.	4,837.85	3,300.00
Tupelo, Miss.	Post office.	50,000.00	3,881	12,929.00	do.	2,836.95	500.00
Urbana, Ill.	do.	80,000.00	8,245	30,326.00	do.	3,743.36	1,140.00
Uvalde, Tex.	do.	50,000.00	3,998	9,074.00	do.	2,836.95	180.00
Wahpeton, N. Dak.	do.	50,000.00	2,467	11,783.00	do.	2,836.95	600.00
Waltham, Mass.	do.	115,000.00	27,834	57,516.00	do.	4,837.85	3,500.00
Washington, D. C.	do.	3,000,000.00	331,069			54,120.07	(2)
Waukesha, Wis.	do.	75,000.00	8,740	36,691.00	Drawings commenced.	3,743.36	1,060.00
Weatherford, Tex.	do.	65,000.00	5,074	17,173.00	do.	2,836.95	800.00
Webb City, Mo.	do.	70,000.00	11,817	18,413.00	Drawings not commenced.	2,836.95	800.00
Wellsburg, W. Va.	do.	60,000.00	4,189	11,251.00	do.	2,836.95	800.00
Wilkesboro, N. C.	Post office and courthouse.	60,000.00	799	6,066.00	do.	2,836.95	320.00
Williston, N. Dak.	Post office.	100,000.00	3,124	15,038.00	do.	4,837.85	2,010.00
Winchester, Tenn.	do.	55,000.00	1,351	9,475.00	do.	2,836.95	600.00
Winfield, Kans.	do.	75,000.00	6,700	25,887.00	do.	3,743.36	1,380.00
Wooster, Ohio.	do.	65,000.00	6,136	26,841.00	Drawings commenced.	2,836.95	1,200.00
Wytheville, Va.	do.	60,000.00	3,054	8,422.00	Drawings not commenced.	2,836.95	600.00
Xenia, Ohio.	do.	65,000.00	8,706	21,715.00	do.	2,836.95	1,200.00
Ypsilanti, Mich.	do.	75,000.00	6,230	23,209.00	do.	3,743.36	1,100.90
Total.		22,977,800.00	3,998,455	4,674,766.00		976,572.35	229,633.08

[1] Not incorporated.

[2] Rentals payable in Washington, D. C., are especially reported to Congress.

RECAPITULATION.

Public building acts.	Limit of cost.	Population.	Postal revenue.	Annual cost of maintenance.	Annual rental and other expenses.
Act June 6, 1902 (110 buildings)	$12,079,000.00	2,617,188	$3,089,485.00	$529,948.56	$136,360.32
Act Mar. 3, 1903 (10 buildings	1,340,000.00	121,768	355,021.00	49,150.53	22,260.00
Act June 30, 1906 (161 buildings)	17,087,500.00	3,639,122	3,632,078.00	754,488.18	187,778.13
Act May 30, 1908 (209 buildings)	19,261,000.00	2,760,487	4,734,294.00	853,017.79	242,137.77
Act June 25, 1910 (231 buildings)	22,977,800.00	3,998,455	4,674,766.00	976,572.35	229,633.08
Total (721 buildings)	72,745,300.00	13,146,020	16,485,644.00	3,163,177.41	818,169.30

Mr. FITZGERALD. Yes. Mr. Chairman, I will ask the gentleman from Illinois [Mr. CANNON] to consume some of his time. Has the gentleman anyone who wishes to occupy time now?

Mr. CANNON. Yes. Does the gentleman yield the floor?

Mr. FITZGERALD. I yield the floor.

Mr. CANNON. Mr. Chairman, I will take but little time in talking about this bill, and I am not going to take any time unless I can have order. I have listened, as well as I could, in the confusion to the statement of the gentleman from New York [Mr. FITZGERALD], which is a very interesting statement. I take pleasure in that the committee of which the gentleman from New York [Mr. FITZGERALD] is chairman has made vigorous investigation touching this great bill, carrying $109,000,000 in round numbers. The bill covers a great many branches of the public service. In the main, I indorse the provisions of this bill. The bill sins, but it sins, in my judgment, more in omission than in commission.

The estimates for this bill—original and supplemental—are, in round numbers, $151,000,000, and the amount favorably reported is $109,000,000. Seemingly, the estimates are extravagant or the amount recommended is too small.

Now, I want to state very briefly that this large reduction is, in point of fact, more apparent than real; and if the bill should be enacted into law in its present form, then next winter by a deficiency bill or by appropriations for the ensuing fiscal year these estimates will have to be agreed to substantially by appropriations to be made next year, and in the meantime the public service will suffer. But it being the duty of the Executive under law to estimate for the whole of the coming fiscal year, a large part of this reduction arises from the fact that the appropriation is for 9 months of the coming fiscal year instead of 12 months. The estimate is for 12 months, the appropriation is for 9 months.

I want to be perfectly just and to say that for a year or two as to rivers and harbors and as to public buildings the appropriation has been for 9 months rather than for 12 months.

For instance, the estimate for the public buildings and grounds, as explained by the gentleman from New York [Mr. FITZGERALD], was revised, not in a public document, but in a hearing before the committee, so as to give the amount that can be expended for these public buildings by the 4th of March next, and a reduction from the published estimates is recommended in the bill.

Mr. MONDELL. Will the gentleman yield right there for a question?

Mr. CANNON. I will yield in a moment. I want to get the amount of this reduction. The amount of the estimates was $13,234,201.30. The amount recommended is $8,053,000 in round numbers.

Mr. MONDELL. Then does it not follow that the apparent saving will have to be made up in the next appropriation bill and that it is just deferring payment?

Mr. CANNON. The gentleman from Wyoming has restated the fact more tersely than I was able to state not three minutes ago.

Mr. MONDELL. What object can there be in that program except to make a showing of economy when, as a matter of fact, there is no economy?

Mr. CANNON. That has been fully explained, and in justice to the gentleman from New York I will say that he is following a precedent that has been followed in former Congresses. Now, as to rivers and harbors and public buildings, the appropriation is a continuing one and does not lapse. In rivers and harbors the reduction is made from the estimates of $2,743,000. That is all that can be expended, as we are informed, until the 4th of March.

Now, when you come to the Panama Canal, the estimates are reduced by nearly $13,000,000. I can not agree with the gentleman from New York [Mr. FITZGERALD]. As I recollect the statement of Col. Goethals, he said that considering the amount that had been appropriated by former Congresses—as this appropriation does not lapse and will be available after the 1st of July, as it is available now—he could meet the com-

ing fiscal year for one-half of that $13,000,000, substantially. I believe there is a surplus of about $5,000,000, and the estimates are reduced about $13,000,000. Now, I thought the statement of Col. Goethals was not given due weight, and the whole decrease of $13,000,000 was made below his recommendation.

Again, and this is a very important matter, because I will agree that if this appropriation falls short for the completion of the Panama Canal, Congress will meet in December, and by a deficiency can increase the appropriation. But now I want to call attention to the estimates for the fortifications of the Panama Canal. The bill carries $2,806,000, and the aggregate estimates were cut $6,421,500. I do not believe that this cut is wise. In the first place, the canal approaches completion. We have skilled labor now on the Isthmus more than we will ever have again, and I believe these fortifications substantially ought to be completed when the canal is opened so far as it is possible to complete them. When the canal is finished we shall lose a large part of that labor, and if fortifications, barracks, and so forth, are necessary at all they ought to be completed promptly.

Mr. SHERLEY. Will the gentleman yield?

The CHAIRMAN (Mr. HEFLIN). Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. CANNON. Certainly.

Mr. SHERLEY. Can the gentleman from Illinois indicate any item in regard to the fortification of the Panama Canal where he thinks a larger sum ought to be appropriated?

Mr. CANNON. I think every——

Mr. SHERLEY. Will the gentleman name some specific item?

Mr. CANNON. The gentleman from Kentucky will understand that we will soon come to the five-minute rule, where amendments will be in order and where item by item will be considered, and these matters can be taken up. In the short statement that I propose to make—and I trust that it will not exceed 25 or 30 minutes—I can only call attention to general items. I will comply with the gentleman's request later on.

Mr. SHERLEY. The reason for my inquiry is this: So far as the majority of the committee is aware, there has been not a single dollar denied for fortification purposes that can be used during the time that this bill is to cover, and I would like the gentleman to show where there is such an item. He is making a broad and sweeping statement.

Mr. CANNON. I call attention to the estimate and the supplemental estimate. Fortification in some respects is a slow work. There have to be forgings and guns and emplacements, and with these appropriations available the work can proceed and proceed rapidly. Now, I do not care at this time to take up, item by item, these appropriations. I did not rise for that purpose, but I will take them up with the gentleman when these items are reached under the five-minute rule.

Mr. PAYNE. Will the gentleman from Illinois yield?

Mr. CANNON. Certainly.

Mr. PAYNE. I would like to ask if there was any estimate made by any department for that portion of the fiscal year beyond the 4th of March?

Mr. CANNON. I am not aware that there was an estimate for that period. It was for the whole 12 months.

Mr. PAYNE. I suppose these items that were put in the bill were simply taking three-fourths of the estimate, or what was it for?

Mr. CANNON. I do not think the gentleman purports to appropriate for the nine months for the Panama Canal, but rather for the whole fiscal year.

Mr. FITZGERALD. No; we appropriated for the full year.

Mr. CANNON. That answers the gentleman's question.

Mr. PAYNE. Can the gentleman mention a dollar of these estimates that are not appropriated for which will not have to be appropriated for in the future, for the completion either of the buildings or the canal?

Mr. CANNON. I apprehend that all of them will have to be appropriated for and paid for, but my criticism touching fortifications is that we are better prepared now to proceed vigorously with that work during the coming fiscal year than we will be hereafter.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit——

Mr. CANNON. Oh, one at a time.

Mr. PAYNE. One other question, if the gentleman will wait.

Mr. SHERLEY. I will wait on the gentleman from Illinois, but not on the gentleman from New York.

Mr. MANN. The gentleman from Kentucky may possibly wait on both of them.

Mr. PAYNE. Mr. Chairman, I thank the gentleman from Kentucky [Mr. SHERLEY] most kindly for withdrawing and allowing me to ask a question. I have almost forgotten what the question was that I had in mind. I do not think the gentleman from Illinois has answered the question. I wanted to ask if there was any possible reason for dividing the fiscal year into two parts, one three-fourths of it and the other a quarter of it, except that there is an election intervening between now and December.

Mr. CANNON. I will say that probably that was the origin of it.

Mr. SHERLEY. The Republican origin.

Mr. CANNON. And I will be equally frank and just in saying that as to public buildings and as to rivers and harbors the gentleman from New York [Mr. FITZGERALD] and the majority of the committee have followed an example that was set in former Congresses.

Mr. SHERLEY. And as to fortifications also.

Mr. FITZGERALD. I do not mean to say that that was the origin of it, but I think I can explain the matter.

Mr. PAYNE. I have not heard it explained, and I wondered what reason there could be for it.

Mr. CANNON. I would prefer to make this speech myself, Mr. Chairman——

Mr. FITZGERALD. I am not trying to make the gentleman's speech, but I think in justice to the committee he should permit a statement to be made that will tell the facts regarding these things and not have the committee, either through himself or others, put in an unfair position. The gentleman has all of the time that he wants.

Mr. CANNON. Very well, I will yield to the gentleman to make a statement, very briefly.

Mr. FITZGERALD. Mr. Chairman, fortification appropriations have been made since I have been on the Committee on Appropriations from the time the bill carrying them would become a law until the next bill would become a law, because appropriations are made immediately available and continue available until expended. It was found in making river and harbor appropriations and public building appropriations that the adoption of that system would prevent the unnecessary segregation of funds that could not be used. It seemed to be a good policy. It was not criticized when it was adopted by the Republicans, by the Members on our side of the House, and the committee this year adopted the same policy, because the appropriations are not made for fiscal years. As to fortifications, I simply wish to say this: One supplementary estimate for barracks and quarters aggregating three and a half million was submitted which was not allowed, but on every other item for fortifications in this bill that sum is recommended in the bill which the department says can be utilized in accordance with the policy in vogue in making appropriations for fortifications since I have been a member of the Committee on Appropriations.

Mr. CANNON. Mr. Chairman, having progressed, I will state again that these items under the head fortifications were cut to the extent of $6,421,500. In my judgment, the cut is not warranted.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit just one suggestion——

Mr. CANNON. Oh, well——

Mr. SHERLEY. Certainly, if the gentleman does not want to yield I will not interrupt him.

Mr. CANNON. I do not care to go into the matter item by item, but I want, briefly, if I can, to state my position, calling the attention of Members of the House to what I believe to be the fact, but I can not wander through 3,000 pages of hearings and discuss the matter item by item now.

I shall have accomplished my object if I call the attention of the committee to what I believe is justly entitled to be criticized, and then we can all go to work for and against. Now, these sums I have mentioned account for $21,188,331.48 of the decreased amount carried by this bill under the estimates and under the amount carried by the bill last year. Now, then, I might go through and call attention item by item, but it would take me five or six hours to do it. I only hit that which seems to me ought to be hit by calling attention to particular matters. I think this want of appropriation is subject to just criticism. Mr. Chairman, now, another subject. For the enforcement of the antitrust laws the estimate was $250,000,000——

Mr. FITZGERALD. The estimate was $250,000.

Mr. CANNON. The gentleman is correct, but I think all of the House understood what I meant to say. My friend from Kentucky [Mr. SHERLEY] and myself will get along under the five-minute rule. I expect he will knock me down, but if he bruises my head maybe I will bruise his heel. Now, this item was cut $50,000. They only gave them $200,000, and the amount

recommended is $50,000 less than the bill carried for the last year. Great heavens! It is my recollection when the present majority was in the minority, when passion was torn to tatters and the minority insisted upon great appropriations for the enforcement of the antitrust laws—which you did not enforce when you were in power under Cleveland—great sums in the way of estimates would come in and you would double them in your anxiety to have the laws enforced; and, now that they are being enforced, you cut the appropriations in the face of these recommendations. I believe, under the five-minute rule, that the House will increase the appropriations as asked for by the Executive. Well, now, for armories and arsenals you make a pretty severe cut. The estimates for the manufacture of arms and for the equipment of arsenals—especially the Rock Island Arsenal—the regular estimate was $170,000, and a special estimate of $250,000 was submitted and not given.

Now, here is a very grievous omission in my judgment and I want gentlemen to give me their attention. For the personal services required in the care and maintenance of the public buildings throughout the country the appropriations are cut $50,000 below the estimates for the next year and below the amount carried for the present year, yet, these appropriations being made 12 months ago or about 12 months ago, there have been in round numbers 100 public buildings added to what were then in existence and there are 107 public buildings to be completed and 14 where extensions are to be made during the coming fiscal year. Yet when you come to the janitors and custodians, notwithstanding that fact, this appropriation is cut below that for the current year and the estimates for this year by $50,000. But that is not all. For fuel, light, water, and other necessary supplies for public buildings there is a cut to which I call attention, that I fancy will receive the attention under the five-minute rule, looking in the eye of the very vigilant gentleman from Texas [Mr. GARNER] who is always interested about public buildings, as I fancy he ought to be, coming from that great State that grows so rapidly, 1,200 miles from the eastern boundary of Texas to El Paso, which is substantially on the eastern boundary, so I am not criticizing him, but I am assuming that will be so because I know he will take care of it under the five-minute rule.

Mr. MONDELL. Will the gentleman yield at that point? Is this another one of those nine months' appropriations about which we have heard so much?

Mr. CANNON. No; it is a twelve months' baby, or ought to be.

Mr. MONDELL. Well, it is rather small under the circumstances, I judge from what the gentleman from Illinois said.

Mr. CANNON. Yes; it is not as large as a nine months' child ought to be. [Applause.] Oh, you may say they can cut the wages of these people, but they are very poorly paid; and, bless my soul, I know that my other colleague, Representative FOWLER, that if he will just see how low those wages are of custodians and janitors he will come to their rescue. Now, you will find there is a great cut in the appropriation for furniture below the estimates, notwithstanding the 107 public buildings that are coming in during this fiscal year, which I have no doubt will receive attention. Now, we have the enforcement of the commerce act—a reduction of $15,000 under the Department of Justice. For expenses of collecting revenues from customs, the estimate is reduced from $5,000,000, which was the sum granted in the current year, to $4,650,000, and yet there is an estimate of $400,000 of deficiency for the current year. Now, I want to say we ought not to propose by legislation to repeal the permanent appropriation for the collection of customs; that is, $5,000,000——

Mr. FITZGERALD. Five and a half million until there is legislation that will care for this service. This bill proposes legislation that will, if enacted, result in materially affecting the machinery for the collection of customs revenues.

Mr. GARNER. Will the gentleman yield?

Mr. CANNON. But I want to say that coming events cast their shadows before, and, everything considered, I do not know that I desire to severely criticize the majority of the committee touching this matter.

Mr. GARNER. Do I understand the gentleman from Illinois [Mr. CANNON] to intimate or say that the proposed legislation with reference to the change from permanent appropriation will enable the Treasury Department to abolish customhouses and customs districts?

Mr. CANNON. Yes.

Mr. FITZGERALD. It will abolish absolutely useless customs officials who ought to have been abandoned 20 years ago.

Mr. GARNER. Let me get the exact fact.

Mr. FITZGERALD. That is the exact fact.

Mr. GARNER. Then, it will enable the Treasury Department to exercise its judgment as to what it ought to continue and what ought to be abolished? In other words, you are taking away from Congress the right to say what districts ought to be established and ought to be abolished, and turning it over to the Executive?

Mr. CANNON. I would rather not yield further.

Mr. GARNER. I thought the committee ought to know——

Mr. FITZGERALD. The testimony before the Committee on Appropriations is to the effect that as much as $1,500,000 could be saved if this were done, and I am willing to trust the executive department to carry out the law.

Mr. GARNER. The gentleman from New York will remember that we were defeated on the floor of the House concerning the same thing?

Mr. FITZGERALD. We hope that this Democratic Congress has more sense than the Republican House that defeated it.

Mr. CANNON. I will not say that there is not something in the proposition. I merely call attention to the fact that after all, until after the baby is born, possibly, it is not well to inquire what its name shall be, and so forth. In other words, if the legislation is had, the money would not be spent if we appropriate what we have been in the habit of appropriating heretofore. I think it is quite problematical whether the legislation will ever be enacted, and yet I think there might be legislation enacted that would improve the present condition.

Now, we come to the Bureau of Engraving and Printing. Without going into the matter I would just call attention to the fact that this is a bureau that prints the bonds and the notes and postage stamps, and it is a great bureau. I do not know how many, but I suppose it employs 900 to 1,000 people—skilled mechanics. The estimates for this bureau have been cut $701,186. I think that would bear looking into.

I think there is some legislation to be proposed, but whether it will ever be enacted or not I do not know; but it is the duty of this House, whether the Members be from the North, the South, the East, or the West, Republican or Democrat, to know that we can not afford to have the efficiency of the Bureau of Engraving and Printing impaired. I have called attention to it, and shall not go into what I believe is some legislation that is to be recommended and carried in the bill. Of course, somebody may make a point of order, and I do not know whether my friend from Texas [Mr. GARNER] is on the Committee on Rules or not.

Mr. GARNER. He is not.

Mr. CANNON. Well, he ought to be.

Here is a matter that I do criticize. For many, many years there has been a great interest in suppressing epidemic diseases that invade this country from time to time. As somebody said, they are "Bedouins of the air." I do not know that they are Bedouins of the air. They seem to come from germs. Take the yellow fever, take the smallpox, take the bubonic plague, and they do not travel much by air. They travel by water. They are disseminated by animal life coming into contact with the germs—the germs carried by the ground squirrel and carried by the mosquito, and so on. We have a great service in the United States—I fancy the most efficient quarantine service and the most efficient service for keeping out these contagious diseases of any country on earth.

I may be mistaken about that, but seeing what has been accomplished, I am inclined to think this service is efficient. We watched it pretty closely when it quarantined the cholera in New York, and when from time to time the yellow fever was halted. Now, so anxious were we when the plague and the yellow fever got in its work and people died in great numbers that we then woke up and made an appropriation, a continuing appropriation, to be at the disposal of the Marine-Hospital Service to protect the public health by prevention. That appropriation was for $750,000. It was made some years ago. There is about $100,000 of it left now. The supplemental estimate called for $500,000 more. Now the committee recommends $100,000. Well, I will vote for the $500,000. The $750,000 has not been expended through many years. How many?

Mr. FITZGERALD. Three or four years.

Mr. CANNON. It will not be expended unless it is necessary to expend it.

"But," you say, "Congress meets in December, and"——

Mr. FITZGERALD. The gentleman will recollect the fact that we have taken off the epidemic fund over $125,000 worth of employees, and specifically appropriated for them under the Bureau of Public Health and Marine-Hospital Service.

Mr. CANNON. Well, I am going to vote for this $500,000, and I would just as soon make it $800,000 or a million dollars. We can control ordinary expenditures by curtailing appropriations, and can postpone needed service without serious danger to life or health, but the cholera and the yellow fever and the bubonic plague have not any more respect for legislation or for the time when Congress meets, in timing their invasion, than

a duck has for a June bug. [Laughter.] An ounce of prevention is worth a pound of cure.

Now, the committee cuts the appropriation for printing—a pretty severe cut. I think the estimate ought to be given.

Mr. FITZGERALD. Does the gentleman think it ought to be given?

Mr. CANNON. Yes.

Mr. FITZGERALD. Where there has been a surplus in one department of $73,000 that they could not use, does the gentleman think that we ought to appropriate that money? I ask the gentleman that question.

Mr. CANNON. Do you make that $73,000 available?

Mr. FITZGERALD. No.

Mr. CANNON. It goes into the Treasury?

Mr. FITZGERALD. Yes.

Mr. CANNON. I believe that under the present Public Printer there has been no deficiency. Am I right?

Mr. FITZGERALD. Practically. There have been deficiencies, but they are not to be criticized. I have in mind one department of the Government where there is a very substantial reduction in the appropriation for public printing—a department which in 1911 could not spend $73,000 of the money given to it—and that is one of the ways in which we made these reductions. We took away the money they could not spend.

Mr. MANN. Did not spend. The gentleman means did not, not could not?

Mr. FITZGERALD. They could not.

Mr. CANNON. Does the gentleman appropriate anything particularly for that department?

These estimates for public printing are reduced by $659,000 plus, half a million more than that, and they are below the appropriations for the current year—that is, this year—$430,000. As compared with the amount given this service for the next year it is a reduction of more than 10 per cent in the estimate, and more than 8 per cent in the current appropriation. I will say again that I am under the impression that this service in the Government Printing Office is being economically and well conducted.

Mr. FITZGERALD. It does not affect the appropriations for public printing. This affects the activities of these departments in printing a lot of useless stuff, using the appropriations made by Congress to send out printed briefs and arguments against the activities of Congressmen in attempting to reform the departments. We want to stop it.

Mr. CANNON. I was quite aware that for many years past we have sought to do the printing for the Government in the Government Printing Office, and I have also been quite aware that appropriations for printing in the various departments were expended substantially in the Government Printing Office, although some of them have little jerk-water printing establishments of their own, which I am inclined to think in the main ought to be abolished.

Mr. GARNER. In other words——

Mr. CANNON. Oh, no; let me finish this just now. So that from ancient recollection I have some slight knowledge of the skeleton of the public service as connected with the printing for Congress, and also for the departments. But I say again that, in my judgment, this great reduction—nearly half a million dollars below what the bill for this year carries and $600,000 below the estimates—is not warranted. Perhaps I am wrong. I call attention, however, to the fact.

Now, there is another sin of omission that I want to notice. The National Museum is now in a great new building, just completed, occupied substantially in the last 12 or 18 months, and not fully occupied yet, not fully furnished. I do not know how much it cost, but I suppose about $4,000,000. The estimates for that are cut $132,000. In my judgment the estimates should have been given substantially, and will have to be given if that service is fairly maintained.

In the Interior Department I think the committee, in its desire to reduce expenses, has failed to recommend appropriations that ought to be given. If gentlemen will turn to page 25 of the report, they will see that in the Pension Office there is an estimate for renewing and repairing plumbing, $20,000; carpenter shop, $3,000; repairs, $18,000; painting, $10,000; and new roof, $25,000. My information is that that roof does not shut out the water. Electric-lighting plant, $3,500. Steel cases in the Land Office, $25,000. For the Patent Office, improvements and repairs, $220,000, which I think perhaps are needed more than any other. Steel bookstacks, $2,500, an item which is given in the bill. And that is the only thing that is given. Special repairs, $50,000; fire protection, $21,000. My judgment is that those appropriations ought to be made substantially, and if this was private property would be made, from the standpoint of utility.

Mr. FITZGERALD. Mr. Chairman, the gentleman knows that the chief clerk of the Interior Department submitted very large estimates for repairs for certain public buildings under that department, including the Interior Department Building, the Patent Office, the old Post Office, and the Pension Office. They aggregated a great many hundred thousand dollars.

Mr. CANNON. Yes.

Mr. FITZGERALD. I do not recall whether the gentleman from Illinois was present at the time; but if he were, he will remember that the committee determined, in view of the very extraordinary character of those repairs, that instead of taking up those matters at this time they would hold them in abeyance, and during the recess would have Mr. Woods, the Superintendent of the Capitol Building and Grounds, make an examination with his experts, so that the committee would have some information of an independent character upon which it could justify recommendations for these extraordinary repairs that are now asked in that connection. The Secretary of the Interior, in a supplemental estimate, asked $191,000 in order to put sufficient furniture into the offices under his control, upon the theory that the appropriations during the last few years for furniture in the offices of the Interior Department have been so grossly inadequate that they now require $191,000 worth of desks and cases, and different kinds of tables and chairs, to permit the department to do its business properly; and that casts such a suspicion upon all of those estimates that the committee thought it ought to have the aid of an impartial and competent examination before it could undertake to make recommendations.

Mr. CANNON. We all know where the Interior Department Building is, and just across the street is another building of about equal size. Then we all know about the Geological Survey, and we all know about the Bureau of Mines, and we all know about the Bureau of Pensions. I guess if gentlemen will examine they will find quite a lot of other people under the Interior Department.

Mr. FITZGERALD. The Bureau of Mines is in a rented building.

Mr. CANNON. Precisely. It is in a rented building, but, after all, appropriations for furniture have to be made, even for rented buildings.

Mr. FITZGERALD. They have been made from time to time for that service.

Mr. CANNON. Precisely. I call attention to it. I am reliably informed that both in the Pension Office and in the Patent Office the roofs are bad, that repairs are badly needed. If a bargain could be made with the Weather Bureau which would insure that it would not rain or snow until we could meet next year to make appropriations, then we could perhaps wait on investigations to be made by the Superintendent of the Capitol. Bye the bye——

Mr. FITZGERALD. If the gentleman will pardon me, does not the gentleman think it would be unkind in us to assume that Congress, one branch of which had been organized by the gentleman himself, had been so derelict during eight years that he was Speaker as to permit the public buildings to get into such dilapidation that we could not wait long enough to have an expert investigation made to find out whether these extraordinary sums were necessary?

Mr. CANNON. Mr. Chairman, I am always gratified to have my broken remarks adorned by the suggestions of the gentleman from New York; they are useful for adornment and sometimes useful otherwise. Does the gentleman know that the maintenance of buildings, the maintenance and repairs of everything cost at least 5 per cent and sometimes more a year? If you start it new it would cost 5 per cent, and that applies to the furnishings as well. I guess 10 per cent, probably, would be a reasonable amount to keep everything in shipshape, and certainly 5 per cent would hardly do it. Unless you can shut off the forces of nature to prevent decay, this work of repair has to be done year by year, and gentlemen ought not to forget that "a stitch in time saves nine."

Now, I think under the five-minute rule we will find that the appropriations for the Ellis Island immigration station, amounting to many hundred thousands of dollars, ought to be made in whole or in part not only for the protection of the immigrant but of our citizens as well. I call attention to it that gentlemen may investigate it in the meantime.

There are many other items that I might refer to, but one matter of omission is the dropping out of the item for the Tariff Board. The gentlemen in the majority see proper to do it, and I want to be fair and just to myself as well as others. I have believed, and still believe, that when the Constitution conferred upon the House the power to originate revenue bills, that duty rests upon the House. Sometimes we do not origi-

nate them with very great intelligence, as we on his side claim when you originate, and you in turn claim when we originate; but, after all, there is the power and there is the responsibility. When this question of the board of experts was first brought up some years ago, it did not strike me with very great favor.

I am frank to say that, but I want to say that "the proof of the pudding is in the eating thereof," and that this so-called Tariff Board that is constituted under the law by a provision in the so-called Payne tariff bill was properly constituted. I am acquainted with the membership of a part of that board. It is called a nonpartisan board, and I believe that it is nonpartisan. I am quite well acquainted with the gentleman from Georgia, who was formerly our colleague, a Democrat, and I believe there is also another Democrat on the board. The chairman I am slightly acquainted with. I want to say that in view of the investigations that board has made and the reports it has made, without being an expert myself, but after consultation with those who are experts, some in the House and some not in the House, I believe there never has been an equal amount of money so well expended for reliable information touching cost of production in the United States and cost abroad, industriously gathered and intelligently gathered and reported, as we have had gathered and reported by that board. I believe it should be continued. [Applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, this bill fails to make any appropriation for the continuance of the Tariff Board. If enacted into law in its present form, it will effectually put an end to the work of the board until after the 4th of next March, when, at a special session of a Republican Congress, called by a Republican President, a real tariff commission will be created to continue the work of the present Tariff Board, so well begun. [Applause on the Republican side.]

I have some hope, however—faint, it is true, but yet some hope—that this Congress will insert in the bill an appropriation for continuing the present Tariff Board. That this will be done to assist the Republicans in securing information from which to apply protective tariff rates, so called, I do not expect, but I do insist that this information is just as necessary from the Democratic standpoint of a tariff for revenue only as it is from the Republican standpoint of a protective tariff.

I have endeavored to convince our Democratic friends of this upon a number of occasions in the past, and I would not undertake to repeat the attempt now were it not for the fact that I am now in a position to offer conclusive proof of the correctness of my position.

Before entering upon that discussion it will not be out of place to review very briefly the history of the efforts to create a tariff commission.

The status of the present Tariff Board is familiar to every Member of the House. It is not clothed with the powers or responsibilities that a Tariff Board should have. It is entirely a creature of the President and solely responsible to him. The publicity of its findings depends wholly upon the President; and yet, imperfect as it is, the service it has rendered has been of incalculable value to the public.

I have said that the present board is not perfect in that it is not a permanent body and is not clothed with sufficient powers. In the Sixty-first Congress the gentleman from Iowa [Mr. GOOD] and I introduced bills creating a permanent tariff commission. We appeared before the Committee on Ways and Means in favor of these bills, and out of these two bills a bill was finally formulated and its passage recommended by the Committee on Ways and Means. Nearly all of the Democratic members of the committee joined with the Republicans in support of the bill. Among the Democratic members supporting it was the present Speaker of the House [Mr. CLARK] and the leader of the majority [Mr. UNDERWOOD]. The bill passed the House by a vote of 186 to 93. On the 4th of March, 1911, in the early morning, the Senate concurred in the bill with minor amendments. A rule was adopted by the House which insured its final passage before 12 o'clock, the hour of final adjournment. A filibuster was conducted under the leadership of the gentleman from Georgia [Mr. HARDWICK] and the gentleman from Texas [Mr. GARNER], but that filibuster was ineffectual to prevent the passage of the bill, and it would have been a law to-day had there not been a violation of the rules of the House.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. SHERLEY. While the gentleman is reciting the history of that, will he show who was responsible for that violation of the rules of the House—the stopping of the roll call—who it was that made it absolutely possible for the filibuster that defeated the bill to succeed?

Mr. LENROOT. Oh, the gentleman from Kentucky knows as well as I do who was responsible for that.

Mr. SHERLEY. I know; and I know that it was the then Speaker of the House and some of the leaders upon that side.

Mr. MANN. Oh, the gentleman ought not to make that statement.

Mr. SHERLEY. I do make it, and make it upon my responsibility as a Member, in order that the record may be complete.

Mr. MANN. I deny it upon my responsibility and knowledge.

Mr. SHERLEY. The facts will show. I was here and fighting for the Tariff Board when some of the recent converts were fighting against it.

Mr. LENROOT. Mr. Chairman, I can not yield further, for the reason that I have only reviewed the history for the purpose of showing what the attitude of the then Democratic minority was, and the position of the now Speaker of the House of Representatives [Mr. CLARK] and the leader of the majority [Mr. UNDERWOOD].

I repeat this history for the reason that the present Speaker of this House [Mr. CLARK] and the leader of the majority [Mr. UNDERWOOD] can not escape responsibility now for failing to appropriate for a Tariff Board when a little more than a year ago they favored a commission with much broader powers than the present board has.

I believe the Republican side is unanimous for the continuance of the present board. Its only opponents, so far as I know, are the Democrats and the great manufacturing trusts and combinations of the country. The Economist, the organ of the high-tariff advocates, is entirely in accord with our Democratic friends. Neither wants Congress to have information upon costs of production at home and abroad. It is easy to see why those enjoying excessive tariff benefits do not want Congress to have this information, but the professions of the Democrats that they favor a tariff for revenue only and yet oppose the Tariff Board are absolutely irreconcilable.

In the debate in the Sixty-first Congress upon the bill creating a Tariff Commission I used the following language:

> When our friends in the next Congress attempt to prepare their tariff-for-revenue bill, the first inquiry will be within what limits they may place rates upon a tariff-for-revenue basis. They may commence at the bottom with the free list and impose rates upon different articles competing with products in our own country upon an ascending scale up to a certain point. And what is that point? It is the point just above the difference in cost of production at home and abroad, and when they get any rate substantially above that point they have not a tariff for revenue only, they have not even a protective tariff, but a prohibitive tariff that is condemned by Republicans and Democrats alike. And so I say you can not frame a bill upon the basis of a tariff for revenue only without knowing the difference in cost of production at home and abroad.

At the special session last summer the House passed a bill revising the cotton schedule. The Democratic majority proposes to pass it again at this session. The bill, as we all know, was prepared by the Democratic majority of the Ways and Means Committee. In their report upon that bill they used the following language:

> The most important feature to be kept in mind in revising Schedule I in the interest of the welfare of the general public is that the rates be made truly competitive as far as possible; that is, that they be made low enough to permit potential competition from imports for the sake of natural and proper regulation of domestic prices.

Now, that is exactly the Republican doctrine, and the fact is that the difference between a maximum tariff for revenue only and a proper protective tariff is absolutely nothing except the name.

I shall now undertake to show that the Democratic tariff revision of the cotton schedule, passed at the special session last summer, was not based upon a tariff-for-revenue theory at all, but was a high-protection bill, and we know now that many of the rates in it, so far as possible importations are concerned, were practically as prohibitive as the rates in the Payne-Aldrich law. I supported that bill in speech and vote as a Republican believing in the protective tariff. In the debate upon that bill I used the following language:

> Some Republicans have seized upon a statement made by the chairman of the Ways and Means Committee to the effect that this was a revenue measure, containing no protective features, as a reason why this bill should not receive the support of any Republican. Mr. Chairman, nothing that the gentleman from Alabama may say about this bill, and nothing that any other gentleman may say about it, can change its character. Whether it is protective or not depends upon the bill itself and not upon what any man may say of it.

I later said:

> Taking the bill as a whole, I assert that it is not only protective in principle, but affords that measure of protection pledged by the platform of the Republican Party.

Mr. Chairman, that was my view then. It is not my view now. The report of the Tariff Board shows that I was mistaken. I believed then that the rates in the bill fairly measured the difference in cost of production at home and abroad.

but the report of the Tariff Board shows that many rates in that Democratic tariff bill were very much higher than were necessary for the protection of the American industry, and instead of being a bill in accordance with a tariff-for-revenue-only theory, it was a bill that afforded a measure of protection greater than any Republican standing upon the Chicago platform could defend, when all the facts were ascertained.

This is what this Tariff Board has done, and I want to say if there is anyone on that side who disputes that I shall be glad to have him interrupt me. It has compelled the Democratic majority to either bring in a bill much lower than the one last year or else become the party of high protection which they have been denouncing for these many years. They have taken the latter course and now clearly stand for a protective tariff higher than is warranted from a protection standpoint.

Now, the proof of the statements I have made.

The first paragraph in the Democratic bill related to cotton thread and yarn. It carried duties from 10 per cent to 20 per cent ad valorem. The Tariff Board finds that the difference in cost of production is from 3.8 per cent to 11.9 per cent ad valorem instead of from 10 to 20 per cent as found in the Democratic bill. (See report, p. 9.) This finding does not include yarns of the highest count, but the board states that it does include—

the great mass commonly manufactured in the United States.

What has been said of paragraph 1 applies also to paragraph 2.

Coming next to paragraph 3 of the Democratic bill relating to cotton cloth we find rates of duty ranging from 15 per cent ad valorem to 30 per cent ad valorem.

Again turning to the report of the Tariff Board we find that although wages are higher in this country, the actual cost of production of plain cotton cloths is less in this country than in England, growing out of the fact that American weavers tend more than twice as many looms as do their English brothers. (See report, p. 11.)

I quote from the report on page 12—

The labor cost of turning yarn into cloth in the United States is not greater, and in some cases is lower than that in England.

And again on page 13—

Figures are presented in the report showing that although labor costs in the cotton industry are in many cases lower in the United States than in England, yet the actual hourly earnings in this country are, in most of the principal occupations, greater.

The board also gives samples of cotton cloths upon which comparisons were made. Upon more than 40 of the samples the cost of production was less in this country than in England, and with the exception of a very few of the others an ad valorem duty of from 5 to 20 per cent would cover the difference in the cost of production. So here in that great staple, cotton cloth, the Tariff Board shows conclusively that the rates in the Democratic bill can not be sustained upon the theory of a tariff for revenue only and, indeed, can not be sustained from a Republican standpoint, for they are in excess of the rates measured by the standard fixed by the Chicago platform.

Again, in this same paragraph, the Democratic bill adds a duty of 5 per cent ad valorem upon cloth when bleached, dyed, colored, stained, painted, printed, or mercerized. Upon this item I quote from the report of the Tariff Board:

A comparison of 50 specific samples for which finishing data were obtained shows that in most cases the differences between the charges in the two countries were slight, but the American charges were slightly lower on most of the samples.

Therefore that item in the Democratic bill can not be defended from the Democratic standpoint, for it imposes a burden upon the American people solely for the enrichment of the tariff barons whom our Democratic friends have so roundly denounced.

I will not go into a further discussion of the items in the Democratic cotton bill compared with the report of the Tariff Board, as that detailed examination will be more in order when the cotton schedule shall come up for consideration in the House. My sole purpose at this time in making these comparisons is to show that our Democratic friends, in preparing their cotton bill at the last session, acted without sufficient information, and that because of that lack of information, instead of presenting a bill carrying rates based upon the theory of a tariff for revenue only, their bill was, in fact, a high-protection measure, a measure carrying such excessive duties that with the information we now have from the Tariff Board, Republicans must condemn it, because the rates are too high. I am not, of course, unmindful of the fact that it was a reduction from the rates in the Payne-Aldrich law, but I do say that even with that reduction the rates were excessive from both Republican and Democratic standpoints.

I want to emphasize the proposition that upon such an article as cotton cloth, that great staple necessary to all of the American people, the rates in that Democratic cotton bill could not have produced any revenue. Do you not see that if a manufacturer in this country can make a product for less than it is made abroad, that there can not possibly be any considerable importations by a foreigner? Do you not see that when you impose a tariff rate of 15 per cent, as you do upon cotton cloth, it can not be for revenue? Do you not see that the only result that such a rate can have is to enable the American manufacturer to raise his prices that 15 per cent to the American people and thus enable the American manufacturer to exact an excessive profit from the people? Is that what the Democratic Party stands for? And yet when you offer this cotton bill again at this session as you have done to-day it is exactly what you have stood for; it is exactly what you have for many years been condemning the Republican Party for standing for.

Our Democratic friends have chosen to ignore the report of the Tariff Board, thus attempting to discredit it, but in their attempt to discredit that report they find themselves in a most peculiar position of advocating tariff rates, ostensibly from a revenue standpoint, that are in fact absolutely prohibitive and much higher than any protectionist sincerely standing upon the Chicago platform can indorse.

Now, Mr. Chairman, I wish to devote a few minutes to what the distinguished chairman of the Ways and Means Committee, Mr. UNDERWOOD, in his ignorance, said about his Democratic cotton bill at the special session. I do not use the word "ignorance" in any reproachful sense. I mean only a lack of knowledge which has now been supplied by the Tariff Board.

I have already conclusively shown that the most important paragraphs in the bill carried rates so high that protectionists upon this side, with the information they now have, could not indorse them. Our Democratic friends did not know then that their rates were too high, so high that they would produce no revenue. The chairman of the Ways and Means Committee, Mr. UNDERWOOD, in opening the debate upon the bill, said:

I believe the rates in this bill are purely revenue rates.

I wonder if he will repeat that statement now in view of the report of the Tariff Board.

A colloquy then occurred between the gentleman from Alabama and the gentleman from Maine [Mr. HINDS], as follows:

Mr. HINDS. The gentleman says this cotton bill is framed solely to the end of the revenue in view?

Mr. UNDERWOOD. I do not think the gentleman can doubt that proposition.

Mr. HINDS. Therefore does the gentleman say also that it leaves out entirely the principle of protection?

Mr. UNDERWOOD. Absolutely; so far as my knowledge is concerned.

I do not think Mr. UNDERWOOD will repeat that statement to-day, for he has a vastly greater knowledge of the subject owing to the work of the Tariff Board. I have conclusively shown that the rates contained in the Democratic bill were much too high. Now I desire to discuss for a moment what this report of the Tariff Board on the cotton schedule alone will be worth to the American people in dollars and cents, using Democratic methods of computation.

The Democratic bill reduced rates from 48 per cent ad valorem in the Payne-Aldrich law to 27 per cent ad valorem. The report of the Tariff Board shows that they should be reduced to about 20 per cent ad valorem. In the debate upon the Democratic bill, the gentleman from New York [Mr. HARRISON], a member of the Ways and Means Committee, stated:

It is believed by our committee that the revenue will not be materially disturbed and that the burden of taxation upon the American people will be lifted to the amount of $200,000,000.

Mr. HARRISON stated that the reductions in the Democratic bill would save the American people $200,000,000 per year. Adopting the Democratic method of computation—which our Democratic friends can not object to, although I do not say that it is correct—if their bill would save to the American people $200,000,000 per year, a bill framed in accordance with the findings of the Tariff Board would save the American people more than $260,000,000 a year, or, in other words, this Tariff Board is worth more than $60,000,000 a year to the people in the cotton schedule alone, and yet Democrats refuse to appropriate $250,000 for its continuance, when, according to their theory, it will save the American people $60,000,000 a year. Is this another evidence of Democratic economy?

One other suggestion. The Democratic majority propose to pass their cotton bill. I have undertaken to show—and if I had more time I could show in greater detail—that their rates in that bill are higher than can be defended from a Republican standpoint. They expect to pass that bill through this House, and they expect to pass that bill through the Senate, and they

expect that it will go to the White House for action. A year ago without this information from the Tariff Board I am frank to say that in my judgment the cotton bill would be vetoed, as it was vetoed when combined with other schedules, and the President of the United States then would have taken the position as he did upon that and other bills that he desired to wait for the report of the Tariff Board; but now, if you pass your cotton bill through the House and Senate, I say now and here that the President of the United States will be compelled to sign the bill. There is not any question about it, because if there be any objection to it from a Republican standpoint it is that the rates are too high. Are you legislating for the American people, for the public welfare? If you admit the report of this Tariff Board is such as to compel the President of the United States to sign a tariff bill that you have passed, is not this Tariff Board worth many times more than it cost in the past, and is it not worth many times more than it will cost in the future?

In conclusion, I want to call attention to the fact that the reports of the Tariff Board on both the cotton and woolen schedules are unanimous. The members of that board consist of Republicans and Democrats, one of them a former distinguished member of the Democratic side of this House. There has been no politics in the work of the board. Both of the reports condemn by the facts found the schedules in the Payne-Aldrich law with which they deal. The information is as necessary to the Democrats as to Republicans. If we are here trying to represent the great American people, trying to serve a common country and advance the public welfare, we will continue this board.

I have no great affection for the present President of the United States. I have freely voiced my criticism of many of his acts in the past, but the Tariff Board which he has appointed has rendered a great and lasting service to the American people. Instead of abolishing it we should give it a permanent status, provide for publicity of its findings, make it answerable to Congress as well as the President. If you Democrats fail to do this in this Congress a Republican Congress will do it next year. From a partisan, selfish standpoint I should be glad to see the Democrats abolish this board, but as representing 200,000 American citizens, putting country above party, I ask the Democratic majority to continue this board that it may go on with its work until the tariff issue shall no longer be the football of politics and furnish occupation for the lobbyist. Let us go before the people with the clean-cut issue of a protective tariff or a tariff for revenue only, and when the people decide that question, let us apply facts found by an impartial board to whichever theory may be adopted, and we will have done that for the American people which will do much to again place the Congress of the United States on the high plane from which it has fallen. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman——

Mr. CANNON. One moment. I desire to yield to the gentleman from Massachusetts [Mr. GILLETT].

[Mr. GILLETT addressed the committee. See Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On June 3, 1912:

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On June 4, 1912:

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railway Co., in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do, to authorize and direct the Secretary of the Interior to readjust said rights of way; and

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Chairman, in attempting to make, from a manufacturing standpoint, an analysis of the report of the Tariff Board I shall be very pressed for time within the space allotted to me, and I ask of my fellow Members in the House the courtesy of proceeding without interruption. If I can finish within my time, I shall be glad at the close to answer any questions that I can. The Tariff Board has now made three reports—that upon wood pulp and print paper, that upon wool, and that upon cotton. The first of these I had the privilege of analyzing briefly in an address before the House on August 1 last. I desire now to analyze the report upon wool and manufactures of wool and to say a few words only upon the report upon cotton—a few words only upon cotton, because in the few months that have elapsed since that report was presented, on March 26, there has not been time to make any thorough and deep analysis of that report.

THE TARIFF BOARD.

I have tried to listen with an open mind to the comments made on this floor and in the press on the report of the Tariff Board on wool and manufactures of wool submitted by the President December 20, 1911. The words "magnificent, exhaustive, and complete" have been used to describe the report. The President said, "It is a monument to the thoroughness, industry, impartiality, and accuracy of the men" who made it, and his praise spurred my desire to learn just what the report is, what it says or fails to say, what it implies, and to what action it seems to lead.

I must admit having said that it was "too much to expect that the report of the Tariff Board shall have serious value as a basis for taxation" and having agreed with the American Protective Tariff League that "production cost in our own country is so widely variant as to be of little value." Practical difficulties in the very nature of things seemed to prevent the board doing its work in such a way as to have real merit for the purpose for which it was meant.

For example, it was noted that it would not be sufficient to show that goods of the same weight, width, and character cost so much here and so much less abroad. It would be necessary to show not only that the quantities made at the time these costs were taken were alike, but that the mills were alike in equipment, management, and other conditions affecting cost. An American mill badly located, with poor equipment and inefficient labor, could not properly be compared with a foreign mill superior in these respects till it was shown that none of these conditions were alterable; and if the conditions in the foreign and domestic mills whose goods were thus compared were unlike as to burden cost, this should plainly appear, for like must be compared with like or the differences must be pointed out. Facts are the outcome of conditions, and the conditions are an essential part of the facts; and when the fact sought is the cost of production, the elements that make that cost and the conditions under which that cost arises are essential to understanding the cost itself. To say that goods cost so much made in a certain place merely raises the question "Why?" and the answer to that question may combine many elements. The board itself said of pulp and news-print paper, "The costs in a single mill vary greatly from month to month." Finally, it was then pointed out that statistics given by a mill may not be conclusive about that mill. The real facts lie behind, often unknown to the mill management, yet, perhaps, controlling the cost. These words from a former address illustrate this principle:

> Let us know, then, the conditions of cost, the causes of cost, that Congress may discriminate. If a tariff is to be based on costs, all the factors must be made clear, else the cost itself merely misleads.

With this mental background, I read so much of the report as relates to the manufacturing processes; there has been no time to study the production of wool itself. If my reasoning before the report appeared was wrong, no one needed to know it more than I. Not one member of the Tariff Board had, to my knowledge, any experience in actual manufacturing. If they could learn in a few months what years had taught me

it was difficult to find, and could overcome in that time obstacles to knowledge with which many able men had long struggled, clearly there was something wanting in my thought and experience and in that of other manufacturers. A woolen manufacturer had told me it would take five years to study exhaustively that one industry, but perhaps he was mistaken. Therefore let us, as thoughtful men seeking to learn, look at so much of this report as deals with manufacturing and see what we find.

It would be foolish to deny that that report has brought into public view many facts about the woolen industry that were before it known only to the initiate. It is a glossary or thesaurus that has value as a work of reference. Skill has been shown in the collecting and collating of statistics and in their arrangement. Nor is there a question that the board has been impartial and industrious, nor even that within certain limits it has been both accurate and thorough. The board has sought the truth in a sincere spirit and has stated such truths as it has found in a clear and correct way. The character of the gentlemen composing the board and their repute as statisticians gave assurance that this would be so, and it is so. Such weaknesses as the report may show arise not from intent, but from limitations of time, opportunity, experience, and training and from the essentially impossible nature of the task the board was set to do.

It seems normal, therefore, and to arise without personal fault on the part of the Tariff Board, that their report should be, as plainly it is, incomplete, indefinite, and superficial. It is superficial in the respect that it ignores the whole question of management—that vital factor in industry, so vital that two mills side by side with like equipment, but with different management, may one show failure and the other success. The board says "mills may show differences of cost because of difference in local advantage or skill of management," but admitting this truth they fail to deal with it. It is superficial because it deals solely with the financial side of costs and omits comment on the social and physical conditions under which the human factors live and work; yet this human factor is the greatest element in production, and, according as it is well or ill conserved, costs vary largely. The report is superficial because it ignores many other elements that cause cost and deals superficially only with results and not fundamentally with the causes of those results.

The report is incomplete because it covers only a portion of the industry, whether reckoned by establishments or equipment or employees.

It is indefinite because it fails to state out of what conditions the facts it gives arise. It states an average; it does not tell us fully either the best or the worst the industry does, still less does it tell us the best that the industry can do or can be made to do. Let us be specific. There were 913 establishments making woolen and worsted goods in 1909. The board does not state this. I take it from the census report of April 4, 1911. Of these the "agents of the board visited 188 different mills," say, 20 per cent. I wrote the Tariff Board March 26, 1912, for the reason why so many were unvisited, and my secretary received a telephone reply that they had not time to visit them all. Out of the 188 there were 14 from whom no results of practical use could be had, and some others besides the 188 declined to permit agents of the board to visit them. The board gives the names of the mills from which information was secured. It does not say which mills declined information. One mill, which is efficient, is not upon the visited list, and I am told by what I think sound authority that the owners of this mill have said they do not care about a tariff to protect their manufacturing process because they are efficient enough to take care of themselves. It is but natural that the name of such a mill should not appear on the visited list, for they might fear to give away the results of their initiative. On the other hand, there do appear in the list of mills visited several of which I have some personal knowledge. One of them keeps its cost records in the head of its owner. Several others are located miles from railway transportation and operated at such a burden cost as would injure, if not destroy, an industry that was not sustained under unsound conditions by law.

But we come back to the 174 mills visited, which are said to be "representative of the industry in this country and comprise over two-thirds of its productive capacity." When, however, the examination of labor and machine efficiency was made, 130 of these mills were ignored and 44 used as the basis for the report. We are now reduced, therefore, to 44 out of 913, or less than 5 per cent of the mills in the country, on which to base a report as to labor and machine efficiency. These 44 mills had, when running full, 44,500 employees, or 27.8 per cent, a little over one-fourth of all the employees in this industry in 1909. Of these, 35,029 responded to the inquiries of the board, and the information concerning employees, wages, and so forth, in volume 4 of the tariff report is based upon these replies; that is to say, upon statements from three-fourths of those employed in 44 out of 913 mills when the 44 were running full; or, to be more exact, upon replies from 21.5 per cent, say one-fifth, of the total employees in the industry in the United States. To state this differently, the Census Bureau says "there were an average number of wage earners in this industry employed in 1909 of 162,914." From these the Tariff Board has replies from 35,029, leaving 127,885 from whom no word is heard; 78.5 per cent of all are silent.

I confess not to accept as final the statement of the President as to the report being "exhaustive" when we have no word at all respecting the conditions surrounding nearly four-fifths of the operatives.

Be it here noted that, while possibly the 44 are types, we have no evidence of that. We do not know which they are or where they are or the conditions under which they work. We only know that 44 out of 913 mills and 35,029 out of 162,914 persons are made the basis of this part of the report.

We pass to equipment, taking looms as a convenient unit. There were in 1909, 72,185 looms in the United States. On page 949 the board says:

In the establishments investigated by the Tariff Board—

Whether the 174 in part or whole or only the 44 is not clear—there were 18,634 looms, or 25.8 per cent of all.

But on page 1051 of the same volume data are given based on only 11,080 looms, which is but 15.4 per cent of all in the United States, and these last data therefore omit to deal with 61,105 looms, or 84.6 per cent of all.

That is to say, that in dealing with the productive efficiency of looms the board's data is based upon less than one-sixth of the looms, omitting over 61,000, and upon 33 establishments, omitting 880. Again the few mills and the small proportion of looms may be typical. We do not know. The report does not say where they are, how they are located, under what management they run. But this is not all. There is still other confusion about these looms. Let us put the statements of the board thus:

There were in this industry in 1909 72,185 looms.

There were in the 174 mills from which information came to the board (p. 613, vol. 3) 46,280 looms.

There were in the establishments investigated (p. 949, vol. 4) 18,634 looms.

There were investigated—we are not told how—(p. 22, vol. 1) 12,337 looms.

There were used to get get weaving data (p. 9, vol. 1; p. 1051, vol. 4) 11,080 looms.

Just what the relations are between these various quantities of looms to one another and to the results in the report are not, I confess, clear to me.

The report does not show the systems or lack of systems used in keeping costs in the mills from which this information is derived. It has been assumed, apparently, that there were thorough and accurate costs kept, and that as a matter of fact the manufacturers know what their goods cost them; and yet I doubt if this is so. The gentleman from Iowa [Mr. GREEN], in his address of March 30, stated "from the books of the company elaborate tabulations were made showing the costs of material and work in every particular and with the most painstaking accuracy."

Delightful! But what if the books of the company were not properly kept?

Last fall a friend told me that the head of one of the largest woolen manufacturing companies telephoned him to come down to his office; that he had something unique to show him. My friend went, and told me the thing he showed certainly was unique. The woolen manufacturer had put together in one column all his outlay for the year—wages, expenses, interest, taxes, fuel, everything; and in another column opposite he had put the total yards of cloth made that year. Then he divided the total outlay by the total yardage, and said to my friend: "Look at that. There is what my goods cost me per yard last year. Did you ever see anything like it?"

And my friend, with a straight face, told him he never had, and then went on to ask questions, such as "How many different kinds of goods do you make in a year?" The man said, "About 40." "And these differ," said my friend, "in width, weight, weave, and material, do they not?" "Oh, yes," said the man. "Do you know what each kind costs?" "Oh, no, no," he said, "I do not know that." "Do you know what it cost for any one of them per yard for spinning or for weaving?" "No; except the piecework rate." "Do you know what it cost per yard for any of the other processes in your

mill?" "No." "Do you know whether each department in your mill runs at a loss or profit, and, if so, how much?" "No," he said.

Now, in that case the books of the company would not be quite the purest light possible on the way of truth. [Applause.] Indeed, the board itself says (p. 627) such a method would "give no result of any value" and is "utterly meaningless."

Again, an agent of the Tariff Board told me he had visited 16 establishments in the knit-goods portion of the inquiry. I asked him if they knew what their goods cost. He said, "No." I asked him whether these 16 establishments had any system of keeping their costs. He said, "No," and he said, "I got accurate costs all right. I found them out for myself. I stayed in the mill a week and studied the thing until I got what was right." And he also said some of these manufacturers said to him, "The Government ought to employ men like you to go about and tell us manufacturers how to keep our costs."

I asked a young man whom I had known for years and who was employed in the office of one of the largest woolen companies whether they kept any accurate continuous record of the costs of manufacture in each department of that mill. He said, "No."

The Tariff Board have been looking for one of the most elusive and difficult of facts—for a fact which is the outcome of hundreds of other facts—which results from the combination and reaction of facts mechanical, facts human, facts financial, facts economic, facts physical. Such facts can not be predicated on the basis of a short period nor picked up in a week nor collated from defective or unscientific records, and such facts are more delusive than helpful when they are merely financial, based upon results without considering, or at least without stating, the facts that cause those results.

It is one thing to say that we do not manufacture at a certain cost; it is quite another thing to say that we can not do so. The board tells us something about the difference in expense of producing goods here and abroad. It does not tell us so much about the difference in extremes of cost between American mills, for the tables of cost we shall discuss later are confined to but few out of many mills, and even as they are they make the theory of basing a tariff upon the difference in cost so absurd as to be a joke. It is not the duty of Congress to sustain a lot of derelicts, or to make the American people pay 67 per cent more for their cloth than they can buy it for abroad merely to promote continuous inefficiency. [Applause on the Democratic side.] The board might have told us what the results would be of combining the best American practice so that we might know, not what the industry requires under its present condition, but, rather, what at its best it might under the protective theory be said to need. This it omits to do. But the board does render a public service when it points out the "wide difference in efficiency and cost," but still more when it says that "in general the lowest labor costs per pound were in mills paying the highest wages," and states the further truth, "Frequently it is found that high wages and low labor costs go together." [Applause on the Democratic side.] This is a crushing blow to the theory that protection is needed to sustain American wages. As the final death stroke to this worn-out fiction, take the words (p. 9) of the Synopsis of the Tariff Board's Report on Schedule I (cotton):

> As is well known, wages or earnings are not necessarily an index of the labor cost of any particular process of manufacture. The labor cost per yard depends on the relation between wages and output.

Referring for a moment to the report on Schedule I, cotton, we may note certain salient features of it. In the first place, it frankly admits that the report is based on but 81 out of 1,324 mills, or 6 per cent. It gives the list of the mills visited. From those mills are omitted many of the best concerns in the land. In particular I note the omission of that mill in New England which, more than all others, has been distinguished for the individuality and the initiative of its owner, and I note also that it omits the name of one of the most successful and prosperous mills in the South, from whom I shall presently read a letter. But its report does show again and again and again the extreme variations in cost, which make it impossible to predicate any judgment as to the tariff tax upon the cost of manufacture.

But out of this wool report, with all its omissions and failures, two large facts emerge. The first is that after many decades of protection woolen and worsted manufacturing in this country is in many ways a backward and inefficient industry; and the second truth is that the attempt to base a fixed protective tariff on the differences in the cost of production between the United States and other countries is absurd.

There are four elements in which the woolen and worsted industry is shown to be backward and inefficient by the report. These are in the equipment, the standards of production, the relative wages paid, and the management.

They say the dead can not speak to us, but this is not true of the wool industry, for behold these words:

> The old mills for all practical running purposes are as good as the new. There are certain wearing parts in a machine which, if renewed from time to time, keep the machine as good as new. This will apply to all machinery. Where the mill has a good machine shop, and where the standard of mechanical conditions is high, whenever a machine is not "right" it will be stopped and made "right." If that is maintained, age is not serious.

It is hard to believe that this is not a voice from the ancient world or the Middle Ages. It has a sound of the outer darkness and a ripe medieval flavor. It is, however, a statement from page 1044 of the report made by a woolen manufacturer who thinks he is running a modern industry. I read this statement in Detroit recently before a group of factory men, every one of whose establishments had been either created or born anew within 20 years. On page 7 of the preface to Modern Industrial Progress, the author, Mr. Charles H. Cochrane, says:

> To-day the industry is exceptional in which there has not been an entire alteration and renewal in the machinery used within 15 years. Machines have to be thrown into the scrap heap more often because they are too slow and out of date rather than that they are worn out.

And the board itself, on page 376 of its cotton report, makes this clear statement:

> A modern mill, equipped with looms of the latest construction, which have been in operation only a few years, will manifestly have an entirely different repair account from that of a mill with looms anywhere from 20 to 50 years old. Not only will the efficiency, and therefore the resultant labor cost per unit of product, be different in the two mills, but the actual expenses incurred for repairs will be vastly greater in one case as compared with the other.

What are the facts in the woolen industry?

Of scouring machines, 19½ per cent have been in use over 15 years and 12 per cent of them over 20 years.

Of the carding machines in the worsted mills, 31 per cent have been in use over 20 years.

Of the carding machines in the woolen mills, 55 per cent have been in use over 20 years and 39 per cent over 30 years.

Of the Noble combs in the worsted mills, one-third have been in use over 20 years and 22 per cent over 25 years.

Of the French combs in the worsted mills, 21 per cent have been in use over 20 years.

Of the drawing frames—Bradford system—in the worsted mills, 18 per cent have been in use over 20 years.

Of the French drawing frames, over 20 per cent have been in use over 20 years.

Of the spinning frames in the worsted mills, 24½ per cent have been in use over 20 years.

Of the worsted mules, 30 per cent have been in use over 20 years.

Of the woolen mules, 20 per cent have been in use over 20 years.

Of the looms in both woolen and worsted mills, 23½ per cent have been in use over 20 years and 40 per cent over 15 years.

But this is not the worst. The figures which I have given, from tables on pages 1021 to 1040, inclusive, of the report, relate apparently to the 44 mills mentioned on page 949 as those in which labor and machine efficiency were investigated. These 44 (out of a total of 913) had more than one-fourth of all the employees in the industry. It must therefore be assumed that they include some of the best mills, else the report would be a sham. It is certain that among the 869 that are omitted were most of the worst mills, and if among the selected 44 the facts are as above, imagination fails to picture the antiquity and decrepitude of the apparatus that the many mills employ, and it is in large part upon the output of these hoary and venerable relics that our people depend for their clothing. It is to this pass that the woolen industry has come under protection; paying the lowest or almost the lowest relative wages in America; operating mills filled with mechanical wrecks. It wonders why its costs are high; complains of its inefficiency; charges us 67 per cent more for the same goods than the price at which they are sold abroad, and cries for a continuance of 90 per cent duty. [Applause.] The picture is shocking. Deprived of initiative; lost to the sense of self-help; supinely content with excessive costs; living in the stone age of industry. This is the general spectacle revealed to us. This much is true of free competition—it tolerates no inefficiencies. This much is true of our present policy, that under it gross inefficiency survives at our cost. True it is, as the gentleman from Connecticut [Mr. HILL] wisely said in his speech of March 29:

> In the textile industry we can no longer boast of the superior efficiency of American labor or machinery, but rather that we are laggards in the race with England and France in both respects.

But this is not the whole. The standards of the industry are low. The report says 80 per cent of loom production on

worsteds and 70 per cent on woolens are the manufacturers' desired standards of efficiency (p. 23).

In a large New England machine shop some months ago the manager found his automatic machines running at 80 per cent efficiency, and not content therewith sought to improve them. By raising the pay of his men and by instructing them and by the study of time losses, in a short time he brought the efficiency of all those machines up to 96 per cent. I said to him as we went about the works, "No doubt you daily see things you can improve." He said, "I have taken note of four such this morning." In that man's attitude of mind and self-criticism lay the best protection that house could have. [Applause.] It is an old phrase:

> Who aimeth at the stars
> Shoots higher much than he that means a tree.

But men who are content with 70 and 80 per cent efficiency condemn themselves by their very standards. For the report shows that it is not necessary to set the standards so low, because there are cases in which they are exceeded. On page 1049 it appears that three woolen mills average over 75 per cent of loom efficiency, and the following page shows that four worsted mills average above their standard, while individual cases ran far above the standard set, so that a standard exists which is actually less than the best performance. Hardly a high ideal. We may assume, of course we do not know, the report does not say, that in certain mills the standard is high, but the tables of productive loom efficiency that we get cover but 43 mills. What shall be said about the standards of the 880 that are not named? And, although the standards are needlessly low, yet the sad fact is that out of the 21 woolen mills, on page 1049, 13 fell below the standard, and out of the 22 worsted mills, on page 1050, 18 fell below the standard. If one studies the data for 11,080 looms, on page 23, the following facts appear:

Wool standard, 70 per cent—2 per cent of looms reach 90 per cent, 12.9 per cent reach 80 per cent, 21.6 per cent reach 70 per cent, 36.5 per cent reach or exceed standard, 45.4 per cent reach 50 per cent, 18 per cent below 50 per cent, and 63.4 per cent fail to reach standard.

Worsted standard, 80 per cent—4.1 per cent of looms reach 90 per cent, 24.7 per cent reach 80 per cent, 28.8 per cent reach or exceed standard, 30.9 per cent reach 70 per cent, 34.1 per cent reach 50 per cent, 6.2 per cent below 50 per cent, and 71.2 per cent do not reach standard.

So that low as the standards are, whether we reckon by establishments or by looms, but a small proportion reach them. Yet that the standards are too low and that a higher standard can be reached in practice is also shown by the fact that the records, both by mills and by looms, tell of cases where the present standards are largely exceeded.

The efficiency varies from mills in which 19 per cent of the looms show less than 40 per cent efficiency to others in which 32 per cent show over 85 per cent efficiency. How can a fixed tariff tax cover differences in productive costs of such a range?

It is interesting as showing what is done under different conditions in another textile industry to read from a letter dated March 5, 1912, from the Republic Cotton Mills to the Draper Co., these words, showing what they accomplish on plain cottons with the Northrop automatic loom:

> During 8 months our loom efficiency has averaged 112 per cent. We have averaged 0.9816 per cent firsts, and we have a reputation established for our goods with the best eastern converting trade that is second to none. In fact, we get the preference right along, and the best buyers prefer our goods. We mention this to show you that we are not sending out seconds for firsts. We have, as you know, 600 looms, and our total number of weavers running these looms are 23, an average of 26 looms to the weaver. We have 2 weavers in our employ running 40 looms each. We have no trouble of any kind and our work is running beautifully. We have no trouble securing the best weavers in the country, as our work runs so well they are anxious to get a job with us.

No wonder that the Draper Co. say:

> This letter shows what can be accomplished in a mill which is not hampered by traditions.

This is one of the mills that is omitted from consideration by the Tariff Board in its report on cotton. I call attention to the fact that the Tariff Board suggests in its cotton report that it is the best practice in the mills it investigated to have 28 looms for 1 weaver, whereas this mill writes they are running 40 looms to each of 2 men, showing the board might have got some information if they had consulted this mill. And, further, the average in this mill of looms to weavers is higher than the average suggested by the board in its report.

By contrast, if testimony is needed to confirm what the report reveals of backwardness in some textile mills, it appears in these words of Mr. Eugene Szepesi:

> There is a certain plant that I have in mind, a cotton-manufacturing plant using old machinery. They have old-style spinning frames; their mules are almost any to 1800. Their looms have been running 32 years. You can imagine how efficient this plant is. That plant is actually running at, we figured, something like 42 per cent efficiency. * * * All that manufacturer can do is to throw out his old machinery and start anew to bring up his efficiency. It is the waste of management, not of the worker, which has brought him down to this low figure.
>
> [Applause.]
>
> They are working with machines which are absolutely not much better than scrap iron.

And also in this further statement:

> I had a mill where 37 per cent of the looms were idle because of repairs.

The statement of Mr. F. G. Patterson, auditor of the Pacific & Atlantic Mills, at the Dartmouth conference of last October, is also illuminating:

> I have been working in textile mills * * * all my life, and I find that the information which it is necessary to have is not in the offices. * * * There are few costs used in the textile industry. The costs that they now have are made up semiannually or annually and are based upon estimates which are made at the time the cloths are first introduced, multiplied by the yards made, perhaps, and then an adjustment made to equal the actual expenditures. You will find that method in use in most of the textile mills.
>
> People ask, "What good are costs if they are not got accurately? The goods are not sold according to those costs." That is very true; but there is a deficiency in the textile industry which is a very marked one. We are much behind the steel and shoe industries. We are now where they began. We are not getting our operation statistics accurately; we are only getting our balance sheets semiannually or annually. They can be obtained monthly, and are being obtained monthly in two textile mills that I know of, but I know of only two in this country.

These words from an experienced mill accountant I commend to the attention of the committee.

But the frankest admission of the use of the tariff to conceal inefficiencies appears in an article in the Iron Trade Review, of Cleveland, which says:

> The American iron and steel industry requires a measure of tariff protection by reason of the fact that a number of improvements in methods and appliances have been made abroad, but have not secured general adoption as yet in the United States.

Could there be a plainer statement of the fact that the tariff is wanted because an industry is backward?

It is normal that along with poor equipment and low standards should go low relative wages, for the intelligence of the industry appears upon the whole not to have risen above the point where it is deemed economy to get the cheapest labor to be had. Then they groan because it is unproductive. If, again, we may take the 44 mills with which volume 4 deals as typical and forget that there are 869 others about which nothing is said on this point, it appears that 40 per cent of all the workers get from 10 to 14 cents an hour (p. 997), and 56 per cent of all are paid within the limits of 10 to 16 cents per hour, while over 11 per cent get less than 10 cents per hour. More than half the women (57.4 per cent) receive between 10 and 14 cents per hour. Just here it may be well to quote from page 1009:

> In two worsted mills where the average earnings of weavers were low * * * the average efficiency was less than 70 per cent. In those mills the great majority of the weavers did not earn over $8 per week.

Under these conditions labor is normally restless, and we are not surprised to find (pp. 962 and 963) that though 46 per cent of all the workers had been in the industry over five years, but 29.5 per cent of them had been in one mill five years and 27.7 per cent of them less than one year. Furthermore, it is obvious that many attempt to support themselves by working in this industry, fail, and leave it for other work, so that into and through and out of the mills flows a constant stream of strangers. Out of 9,722 persons who had worked less than a year in the mill where they were employed more than three-fourths had worked less than a year at that occupation.

"The mills," says the report, "are at a disadvantage because of the large proportion of new and inefficient workers." And it is obvious this must be so. The conditions revealed are such as to make these mills the abode of the ignorant and the inefficient. The bright and clever men and women pass on to more productive labor or refuse to enter at all, and the weaker and less intelligent remain, and this will continue to be so as long as the industry is managed on its present basis.

And yet a word of caution is needed, because the figures in the report apply to but 35,029 out of 162,914, and we only know by inference as to the majority. The constant ebb and flow of inefficient labor appears, however, in the fact that though in 1910 but 13,233 persons were necessary to fill the positions in certain mills, yet 28,421 were hired in these mills to take the places of those discharged or who quit of their own accord (p. 984), or 115 per cent more than the average number at work. Not 50 miles from the centers of the textile industry in Massachusetts, where such conditions prevail, is a mill that has no trouble in getting 1,500 intelligent working girls, nine-tenths of them of American birth, to work at good wages, with

such efficiency that the mill products go to 50 countries. There is a waiting list of applicants at this mill. Compare the record of changing labor in the woolen industry with a shop in Brooklyn employing 550 men, where in 14 years a total of 166 men quit or were discharged, an average of 12 yearly, 1 a month. Possibly it partly explains this to add that in the Brooklyn shop an average wage of $17 weekly is paid, exclusive of all officers' salaries.

For the cause of the ancient equipment and the low standards and the inefficient labor we look to the fourth element revealed by this report, namely, poor management. It is not necessary to practical men to say much on this phase. The facts already cited tell it beyond all question of denial or explanation. Side lights upon it may be of interest, however. According to Industrial Organic Chemistry, wool grease can be profitably extracted from raw wool as a by-product, of which a value of $3.75 can be produced for 60 cents. The author of Modern Industrial Progress says (p. 591) that two or three million dollars' worth of wool fat and potash are still allowed to run to waste. The owner of a woolen mill who said his efficiency was 65 per cent saved none of this grease, and told me it did not pay to do so. I have not found this and kindred practical matters discussed in the report of the Tariff Board. The general index furnished by them contains nothing under the head of by-products. For a certain use it was necessary for the board to obtain the exact number of yards woven and the time used in the weaving. The report on page 1046 uses these significant words, "The mill records did not contain this information." And here I recall the words of the secretary of the National Association of Woolen Manufacturers:

> This question of costs has been receiving increased attention from woolen and worsted manufacturers in the past few years.

Note those curious words, "the past few years."

On page 1047 is a pregnant allusion to "the idle time of the weaver when not working on loom production, such as waiting for new work, for filling, or for breakdown of the loom," and on the following page is shown a record of time lost in stoppages, said to be 16.7 per cent. This is an error in figuring. It should be 20.2 per cent. Again, it is interesting to note from page 629 that "the practices of the mills regarding depreciation are at the best as crude as they are varied," also that "imperfections in the carding and spinning often" (note that word "often") "make lumps in the yarn, which in most cases break in the weaving and have to be tied." It is suggestive to read, page 629, "as near to the actual costs as the mill itself was able to make them," and on page 627, that "wastes made in successive processes vary both with the skill and efficiency of men and machines and also with the business policy of the management." From page 954 it appears that over 20 per cent of the total force are "engaged in the general work that is necessary about any mill." These are nonproducers and distinct from the productive and supervising force. The proportion is large and makes a heavy handicap upon the industry. It is, however, taken from the 44 mills and from but 21½ per cent of the total operatives. It may be worse or better if the whole industry were known. We can not tell. It may be worse or better in some of the 44 mills. The report does not say. But it is hard to believe that under the best conditions and with keen management and well-paid labor it would be necessary to employ anything like one-fifth of the total force at nonproductive or indirect labor. And here again the board fail to enlighten us as to the best practice or the possible practice. We might have had a bright light on such matters had there been upon the board a manufacturer who could have said, "This may be true, but it is all wrong to have it true." Nor does the report tell us anything definite as to the extent to which accurate cost data are kept. We get such statements as, "In most mills no system of advancement exists from one class of work to another" (p. 965), and when the weaver has to wait for filling "this loss of time must be charged to the lack of efficiency on the part of the establishment" (p. 1045).

But, further than that, there are wide variations in cost and equipment and efficiency and wages and in many other elements; further than a general statement as to these things we get very little, though we are told (p. 641) that in the same mill the cost of similar "tops" varied from 4 cents to 9 cents per pound. Certainly it is true that the board had to find out some costs for themselves. Some information, doubtless, was furnished of value by some mills. We do not know which or where or to what extent, and still less do we know, respecting the statements of costs which are made up, the conditions which cause them and out of which they rise. It seems certain to me that if there had been one or more mills maintaining accurate, scientific, continued series of costs under the charge of competent accounting officers, showing the profit and loss in each deparment over a period of time, that this would have appeared in the report or its existence have been made known. The absence of any statement from any mill of a complete tabulation of manufacturing costs covering all processes, allowing for wastes, by-products, and burden charges, and showing production on a modern scientific basis, is one of the most significant facts about the report. [Applause.]

As a close to this part of my argument let me quote from a letter of April 9, 1912, to me from C. E. Knoeppel, Laporte, Ind.:

> If concerns would put their conditions in the best possible shape, if the daily activities were properly coordinated, if operations were standardized, and the men paid the best possible wages, the matter of cost and wages would be a small factor compared with the gains that could be realized through the elimination of wasteful practice and furnishing encouragement and incentive to the men.
>
> Manufacturers should consider their men as assets and forget about wages as expense. If they would do this, if they would take more pains in conserving their energies, directing their efforts, and encouraging them in their work, not only would there be less labor trouble, but costs and prices would strike a much lower level and the men receive more in wages.

But the report we are discussing shows more plainly than anything else the absurdity of a tariff based on alleged differences in the cost of production. Let us see how costs differ between American mills—recalling again that we are dealing with but 43 or 44 mills out of 913—and in order to show the common fallacies more clearly, let us show side by side for each of many processes the variations in the hourly wage rate and in the actual labor cost:

Process.	Page.	Hourly wage rate varies from—	Labor cost per 100 pounds product varies from—
Scouring	1022	12 to 18 cents.	5 to 34 cents.
Carding, worsted	1024	10 to 17½ cents.	19 to 69 cents.
Carding, wool	1026	9½ to 16 cents.	62 cents to $3.02.
Combing (Bradford system)	1028	9 to 13 cents.	48 cents to $1.70.
Combing (French system)	1030	10 to 13 cents.	86 cents to $1.46.
Drawing (Bradford)	1032	9 to 14½ cents.	$1.17 to $3.22.
Drawing (French)	1034	10½ to 14½ cents.	$1.45 to $2.23.
Frame spinning, worsted	1036	6 to 13 cents.	$1.38 to $4.66.
Mule spinning, worsted	1039	12½ to 19 cents.	$2.24 to $6.20.
Mule spinning, woolen	1041	11½ to 27 cents.	$1.18 to $3.61.
Looms, woolen	1049	(1)	(2).
Looms, worsted	1050	(3)	(2).

[1] Efficiency varies from 55.09 to 78.80 per cent, or 43 per cent.
[2] Average of mill.
[3] Efficiency varies from 52.28 to 87.66 per cent, or 67 per cent.

It is perfectly evident from the above that inasmuch as the labor cost per unit of product varies out of all proportion to the hourly wages, that the latter element is not the sole controlling factor that fixes the labor cost. This last is effected by many elements other than the hourly wage—by the run and the kind of yarn and by other factors which may be summed up in the one phrase "quantity and character of product," or, as the board says, page 645, "figures will vary widely according to the output."

Take a few examples in detail. On page 1022, mill No. 4, with an average hourly wage rate for machine operatives of $0.1499 and for supervision of $0.3298, has a labor cost for scouring of 5 cents per 100 pounds. Mill No. 14, with an average hourly wage rate for machine operatives of but $0.1216 and for supervision of $0.2416, has a labor cost for scouring of 21 cents per 100 pounds—lower wage rate, but four times the labor cost.

In the carding process, page 1024, mill No. 15, with an hourly wage rate of $0.1186, had a labor cost of $0.69 per 100 pounds, while mill No. 3, paying an hourly wage of $0.1318, had a labor cost of but $0.19 per 100 pounds. A higher wage rate and less than one-third the labor cost.

In the work of combing, page 1028, three mills making substantially the same count of yarn—Nos. 7, 8, and 9 mills—show a variation in labor cost per 100 pounds from 1.08 to 1.38, and the mill with the lowest labor cost pays the highest average hourly wage rate.

In spinning, page 1036, mills Nos. 4 and 5 make nearly the same average count of yarn. No. 4 pays to machine operatives $0.1329 hourly rate and has a labor cost of $1.80 per 100 pounds. No. 5 pays $0.1178 hourly and gets a cost of $4.31 per 100 pounds.

The piecework rate for weaving a 50-pick fabric varies 25 per cent—7.90 to 9.77—between six mills (p. 1015).

Many more examples could be given from the report to show that even within its meager scope the fact comes clearly out that any attempt to cover by a fixed tariff the difference in labor cost is absurd. The cost of turning yarn into cloth varies in the United States from 60 per cent to 170 per cent higher than the English cost, according to fabric (p. 17). The difference between United States and Germany, the board says,

is less. Shall we provide a separate tariff for each country and for each fabric from each country? Even if so, how shall we provide for local differences in wage and management and conditions within each country, for (p. 16) the board says there "are wide variations in both countries from mill to mill"? The thing would be a joke were it not serious. If ever a fiscal theory had its bottom knocked out, this is it. Let it be thrown in the scrap heap of our financial history never again to raise its diminished head. [Applause on the Democratic side.] It has been a source of great gain to what our board pleasantly calls our "more highly organized establishments" (p. 996). It has kept alive an assorted lot of industrial derelicts, but its day is over. Soon there will be "none so poor to do it reverence." Over its early and welcome grave let this extract from page 256 be written:

The work done by one comb, one spindle, one loom, or one person in one country is not necessarily equivalent to the work done by a machine of like name or a person in another country.

[Applause on the Democratic side.]

The speed of a spindle may be greater in the United States than in Germany; the looms of the United Kingdom may run more picks to the minute or have on the average a wider reed space than the looms in France; the production turned out by a man or woman in an American mill may be greater for a given time than by a man or woman abroad.

What, then, is the value of our Tariff Board? It has shown substantially that the Democratic wool and cotton bills were based on knowledge and were right and wise. [Applause on the Democratic side.] It has developed that tariff studies under "rush orders" are as incomplete as they are expensive. It has been a costly but not a conclusive experiment. [Applause on the Democratic side.] The work it has attempted to do may—so far as it is feasible at all—be better done and done more cheaply as the regular duty of a particular bureau given ample powers and charged with a continuous rather than a sporadic effort and inquiry. Another epidemic or spasm of tariff study is not needed. A careful continuous inquiry into all the facts of industry, covering a long period of time, can not but be useful. There is room for a bureau of domestic and foreign commerce which shall gather and digest facts relating to our own and foreign industries. There seems no special requirement for a board confined to tariff study. [Applause on the Democratic side.]

Costs can not be predicated on a few mills or a short period. Already in some of the mills on which report is made the facts given are altered. The Tariff Board has come, lived its feverish and troubled life, and will turn over its work to a more efficient and continuous successor, which will, we trust, learn from its career that industrial problems can not be grasped with a "hop, skip, and jump," and that in manufacturing the unseen rather than the obvious facts are controlling. [Applause on the Democratic side.]

But the experiment has not been in vain if we have learned that it is as wrong to tax ourselves to support inefficient mills as to sustain incompetent doctors and lawyers. Attention having been called to the cost of production, we have found that to be a complex and difficult subject, variable in nature and multiform in character. Even by those who have long studied the science of costs the exact relations of its various elements are not always known.

The threats of reducing wages to keep cost down are, however, now known to be merely indicative of the ignorance of those who make them concerning the causes of cost.

The Democratic Party repudiates the idea of proceeding with tariff reform in ignorance. It seeks the widest truth; it is not content with half truths. It will not deal with our industries in an impatient or drastic spirit. It recognizes that upon our industrial prosperity the welfare of us all largely depends. Silent mills and closed doors have no charm for us. But we repudiate the industrial baron; we require the industrial servant. Our industrial philosophy is that of Him who said, "He that would be greatest among you, let him be your servant." [Applause on the Democratic side.] We would substitute for a protective-tariff platform a new declaration of industrial independence. We offer an affirmative, not a negative, teaching. We would replace protection with self-help, childhood with manhood, shackles with freedom. Our industries will never be as strong and sturdy as they ought till they become self-reliant. [Applause on the Democratic side.] For such self-reliance the Democratic Party hopes, and hopes with the strong confidence of a friend and not with the sinister design of a foe. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CLAYTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, how much time has been used?

The CHAIRMAN. The gentleman from New York has used 2 hours and 45 minutes, and the gentleman from Illinois 1 hour and 40 minutes.

Mr. MANN. Mr. Chairman, by direction of my colleague [Mr. CANNON] I yield 45 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, down on the Isthmus of Panama we are completing the most spectacular and monumental work ever undertaken by man. Culebra's mighty gash, the concrete canyons of the locks, the stupendous dam of Gatun, all stand unique in grandeur among the works of man.

The manner of accomplishment has been in honorable keeping with the magnitude of the undertaking. Science and courage conquered the terrors of the climate, trained and unerring judgment laid the plans, genius wrought and industry executed, and devotion and loyalty of the highest order marked the mighty consummation.

To have accomplished the task is heroic; to have achieved it in the manner of its accomplishment is glorious. No useless sacrifice of life, no needless suffering or pain, no unseemly bickering or strife, no turmoil or disorder, no hint or stain of scandal has dimmed the luster of the achievement.

The roll of those who blazed the way, who planned the work, who directed and performed it, is one long roll of honor—the commanders, the captains, and the loyal soldiers of a mighty triumph of peace.

Soon all will be finished, and over the watery stairs the huge leviathans of the deep shall pass from west to east, from east to west, and the water girdle of the globe will be complete.

And now the question confronts us, What shall we make the history of the great waterway? Shall we give it a birthright of peace in keeping with its glorious purpose, or shall we fling open the portals of the temple of Janus and dedicate it to the god of war?

The decision is with us. The responsibility is ours. As we sow so shall our children reap. Shall we bequeath to them in this mighty enterprise a legacy of peace and power, or shall we create a heel of Achilles whose every wound shall give them pain and torment?

I hold it to be a truth susceptible of the clearest demonstration that every consideration of good faith, of prudence, and of patriotism urges us to invite all the civilized world to join with us in establishing and maintaining the complete neutrality of the canal for all time.

I maintain that only by such an arrangement can the canal be made of lasting and permanent benefit to our people. Any other course will involve vast expense, and in time of war will defeat the useful and beneficent purposes for which the project was undertaken.

I shall not at this time enter upon a discussion of the question of our right to fortify the Panama Canal. I regret to have to say that, in my opinion, some of our people do not particularly care what our treaty obligations are in the matter. At any rate, no nation is likely to question our right to fortify. So far as I know, no nation has any objection to our doing so. The great nation with which we now have a treaty purporting to neutralize the canal is evidently not unwilling that we shall fortify it.

I base my opposition to the fortification of the canal on the ground that it involves vast and needless expenditure, running so long as time shall last, and that instead of being a benefit and a defense, fortifications will be in time of war, whether we are engaged or not, a source of endless trouble and embarrassment, and if we are engaged, of weakness and disaster. Fortifications invite bombardment; unfortified places are exempt from bombardment by international agreement.

COST OF FORTIFICATIONS.

For the sake of argument, let us assume that we are to fortify the canal. What will be the cost? The first estimates of the initial cost of fortifications at Panama, including quarters for a comparatively small number of men, were between twenty and twenty-five million dollars. These estimates did not, however, include all the work and batteries that would be

necessary to protect against either a sea or land attack. It must be borne in mind that if we are to fortify the canal it is as important that it be defended against land attack on both sides as that it shall be protected against attack from sea at either end. In fact, in case of war with any formidable power the canal is more likely to be attacked by land than by sea. In any event, any serious and determined attack by a powerful enemy is certain to be by land and sea simultaneously. We must therefore estimate for both land and sea defense; and taking these matters into consideration, as well as the fact that the first estimates for war defense are invariably too low, it is most conservative to estimate the ultimate cost of the complete fortification of the Panama Canal, including the necessary quarters for garrisons, at $50,000,000.

The smallest force that has been estimated as adequate to guard the canal if we fortify is from 8,000 to 10,000 men of all arms; the latest official estimate is 12,000. Such a force would be expected to protect the canal against an ordinary landing party from a hostile fleet, but would not be expected to be sufficient to hold the canal against an expeditionary force. To maintain such a body of troops in the Tropics will cost from $12,000,000 to $15,000,000 annually. Renewals and repairs of fortifications would cost at least $5,000,000, or a total of at least $20,000,000 and probably $25,000,000 per year for purely military purposes. Thus the cost of fortifications and troops for the first 15 years of peace would amount to the cost of the canal, and this does not take into consideration the enormous expenditure now proposed for naval stations at Panama.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MOORE of Pennsylvania. Those figures pertain only to armament?

Mr. MONDELL. My estimate of $50,000,000 was for land fortifications and quarters for men. My estimate of $25,000,000 annually is for the maintenance of those fortifications and pay and keep of the men.

Mr. MOORE of Pennsylvania. And they have no reference to the maintenance of the men who operate the canal?

Mr. MONDELL. None whatever. This is purely military outlay. The estimate of first cost of fortifications is $50,000,000. It would be unnecessary to spend any dollar of that if we are not to fortify the canal. It will cost at least $20,000,000 to $25,000,000 a year for upkeep and garrisons, and no dollar of that would be necessary if we were not to fortify the canal.

Mr. MOORE of Pennsylvania. The gentleman's estimate, then, is a side issue altogether, and has no reference to the commercial aspects of the canal at all?

Mr. MONDELL. Absolutely not at all.

Mr. MOORE of Pennsylvania. Or to its maintenance in any way as an engineering enterprise?

Mr. MONDELL. Not at all. No part of the sums I am referring to would have to be spent if we did not fortify the canal.

Mr. MOORE of Pennsylvania. Will the gentleman permit one more question?

Mr. MONDELL. With pleasure.

Mr. MOORE of Pennsylvania. I think during the whole of the discussion of the Panama Canal bill we had no information from anyone as to that country from which an attack might be expected upon the canal. I would like to know whether the gentleman, in his inquiries among military men, has been able to determine from what country, if any, we are likely to have an attack and what nation would be inspired to take the Panama Canal?

Mr. MONDELL. If the gentleman will bear with me, I expect to discuss that in detail a little later.

Fortification of the canal means therefore an outlay, even though we have no war, of a sum sufficient to build four Panama Canals every century, and this must, under the plan of fortification, go on forever. How vast the outlay would be in case of war no one can estimate, and how fruitless it would be I will attempt to point out later.

THE RESULT.

What benefits will this vast expenditure bring us? In time of peace nothing, for no protection is needed. In time of war to which we are not a party the fact of the canal being a fortified place will increase our difficulties if belligerents meet there. In case of war in which we are engaged if our enemy commanded either approach to the canal, and particularly the Caribbean Sea, the canal would be blockaded and our fortifications would be useless—"as idle as a painted ship on a painted ocean." On the other hand, if we commanded the Caribbean Sea with our Navy the fortifications would be unnecessary.

If we were at war with a really formidable power desirous of seizing and holding the canal, the harbors at a convenient distance on either side of the Canal Zone afford favorable opportunities for landing troops for a land attack. No fortifications at the termini of the canal can protect against such an attack. Command of the adjacent seas by our Navy would prevent it.

The fortification of the canal makes it our one vulnerable point of attack in case of war. An enemy would be likely to first strike there because of its being far remote from our continental base; and the canal, if taken, a valuable prize. Instead of being able in some measure to select the scene of conflict, we would be compelled to accept the gage of battle at the point our enemy selected. Thus Panama would be a veritable heel of Achilles. Our fleets must concentrate there and an army must be dispatched and maintained amid the dangers of that tropical climate to guard against expeditionary forces. There is scarcely a civilized nation with which we would not be at a disadvantage in such a conflict, limited as we are in transport fleets; and after all, the outcome would depend on our Navy. If we lost control of the sea, our hold on the canal would be precarious, only to be assured by the utmost exertion and at enormous cost. How foolish it would be when it can be avoided by holding the canal neutral.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. MADDEN. Would it be of any more use to anybody else if they took possession of it, if fortified, than it would be to us fortified? The gentleman said it would be a very valuable possession to some foreign nation if it took possession of that canal.

Mr. MONDELL. I assume that the canal, which will cost us $400,000,000, is of value.

Mr. MADDEN. Would it be any more valuable to them than it would be to us?

Mr. MONDELL. If the canal is fortified, it can be lawfully taken as a prize of war and held after the war is over unless we defeat our enemy and can compel its restoration.

Now I come to the point which the gentleman from Pennsylvania [Mr. MOORE] suggested—Who do we expect a war with?

FORTIFICATIONS AND WAR.

Let us assume that the canal is fortified; that we have spent $50,000,000 for fortifications and $50,000,000 more for a naval base or station, and for years have expended from $5,000,000 to $10,000,000 annually for upkeep of our military works and another $15,000,000 a year for troops, and that eventually we have a war. It is difficult at this time to conceive the possibility of a great foreign war; but if we are to fortify, it must, of course, be in anticipation of such a war, and therefore we must concede that such a war is possible.

Let us assume the altogether improbable contingency, that we have a war with Great Britain. No one pretends to believe that we could hold the Caribbean Sea, the Atlantic end of the canal, against such an enemy. To attempt it would necessitate the use of our entire Atlantic Fleet in that region, leaving our Atlantic coast unprotected. The enemy having blockaded the Atlantic end of the canal, it would be useless and valueless to us. Whether or no a land attack was made would depend upon what terms we were willing to make with regard to use of the canal for merchant ships. If we were willing to allow all merchantmen except our own to pass through, such an arrangement would probably be agreeable to the blockading squadron. If we insisted that our merchantmen or none should use the canal, none would use it as long as we held the waterway, in which event the enemy would probably make a land attack.

We might be able to hold the canal against landing parties from a blockading fleet, in which event England, with her vast transport fleet, could in a very short time land an expeditionary force sufficient to take the canal. Having lost control of the Caribbean Sea, we could not transport an army or make a landing except possibly by way of the Pacific, which, assuming it could be done, would be so long delayed that the canal would be taken and held as a prize of war, open to all the world except ourselves.

Nor must we forget that a new engine of war of seemingly tremendous efficiency for destructive purposes is being rapidly perfected. An aeroplane launched from the deck of a hostile ship outside the fire zone of our fortifications, or from any vantage point in the surrounding territory, can easily drop explosives powerful enough to destroy the locks and put the canal out of commission.

Against such a procedure on the part of England may be urged the treaty under which she pledges her support against blockade of the canal, but such an argument can scarcely be

made by those who are insisting on fortification on the ground that treaties of neutrality are made to be broken. Furthermore, our treaty with Great Britain guarantees the passage of warships at all times, and as fortifications are being primarily urged to prevent our enemy in war from putting vessels of war through the canal, it must be assumed that if we fortify we expect to prevent England, in case of war with her, from putting her fleet through; and if we did that, we ourselves would be the first to break the treaty, thus relieving England of all responsibility under it.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MONDELL. I will be glad to, although my time flies.

Mr. MARTIN of South Dakota. As the gentleman seems to be going upon another point than the right to fortify——

Mr. MONDELL. I am going to get to that later, and refer to it very briefly, because I realize that the arguments of expediency are sufficiently forceful to convince those who do not seem to care anything about treaties—unfortunately there seem to be many such.

Mr. MARTIN of South Dakota. Before the gentleman leaves the question of expediency I want to ask him a question.

Mr. MONDELL. I have just started on this question of possible war, and if the gentleman will let me work out my war game after I have gotten through with that I will be glad to yield to him.

But it will be said that war with Great Britain is impossible; that in any event Canada is a hostage against such an eventuality. Accepting that view of the matter the inevitable conclusion is that in any event we are not fortifying against Great Britain. Against whom, then, are we fortifying?

Let us substitute Germany or France for Great Britain and see how the war game would work out. Germany has a larger navy than ours, France a smaller. With the canal fortified it becomes a prize of war to be blockaded and taken, if possible, and deemed desirable on the part of our enemy. It would be the one point of our possessions which a European fleet could reach as quickly as our own. The result would be a naval battle in the Caribbean Sea. If we were successful, the canal fortifications would be needless and useless. If we were defeated, the canal could not be held long against landing parties and not at all against expeditionary forces which would follow the enemy's victorious fleet. Whatever happened later or elsewhere, the enemy would have a prize of war of vast value, to hold with the fortifications we had built, or to destroy, as seemed advisable.

It may be said that we might have war with some other nation with a less powerful fleet than ours, and without sufficient landing forces to make a successful land attack. Such a nation could establish a blockade which it would be necessary to break, and this could only be done by our fleet; and if our fleet destroyed or disbursed the enemy's fleet, the fortifications would again be useless.

There still remains for consideration the oriental power which our rampant militarists love to scare us with whenever a large naval appropriation is desired—the alleged yellow peril, Japan; therefore it is incumbent upon us to plan a war with Japan with Panama fortified.

The ghost dancers, who develop a fine frenzy at the thought of this friendly power 8,000 miles away, solemnly assure us that Japan could most any day take and hold our Pacific coast. If this be true, the canal would be easy picking; a Japanese fleet could blockade and render it useless, and the landing of a force sufficient to take the canal would be a summer picnic.

But, assuming that no attempt were made by any power with which we might be at war to do more than blockade the canal, we would be unable to get a fleet through it, or if we did we would be compelled to accept the gage of battle with conditions as disadvantageous as those which surrounded Cervera's fleet when it issued from the harbor of Santiago.

A NEUTRALIZED CANAL.

So much for fortifications. Now, let us see what the situation would be without fortifications and with the canal neutralized by action of all the great powers. Of course, I am assuming that it would be possible to secure such a pledge of neutralization and mutual protection as we now have with England. Does anyone doubt it? I think not; at least I have heard no suggestion that Panama could not be placed on the same plane as Suez.

It is to the interest of all the great powers to agree to such a plan, not because they have any objection to our spending our money building fortifications if we want to do so but because they all expect to have merchant fleets using the canal regularly and desire to have the passage of such fleets uninterrupted in event of war.

Assuming, then, the canal neutralized and all free to use it in war and peace, what would happen in case of a war to which we were a party? There would be no temptation for our enemy to take and hold the canal, for under the laws of nations it would not be a prize of war, and therefore any nation rash enough to attempt it would be compelled to give it up and be subjected to heavy penalties unless all the nations of the world repudiated their solemn treaties in favor of our enemy.

But, shout our jingoes, "It is unthinkable that we should allow our enemy in war to put his ships through our canal." That sounds big and bold and appeals to the unthinking. Why not allow our enemy to put his ships through our canal if by so doing we can save hundreds of millions in time of peace and, in any contingency that can be conjured up by a normal mind, will be better off in time of war.

It has often been said that the canal doubles the efficiency of our Navy because it gives us a short route from one coast to another. That is a pretty figure of speech which never was and never will be more than one-half true. Let us assume, however, that with the canal and a reasonable area of sea at either end neutralized, in time of war or threatened war, we desired to put a fleet through the canal, that procedure would be perfectly safe and feasible and we would come through ready to fight.

Conjure up if you can any contingency under which any possible enemy would want to use the canal in time of war with us for the passage of a fleet. For an illustration, let us assume again it were possible for us to have a war with England. What part of her fleet would she desire to put through the canal? The canal not being available as a prize of war, England's Atlantic fleet would strike us along our Atlantic coast or in the West Indies; her Pacific fleet would strike our eastern possessions or our Pacific coast. The conditions under which she would desire to put a fleet through the canal are unthinkable.

The same reasoning would apply to any other European power with still greater force. The most lively imagination can not evolve a theory under which Germany or France, for instance, in case of the improbable contingency of war with us, would have any reason for putting a fleet through the canal. We would keep them busy on the Atlantic, and if they had fleets on the Pacific they would be much better occupied attempting to take our rich ports there than in chasing through the canal to strike us on the Atlantic.

But, again, we must not overlook Japan, or our alarmists will insist that we are already wiped off the map. In case of the utterly improbable event of a war with Japan, that power will be very busy, first in the Philippines, next in Hawaii, and if successful there, along the California, Oregon, and Washington coasts; even Alaska as a prize of war would be of great value to Japan, while a neutral canal would be of no value at all. As for Japan desiring to send a battle fleet through the canal, it is unthinkable.

Of course, it will be claimed by our militarists that international neutralization is an "iridescent dream"; that nations will disregard all treaties if it is for their interest to do so. If this be true, why are we urging peace treaties, why has all the world laid down laws governing the conduct of civilized war, prohibiting the bombardment of unfortified places and protecting private property on land in time of war, and how does it happen that these rules are not violated?

It is not true, as every student of history knows, that treaties of neutrality are disregarded, and it but proves the rule to quote the few exceptions to it.

But admitting, for the sake of argument, that our own Nation or any other nation might, under stress, throw to the winds all solemn treaty pledges, does it follow that all the world would allow the wanton disregard by any one nation of obligations to which all were a party and the observance of which was to the highest and best interest of a majority of all nations at any given time.

The interests of all nations are served by maintaining an open canal at all times. When an important section of the ships of all the maritime nations shall have adopted the canal as a portion of regular or intermittent voyages, a blockade or closing of the canal will be a most grievous hardship. All the world's commerce wants with the canal is the right to use it on fair terms; these terms must be given or the world's fleets can not and will not use it in competition with other trade routes.

The nationality of the ownership of the canal, if it is neutralized, is not material to the commerce of the world, but unquestionably all of Europe and Asia prefer our ownership to that of one of their own number. Therefore it would at all times be to the interest of a majority of the nations of the world to keep the pledges all had given.

Does the most pessimistic and doubting soul believe that the nations would brook the violation by any one or two of them of a pledge to which the honor of all were bound and in the keeping of which all were benefited? To put it in concrete form, if all the civilized nations joined in a pledge that the canal was to remain neutral and unfortified for all time, free from seizure and blockade, does anyone believe they would allow Germany, for instance, or Japan, to seize the canal or blockade it? And if such or any other power did so, would not the world join in a demand for complete restoration? And do we expect to become so weak and pusillanimous that we could not force upon any nation that attempted to flout the pledge of all the world a final settlement which would fix the neutrality of the canal for all time?

As a matter of fact, the canal is now neutralized and will remain so without any further treaties if we do not commit the stupendous blunder of fortifying it. Our treaty with Great Britain neutralizes it, unless we forfeit that neutralization by an act of war. The formal and official assent of the civilized nations, as I have suggested, would be wise, but would not be absolutely essential if we do not fortify and do make it clear that we interpret our treaty with Great Britain in accordance with its letter and spirit as establishing a canal open at all times to the ships of all nations.

Now, I will yield to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. Simply upon the argument the gentleman has developed with regard to expediency the gentleman has developed an argument that it will be much safer not to fortify the canal property, because if fortified it becomes open to an attack by belligerents.

Mr. MONDELL. Yes.

Mr. MARTIN of South Dakota. Would that same argument of expediency apply to the question of the fortification of New York Harbor or any other strategic point in this country?

Mr. MONDELL. Oh, no; the gentleman knows it would not apply to the same extent. One involves the maintenance of our national integrity, the prevention of attack upon our homes and firesides, the other the question whether or no we will use a great canal that we have builded thousands of miles away from our shores for the purposes for which it was originally intended, or place ourselves in a position where it will be the one vulnerable point that an enemy will strike and where we will be at the greatest disadvantage.

Mr. MARTIN of South Dakota. Is not one just as truly our property as the other?

Mr. MONDELL. Not in the same sense, as the gentleman knows. I am sorry I have not the time to go into that, but my time is limited, as the gentleman knows.

Mr. MARTIN of South Dakota. I do not think the gentleman has cleared up the subject by any manner of means.

Mr. MONDELL. The two propositions are so dissimilar that there is no reasonable comparison. The one refers to a great work of commerce, far from our shores, a work designed to accomplish certain specific purposes. The other to our homes and property which we must defend and care for, we can not neutralize all our territory. We are proposing treaties of arbitration, the effect of which we hope would be to largely avert war everywhere; but all the nations of the world would be glad to join with us now in the neutralization of the Panama Canal. Let me further call the gentleman's attention to the fact that New York City, for instance, to which he has referred, is to a certain extent neutralized, together with all unfortified places, by international agreement. We have fortifications at the entrances of New York Harbor, but no fortifications at New York. If an enemy were to reduce the fortifications at the entrance to the harbor he could not, without violating the rules of war, bombard New York, because it is not fortified. What we propose at Panama is to carry the idea of exemption from bombardment and capture still further.

NAVAL BASES AT PANAMA.

Of late a new scheme has been hatched by military ambition in connection with the canal. It is now proposed to establish a fortified naval base or station at one or both ends of the canal, and this means an additional expenditure of fifty or one hundred million dollars, depending on whether we are to have one or two. I have purposely avoided discussing at length our right to fortify the canal, but if we have any such right it can only be for the purpose of defense. It is clear that neither our treaty with Panama or Great Britain authorizes the use of the Canal Zone as a military base, independent of the needs of protection. Such right of war is expressly prohibited by article 3 of the Hay-Pauncefote treaty. But again, if we had full authority to do this thing, it would be the height of folly to attempt it. We have a naval station in Cuba at Guantanamo, we have on the Pacific ports and bases nearer the canal than any other strong nation, and it would be folly to establish a base or bases at Panama if we had the right to do so.

We have a most important outpost at Hawaii. If Pearl Harbor were fully fortified and protected, no hostile fleet would ever cross the Pacific, and we would be doubly secure if we were to fortify Pago Pago in Samoa. These are natural bases which, if strongly fortified, no Asiatic nation would send a fleet with hostile intent beyond them. But whether they be fortified or not the Canal Zone should never be.

And yet the sundry civil bill, which provides for the Panama Canal, does not carry a dollar for the most important of all our outlying fortifications—the fortifications of the islands of Hawaii.

Mr. SHERLEY. I desire to say to the gentleman it would not be in order to carry them on this bill; they are carried on the fortifications bill.

Mr. MONDELL. Well, it is not——

Mr. SHERLEY. It is in the fortifications bill.

Mr. MONDELL. A small amount.

Mr. SHERLEY. Oh, no; there is everything they ask. It will be one of the most strongly fortified places in the world.

Mr. MONDELL. I hope it will be; it should be.

Mr. SHERLEY. I know it will be.

Mr. MONDELL. But I am afraid it will not be if the present parsimonious policy of the majority side of the House continues.

Mr. SHERLEY. Of course, that has nothing to do with the facts. They got all they asked for for the Hawaiian Islands.

Mr. MONDELL. I am glad to know that.

Mr. SHERLEY. I am glad to inform the gentleman.

Mr. MONDELL. Because, as I have said, Hawaii is a natural naval base, and if Pearl Harbor is strongly fortified no Asiatic power would send a fleet with hostile intent beyond it.

OUR RIGHT TO FORTIFY.

I have based my argument against fortifying the Panama Canal on grounds of expediency; those grounds are amply sufficient to condemn this act of stupendous folly; and if our people are so unmindful of their often expressed purpose in the building of the canal, and so careless of their solemn obligations as to overlook and ignore them, they should at least harken to the arguments of self-interest.

The fact is, however, that our right to fortify the canal for the purpose of closing it at our pleasure or denying its use to any and all comers is prohibited in express terms by our treaty with Great Britain and by reasonable implication by our treaty with Panama.

Article 3 of the Hay-Pauncefote treaty, ratified February 12, 1902, is as follows:

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th Ocober, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

Taken by itself or in connection with the convention of Constantinople, which it substantially adopts, this treaty clearly contemplates a neutral canal.

No words can be plainer or clearer than the words in the treaty of Constantinople neutralizing the Suez Canal, which are adopted by the Hay-Pauncefote treaty; they declare that the canal shall be "forever free and open to all nations, in time of

war as in time of peace, to all vessels of commerce or of war, without distinction of flag."

The treaty of February 26, 1904, with the Republic of Panama grants us "the perpetual use, occupation, and control" of the Canal Zone for the "maintenance, operation, sanitation, and protection" of the canal, and "for those purposes" grants us the right to fortify. No fair interpretation of this language would authorize us to build or use fortifications as a war asset or without a view of closing the canal, for to do so would not protect it, but place it in jeopardy; and, in any event, nothing in this treaty could absolve us from our obligations under the treaty with Great Britain.

But it will be urged that Great Britain has not objected to our building fortifications at Panama; certainly not. Why should she? The mere fact of our spending millions in fortifications at Panama does not absolve us from our obligation under the Hay-Pauncefote treaty not to exercise "any right of war" or commit "any act of hostility" within it; and no such right or act can be exercised or committed within it without violation of our treaty obligations with Great Britain.

This being the state of affairs, we could not fire a hostile shot at Panama, except for the purpose of preventing damage to the canal, if the zone bristled with guns and was swarming with soldiers. In other words, we have no right to prevent Great Britain at least, and by a fair interpretation any other power, from passing ships of commerce or of war through the canal at any time.

By the terms of the treaty Great Britain is equally obligated with us to protect the canal. If we are simple enough to spend hundreds of millions for the alleged purpose of protecting the canal, thereby largely or wholly relieving Great Britain from her share of the responsibility, while at the same time the right to use it is at all times hers, why should she object?

It is said that the great war lord of Germany, in a conversation with Col. Goethals, approved of our fortification of the canal. There is nothing strange about that; the German Emperor is enough of a military man to know that our fortifications would count for nothing in the improbable event of hostilities between his country and ours, if the German Navy were strong enough to whip us in the Caribbean Sea. If it were not, an attack on the canal would be not only impossible, but of no lasting value. Furthermore, the German Emperor is having a hard time to get his Parliament to vote money enough to carry on his military program, and any expenditure anywhere for war perhaps gives him additional argument for his ambitious plans.

OUR NATIONAL POLICY.

In our silly aping of the fortified camps of Europe, in our foolish ambition to keep abreast or in the lead in the mad race for armaments which is bankrupting Europe, in our sinful vanity to make a vulgar display of our power as some people do of their wealth, we have entirely overlooked and forgotten our real purpose in building the great waterway.

Let us revert for a moment to what some great Americans representing the view of our Nation at the time they spoke no less than the true sentiment of our people now, have said on the subject.

In 1826, Henry Clay, Secretary of State under President Adams, said:

> If this work should ever be executed, so as to admit the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe alike.

President Polk in a message to the United States Senate in 1847, speaking of an Isthmian Canal, said:

> The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

In 1858, Mr. Blaine, as Secretary of State, wrote our minister at London as follows:

> The United States recognized the proper guaranty of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama.

In 1885, the only President the Democratic Party has elected since the Civil War, President Cleveland, said:

> Whatever highway may be constructed across the barrier dividing the two great maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition.

Coming down to the very recent past, we have the declaration of President Roosevelt in a special message to Congress, as follows:

> The principle enunciated by Secretary Cass was sound then and is sound now.

How does it happen that we have forgotten the words of wisdom thus uttered, unless it be because we have temporarily been listening to the voice of the alarmists, the jingoes, and the militarists, and have failed utterly to consult our judgment and counsel with our sense of honor, prudence, and discretion. We talk loudly of world-wide peace and strenuously advocate international arbitration; we proclaim ourselves a nonmilitary and peace-loving people; and yet we propose a policy with regard to Panama which the armed nations of Europe refuse to apply to Suez. Was there ever such an exhibition of blind inconsistency? I can not believe that we shall reverse our fixed and announced policy toward the canal, repudiate or ignore our treaty obligations, and plunge into the expenditure of hundreds of millions to do a thing which is not only a wicked and useless waste of the people's money, involving a sordid sacrifice of valuable lives in the Tropics, but will, in the day of test and trial, prove to be utterly vain and purposeless.

Do we realize what our militarists are leading us into in this matter? I fear not. For a time we were assured that the building of the canal would practically double the effective force of our Navy. Now we are told that we must spend as much as 10 battleships would cost to make this doubling of naval strength effective. Next, we must spend as much as 10 more battleships would cost to supply a base at the point where the doubling of effectiveness is supposed to be accomplished. Following that we must, according to these same military experts, spend at least $25,000,000 per annum for upkeep of fortifications and for men to insure the doubling of effectiveness, and lastly, the Navy now informs us that as the control of the sea at the ends of the canal is necessary to its protection in time of war, which is true, we must increase the size of our Navy. After having followed, as well as I am able, this tangled maze of alleged military and naval necessities growing out of the canal, I am convinced that it would be infinitely cheaper and more effective to keep a goodly fleet on both oceans, and forget we have a canal at Panama. The fact is, however, as I have already pointed out, that the canal will be of real service to our Navy, both in war and peace, without spending a dollar to protect it, and only in this way can it be of service in war.

Let us disabuse our minds of the idea that the canal can ever be a valuable war asset—"an outer line of defense"; "an outpost for military operations." Its character and situation render it valueless for these purposes. It is essentially a work of peace; our national contribution to the comfort and convenience of the world's commerce as well as our own. Our great statesmen have all so recognized it—only a temporary spasm of military madness suggests any other view of it.

We are fortunate that our treaty obligations are in harmony with our highest and best interests in this matter; that only by observing our promise to neutralize the canal can its safety be assured. We are further fortunate that the canal will be highly useful to us by affording a short route for our Navy from one coast to another without necessitating any expenditure on our part to keep it free from blockade. We are fortunate that it will be, for all time, to the interest of at least the major portion of the world, to keep the canal open and free from blockade, for thus the keeping of treaty obligations which the world is willing to assume will be a matter of self-interest as well as international honor. As a truly peace-loving people, in spite of our jingoes and alarmists, we are fortunate that we have the finest opportunity ever presented to a people to dedicate an important section of the world's highways of commerce, to permanent tranquillity, and at the same time serve our highest and best interests.

Of course it is not proposed that the canal shall be left at the mercy of cranks, evil-minded persons, or irresponsible bodies of marauders; our ownership demands, and our treaties recognize such protection. A small force a few hundred men at most, a few rapid-fire guns, and the canal is as well protected against any such possible danger or damage as though it frowned with 16-inch guns at both ends and bristled with bayonets along its entire length.

Dedicated to peaceful commerce, secure by the world's pledge, it will soon become one of the busiest highways of the world's trade. With no military load to carry it will soon, under fair rates of toll, invite a volume of traffic which will pay all operating expense and probably bring us a fair return on our outlay.

A policy of neutralization is not in derogation of our national dignity; it rather enhances it. The fact that we are a great power not only makes imperative our duty to secure the canal from the fortunes and vicissitudes of war, but renders it easy for us to do it. We therefore emphasize our national dignity and at the same time make all the world our debtor in building this great highway for the world's commerce and dedicating it to perpetual peace. It will be our glorious contribution to the hastening of the day when the horrors of war shall cease

and all the world shall nobly contend for the blessed victories of peace. [Applause.]

Mr. MANN. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. MORSE] such time as he may desire.

Mr. MORSE of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the anti-injunction bill.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.;

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

CHANGE OF REFERENCE.

By unanimous consent, change of reference was made of the bill S. 6380, an act to incorporate the American Hospital of Paris, from the Committee on the District of Columbia to the Committee on the Judiciary.

LEAVE TO PRINT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to print in connection with my remarks certain statements prepared by the Secretary of the Treasury relative to public buildings.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

PAY OF AMERICAN OFFICERS IN CUBA (S. DOC. NO. 760).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War with reference to the receipt by the three officers of the United States Army detailed for service in connection with the army of the Republic of Cuba of pay and certain allowances from the Government of Cuba.

It seems proper that these officers, who have been placed, at the request of the Government of Cuba, in a position where, by the nature of their official duties, they have had to incur considerable additional expense, should be authorized to receive the additional pay and allowances which the Government of Cuba has generously tendered them.

I recommend that the consent of Congress be given as requested by the Secretary of War.

WM. H. TAFT.

THE WHITE HOUSE, *June 4, 1912.*

LATE REPRESENTATIVE ELBERT H. HUBBARD.

Mr. HAUGEN. Mr. Speaker, it is my solemn duty to announce to the House the death this morning of Mr. ELBERT HAMILTON HUBBARD, a Member from the State of Iowa. Thus ended a life full of useful and faithful service and of one who was universally respected. At some future time we shall ask that a day be set aside on which to pay proper tribute to his memory.

I now offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 571.

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, for eight years a Representative from the eleventh district of the State of Iowa.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed by the Speaker to attend the funeral at Sioux City, Iowa, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

In pursuance of the foregoing resolutions the Speaker announced the following committee: Representatives G. N. HAUGEN, C. A. KENNEDY, J. W. GOOD, S. F. PROUTY, C. E. PICKETT, N. E. KENDALL, F. P. WOODS, HORACE M. TOWNER, I. S. PEPPER, WILLIAM R. GREEN, JAMES T. LLOYD, C. R. DAVIS, I. L. LENROOT, C. O. LOBECK, and S. B. AYRES.

ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, as a further mark of respect to the memory of the deceased I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Wednesday, June 5, 1912, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (S. J. Res. 111) to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean, reported the same without amendment, accompanied by a report (No. 830), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNHART, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1248) to authorize the Secretary of the Interior to convey a certain frame building, reported the same without amendment, accompanied by a report (No. 833), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (H. J. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamship *Carpathia*, reported the same without amendment, accompanied by a report (No. 835), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894, reported the same with amendment, accompanied by a report (No. 831), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 834), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 20102) relating to proof of

signatures and handwriting, reported the same without amendment, accompanied by a report (No. 836), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 25102) to amend section 4347 of the Revised Statutes, as amended by the act of February —, 1898, so as to permit foreign vessels to engage in transportation of merchandise between the ports of the United States, Territories, and insular possessions through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 25103) to amend an act entitled "An act extending the benefits of the marine hospitals to the keepers and crews of life-saving stations"; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: A bill (H. R. 25104) providing for the purchase of a site and the erection of a public building at St. Peter, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 25105) to provide for a public building at Bartow, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of Pennsylvania: A bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. HILL: A bill (H. R. 25107) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. RAKER: A bill (H. R. 25108) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 25134) to amend section 1 of an act approved February 13, 1911, entitled "An act to diminish the expense of proceedings on appeal and writ of error or of certiorari"; to the Committee on the Judiciary.

Also, a bill (H. R. 25135) to amend section 237 of the Criminal Code of the United States; to the Committee on the Judiciary.

By Mr. DONOHOE: Resolution (H. Res. 569) directing the Committee on Expenditures in the Post Office Department to investigate the methods employed by United States district attorneys and special agents of the Post Office Department in the bringing of indictments against officers or proprietors of various industrial enterprises throughout the United States at the suggestion of competitors and private prosecutors; to the Committee on Rules.

By Mr. AKIN of New York: Resolution (H. Res. 570) authorizing an investigation by a committee to be appointed by the House of the conduct of the United States Weather Bureau, of the Department of Agriculture, under its present chief, Willis L. Moore; to the Committee on Rules.

By Mr. CLAYTON: Joint resolution (H. J. Res. 325) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 25110) granting a pension to Frank Branch; to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 25111) granting a pension to John Renner; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 25112) granting a pension to Peter B. Daughters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25113) granting an increase of pension to Ralph Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25114) granting an increase of pension to William D. Daily; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25115) granting an increase of pension to Martha A. Riker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25116) granting an increase of pension to Andrew J. Terrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25117) granting an increase of pension to Jacob L. Hinkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25118) granting an increase of pension to James W. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25119) granting an increase of pension to Orphia Corya; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 25120) granting a pension to Susan Smith; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 25121) granting a pension to William W. Hartigan; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25122) granting a pension to Charles E. Sleeper; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 25123) granting an increase of pension to George H. Beckwith; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 25124) authorizing the Secretary of War, in his discretion, to deliver to the city and county of San Francisco, State of California, one condemned bronze or brass cannon, with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25125) granting a pension to George Raymond Martin; to the Committee on Pensions.

Also, a bill (H. R. 25126) granting a pension to Mary A. Bliven; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 25127) granting an increase of pension to Clark Barron; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25128) to remove the charge of desertion from the military record of Elijah S. Howard; to the Committee on Military Affairs.

Also, a bill (H. R. 25129) to remove the charge of desertion from the military record of John A. Duff; to the Committee on Military Affairs.

Also, a bill (H. R. 25130) to remove the charge of desertion from the military record of Wyatt Adkins; to the Committee on Military Affairs.

Also, a bill (H. R. 25131) to remove the charge of desertion from the military record of Amosa Hodge; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 25132) granting an increase of pension to Robert Patchett; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 25133) granting an increase of pension to Rachel Aulhorn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of St. Stanislaus Society, No. 410, Cleveland, Ohio; St. Heighwig Society, No. 35, Erie, Pa.; the Polish Lanars of Tadeusz Kosciuszko Society, No. 495, Chicago, Ill.; and S. W. Tana Chresiciela Society, No. 87, Detroit, Mich., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of St. Jozef Society, No. 216, of Brooklyn, N. Y.; St. Anne Society, No. 311, of Chicago, Ill.; St. Michael Society, No. 451, of Dickson City, Pa.; St. Mary Society, No. 224, of Natrona City, Pa.; and St. Casimir's Society, No. 579, of Passaic, N. J., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also (by request), petitions of St. Stanislaus B. M. Society, No. 279, Scranton, Pa.; St. Casimir's Society, No. 237, Pittsburgh, Pa.; Society No. 322, Donora, Pa.; Pan Kasmir Society, No. 111, Watervliet, N. Y.; Second June Society, No. 424, Holyoke, Mass.; St. Stanislaus Society, No. 246, Troy, N. Y.; St. Kazimierza Society, No. 77, Syracuse, N. Y.; and St. Peter and Paul Society, No. 99, Pittston, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of residents of The Bronx, N. Y., in opposition to the Root amendment to the immigration bill making any alien who conspires to overthrow a foreign government liable to deportation; to the Committee on Immigration and Naturalizatin.

By Mr. BURKE of South Dakota: Petition of citizens of Andover, S. Dak., against passage of the Oldfield bill, proposing change in the present patent law; to the Committee on Patents.

Also, petition of citizens of South Dakota, favoring regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of South Dakota, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the High School Teachers' Association of New York, N. Y., favoring Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of McCormick & Co., Baltimore, Md., protesting against passage of the Richardson drug bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, Brooklyn, N. Y., and the Chinese Consolidated Benevolent Association, San Francisco, Cal., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CARTER: Resolutions of Socialists of Atoka County, Okla., relative to indictments of editors of Appeal to Reason; to the Committee on Rules.

By Mr. DONOHOE: Resolution of the Board of Commissioners of the city of Trenton, N. J., against the building of a bridge by the Pennsylvania Railroad Co. across the Delaware River; to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of St. Stanislaus Society, No. 246, Troy, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Papers to accompany bill granting a pension to Susan Smith, widow of John Smith, late of Company C, Forty-seventh Wisconsin Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the Lackawanna Steel Co., of New York City, against passage of bills restricting immigration; tothe Committee on Immigration and Naturalization.

Also, petition of the American Vigilance Association of New York City, favoring amendments to immigration act relative to immigrant inspectors, etc., for duty on vessels carrying immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the American Thread Co., of New York City, favoring downward revision of tariff; to the Committee on Ways and Means.

By Mr. FULLER: Petition of C. W. Knapp and S. F. Hughes, Leavenworth, Kans., favoring passage of House bill 1339, granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Manila Merchants' Association, favoring the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Emerson-Brantingham Co., Rockford, Ill., favoring the passage of the Pomerene bill relating to bill of lading in commerce with foreign nations and among the several States; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. Orris Hart & Co., Chicago, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of Lodge No. 506, Order B'rith Abraham, Lancaster, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HANNA: Petition of citizens of North Dakota against passage of the Lever bill to prohibit future trading in grain; to the Committee on Agriculture.

Also, petition of citizens of North Dakota, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Lignite and Kenmore, N. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Theodore H. Straefer, of Larimore, and H. J. Edwards, of Grafton, N. Dak., favoring total elimination of the tariff on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of merchants and business men of Kintyre, N. Dak., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. HAMILTON of Michigan: Petition of citizens of the State of Michigan against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Petition of citizens of the State of Missouri, favoring passage of House bill 22339 and Senate bill 6172, against use of the Taylor system in Government departments; to the Committee on the Judiciary.

By Mr. HILL: Petition of St. Joseph Society, of Tenerville, Conn., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of citizens of Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the High School Teachers' Association of New York, N. Y., favoring passage of the Page bill, relative to vocational education; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska against passage of the Brown-Oldfield bills, proposing change in the present patent law; to the Committee on Patents.

By Mr. MOORE of Pennsylvania: Resolutions of the board of managers of the Hebrew Sunday School Society of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of Providence Protective Lodge, No. 441, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Apneath Sholam Lodge, No. 88, and R. G. Stahe Lodge, No. 130, Independent Order B'rith Abraham, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of John J. Watson, of Jamestown, R. I., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Petition of retail merchants of Bangor, Pa., against passage of bills proposing change in present patent law; to the Committee on Patents.

By Mr. PARRAN: Petition of 52 members of Friendship Council, No. 7, Junior Order United American Mechanics, of Baltimore, Md., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Resolutons of the Humboldt Chamber of Commerce, of Eureka, Cal., favoring passage of House bill 22589, providing suitable homes for our representatives abroad; to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Petition of citizens of Comal County, Tex., against passage of the Owen bill to create a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Washington Camp, No. 448, Patriotic Order Sons of America, of Hazen, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the City Council of Los Angeles, Cal., favoring enactment of legislation requiring steamships to advertise the life-saving facilities; to the Committee on the Merchant Marine and Fisheries.

By Mr. STERLING: Petition of citizens of Illinois, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of 250 residents of Normal, Ill., favoring appropriation for the white-slave traffic act; to the Committee on Appropriations.

By Mr. SULZER: Petition of the American Thread Co., of New York City, favoring downward revision of tariff; to the Committee on Ways and Means.

Also, petition of the High School Teachers' Association of New York City, favoring passage of the Page bill for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of the Manila Merchants' Association, favoring the sale of the Philippine friar lands; to the Committee on Insular Affairs.

By Mr. UTTER: Petition of the Theodore W. Foster Bro. Co., Providence, R. I., protesting against change in patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of sundry physicians of Providence, R. I., favoring the establishment of a department of health; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill granting an increase of pension to Elizabeth A. Morris; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 5, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE METAL-MINING INDUSTRIES (S. DOC. NO. 762).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 25, 1912, certain information relative to the work being done by the Bureau of Mines in behalf of the metal-mining industries in the public-land States west of the Mississippi River, etc., which, on motion of Mr. SMOOT, was referred to the Committee on Public Lands and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Southwest Free Church, of Roseland, Ill.; and of the Third Swedish Methodist Episcopal Church of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. MYERS presented a petition of the Woman's Christian Temperance Union of Como, Mont., and a petition of sundry citizens of Ravalli County, Mont., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of members of the German Central League of Saginaw, Mich., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. McCUMBER presented petitions of sundry citizens of Edgeley, Goodrich, and Bottineau County, all in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kathryn and Milnor, in the State of North Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church and of the Westminster Presbyterian Church, of Devils Lake, and of the Woman's Christian Temperance Union of Mayville, all in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the mayors and sundry citizens of the Red River and Red Lake River cities, in convention at the Commercial Club at Grand Forks, N. Dak., favoring the enactment of legislation providing for a preliminary survey of those rivers, which were referred to the Committee on Commerce.

Mr. CURTIS presented a petition of sundry citizens of Concordia, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

REPORTS OF THE COMMITTEE ON THE JUDICIARY.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the bill (S. 4355) incorporating the National Institute of Arts and Letters, reported it with amendments and submitted a report (No. 846) thereon.

He also, from the same committee, to which was referred the bill (S. 4356) incorporating the National Academy of Arts and Letters, reported it with an amendment and submitted a report (No. 847) thereon.

RIGHT OF WAY AT SALT LAKE CITY, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes. As it is an emergency measure, I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 7051) for the relief of I. H. Aiken (with accompanying papers); to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 7052) for the relief of Lawrence S. Babbitt and others (with accompanying paper); to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 7053) for the relief of D. S. Barrus and I. H. Barrus; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 7054) to increase the limit of cost of the United States post-office building at La Junta, Colo. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 7055) for the relief of Samuel J. Morgan (with accompanying papers); and

A bill (S. 7056) for the relief of the city of Trinidad, Colo.; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 7057) granting an increase of pension to George W. Thompson (with accompanying papers); and

A bill (S. 7058) granting an increase of pension to Elias Redmon (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 7059) to grant an honorable discharge to Charles T. Nutter; to the Committee on Military Affairs.

By Mr. RAYNER:

A bill (S. 7060) for the relief of Samuel H. Walker; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 7061) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 7062) to amend section 55 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. RAYNER submitted an amendment relating to the refund of sums paid for documentary stamps, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—ELMER D. HACKETT.

On motion of Mr. GUGGENHEIM, it was

Ordered, That there be withdrawn from the files of the Senate the papers in the case of Senate bill No. 703, Sixty-second Congress, first session, granting a pension to Elmer D. Hackett, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—JAMES COOPER.

On motion of Mr. GUGGENHEIM, it was

Ordered, That there be withdrawn from the files of the Senate papers in the case of the bill S. 6157, Sixty-second Congress, second session, granting an increase of pension to James Cooper, there having been no adverse report thereon.

LANDING GUNS IN THE NAVY.

Mr. TILLMAN submitted the following resolution (S. Res. 329), which was read, considered by unanimous consent, and agreed to.

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate full information as to purchase, test, and use of landing guns in the Navy since March 1, 1909, together with a statement of appropriations made by Congress for this purpose and expenditures thereunder. Also any recommendations as to the continued use of said landing guns in the Navy.

THE CONSTITUTION OF THE UNITED STATES (S. DOC. NO. 787.)

Mr. SMITH of Georgia. I ask to have printed as a public document a paper by Hannis Taylor, explanatory of the authorship of the Constitution of the United States.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

WORLD PEACE (S. DOC. NO. 764).

Mr. WARREN. I have an address of less than 15 pages by a distinguished citizen of my State, William C. Deming, the editor of the Wyoming Tribune, delivered before the late Mohonk Conference on International Arbitration, May 17, 1912, on the opportunity and duty of the press in relation to world peace. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

PARCEL POST.

Mr. MYERS. Senate Document No. 490 is an address on the parcel post and postal-express situation in Congress by the Senator from Maine [Mr. GARDNER]. I think it is a very valuable document, shedding much light upon the subject of which it treats. I understand there is great demand for it. I ask unanimous consent for an order to have 10,000 extra copies printed.

Mr. SMOOT. I am not positive as to the particular document the Senator speaks of, but I think we have already ordered some ten or twenty thousand copies, and if the $500 limit has been reached there would have to be a resolution offered and passed by the Senate. If the Senator from Montana will withhold the request I will gladly find out in a very few minutes whether the limit has been reached or not. If not, the committee can give the order.

Mr. MYERS. I ask that the request be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, the matter will be referred to the Committee on Printing.

The request was reduced to writing and referred to the Committee on Printing, as follows (S. Res. 330):

Resolved, That 10,000 additional copies of Senate Document No. 490, Sixty-second Congress, second session, "The parcel-post and postal-express situation in Congress," be printed for the use of the Senate Document Room.

MORAL EDUCATION (S. DOC. NO. 763).

Mr. GALLINGER. I have a brief paper, being a report of the committee on moral education of the High School Teachers' Association of the District of Columbia. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

THE UNITED STATES NAVY.

Mr. SWANSON. I desire to give notice that on Saturday, June 8, immediately following the routine morning business, I will address the Senate in advocacy of an increase of the United States Navy.

GOOSE CREEK BRIDGE, SOUTH CAROLINA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek in Berkeley County, S. C., which was, on page 1, line 9, after "South Carolina," to insert "at a point suitable to the interests of navigation."

Mr. TILLMAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LAND FOR STREET PURPOSES IN PORTLAND, OREG.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes, which were, on page 1, line 6, to strike out "of"; and on page 2, line 2, to strike out "of" where it first occurs.

Mr. BOURNE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SUPPORT AND MAINTENANCE OF BASTARDS.

Mr. DILLINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 7, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "upon such preliminary examination"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "who is quick with child"; and the Senate agree to the same.

That the Senate recede from its amendment numbered 4, and agree to an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "after becoming quick with child"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the words stricken out after the word "examination" insert as follows: "If the woman be quick with child, or the child having been born and still under 2 years of age"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the word "pregnant," in said amendment of the Senate, insert the words "quick with child"; and the Senate agree to the same.

WILLIAM P. DILLINGHAM,
CHARLES CURTIS,
ATLEE POMERENE,
Conferees on the part of the Senate.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER,
Conferees on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is closed.

Mr. PAGE. Mr. President, I ask that Senate bill No. 3, known as the vocational education bill, be laid before the Senate for the purpose of discussion only.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Oregon suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	McCumber	Smith, Md.
Bacon	du Pont	McLean	Smith, S. C.
Borah	Fletcher	Martin, Va.	Smoot
Bradley	Foster	Martine, N. J.	Stephenson
Briggs	Gallinger	Myers	Stone
Bristow	Gardner	Nelson	Sutherland
Brown	Gronna	Newlands	Swanson
Bryan	Guggenheim	Oliver	Thornton
Burnham	Heyburn	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Chamberlain	Johnson, Me.	Perkins	Warren
Clapp	Johnston, Ala.	Richardson	Wetmore
Clark, Wyo.	Jones	Root	Williams
Crawford	Kern	Shively	Works
Cullom	Lippitt	Simmons	
Cummins	Lodge	Smith, Ariz.	
Curtis	Lorimer	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber on important business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. A quorum of the Senate is present.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. PAGE. Certainly.

Mr. KERN. I had intended on yesterday to bring up Senate resolution 315 at this hour as a matter of the highest privilege, but my friend the Senator from Vermont having given notice that he would like to address the Senate at this time on a subject very near to his heart, I have waived that right and yield to him, of course. I will commence the conclusion of my remarks on the subject debated yesterday upon the close of the remarks of the Senator from Vermont.

VOCATIONAL EDUCATION.

The VICE PRESIDENT. The Chair lays Senate bill 3 before the Senate.

The SECRETARY. A bill reported by Mr. PAGE, from the Committee on Agriculture and Forestry, February 26, 1912, the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

Mr. PAGE. Mr. President, I approach the discussion of this vocational-education bill with many misgivings and doubts as to the course I should pursue.

I am not unmindful of the limited time which Senators have to spare from the consideration of other important problems now being considered by Congress, and I would be especially considerate of their wishes that I condense what I have to say to the minimum.

On the other hand, here is a bill the importance of which has grown upon me until I feel that Senators should have a fairly good idea of what it purposes to accomplish.

Mr. President, this is a great public question; a question which affects the welfare not only of our boys and girls but of the mature vocational workers, including the home makers of the United States, as has no other which has been before Congress for more than half a century; a question which is engaging the best thought of eminent publicists and educators from one end of the country to the other—indeed, throughout the civilized world. It is a question which the American people have come to believe directly affects the economic conditions of the country in a degree little, if any, less than the largest of our large economic problems. It is a question which will, in my judgment, settle in great measure the quality of our citizenship in the generation upon which we are now entering. It is a question which will profoundly affect the cost of our food supply as well as the amount which our workers may earn with which to meet that higher cost of living which is upon us. It is a question which involves appropriations from the National Treasury aggregating nearly $15,000,000 annually. On a problem of this magnitude I believe Senators should not be heard to say that they are too busy with their other duties to give the matter proper consideration.

They will find on returning home that the question of vocational education is the subject of sermons in churches; of earnest discussions in granges and other farmers' associations; that it is regarded as a burning and vital question among labor organizations and manufacturing, and trades associations; and is, of course, the subject of special consideration among those connected with our institutions of learning everywhere, from the elementary schools up to the universities, from one end of our country to the other.

Mr. President, I believe this is one of the most important measures before this Congress, and so believing I am sure Senators will forgive me for urging upon them something more than a perfunctory examination of its provisions.

I therefore purpose to take up the more important—the appropriating—sections of the measure, and explain in detail their different provisions and why they have been incorporated in the bill; and I shall esteem it a special favor to have Senators interrupt me as I proceed whenever I fail to make the purpose and meaning of any section clear or whenever any Senator thinks he sees in any of its provisions points which he believes are subject to proper criticism.

In this connection, perhaps I should say that at the proper time I shall, by direction of the Committee on Agriculture and Forestry, move that a substitute bill take the place of Senate bill No. 3, as originally reported to the Senate from the committee, and my remarks at this time will be predicated upon the substitute measure.

The title of the bill is comprehensive and states in general terms what it seeks to accomplish. I read:

> To provide for cooperation with the States in promoting instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational subjects in State colleges of agriculture and the mechanic arts in State normal schools, and in other training schools for teachers supported and controlled by the public; in maintaining extension departments of State colleges of agriculture and the mechanic arts; in maintaining branches of State experiment stations; and to appropriate money and regulate its expenditure.

Mr. President, I am sure it will aid Senators in forming their conclusions as to the merits of the bill to give a brief statement of the facts concerning its genesis. It was introduced in the Senate on the 6th day of April, 1911, and referred to the Committee on Agriculture and Forestry. Near the close of the session it was taken up by that committee. A brief consideration made it evident that its administrative features would probably need amendment in order to better articulate with the laws of the several States. Having this fact in mind Senator CRAWFORD introduced and, with a single dissenting vote, the committee passed the following resolution:

> *Resolved*, That Senator PAGE, as a subcommittee of one, be instructed to correspond with leading educators and others interested in the purposes of the proposed measure, and to report to the full committee the result of his investigation, and to submit a bill amended to conform to the suggestions he may receive from such correspondence or any he might have to make. And that the committee approves the general purposes of the bill.

In conformity with these resolutions, letters were written by me to the State superintendents of public instruction in every State inviting a careful examination and criticism of the bill and requesting such suggestions as to amendments as would, in their judgment, perfect the bill and make it articulate with the school laws and school conditions of their respective States.

Letters were also written to a large number of other prominent educators in every section of the Union, inclosing a copy of the bill and asking their advice as to amendments which would perfect or improve the measure.

The response to these letters was quite general. In a very large majority of the replies the indorsement of the measure was unqualified and pronounced. Wherever local conditions seemed to demand amendments they were suggested, and only from a very few States were replies received which indicated disapproval of the general purposes of the bill.

Letters asking for suggestions of amendments were also addressed to the governors of the several States, to the heads of State agricultural colleges, and to men of known prominence in educational affairs in the various walks of life, including editors of newspapers devoted to agriculture, the trades and industries, and home making.

Replies were received from every State in the Union. With less than a half dozen exceptions, the replies received from State superintendents of public instruction and State boards of education were favorable—most of them enthusiastically so. A few were qualifiedly favorable, but suggested changes in the administrative features or in some of the less important details. Only two were unqualifiedly opposed to the bill.

Mr. President, I have devoted more than four solid months of diligent labor to this bill; yet I realize, after all, that personally I have contributed only a small part to the present movement to broaden out our school system by the addition of education for the basic vocations on the farm, in the shop, and in the

home; and I should be guilty of great ingratitude if I failed to ascribe to my colaborers a large share of credit for formulating and perfecting the measure.

While I have had the assistance of a large number of educators throughout the country, it is due to Dr. P. P. Claxton, our present efficient Commissioner of Education; to Dr. Charles A. Prosser, the executive secretary of the National Association for the Promotion of Vocational Education; and to Hon. Willet M. Hays, Assistant Secretary of Agriculture, to say that they have given to this work an immense amount of expert advice and assistance; and without their aid I fear my own part would have proven heavier than I could carry.

Unless they have given the matter very careful study, I presume few Senators know the extent to which the general subject of vocational education is being discussed by the people of this country. It is not, as many seem to believe, a new question, with no part yet ready to be crystallized into law. The present bill is a consensus of opinion far more unanimous than is the case with most portions of our constructive legislation.

In 1862 Justin S. Morrill, then a Representative from the State of Vermont, believing that the welfare of the country demanded special education along the lines of agriculture and the mechanic arts, introduced what has been since known as the Morrill agricultural college bill. That it was a measure pregnant with immense importance to the coming generations is now everywhere conceded.

The Morrill bill has given the country a class of high-grade agricultural and mechanical colleges, from which have been graduated men qualified to take up specialized work along agricultural and industrial lines, the value of which, from an economic standpoint, it would to-day be difficult to overestimate; and these institutions have also developed strong educational courses relating to home making.

But could Senator Morrill, wise as he was in his day and generation, have lived until to-day and observed the working out of his great educational measure, he would have been compelled to confess that in one very important particular it had failed to give the results which were expected to flow therefrom.

Senator Morrill believed, as did those who labored with him at that time, that the passage of the Morrill bill would give an immense impetus to development in rural affairs; that his bill would result in furnishing the country with a great army of trained farmers, men who would return from the college to the farm and invigorate farm life with new power and improved farm methods. As a matter of fact these colleges have found their peculiar function to be to prepare technicians in agriculture, the mechanic arts, and in home economics. The experience of this and other countries has fully demonstrated that the vocational education of youth for the business of farming and for the expert work in the trades and industries, and also for efficient home making, must be provided for in high schools, and, as a matter of fact, the Morrill Act has proven to be the beginning, the making of the preliminary preparations, for really carrying vocational education to the masses of our people.

No one questions the great value of the work done by our agricultural colleges and by the experiment stations later added thereto; but the fact still remains that as a place where the average boy on the farm could find a school which would equip him for farm life and send him back to the farm imbued with that enthusiasm for agriculture, the Morrill Act has not fulfilled the full expectations of its author.

The important question now pressing for solution in this country is, What can be done to change this condition and stem the tide now so strongly running from country to city and, at the same time, prepare our city boys for their work in the non-agricultural vocations and bring the full force of modern science to bear on the making of our homes and the rearing of our children?

That something is very badly needed to supplement the Morrill bill is universally conceded, and it is to the satisfying of this great need that this bill is in large part directed. It attempts to provide a plan for taking the knowledge which these agricultural colleges have developed to all the workers who need this knowledge; and since the task is so vast, and since the Nation, through the Morrill Act, inaugurated this work, this bill proposes that the Nation shall cooperate with the States in carrying the benefits to all the people.

With this statement as to the general purposes of the bill, I shall, without further preliminaries, proceed to give the Senate a full and careful analysis of what it is, what it appropriates, what it contemplates, and how it so safeguards the moneys which are to be distributed to the several States that they may not be diverted to purposes other than those contemplated by the measure.

Let me repeat that I hope no Senator interested in this measure—and I can not believe that there is any Senator who is not—will hesitate to interrogate me with perfect freedom, not only whenever any feature of the bill seems to be the proper subject of criticism, but whenever a provision is not fully and clearly understood. If any Senator does not have the bill before him I shall be pleased to furnish a copy that he may, if he desire, follow me as I proceed to take up, clause by clause, the different sections of the measure.

Mr. President, I wish as I proceed to make clear to Senators the fact that this bill designs to take from the Federal Treasury only such sums for initial expenditures as will stimulate and encourage the several States to go on with the great vocational-education work contemplated by the bill, leaving the chief burden to be borne by the States themselves.

Experience with similar laws has shown that a very small expenditure from the Federal Treasury for the cause of education has resulted in stimulating a very large outlay on the part of the States.

In a hearing before the Committee on Agriculture and Forestry of the Senate Dr. Howard Edwards, president of the Rhode Island State College, stated that throughout the entire United States the average appropriations made by the several States was fourteen times the amount appropriated by the Federal Government under the Morrill and supplementary acts. Indeed, Dr. W. O. Thompson, president of the National Association of Agricultural Colleges and Experiment Stations and president of the Ohio State University, made a statement before the committee that in the State of Ohio the appropriations made for educational work to supplement those made by the Federal Government under the Morrill Act and acts supplementary thereto were forty times the amount appropriated by the Federal Government.

While there is no basis for a definite statement as to what extent the States will supplement the funds appropriated by this act, it is believed that within a very few years they will amount to several times the sum of the Federal appropriations made by this bill. So I say, Mr. President, this bill is simply an offer to cooperate with the States in this greatly needed improvement in our school system. It is designed to encourage, to stimulate, to inspire the States to take up and extend their work along the vocational-education lines contemplated by this bill.

Too much stress can not be laid upon the fact that this bill would form but a very small additional amount for the support of the schools of the United States, large as its appropriations may at first seem to be. The expense of schools in this country is, in round numbers, about $500,000,000 per year. The entire appropriations that will be called for by this bill in 1921, when the maximum sum has been reached, will be less than 3 per cent of this sum.

There can be little doubt, Mr. President, that, with the wise counsel and assistance of the Federal Commissioner of Education in standardizing vocational systems and arranging, with the cooperation and advice of the educational boards of the respective States, a wise curriculum, we shall give an impetus to this much-neglected work of vocational education which will enable it to move forward with that vigor and effectiveness which would be absolutely impossible under 48 movements in no way coordinated.

This bill proceeds upon the theory demonstrated by the Morrill land grant college act of 1862, and the acts supplemental thereto, that by cooperation between the Federal Government and the States, and among the States, vocational education is at once put forward with more of economy, and earlier attains its very important results in all parts of the Nation. The Nation wants results at the earliest possible date. It wants a more abundant supply of farm products, more highly skilled workers in the trades and industries, and more efficient makers of the homes of the people; and it wants the highest civilization which comes with a school system made more efficient in general studies, and so broadened out as to include education in the vocations of the many who will not enter the professions.

Mr. President, I should be very glad if it were practicable to have the entire bill read at this time, but I am not unmindful of the fact that Senators are sorely pressed for time, and that many of them probably could not conveniently listen to the full reading of the measure. To make it possible, therefore, for Senators to secure in the smallest possible time a fairly good

understanding of the bill, I have prepared an abstract or synopsis of it. As the bill is being read I hope Senators will feel entirely free to interject interrogatories whenever they desire additional information about any section or wish to have the section read in full.

APPROPRIATIONS.

Section 1 gives a definition or construction to the several descriptive terms used in specifying the classes of institutions which are to receive the benefits of the several appropriations under this act.

Section 2 is a general clause making the appropriation and stating that the sums designated in sections 3 to 10, inclusive, are "for instruction in agriculture, the trades, and industries, and home economics, for agricultural tests and demonstrations, and for administrative purposes."

Section 3 provides $3,000,000 for what is denominated in the bill the "secondary school department fund." This appropriation is for instruction in agriculture, the trades and industries, and home economics in clearly defined departments or divisions of existing high schools of secondary school grade. It provides that this appropriation shall begin with the fiscal year ending June 30, 1916, and is allotted to the several States and the District of Columbia on the basis of population.

It is estimated that about 15,000 communities outside the large cities will take advantage of this appropriation, or an average of 300, or a little more, for each State. Unquestionably the number will increase from year to year, and for the first few years there may be less than this number; but upon the hypothesis that this number of communities will avail themselves of the provisions of this section of this bill, it would mean that the Federal Government will contribute toward each of these schools $200. If the State should supplement this Federal fund with a like fund, it would mean, of course, $400 that each rural community would be benefited through the joint State and national appropriation.

If, as is expected will be the case, the rural community is asked to match the joint State and Federal appropriation, it means that each rural community will have a separate unit, room, or division of its school work at each high school, which will be presided over by a teacher costing, say, $800 per year.

The bill provides that the money shall be distributed, unless otherwise provided, according to the amount which the local community shall raise for the same purpose, although it wisely preserves the autonomy of the States by providing that if any State thinks it best to distribute the fund upon some other basis it can do so; always conditioned, however, that the method of distribution be approved by the Department of the Interior, which, of course, in this case means the Commissioner of Education.

It should be said, however, that under the terms of the bill, the State and local communities would be jointly compelled to contribute only twice as much as the Federal appropriation; but educators believe that the example set by States like New Jersey and Massachusetts—which have worked out this problem upon the basis of a contribution by the local community equal to the amount of the outside help they receive—will be the method followed in the distribution of this fund. The average appropriation to each State and the District of Columbia under the provisions of this section is $61,225.

Section 4 provides $3,000,000 for what is known as the "industrial or home-economics school fund." This appropriation is for the maintenance of instruction in the trades and industries and home economics in separate industrial or home-economic schools of secondary grade. The difference between this appropriation and the appropriation for what is designated as the "secondary-school department fund" is that the latter contemplates assistance to the separate divisions or departments devoted to vocational education in the high schools in the larger villages and towns, while the appropriation in section 4 is presumably to be used for separate schools at industrial centers or in cities large enough to maintain independent schools for the trades and industries. This appropriation also does not begin until the fiscal year ending June 30, 1916, and is allotted to the different States and the District of Columbia in proportion to their "population engaged in trades and transportation, and in manufacturing and mechanical pursuits."

The question may be asked why the allotment is so made. The answer is that in taking the Federal census the population is divided under certain subheads, two of which are "Persons engaged in trades and transportation" and "Persons engaged in manufacturing and mechanical pursuits." The language of this section is, therefore, made to conform to the language of those census subdivisions which every 10 years records those who work in the trades and industries. The average appropriation to the different States and the District of Columbia under the provisions of this section is $61,225.

With reference to the appropriation referred to in this section, it may also be said that it is estimated that 30 per cent of the population of this country will be able to take advantage of its benefits; and if, as is expected, our population reaches 100,000,000 by 1916, when this appropriation becomes available, it means that $3,000,000 will be distributed to 30,000,000 people, which would be 10 cents per capita.

Let us, to illustrate, take a city of 10,000 population and see what kind of school would naturally result from this appropriation. Ten thousand population, at 10 cents per capita, would mean that the Federal contribution would be $1,000. If the State should match this by an appropriation of a like amount, and if, as it is supposed will be the case, the town or city shall match the joint Federal and State appropriation, it would mean that the city must raise $2,000 to match the $2,000 contributed by the State and Federal Governments.

In other words, it would give them a $4,000 school, devoted to instruction in the trades and industries and home economics. A city of 100,000 population would have $40,000 to devote to this class of education. A city of 1,000,000 would have $400,000.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PAGE. With pleasure.

Mr. GALLINGER. I should like to ask the Senator whether the Federal appropriation is contingent upon the State and local appropriations?

Mr. PAGE. Mr. President, the Federal appropriation is contingent upon an appropriation from the State and the local communities of at least twice the amount of the Federal appropriation.

Mr. GALLINGER. And unless the State and the local communities make that appropriation, the Federal appropriation will not be called for?

Mr. PAGE. That is correct.

Section 5 appropriates $3,000,000 for what is designated as the "district agricultural high-school fund." This appropriation is for the maintenance of instruction in agriculture and home economics in the district agricultural high schools to be established under the provisions of this act. This appropriation also begins with the fiscal year ending June 30, 1916, and is allotted to the several States in proportion to the number of persons engaged in agricultural pursuits as shown by the preceding Federal census. It provides a special appropriation of $5,000 for each State with less than 100,000 people engaged in agriculture. The average appropriation for each State under the provisions of this section, basing the estimate upon the census of 1900—I have not the figures under the census of 1910—would be $65,000.

Section 6 appropriates $1,000,000 for what is designated as the "branch station fund." This appropriation is for the maintenance of branch or demonstration stations upon farms connected with the district agricultural high schools established under the provisions of section 5. This fund is designed to give these large agricultural high schools, one of which will be in each group of 8 or 10 counties, a practical turn. Here the teachers and pupils will live on a large farm, and much of the practical work will be done by the students. Here experimenters will test and breed plants and animals especially adapted to the conditions of the surrounding counties. Here the matter of rotation schemes needed by the region will be under test, and the use of fertilizers on the local soils will be studied.

Here the college and department extension workers will center such of their work as is needed by the students. Here the students will gain a knowledge of research work, that those gifted in this form of public service may be drawn into this important work. This appropriation begins with the fiscal year ending June 30, 1916, and is allotted to the several States in proportion to the number of persons engaged in agricultural pursuits. It makes a special appropriation of $2,000 for States having a population of less than 100,000 people engaged in agriculture. The average appropriation to each State under the provisions of this bill is $21,833.

Touching the $4,000,000 appropriated for this district agricultural high-school fund and the branch-station fund it will probably work about as follows:

It is estimated that there will be about 1 school for whites in each congressional district outside of the cities, or about 325 in all. If in the Southern States there shall be 75 additional schools established for the colored race, it will give us a total

of 400 schools. The fund to be divided to each of these schools will be substantially as follows:

First, the Government appropriates $3,000,000 under section 5; the State must appropriate the other $6,000,000; the Federal Government appropriates $1,000,000 for the branch stations connected with these schools under section 6; and to this sum another $1,000,000 must be added by the State, making a total of $11,000,000 to be divided among 400 schools, or $27,500 for each school, including the State and Federal appropriations.

Men experienced in the management of schools of this kind say it will cost about $100 for each pupil to conduct such a really good school as is contemplated by this act. If this supposition be correct, it means that every year there will be turned out from these different agricultural schools 275 boys and girls who, it is hoped, will return to the farm to join with the father—who, meanwhile, has been educated under the provisions of section 7 of this bill, which provides for college extension and farm demonstration work—in vitalizing, energizing, and stimulating a more intelligent and more profitable management of the farm.

Section 7 appropriates $3,000,000 for what is designated as the "extension-work fund," being for the support at each State college of agriculture and the mechanic arts of an extension department or division to enable the several State colleges of agriculture to take to the adult farmer upon the farm in his own locality the accumulated results of experimentation and research at the agricultural colleges and experiment stations and at the departments of agriculture; and is designed to further the work of teaching and demonstrating in a practical way to persons not in the schools how actual farming can be conducted with more profitable results than at present. This appropriation begins with the fiscal year ending June 30, 1913, the appropriation for that year being $480,000, or $10,000 for each of the 48 States. This sum is increased from year to year until 1921, when it reaches the maximum sum of $2,980,000. All sums, aside from the $10,000 per year to each State, are to be allotted on the basis of population engaged in agricultural pursuits. The average sum to each State in 1921 and thereafter is $62,083.

Section 8 appropriates $480,000 for what is designated as the "college teachers' training fund." This appropriation is for the preparation of teachers in departments or divisions of education in the State colleges of agriculture and mechanic arts of the respective States, to give instruction in, or closely related to, agriculture, the trades and industries, and home economics. I wish to make it plain that this measure not only provides the means for the employment of teachers in the school service and in college-extension service but also the means with which these teachers may be trained by the agricultural colleges and State normal and other teachers' training schools. It begins with the fiscal year ending June 30, 1913, and allots $10,000 to each of the 48 States.

Mr. President, this appropriation was not called for by the original bill, and perhaps it is due to the Senate that I explain why it has been added.

In December last the Southern Commercial Congress, an organization having for its special object the promotion of the welfare of the South, held a meeting here in Washington for the purpose of discussing vocational education generally, and especially with reference to its effect upon the Southern States. Upon its invitation, the executive committee of the American Association of Agricultural Colleges and Experiment Stations attended in a body and assisted in the discussion and amendment of this bill. This meeting was presided over by the senior Senator from Florida, Mr. FLETCHER, and was attended by a large number of leading educators from all parts of the country, the session lasting for three days. A subcommittee took up the bill line by line and section by section. Such features as were deemed objectionable were eliminated, amendments were introduced wherever it was believed they would improve the measure, and after the bill was finally perfected and completed, the following resolution was unanimously adopted—I read this because it shows the unanimity with which they reached their conclusion:

Resolved, That the conference of friends of vocational education assembled in Washington December 14, 15, and 16, 1911, select a committee on ways and means, whose duty it shall be to further the interests of the Page bill, Senate bill 3, and to work for its successful passage.

This subcommittee to revise the bill was composed of men of national reputation on educational matters, and was as follows:

Hon. COE I. CRAWFORD, United States Senator, chairman; Dr. P. P. Claxton, United States Commissioner of Education—he is our new Commissioner of Education from the South—Dr. W. O. Thompson, president Ohio State University; Dean H. L. Russell, of the University of Wisconsin; Hon. Willet M. Hays, Assistant Secretary of Agriculture; Mr. G. G. Dawe, managing director of the Southern Commercial Congress; and Dr. J. H. Connell, president of the Oklahoma State Agricultural and Mechanical College.

The question of the unpreparedness of the country to take up this work was one of the leading topics of discussion at this meeting, and the conclusion reached was that we must add another half million dollars to the appropriation for the education of teachers by agricultural and mechanical colleges and that we should put off the time when the main features of the appropriation should become available till the year ending June 30, 1916.

This change not only gives the several States sufficient time to prepare for the education of teachers, but it gives them ample opportunity to enact any legislation which may seem to be necessary to make the State laws harmonize with the national law; and it hardly need be said that if during the next three years it should be found that any minor changes not affecting the fundamental principles of the bill are desirable, the National Congress will be quick to make those changes.

Section 9 appropriates $1,000,000 for what is known as the "normal teachers' training fund," being for the preparation of teachers to give instruction in, or closely related to, agriculture, the trades and industries, and home economics in State normal schools and in other training schools for teachers.

This appropriation begins with the fiscal year ending June 30, 1913, that the preparation of teachers may begin at once, and is allotted to the several States and the District of Columbia in proportion to population. It makes a special appropriation of $3,000 to each of the States having a population of less than 300,000. The average appropriation to each State under the provisions of this section is $21,333.

Section 10 appropriates $90,000 for what is designated as the "administration fund." This appropriation is subdivided as follows: Forty thousand dollars to be expended by the Secretary of the Interior in paying the necessary expenses of administering the provisions of this act relating to schools of secondary grade and to the preparation of teachers in agriculture, the trades and industries, and home economics; $35,000 to be expended by the Secretary of Agriculture, of which $20,000 is for administering the provisions of the act relating to extension departments or divisions and branch stations, $15,000 to enable him to cooperate with the Secretary of the Interior in relation to schools of secondary grade giving instruction in agriculture and home economics and to the preparation of teachers in these vocations; and $15,000 to be expended by the Secretary of Commerce and Labor in paying the expenses of administering, in cooperation with the Secretary of the Interior, those provisions of the act relating to instruction in the trades and industries and in the preparation of teachers for these vocations. These appropriations begin with the fiscal year ending June 30, 1913.

To summarize, let me say that in 1921, when the maximum shall have been reached, the appropriations will aggregate $14,752,000, as follows:

For the teaching of agriculture, the trades and industries, and home economics, in connection with our general secondary or public high-school system	$3,000,000
For the teaching of the trades and industries and home economics in separate schools	3,000,000
For instruction in agriculture and home economics in State district agricultural schools	3,125,000
For agricultural extension work	2,980,000
For branch experiment and demonstration stations at district agricultural schools	1,050,000
For the education of teachers at State normal and other training schools	1,027,000
For the education of teachers at State agricultural colleges	480,000
For administration expenses	90,000
Total	14,752,000

I have had prepared a tabulated statement showing the exact amount appropriated by this bill from 1913 to 1921, inclusive, and ask leave that it may be included in the RECORD as a part of my remarks. It shows the appropriations for each particular feature of the bill in detail and in the aggregate for each year. The appropriations increase from 1913 to 1921 as follows:

1913	$2,077,000
1914	2,477,000
1915	2,777,000
1916	13,252,000
1917	13,552,000
1918	13,852,000
1919	14,152,000
1920	14,452,000
1921	14,752,000

The statement referred to follows.

Funds required annually under Senate bill No. 3, 1913 to 1921, and permanently.

NOTE.—The figures in italic indicate increases of appropriations, as explained by footnotes below.

FISCAL YEARS BEGINNING JULY 1.

Section.	Appropriation.	1913	1914	1915	1916	1917	1918	1919	1920	1921
5	District Agricultural High School				[1] *$125,000*	*$125,000*	*$125,000*	*$125,000*	*$125,000*	*$125,000*
5					3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
4	Trade schools				3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
3	Agriculture, trades, and industries, and home economics in secondary schools				3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
6	Branch stations				[1] *50,000*	*50,000*	*50,000*	*50,000*	*50,000*	*50,000*
6					1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
8	Teachers' training departments in agricultural and mechanical colleges	$480,000	$480,000	$480,000	480,000	480,000	480,000	480,000	480,000	480,000
9	State normal schools	[2] *27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*
9		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
7	College extension departments	480,000	*400,000*	*700,000*	*1,000,000*	*1,300,000*	*1,600,000*	*1,900,000*	*2,200,000*	*2,500,000*
7			480,000	480,000	480,000	480,000	480,000	480,000	480,000	480,000
	Administration:									
10	Department of the Interior	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
10	Department of Agriculture, for agricultural extension	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
10	Department of Agriculture cooperating with Department of the Interior	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
10	Departments Commerce and Labor and Interior	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
	Totals	*27,000*	*427,000*	*727,000*	*1,202,000*	*1,502,000*	*1,802,000*	*2,102,000*	*2,402,000*	*2,702,000*
		2,050,000	2,050,000	2,050,000	12,050,000	12,050,000	12,050,000	12,050,000	12,050,000	12,050,000
		2,077,000	2,477,000	2,777,000	13,252,000	13,552,000	13,852,000	14,152,000	14,452,000	14,752,000

[1] According to Twelfth Census, 20 States had less than 100,000 people engaged in agriculture.
[2] According to Twelfth Census, 9 States had less than 300,000 total population.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Vermont yield to the Senator from Washington?

Mr. PAGE. Yes.

Mr. JONES. The Senator has passed section 9?

Mr. PAGE. I have. I will be very glad to answer any question, however, relating to that section.

Mr. JONES. In section 9, on page 8, I notice the provision is for the preparation of teachers "in State normal schools and in other training schools for teachers." In our State university, for instance, which is a very large educational institution, they give special training to teachers, although it is not termed, of course, a training school; it is a State university. I would like to know whether, in the opinion of the Senator, that university would come under the provisions of this section?

Mr. PAGE. I am happy to say that that matter was very carefully discussed, and the decision reached was that any school which the State board for vocational education regarded as a training school for teachers might properly be included within the provisions of the section.

Mr. JONES. Would the Senator have any objection to striking out, in line 2, the word "training," before the word "schools," and inserting after the word "schools" the words "furnishing special training for teachers," so as to make it read:

That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics in State normal schools and in other schools furnishing special training for teachers.

And so forth.

Mr. PAGE. I can not see any objection to doing so.

Mr. JONES. I hope the Senator will consider that suggestion when the bill comes up. I think that would make it clearer than the language of the section as it now stands. I have some doubt whether under the language of the section our State university would come under the terms of the bill.

Mr. PAGE. If the Senator will study the bill in its entirety he will find, as he goes through it, that we have made a good many provisions conditioned upon the approval of the State board of control or board for vocational education, and conditioned further upon securing the assent of the Department of the Interior, which means the Commissioner of Education. There is no design on the part of those interested in the bill to deprive any State of the right to determine what are training schools for teachers.

Mr. JONES. That is true; and yet when the bill confines it to certain described schools, no matter what may be the provision thereafter, it is confined to those schools. I doubt if the language, "training schools for teachers" would include the State university, which is not classed as a training school for teachers. Therefore I wanted to suggest this change in the language for the Senator's future consideration.

Mr. PAGE. I certainly see no objection to it now. I will give it consideration and report to the Senator later.

I would especially direct the attention of the Senate to the fact that every section of this bill has been carefully considered and every safeguard provided to prevent the diversion of any fund from the purpose for which the appropriation has been made. I am sure Senators can have but a slight appreciation of the details which have been wrought out in this bill. First, to the end that its provisions might articulate satisfactorily with State laws; and, second, that the funds appropriated by the measure may never be diverted, lost, or squandered.

Mr. President, I have prepared with considerable care a statement showing in detail the administrative features of the bill, and I am prepared to go on at length and explain fully how the law is to be administered, how the appropriations are to be safeguarded, and what is required of the several States in order that they may participate in these appropriations.

As I proceed to the discussion of this measure, I will refer briefly to a few of the more important sections covering the administrative features of the bill.

ADMINISTRATION.

Section 11 safeguards the funds appropriated for schools of the secondary grade and the preparation of teachers for these schools. It charges the Secretary of the Interior with the duty, and gives him the necessary power, to administer the provisions of this act in relation to the $9,000,000 appropriated for schools teaching the trades and industries, home economics, and agriculture, as provided for in sections 3, 4, and 5 of this act; the $480,000 for the education of teachers in State agricultural colleges, as provided in section 8; and the $1,000,000 appropriated for the education of teachers in State normal and other training schools, as provided in section 9. Section 11 also provides that the Secretary of the Interior shall have the cooperation of the Secretary of Agriculture and the Secretary of Commerce and Labor.

Section 12 safeguards the other $4,000,000 appropriated in sections 6 and 7. It charges the Secretary of Agriculture with the duty, and to him is given the power, to administer the provisions of the act relating to the $1,000,000 appropriated for branch stations at the district agricultural high schools, and the $3,000,000 appropriated for the extension-work fund, and it authorizes him to aid the Secretary of the Interior in carrying out the provisions of this act, so far as they relate to instruction in agriculture and home economics in schools of the secondary grade, and the preparation of teachers for those vocations.

Section 13 gives the Secretary of Commerce and Labor authority to assist the Secretary of the Interior in carrying out those provisions of the act which relate to instruction in the trades and industries and the preparation of teachers for those vocations.

The question may be asked as to why the administration of this act has not been left with a single department. The answer is that, after a careful study of the matter, and after conferring with those whom I think best qualified by experience to advise concerning the administrative features of the bill, I have become satisfied that, so far as they apply to supervision of the extension work in agriculture and to the branch-station work provided for in the bill, they may best be left to the Department of Agriculture to administer. On the other hand, supervision of the schools provided for by the bill may be left to the Commissioner of Education, who will, of course, be the direct representative of the Secretary of the Interior in admin-

istering that part of the act which it is made the duty of that official to administer.

As to the position occupied by the Secretary of Commerce and Labor with reference to this bill, it may be said that the labor organizations have come to regard that official as the connecting link between the Government and themselves, and as the Department of Agriculture has long been the special agency in touch with agricultural and home-makers' organizations, they have asked that the Secretary of Commerce and Labor might be vested with a cooperative relation in connection with those schools which are to teach the trades and industries. It has therefore seemed eminently wise that the Departments of Agriculture and of Commerce and Labor be authorized to give cooperative assistance to the Department of the Interior and thus help the Bureau of Education to have the widest possible support.

Section 14 provides that in order that any State may secure the benefits of this act it shall, through the legislative authority of said State, accept its provisions and shall designate a State custodian to receive and be responsible for each and all of the seven funds appropriated. I would call the attention of Senators especially to the last paragraph of this section, for in many respects it contains one of the most important changes made in the bill as originally introduced. It reads as follows:

Any State or the District of Columbia may accept the benefit of any one or more of the respective funds herein appropriated to it and may defer the acceptance of the benefit of any one or more of such funds, and shall be required to meet only the conditions imposed in relation to those funds the benefit of which it has accepted.

This paragraph has been incorporated in the bill at the suggestion of several States which were in doubt as to whether they would or would not deem it advisable to accept all the appropriations and provisions of the bill, as they were required to do under the measure as it was originally drawn, in order to be the recipients of any of the appropriations named in the measure.

The effect of this amendment is to leave it optional with any State to accept any one or all of the appropriations and to permit it to defer the acceptance of any one or more of its provisions until such time as the State may wish to avail itself of the benefits of those particular provisions.

My judgment is that, without a single exception, every State will avail itself of every provision of the bill. Inasmuch as the $3,000,000 appropriation for each of the three classes of secondary schools—$9,000,000 in all—and only a part of the appropriation for college extension work becomes effective until 1916, all the States will be given ample opportunity to provide by legislative enactment for taking advantage of the provisions of the bill.

I confess in this respect I may be mistaken. My good friend the junior Senator from Louisiana [Mr. THORNTON] expresses a doubt of his own State accepting all the provisions of the measure. I believe that within five years every State will not only be accepting the provisions and appropriating enough to cover its provisions but a good deal more. But, of course, that is a matter of opinion.

I believe there is no State in which there will not be a meeting of the legislature by 1916.

Section 15 provides that States must, by legislative enactment, designate a "board of vocational education," which shall have all necessary power to cooperate with the Secretary of the Interior in the administration of the provisions of the act relating to the industrial schools authorized by the act and the training of teachers. This board may consist either of the board of education or other body now having charge of the administration of public education in the several States, or it may be a new board to be established with special reference to the new educational system which this legislation will initiate.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. With pleasure.

Mr. HEYBURN. I suggest to the Senator that some States have constitutional provisions covering the organization and government of the public schools and it would seem that it might be necessary to change the constitutional provisions in order to authorize the creation of the board. I have the constitution of one State before me where it makes a provision definite as to the constitution of the educational board.

I understand the Senator to say that the States will be required to create a new board, because it would be in effect a new board. In that case you would have to change the constitution of the State.

Mr. PAGE. That condition has been suggested in regard to one or more of the States. As I think the matter will work out, your State legislature will make the board authorized by your constitution the vocational education board to take charge of this field.

Mr. HEYBURN. The State legislature would not have power to legislate away the provisions of the constitution or to change it. It could not be done except by a change of the constitution itself. The legislature was not invested with power in this case to make any change whatever. It was thought dangerous to leave that to the legislature, because it would be subject to the vicissitudes of changing administrations and changing opinions. So in making the constitution we fixed it so definitely as that the legislature would not have control over it. Now, it might be desirable to have such a board as is suggested in the bill, but it would be beyond the power of the legislature to create it.

Mr. PAGE. No; not at all. Can the Senator tell me whether that board as authorized by his State constitution is made up of one, two, or three members?

Mr. HEYBURN. The board consists of the superintendent of public instruction, the secretary of state, and the attorney general.

Mr. PAGE. I should like to ask the Senator further if he can see any objection, in view of your constitution, to saying that the board authorized by the constitution shall be the board which shall have charge of this fund?

Mr. HEYBURN. In section 2 of article 9 there is this provision:

The general supervision of the public schools of the State—

And of course that would include the distribution of the money—

shall be vested in a board of education, whose powers and duties shall be prescribed by law; the superintendent of public instruction, the secretary of state, and attorney general shall constitute the board, of which the superintendent of public instruction shall be president.

That gives a name to the board and provides for its make-up. We could not change that.

Mr. PAGE. Mr. President, this is not a new matter. It has been discussed by educators to quite an extent. I submit to the Senator that a simple enactment by the Legislature of Idaho, making this board of education the board of vocational education called for by the bill, would give you the most perfect authority for handling this appropriation. If I am not right about this, I desire to have the Senator suggest some amendment. I think I am correct about it. Let me read it again:

This board may consist either of the board of education or other body now having charge of the administration of public education in the several States—

It seems to me that this is exactly the language necessary to meet the conditions in the Senator's State. Let me read it again for the benefit of the Senator:

This board may consist either of the board of education or other body now having charge of the administration of public education in the several States, or it may be a new board to be established with special reference to the new educational system which this legislation will initiate.

It may be a general State board dealing with these appropriations in their broader relations, delegating the details to existing State boards or departments in charge of educational matters, or it may be a State board in immediate charge of the schools. The idea has been to interfere as little as possible with any suitable machinery which the States may already have for carrying forward the work of their schools and to give entire freedom to them in making such changes in their plans for the administration of public education as they may desire.

There has been some little criticism of the proposal for a board of control or board for vocational education in the States, but I believe that where the matter has been explained to those who have written me letters of criticism, the objections have been removed.

I think in every case where I have taken up this matter with educators or with boards of education they have been fully satisfied with the provisions of this section as it now reads. Bear in mind that this is a provision made to meet just the exact conditions suggested by the Senator from Idaho.

In several of the States educational work is under the charge of a single head, usually designated the State superintendent of public instruction or State superintendent of education.

This bill makes it necessary that the board for vocational education shall be made up of at least three persons. But if a State desires to make no change in its present administrative machinery it can merely designate the governor and other officers as ex officio members of this board to work with the State superintendent of public instruction or other already constituted agencies.

Section 16 provides for the establishment of those district agricultural high schools for which section 5 of the bill appro-

priates $3,000,000. It provides that there shall be at least 1 school for each 15 counties, and that there shall not be more than 1 for each 5 counties or fraction thereof. This provision is designed to be so elastic that no State now having agricultural schools will have difficulty in adjusting these schools to the provisions of the bill; and yet it safeguards the measure by providing against the creation of a multiplicity of weak, inefficient one-county schools——

Mr. JOHNSTON of Alabama. I should like to ask the Senator a question. He states that the district shall be composed of not less than five counties.

Mr. PAGE. Of not less than five counties. Have you any of your schools predicated upon less than five counties in a district?

Mr. JOHNSTON of Alabama. We have a school for each congressional district, and one county alone has a population more than sufficient to furnish the apportionment for a Member of Congress.

Mr. PAGE. But you could attach to your largest city or your largest district some of the outlying counties.

Mr. JOHNSTON of Alabama. That is only one county, and we have so many people in that one county that it is more than enough to make one congressional district, and when you require in the bill five counties you cut out that district.

Mr. PAGE. It is not supposed that the city of New York has any farms within its limits, and therefore it will not be included. The provisions of the bill contemplate that the agricultural and the rural sections shall be benefited by this particular provision. Bear in mind that the important cities have separate schools, and we give to the rural districts their schools. The only reason why we say there shall be five counties in each district is that there shall not be a multiplicity of little one-county districts as in the State of Wisconsin. I think the Senator from Wisconsin will bear me witness that they have there a law which provides for a one-county school, and this bill, if we pass it, will meet that class of cases. If we should have a one-county school it would generally be so cheap a school that it would hardly come within the spirit of this act.

Mr. JOHNSTON of Alabama. The Senator does not yet understand me. One county in my State has a population of 235,000. It is largely agricultural. There is a city in it, of course, but you would deprive that district from having any school at all.

Mr. PAGE. I do not so understand it. Take the city to which you refer and take four other counties outside of that county, and the five together will have one of these schools, and it will be a fine school. It need not be any less of a fine school because it is near a city. For instance, what is your largest town—Birmingham?

Mr. JOHNSTON of Alabama. Birmingham.

Mr. PAGE. Birmingham would not have an agricultural school within its limits, but outside of Birmingham you would arrange a group of five counties, and they together would have the benefit of this act.

Mr. BACON. The word "district" does not mean a congressional district?

Mr. PAGE. Not at all, because if we had it by congressional districts we would work out a very impracticable scheme. The city of New York has lots of congressional districts. We do not design or expect that New York will have any of these schools in its limits.

Mr. BACON. We have in my State schools which are located in congressional districts. We have these agricultural schools, one in each congressional district, and I presume that would not interfere with the scheme of this bill.

Mr. PAGE. Not at all, because you have more than nine congressional districts.

Mr. BACON. We have 12.

Mr. PAGE. You have more than 60 counties?

Mr. BACON. Yes; 146.

Mr. PAGE. Very well. If you had 60 counties you would then have one for each congressional district, provided you saw fit to make a division of one for each five counties; but, having more than that, it is perfectly easy to arrange it.

Mr. SMITH of Georgia. Will the Senator allow me?

Mr. PAGE. With pleasure.

Mr. SMITH of Georgia. While our schools are under the old congressional district plan of 11, so far the policy has been to adhere to those old lines and not change them on account of the fact that we have had a new congressional district added, but even if that were different it would be quite easy, I think, to make the school districts such as to meet a compliance with the bill and to put five counties in a district.

Mr. PAGE. I want to say the State of Georgia has been fully considered in the working out of this measure, and, unless I am very much mistaken, there is no reason why the provisions of this bill will not work out according to the plan now existing in your State. We have had here from Georgia some very strong educators. Dr. Soule, of Georgia, was here. I think he is one of the ablest of the educators of the South.

Mr. SMITH of Georgia. If the Senator will allow me, the Senator might change that from "the South" to "the United States or of any other country."

Mr. PAGE. I accept the amendment. I think well of the Senator's suggestion.

This provision is designed to be so elastic that no State now having agricultural schools will have difficulty in adjusting these schools to the provisions of the bill, and yet it safeguards the measure by providing against the creation of a multiplicity of weak, inefficient one-county schools, rather than a few strong, well-equipped institutions which shall serve practically as a vocational college for those millions of farmer boys who will find a high-school course fitted to their needs while the higher agricultural colleges organized under the Morrill Act will attract only tens of thousands.

This section also provides for separate agricultural schools for the negro race and prohibits any tuition charges.

Section 17 provides that no State shall be entitled to the benefits of the branch station fund until by legislative authority it shall have provided for a branch station in connection with district agricultural high schools, receiving funds under this act, and shall have provided as an appropriation for the annual maintenance of such branch stations a sum at least equal to that allotted annually under this act. The fund is safeguarded by the following clause:

The sum paid to each State for branch station shall be applied only to paying the necessary expenses of conducting, by such branch stations, field tests, plant breeding, and other scientific work bearing directly on the occupation of agriculture.

Section 18 provides that no State shall be entitled to any part of this allotment for college extension work until by legislative enactment it shall provide for an extension department in its State College of Agriculture, and shall have provided as an appropriation for that work an amount at least equal to the amount annually allotted to the State from the Federal Treasury.

Section 19 is one of the most important of those sections dealing with the administrative features of the bill, because it places in the hands of the State board of vocational education created by the State legislature and authorized by section 15 the establishment of the general plans under which vocational education shall be worked out by the respective States. In other words, the autonomy of the States has been respected to the fullest.

It is true that the bill is so safeguarded that if a State shall not, in good faith, observe the spirit of the appropriation, its share of the appropriation may be withheld until Congress, by express act, authorizes its payment. The general administrative scheme, or plan, adopted by the board for vocational education of each State must have the approval of the Secretary of the Interior, to the end that he may see that the spirit and purpose of the appropriations are observed and carried out. The section is so important that I shall read it in full:

SEC 19. In order to secure the benefit of the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, the board for vocational education for each State and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to schools of secondary grade and to colleges and normal schools as herein provided; for the inspection and approval of such schools and colleges under the provisions of this act; and for the formulation and application in such inspection and approval of standards and requirements in vocational education as to types of schools, location, course of study, qualifications of teachers, methods of instruction, conditions of admission, and employment of pupils. In order that such a plan may be adapted to the needs of the State or the District of Columbia in which it is to become operative, the Secretary of the Interior shall, in passing upon it, and its modifications from time to time, take into consideration the social, economic, industrial, educational, and administrative conditions, and all other relevant circumstances in such State or in the District of Columbia. It shall be the duty of such board for vocational education for any State or the District of Columbia to make annually to the Secretary of the Interior a full and detailed report of its administration of the provisions of this act relating to all such schools of secondary grade and to the training of teachers in colleges and normal schools as herein provided, and to make such additional statements and reports as may be required by the Secretary of the Interior in the discharge of his responsibility under this act.

Section 20 provides that the board of trustees having charge of the State college of agriculture receiving the benefits of the extension-work fund shall do so under general plans approved by the Secretary of Agriculture, and shall cooperate with him in the development of such work, and shall annually make to him full and detailed reports of its operations, receipts, and expenditures.

Section 21 makes it the duty of the State board of trustees having charge of the branch-station fund to administer the fund in accordance with provisions or general plans approved by the Secretary of Agriculture, and to make to him annually a full detailed report of all its operations, receipts, and expenditures.

Section 22 provides that any school receiving funds under this act shall conform to the requirements of the State board for vocational education, shall cooperate with that board in the development of its work, and shall make to that board a full and detailed report of its operations, receipts, and expenditures.

Section 23 provides that in order that any State may receive the benefit of the several school funds provided by this act the State custodian of those funds shall annually make a report to the State board for vocational education of his administration of the moneys received by him for those funds; and in order that the State may receive the benefit of the extension-work fund and branch-station fund, he shall annually make a report to the Secretary of Agriculture of his administration of the moneys received by him for those funds.

Section 24 provides that the Secretary of the Interior shall annually ascertain whether the several funds appropriated by this act for vocational education and for the training of teachers at normal schools have been expended in accordance with the terms of this act, and shall certify to the Secretary of the Treasury as to each State whether it has complied with the provisions of this act and is entitled to receive its share of such funds.

If the Secretary of the Interior certifies to the Secretary of the Treasury that the State has so complied, the latter official is directed to pay the money to which the State is entitled under this act to the State custodian of the vocational education fund, and upon the requisition of the State board for vocational education such State custodian shall pay to the governing board of any school which should receive the same the sum to which it is entitled under the provisions of this act.

Section 25 charges the Secretary of Agriculture with the duty of ascertaining whether the States receiving the benefits of the extension-work fund or branch-station fund are using them in accordance with the terms of the act. If he finds that they are, he shall so certify to the Secretary of the Treasury, which official is directed to pay to the State custodian for vocational education the sums to which the State is entitled; and upon requisition of the board of trustees, or board of control, of such State college of agriculture or State experiment station, such State custodian shall pay to the treasurer appointed by such board of control the sum which the said college is entitled to receive under the provisions of this act.

Section 26 provides that the "secondary school department fund" shall be used for distinctive studies in, or closely relating to, agriculture, the trades and industries, and home economics.

That the "industrial or home economics school fund" shall be used only for distinctive studies in, or closely relating to, the trades, industries, and home economics.

That the "district agricultural school fund" shall be used only for distinctive studies in, or closely relating to, agriculture and home economics.

That the "college teachers' training fund" shall be used only in the preparation of teachers to give practical or technical instruction for useful service in agriculture, the trades and industries, or the home.

That the "normal teachers' training fund" shall be used only for distinctive studies designed to prepare teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, and home economics.

That the "extension-work fund" shall be used only for instruction and demonstration in agriculture, home economics, and rural affairs.

And that the "branch-station fund" shall be used only for field tests, plant breeding, animal breeding, home economics, and other scientific work, under plans approved by the directors of State experiment stations of the respective States.

Section 27 provides that if any part of any fund appropriated by this act shall be lost or misapplied it shall be replaced; and until so replaced no subsequent appropriation for such purpose shall be paid.

One of the best provisions in the entire bill is that which provides that the funds hereby appropriated may not be invested in lands or buildings. This provision is so important that I quote it in full.

Mr. THORNTON. What section is that?

Mr. PAGE. This is section 27; it is the last part of the section.

* * * No portion of any moneys appropriated under this act for the benefit of the States or the District of Columbia shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or to the purchase or rental of lands; and no portion of such moneys shall be expended other than in institutions supported and controlled by the public.

That last line is very important. The schools must be, absolutely, public schools supported and controlled by the public and with public money.

Section 28 provides that all unexpended sums shall be deducted from the next succeeding annual disbursement, in order that the amount of money distributed to any State from any fund provided for in this act shall not exceed the amount actually and necessarily required by the State for the purpose for which such money from such fund may be expended under the provisions of this act.

Section 29 further safeguards the appropriations made by this act by providing that each State shall receive annually only such portion of any fund as, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, in the discharge of their respective responsibilities, such State has made ample preparation to use to advantage.

Section 30 provides that if the Secretary of the Interior or the Secretary of Agriculture shall withhold a certificate for the whole or any part of the allotment to any State, the facts and reasons therefor shall be reported to the President, in order that the State may, if it so desire, appeal to Congress from the determination of the Secretary of the Interior or the Secretary of Agriculture; and if the next Congress shall not direct that such sum be paid, it shall be covered into the Treasury.

Section 31 provides that the moneys distributed to institutions entitled to the benefits of this appropriation shall be in proportion to the amount which each expends out of other income, to be derived from general or from local public funds, for the same purpose, during the same period. There is, however, an alternative clause in this section which provides that funds may be distributed upon some other basis, according to plans previously adopted by the board for vocational education, or by legislative authority if these plans have been approved by the Secretary of the Interior.

This is a clause which I should like to have Senators especially consider, because it is a very important one. We make provision that each locality shall draw according to the amount it contributes. There is, however, an alternative clause in this section which provides that funds may be distributed upon some other basis, according to plans previously adopted by the board for vocational education, or by legislative authority if those plans have been approved by the Secretary of the Interior. They must be approved by the Secretary of the Interior, because otherwise funds might be diverted from the purposes contemplated by the bill.

It must be borne in mind that this bill is designed to stimulate and encourage, and not to assume, except in a very slight degree, the main burdens of educational support; and after a State has made the proper preparation in the way of providing the required buildings and farm lands to enable it to take advantage of the act, there must then, in addition, be appropriated at least twice as much for these educational purposes as is contributed by the Federal Government.

I regard the closing portion of section 31 as one of the most valuable and important of all the safeguarding provisions of this bill. I quote it in full:

* * * but there shall in no case be disbursed under the terms of this act to any school or college out of moneys derived from the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, as provided in this act, more money than 50 per cent of the amount which is supplied and expended during the same period for the same purpose, for which such fund is to be expended, out of State or local public moneys.

Mr. WILLIAMS. "State and local," or "State or local"?

Mr. PAGE. Let me explain to the Senator how it is hoped the scheme will work out, and I will illustrate by instancing the States of Massachusetts and New Jersey. The laws of those States provide that when any local community shall have spent a certain amount for vocational educational training the State shall contribute or pay to that community as much as it has raised locally. We hope that to the amount contributed or appropriated by the Federal Government the State will add an equal amount, and that the local community will be then asked to raise as much as the combined contributions of the State and the Federal Government. This will assure good schools.

Mr. WILLIAMS. The Senator from Vermont does not understand what I am getting at. Suppose that in some case a State did not appropriate as much as the locality, and suppose we

have to appropriate $2,000 to meet $1,000 with which the Federal Government gives, why should not that locality have the benefit of the bill? In that case your language would read "State and locality" or "State or locality."

Mr. PAGE. Mr. President, if the Senator will suggest an amendment to the section which says "as much as is raised by State and local" or "by State or local," I see no objection to it, but I should dislike to leave out the words "State and local."

Mr. WILLIAMS. Oh, no. I did not suggest that. I suggested that the language should be "State and local" or "State or local," the idea in my mind being this: I do not suppose it will occur, but it might happen, that some State might fail to make the appropriation needed, whereas some locality within the State would show the ability and the willingness to meet the appropriation.

Mr. PAGE. I certainly can see no objection to that.

Mr. TOWNSEND. May I make a suggestion? Supposing the State contributes nothing and the locality contributes something, the contribution then would be simply what the locality had contributed. I can not quite see the difference. The phrase "State and locality" combines both. If one is zero and the other is something else, the contribution is still the sum of the State and locality, is it not?

Mr. WILLIAMS. Yes; but still upon the face of the bill it would require the action of both the State and the locality. We might be turned down here because the State had failed to act. All that is sought in the bill is that they shall contribute twice as much; that twice as much shall come in for the purpose as comes from the Federal Government, making the total money coming in for the purpose three times what the Federal Government contributes. So it struck me that perhaps it would make it plainer to say that, because, if you did, you would accomplish your purpose. I see some reason on the other side of it. The two together might contribute more than they otherwise would, more than 200 per cent of what they are given for the scheme.

I hardly think that what I had in mind would happen, because I imagine that every State would do something, but it might happen that some State would not. Such action might result from some technical reason. For instance, in my State the legislature meets but once in four years, and, therefore, might not be able to meet this appropriation on the part of the Federal Government.

Mr. PAGE. Mr. President, I confess that the idea advanced by the junior Senator from Michigan [Mr. TOWNSEND] was one which occurred to my mind when I drew the substitute, but I can see no objection to amending this provision by writing in after the words "State and local" the words "or State or local." I should like to have the Senator from Mississippi [Mr. WILLIAMS] think the matter over during the day, and then, if he would like to propose that amendment, I now see no reason why I shall not accept it when the bill is before the Senate as in Committee of the Whole.

Mr. WILLIAMS. I think we had better make that amendment merely for safety.

Mr. PAGE. It will be observed that the Federal Government is in no case to pay to any school or college more than one-half as much as is raised by State and local taxation.

Let me illustrate by reference to a single appropriation: Under this bill there is appropriated to State normal schools and other training schools for the education of teachers for this work, in round numbers, an average of $21,000 for each State. In order to avail themselves of this fund there must be raised by State and local taxation $42,000 more, making $63,000 the average sum per State which must be expended under this act for State normal and other training schools in educating teachers for vocational education work.

And bear in mind, further, that under the provisions of section 26 of the act the normal teachers' training fund can be used only for distinctive studies, which are given in separate units, organized as departments or divisions of State normal schools or other training schools, under a properly qualified head, and which are designed to prepare teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, or home economics.

Observe that this Federal fund may not be used for the instruction of those who are to teach the ordinary, or cultural, studies, but must be used solely to educate those who are to teach the vocational subjects contemplated by this bill. It may be suggested that no State is obliged to accept all the provisions of this bill, but I have little doubt that all of them will; and the wonderful impetus that will be given to the cause of industrial education by this act within the next five years can hardly be overestimated.

Section 32 throws around this appropriation another most excellent safeguard. I quote the section in full:

All States, Territories, and the District of Columbia accepting the benefit of any fund under this act shall provide other moneys with which to pay the cost of providing the necessary lands and buildings, and to pay the entire cost of all instruction, supplementary to the practical and technical instruction provided for in this act, necessary in order to complete well-rounded courses of training, the main purposes of which are to give vocational as well as general preparation for agriculture, the trades and industries, and home making, or to prepare teachers for these vocations, suited to the needs of the respective sections and communities of the United States.

Mr. WILLIAMS. Will the Senator read that over again?

Mr. PAGE. Before I read it, let me say to the Senator that we are very jealous lest the States shall utilize these funds to pay for teaching the ordinary cultural studies. So the bill provides:

SEC. 32. That all States, Territories, and the District of Columbia accepting the benefit of any fund under this act shall provide other moneys with which to pay the cost of providing the necessary lands and buildings, and to pay the entire cost of all instruction, supplementary to the practical and technical instruction provided for in this act, necessary in order to complete well-rounded courses of training, the main purposes of which are to give vocational as well as general preparation for agriculture, the trades and industries, and home making, or to prepare teachers for these vocations, suited to the needs of the respective sections and communities of the United States.

Mr. GALLINGER. Mr. President, I want to express my gratification that in drafting this bill the Senator from Vermont has not omitted the District of Columbia. There is an anomalous condition existing here under the Morrill Act and supplemental acts, inasmuch as Porto Rico, Hawaii, and the Territories, when we had them, are all included in the terms of that act, while the District of Columbia is excluded, or was not mentioned. For several years I have made an effort to get recognition, so that the District of Columbia might have its quota of those funds for the purpose of teaching agriculture and related matters in one of our institutions of learning here, but I have failed to accomplish that result up to the present time. I am glad, however, that the Senator has not forgotten that the National Capital is a place where instruction may well be given in those subjects as well as in ordinary subjects pertaining to university education.

I simply wanted to emphasize that point, and it may help me possibly in the future, if I live long enough, to make another effort to get recognition of the District of Columbia under the existing law.

Mr. PAGE. Mr. President, I only hope I shall find that the Senator will discover enough good things in this bill so that he will support it before he gets through.

I want to say, however, in this connection, that the District of Columbia does not participate in all the funds. It participates in most of the school funds, but not in the funds that provide for district agricultural schools, because those are purely agricultural, and we did not think it best to have the District of Columbia included. Let me say in this connection that our Commissioner of Education, Dr. Claxton, has just returned from Porto Rico. He came to see me yesterday or the day before. He said, "Senator, I really believe that the United States would only do the proper and just thing to include Porto Rico in the provisions of your bill." I said, "Perhaps later we will include Porto Rico, but I do not know but it might imperil the passage of the bill to do it now, and I prefer to wait a while and see. I personally should have no objection to putting in Porto Rico if it was thought best to do so."

It should be noted that these funds can not be diverted from the purposes intended by the act, and that in order to receive the benefits of this fund the States must pay the cost not only of providing the land and buildings, but also the entire cost of such general instruction as is necessary to complete well-rounded courses of training, the main purposes of which are to give vocational training.

Section 33 provides that correspondence for the furtherance of extension work, as provided for in this act, shall be transmitted in the mails free of postage under such regulations as the Postmaster General may from time to time prescribe.

Section 34 provides that the Secretary of the Interior shall make one or more reports to Congress annually of his administration of the several funds paid out under his supervision.

Section 35 provides that the Secretary of Agriculture shall make an annual report to Congress of his administration of the funds which come under his supervision.

Section 36 provides that this act shall take effect upon its passage.

Mr. President, it may seem to Senators, from a casual examination, that this bill is unnecessarily long and seemingly complex; but I can assure the Senate that a careful analysis of the bill will show that while it is drawn upon a broad and com-

prehensive plan, its details have been wrought out with painstaking care and are based upon well-established precedents—precedents which have been successfully worked out in the field of experience.

Its provisions are admirably designed to simplify and unify one of our most comprehensive and complex public enterprises—our public-school system. For Congress to now stop short of the passage of a comprehensive measure which will so supplement the great Morrill land-grant college act of 1862 as to carry the new scientific practice of all the industries to all the people, would be an admission that we are unable properly to utilize the experience of half a century of effort by these State colleges. The very details of this measure will help to so frame up our public-school organization that its government will be simplified. This measure by comprehending the entire field will greatly simplify, where, in the absence of such a law, complexity is constantly arising. In trades schools, for example, this bill has already brought unity of thought and action on the part of organized labor and organized employers.

This is a matter to which I hope Senators will give careful attention. We have brought together the Federation of Labor and the American Association of Manufacturers, which have been so bitter toward each other that they would not meet together in the same room to consider any proposition—we have brought them together on this great question, and they have reached a conclusion in absolutely hearty accord.

The best educators in the country have given to the preparation of this bill, without money and without price, a vast amount of painstaking labor. The national leaders in these two fields have been here brought together in a most marvelous unity for trades-school education as a part of our public-school system, rather than in privately-managed trades schools, which have proven a partial menace to the peaceful settlement of labor disputes. The Society for the Promotion of Industrial Education has sent to me at their own expense their executive secretary, Mr. C. A. Prosser, a man of large experience, and of excellent ability—I want to say that I can not speak too highly of him—and it is no exaggeration to say that he has spent several solid weeks in helping to work out the details of this bill. The commissioner of education, Dr. P. P. Claxton, a man of extensive experience in educational matters, has joined with me in a painstaking revision of every section of the original bill, and it is to these and other educators, many of whom I ought, perhaps, in justice, to mention, that the credit is due for the production of what educators almost everywhere now confess to be a reasonably perfect and practical measure. I have simply brought together as best I might the results of other men's labors. I can only claim myself that I have been diligent and industrious; and that, so far as I know, I have not from the first surrendered any vital principle of the bill or sacrificed any of its fundamentals.

Mr. President, perhaps I may be pardoned for saying that the bill does not consist of a mass of inchoate facts and propositions. It is rather the result of hard months of painstaking labor. It is the bringing together of the views of different educators from almost every State in the Union, and by the adjustment of those views in such a way that the bill in its entirety shall not only be one worthy of adoption on the part of this Senate, but one the provisions of which so articulate with the school laws of the several States as to make it a practical, workable whole. The more Senators will study it the more they will see therein a growth, an evolution, so to speak, with every important point in that evolution so hedged about and safeguarded as to prevent waste and to make it impossible to divert the funds appropriated by the bill from the purposes they were intended to subserve and promote.

Perhaps in passing I ought to mention the fact that some Senators believe that it would be wise to make a compromise by eliminating some of the provisions of the bill and enacting the balance into law, so as to lessen the total sum of money required.

I believe that every feature of this bill is good. I am also firmly of the opinion that, in view of the appropriation of more than $17,000,000 for agriculture in the bill recently passed for the Department of Agriculture, we should now take care of the sons of the laboring men—those who work in the mines and quarries, the factories, and the workshops.

So far as I am personally concerned, while I yield to no man in my desire to promote the welfare of the American farmer, I believe I should be guilty of great dereliction of duty were I to consent to the dismemberment of this bill in such a way as to eliminate from its benefits and its bounties the American boy and girl.

Mr. President, I do not believe that this great, broad, generous proposition—which involves the betterment and the uplift of the sons and daughters of the men of our Nation who toil—can be stopped any more than we can dam the waters of the Niagara. We may cry "Expense!" "Cost!" "Unconstitutionality!" and by so doing delay the passage of the bill, but, like Banquo's ghost, it will not down; and I, for one, will never take counsel of my fears on a measure which I believe to be so everlastingly right.

The fight is going on until success will crown the efforts of some one, if not myself, in order that the great wrong to the chief asset of this country—the American boy—may be righted, and the American people thereby started upward on a broader, better educational highway.

Congress must again blaze an educational trail along the lines of the industries, agriculture, and home economics—a trail which every State in this Union will, in my opinion, promptly follow, to the honor and glory of this great Nation.

The bill makes large appropriations, aggregating, in round numbers, $12,000,000, aside from the education of teachers and branch-station work. Of this sum $3,000,000 is for what is known as agricultural extension work; $3,000,000 for State district agricultural schools; $3,000,000 for the purpose of teaching agriculture, the trades and industries, and home economics in our general public secondary schools; and $3,000,000 for separate industrial schools in cities.

It will be observed that of this $12,000,000, $6,000,000 is for distinctively agricultural purposes, while $3,000,000 is for schools where the trades and industries, agriculture, and home economics are taught, and $3,000,000 for schools where the trades and industries and home economics are taught. I purpose, first, to discuss this bill from the standpoint of agriculture.

AGRICULTURE.

There is no more serious problem before the American people to-day than that of maintaining the equilibrium of population between rural and urban life, involving as it does that other twin problem—the maintenance of the equilibrium between food production and food consumption.

At a hearing held before the Committee on Agriculture and Forestry in March last, there appeared before us the representatives of an association of bankers, and I was much impressed with the statement of Mr. Joseph Chapman, jr., chairman of the committee of Northwestern State Agricultural Colleges, and chairman of the American Bankers' committee. He said that they began some five years ago to study this great question from an economic standpoint.

I quote from his statement:

> We found our boys and girls were leaving the farms and going to the cities. In Minnesota one-third of the population of that State lived in three cities. We went about to find out the reasons why the boys and girls were leaving the farms and flocking to the cities, leaving our men and their wives, who ran the farms without help, or with very incompetent hired help. It was a discouraging situation. At the Hull House, in Chicago, last June a man made a canvass of the chief lodging houses in that city and found that there were 20,000 young men under the age of 25 who were sleeping in basements where the water would ooze up through the floors and where they would lie down to sleep with nothing but a newspaper between them and the floor. Those young men were from the farms of our Central States—men looking for jobs in cities. We reached the conclusion that it was largely an educational problem. We found in Minnesota that in 1909 there were 435,000 children of all ages in our schools, which schools were conducted at an expense of about $14,000,000 to the State. Of that 435,000, Mr. Chairman, 1,832 were in our agricultural schools and colleges. In other words, Minnesota was educating 99.6 per cent of the coming generation to be consumers and four-tenths of 1 per cent to be producers, and if you think those figures are exaggerated and do not fit in there, look into the situation in your own State and you will find Minnesota is not alone.
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> We have drifted away from practical education and have gotten largely into theoretical and what is called intellectual education, so that the problem in Minnesota is now to get the knowledge from the agricultural schools in our great States out to the 1,000,000 people who live on the farms in the State of Minnesota. There are $400,000,000 worth of products produced annually by these million people living on the farms, and yet Minnesota practically stood still in her rural population in the last 10 years, while the great States of Iowa and Missouri dropped backward.
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> But, gentlemen, it is going to take a very long time before this information is going to percolate and get to the people under our present methods. In our own school system in the State of Minnesota, we have changed in the last three years. There are now in Minnesota 80 high schools where agriculture, domestic science, and vocational training are taught, and the reason there are not more is because we can not get the instructors.

Mr. President, the social life of the city offers advantages which the boys and girls are unable to find in rural life; but, more than all this, the energetic, active, enterprising farmer's boy looks forward to the future and asks: If I am faithful, if I am enterprising and industrious—in other words, if I make good—what is there in the future for me? Under conditions as they now exist he is led to the conclusion that the possibilities of success are greater in the city than in the country. As Banker Chapman well said in his remarks before our committee:

> For a hundred years in this country we have been taking the boys and girls away from the farm and sending them into the cities, and it is going to be a hard siege before we can get conditions in the country

so that a man will be satisfied to live there. Fifteen or twenty-five years ago it used to be the practice for one or two boys or one or two girls from a large family to go to the city. Now the farmer sells the farm and the whole family moves there, and he is oftentimes the best farmer in the community.

Mr. President, we all know how natural it is for the more enterprising of our boys and girls to seek occupations which they regard as more genteel—positions in the store and the office. There is an unnatural glamor accompanying the securing of a situation behind a counter that does not exist in a job on the farm where the boy follows the plow and milks the cows.

Up to within a few years the enterprising son of the farmer of the East could see a competence in going to the West and taking up a homestead. To-day he knows that practically all the good lands of the country which could be taken under the homestead laws are exhausted.

Mr. President, I might elaborate upon this feature of the argument indefinitely, but I think it is unnecessary. Unpalatable as it is, the fact confronts us that something must be done to change this constant drainage from country to city—the depopulation of much of the best blood of our rural communities—or within 10 years, perhaps within 5, we shall not only cease to be a food-exporting Nation, but shall actually be importing our cereals.

Mr. President, am I wrong in supposing that the productivity of our farm lands is an important economic condition which we should, as a Nation, seek to remedy? If a remedy can be found for the high prices of foods, should it not be applied, if the expense to the Federal Government is only commensurate and proper in view of the end to be obtained? Is the expense of 1¼ cents per month per capita of our population more than the exigencies of the situation warrant? I think not. I say 1¼ cents per month. Let me interject here that if this bill in 1921 reaches its maximum, the entire cost to the American people will be less than 1¼ cents per capita per month.

It seems to me that the great question before the country now is: Can these conditions be changed; and if so, how? I feel that they can be, and that this bill suggests the way, namely, by bringing about more profitable and better farming.

One of the methods for reaching this end is provided by section 7 of this bill, which appropriates for agricultural extension work. This means that actual demonstrations will be taken to the farmer on his own farm, or on some farm in his vicinity, the results of the research work which have been accumulating through the agency of the experiment stations connected with the different State agricultural colleges and of departments of agriculture for the past 50 years.

We recently had before our Committee on Agriculture and Forestry some very interesting hearings with reference to this agricultural extension work.

Among those who appeared before us was Dr. W. O. Thompson, president of the Ohio State University; Dr. H. L. Russell, dean of the College of Agriculture of the University of Wisconsin; Dr. T. C. Atkeson, professor of animal husbandry of the University of West Virginia; Dr. W. D. Gibbs, president of the New Hampshire College of Agriculture; Dr. Howard Edwards, president of the Rhode Island State College; Dr. Andrew M. Soule, president of the State College of Agriculture of Georgia, and a number of other leading educators connected with agricultural work.

I was particularly interested in the statement of Dr. Soule, because there is probably no educator better known in the South than he. He impressed me as a man of ability, and as one who is not only aggressive, but progressive in all that pertains to the educational welfare of our country. Coming as he does from the great Empire State of the South, perhaps the most progressive of any of the Southern States in matters of agricultural education, his views are especially important. They are so thoroughly practical that I believe that Senators may profitably give to them something more than casual consideration. I shall not give them in full, but, rather, quote the more important of his remarks before our committee. He said:

> This problem is of so great magnitude that it is almost impossible to know where to begin an adequate discussion of it within the very limited time at one's disposal. I judge from the tenor of the questions asked here that possibly this distinguished body of men do not quite grasp the gravity of the situation in American agriculture at the present time. The use of fertilizers commenced in the South, roughly speaking, shortly prior to the war between the States. Last year something like 5,000,000 tons were used, of which more than 1,300,000 tons were applied in the State of Georgia, which I happen to represent on this occasion. That means a tax on the production of our State of approximately $25,000,000.
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> Last year we successfully increased the yield of cotton, because of the beneficent information emanating from the extension work which we are endeavoring to do. But if you take the history of the application of commercial fertilizers for the last 50 or 60 years, you will find the production of lint cotton per acre stands almost still. It is quite evident, therefore, that we face a crisis in southern agriculture. It is true commercial fertilizers are necessary on our soils under existing conditions. It is also true that we are now reaching a point where a different system of agriculture must be instituted or fertilizers will fail to give a responsive profit on our land. What must we do? Can we afford to sit still when there hangs in the balance an export crop or a crop, which, exported, brings a balance of trade to our credit of nearly $700,000,000? Can we afford to see the price of lint cotton become prohibitive?
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> I say, Mr. Chairman, this is not a local question; it is a national question; and the people of Massachusetts and the people of California are just as much interested and concerned in this problem as the people of Georgia. Can we remedy such a condition; is it possible? I will be specific for your information along this line. Five years ago we took in our demonstration a field—and it has been representative of land in many other points in the State—which without fertilizer produced a third of a bale per acre. Last year it produced 3 bales of cotton per acre. How was this extraordinary result brought about? The land was simply deeply broken, then it was properly cultivated, and a crop of cowpeas, gathering nitrogen out of the air, was turned under; a light application of cow manure and a thousand pounds of what we call three-four fertilizer was applied to the soil.
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> I have not figured out the percentage of the increase, but I leave you to judge of putting principles of this kind within the reach of the cotton farmer who to-day is using an inadequate kind of fertilizer and who is harvesting a third of a bale to an acre. You may ask me, May this be duplicated on the average farm, and was this done at a profit? It was done at a profit of $150 to the acre, and it has been duplicated on many farms in Georgia, and it is a matter of opportunity through extension teaching to have it duplicated on thousands of other farms. This one illustration must serve to show you the gravity of the situation which confronts us and to let you see that production in this country is not maintaining its increased yield from the consuming power of the Nation, and that applies, Mr. Chairman, not only to raw materials which are the basis of our manufactures, but to food materials as well. This point I desire to make clear: Agricultural science is far in advance of agricultural practice. * * *
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> Now, we may write bulletins, Mr. Chairman, indefinitely; they are good; there is a percentage of the American farmers who read them, but it is a limited per cent. We are not trying to help that man. I would not have the transcript show that I was indifferent to that man, for we want to serve him, we must help him because he is a leader; but we must also reach the ninety and nine who are not in position to help themselves and whose opportunities may not have been such as to enable them to take the bulletin and use it.
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> We have 15 men in our extension department who have been termed "agricultural drummers." These men go out, for instance, to Mr. Smith's place, and Mr. Smith has been trying, possibly, to raise a bale of cotton per acre, but he has failed.
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> Our man comes along and diagnoses his soil and tells him a method of preparation; he tells him what type of seed to select which will be resistant to this disease or that disease, and he grows that cotton and raises a bale per acre, and he thus has the stimulus and the scientific proof brought to his very door. Mr. Chairman, you have made a new citizen of that man; you have changed his outlook on life; you have given him a broad horizon; you have made him proud that he is a citizen of the United States; and you have endowed him with power. Can you afford and can we afford to neglect these millions of men who are not doing for this Nation, for themselves, and for their families what they ought to do because we have accumulated knowledge and lock it up and say you shall not have it?
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> I want to speak of several other things briefly, and one is about the boys and girls who work in my State. I do not want to repeat what these other gentlemen have said, but I want to tell you what the extension work is doing for those boys and girls. I would like to say for the information of the Senators here that Georgia is doing her share in extension work. Our State is appropriating something like $45,000 every year to this work, and there is being subscribed in Georgia, through chambers of commerce, through boards of education, and through individual citizens, nearly $16,000 this year. Now, what about our boys' work? For a long time the yield of corn in Georgia stood at 12 bushels to the acre. Year before last it went up 2 bushels, and last year it went up nearly 2 bushels more.
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> Several years ago Georgia was raising about 42,000,000 bushels of corn. Last year it jumped to 73,000,000 bushels. Last year, when every Southern State—please examine the statistics for yourself—fell off on account of the unprecedented drought, Georgia showed an increase of nearly 2 bushels to the acre, and between nine and ten million bushels increase for the State. * * *
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> In the seventh congressional district of Georgia last year some 1,200 boys grew corn under advice and direction. They had to submit an elaborate report that was testified to by their county school commissioners and by other authorities in that county. Those 1,200 boys increased the yield of corn on their plats of land over the average land of the State of Georgia last year to a value of $50,000.
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> These things can not be gainsaid, because they are facts. They show the power of bringing this truth to the youth on the farm who has not had an opportunity, who has believed his father a failure, who has believed agriculture a failure, and who has crowded into the city as a result.
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> If we are to do something to bind our people to the soil, and especially the rising generation, we must show them the power of development of the soil as applied to making agriculture a profitable industry. I can only, of course, touch on some of these few extensions; there are many other extensions. As a result of the agricultural club work in Georgia last year a country boy—I think he is nearly 18 years of age—is to have a college education, and is to become a man that I believe the State of Georgia and I hope the people of the United States will live to be proud of.
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> We have on our farms in Georgia something like 350,000 to 400,000 boys and girls growing up without direction, without knowledge of their environment, without any appreciation of the opportunity which soil and this State holds out to them.
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> We can correct that defect in our educational system, and we can do more to help the school and the home. We can bring a greater impulse to our rural school system through extension teaching than any other agency which has yet been devised.
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> I do not speak, I hope, in an overbold manner when I make this statement, because my experience, after all, is very limited, though I have had over 20 years' service in agricultural work, and I think it should entitle me to have seen something of the need out in the country and to understand a little about the application of the remedy. Soil knowledge is fundamental to our people; that has been touched on, but

I want to illustrate about what has been happening and why we must correct it, and then I will try to point out to you this measure as a means of accomplishing this end.

The virgin soil from Banks County, Ga., contains 6,400 pounds of nitrogen per acre-foot, 4,000 pounds of phosphoric acid, and nearly 15,000 pounds of potash per acre-foot. That same type of soil under cultivation 50 years by the methods practiced, not alone in Georgia, but throughout the South, and largely all over the United States, analyzes about 2,000 pounds of nitrogen, less than 2,000 pounds of phosphoric acid, and in many instances not over 6,000 to 8,000 pounds of potash. These results have been obtained in our own laboratories. You can think of the comparative waste which has gone on in this country and which is going on unimpeded to-day. There is no nation except the United States which could have stood the loss of soil food, which means gold just the same as you take wealth out of the mines.

No other nation could have stood it, and we could not have stood it but for the mere richness of our virgin soil. In Georgia we are trying to farm our lands in about the same way they do in all of the States. I will take you down to the seashore in southeast Georgia, where they grow sea-island cotton, where their soils contain less than 1,000 pounds of nitrogen, 600 pounds of phosphorus, and 400 pounds of potash per acre-foot. You see this is a sand bed. * * *

On our farms we have no business policy. Any institution that tried to operate in Washington for a year would go to the wall under that plan. We must therefore put a business policy on our farms and conserve not only our soil, but conserve our people, and educate a generation how to live in the country and take out of the soil something for their own maintenance and leave something for commerce and industry as well. * * *

All over the State of Georgia goes up this cry for help, this cry for assistance. Our people have come to realize that we have a great body of knowledge, which means life and opportunity to them, and they are calling on us to come out and serve them. We are doing all that men can do under the circumstances, and the State, I think, is doing its part; but if we are to reach this problem, and to reach it at the right time, we must have this movement stimulated by making it a great national problem, and then the weak States and those places where the work is being neglected will get in line and we will make a forward movement for the redirection and the institution of a constructive policy in our agriculture which will bring about the desired results.

Mr. President, as Dr. Soule and others have shown, we have been hugging the delusion that we were getting wealthy from farming, whereas, as a matter of fact, we have been taking the nitrogen, the phosphoric acid and potash, and the vegetable matter, or humus, from our virgin soils and selling them in the form of cereals and fibers; and before we can become prosperous farmers we must learn how to restore to the soil those ingredients of which we have been so prodigal. Germany has for many centuries been exhausting her productivity just as we have been for the last century, but she understands better than we do the best methods of restoration and fertilization, through rotation of crops and the conservation and use of waste material, and how to increase the productivity of the soil by the economic use of commercial fertilizers.

The following table, which I take from page 13 of Senate Document No. 76, Sixty-second Congress, first session, shows some most astonishing facts in regard to our inefficiency as farmers. It compares the increase in yield of five staple crops in Germany and the United States from 1878 to 1909:

Increase in yield of five staple crops in Germany and the United States.

	Germany.		United States.		Increase.			
	1878–1883	1909	1879	1909	Germany.	United States.	Germany.	United States.
	Bushels per acre.	*Bushels per acre.*	*Bushels per acre.*	*Bushels peracre.*	*Bushels.*	*Bushels.*	*Per cent.*	*Per cent.*
Rye	15.7	29.4	14.5	16.1	13.7	1.6	87.2	10.9
Wheat	19.2	30.5	13.8	15.8	11.3	2.0	58.8	14.2
Barley	24.5	39.4	24.0	24.3	14.9	.3	60.8	1.2
Oats	31.8	59.1	28.7	30.3	27.7	1.6	85.8	6.7
Potatoes	115.5	208.9	98.9	106.8	93.4	7.6	80.8	7.6

An analysis of this table shows substantially this:

In rye Germany increased her production 87 per cent, the United States only 10 per cent.

In wheat Germany increased her production 58 per cent, the United States only 14 per cent.

In barley Germany increased her production 60 per cent, the United States only 1 per cent.

In oats Germany increased her production 85 per cent, the United States only 6 per cent.

In potatoes Germany increased her production 80 per cent, the United States only 7 per cent.

Germany, with an area equal only to Minnesota, Iowa, and Missouri, produces three-fifths as much oats, four-fifths as much hops, four-fifths as much barley, three times as much sugar, six times as many potatoes, and nine times as much rye as we do in the whole United States.

Mr. President, in 1907 Germany had 43,000,000 acres sowed to wheat, barley, rye, oats, and potatoes, and harvested therefrom 3,000,000,000 bushels; while from the 88,500,000 acres sowed to the same crops in the United States American farmers harvested only 1,875,000,000 bushels. In other words, from less than one-half of the area German farmers harvested nearly double the number of bushels.

The matter may be stated in this form:

If on the land we devote to wheat, oats, barley, rye, and potatoes American farmers secured the same yield per acre as is secured by German farmers our farmers would be richer by $1,400,000,000 a year.

The fact that Germany has been cropping her land for centuries is all the evidence we need that if we will follow in her footsteps in the way of progressive farming we may restore our lands as she has done.

Here is another statement which I am sure will interest Senators, because it bears directly upon agricultural education:

France is the size of our three greatest wheat-producing States—Kansas, Minnesota, and North Dakota. In 1907 France sowed 16,000,000 acres to wheat, as did these three States. Since the introduction of beet culture French soils have been so rejuvenated that from her 16,000,000 acres of wheat French farmers harvested 325,000,000 bushels, while from our 16,000,000 acres the farmers of Kansas, Minnesota, and North Dakota harvested but 188,000,000 bushels, or 11.7 bushels to the acre to the Frenchman's 20.3 bushels.

This great economic problem is so all-important that it is to-day occupying the attention of the leading statesmen of our country as it has never done before. Among others who have spoken and written upon the question is Gov. Harmon, of Ohio. In an article on "Back to the Land" he emphasizes the fact to which I have been alluding, namely, that in the field of agriculture our country makes a poorer showing than in that of any of the other of our industries. His article is so replete with good sound sense that I am inclined to read a half dozen paragraphs thereform. He says:

The average yield of all farm products in this great agricultural country is not creditable. She makes a poor showing in comparison with other nations, poorer in that than in any other industry.

The figures in the reports taken from the official records of Germany, England, France, and the Netherlands show that they raise from two to two and a half and three times more of all sorts of products to the acre than we do, and they have no better soil and no better climate. God has not smiled more brightly on any other land than ours.

We have the soil, we have the rainfall, we have the climate. You can trust nature to produce if you give nature the chance. And yet, while all other lines of our industries have received a great impetus from intelligent thought, agriculture seems to have been largely passed by. Too widely the idea prevails that all a man has to do is to scratch the ground, sow some seed into it, plow once in a while, and trust the Lord to do the rest.

The most productive thing is practical intelligence properly applied, and this must be done in agriculture as well as anything else.

What is the reason that the little country of France, which is not as big as one State in the American Union, could pay that enormous war indemnity to Germany, which everybody thought would break her up, and in 20 or 25 years after be the great creditor nation that she is to-day?

They have 45,000 agricultural schools in France, every one of them with a little plat around it, where they not merely teach boys out of books, but send them to the field to learn what must be done to make things grow under the smile of God; and the result is that France is the greatest producer and the greatest creditor nation in the world to-day, while we are just beginning to wake up in this country.

Really, Mr. President, may it not be fairly inferred that the facts given by Gov. Harmon as to the French schools are in some measure responsible for this condition, and may we not profit by the example which France has set for us in this matter of agricultural education?

I clipped from the Washington Post last week this little item which, it seems to me, shows the wonderful prosperity of France:

PARIS, *May 21.*

The issue of city of Paris bonds to the total of $41,000,000 for the extension of the municipal gas system has been oversubscribed 80 times. This means that the French people have subscribed to the amount of $3,280,000,000 and have actually paid in cash to-day more than $115,000,000, as each subscriber had to deposit $2 per bond subscribed for. The issue was oversubscribed in Paris alone 70 times.

The question of profitable farming to-day is coming to be largely a matter of rotation of crops, of fertilization, of better seeds, and of better breeds of stock. We have no more land to exploit, unless it be land the cultivation of which will have to be made profitable by the clearing of needed forests or by irrigation or drainage. We must increase the productivity of the acres we have or become a food-importing nation.

Mr. President, we have for more than a century been deceiving ourselves. From the platform and the stump we have been wont to boast about our boundless natural resources, but students are now coming to see that unless we change our present processes these resources will be largely exhausted within a period that to the farsighted statesman is but a day.

We have been exporting millions upon millions of bushels of wheat and corn supposedly at a profit, but our scholars who have been making the question of soil fertility a study for the past decade are now able to say to us, as the result of their research, that every bushel of wheat carries with it 27 cents' worth of phosphorus, every bushel of corn 13 cents' worth; and our friends from the South now know, as they did not know 20 years ago, that every pound of cotton takes from the

soil 3 cents' worth of phosphorus. When we consider the hundreds of millions of bushels of wheat and corn and the millions upon millions of pounds of cotton which we have been exporting, the extent of soil depletion is something fearful to contemplate. As President Wallace recently expressed it, "The nineteenth century farmer was no farmer at all; he was a miner, mining the fertility of the soil and selling it for the bare cost of mining."

Mr. President, this is not a pleasant picture to place before this Senate, but we may as well look the fact squarely in the face now as later. If it were necessary to accept these facts as proof incontrovertible of a continued decadence in our rural population they would be indeed startling.

But I do not believe they are; for now that we have exploited all our virgin soils, and the demand is for more corn, more wheat, more foodstuffs of all kinds, with which to feed the American people, we shall stop and think.

In the process of time—and I believe that time will arrive within the next 10 years—the slipshod, unscientific methods of farming which we are now practicing must be superseded by more progressive and more intelligent methods or the problem of the high cost of living will continue to grow more and more acute until it becomes unbearable.

The remedy is at hand and may be easily applied; and that remedy will, in my judgment, come from the more intelligent methods of farming which will result from this bill.

I was very much interested in Dean Russell's very vigorous remarks on this point before our Committee on Agriculture and Forestry.

He spoke particularly of the work of Dr. Hopkins, of Illinois, who, Dean Russell asserts, is one of the greatest soil chemists in America. He has been for years laboring on this problem of soil fertility. I read from Dean Russell's statement:

> The essence of all curative processes is to first start with a diagnosis. If you have anything the matter with you, you want your physician first to make a proper diagnosis; and, gentlemen, we are already reaching the stage where we have to have a soil doctor; we are reaching the stage where we have to know what the condition of that soil is; and Dr. Hopkins goes out and makes these investigations of the soil and finds out whether the soil lacks in phosphate, lacks in potash, or lacks in nitrogen, and then applies the remedies. Let me give you one case which Dr. Hopkins told me about down in Illinois.
>
> Down near Egypt, in the southern part of Illinois, where the land is poor, they started one of these demonstration farms, and Dr. Hopkins's analysis showed that that soil was lacking in phosphate and that an application of $1.50 worth of phosphate per acre to that soil would change it from a soil that would normally yield from 12 to 13 bushels of corn to one which would yield from 50 to 60 bushels. Now, here is a fact which Dr. Hopkins told me about: They started a demonstration farm at one of those sections, called in the farmers from all the surrounding counties, and called a meeting, at which they pointed out the value of rock phosphate as a remedy to a depleted soil in restoring the fertility.
>
> One gray-haired old man came up to Dr. Hopkins and said, with tears in his eyes, "Mr. Hopkins, I want to thank you for what I have seen to-day, but, God help me, if I only knew that thing 40 years ago." He said, "I have got six boys in my family, and I have labored night and day to keep body and breeches together and to keep the family together, and what have I got on my farm—12 to 15 and 16 bushels of corn to the acre is all that I could make." He further said, "Now, I would like to have sent my boys to college; I would like to have given those children an education, but I could not raise enough crops on that piece of land that I have owned, and so I have tilled all my lifetime and have earned barely enough to support my family. Now," he said, "if a man had only come to me when I was a comparatively young man and told me the thing that you have told me to-day—that $1.50 of rock phosphate would have given me the 50 bushels of corn crop, the crop which was raised right over the fence from where I am—I could have sent my children to the high school and to a university, and" he said, with tears running down his face, "I am at the end, and nobody told me that."

Mr. President, in talking with an intelligent farmer in my own State not long since, he told me that 60 per cent of all the cows kept by the farmers of Vermont probably netted them a loss, the profit being made out of the best 40 per cent. The breeding of stock—not only of cattle, but of horses, poultry, sheep, and hogs—has been done in such a haphazard, unscientific way that there is no wonder that in some sections of the country it has been found unprofitable.

Vermont is one of the most progressive States in the Union in the matter of dairying. With her little more than 9,000 square miles, a goodly portion of which is mountainous and can not be profitably cultivated, she produced, in 1909, 35,394,000 pounds of butter. Maine, with her much larger area, stands second in New England States, with a production of 15,405,000 pounds. Vermont has found her dairy interests so profitable that she has practically abandoned her sheep industry, and to-day, instead of raising our own draft horses with which to cultivate our farms, we are bringing them from Iowa. The reason for this is that our farmers have become better students with reference to the breeding of stock. Native cows have given place to the Jersey, the Guernsey, and the Ayrshire.

We have imported our varieties of plants and animals from Europe, and we have too long assumed that they have the best possible heredity to make them profitable in our climate.

West Europe can not grow our American varieties of corn in its cloudy, moist, cool climate; yet we have assumed that the varieties of wheat, oats, barley, and sugar beets, long bred to suit these conditions, were the best varieties for our land of sunshine, with its dry and warm summers.

We have only begun to breed new varieties of field, garden, and horticultural crops. We are as yet so new that we are exploring the world to find varieties bred for climates like ours. The results of breeding vegetables and fruits in New England and California; of breeding corn, as in Illinois and Indiana; of breeding cereals, as in Minnesota and Ontario; of breeding cotton, as in the South, and flax in the Middle Northwest, show that public investments along this line yield hundreds of per cent profit.

The branch stations provided in this bill have proven necessary to serve as additional plant breeding and testing stations, where varieties can be created and tested so that the valuable new kinds may be distributed to all growers. In like manner we have accepted from west Europe the breeds of animals there created through centuries of careful, though not really scientific, methods of breeding. We have created enough breeds in this country to show that breeds can be created which are peculiarly adapted to our needs, and the science of creating valuable breeds of animals as well as valuble breeds of plants has now been as well wrought out in this as in any other country.

The proposed branch stations will serve the experts of the State experiment stations and of the Department of Agriculture as centers where those breeds of animals and varieties of plants can be improved, tested, and made available to the farmers of the respective agricultural regions.

Manifestly we are doing about 1 per cent of the scientific improvement of the heredity of our plants and animals which we should. For example, there might properly be one cooperative animal-breeding project at every one of the proposed branch stations, in which the cooperating group of breeders might have scientific direction from the State experiment station and the Department of Agriculture.

Mr. President, we shall need to double our agricultural products to accommodate twice our present population two generations hence.

Experts in plant and animal breeding offer abundant proof that between 10 and 20 per cent of this increase can be brought about by scientific plant and animal breeding.

Not of the least interest is the fact that the cost of the permanent changes made once for all in the heredity of plants and animals is so slight that the added result lowers the cost of production and therefore contributes to a larger degree to keeping down the cost of food than any other improvement in agriculture excepting the improvement made in the efficiency of the people through education and demonstration.

Mr. President, in view of the facts and figures which I have given—and they are, in my judgment, thoroughly established and beyond question—is it any wonder that the agricultural sections in many parts of this land have been showing a decadence in population?

I have been so much interested in this question of the decadence of our rural population that I have made an investigation as to the number of counties in the United States which show an actual loss in population between 1880 and 1910. It will undoubtedly surprise many Senators to be told that there are 252 in the United States which actually have a less population to-day than they had 30 years ago, and, with very rare exceptions, those counties are in our farming or rural sections.

TRADES AND INDUSTRIES.

In the discussion of this measure thus far, I have asked the attention of the Senate chiefly to agriculture and home economics. I have tried to show that, as a great economic proposition, farming must be made more profitable, farm homes better and rural life generally improved and different from what it is to-day, to the end that equilibrium between the city and country might be restored.

I think I have dwelt at sufficient length upon these points, and I now ask the attention of Senators to a question which in many respects is more important than all the other important features to which I have referred, and that is: What are we going to do with and for the boys in the cities? From every quarter comes the disquieting intelligence that the drift has been going from bad to worse until to-day it threatens our very political existence as a nation. The question of good citizenship attaches to our rural life, and there is every reason why we should consider the character of our citizenship as it apper-

tains to the boy on the farm. But in the immediate present at least there are no such alarming dangers confronting rural life as are at present manifest in that substratum of humanity which flocks to the congested sections in all our larger cities.

Our discussions in the Senate during the past three years upon the great question of conservation would fill volumes—indeed, Mr. President, it has filled volumes. It has been one of the leading topics of discussion throughout the land, and it is right that it should be. We should preserve our forests, our mines, our quarries, and our water power, but this is not all.

Prof. Carver, of Harvard University, well says:

In the present conservation movement it is highly important that we realize two things: First, that our most valuable resources are our people; and, second, that we are wasting people more than we are wasting anything else.

And he very forcibly adds:

If we forget either of these things, we shall find ourselves trying to save at the spigot while we are wasting at the bung.

Mr. President, a leading educator has said that:

By industrial education we are asked to shape the lives of the children of to-day, and thereby to make the men and women of to-morrow—the American of to-morrow. Each year 2,500,000 graduate from our elementary schools, proud and confident in having accomplished the first great task of their lives in successfully finishing the eight years' course with credit. An equal number of children, a vast army of two and a half million little ones, most of them only 14 years of age, leave the same schools discredited, unsuccessful, aimless, most of them having gotten no further than the sixth grade, having learned little else than the three R's, not educated in any sense, but only possessed of the rudiments whereby real education may be acquired. They have been, in a way, schooled only in how to fail. These are the children who go into the industries and deserve and require industrial or trade education.

The Daily Iron Trade Review, in its issue of April 30, in a vigorous editorial upon this bill, uses this language:

The untrained man is not necessarily a day laborer. He is such a man, however, as, when thrown off his present employment and upon his own resources—oftentimes slender—becomes a menace to society either actively or passively.

Something must be done for him, and this something the Society for the Promotion of Industrial Education believes can be afforded through the Page bill. There are many young men wasting their efforts along more or less unprofitable lines of endeavor who would be valuable members of society if they could have had the advantage of a special training when of suitable age.

It must be made almost impossible for there to be such an anomaly as an untrained man before our country can claim rightfully to have afforded every man an equal chance. There is a place for the Society for the Promotion of Industrial Education in the United States. There should be a place in the Federal statute books for the Page bill.

Vocational education helps the boy "to find himself," especially if we link his vocational education with the seventh and eighth grades—before compulsory education ceases. Modern application of education to practical life contemplates not only assistance to the boy to find himself, as they say, but it aids him in finding a place where he can get employment.

One of the best illustrations of how this trying-out process—the process of helping the boy to find himself—works out may be found in Newton, Mass. In the school system itself there is a bureau where every scholar is studied with reference to his physical and mental capacities and endowments. He is studied psychologically and his traits of character ascertained. His past school record is examined, heredity as well as environment is considered, and the boy's own tastes and tendencies are, as a matter of course, made the subject of study.

When this is done, a decision is made as to what general department of labor he is best fitted for, and then his school life is laid out upon that basis, and at the same time the bureau takes upon itself the burden of finding the boy a place to work in such occupation as it has been previously decided he is best adapted to fill.

Mr. Meyer Bloomfield, director Boston Vocation Bureau, has well expressed the situation as to this matter. He says:

The rediscovery of the child in school and shop has become the task of our agents. Too long have children been living and learning and working together as fractions of selves. Personality is subordinated to system. Excessive organization is stifling child energies struggling for self-expression. Vocational guidance looks to the whole child, to its past, present, and future. Through its efficacious interest and cooperating agencies it demands the utmost investment of all that a child is and may become.

Mr. President, I almost tremble lest I seem to give prominence to the widening gulf between capital and labor. I hope I am not a pessimist, and yet I confess that when I read an alarming emanation of one who has a right to speak for labor I am inclined to "stop, look, and listen."

Raymond Robins, who is known as the "social expert" in what is called the "Men and religion movement," gives expression to the following thought, and I want Senators to allow that thought to sink deep into their minds. He says:

The old vertical lines of social division—by income, profession, and family—are gone. The new line is horizontal. Above it are all those who live by dividends and below it are all those who live by labor. Already it is more than a line—it is a crack, a cleavage. And I tell you that unless that cleavage is bridged in the next 10 years it never will be bridged in our time.

Raymond Robins was giving expression to no threat; indeed, he may be wrong in regard to his diagnosis of the future of the American people, but does it not behoove us as Senators to take cognizance of the utterances and claims of a man like Raymond Robins; and if we can lift some of those below the horizontal line to which he refers and give them a portion of the part above the line, should we not do it?

Mr. President, there is no way to do this except by reaching down and taking the hands of those below the line and, through vocational education, do what we can do to bridge this cleavage, and we must do it now. Raymond Robins says that unless it is bridged within the next 10 years it never will be bridged.

I am not ready to confess this—it may not be true—but I am not fully prepared to say that there is not some element of truth in his warning.

I am ready to give the benefit of the doubt to the cause of the sons of the men who toil, even though the expense of doing so to the Federal Government might be even more than 15 cents per capita per annum of our population, the amount called for by this bill.

Place over against this statement of Raymond Robins another, which appeared in our Washington dailies May 17. I read:

HARVARD'S FINANCES.

CAMBRIDGE, MASS., *May 17.*

Harvard University, according to the annual financial report, now has $25,000,000 in productive funds, of which $17,000,000 is in stocks and bonds. This is an increase of a million and a quarter over last year. From these funds the university has an annual income of $2,500,000.

Mr. President, I glory in our New England colleges. It has been well said that they "have sprung from the very soil, and the lifeblood of our fathers is in them."

He would be bold indeed who should undertake to capitalize the good will of the old-time colleges of New England or to estimate the power that inheres in their long record of usefulness and leadership.

Long may they live, and may the power of their usefulness and leadership continue. Their walls have risen from the modest bounty of New England yeoman, and men and women have worn homespun that the colleges of their boys might continue to live. It has been the best blood of rural New England that has peopled the plains and cities of the West, and the vigorous leaven of New England stock in western communities, from Ohio to California, has been drawn from the best-educated and most progressive element of the small towns of the country districts of rocky New England.

I have asked the United States Commissioner of Education, Dr. Claxton, to give me a statement showing the number of scholars, respectively, in the elementary or grammar grades, the secondary or high schools, and the colleges, together with the percentage of cost for each class.

It will probably surprise those who have not given the matter much consideration to learn that only 1.71 per cent are in the college grades; only 5.35 per cent in the secondary, or high-school, grades. The great mass of our boys—to be exact, 92.93 per cent—are in the elementary grades.

The commissioner's report shows that we are taking splendid care of those who enjoy the benefits of high-school and college courses—the 7 per cent—but we are not doing our duty to the other 93 per cent—the children of those who, by reason of having to become the breadwinners of the family, do not pass beyond the elementary grades.

The commissioner states that the cost of pupils in the elementary grades is $21.78 per capita; of those in the public high schools, $45; of those in the university, $280.

With the consent of the Senate, I will include in my remarks the table furnished by Dr. Claxton.

Per cent of enrollment and per cent of cost for the three grades in 1908–9.

Grades.	Per cent of enrollment.	Per cent of cost.
Elementary	92.93	74.68
Secondary	5.35	10.08
Higher	1.71	15.24

Practically all of these boys who are in the 92 per cent class are to-day deprived of any kind of vocational or industrial training. And because of this fact they are swelling the ranks of our outcasts and criminals and filling our jails and asylums with the flotsam and the jetsam of our social life. They form the

very scum which rises to the top of the great seething caldron of uneducated humanity and is forming that uncontrollable element which is the natural outgrowth of the injustice which is to-day being practiced on the sons of our toiling millions in the matter of withholding from them a decent measure of vocational and industrial training.

Mr. President, there is no truer saying than that "talent should lay its tribute upon the altar of human need." If there is any human need demanding tribute from the best talent of this Senate more than the need of the average American boy, I do not know where it is.

To-day, in my humble judgment, the sons of our toiling millions are not receiving that fair equality of opportunity to which they are entitled; and let us not deceive ourselves with the idea that these boys, as they grow up, will fail to note and keenly feel that inequality of opportunity.

They have minds no less acute, perception no less keen than those of us who have enjoyed a better education. They know they have not had a square deal, and, knowing this, is it any wonder that there is discontent and that as a result of this discontent the standard of citizenship is being lowered? Is it not true that in the minds of by far too large a percentage of them the Stars and Stripes is not that emblem of justice and equality which it ought to be? And yet, Mr. President, when we confront a proposition like the one now before us we are met with the cry of expense, cost, and unconstitutionality.

I wish to state with all the force at my command that, in my judgment, any bill the chief purpose of which is the promotion of good citizenship is not unconstitutional, because good citizenship is an absolute sine qua non for the general welfare and common defense. The very foundations of good citizenship lie in loyal, contented, and intelligent and prosperous people.

Mr. President, it is a condition, and not a theory, that confronts this Government to-day. If our citizens in the generation ahead of us are not able to earn a decent livelihood and give their children such an education as will equip them to run the race of life with a fair measure of success, it will be impossible to convince them that they are receiving that equality of opportunity to which they are entitled and without which they can not be loyal citizens.

Mr. President, this is an age of steam, of electricity, of enterprise and progress. To-day there are few, if any, laboring men in this country who do not, through the press and otherwise, keep in touch with the most advanced modern thought in so far as it relates to their own personal welfare.

The Grange and other like organizations represent the farmer; the American Federation of Labor, the American Manufacturers' Association, and kindred associations and organizations represent those engaged in industrial pursuits; and I wish to state to this Senate to-day that if there is a single association of any considerable size, either along the lines of agriculture or the mechanic arts, that has not discussed this measure fully and passed judgment upon it, I do not know where that organization is.

It has been said that the leaders in the American Federation of Labor were opposed to the education of large numbers along industrial lines. It is not true.

It has been said that the great Association of Manufacturers find it more profitable to work ignorant than skilled men. It is not, in my judgment, true. It is an interesting fact, Mr. President, that during one of the days of March last, Mr. H. E. Miles, chairman of the committee on industrial education of the National Association of Manufacturers, and Samuel Gompers, president of the American Federation of Labor, were together here at Washington. I sought an interview at which both of them should be present, but the two organizations were so antagonistic and hostile that my efforts to bring about a conference between them were unsuccessful.

This being the case, I asked this official of the National Association of Manufacturers to write me a letter setting forth the views of his association touching this bill, and at my meeting with Mr. Gompers I read this letter. At the close of the reading, he said:

> That letter expresses the views of the American Federation of Labor exactly, and it states them better than I could state them myself.

I think this fact is worthy of being especially emphasized. Here are two organizations which, so far as I know, disagree upon every or almost every other point. They represent conflicting interests in the labor world, and yet on this vocational education measure they are in entire and hearty accord; and from one end of this country to the other the associations which represent the great industrial interests of our land are sending me letters and telegrams approving this bill and assuring me that if it passes it will solve better than any other plan before the American people at this time one of the most vexatious economic problems that now confronts us.

Let me quote very briefly from the views of Mr. Gompers, representing the American Federation of Labor, and Mr. Miles, representing the National Association of Manufacturers. Mr. Gompers says:

> Under this proposed law the Federal Government, the States, and the local communities would be united in a cooperative movement to place within the reach of every boy and girl in the country the opportunity of securing both a general and a vocational education.
>
> The prosperity of a nation depends upon its industrial and commercial success, and in respect to these success depends upon the training and intelligence of its citizens. It is therefore plainly evident that a national educational system determines its destiny.
>
> The compilation of statistics relating to the period of school attendance by the young of the country, the study of these statistics, and the result of the limited attendance of so large a proportion of the school population which they have desclosed have attracted the attention not only of men engaged in educational effort, but the people generally. The fact that so large a proportion of the boys in the United States are leaving school at or before the completion of an elementary course of instruction, that the major portion of them are subsequently to earn a living by the work of their hands, that at an early age they seek employment largely in unskilled industries because they are fitted for nothing better and because they are too young to enter upon the work of apprentices, even were that possible, and that the prospects of emergence from unskilled to skilled industries is so small, is attracting attention to the problem and demanding solution.

Mr. Miles says:

> The need of industrial education is coming to be seen in all quarters, and the movement has a tremendous impetus. The purpose of the Page bill is not to develop engineers through technical schools, etc., but to educate the boys and girls who are going to earn their own living in factories, stores, etc., and as wives of our working people.
>
> This money (the money appropriated by this bill) would be spent in continuation schools, evening schools, and in day schools for boys and girls of about 14 years of age and over. This would be the first appropriation to make happy and efficient and educated in a measure to their life work the children of the common people who live in the cities and towns.
>
> The Page bill likewise recognizes the other half of our population, those who live by agriculture, by giving about the same amount for agricultural and the domestic arts, not in the high-grade schools that turn out experts, but in the common schools, where are educated the boys and girls who will be the real farmers of the future. Not one dollar has ever been given educationally to the factory boys and girls, and this bill proposed that it shall now be given.

I think very few Senators have ever stopped to consider the magnitude of this great proposition and the millions upon millions of people which it would favorably affect from ocean to ocean and from Canada to the Gulf.

Mr. President, the nations of the earth are now engaged in a race for commercial supremacy, and in that race to-day Germany is confessedly taking the lead. It is said that she annually exports a billion dollars' worth of her products, and this fact is, in large measure, owing to that other fact that she is more progressive in the matter of industrial education than any other nation in the world. In Germany every boy, even to the sons of the Emperor, must learn a trade. Japan has recently adopted an educational system. She studied the educational systems of the world and then adopted the German system. Men like to do what they can do well, and no boy entering any manufacturing establishment can do his best work if he understands that his equipment for that work is so inferior to those with whom he is associated that he is at a disadvantage.

The boy does not stand still; he is either progressive or retrogressive. Inspire him with faith in himself, and he puts forth his best efforts to succeed. We all work better under encouragement and inspiration than under the lash and spur.

To learn more is to earn more. If the boy could have discovered this fact before being thrown upon his own resources as he passed from the grammar school, he would have put forth his best efforts to secure a vocational education. But this fact was not pressed home to him. Indeed, under existing school conditions the opportunity to learn more about the practical things of life does not exist, and it is one of the main purposes of this bill to bring into existence schools which will give the average boy the equipment which his restless, progressive nature demands and which he, as a prospective citizen of this country, is entitled to receive.

I dislike to seem to criticize our school methods, because I recognize that a multitude of our wisest and best men are unselfishly and patriotically devoting themselves to the education of the young men and women of our land.

That they are doing good work is shown by the fact that during the last decade the ratio of illiteracy has decreased from 10.7 per cent to 7.7 per cent, or, to state it differently, it was 39 per cent higher in 1900 than in 1910.

Have we not too long assumed that the mere school definition of illiteracy is misleading? Have we realized what a small part of our people are vocationally trained? Have we not stopped with teaching our youth the three R's? Have we taught them to make use of their elementary training in gaining knowledge and skill in the great vocations open to more than 92 per cent

of them? Have not our educators been asleep as to the latent cultural power and value of the body of knowledge in the great major vocations of the farm, the shop, and the home?

But I submit, not as a criticism but as a suggestion for the consideration of the Senate, that there is something wrong in a school system which drives the average boy away from school life at the very time when he should be just beginning to realize the great importance of education. It is absolutely futile to argue that it is the boy's own fault. If there is any criticism to offer upon our system of education it is that the curriculum repels rather than attracts the average boy, and, worse still, the father of the average boy.

Mr. President, we shall never change this condition, in my judgment, until we introduce into our school system a greater or less measure of vocational education. To just what extent this can be done is a problem which we must work out. It is a problem which our educators, as they to-day look upon the school curriculum, will not solve except by slow and tedious processes unless something is done to stimulate and point the way substantially as is contemplated by this bill.

Unless Senators have given the matter some thought, very few of them realize the extent to which training along industrial lines can be made to contribute to a general cultural education. We all remember how our boys were given abstract problems in arithmetic when they were young. They learned to add, subtract, multiply, and divide. But if the men who prepared the arithmetics for those boys had known that they were going into a machine shop after leaving school, and if they could have provided an arithmetic which would have been just as well suited to give the boys a cultural education and at the same time equip them with a practical knowledge, this change of textbook would have been of incalculable value to them when they went into the shop.

I have before me an example of problems found in a textbook published by the General Electric Co., of Schenectady, N. Y. This company assists in the training of boys who are to find work in its shops later on. Let me read two or three of the problems which they give to their students:

If a hollow cylindrical casting is 3 feet long and 1.5 feet inside diameter, and 2 feet outside diameter, what will be its weight if cast iron weights 0.26 pound per cubic inch? What will be the cost at $2.25 per hundred?

If in finishing we take a cut one-fourth inch inside and one-fourth inch outside and sell the metal turned off at 50 cents per hundred pounds, what is the final cost of casting?

The arithmetic of this company is full of concrete problems like the two I have cited. In brief, the cultural is attained through the vocational, and who can say it is not a wise change?

In seven States—Massachusetts, Connecticut, New York, New Jersey, Maryland, Michigan, and Wisconsin—recent laws have been enacted relating to vocational training for the industries, and Massachusetts has a commission on industrial education.

Under her law enacted in January, 1906, 17 independent industrial schools were organized prior to January 1, 1910. This law is believed to be one of the best, and I ask consent to publish it as an appendix to these remarks, as it may be of assistance to those who would study the practical workings of industrial education.

The underlying principle of this Massachusetts law is that those who reap the benefits of the appropriation shall contribute a share of the expense. The law, among other things, provides that the Commonwealth shall repay to any city or town one-half the expense of these schools. I quote one section of the law:

Upon certification by the board of education to the auditor of the Commonwealth that a city, town, or district, either by means raised by local taxation or by means donated or contributed, has maintained an independent industrial school, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts, a sum equal to one-half the sum raised by local taxation for this purpose.

Mr. President, at one of our hearings before the Committee on Agriculture and Forestry, Mr. Herbert Myrick, president of the organization which publishes the Orange-Judd agricultural papers, at Springfield, Mass., appeared before us and exhibited a chart giving the money value of industrial training as shown by the Newark Technical High School, at Newark, N. J. I confess that the figures seemed to me so absolutely unbelievable that I did not wish to give them to the Senate as facts without having them verified, so I wrote to the principal of the school, quoting Mr. Myrick's statement. His reply was that in the main the statement was correct. Here is the statement:

The so-called skilled mechanic in the industries of New Jersey earns fifteen to twenty-five dollars per week, but let the same adult mechanics spend their evenings for a while acquiring technical training and industrial education and so greatly is their capacity developed that at the age of 45 they occupy positions that pay an average of $66 per week.

This is the actual result of the census taken of the graduates of the Newark (N. J.) Technical High School, which is an evening school. These are mechanics who work at their trade during the day and come in and attend evening classes. I have, from what I believe to be good authority, the information that this result was obtained from an actual canvass of the graduates of this Newark Technical School for a period of years, and that the replies received covered 85 per cent of those who had graduated.

Whether the replies to the other 15 per cent would materially change the proportion upward or downward, I am unable to say. In any event, it could not change it very much. Let me repeat that the average so-called skilled mechanic received from fifteen to twenty-five dollars per week, while these graduates from this Newark Technical School averaged $66 per week, thus showing that the men who were sufficiently enterprising and ambitious to take the training at this school rose to positions as managers, foremen, and overseers.

In passing, let me refer to one point in connection with this school, because it illustrates how I hope this bill will work out with reference to the separate schools for the trades and industries provided for in section 4 of the bill. There are, in round numbers, 1,600 towns and cities in this country having a population of 4,000 or more.

Let us suppose for a moment that every one of these should avail itself of this appropriation, and let us suppose that the $3,000,000 which section 4 appropriates is matched by a State appropriation in each State, making $6,000,000, and then that these cities shall add thereto as much more by local taxation, making $12,000,000 in all.

This would mean an average of $7,500 for each school. Educators say that it takes $100 per capita to conduct a good school of this kind. This means that these schools would have an average of 75 scholars each, and that these 1,600 schools would annually send out to infuse new life into our manufacturing industries approximately 120,000 trained men.

You will observe, Mr. President, that I have predicated my conclusions upon the hypothesis that local taxation will supplement and match the Federal and State appropriations.

Bearing upon this point, I wish to say that the law of New Jersey, under which the Newark Technical School was established, provides that whenever any board of education, school committee, or other like body in any city, town, or township in the State shall certify to the governor that a sum of money not less than $3,000 has been raised, it shall be the duty of the governor to cause to be drawn by warrant on the comptroller an amount equal to that contributed by the particular locality for the said object, and when any school or schools have been established in any localities aforesaid there shall be annually contributed by the State for the maintenance and support thereof a sum equal to that contributed each year by said locality for said purpose, provided, however, that the moneys contributed by the State to any locality shall not exceed in any one year the sum of $5,000.

It will be observed that the State of New Jersey helps those who help themselves, and that is what this bill designs to do. It really is an offer on the part of the Federal Government to share with the States in making offers of funds to those cities and communities which will help themselves.

Mr. H. E. Miles, chairman of the committee on industrial education of the National Association of Manufacturers, in an address on vocational education, speaks of America as being likened to a huge stevedore bearing down to the ships of the sea the crude or semicrude material for the use of the capital, labor, and intelligence of foreign nations. These exportations are a depletion of our national resources, the heritage of the ages, and are irreplaceable. We now see that under present processes those resources will be exhausted within a period that to the farsighted is as a day. We sell our cotton to Switzerland at 14 cents per pound with scarce any labor in it; we buy it back in the form of fine handkerchiefs at $40 per pound, nearly all labor.

The extent to which we may change these conditions by increasing the efficiency of the rising generation through industrial education will measure the degree of prosperity and progress which this country is in the future to enjoy in its struggle for commercial supremacy.

No nation approaches us in inventive genius, none in natural push and vigor; and if we will stop thinking in small sizes for a brief period while we start on an upward trend the generation now coming upon the stage of action, by the use of that efficiency which comes from a better and more practical education, we can distance the world.

The official figures just issued by the Census Bureau show that we increased our manufactured products from fourteen billions in 1904 to twenty billions six hundred million in 1909—a gain of 40 per cent in five years. We increased the number of our manufacturing establishments from 216,118 in 1904 to 268,491 in 1909. We increased the capital invested in manufacturing these products $5,700,000,000 in these five years. We increased the number of our wage earners 21 per cent in that time, and, best of all, it may be said that while we increased the number only 21 per cent, we increased the wages 31 per cent.

Dr. Schwedtman, president of the Citizens' Industrial Association, of St. Louis, says:

> We have every reason to be gratified with our showing; but the greatest value of past records of patriotic, progressive, and ambitious men is this—they provide a standard for the future. Standing still is impossible. We must go backward or forward. The record of the past five years must be surpassed by that of the next five years.

But, in his judgment, we now strike an economic fact which must be carefully considered. He says that while in the past much of our industrial growth has been accomplished by increase of industrial territory, increase of raw material, and added immigration of skilled foreign mechanics, we must look for our future progress principally to higher efficiency in our shops, to higher grade of output, to a better grade of American mechanics. We must export less pig iron and more sewing machines, less steel billets and more watch springs, less copper and more dynamos.

It has been truly said that the man deserves well of his country who makes two blades of grass grow where one grew before. Is this not equally true of men who turn raw-cotton exports at 14 cents per pound into fine handkerchiefs at $40 per pound?

Mr. President, only 38 per cent of the population of the United States are breadwinners. Fifty-five per cent of the Austrian population, 53 per cent of the Italian population, and 48 per cent of the French population are breadwinners.

We must convert the idlers of this Nation into producers; and, in my judgment, we may do so if we will take the hundreds of thousands of boys, now almost running wild in our larger cities, and, by industrial education, by instruction along the lines of the trades and industries, and by finding them places to labor, turn them from vicious paths into self-respecting, self-supporting, contented producers.

In England the percentage of population engaged in manufacturing, mining, trade, and commerce is 64; in the United States it is only 40. Is it not our duty to provide for this additional 24 per cent of our population by converting them from consumers to producers?

The United States produces approximately 5,500,000,000 pounds of cotton annually, but we manufacture only 2,000,000,000 pounds of that cotton into finished products. England produces in India 1,350,000,000 pounds of cotton, but she manufactures approximately 2,250,000,000 pounds into finished articles. If we figure raw cotton at 15 cents per pound and finished cotton products at 30 cents per pound, we have a difference of $525,000,000 annually which might be paid to skilled workers in the United States, which now goes to the skilled workers of England and other countries.

We appropriate millions of dollars every session the benefits of which are largely local, but the benefits of the appropriations flowing from this bill will reach every city, town, village, and hamlet, and practically every child resident therein. And yet, Mr. President, the time will never come when the appropriations under this bill will aggregate at their maximum more than 1¼ cents per month per capita of our population.

In 1916 our population will be more than 100,000,000, and if the total appropriations under the bill at that time were to reach $15,000,000—and they will not—it can be seen at a glance that the per capita expense to the American people under its provisions would be only 15 cents per annum. Think of it, Mr. President. We shall have given to every one of the sons of the toilers of this country an opportunity to acquire an education, which shall make us a Nation of more efficient producers, of more self-respecting, more contented, more happy men and women, and consequently a Nation of better and more law-abiding citizens, and that, too, by an annual appropriation from the National Treasury of only 15 cents per capita of our population.

HOME ECONOMICS.

Mr. President, I shall now devote a few moments to the question of home economics, although I have given to the subject a somewhat less extended examination, perhaps, than I ought to be qualified to speak interestingly upon it.

I have, however, proceeded far enough in my investigations to become fully satisfied that the education of our girls along the lines of the trades and industries and in home making as contemplated by this bill is one of the most important economic problems now before the American people.

Mr. President, I have never taken pains to figure out just what part of the funds appropriated by this bill would be used for the benefit of home making, but I have asked prominent educators how they thought the bill would work out, and they have expressed the opinion that of the nine millions appropriated—three millions for the separate schools in cities, three millions for the industrial schools connected with the high schools, and three millions for the district agricultural schools—about 25 per cent would probably find its way into the field of home economics for the education of girls.

Home economics or the science of home making is a much more comprehensive term than one would believe who has not given the matter some thought. Broadly speaking, it refers to the improvement of the conditions of home life, but the avenues through which this improvement comes are many.

Primarily they include cooking, sewing, making articles of household use, vegetable gardening, home nursing, care of children, and so forth.

But these are only the elementary studies, and the girl who would fit herself to be a true home maker should understand the preparation of foods for invalids, first aid to the injured, the value of foods that enter into daily consumption, and how to buy them so as to eliminate waste. She should understand ventilation, hygiene, physiology, the prevention of preventable diseases, serving of dinners, laundry work, house planning, millinery, making her own clothing, art needlework, household decoration, household bookkeeping. Indeed, her studies should cover that broad field which will fit the girl to prudently and economically manage household affairs when she becomes a wife and mother, and to have such an understanding of household administration as will enable her to eliminate waste and plan prudently, as one must do who provides for and presides over the household and has to do largely with the family living expenses.

Mr. President, the difference between the girl who leaves school on the completion of the seventh or eighth grade without any knowledge of these practical affairs of life, and the one whose school life has been prolonged for an added year or two in the study of home economics is very often the difference between success and failure as a wife and mother.

A good, well-kept home, presided over by an intelligent woman, educated along both general and practical lines, means health, happiness, prosperity, with healthy children and all those essentials which make life worth living.

The country is fast awakening to the fact that probably 50 per cent of all divorces would have been avoided had the girls been good cooks, good home makers, and good mothers. The country is also awakening to the fact that infant mortality is largely owing to lack of that knowledge touching motherhood which ought to be better understood in all our homes.

Fifty years ago every girl believed her proper calling in life was to become a good home maker, wife, and mother. To-day they look forward to a position in some trade or industry, or, perhaps, to office work as stenographers, typewriters, or telephone girls. And when—as is usually the case—they find themselves brought face to face with married life and the home, they fail to bring to the discharge of the wifely and motherly duties that experience, skill, and knowledge so absolutely essential to a good home maker.

The picture is an unpleasant one, Mr. President. It is one which affords no gratification to a student of public affairs. The results are that in too many instances home life is unendurable, and year by year more and more do the divorce courts show the results. We must give our girls a training different from that with which we now provide them, for if we do not, and if race suicide and divorces continue to increase as they have for the past 25 years, our social conditions will become unbearable.

What greater problem confronts us to-day than the health of our people, and especially the health of the young? And who does not know that it is only by that better knowledge of sanitation, hygiene, cooking, and ventilation gained by an education in home economics that we can give the rising generation a higher standard of health and physical force? We must come to realize that a sound mind in a sound body is one of the essential prerequisites of wholesome, forceful manhood or womanhood.

I rejoice in the fact that home economics is rapidly assuming the prominent place which it deserves in all schools which girls attend, from the elementary to the collegiate. This bill, if it passes, will generally accelerate this essential movement toward better home making, and mothers who are bringing up

the rising generation in conformity with the laws of health will be accorded a higher status in the social ranks of American women.

It is a most regrettable fact that by far too large a portion of our American girls are not good housekeepers and are lamentably ignorant of the duties of motherhood. We might profitably consider this great proposition along other and collateral lines, including the great question of race suicide, but I hesitate to discuss this problem here. A mere reference to it ought to bring a blush to the cheek of every student of our social conditions.

Mr. President, the American School of Home Economics has very forcefully expressed its disapproval of our great economic waste in the matter of our home management. It says that $10,000,000,000 are expended annually in the United States for food, clothing, and shelter, when, with greater knowledge and efficiency, better satisfaction could be obtained and $1,000,000,000 saved for higher things.

Half a million lives are cut short and 5,000,000 people are made ill by preventable diseases every year. With universal knowledge of hygiene and sanitation nearly all deaths and illness from such causes could be prevented.

Six hundred thousand infants under 2 years of age end their little span of life yearly, while millions of children fail to reach their best physical development, because their mothers and fathers do not understand how to care for them in the light of science. With more knowledge at least half these babies could be saved and the physical standard raised immeasurably.

I will ask permission at this point to insert a clipping from the Washington Post of June 4, 1912.

The VICE PRESIDENT. In the absence of objection permission is granted.

The clipping referred to is as follows:

200,000 LIVE BUT A MONTH—OF BABIES WHO PERISH YEARLY, 15,000 ARE BORN IN NEW YORK.

NEW YORK, *June 3.*

Two hundred thousand infants die every year in the United States before completing the first month of life, of which number 15,000 are born in New York City. This statement was made to-day during a meeting called to start a new campaign of infant welfare in this city.

It was decided to call a meeting for next Monday afternoon, to which will be invited representatives of all hospitals, dispensaries, and similar institutions in New York.

It will be proposed that there be established a central office in the health department building, which will be a clearing house for all work intended to aid infants. This will not interfere with the integrity or independence of any one of the individual organizations.

Mr. PAGE. Mr. President, thousands of homes are wrecked, tens of thousands of lives ruined, and hundreds of thousands are made unhappy because the home-keepers of our country have no training in that greatest of all professions, the "profession of home making and motherhood." All must live in some sort of a home, for everyone finds his chief happiness there. Character is developed there. No great advance, spiritual or mental, is possible which does not begin with the home. The home makers of America have the making of the Nation. Every girl is a potential mother. Every mother should be a home maker. Every girl should have the best of health, some knowledge of her peculiar functions, some specific preparation for playing her part in the best possible home.

Society must come to recognize that woman's work is to promote the best possibilities of the next generation. Let us at least be as sensible with reference to the health of the woman who bears the child as we are with reference to the breeding of stock.

There is such a close connection between home economics and the education of women for industrial pursuits that we hardly know where one leaves off and the other begins; but this bill provides education for them in both relations. The young girl in the city must not only earn a livelihood at some manual trade, but must broaden somewhat her field of general knowledge. This she is able to do by the separate industrial schools provided for in section 4 of this bill. Indeed, it is presumed that the appropriation made by section 3 for a separate division in the village high school will afford the girl who must earn a livelihood after she leaves the grammar school and before she becomes a wife a fair equipment for such branches of special service away from the home as she may find it necessary or convenient to enter. That this special training for the girl works out practically is shown by the examination of some of the schools which have undertaken this class of work.

For instance, the Manhattan—New York City—Trade School for Girls began its work in 1902 under the inspiration of a group of men and women interested in philanthropic, sociological, economic, and educational work. They found upon examination that the wages of unskilled female labor were declining, while those of skilled labor were advancing, and that the supply of skilled labor was inadequate. They reached the conclusion that the condition of the young and inexpert working girl must be ameliorated in some way.

The principles of the school, as laid down by its organizers, were to improve the worker physically, mentally, morally, and financially; to better the conditions of labor in the workroom, and to raise the character of the industries and the conditions of the home.

It was not expected that immature girls of 14 or 15 years of age would, immediately upon entering the labor market, make large salaries, but the purpose was to educate these girls for situations for which their qualifications best fitted them, and to make possible a steady advance to better occupations, better wages, and a better life.

Here is just a brief statement as to five of the different occupations taught at this school and the improved financial change which resulted:

In dressmaking the girls started at $3 to $5 per week; after training in the Manhattan school they were able to earn $5 to $12 per week. In millinery the girls started at $2.50 to $4 per week; after training they received from $4 to $10 per week. In operating machines the girls started at from $3 to $6 per week; and after training they received from $5 to $20 per week. In novelty work the girls started with wages from $3 to $5 per week; after training they earned from $6 to $10 per week. In what is known as "trade art" the wages of the girls at the start were from $5 to $8 per week; and after training they increased from $8 to $15 per week.

These schools in New York have what are called "night continuation classes," and an examination shows that the classes are not only well attended, but that the results are excellent.

The cost of equipment of schools to teach these subjects is relatively not large. As regards garment or dress making, it is estimated that a room for 20 workers may be plainly furnished at a cost of $300 to $500.

The equipping of a workroom for electric power operating, including general and special machines, motor, cutting and work tables, cabinets and chairs, is, of course, considerably more expensive than one for garment making. In the latter, one sewing machine can be used for several workers, but in electric operating each worker must have her own machine. The electric motor adds also to the expense. The minimum cost of thus equipping a shop for 20 workers is about $1,000 to $1,500.

Arthur D. Dean, chief of the division of vocational schools of the State department of education of New York, says:

We are only at the beginning of a new conception of woman and her work. She will be educated only as she is master of herself and master of her job—master of herself in the sense that she must know of her possibilities as a woman of splendid health, of personal power, and of genuine poise; master of her job only as she is fitted for a God-given motherhood and a community-given vocation.

Charles Wagner says:

The more a woman shall have learned to live by herself the better she will occupy her position in wedded life should she marry. Trained to direct herself, to earn her own living, capable of energy and decision, a woman, if she marries, brings a precious cooperation to her husband. If she never marries she will know how to be all-sufficient to herself. She will not believe her life lost nor make of it a morbid matter.

I believe Senators make a great mistake when they underestimate the benefits which will flow from that part of this bill which pertains to home economics. I have become intensely interested in it, and the more I study it, the more I think it is one of the great features of this bill.

GOOD CITIZENSHIP.

Mr. President, I wish I might say that no Senators were objecting to this bill, but I can not. There are a few who urge its expense as sufficient reason for opposing the measure, while others urge its unconstitutionality. The latter insist that there is no warrant in the Federal Constitution for the cooperation of the Federal Government with the States in matters of education, and for this reason say this bill should not pass.

I am not a lawyer and speak only as a layman, but it seems to me that if there is any one matter upon which Congress—and, indeed, the great American people—have passed repeatedly and affirmatively, it is the question of the constitutionality of Federal aid to education.

In discussing this matter of constitutionality with a Senator who has had a very long experience in congressional life, he made this answer to my suggestion:

Senator, I did believe that if any State wished to secede from the Federal Union it had the constitutional right to do so. Perhaps I might truthfully say that I so believe at this time, but this matter was decided in 1865 once and for all time. The question of the constitutionality of Federal aid to the cause of agricultural and industrial education was decided in 1862. That decision has been again and again reaffirmed. I have no desire to reopen the question at this time.

During the Sixty-first Congress, acting in conformity with a demand from the American people which was simply irresist-

ible, we practically went into the banking business by establishing postal savings banks and borrowing money from the American public to reloan to the banks of the country. No one has claimed that there is any express warrant in the Constitution for this legislation, but the measure is meeting the approval of the American people, and no one to-day thinks of repealing the postal savings bank act or of raising the question of its constitutionality.

It seems now probable that, acting in conformity with a demand that is almost equally irresistible, we are about to go into the express business through the medium of the parcel post, and I imagine that if that accessory to our Post Office Department shall prove to be a financial success no one will be heard to question that legislation because of its unconstitutionality.

Mr. President, if there is any act upon our statute books to which the people of this land have given their most hearty approval it is the Morrill Act of 1862. Congress has reaffirmed that approval again and again, first by the Hatch Act of 1887, appropriating $15,000 annually to each State for experiment stations, then by the second Morrill Act of 1890, giving an additional $25,000 annually to each State for the benefit of the agricultural colleges established by the original Morrill Act. It was again reaffirmed in 1906 by the Adams Act, which doubled the appropriation under the Hatch Act by giving an additional $15,000 annually to each State for these same agricultural colleges and State experiment stations; and no later than 1907 it was further reaffirmed by what is known as the Nelson amendment, offered by the distinguished senior Senator from Minnesota, by which was added another $25,000 per annum to the agricultural college fund of each State. These four appropriations supplemented the original Morrill Act by giving to each State $80,000 per annum additional.

Remember that the original Morrill Act was passed in 1862, at a time when we were in the throes of the Civil War, and when the burdens of the Government were infinitely larger than they are to-day. We took our new departure on these lines then and decided that the general welfare was so dependent upon industrial and agricultural education that we might well lead the way in that great work.

The new departure taken in vocational education in 1862 has worked wonders in the way of giving to the country an army of trained specialists in agriculture, engineering, and home economics. This skeleton army has laid the foundation for the larger, broader work which by this measure we seek to accomplish. Without these trained specialists we should be in a condition of unpreparedness which would be absolutely deplorable. As it is, we are now ready to go on with the broader work; and the great American people now insist that we do go on with it in some such manner as is outlined by Senate bill No. 3, now before us.

Mr. President, I do not think I can be mistaken in regard to the attitude of the country with reference to the better education of our boys and girls along agricultural and industrial lines. I wish Senators might have been associated with this work as I have been during the past 14 months, for I am sure if they had been they would realize more fully than they now do the intense interest which prevails throughout every section of the country, East, West, North, and South, on this great question.

This movement for vocational education is not confined to any one section nor to any class of people, but has taken deep hold upon our agricultural, our commercial, and our manufacturing population. There is scarcely an important organization in this country, which has for its object the uplift and betterment of our people, that has not considered this particular bill—Senate bill No. 3—and, by specific resolution, approved it, usually in its entirety, but always as to its fundamentals. There is scarcely one of the great educational organizations of this country which has not passed upon this bill, and, barring some of its administrative features and some of the difficulties of its articulation with State laws, approved it unqualifiedly and enthusiastically.

It occurs to me that there is no impropriety in reading to the Senate the resolutions of a few of the more important of these organizations and associations which, in convention, have made this bill the subject of debate and have passed resolutions indorsing it.

The National Grange is one of the most important organizations which speaks for agriculture. It is the recognized mouthpiece of a very large body of the farmers of this country. At its annual meeting at Columbus, Ohio, last fall, it passed the following resolution:

Resolved, That the National Grange, in its forty-fifth annual session assembled, does hereby indorse the Page bill, Senate bill 3, to provide for vocational education in secondary schools, the training of teachers for these schools, agricultural extension, and agricultural demonstration.

The International Dry Farming Congress is an organization whose special field of labor is in the semiarid regions of the trans-Mississippi States. I am told by Senators from the intermountain States that the organization is helping to successfully solve the great dry-farming problem which is being worked out to-day in those sections of our country which have very little rainfall.

That congress at its annual gathering at Colorado Springs in October last unanimously adopted the following resolution with reference to Federal aid for industrial education:

This congress reiterates the conviction voiced by former congresses in favor of financial Federal aid for rural education and agricultural extension, the same to be expended exclusively by the several States in the interests of agriculture, home economics, and the mechanic arts, and for preparing teachers for the same. * * * This congress urges upon its members that they use all legitimate influence to the end that the coming session of the Congress of the United States may witness the enactment into law of a comprehensive plan for agricultural and vocational education and training in the common and high schools.

While this dry-farming congress makes its special work the improved methods of tilling arid lands, its members interest themselves generally in those educational matters which are supposed to be for the general welfare.

Among the subjects especially considered by that congress was that of woman's work—the home and home economics; and since this constitutes an important feature of this bill, I wish to read the resolution of this organization touching home making:

Realizing that the results of agricultural education during the past two decades have demonstrated the equal importance of the education of the farm women along parallel lines with the education of the farmer, and also realizing the importance of the carrying forward of agricultural propaganda, in so far as it relates to the establishment of happy, contented homes on all farms, * * * this congress heartily indorses the bill now pending before the United States Senate which provides for a permanent annual appropriation to each State experiment station for the purpose of conducting original or confirmatory experiments dealing with the whole field of home economics, and requests our respective Senators and Representatives to urge this bill for early passage.

There is a very strong organization in the South, known as the American Education and Cooperative Farmers' Union, and another—of perhaps equal or greater strength—the American Society of Equity. It is said that the two together represent several million farmers.

I do not know how they compare in importance with the National Grange, but I imagine that they are to the South what the National Grange is to the North. I shall not read their resolutions, but will simply state that at the joint meeting of these two organizations they passed resolutions approving the provisions of this vocational education bill and earnestly urged the Members of the National Senate and House of Representatives to favor its passage.

The International Congress of Farm Women is another organization which is quite active in some sections of the country, and at their last annual gathering they passed the following resolution:

Resolved, That this congress indorses the vocational-education bill now pending in the Congress of the United States, whereby the States and Nation may combine in a comprehensive plan of effective vocational training in secondary schools, through which the rural elementary schools may be benefited.

The National Association of Manufacturers is one of the strongest organizations in this country devoted to the improvement of industrial conditions. It is constantly entering new fields of labor in a philanthropic way. At its last annual meeting held in New York City it passed the following resolution with reference to industrial education:

That this association earnestly devote itself, with reasonable outlay of funds, to the promotion of industrial education, to the end that such education may be made available, as soon as possible, to every child who needs it.

Resolved, That we favor the establishment in every community of continuation schools wherein the children of 14 to 18 years of age, now in the industries, shall be instructed in the science and art of their respective industries and in citizenship.

The National Educational Association, at its convention held in Boston some time ago, passed the following resolution, by a unanimous vote:

That while the members of this association are of the opinion that the old courses of study, which had as their chief object the giving of culture to the individual and of transmitting to him the best ideas and ideals of the past, should in no manner be weakened, we nevertheless, very sincerely indorse the movement to make the courses of study offered in our schools more democratic, that they may meet the conditions of our modern commercial and industrial life. However, to meet adequately these new demands imposes upon the schools of the country additional financial responsibilities, and this association appeals to the Nation and to the States for more liberal appropriations for educational purposes in order that this additional work in agriculture, in the trades and industries, and home economics may be effectively undertaken.

The Southern Educational Association, a very important factor in educational life in the South, covering the Southern States, at a meeting at Houston, Tex., unqualifiedly indorsed this bill.

I have stated that agricultural, industrial, labor, and manufacturers' associations are demanding the passage of this bill. I might add that boards of trade, federations of women's clubs, the National Metal Trades Association, the National Association of Builders' Exchanges, the American Institute of Electrical Engineers, the American Society of Mechanical Engineers, the International Typographical Union, the Young Men's and Young Women's Christian Associations, and a very large number of other National, State, and local associations, have indorsed this measure.

They cover all sections of the Union, and I shall take great pleasure in showing them to any Senator who feels interested to know the attitude of organizations in his own immediate section of the country. If there is any association connected with or especially interested in educational work anywhere in this country which does not earnestly and enthusiastically indorse the great principle of vocational education sought to be worked out by this bill, I am not aware of it.

It is not best that I further take the time of the Senate by quoting from resolutions and lettters from distinguished educators and others, showing that the country is thoroughly alive to and very deeply interested in its support of this great educational measure; but, with the consent of the Senate, I will include them as an appendix to my remarks.

Let me say in passing that they cover every State in the Union, and collectively they show beyond doubt or question that the American people are in favor of immediate action by the National Congress on this important measure, and, in my opinion, they will regard any longer delay in legislation providing for cooperation between the Federal Government and the States as utterly inexcusable and not in the line of true economy.

Mr. President, the great mass of our people are insistent that something be done about this matter, and be done now. The field is already white for the harvest. I believe it is not an exaggeration to say that more than 95 per cent of all the letters received by me—and they number several thousand—are earnestly commendatory of the fundamental principles of the bill, and that as a whole they regard the measure more pregnant with importance to the welfare of the American people than any other of the many general bills involving constructive legislation now before Congress.

It has been said that the greatest act of Abraham Lincoln's life was the emancipation proclamation, and that second only in importance was the signing of the Morrill agricultural college bill. If objections on the ground of centralization, paternalism, and unconstitutionality were relegated to the past in 1862, there are a hundred times as many reasons why we should cease to plead those objections now, for while, as statistics actually show, the Morrill Act tends to give higher education to less than 2 per cent of our boys this bill directly affects 92 per cent.

But, Mr. President, in my judgment there is an argument in favor of this bill which places it upon infinitely higher grounds than any that have been urged or that can be urged for the postal savings bank, the parcel post, or for the Morrill Act, and that is the promotion of good citizenship.

The laboring men of this country, including the farmer, feel that their sons are not receiving that equality of opportunity in the struggle for life to which they are entitled. They believe that taxes are levied which call upon them for a disproportionately large expenditure of money. They also believe that these expenditures are too largely for the benefit of the 1.71 per cent who enjoy a college course or the 5.35 per cent who complete only the high-school course, while the other 92.93 per cent are most unfairly neglected.

Our school statistics not only show that but 8 per cent of the children of school age ever reach the high-school grade, but also that only 25 per cent of the balance ever reach the eighth or highest grade in the elementary or grammar school. Why this is so, I will discuss later. For the time being I state the plain fact as a justification for the other fact stated, to wit, that the men comprising our so-called working class feel that in some way or other and for reasons which they can not understand a great wrong is being perpetrated upon them and their children.

That those comprising this class are justified in viewing the matter from this standpoint, I think will be admitted by every Senator who will take the trouble, if he has never done so before, to recall the conditions actually existing in the vicinity of his own home, as these conditions are substantially alike in every section of the country where mining, quarrying, and manufacturing bring together aggregations of laboring men.

The pupil struggles along through his first six grades of elementary school life, and then for some reason he begins to dislike his school. Thomas A. Edison, the great electrician, in speaking of this matter recently, gave voice to a thought which we might all well consider. He said: "My boy is an average boy, but he hates his school life."

Mr. Edison was stating a concrete fact, touching his boy, which applies equally well to probably 75 per cent of all the boys in the eighth or highest grade of the elementary schools. They hate the school, and they plan and figure in every possible way to avoid a continuation of their school life.

Mr. President, there is something wrong here, and we, as legislators, must not shut our eyes to that wrong, because it is pregnant with an importance, in my judgment, second to no other problem now before this Nation. To continue conditions longer as they now are is to criminally neglect the largest asset of this country, the American youth.

I do not wish to criticize either the judgment or the conscience of that great body of highly educated men who stand at the head of our educational work, and who are rendering a noble service in giving us the highly trained minds that are annually graduated from our higher institutions of learning.

I do not wish to be misunderstood in this matter. If we could send our boys and girls through high school and to the college, I should feel that we had almost reached the millennium. But we can not do this, and I believe I voice the sentiment of hundreds upon hundreds of the more thoughtful educators and publicists of our land to-day, who give it as their opinion that the curriculum of the elementary or graded school is largely impracticable and does not fit for the great struggles of life that are before them the 92 per cent of our boys and girls who never pass beyond the eight grades.

I believe that when the child reaches the seventh grade we should begin to take an account of stock of what that child is. He should be studied physically, mentally, and psychologically. The natural bent of his mind should in some way or other be brought out; and when we have discovered what that bent is, we should continue his education along practical lines, and in the direction of his natural abilities, for as many years as his conditions and needs warrant, that we may make of him an efficient worker in some useful line.

As it is to-day, he looks from the elementary school to the curriculum of the first year of the high school, and there he discovers Latin, French, geometry, algebra. He goes to his father and mother and lays his troubles before them. He says to them, "I don't want to learn French, I don't want to learn Latin, I don't want to study algebra. They will never do me any good." Nine times out of ten the father believes with the child, and opportunities are too often given him by the parents to avoid school life, even during the last or eighth year of compulsory attendance, and as soon as he has completed the eighth grade he takes final leave of school.

The father then says to his son: "John, you must this year earn enough to pay for your own clothing and to provide your own spending money, and you must pay your mother a dollar or two a week toward your board." With this injunction the boy starts out, and, following the lines of least resistance, he is fortunate indeed if he does not find himself in that class in which statistics tell us that more than 40 per cent of the American boys in our large cities land, viz, in the class of errand boys, bootblacks, and newspaper vendors.

What is the result? Evil associates surround and control the boy during the two or more years of this most impressionable period of his life, and on arrival at the age when he is permitted to enter upon an apprenticeship or take up some employment he finds that his environment has been such as to weaken every higher moral quality. Instead of there being a growth for the better from the fourteenth to the seventeenth year, he has actually been allowed to degenerate; whereas, had these years been spent in part in some vocational school where he was learning the fundamentals of that trade or calling which he has elected to pursue, he would not have found himself where he must, on entering the workshop, take his place alongside the cheapest, lowest illiterate from some foreign land.

Men like to do that which they can do well. Place a boy in a position where he must work in the lowest grade of the establishment with which he is connected and work to him is drudgery. Give him such work as a year or two of education along vocational lines would have permitted him to do and all is changed. He sees not only a higher wage, but he sees promotion, preferment, and honors. The boy who has been drifting downward from the fourteenth to the seventeenth year soon

comes to know that he has not had a square deal in the race of life, and he joins the order of malcontents and anarchists.

Educators are practically unanimous in the belief that every proper incentive should be used to continue the school life of the boy after he reaches the eighth grade by another year or two at least; three to five years would be better still. But this we can never do under our present system of education. Indeed, Mr. President, there is but one opinion to-day touching this matter, and that is that only by holding out both to the father and to the boy the great, practical advantages to be derived from vocational training—a training that shall equip the boy for the duties of life—may we stimulate, even in a small degree, that much needed extension of his school life.

All are agreed with Edison that the great majority of our boys at the age of 14—at the completion of the eighth grade—hate their school. If we can, by placing before them the benefits of vocational education, induce them to add another year to their school life they would then come to see the necessities of a better education from a broader, higher viewpoint. The addition of one more year of school life would oftentimes mean the still further addition of two, three, or even more years to that life, and that, as we all know, would mean an advantage of inestimable value to the future of the boy.

Industrial education, more than any other agency, will augment and intensify the desire for more knowledge, both general and vocational. It will unquestionably arouse into action thousands of boys possessing latent ability and talent, and with their desires whetted for still greater knowledge every institution of learning now in existence will become the direct beneficiary of the joint action of the Nation and the State in providing, as here proposed, a stable foundation upon which can be builded a broader education.

I state a fact which every Senator knows when I say with reference to the school life of the great majority of the sons of those men who toil in the mills, the workshops, and the quarries, that they are most sadly neglected. The father is usually unable to find employment for his 14-year-old boy in the shop or quarry where he works, and the boy is too young to be sent away.

In support of the correctness of my contention that many boys drift into a criminal manhood when they are turned loose from the grammar school, I quote from Prof. George Walter Fiske, who, in his series of lectures on "Boy Life and Self-Government," says:

> Our reformatories and jails are still filled with mere boys. The maximal age for malicious mischief is only 14; for petty larceny and assault, 15; for crimes against property, 16; while the maximum curve for fornication is at 17. Early and middle adolescence is still the great crime period. The shirking of the average home largely accounts for this boy waste, but the ethical failure of the public school is, to a degree, responsible also.

Judge Merritt W. Pinckney, of the New York juvenile court, says that apparent neglect and incompetence are responsible for most of the delinquency which brought to his court three-fifths of the 12,000 children who have passed through it during his incumbency of that office.

Judge William McAdoo, the chief magistrate of the New York City municipal court, in making his annual report, says:

> There is growing up in this city a menacing army of boys and young men who are the most troublesome element the authorities have to deal with. From the ranks of these lawless, reckless rowdies, who are organized in bands or bound up with chums or pals, come most of the crop of burglars, truck thieves, holdup men, and other criminals and dangerous characters.

Mr. President, this great asset of ours—the American boy—on completing his eighth or elementary grade, is thrown, like the worthless ore from the copper mine, into the dump; or, to state it differently, is turned adrift and allowed to degenerate into a cheap and oftentimes criminal manhood.

One of the leading journals of Canada—the Toronto Globe—in commenting on Judge McAdoo's report, uses the following language:

> This description applies fairly well to many of the older boys and the younger men of all cities, towns, and even villages. Probably the cause is the same in all cases: Physical energy craving for active exercise, mental activity dissatisfied with the perfunctory routine of the graded school, and a tendency to romance, at once nurtured but debased by the criminal ideals presented not merely in works of imagination, but in the criminal records of real life. A very large proportion of youths of the class described by Judge McAdoo are capable of being diverted from their downward careers and developed into an excellent type of law-abiding citizens. Among the various means of reclaiming boys of the class above described none is more effective than the "industrial" school, which makes provision for keeping the body as well as the mind in a state of activity.
>
> A great educator has embodied a whole theory of common-sense treatment of youth in the simple injunction to "put the whole boy to school." If all schools were what they should be there would be fewer recruits developing into confirmed criminals, less work for the guardians of the public peace, and a finer type of citizenship even among those respectable people who have never needed repentance.
>
> A great city can not afford to do without an "industrial school" any more than it can do without public schools. Such an institution should have for its invariable concomitants ample room for outdoor exercise and ample opportunity for institutional activity. Book learning is worth cultivating, but it should not be promoted at the expense of manual skill directed to useful ends by trained intelligence controlled by common sense.

This measure purposes to do exactly what Judge McAdoo would accomplish, but instead of waiting until the boy has become a criminal it takes him as he passes from the elementary school and safeguards him during the early period of adolesence.

New York City has apparently awakened to the fact that something must be done, and she has already taken steps to move forward on vocational education lines. She has established a vocational school for boys, in charge of Dr. Charles J. Pickett.

He says, touching his school:

> This school is not the preparation for life; it is life itself. There is no jumping out into the world, there is no break; what a boy does after he leaves school is only a continuation of what he has been doing here. We fit a boy to do something definite, and there is no trouble for him to get work after he leaves. The difference between our boys and those at ordinary elementary schools is that when the latter leave school they look for a job and take anything they can get, while our boys know what they can do and have no difficulty in securing the kind of work for which they are fitted.
>
> In every possible way is the school identical in form with the actual activities in the industrial world, so that the boy at school feels that he has already gone out into the world.

There is probably no State in the Union more progressive to-day along educational lines than Massachusetts. In 1911 she provided a general system for vocational training and established a State board of industrial education. The executive officer of that board, Dr. David Snedden, has a reputation as one of the great educators of this country, and his reputation is not confined to the Atlantic, but extends to the Pacific coast as well.

He believes that vocational education may be so extended as to include the liberalizing influences of a cultural education. He has—and, I believe, properly—reached the conclusion that since we can not give the boy Latin and algebra, we should adopt a curriculum which, while it teaches the boy the practical things of life, to the end that he may earn a livelihood when he leaves school, shall at the same time give to him a reasonable measure of cultural training.

I want to quote from Dr. Snedden, for it shows that he has caught the inspiration of the present and is not wandering in the trackless forest of the educational past—trackless, because under the conditions confronting us to-day those tracks lead to nowhere, so far as 92 per cent of our boys and girls are concerned. Dr. Snedden thinks we may make the practical at the same time cultural and thus reach the cultural ends while at the same time equipping the boy with a practical education. Dr. Snedden says:

> For many reasons a vital vocational education, resting on concrete foundations and making due allowance for expansion into the related fields of science, art, history, economics, and civics, may became an exceedingly effective means of liberalizing the minds of several types of boys and girls, and especially those least capable of abstract thinking or school idealism.
>
> The demand for vocational education under school conditions is a widespread one and is rooted in the social and economic changes of the age. Rightly organized vocational education will prove a profitable investment for society.

There is in this country what is known as the National Educational Association. At its national convention held in Cleveland, Ohio, in 1908, this advanced ground was taken:

> The public high schools should not be chiefly fitting schools for higher institutions, but should be adapted to the general needs, both intellectual and industrial, of their students and communities. Fully realizing that trained and skilled labor is a primary essential to the industrial and commercial welfare of the country, we cordially indorse the establishment by municipal boards of education of trade schools and evening continuation schools, and further recommend that the instruction in these schools be practical and efficient and have the advice and approval of the trade interested, to the end that graduates of these schools may at once become advanced apprentices or journeymen.

Anyone who has given serious consideration to the broad question of school curriculum can not have failed to observe that the men at the head of our State educational boards are largely graduates of universities. They have believed, and I share in that belief, that it is wise for every boy to have a college training. The curriculum of practically all our schools looks forward to the college as the ultimate end of all school life. Every college-bred man regards it a great misfortune that our young men are not receiving a more generous cultural training, and so do I.

But, Mr. President, these men forget that only 1.71 per cent of our boys ever enter the college or university. They forget that only an additional 5.35 per cent ever enter the high school. They forget that only 25 per cent of the balance ever get as high as the eighth or upper grade of the elementary or grammar school. They forget that less than 50 per cent ever complete the seventh grade.

In brief, Mr. President, they predicate their plans for the school life of the boy upon what ought to be rather than what is. They would have every boy thoroughly educated, so would I, but since this can not be, let us be practical. Let us not forget that much as we would have it otherwise, the school life of the American boy must of necessity be so changed as to teach him how to get a living.

Mr. President, it is not easy to estimate the advantages which will come into our country life by the passage of this bill. Teachers of agriculture and home making will be prepared in large numbers by the agricultural colleges and the State normal and other training schools. The secondary school department will provide in the local schools the beginnings of vocational education.

The district agricultural schools will send back to the farms hundreds of thousands of boys to join with the father, who meanwhile has been educated by the farm or college extension work provided for by the bill; and together they would join in vitalizing, stimulating, and energizing that more intelligent and more profitable farm management of which our country to-day stands in such great need.

The extension work will furnish instruction and inspiration to millions of our mature farmers. The present splendid movement for the betterment of country life will be impelled forward at a faster rate. The aspirations of our best people to live on the land will be aroused. We shall see the genetically best of our great white race again seeking the land instead of deserting the country for the city.

Mr. President, I think I am naturally optimistic. I do not share the opinion that any one man or any set of men can destroy this Government or for any protracted period retard its prosperity. Our people are too intelligent and too patriotic, and in the end, whatever policies may be followed, wise counsels will prevail and a generous measure of prosperity will continue.

If, however, I were called upon to state what, in my judgment, was the most threatening omen of the future, I think I should say the industrial question.

There is, in my judgment, only one way to remove this great spirit of unrest, and that is by giving to the sons of our laboring men an education along industrial lines. Do this, and we shall make them more self-respecting, more law-abiding, and, I hope, more patriotic citizens. Failing to do this, I fear the red flag of anarchy will eventually be hoisted.

It is not the trampling of the American flag under foot, as was done recently in New York City, that is disquieting, but rather the fact, which this trampling evidences, of a deep-seated hatred for this Government on the part of an increasing number of our population.

We are receiving into the body politic a larger quantity of material of difficult digestion than it can assimilate. The immigrants arriving in this country during the month of March, 1912, were 83,654, as against 75,306 last year. We can stand this influx only by so educating the next generation that we may assimilate them into our political system. The sons of these men who come to us from southern and eastern Europe are anxious to learn, and to their credit be it said their parents are willing to make sacrifices to an extent that American perents seem oftentimes slow to make.

I believe it is within our power to so legislate that all our people, or practically all, may have an honest occupation—a vocation, an opportunity to earn a livelihood, an opportunity to obtain, through pleasurable labor, the wherewithal to supply the legitimate, reasonable, frugal demands and desires of mind and body.

There are only two alternatives connected with this great problem—first, to close our doors against immigration, or, second, to see to it that the children of those whom we permit to come from foreign shores are given an education that will fit them to earn a respectable livelihood. Since it is the policy to permit immigration, we should combine with that policy the industrial educational features of this bill.

Give the children of these immigrants an education along vocational lines, so that they may see that their condition is bettered because of their change of residence to the United States, and they will love our institutions, love our country, and respect our flag.

Deprive them of such an education as will make them efficient and permit them to earn a respectable livelihood and we may well fear that the red flag of anarchy will take the place of the Stars and Stripes. Educate these foreign boys and they are a blessing; omit to do it, and they become a menace. Which shall we do?

Disraeli, in speaking of the temperament of the French people, said:

> What the French people want is bread and a circus—bread with which to fill their stomachs, and a circus to amuse them.

The American people want, most of all, occupation, and at wages which will give them bread and enable them to give their children an education that will equip them for the struggles of life.

Mr. President, we must not do injustice to the laboring man. Out of the abundance of our great wealth and our great prosperity we must at least see that his children have the opportunity to receive an education, and that kind of an education, too, which shall fit and equip him to be self-respecting and self-supporting, to the end that he may take his place alongside of his more favored brother.

We must so combine the advantages of the city and the country that more of our best people will live on the farms; and, with larger and stronger families, they can help our race to gain that world leadership which can only be attained by a combination of large numbers with a high average of industrial efficiency.

Mr. President, the occupied man is a good citizen. It is easy for the agitator to call the idle man to deeds of violence and anarchy, but the agitator is not able to lead the honest arm from the anvil and the plow into deeds of destruction.

Wise statesmanship lies in so administering our affairs as to give the greatest measure of universal contentment.

National defense is just as effectually provided for in promoting good citizenship as in building battleships. An illiterate, uneducated citizen, disloyal and anarchistic, as he oftentimes is, is a greater menace to our national safety than the combined battleships of Great Britain, France, and Germany.

Mr. President, parsimony is not necessarily true economy. There is that which withholdeth and yet tendeth to poverty. Sound economy, in my judgment, demands the appropriations called for by this measure. If enacted into law, we shall find within the next 10 years that, instead of proving to be an expense, it will prove an investment which will return to us five, ten, or even twenty fold from an economic standpoint; and if considered with reference to that greatest of all our assets—the American boy and girl—it will prove an investment which will pay returns in the form of happiness, contentment, and efficiency that reach to the infinite.

Kant, the philosopher, once said that there were two things which overwhelmed him with awe as he thought of them. One was—

> The star-sown deep of space, without limit and without end; the other was right and wrong. Right, the sacrifice of self to good; wrong, the sacrifice of good to self.

"Opinions alter, manners change, creeds rise and fall, but the moral law is written on the tablets of eternity."

If in doubt as to our true pathway concerning the right and justice of this problem, let us make equity and duty our guiding stars.

Mr. President, in our efforts to be prudent let us not be unjust. We must not be parsimonious in the treatment of this great question, for it is not only an economic but a moral and an ethical problem. Dollars and cents should not be placed in the balance over against right and duty in considering this movement for the benefit of the sons of those who toil on our farms, in our mills, our mines, our workshops, and our quarries.

Let us not, Mr. President, as we pass through the wilderness, keep our eyes so closely fixed upon the manna that we fail to behold the exalted peaks of Sinai.

APPENDIX.

INDORSEMENTS OF THE PAGE BILL FOR VOCATIONAL EDUCATION.

ALABAMA.

J. A. Wilkinson, commissioner of agriculture and industries, says:

> We of Alabama are very much interested and concerned about vocational education, and we believe that the time is at hand when the Federal Government should move in this direction.
>
> I believe that if the Federal Government would make an appropriation and lead the States in this movement this would be one of the wisest steps that could possibly be taken by our great statesmen in Washington.

James K. Powers, president State Normal College, Florence, says:

> I have read the bill with interest, and hope to see it passed at an early day.

J. W. Watson, A. B., president of the first district agricultural school, Jackson, says:

> I am heartily in favor of the vocational educational bill which is now pending in Congress, and I sincerely hope that it will pass. The

progress of vocational education is very much retarded because of lack of funds; in fact, as I see and understand the situation in the States, very little progress can be made along agricultural and industrial lines until Congress comes to our rescue and gives us an appropriation.

Mr. Walter S. Buchanan, president State Agricultural and Mechanical College, Normal:

I have read with interest the entire bill and several comments on the same, and I much prefer your bill and hope it will pass. I think it the best thing that has been before Congress in several years.

Mr. James K. Powers, president State Normal College, Florence:

I thank you for recent favors with copies of the Page vocational education bill (Senate bill 3) and advising me of its status.

I sincerely trust that you will be able to push it through substantially as it is—certainly with all branches of the work provided for.

ARIZONA.

Mr. A. J. Matthews, president Tempe Normal School of Arizona, Tempe:

I thank you for the bill relating to assistance for agricultural instruction from the United States Government. I am much interested in it just now, and it is a very pertinent question at the present time. We are just about to adopt an elementary agricultural course in connection with our normal school, as we have 600 acres of excellent land, and should your bill pass we would undoubtedly be benefited.

I agree most heartily with your stand for broadening the application of Federal assistance for agricultural education, and in no place can this work be more emphasized than in the State normal schools where teachers are prepared for the public schools. It seems to me that the very root of the matter is reached through our schools. If teachers are competent and enthusiastic in such work, they have an opportunity to arouse an interest in the homes of the grammar-school pupils, which represent the great mass of the pupils of our public-school system.

I congratulate you upon the far-reaching benefits of the proposed measure and trust that it will be made a law in the near future.

Hon. Richard E. Sloan, governor of Arizona, Phoenix:

I have carefully gone over your bill and have consulted with some of our leading educators as to its provisions, with the result that I heartily commend the general plan outlined for the establishment and maintenance of agricultural high schools, to be supported jointly by the Federal and State governments. Vocational training more and more is claiming the attention of educators, and wisely so, in my judgment, so that your plan is in line with this general movement and puts agriculture upon an equal footing in this regard with other applied sciences. The practical value of agricultural courses in high schools is apparent, and if our agricultural colleges are to do work of the highest quality and breadth, they should be supplemented by such preparatory courses in the high schools.

We have made a start in this direction in Arizona, and although the amount which shall be apportioned to our State under your bill is small, still it will be a help and an encouragement to receive any substantial sum from the National Government to be extended in this behalf.

I sincerely trust your bill may receive the support it deserves and that it may become a law.

Mr. A. H. Wilde, president University of Arizona, Tucson:

I am much interested in the contents of your letter and hope earnestly that your bill will yet pass.

R. H. Forbes, University of Arizona, Tucson, says:

Replying to yours of December 4, allow me to express my heartiest appreciation of the motives actuating Senate bill No. 3, a copy of which you have just forwarded me.

ARKANSAS.

George B. Cook, State superintendent of public instruction, Little Rock, says:

I regret it is impossible to attend conference, but send hearty indorsement of Page bill and assure you of most cordial cooperation of the Arkansas department of public instruction and myself personally. This measure specifically recognizes the most important duty that rests upon the Nation as well as upon the individual, community, and State, the duty of training for citizenship through public schools.

J. J. Doyne, president Arkansas State Normal School, Conway, says:

No measure that has been presented for years, it seems to me, means so much to the rapid advancement of those measures so vital to the prosperity of our country.

Victor C. Kays, State Agricultural School, Jonesboro, says:

This bill is one of vital interest to the farming people, not only of the South, but of the whole country. On our farming people depends the prosperity of the rest of our population. Heretofore the farmer has received little recognition along the lines of instruction from the Federal Government. When we compare the expenditure for the uplift of the farming people with those which have been made for other classes of our population and for other purposes which are not constructive in their nature, the sums meted to agriculture and the mechanic arts seem to be a mere pittance. The people throughout this State are thoroughly alive to the benefit to be derived from aid of this sort, and they are watching the acts of their Representatives with a great deal of interest to see that every effort is put forth for the passage of this bill, which seems to us to be best adapted to our needs at the present time. It would seem, with the proper direction of the efforts of our statesmen who are interested in benefiting the condition of the agricultural community, that this bill should become a law.

Mr. C. F. Adams, dean and director College of Agriculture, University of Arkansas, Fayetteville:

The Page bill meets with my personal ideas and is wholly adaptable to this State.

CALIFORNIA.

Edward Hyatt, State superintendent of public instruction, Sacramento, says:

Please count me in to do everything I can in my bailiwick for the Page bill. You are free to quote me to any desired extent as favoring the bill and being ready to further its interest in all legitimate ways.

Mr. Jesse F. Millspaugh, president California State Normal School, Los Angeles:

Important as it is, agricultural education, if given in colleges and universities only, will never popularize the farm or develop widespread interest in rural concerns. With well-supported agricultural colleges in every State to develop the science and establish foci for its extension, the high schools and the normal schools must carry this gospel to the people, and particularly to the boys and girls, of the Nation if its teachings and spirit are ever really to infect the population.

I believe that no more important educational measure has ever been proposed than that which is contemplated by the Page bill. It is said that, with the exception of the emancipation proclamation, the most far-reaching act of President Lincoln's administration was his signing of the Morrill bill establishing our national system of agricultural and mechanical colleges. The Page vocational bill, when enacted into law, will take its place in history as the natural supplement of that great achievement and of equal importance to it.

Mr. G. W. Shaw, College of Agriculture, University of California, Berkeley:

It is my firm opinion that the passage of the Page bill will mean more to the country than two-thirds of the money which is spent in various engineering projects, and that it is a move in the right direction. It has my hearty indorsement, and I sincerely hope that Congress may pass the bill as it stands.

I shall certainly give you all the assistance possible in urging the passage of a measure which is so vital to the agricultural and industrial interests of the country.

M. Lillian Trimble, department of home economics, Mills College, Mills College post office:

The Page vocational education bill, to which you have recently called my attention, receives my heartiest approval. It will inevitably raise the standard of living of the masses through instruction in the use of resources. I want to commend you and your coworkers for your activity in promoting a measure so full of promise.

Mr. E. W. Hilgard, College of Agriculture, University of California, Berkeley:

I have received and perused with great satisfaction the bill introduced by you for the purpose of aiding the States in establishing instruction in agriculture in the schools. This is a matter about which I have spoken and written for the last 35 years, being convinced that agricultural colleges established under the Morrill Act will never be able to attain their full usefulness in educating teachers and leaders of progress until instruction in agriculture is introduced into the elementary and intermediate schools. They have been charged with "educating boys away from the farm," where, as a matter of fact, it is the public schools fashioned upon a schedule applicable to the city children which alienate them from the farm, since in no way is their attention directed to farming, except by hard work at home. The nation-wide movement now on foot for correcting this evil is what I have been hoping for all of my life, and I welcome most warmly the initiative taken by you in giving national aid to this important subject, provided the States will do so themselves.

Mrs. Nellie W. Hunt, secretary California State Grange, Napa:

Your letter under date of March 2 is before me. After having read over the literature which accompanied this letter, I can assure you that the bill meets with my entire approval.

I have mailed the literature to the chairman of our committee on education, who I know will give it his very earnest consideration, and be prepared to bring the matter to the attention of our State grange at the proper time.

COLORADO.

Mr. Z. X. Snyder, president State Teachers' College, Greeley:

I had been interested in Senate bill No. 3 by Senator PAGE ever since its first introduction into the United States Congress. I do not know of anything that the United States Congress could do that would so directly aid in the development of the general intelligence of the people through an educational process as the passage and carrying into effect properly this bill. Education for efficiency must, first, train an individual to earn a living to secure and own a home; second, to be of service to others in making life better and richer; and, third, in having an abiding interest in the development of our institutional life, as the home, the school, and the State. These mark the efficiency of the school system. Our school system has not been such as to attain these ends. It seems to me this bill will lead more directly to it than any other means apparent at the present time. I am heartily in favor of it; the people of the State of Colorado are in favor of it; the State Teachers' Association and the Educational Council of Colorado have made a report in favor of it; the State institutions of Colorado have given a report in favor of it—indeed, there are none against it.

At a meeting of the Colorado Teachers' Association a resolution formally indorsing Senate bill 3 was adopted, and at a later meeting of the Educational Council of Colorado the committee on vocational instruction made a report strongly favoring the enactment of Senate bill 3 and indorsed the action of the Colorado Teachers' Association.

CONNECTICUT.

Mr. Henry T. Burr, principal State Normal Training School, Willimantic:

I have carefully read the report on vocational education and the bill which accompanies your letter of February 29. With the objects of this bill I am in entire sympathy. I sincerely hope the bill will pass.

The need of greatly extended opportunities for vocational education is felt by nearly everyone who is connected with the schools. It seems to me that the matter is of great importance to the country at large,

and I believe that Congress would be altogether justified in appropriating money for the purposes noted in this bill.

Mr. Howell Cheney, member State board of education, South Manchester:

I agree with you most decidedly that education for the encouragement of the trades and industries has not had its fair share of public support, which certainly can not be said of the agricultural schools.

Charles L. Beach, president of the Connecticut Agricultural College, Storrs, says:

I am heartily in favor of the passage of a bill in aid of agricultural extension. The results from an investment of this character promise large returns, and I trust that the present Congress may take favorable action upon this important measure.

DELAWARE.

Mr. Harry Hayward, director Agricultural Experiment Station, Delaware College, Newark:

I have your letter of February 16, inclosing a revised copy of Senate bill No. 3, known as the Page bill. I have examined this bill with some care, and it will be a pleasure for me to exert all my influence to secure its passage. I am confident that I also speak for the State board of education, as well as for the trustees of this institution, when I say that I hope the bill will pass during the present session of Congress.

I hope that you will have no difficulty in getting your bill through, as I believe that it is the most comprehensive measure of its kind ever presented to Congress.

DISTRICT OF COLUMBIA.

Clarence J. Owens, secretary-treasurer of the Southern Commercial Congress, Washington, says:

The Southern Commercial Congress, through its executive officers, has approved the Page vocational education bill now pending in the Senate. Without sectional or political motives, the Southern Commercial Congress has been named by friends of this measure as the national headquarters for the advocacy of the passage of the bill.

Dr. Myers, principal of the McKinley Manual Training School at Washington, says:

After considerable study of the subject, with particular attention to Germany, which is far ahead of other countries in training for the industries, I am forced to the conclusion that a satisfactory system of industrial education in this country must include a working over of the elementary school curriculum in such a way as to make the industrial activities of the community the vitalizing factor in it.

Dr. William Davison, newly elected superintendent of public schools, District of Columbia, says:

I am in favor of working out further the idea of introducing vocational subjects into the curriculum of the schools. People are beginning to realize that boys and girls must be taught to earn a living and that they can not spend their entire time in studying so-called classical subjects. All children must be educated on their ethical side and must be taught about the higher things of life, but they must also be taught that they must support themselves and be given lessons in how to earn money. Our schools should be well balanced, with both these ideas kept well to the front. I have just written a letter giving my hearty indorsement to the Page bill, known as Senate bill No. 3. I am exceedingly pleased to know that you have received such an unqualified and hearty indorsement of your bill from the State superintendents of the public institutions throughout the country.

Mr. Myron Germain Jones, director of education in the Washington Young Men's Christian Association, says:

What private initiative has amply attested as wise and needed; what careful investigations of educational leaders, economists, and captains of industry have clearly shown to be the new demand if we are to be a nation of producers; what States like Minnesota, Iowa, Ohio, and Massachusetts have already done in consolidated rural schools and in trade-training systems related to local industry, would all go to demonstrate the desirability of enacting the provisions of this bill into our Federal scheme of education, and that without delay.

The educational work is democratic and Christlike because of its humbler aims—humbler as regards culture, per se, but vaster as regards humanity. It aims not, like the university, to reach and teach a maximum of knowledge and truth, but to evolve the maximum of individual manhood; to reach down to the man who has not had a chance, to help him up, to put his feet on the first step he can now reach, to help him upward, stair by stair, as he is able to advance, not necessarily to the highest reach of truth and knowledge attainable by man, but to the highest attainable by this man practicable for him; to make his life the greatest, richest, and most helpful it can be made within his span of being.

The Evening Star, Washington, says:

The rural educational problem is one that has long been neglected. It is also one of the most important problems of the present day. Fifty-five per cent of the population of the United States live in rural districts and in small villages. Sixty-five per cent of the children are there. In many parts of the country we still have the one-room school, where the teacher is supervisor, principal, superintendent, and teacher all in one.

Too many boys are being turned loose in the world to live in a makeshift way; turned loose without any one desirable thing having been well enough learned to make a living at it. A good brick mason is surer of a comfortable life than an indifferent lawyer and is a bigger factor in the upbuilding of the world.

Mr. A. P. Bourland, of the board of trustees of the Peabody Educational Fund, Washington:

I shall be obliged if you will have sent me 20 copies of the bill encouraging instruction in agriculture, along with 20 copies of the Report on Vocational Education. If you will let me know of any specific service I can render, I shall be gratified. I am finding no opposition to the bill.

FLORIDA.

William Halloway, State superintendent of public instruction, Tallahassee, says:

The State department of education and the friends of education throughout Florida are strongly in favor of the passage of the Page bill.

J. J. Vernon, dean of the College of Agriculture, University of Florida, says:

The Page bill—Senate 3—is both practical and comprehensive. It is the best bill yet offered having for its purpose the training of the sadly neglected masses. It is socially and economically sound. Congressional action is necessary to draw out backward States. The action of Congress is urgently needed. I indorse the Page bill.

Mr. W. B. Cate, principal Florida Normal Institute and Commercial College, Madison:

I have just read Senate bill 3, known as the Page school bill, and heartily approve of it.

GEORGIA.

M. L. Brittain, State superintendent of education, Atlanta, says:

I feel a great interest in the Page bill. It seems to me that the measure proposed is directed toward a vital need. It so happens that, through the concentration of wealth in urban localities, the child in the city and town receives from 2 to 10 times as much educational assistance as the one on the farm. This, too, despite the fact that we are all dependent upon the results of the work of those engaged in agriculture.

I earnestly hope that the bill will pass, and that in this way more help may be given to each State to promote rural life and prosperity.

Southern Machinery, Atlanta, says:

That industrial education has assumed national importance and is attracting attention throughout the United States is shown by a bill recently introduced in the Senate by Senator CARROLL S. PAGE, with a view to Government aid to the States in promoting a better system of education along agricultural and industrial lines and in home economics. The bill as it stands at present may not be entirely satisfactory in every respect, but the subject is worthy the best thought of the Nation. Industrial education has been tried in a comparatively small way and found to be helpful. It has passed the experimental stage and bids fair to become one of the most important branches of public instruction.

Hon. G. Gunby Jorden, president board of education, Columbus, says:

From a long experience in manufacturing and in farming, together with continued service for several years as a trustee in one of the State schools of agriculture in Georgia, and as president of the board of education of Columbus, Ga., I have had opportunities in forming a very decided opinion upon the necessity for vocational education in the United States. I have never had occasion to change my views as to the great necessity for Federal aid in this regard.

A thorough training of the youths of this land in industrial, agricultural, and vocational work would save untold millions, wasted now in senseless strikes and pitiless lockouts, by a better and saner acquaintance between capital and labor.

The Federal Government, in my opinion, dealing equitably and fairly with all the States and Territories in this regard, is not only well within its constitutional rights but could make no appropriation of money which would so soon, so thoroughly, and so lastingly benefit the people.

Mr. H. J. Pearce, president Brenan College Conservatory, Gainesville:

I have read with considerable interest your bill which you have had the kindness to send me, and I am entirely in sympathy with the general plan proposed.

Mr. J. D. Wood, secretary the Atlanta Builders' Exchange, Atlanta:

We are pleased to acknowledge receipt of your letter of April 19 in reference to the Page bill now pending in the Senate, and to say that the same will have the hearty approval and support of the Atlanta Builders' Exchange.

IDAHO.

G. M. Shepherd, State superintendent of public instruction, Boise, says:

It may please you to know that at a meeting of the Idaho State Teachers' Association, held January 4 to 6, the association passed a resolution urging our Representatives in Congress to do all in their power to pass Senate bill 3.

I sincerely hope the bill will pass Congress at this session. I am particularly desirous that it pass at this time, so that at our next legislature we may pass laws in harmony with the Page bill. The greater part of our State is agricultural and we need schools such as the bill makes possible. Too long has our educational system been at fault in that it did not prepare our boys and girls for useful citizenship. We need to educate them for the farm and the trades rather than away from them.

I hope a few narrow-minded people who are always crying expense will be able to see that this is one of the greatest and best pieces of legislation for the welfare of the Nation that has ever been introduced.

We will be glad to assist in any way we can to secure the passage of this bill.

Mr. Earl S. Wooster, dean rural department, Lewiston State Normal School, Lewiston:

I am very glad to state to you that I am heartily in favor of the general purpose of the Page bill, and trust that nothing will stand in the way of its passage. I shall be very glad indeed to do anything within my power to assist in the passage of this bill.

Mr. G. A. Axline, president State Normal School, Albion:

During the past six weeks either myself or members of my faculty have attended meetings of the public-school trustees of Fremont, Bonneville, Bannock, Lincoln, Twin Falls, Blaine, Owyhee, and Elmore Counties. In each one of these counties the trustees expressed a strong desire for vocational education in the public schools. You are right in believing that the people are demanding vocational education, and I believe that it will be a mistake for their Representatives in Congress to neglect this demand.

I readily appreciate the fact that men who do not come in as close contact with the patrons of the public schools as I do may not be aware of the very rapid and strong growth of public sentiment toward vocational education during the past four years. I am quite certain that there are many Congressmen who would vote in favor of your bill if they understood the real situation who now are opposing it because they do not realize the demand of the people for a legislation of this sort.

Mr. L. C. Aicher, superintendent Aberdeen Agricultural Experiment Station, University of Idaho, Boise:

I am heartily in favor of your proposed bill and shall do all I can to further its interests.

There is no question but what the passage of such a bill would cause a wonderful stimulus to the industrial, agricultural, and vocational work of our great country.

Mr. J. S. Welch, superintendent Gooding Agricultural Experiment Station, University of Idaho, Boise:

Have carefully read copy of Senate bill No. 3 and am glad to give it my hearty indorsement. Hope that it may pass both Houses.

Mr. E. J. Iddings, department of animal husbandry, University of Idaho:

I have your favor of some days ago in regard to the Page bill for extending aid to the agricultural colleges. I have looked over the bill and earnestly hope that its provisions may be enacted into law. Agricultural education is immensely popular, and the great trouble in forwarding the movement for better agriculture is that we have not enough trained men to handle the work and are woefully deficient in funds for experimental work, demonstration work, teaching, and for carrying out other functions of the agricultural colleges and experiment stations. I wish to extend my support for whatever it may be worth toward the cause represented by the Page bill.

ILLINOIS.

Hon. C. S. Deneen, governor of Illinois, says:

Since acknowledging the receipt of your letter of the 11th instant I have read the bill inclosed, and I am in sympathy with its provisions concerning the introduction of vocational instruction in the public schools of the secondary class. These provisions are in harmony with the suggestions and recommendations of our State educational commission, which has just completed a codification of our school laws and the preparation of courses of study in agriculture, manual training, and domestic science for use in these schools, as well as in the country schools of the State.

With the general purpose of the bill to further the introduction into the public-school system of the States of education in the practical arts and sciences I am in hearty accord.

Edwin G. Cooley, former superintendent of the Chicago public schools, says:

America's resources, though great, are not infinite, and we must learn the lesson of efficiency in work if we are to maintain our place. We can become a true democracy only when we are as much concerned about training a good blacksmith as we are about training a good lawyer—when our system of schools offers equal opportunities to all.

Mr. Frank M. Leavitt, associate professor of industrial education in the University of Chicago, says:

The purpose of the proposed legislation seems to be to provide well-rounded vocational courses as well as general preparation for agriculture, trades, and industries, and home making suited to the respective sections of the United States. It includes encouragement for those permanently engaged in these vocations, and "not necessarily graduated for elementary schools," by the establishment of short, practical courses. It purposes to promote earlier interest in the scientific study of these fundamental human activities by giving appropriate instruction in specialized normal courses. The movement to furnish an adequate education for the agricultural and industrial workers of the country is now well under way, and renewed interest would certainly be stimulated by the passage of the Page bill. The bill deserves the careful reading and, we believe, the active support of those who hope for the rapid extension of free public education.

The editor of the Farm Home, Springfield, says:

This office will take great pleasure in aiding you in any possible way in the passage of the bill.

The editor of the American Bee Journal, Chicago, says:

I am in hearty accord with your effort and trust that it may be successful.

The editor of the Farmers' Review, Chicago, says:

I consider this measure along the right line. There is no doubt of the need of greater activity along this line for our public schools. It should be included in every school curriculum.

Mr. David Felmley, president Illinois State Normal University, Normal:

For several years I have been watching with great interest the gradual evolution of what is now known as the Page vocational bill. In this normal school we are now maintaining strong departments of agriculture, manual training, and domestic science. Nine teachers are now employed in these branches exclusively. We shall be glad of the additional funds that the bill promises for further development of this department. This institution is thoroughly committed to training teachers in the so-called vocational branches, and we heartily approve of your bill, especially of the provision for the aid to State normal schools.

Mr. D. B. Parkinson, president Southern Illinois State Normal University, Carbondale:

Your favor of recent date received. I am very grateful for a copy of the complete bill relative to the special provision for the department of agriculture and home economics. I am personally very much interested in this bill and was glad to be present in St. Louis this week when the normal-school section indorsed said bill, a notice of which will doubtless be sent you. From my point of view, the provisions of the bill are most excellent and will be of great benefit to the country. I most earnestly hope that it soon may become a law.

Miss Mary D. Chambers, Rockford College, Rockford:

I have read your bill with nothing short of enthusiastic delight. My only wonder is that provision has not been made for the teaching of these subjects years and years ago. We have been following the stars and their courses in our educational curricula and ignoring the things that make for human welfare.

It is needless to say that the success of this measure has my heartfelt wishes.

Mr. L. B. Eidmann, lecturer Patrons of Husbandry, State Grange of Illinois, Mascoutah:

I heartily indorse the bill and shall use my influence to aid in the passage of the same.

INDIANA.

Hon. Thomas R. Marshall, governor of Indiana, Indianapolis:

I have read with much interest the document touching the Page vocational bill. I have never been quite sure whether it was the duty of the General Government to furnish higher education; but if it is, I am quite sure it could put money to no better use than vocational training. The farmer and the skilled mechanic will soon be as great a curiosity in America as the stone man if something be not done to render labor not only honorable, but attractive.

Charles A. Greathouse, State superintendent of public instruction, says:

The measure you are supporting is certainly a valuable one.

IOWA.

Albert M. Deyoe, State superintendent of public instruction, Des Moines, says:

I wish to thank you for a copy of Senate bill 3. I heartily approve of this measure, and wish to assure you that you may depend upon my support in bringing about its passage.

I believe that encouragement and assistance from a national source would be a great incentive to the promotion of vocational training in all the States. I believe there is no issue of more vital importance in the United States to-day than the matter of constructive legislation along educational lines.

H. H. Seerley, chairman national committee on agricultural education and president of the Iowa State Teachers' College, Ames, says:

The education of the whole people is so important and the training of teachers to do the work is so imperative that the United States should have a hand in the business. The State superintendents and the State normal schools give their enthusiastic support to the Page bill. It ought to be treated as one of the greatest measures of this age, as it means the betterment of the whole country.

Appropriations thus made will help the people to be self-reliant, self-directive, and self-supporting, and in the end bring returns in citizenship and in prosperity that can not be estimated. The making of this measure into the law of the land would produce a revolution in educational lines that would create a new era of enterprise and progress.

Our present legislature is passing a bill that will introduce to a limited extent agriculture and domestic arts into at least 100 high schools during the coming year. This will be a step in the right direction, but the problem involves matters of such great importance to the country industrially that such slow procedure is hardly satisfactory.

I trust that the National Government may see fit to become cooperator in educational advancement as well as in other lines already so thoroughly indorsed.

G. F. Curtiss, of the Iowa State College of Agriculture and Mechanic Arts, says:

I am pleased to give the bill my hearty indorsement. The public-school system of America is lamentably weak in failing to make provision for this kind of education. The United States can not hope to hold a leading place among the industrial nations without the training of young men for efficient service in industrial work.

This problem lies at the foundation of industrial prosperity in all sections of our country, and the passage of this measure is of vital importance and ought not to be long delayed.

J. F. Monk, of Tobin College, Iowa, says:

We sincerely trust that you may be able to secure the legislation of this character, for a comparatively small investment along these lines will certainly bring immense returns in the future.

The editor of Pierce's Farm Weeklies, of Des Moines, the Iowa Homestead, Wisconsin Farmer, and Farmer and Stockman, says:

We are greatly interested in this matter, and intend to comment quite liberally upon your bill in an early number of Pierce's Farm Weeklies.

The editor of the Creamery Journal, of Waterloo, says:

It seems to me that you have struck a very important line of work. There is no question whatever but that the Government should take an active part in this great educational movement, and you may count upon us for support.

The editor of Successful Farming, Des Moines, writes:

The prosperity of the world depends on successful farming, and successful farming depends upon the rural schools. I hope your efforts will meet with success.

The editor of Kimball's Dairy Farmer, of Waterloo, says:

You are to be most heartily congratulated upon having introduced a bill of such far-reaching significance. Your bill most certainly ought to pass, and you may count upon us to do whatever we can to promote its popularity.

I have been in position to know the need of instruction of this kind. In every village, town, and city there are many young people to whom the public schools are distasteful because they do not offer work that is of vital interest in fighting the battle for bread.

The purpose of such schools is to develop citizens. The courses that are being offered tend to stimulate mental activity and to cultivate an appreciation of literature and art. Both of these are commendable, but they are scarcely sufficient in themselves, and until we give the young people of this country a little training that will help them to provide means whereby they can enjoy these finer things of life we have not done our duty.

There are many boys who find their school work distasteful because it is so largely theoretical. If these same young people could be trained to use the hand as well as the brain, their interest would be intensified and they would continue their school work longer than many are now doing. I can testify to all of the above from actual schoolroom experience.

Another thing that should commend this bill and secure its passage is the benefit that it will be to the agricultural industry. It is a trite saying that prosperity goes on crutches when crops go wrong. Farming is fundamental to national prosperity, but the farms of to-day are different from the farms of 20 years ago, and the farmer of to-day has problems to solve which the farmer two decades ago knew nothing about.

Conservation of the soil is more vital than conservation of any other natural resources. The problems that are meeting the farmer to-day are only a foretaste of those that will confront the farmer 20 years from now. If we are to continue to enjoy prosperity, we must equip farmers of future generations with a knowledge of fundamental principles that will make it possible for them to meet the problems of larger production and better care of land and crops.

The funds which this bill provides for carrying on the work that it outlines should not stand in the way of its passage. They are so infinitesimal when compared with the benefits that are to be derived that they are scarcely worthy of consideration.

If the people of the United States are to continue to hold the enviable position which they now enjoy, they must meet such problems in a businesslike manner. The farmers and taxpayers generally should be anxious to provide for the measure.

Mr. John H. T. Main, president Grinnell College, Grinnell:

I have your letter of February 22, together with Senate bill No. 3. I have read the bill with a great deal of interest and wish to assure you that I thoroughly approve of it. I have always been in favor of Federal appropriations for education. Fifteen million dollars annually for this purpose is small as compared with the money appropriated for some other purposes that seem to many people not so important as the money appropriated for them seems to indicate.

Dr. Francis L. Strickland, president Simpson College, Indianola:

I thank you for sending me the bill on vocational education and the report of the subcommittee of the Senate.

Education, to serve the highest purposes of the Republic, must keep very close to the life of the people. When an educational institution is out of touch with the life of the community in which it exists, its days are numbered. I am very glad that the Federal Government is to cooperate in this big and important business.

Mr. S. A. Beach, professor and vice dean department of horticulture and forestry, Iowa College and Experiment Station, Ames:

I have your favor concerning the Page bill (S. 3). I assure you that this bill has my hearty indorsement and I shall be pleased to do whatever I can to assist in securing its passage.

KANSAS.

E. T. Fairchild, superintendent of public instruction for the State of Kansas, Topeka, says:

I have just received your favor of June 26 and a copy of Senate bill 3. I have read this with much interest, and am glad to state that it seems to me to be a most worthy measure. I am heartily in sympathy with the motto "more books and fewer battleships."

The editor of the Western School Journal, of Topeka, says:

I have looked through the bill, and it seems to me it ought to pass.

The editor of the Missouri Valley Farmer, Topeka, says:

Your bill seems designed to correct a great evil, and the Government may well concern itself about the matter.

Mr. Joseph H. Hill, president Kansas State Normal Schools, Emporia:

I wish to acknowledge the receipt of the report of the subcommittee of the committee on agriculture and vocational education, and in accordance with your request I am very glad to say that I am in general sympathy with the purposes of the bill mentioned.

Mr. R. T. Campbell, president Cooper College, Sterling:

Have read with interest the copy of your proposed bill touching instruction of agriculture and home economics in secondary schools. I am glad to lend my indorsement to the proposed bill, and believe its passage would mean much for the majority of our boys and girls.

Mr. A. M. Ten Eyck, superintendent Fort Hays Branch Experiment Station of the Kansas State Agricultural College, Hays:

I have carefully read the Page vocational education bill. It is a magnificent proposition, which, if carried out, will mean more to this country in the next 10 years in the way of material, industrial, and educational advancement than any brain can now conceive.

The feature which I especially like about this bill is the splendid aid which will be given toward teaching the teachers to teach agriculture and in bringing instruction in agriculture to the masses of the people rather than to the 6 or 7 per cent who are able to secure a college or university training.

I am an agricultural college and experiment station worker. I am spending my life in the work of these institutions. But the Page bill treats our State colleges and experiment stations royally, besides making possible this greater and more important work—the industrial education of nine-tenths of our people who can never attend our higher schools and colleges.

KENTUCKY.

Barksdale Hamlett, superintendent public instruction, Hopkinsville, says:

I have no hesitancy in stating on behalf of the people in Kentucky, and especially those who are alive to educational needs, that we regard this as one of the most important measures before the present Congress, and sincerely hope that it will be passed at an early date and signed by the President. I believe that the passage of this bill, even though the appropriation will be small compared with the other great governmental expenditures, will do more for the cause of agricultural interests than anything that has been done in the past 50 years. I sincerely hope that it will be passed.

J. G. Crabbe, president Eastern Kentucky State Normal, Richmond, says:

I regret that previous engagements prevented my attending conference behalf of Page bill (S. 3). I beg to assure the conference that Kentucky educators believe this bill is vitally important to a broader national view and responsibility as to fitting our children for successful life.

It receives the hearty support of educators throughout the country, and, in my opinion, is a very desirable measure, as the questions involved are among the most important in present-day needs.

The Courier Journal, Louisville, says:

The country is gradually waking up to the importance of vocational education. To put such an education within reach of the masses is a gigantic undertaking. Advocates of the Page bill believe that the measure presents the only practical plan that so far has been devised.

Ellsworth Regenstein, late State superintendent of public instruction, Frankfort, says:

Your letter of the 2d instant, with inclosed copy of Senate bill 3, has been received. The bill meets with my approval, and I shall be glad to cooperate with you in bringing about its passage.

LOUISIANA.

T. H. Harris, of the department of education, Louisiana, says:

I have examined the bill and wish to give it my indorsement. I think it is a good one, and trust that it will pass both Houses. I wish that I could be present in person and render all possible assistance.

Mr. Brandt V. B. Dixon, president department of education and hygiene, the Tulane University of Louisiana, New Orleans:

Your bill in favor of vocational education appeals to me very strongly. I am not prepared to discuss the matter from the standpoint of political considerations, but speaking as a teacher, and especially as a teacher of young women, I approve most heartily of any effort tending to advance the practical and vocational studies.

The great need of modern education, in my opinion, is that it should devote itself to the culture of the will—the constructive processes of the mind—by means of laboratory methods especially. Our young women should be made more resourceful, self-reliant, fitted for success, than they are at present. The same amount of culture can be secured as by the methods now in use. We will, however, need to develop a new race of teachers.

MAINE.

President Fellows, of the University of Maine, says:

By means of assistance proposed in this bill we can accomplish in five years what would otherwise require a century.

Payson Smith, superintendent of public schools, Augusta, says:

I have examined with much care Senate bill 3, which you sent me with a request for suggestion. I fail to note any points whatever in which this bill could be improved. It strikes me that it is so framed that it meets most acceptably the varying conditions of control of the several States. I am certainly much in favor of the enactment of a measure of this kind, and shall be very happy to be of any possible service in promoting its interests.

MARYLAND.

Mr. M. Bates Stephens, superintendent State department of education of Maryland, Annapolis:

I congratulate you most sincerely on having the bill favorably reported. It looks to me like a good omen for its successful passage.

Let me know any time I can serve you in promoting the bill in any way.

B. H. Crocheron, principal of the agricultural high school of Sparks, says:

I am greatly obliged to you for the literature relative to the Page bill, concerning which I am exceedingly hopeful. I, of course, believe in the bill and am doing all possible to bring it before the people. I hope to secure its consideration at the National Country Life Congress to be held at Spokane November 23–29.

Mr. James B. Hessong, secretary Baltimore Chamber of Commerce, Baltimore:

At a meeting of the board of directors of the Baltimore Chamber of Commerce held on the 11th instant a report was submitted by our crop-improvement committee regarding Senate bill No. 3, as amended, now before Congress.

We consider this bill, if passed, will be of great advantage to Maryland, and our board desires to call your attention to same with the request that you support it with your vote and influence.

MASSACHUSETTS.

Mr. M. L. Burton, president Smith College, Northampton:

Senate bill No. 3, with the report of the subcommittee on vocational education reached me in due time, and I have read it with the deepest

interest. Of course, it is impossible for me to enter into the details of the actual administration of the bill, but I can not tell you how thoroughly and heartily I approve of the general plan which is involved. I believe there is nothing more fundamental for the American Nation in the future than that there should be Federal aid for agricultural and vocational education. It lies at the very basis of our whole national life. In saying this I, of course, do not mean for a moment that our colleges of liberal arts should be altered or that their ideals should be changed, but merely that alongside of our present educational system there should be fine opportunities for every boy and girl to equip themselves with work on the farm, in the shop, and in the home. I am with you in this matter and appreciate very highly the work you are doing.

Mr. L. H. Murlin, president Boston University, Boston:

I have been quite interested in your bill providing for a Federal appropriation to encourage vocational education. I most heartily agree with the principles involved. I should not want any reflection made upon the old ideal of education—the study of the classics and mathematics—but I quite agree with you that wider educational opportunity should be offered in elementary education.

Mr. Louis H. Buckley, chairman board of trustees, Worcester Trade School, Worcester:

I will be glad to hold myself in readiness to assist you in any way possible in the advancement of the passage of this bill.

I hope that you may be successful in your efforts to enact this bill, which promises so much for the advancement of agricultural and industrial education in our country.

Miss Alice J. Bunce, director Mack Industrial School, Salem:

Have received a copy of Senate bill No. 3 and also the report of the subcommittee on agriculture and forestry.

I most heartily approve of the bill and believe that the passage of such a bill would improve our country's condition and would well repay the money to be spent.

Mr. G. M. Winslow, principal Lasell Seminary for Young Women, Auburndale:

I have been much interested in looking over the bill which you have introduced into Congress for the advancement in instruction in agriculture, trades, and household economics.

For many years our school has been giving special attention to preparing young women for home making; consequently we feel that in this department you are giving a big boost to one of our pet ideas.

No work which we have done has seemed to us more worth while in its results than the help we have been able to give our students in the way of fitting them directly for the work which they are bound to have later.

Your bill if carried through will do the same thing in a broader field. If carried out in the same spirit, this bill will be comparable in its beneficent results to the Morrill bill, which every Vermonter refers to with pride as a work of a fellow statesman.

Mr. James A. McKibben, secretary Boston Chamber of Commerce, Boston:

The committee on education of the Boston Chamber of Commerce has carefully considered Senate bill No. 3, giving Federal aid to education in industry, agriculture, and the domestic arts in the secondary schools of the several States, and believes it to be one of the most important measures which has been before Congress this year.

The passage of this bill would stimulate further efforts in those States in which vocational education is already provided, and it would encourage this important type of education in the States that are now too poor or too indifferent to take the initiative themselves. Above all, it will focus public attention in the best way possible upon the important part in the development of the United States which sound vocational education is certain to play. The bill is so framed as to encourage gradual and sound development of the right types of vocation education.

The measure is so safeguarded that the Federal money is not likely to be wasted; and with such bodies as the National Society for the Promotion of Industrial Education and the National Association of Manufacturers watching the work of the law and aiding the States in carrying it out, there is every reason to believe that the results of this legislation will be far-reaching.

The directors of the chamber at their meeting on May 9 unanimously adopted the report of the committee on education, recommending that the chamber heartily indorse this bill. I trust that you will use your influence in promoting the passage of this bill.

Mr. John Golden, general president United Textile Workers of America, Fall River:

I am taking this means of informing you that, as a member of the executive committee of the National Society for the Promotion of Industrial Education, and also on behalf of the international organization I represent, that I am heartily in favor of the bill introduced in your name bearing on industrial education.

The Weekly Bulletin, Boston, says:

The educational bill recently introduced in the United States Senate by Senator PAGE, of Vermont, is printed in full in this week's issue. The scope of this bill and the good that it is intended to do the young people of the United States is of tremendous importance and shows a policy on the part of Senator PAGE of endeavoring to carry through one of the best measures which this country has ever seen.

Mr. Herbert Myrick, president National League for Industrial Education, and editor of the Orange Judd Agricultural Weekly, at Springfield, says:

Rest assured that not only our periodicals but our entire organization will do everything possible to promote this beneficent bill.

Deputy Commissioner C. A. Prosser, of the State board of education, says:

The vocational school differs from the regular high school in aim, content, method, and social function. The high school gives general training for life; the vocational gives specific training for a definite calling. The difference is organized knowledge with deferred values as contrasted with applied knowledge and immediate values. The method of the high school is abstract and formal; that of the vocational concrete and direct.

The two should not be regarded as competitive, but as parallel institutions, each tapping a different school strata.

The Commercial Bulletin, Boston, says:

The bill introduced by Senator CARROLL S. PAGE, of Vermont, to encourage instruction in agriculture, the trades and industries, and home economics in secondary schools, is still pending before Congress.

There is no doubt that industrial education is not developed to anything like the extent to which it might well be developed in this country, and if we are to remain in the front rank of manufacturing nations, we must have not only the best machinery in the world, but also the best-trained hands and brains to operate it.

Whether Senator PAGE'S bill will accomplish all that is hoped from it is, of course, uncertain, but it is gratifying to note that the legislative branch of our National Government is devoting intelligent thought to a problem that is as serious and important as any bill that can come before them, as it concerns the welfare and progress of our people.

The Journal of Education, of Boston, says:

A bill of considerable interest to educators, and especially to those engaged in vocational training, was introduced in the United States Senate last April by Senator PAGE, of Vermont. As the bill is framed, it seems to be in shape for final passage, and it is certainly a bill that we should like to see made into a law. Its provisions are generous, and it would stir up all those States that are in need of an incentive along the lines of industrial education and vocational training.

Lewis C. Grandy, editor the Printing Art, Cambridge, says:

We have read with much interest the copy of the bill you recently introduced in the Senate to encourage instruction in agriculture, the trades, industries, etc. There is a great need of the Government undertaking this work.

It is obvious that there is great need for more industrial schools in this country, such as those in which German workmen are trained. The establishment of such schools can be brought about if a determined effort is made. A comprehensive plan for education along agricultural and industrial lines is included in a bill Senator PAGE, of Vermont, has recently introduced in the United States Senate. This may not be entirely satisfactory to everyone and some of the details can perhaps be amended slightly, but its general purpose is such that it should receive hearty support.

Horticulture, published at Boston, says:

Senate bill 3, by Senator CARROLL S. PAGE, now in the hands of the Committee on Agriculture and Forestry, provides for Government aid to the States in promoting a better system of education along agricultural and industrial lines and home economics. The problem of wise and efficient training of young men and young women, always a paramount one, becomes now more serious than ever, under the restrictions on a broad-gauge, mechanical knowledge imposed by existing factory methods in the divison of labor and by labor union prescriptions. The high school, the academy, and the college are taking excellent care of those boys who are financially able to avail themselves of their advantages, but for him who can not, little remains but the prospect of a cheap manhood. If the entry of the National Government into a comprehensive and liberal cooperation with the States for instruction in agriculture and the trades will modify and improve these defects in our industrial system, then by all means let us have it, even if it becomes necessary to economize by cutting out a battleship or two. It is an excellent measure, and we hope it will receive a favorable reception everywhere.

Max Mitchell, superintendent of Federated Jewish Charities, Boston, Mass., says:

I am very much interested in this bill and want to add a word of indorsement for the passage of the bill, which tries to cooperate with the States in encouraging instruction in agriculture, trades, and industries.

In the work that I am doing I have for many years felt the great need of work of this kind. I feel that the poor boy does not get a fair chance or an equal chance with the rich boy or the boy of the well-to-do parents to obtain a proper education. In the early years, when the child is 14 and upward, when he is about to get the understanding of an education, he must go to work and earn enough to help support his home. He is thus cut short at the most important time from continuing his studies.

I believe in giving education to the great masses of this great country instead of the small number of 10 per cent, as is given to-day.

To my mind no expenditure is too large that gives the people of the country a proper understanding of themselves, of the conditions surrounding them, and especially a proper understanding and a love for whatever professional trade they are engaged in, because with that kind of education, I am sure, develops a love for one's country and for one's neighbors and for mankind in general.

MICHIGAN.

Hon. Chase S. Osborn, governor of Michigan, writes:

Your bill to cooperate with the various States in encouraging instruction in agriculture, the trades and industries, domestic economics in secondary schools, etc., is a good measure, in my opinion. No nation is better or stronger than the average of its people. The activity you seek to encourage is necessary, and I hope sincerely that your bill will pass.

Jesse B. Davis, principal Central High School, Grand Rapids, says:

My attention has been called to your bill to encourage vocational education among the States in secondary schools. I have read the bill with much interest and wish to express my appreciation of your efforts in this most worthy cause. My experience of over 16 years in the largest secondary schools of the West has made me a strong supporter of this phase of modern education.

The editor of the Michigan Tradesman, Grand Rapids, says:

I am very glad to commend this measure both personally and editorially, because I believe it is in the interest of progressive citizenship and good Americanism.

Mr. James H. Kaye, president Northern State Normal School, Marquette:

I received a copy of your bill and the report of the Committee on Agriculture and Forestry.

I believe in the provisions of the bill most sincerely, and I trust that it will be passed. Should this bill pass, I believe it will mark a great epoch in educational advancement in the United States.

Fannie E. Beal, teacher of home economics, Addison:

The copy of the Page vocational educational bill has reached me, and I wish to say that I heartily indorse the bill. As a teacher of home economics in secondary schools, I believe that every girl needs a training in the affairs of the home and that she should be required to take such a training.

Clara Wheeler, principal Kindergarten Training School, Grand Rapids:

In reply to your letter and documents of February 29 I write to say that I am interested in vocational education. I also favor the general purposes of the bill known as the Page vocational bill.

Mr. W. H. French, department of agricultural education, Michigan Agricultural College, East Lansing:

I have read the amended bill very carefully, and I think your corrections have removed all of the objections stated in my former letter. The bill in its present form seems all right, and if it should become a law it would certainly stimulate the teaching of agriculture to a very large degree.

MINNESOTA.

Hon. MOSES E. CLAPP, United States Senator from Minnesota, says:

Am in receipt of your proposed bill. Permit me to say that while arbitration treaties and trust regulation laws may command more attention, there is no measure pending before Congress that exceeds in importance your bill, because it goes to the very foundation of all our national problems—the development of the citizen. If the Republic will care for the youth of the land to-day, the youth will care for the Republic.

A. F. Woods, dean and director at the University of Minnesota, St. Paul, says:

Executive council of the department of agriculture of the University of Minnesota, consisting of the dean and chiefs of divisions, indorses the Page bill (S. 3), first, because it gives assistance through already organized educational agencies; second, it includes most agencies that need aid in reorganization for industrial education; third, it is a carefully worked out system based on actually existing conditions; fourth, the McKinley and McLaughlin bills are good as far as they go, but relate only to part of the problem.

The editor of the Daily Record, of St. Paul, says:

We are very much interested in this bill and think it should have the support of everybody.

Charles P. Craig, of Duluth, uses this language:

To my mind, no other bill pending before Congress is so important to this country at large in a constructive way as this bill, because its purpose is to lay the foundation broad by the training of all the youth of the Nation for constructive work.

Vocational education will not down. The people are awakening to its value, and with that awakening grow more determined that a national policy of secondary education shall be established, just as has been done with higher industrial education; consequently, your bill admirably fits the growing popular demand. Politics and selfish interests may postpone but will never prevent, ultimately, the passage of this or a similar bill.

Of my own knowledge I know of foreign-born parents in our city of Duluth who have sent their sons back to the old country to learn a trade, with the purpose of coming back here and being skilled tradesmen.

A. D. Wilson, superintendent University Farm, St. Paul, says:

Your letter of December 7 received. This morning we took up at our executive council meeting, consisting of the heads of divisions in our institution, the matter of the Page bill (S. 3). We sent you a telegram expressing our views in favor of the bill. We certainly believe in the Page bill and are ready to give any assistance we can to secure its passage.

C. G. Schulz, superintendent department of public instruction, St. Paul, says:

I heartily approve the provisions of this measure. It is along the same lines as those in which Minnesota has undertaken to foster that work in connection with high schools, secondary agricultural schools, and the college of agriculture.

I am fully satisfied that the plan outlined in your bill for industrial training, not only in secondary schools, but in colleges and normal schools, is practical, comprehensive, fair, and demanded by present-day conditions. The school must be a training institution which directs the child's activity, not only along one line, but many. There must also be the means, in professional schools, of fitting leaders, directors, and teachers. This your bill makes possible.

The Minnesota State Dairyman's Association, at its annual convention held at Wadena, January 16–19, 1912, passed the following resolution:

In view of the need of a more practical type of education in our schools and the demonstration of improved methods of production on our farms, be it

Resolved, That this association approve the Page bill introduced in the National Congress with these ends in view. We hereby request our Senators and Representatives to do all in their power to secure the passage of this measure, the secretary of this association to forward copies of this resolution to our Senators and Representatives, the chairmen of the Senate and House Committees on Agriculture, and to Senator PAGE.

Lilla P. Frich, supervisor of domestic science, board of education, Minneapolis:

Your letter of March 1 and the copy of Senate bill No. 3 is received. This measure has my hearty approval, and I trust there will be no difficulty in the passage of this bill.

Mr. L. L. Everly, principal Teachers' Training School, St. Paul:

Your letter of February 29 inclosing a copy of Senate bill 3 is at hand. I am heartily in favor of this bill with its substantial provisions for vocational and industrial education. I believe no more important bill will come before this Congress. This institution thoroughly indorses the plan outlined in this bill.

Mr. Andrew Boss, department of agriculture, University of Minnesota, St. Paul:

Our institution has stood squarely for your bill. We are all in accord on the merits of the bill, and I believe that it should be passed. It is so much more comprehensive than the Lever bill, and still so elastic that any State need not be burdened with financial difficulties, that we consider it decidedly the best measure.

MISSISSIPPI.

J. C. Hardy, president Mississippi Agricultural and Mechanical College, says:

I am heartily in favor of this bill for industrial and vocational education. While I appreciate the importance of training "captains of industry," yet in my judgment there is a still greater need of giving the "privates of industry" that training that will fit them for coping with modern industrial conditions and that will make them more efficient in dealing with all the complex problems of modern life. I think the man or woman who is serving the world by manual labor is entitled to as much consideration by the State and Nation as those who are engaged in the professions and other intellectual pursuits.

This bill, as I view it, is an effort to adapt education to the needs of the democracy. The State needs men and women who can do things more than it needs men and women of culture.

This institution thoroughly indorses your bill, and each and every man here stands ready to help in every possible way to develop public sentiment that will demand its passage.

Our people in hearty sympathy with the principle of bill. It means more to the development of our section than any bill since Hatch Act. It has full indorsement of this college. All conditions should be fixed in bill; leave nothing to be fought out in the legislature; command us to fullest.

W. L. Hutchinson, dean of the School of Agriculture, Starkville, says:

Regret I could not be present at the conference of the friends of the Page bill. The objects sought to be accomplished by the bill are laudable and much to be desired.

MISSOURI.

William P. Evans, State superintendent of public schools, Jefferson City, says:

In general, Senate bill 3, encouraging and aiding industrial education, has my hearty approval. The purposes of the measure are very laudable, and I shall be willing to lend my influence toward securing its passage.

We are hoping to push in this State rapidly the establishment of rural high schools and are proposing to secure a permanent fund for this purpose from the voters of Missouri at the next general election. It is this proposition that I refer to in my letter to Gov. Hadley. The proposition for the permanent education fund will be voted upon at the next general election, under the initiative and referendum. This, you see, is along precisely the same lines as your movement in Senate bill 3, to enlarge the unit of taxation.

In general, this measure of Senator PAGE'S and the measure that we are advocating for Missouri is a movement to enlarge the taxation unit. They are twin movements, one may say. The permanent education fund is a movement to derive funds from the State at large in order to equalize opportunities for the weak districts. The same thing may be said of this national movement. It is a proposition to make the unit Nation wide, and in this broad way equalize opportunities for all of the youth of the land.

It seems to me that the bill should be amended somewhat and should pass. I shall be very glad if you see fit to encourage its adoption, even in its present form, for provision is made, you will note, that each State shall receive that portion of the appropriation for which it is prepared, and if the appropriation is made for these district high schools and the district high schools are not established, we will receive the other aid which we are ready for.

I heartily favor the bill except the clause relating to district agricultural high schools. I advise that the appropriations for such schools be added to that for public secondary schools and normal schools for brief reasons in a letter which follows.

W. G. Carrington, State Normal School, fourth district, Springfield, says:

I assure you I am doing all I can in my territory to secure support for this measure. I am writing some letters to our Senators about it.

Anthony Ittner, of St Louis, late chairman of the committee on industrial education, National Association of Manufacturers, says:

The point with me is to have the Page bill so framed as to benefit the 98 per cent of the young men of our country—those that need help. The 2 per cent that pass through colleges and universities are the sons of wealthy parents who, being able to help themselves, do not need help from State government.

Dr. Lowell M. McAfee, president Park College, Parkville:

Replying to yours of the 22d of February, will say I find myself cordially in sympathy with the purposes of Senate bill No. 3, if I understand it in detail. I agree with you most cordially that the surest way to save our young fellows is to fit them for the experiences which are sure to be theirs. Park College was organized and has operated on that basis for a good many years.

MONTANA.

J. M. Hamilton, president Montana Agricultural College, says:

We heartily indorse the principles of Federal aid for secondary industrial education as set forth in the Page bill, and would especially emphasize the features providing for agricultural high schools and agricultural extension.

F. B. Linfield, director of the Montana Agricultural Experiment Station, Bozeman, says:

As director of the agricultural experiment station and a member of our board of farmers' institutes, am keenly interested in educational efficiency on agricultural and industrial lines. I am heartily interested in the Federal appropriation as outlined in the Page bill. I trust the friends of agricultural education, who all agree on the principles at the foundation of these bills, will work out a plan of development that will be satisfactory and beneficial to all interested.

The editor of the Rocky Mountain Husbandman, Great Falls, says:

We heartily indorse your bill. Hope it may pass.

Mr. C. A. Duniway, president University of Montana, Missoula:

I am much interested in your inquiry concerning Senate bill No. 3, known as the Page bill. The passage of some measure of this character would greatly advance the public welfare. I have no suggestions to make concerning the details of your bill. Its passage in its present form would seem to me to be desirable.

NEBRASKA.

Mr. James E. Delzell, State superintendent of public instruction of Nebraska, Lincoln:

I am very much pleased with the Page vocational-education bill. I will be glad to assist in every way possible to advance this bill.

Mr. J. W. Crabtree, formerly State superintendent department of public instruction, Lincoln, says:

Permit me to thank you for sending me a copy of the bill which you introduced offering encouragement to the teaching of agriculture in the public schools, normal schools, and colleges of the country. I sincerely hope you may be able to secure the passage of this bill. If its provisions are carried out, this information and instruction in agriculture and home economics will be brought right down to the homes of the people. It seems to me that this is the important step to be taken at this time. I shall watch with interest the progress of this bill and use my influence wherever possible in its behalf.

Editor Hatch, of the Nebraska Farm Journal, writes:

There is no man of average information and intelligence but who knows that this country is letting the brains of the Nation go to waste because no adequate vocational training is provided for the large middle class of America. Your bill seems to provide the only practical way to quicken, increase, and develop the average American deficiency. We hope your measure will pass.

E. C. Bishop, former State superintendent of public instruction, State of Nebraska, says:

A copy of the bill (S. 3) which you kindly inclosed meets my approval, and I am glad to do what I can to encourage its passage.

NEVADA.

John Edwards Bray, superintendent of public instruction, Carson, says:

I heartily approve Page bill for encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools. If the secondary schools are to get into touch with the industrial progress of the age, all these things must be made features of practical instruction. National aid is needed, and it will be worth more than a thousand battleships.

The several district educational institutes of Nevada have recently held meetings at Elko, Tonopah, and Las Vegas. At every one of those institutes this bill was one of the important subjects of discussion, and at each meeting the bill was very strongly indorsed.

At the Elko institute the following resolution was adopted:

Resolved, That we approve the Page bill now pending in the United States Senate providing for national aid in the various States for agricultural and industrial training in the high schools as a measure of enlightened statesmanship. The bill proposes to place yearly at the disposal of the States several millions of dollars, the first use of the money to be for the preparation of teachers for this work.

At Tonopah institute the following resolution was adopted:

Whereas there is pending in the United States Senate a measure known as the Page bill, which has for its object the appropriation of national funds to aid and encourage agricultural and industrial training in the secondary (high) schools of all the States; and

Whereas such expenditure would be of vastly more benefit to our country than the millions now annually spent in building battleships for the destruction of human life or for useless display: Therefore be it

Resolved, That we strongly favor the Page bill and earnestly request Senators NEWLANDS and NIXON and Representative ROBERTS to give it their support.

At the Las Vegas institute the following resolutions was adopted:

Be it resolved, That we favor the introduction of the elements of agriculture and industrial training in the school curriculum. We commend the Page bill now pending in the United States Senate. It proposes to appropriate national funds for agricultural and industrial education in the various States, first for the training of teachers, and then for the maintenance of such instruction in all secondary schools.

NEW HAMPSHIRE.

J. C. Kendall, director New Hampshire Agricultural Experiment Station, New Hampshire College, Durham, says:

I am in hearty sympathy with the work which the Southern Commerical Congress has undertaken in pushing the Page bill, and I would like very much to be present at the conference which is to be held in Washington, December 14, 15, and 16, but I am afraid that it will not be possible for me to be away at that time.

A large problem before the people of the United States to-day is putting within the reach of all the opportunity for education along the lines of their everyday life. We must change our school system in such a way that they will recognize the fact that when properly treated and when suitable instructors are provided there will be just as good training in the study of farm problems as in reading Greek.

I wish for you and your associates and the organization that you represent success in the passage of this bill, which will mean so much to the future industrial development and prosperity of the country.

Mr. Ernest L. Silver, principal of the State Normal School, Plymouth:

It seems to me that this bill is particularly sane and sound and that its enactment into law would be an immense benefit to our country. I believe that any abridgment or substitution would be inimical to the cause of popular education and the progress of American civic and industrial life. I assure you that this is not my opinion alone, but the opinion of all the educational men of New Hampshire.

NEW JERSEY.

Franklin Dye, secretary of the State board of agriculture, Trenton, writes:

Believing your work to be in the right direction, I can but wish you good success.

E. R. Johnstone, superintendent of the training school at Vineland, writes:

I have received your letter of December 1 and a copy of Senate bill 3, introduced April 6. May I express my hearty approval of its provisions?

Mr. K. C. Davis, principal College of Agriculture, Rutgers College and Scientific School, New Brunswick:

I think your bill is the best one now before Congress loking toward the extension of agricultural education, and I hope it will pass.

Emily S. Hamblen, secretary of the Public Welfare Committee of Essex County, N. J.:

No educational measure could meet with heartier approval from me than does this bill, and I am confident that I am speaking unofficially for our society, for I know that both collectively and individually we stand for such solutions of our social and economic problems.

I believe that such constructive work, beginning at the foundation in educational methods, as will fit the individual both to adapt himself to varying conditions and to develop the natural resources of our country is worth all the political reconstruction ever proposed or dreamed of.

Dr. Byron D. Halstead, director New Jersey Agricultural College Experiment Station, New Brunswick:

Your kind favor of the 20th instant is received. I have read your bill No. 3 and the report upon the same; and it gives me much pleasure to reply, as you suggest, and as follows: The intents of the bill are most excellent, and I trust that it will be enacted. This is a natural sequence of the land grant act of 1862 and the Hatch and Adams Acts of more recent date, for they have provided a proper foundation for a popular vocational education that is designed to reach all the industrial classes. The passage of this bill will help to bring the United States to an educational plane that will command the admiration of all those nations now far ahead of us in the prime essentials of progressive citizenship.

Mr. W. S. Willis, principal Normal and Training School, Newark:

Vocational training will occupy a large place in our educational system, and, if the best results are to be obtained, special preparation for this should be given for this work. I trust the appropriations, as suggested in your bill, will prevail.

NEW MEXICO.

Hon. W. C. McDonald, governor of New Mexico, Santa Fe:

I am just in receipt of your letter of the 14th instant inclosing copy of the report on your vocational-education bill. I can say without hesitation that I am in thorough sympathy with such a measure, and will give it my unqualified support. Our first State legislature will convene on March 11. There will then be chosen two Senators to represent New Mexico at the National Congress, and I am quite sure they will help along with your industrial-education bill.

Mr. Frank H. H. Roberts, president New Mexico State Normal University, Las Vegas:

At a recent meeting of the board of education of the State of New Mexico Senate bill No. 3, known as the Page bill, was indorsed, and your honorable body is petitioned to pass the same.

Mr. E. A. Drake, president New Mexico State School of Mines, Socorro:

In reply to your esteemed favor of February 22, I beg leave to say that I am heartily in favor of the Page bill, or any other bill for the encouragement of vocational education.

Mr. C. M. Light, principal Normal School of New Mexico, Silver City:

I am in receipt of Senate bill No. 3 in reference to vocational education. I heartily approve of the plan of the bill, especially that feature of it referring to instruction in vocational training through the normal schools. This matter appeals very forcibly to the Spanish-American people throughout the State. If there is any people who need vocational training it is the Spanish-American. He seems fit for noth-

ing but positions of drudgery; his knowledge of agriculture and the trades is very crude. The system of training according to the plan in this bill is the very thing which, it seems to me, he needs. Any aid which we can give you in the passage of the measure will be cheerfully given.

William H. Andrews, Territorial Delegate from New Mexico, says:

I thoroughly believe in this bill, which I have read carefully.

B. S. Gowen, New Mexico Normal University, says:

I am interested in the bill whose purpose it is to encourage instruction in agriculture, the trades, and home economics. Such work as this is of unusual importance in New Mexico, where we have so large a population that it must necessarily depend on other lines besides those in which scholarship of the ordinary kind plays the chief part.

Prof. Luther Foster, dean and director division of agriculture, New Mexico College of Agriculture and Mechanic Arts, Agricultural College, New Mexico:

I am pleased to acknowledge yours, inclosing a copy of the Page bill and also report of subcommittee on the same. All things considered, I believe it the most satisfactory bill for all interests concerned that has been presented, and I would be very glad to see it become a law.

NEW YORK.

Dr. J. G. Schurman, president of Cornell University, says:

I am greatly interested in the subject, as I feel very deeply the need of making better provisions than we now have for encouraging instruction in agriculture, the trades and industries, and home economics in institutions of instruction readily accessible to the mass of our people.

Chancellor James R. Day, of Syracuse University, says:

It is not enough to educate a few specialists for management of large estates or the farms of fancy farmers. Farm education should be as extensive as farming. It should be within reach of all parts of the State as plain, practical courses of study, illustrated by object lessons of farms and grounds and by animals, plants, fruits, insects, friendly and destructive birds, beneficial and harmful, and in practical farm industries and in higher courses in chemistry, bacteriology, soil analysis, and animal and plant breeding, farm economics, farm architecture, and engineering. In short, the farmers should be prepared for their high calling, as are the doctors, lawyers, and teachers. The time must come, is inevitable, when the farmer ignorant of his calling and conditions will be as unusual and impossible as an ignorant doctor or lawyer at his practice.

Eli W. Weaver, chairman of students' aid committee of the High School Teachers' Association, New York City, says:

There are in New York City to-day thousands of young people who have been trained to high ideals in the homes of self-sacrificing parents, who have deserved and received considerate treatment in the schools, and who have enjoyed the respect and esteem of their associates, who have afterwards gone out to earn their own living in those occupations usually open to young people; but too frequently these young people have been compelled to wander around for days in an aimless search for employment; they have been persuaded to accept places at pitiful wages, with promises of advancement, in which they have afterwards learned that there were never any prospects of advancement; they have outgrown places in which there was no special skill or knowledge to be acquired, from which they were turned out without faith either in themselves or their fellow men or a belief in the existence of a sense of fairness or justice in society. However well equipped the barks in which the youthful sailors launch out on the troublesome seas of commercial and industrial life may be, the chances are against them unless they are provided with sailing directions. Since society must in some way or other care for the disheartened, the broken-spirited, and the ruined, it might be well for society to provide the sailing directions.

Mr. Dean, chief of the division of trade schools, New York, says:

The school if yesterday trained its youth for a job, while the school of to-morrow will train its youth for a vocation. It provides for every vocation for which there is reasonable demand, and in that school the boy must remain until there is ground for believing that he has found a calling for which nature and his own effort has prepared him.

My father sent me to a school of yesterday so much that I very nearly missed an education.

The school of to-morrow will have over its door, "We conserve the whole boy."

Francis J. Cheney, principal State Normal and Training School, Cortland, says:

I regret exceedingly that I shall not be able to be present at the conference of the friends of the Page bill (Senate bill 3) on December 14, 15, and 16 on account of duties in connection with my work as principal of the State normal school. I am very greatly interested in this bill and believe that its passage will be for the best interests of the young people whom we are training for citizenship. Certainly the idea embodied in the bill is taking a great hold on the country. The Page bill is an effort in the right direction to the better fitting of our young people for useful and successful lives.

Benjamin R. Andrews, secretary-treasurer of the Teachers' College, New York City, says:

I am glad to know that your bill for Federal aid to education is securing increasing support. I judge from the talk of economy that it may be impossible to secure enactment at this session, but I hope that you can get favorable action in the Senate. It will be a great step forward.

The Knickerbocker Press, Albany, says:

The Page bill seems admirably suited to promote the ends desired, and its advocates should receive the fullest cooperation from the representatives of the Empire State.

The National Provisioner, New York, says:

The bill of Senator PAGE deserves really active, not merely perfunctory, support.

Educators of national reputation are giving their support to the bill, and it should pass; but, like all measures proposed in Congress, merit alone will not be sufficient to secure its enactment. Public sentiment must be aroused and its virtues made known.

This seems to be a sensible, systematic way of increasing knowledge of how to expand our supply of live stock and other agricultural products, as well as to educate the future generations in other useful directions.

C. W. Burkett, editor of the American Agriculturist, New York, says:

I am very much interested in your bill, which proposes that the National Government shall cooperate with the States in encouraging instruction in agriculture, the trades, industries, and home economics in secondary schools and in preparing teachers for these vocational subjects. I do not hesitate to say that this measure, if enacted into law, will be of the utmost benefit, not only to agriculture, but to the entire country.

I have made a very careful examination of the bill and have studied the needs of the schools for a great many years, and I am confident that this measure is one of the most needful now before Congress, and that I am expressing the opinion of tens and hundreds of thousands of farmers and industrial people when I urge the passage of this measure.

The American Agriculturist weeklies are with you heart and soul in this matter. In the past we have given page after page to the effort to secure a better system of education along agricultural and industrial lines. Just recently I have had an editorial telling about the Page bill and what it seeks to do. We shall keep right at this matter, hoping that in the end the idea will win.

The Business Men's Association of Newburgh gives expression to a most important thought in this language:

The lack of knowledge of how to till the soil is the great economic evil of our country, and it can easily be corrected by teaching the rising generation the art of agriculture. No nation can be truly great that is not firmly established on a sound agricultural basis.

Everyone takes a great interest and pleasure in his work, no matter what it is, if he can do it well, and his joy is in his work in proportion to his skill.

The dissatisfied workers resort to strikes and employers to lockouts, creating enmity where there should be friendship and cooperation.

* * * * * * *

Are we leading the world, as we should do, in solving this problem? Are we even abreast of other nations in this respect? No; by no means. We are perhaps third or fourth to Germany, Switzerland, Denmark, and probably Sweden. What are they doing that is better than our methods? They are, first, developing children physically and training their hands as much as their brains and giving each a trade. Rich and poor alike must learn a trade, even to the sons of the Emperor of Germany. They have, then, an appreciation of the dignity of labor, instead of despising it, as we do.

We have great conventions of governors in Washington to beg for a conservation of the resources of our country, when our Nation's greatest resources, the lives and health of our children, are being squandered in nearly every school in the country.

The Engineering News, New York City, says:

I heartily agree with you that the greatest need of the country to-day is to better the instruction in our common schools and secondary schools, so as to better fit the students therein for the real work of life.

The Commercial, Buffalo, says:

There is little doubt that eventually some system similar to that proposed by Senator PAGE will become effective. More and more the attention of the country is being turned to the necessity of better facilities for industrial and agricultural education for the young of the rural sections, and the present bill, while it may have its defects, is sure to have its influence in securing legislation along the lines suggested.

It is a remarkable coincidence that another Vermont man, Senator Morrill, was the father of the bill which established the State college of agriculture and mechanic arts.

The editor of the Financial World, of New York, says:

We quite approve of any efforts made that will lead to an increased efficiency of our men of to-morrow.

Mr. L. P. Alford, editor of the American Machinist, New York City, says:

Your letter of July 17, with its inclosure, a copy of Senate bill 3, is before me. I have read both with a great deal of interest. For some four years I have been studying the problem of industrial education, and a great deal of space has been devoted to it in our journal.

As a simple act of justice it seems to me that our Federal Government should appropriate funds for the furthering of the education of industrial workers in the same way that it fosters the spread of agricultural knowledge.

I most heartily agree with the sentiment expressed in your letter to the effect that we must do something for the boys and girls of the great middle classes in order to really fit them for earning a livelihood. We are far behind Germany and Switzerland in this particular. Something must be done at once to aid in transforming the green boy of the country and the untrained lad of the city into men trained and educated in some trade or vocation from which they can earn a comfortable living, and by the exercise of which they will be valuable units in our industrial life. I shall watch the course of this bill with a great deal of interest. The purpose of this bill is worthy, and I shall support it as far as it is proper for me to do in the columns of my journal.

Mr. Fred W. Atkinson, president the Polytechnic Institute, Brooklyn:

I am in heartiest sympathy with your bill, and a rather careful reading of it suggests no important changes. You certainly are on the right track.

Mr. Charles H. Levermore, president Adelphi College, Brooklyn:

Of course you are on the right track. I sincerely hope that Senate bill No. 3 will become a law.

Prof. Mary Schenck Woolman, Teachers' College, Columbia University, New York City:

The purposed bill is as important to the woman of the United States and to the homes as to the industries. Women are going untrained into

the industries and are in grave danger to their health and to their morals. The passage of this bill will provide a preparation which will give girls a training which will be of equal value in the homes as well as for wage earning and provide the qualities for the best class of citizen. In providing for teachers' training you recognize a very valuable part of the work. The old teacher of manual training is helpless in this new field, as also the academic teacher. They do not know industry nor its sociological, economic, and technical needs. They fail in teaching and inspiring the students on account of their lack of opportunity and special training.

Mr. F. L. Holtz, Brooklyn Training School for Teachers, Brooklyn:

I have read the bill for encouraging instruction in industrial education, and am in favor of such legislation.

Miss Mary E. Williams, department of education of New York City:

Please accept my thanks for the copy of the Senate bill No. 3 and your report thereon. It is intensely interesting to me and my staff of 170 teachers, and you have our most earnest wish and every good word that we may be able to say of the passage of so important a bill to the Nation.

In New York City we are teaching home economics for the last 10 years in the secondary schools, as you will see by the course of study inclosed. For some years we have been able to extend the work to girls over age in the grades below 7 A, but we were obliged to drop all these special classes this year because of shortage of funds. On this account hundreds of girls will go to the different trades and vocations without any instruction in the highest of all vocations—that of home making.

Mr. L. Ray Balderston, Teachers' College, Columbia University, New York City:

I am in hearty sympathy with the work as being pushed by the Page bill. It is to be hoped that it passes and brings all the good bound to follow.

Prof. Arthur W. Gilbert, College of Agriculture, Cornell University, Ithaca:

I am very pleased to indorse your bill on vocational education—Senate bill No. 3. I am strongly convinced that the passage of this bill will enormously benefit the people of the United States.

Such a measure will greatly stimulate instruction in agriculture, the trades and industries, and home economics in agricultural schools.

Mr. E. J. Goodwin, principal The Packer Collegiate Institute, Brooklyn:

I write to indorse heartily Senate bill No. 3, designed to encourage vocational education along the lines of the trades and industries, agriculture, and home economics. I am sure that this bill, if enacted into law, would open a much needed new era for the industrial training of our boys and girls.

Mr. F. J. Trinder, superintendent of apprentices, General Electric Co., Schenectady:

Senate bill 3, to provide for the industrial training of boys and girls, as introduced by you deserves to meet with the hearty support of your colleagues, also of the parents, the citizens, and the voters of the country.

We are very much interested in any of the vocational school work, no matter by what name it is known, either as trade school or part-time school, so long as it is planned and conducted in a way that shows that real intensified work is accomplished.

If our State educational bureau would wake up and do something in this line really worth while, our boys would be raised in a few years above the standard of pool-room attendants, street loafers, and would not be applicants for the county house at the age of 50, when too old to perform the duties of a laborer or street sweeper.

Mr. William Church Osborne, president Children's Aid Society, New York City:

With reference to your bill (S. 3) for Federal aid to agricultural and industrial education, I heartily approve of your proposition if carried out in the amended form.

Miss Helen Kinne, professor of household arts education, Columbia University, New York City:

I hope that my delay does not make my letter useless. I certainly approve the bill and will do whatever is in my power to forward it. I am telling the students in this department about the purport of the bill, and as they go to their homes they will, of course, spread the knowledge of it. While that may not have a direct and immediate result, it certainly should help in the future.

NORTH CAROLINA.

Hon. William W. Kitchin, governor of North Carolina, says:

In reply to your letter of the 11th, I favor the extension of agricultural, mechanical, and industrial education, and favor the general purposes of the bill which you inclosed.

D. H. Hill, president College of Agriculture and Mechanic Arts, Raleigh, says:

I have gone over the bill which you were kind enough to send me with a great deal of care. The general features of the bill commend themselves very strongly to my judgment. The Nation certainly needs training along the lines suggested in the measures embodied in this bill and I hope that the general plan may be carried out.

C. N. Evans, of the board of governors of the Southern Commercial Congress, Wilmington, says:

Regret I can not appear before you in warm support of the Page bill. In the interest of a broader national view and of our children especially, I urge the adoption of the Page bill and trust its provisions may meet the approval of your committee.

J. Y. Joyner, superintendent of public instruction of North Carolina, says:

I heartily favor the passage of the bill.

About 82 per cent of the people in the Southern States are engaged in agricultural pursuits. No adequate provision has been made by any State for the proper education and training of children for the pursuits that the large majority of our people are now following for a living.

The bill proposes to stimulate and help the States to help themselves without being paternalistic, without interfering with the autonomy of the State systems of education, or without any undue interference in any way by Federal authority with State authority.

The editor of the Progressive Farmer Gazette, Raleigh, says:

We shall be only too glad to do all in our power to help carry out your ideas. The measure meets with our hearty approval.

Mr. William C. A. Hammel, State Normal and Industrial College, Greensboro:

I certainly wish to indorse your bill on vocational training and will lend all aid to help you in any way possible.

Having taught manual arts for 20 years and working with the teachers of the whole South in my summer school work, I feel that the bill introduced by you will help along the 94 per cent of the boys and girls who never reach the high school.

If I can be of any service to you in your cause, please do not hesitate to write me. I stand ready to help.

Mr. W. A. Withers, North Carolina College of Agriculture and Mechanic Arts, West Raleigh:

I have read over the bill carefully and am satisfied that its passage will result in a great advancement of the agricultural interests of the Union. As the progress of our whole country depends to a large extent upon our rural population, you will be serving the entire people in securing the passage of this bill. If I am able to assist you in any way, it will give me great pleasure to do so.

NORTH DAKOTA.

Mr. George A. McFarland, president State Normal School, Valley City:

I know of nothing that would be so influential in bringing our educational practice up to the practical demands of the times as the passage of the Page Senate bill. Our high schools, normal schools, and colleges need the stimulation this bill will give them. * * *

As an agricultural State, I am satisfied that the entire State is much interested in the passage of this bill. Vocational education has a great hold upon the minds of our people. They would be unwilling to accept the argument that there is no money for such an appropriation when the Government is considering the building of battleships that will cost nearly twice as much as the annual appropriation for vocational education.

You may count on me for any assistance that I can possibly render in your efforts to get this bill through Congress.

Mr. E. L. Ladd, dean department of chemistry, North Dakota Agricultural College, Agricultural College:

Senate bill No. 3, to promote vocational education, is a measure that should receive the support of every right-thinking man who is anxious for the promotion of education for all the people. With the support as proposed in this bill for the furthering of industrial education, great good will come to the industrial classes of the United States; and the development of agriculture and the industries will be assured along lines that will make for the best interests of the country at large.

I am, therefore, heartily in sympathy with the measure and trust that it may become a law.

J. W. Preston, president Normal School at Madison, says:

Our State teachers' association last week indorsed Senate bill 3 and urged our congressional delegation to support same. Educational sentiment in this State strongly favors the bill.

Hon. L. B. HANNA, M. C., says:

I am in receipt of your letter of 9th instant. It goes without saying, Senator, that I will do everything I possibly can to help you to push this matter along. I believe the bill is right.

Mr. H. L. Bolley, dean department of biology, North Dakota Agricultural College, Agricultural College:

I have your letter of February 20, inclosing Senate bill No. 3, a bill to cooperate with the States in encouraging instruction in agriculture, etc. I am not an expert on the technicalities of law, but reading the purpose and intent of the bill, I am convinced that it should prove a great boon to this country. Just in proportion as our people are enlightened as to agriculture and enlightened in the trades and industries of life will this country prosper. I believe that the bill is well worded to give a proper stimulus along lines in which much aid is needed.

OHIO.

Mr. H. C. Minnick, dean Ohio State Normal College, Oxford:

Your letter of recent date received, also a copy of your vocational bill and report of the Subcommittee on Agriculture and Forestry. If Congress shall make such provision for the promotion of industrial and vocational education as is described in your bill, it will make the greatest contribution toward realizing the modern aim of education for the masses that has ever been made in this country. The high schools as they are now established provide training almost exclusively for those who are going into the professions. The schools are organized on that basis, and it is almost impossible to reconstruct them. The provisions of your bill will make it possible for the reorganization of secondary education in this country so that the 96 per cent of the workers will receive an education preparing them for their work as well as the 4 per cent or the professional class. The bill is comprehensive in the fact that it makes provision for the encouragement of the industries, provides schools in which the industries may be taught, and provides for the preparation of teachers to instruct in these industrial studies. I consider it a great contribution to the forward movement in education.

Mr. A. B. Church, president Buchtel College, Akron:

In my judgment, you are working along the right lines for the elevation and betterment of the coming generations. The broad, distinctive characteristic of our American civilization is its broad, democratic system of public education. It is the hope of this Republic more than of any Republic that has existed or can exist as a transformation of a monarchical form of government. I sincerely hope that you will succeed in your undertaking. I congratulate you upon the step you have taken, and offer you my cooperation.

Mr. James W. McLane, principal Normal Training School, Cleveland:

Although ours is a city normal school, and not included in the provisions of Senate bill 3, the Page bill, I wish to enroll my name on the list of those who favor the cause of vocational, and especially of agricultural, education.

The only possible explanation of our slowness in reaching the formulation of such a bill as yours is that we have not really understood the full import of the word "education." What we call "education" has been too far away from what we call "life"; and legislative enactments like the one you propose will go far to bridge the chasm that still yawns between the two.

So courage to your soul and wisdom to your counsels. We shall eventually value properly the practical in education, without the least danger of sacrificing the cultivative in the inspirational.

Mr. Lee R. Knight, principal Perkins Normal Training School, Akron:

Your favor of February 29 and the report on vocational education were duly received and read.

I am thoroughly in sympathy with the purposes of the bill, and I am unable to see how any intelligent citizen can hold any other attitude. Education of the people presents the fundamental problems of the Nation. And this is no mere cant. Education has tended to become limited to the world of books, to become cultural in the wrong sense of not being useful save for ornament to the superior mind supposed to possess it.

Poverty oppresses the land, but it is a poverty of potent ideas, not a material poverty. There are, perhaps, enough ideas, but too many of them are pale and attenuated from being dissociated from the activities of life. In other words, poverty means paucity and impotency of ideas; fewness and feebleness, not as applied to dollars, but as applied to ideas. Vocational education should strongly tend and ultimately result, if wisely conducted, in a mighty amelioration of conditions.

Mr. A. D. Selby, Ohio Agricultural Experiment Station, Wooster:

I had been much interested in the discussions on the Page bill before the Association of Agricultural Colleges and Experiment Stations in Columbus in November last. I have recently run through amended bill, and wish to express my heartiest approval of the measure.

Hon. J. J. WHITACRE, M. C., Ohio, says:

I beg to acknowledge receipt of your kind invitation asking me to take part in the conference called December 14–16 for the discussion of the Page vocational educational bill. I regret to say that I can not attend because of meetings of the House Agricultural Committee, but I hasten to assure you that I am in complete sympathy with the object of the bill, and anything I can do to further the movement, as a member of the House Agricultural Committee, will be done most willingly and cheerfully.

Henry G. Williams, dean of the State Normal College of Ohio and member of the national committee on agricultural education, says:

Your notice of the 7th concerning the meeting of the Senate committee, December 14, 15, 16, at hand. I would like very much to be present and assist in presenting the matter to the committee. It may be possible for me to do so. If I am not present, you may expect a night letter. I am very much interested in it, and have done as much perhaps as anyone else to further the campaign on behalf of Senate bill 3.

The editor of the Farm and Fireside, of Springfield, writes:

I believe that the future of agriculture in this country depends upon a basic reform in rural schools in the direction of the correlation of the rural schools with rural life. I am therefore intensely interested in your letter and in the bill which accompanies it, and promise you the active cooperation of Farm and Fireside in so far as our space will permit. Personally I think the bill would accomplish an educational revolution of the most beneficent sort.

B. M. Davis, president of the agricultural and rural education department of the National Education Association, Oxford, says:

I am greatly interested in the provisions of the bill, and have been ever since the matter was first started.

Mr. Eugene F. Cranz, secretary Ohio State Grange, Ira:

I have again been reading over your vocational educational bill, S. 3, and I am strongly impressed with the far-reaching provisions it contains.

OKLAHOMA.

Mr. U. J. Griffith, president Southwestern State Normal College, Weatherford:

I am a believer in the Page bill and am doing what I can in its support.

The time is at hand when education must stand upon some other foundation than cultural sentimentality. At least State education must do so. Against the Page bill are arrayed all the forces of fogyism and pedantry; and it will encounter the bitter antagonism of all who believe in special privilege—the educational hardshells who are opposed to education "as a means of grace," but would reserve it for the "edification of the saints."

Dr. Edmund D. Murdaugh, president Southeastern State Normal School, Durant:

Let me at once thank you for your letter and the accompanying report, which I have read to-day with pleasure and profit.

Please command my efforts to aid in so worthy a cause.

Mr. B. C. Pittuck, dean college-extension division, Oklahoma Agricultural and Mechanical College, Stillwater:

I have your letter of February 16 and wish to thank you for the copy of the revised and perfected Page bill. President Connell and I have been doing all in our power since our visit to Washington to create a proper interest in your bill, and I believe that some good has been accomplished. This institution will work for the Page bill as strenuously as possible.

Prof. Minna C. Stoner, Oklahoma Agricultural and Mechanical College, Stillwater:

Your letter with literature concerning Senate bill 3 received. I heartily indorse everything the bill involves because of the great impetus it will give to our American system of education and industrial economic problems.

Gov. Lee Cruce, of Oklahoma, says:

I wish to thank you for copy of Senate bill 3, introduced by you.

I shall be glad to cooperate in any way possible with the State superintendent to bring about proper action along this line.

R. H. Wilson, superintendent department of education, State of Oklahoma, Oklahoma City, says:

I want to say that I can not speak too highly of the Page bill. It will certainly be of great assistance to this section of the country.

J. H. Connell, president Agricultural and Mechanical College, Stillwater, says:

Oklahoma is earnestly in favor of this bill because with Federal aid we can quickly reach 5,000 common schools and develop a new agricultural civilization.

We are not waiting for the Federal Government, but would quickly and largely benefit by the wisely expended assistance provided by this measure.

I favor the immediate passage of the Page bill, with some minor amendments.

Grant B. Grumline, president Northwestern State Normal School, Alva, says:

In the November issue of our monthly bulletin, which goes to about 1,800 school-teachers in this part of the State, we are urging that each of them use their influence for the Page bill, Senate bill 3.

James A. Wilson, director Oklahoma Agricultural Experiment Station, Stillwater, says:

I am sending to-night by Western Union wire a night letter expressing as strongly as my vocabulary is able to the position which we take in Oklahoma toward the Page bill. Oklahoma stands squarely for the Page bill. Anticipating this nation-wide industrial system of education our State constitution directed our legislature to provide for such instruction in the common schools. Our normal and agricultural high schools are doing the grade of work indicated in the Page bill. It provides for our greatest need. I wish you the greatest possible success in this worthy movement.

OREGON.

Hon. Oswald West, governor of Oregon, says:

Your letter of December 11 and inclosed copy of your Senate bill 3, together with data in regard thereto, reached my office during my absence in the East. From the hurried view that I have been able to give your bill its general provisions meet with my approval. I can say as a general proposition that any measure which has to do with the betterment and upbuilding of the agricultural-school system meets with my approval if drafted along sane and consistent lines.

I wish you success in this direction.

The Pacific Banker, Portland, says:

Some time ago it was our pleasure to make brief favorable comment upon a bill which Senator PAGE, of Vermont, has introduced in the Senate, and which we again wish to give editorial indorsement because of its peculiar significance to the entire country, and to further encourage, if need be, the action of the committees appointed from Oregon, Washington, Idaho, and other Western States in its behalf.

The question which he agitates and which he would thus aid and abet is not new. There is no denial of the fact that the greatest phase of the problem of maintaining the future prosperity of this country lies in the need of our better knowledge, and the better knowledge of the generations to come, of the science of agriculture. It is eminently fit that the banker should lend his influence to the indorsement of Mr. PAGE'S recommendation, which has already had the recognition of the Senate, for, if we are ever going to bring about permanent systems of agriculture in this country, the banker, above every other business man, has got to lend unto the endeavor his unfailing energy.

W. J. Kerr, president Oregon State Agricultural College, Corvallis, says:

Your favor of the 4th instant, with inclosures, has just reached me. I heartily approve the general purpose of the bill as set forth in the resolution adopted by the Senate Committee on Agriculture and Forestry.

The editor of the Rural Spirit, Portland, says:

I most heartily approve of your educational bill and assure you of my appreciation of your efforts along this line and of my willingness to cooperate at any and all times.

This bill is especially intended to aid agriculture and is a very meritorious bill and should have the support of farmers through their Representatives in Congress.

The editor of the Northwest Poultry Journal, Salem, says:

I congratulate you on the bill. It ought to pass.

Dr. Marion R. Drury, president Philomath College, Philomath:

I have yours of February 22. Replying, I would say I am in most hearty accord with your proposition for a Federal appropriation to encourage vocational education. I have read your bill, Senate No. 3, with much interest and believe it is aimed directly at the more general education of the masses, a thing much needed in our present educational system. I shall be glad to know that the bill has favorably passed.

Mr. R. W. Allen, farm superintendent Oregon Agricultural College, Hermiston:

Your recent letter with Senate bill No. 3 inclosed has just been received. You have my most hearty indorsement of this bill, which so substantially supports and encourages the advance of vocational education throughout our entire Republic. The united efforts of the States

and Federal Government will be able, through this measure, to accomplish what the Nation has been much in need of, namely, proficient means of industrial education in every part.

The American Association of Agricultural Colleges and Experiment Stations, of Portland:

Agriculture, including horticulture and forestry, should be a regular part of public secondary education. There should also be a limited number of special agricultural high schools in the different States. Special agricultural schools will fill a great need by attracting the more mature students who would not go to the ordinary high schools, and the ordinary high schools will have plenty of agricultural students of proper high-school age.

PENNSYLVANIA.

Hon. John K. Tener, governor of Pennsylvania, Harrisburg:

Senate bill No. 3, copy of which you were good enough to send me, was discussed and indorsed by the Pennsylvania State Board of Education. A letter was written to each United States Senator and Representative in Congress from Pennsylvania, and favorable responses were received from most of them.

Vocational education deserves every encouragement. I trust that the bill will become a law.

Mr. C. B. Connelley, dean school of applied industries, Carnegie Technical Schools, Schenley Park, Pittsburgh:

Replying to your communication of April 15, would state I want to thank you very much for your letter, and will say you can find me willing at any time to assist you in furthering your bill.

Mr. M. Friedman, superintendent United States Indian school, Carlisle:

I am tremendously interested in the Page bill for promoting vocational education in the American schools. I think it is one of the most progressive measures, as well as far-reaching, in the good it will do, that has been introduced in our Congress for many a year. Educators all over the country are interested in its successful adoption.

Mr. Thomas I. Mairs, professor of agricultural education, Pennsylvania State College, State College:

I want to thank you for the privilege of reading the Senate bill No. 3. I want to say that I am thoroughly in sympathy with the provisions of the bill. I sincerely trust that it will pass and believe that it will be of great benefit to our public-school system.

Mr. John P. Jackson, dean school of engineering, Pennsylvania State College, State College:

In reply to your letter and kindly action in reply to my telegram, I would say that I heartily support your measure and have already taken it before our American institute of electrical engineers educational committee, of which I am chairman, and have obtained their approval.

E. E. Powers, secretary of the Pennsylvania Rural Progress Association, Pennsdale, says:

We are all rapidly realizing the paramount importance of proper educational facilities as the main agent in eliminating the serious problems of country life. As the prime mover in bringing this question before the country as a concrete demand, we would like to have you speak, if possible, on the subject of the Page bill.

P. M. Tyler, principal Chester Agricultural High School, says:

Unable to attend conference, but we realize urgent need for the Page bill.

George M. Philips, secretary State board of education, West Chester, says:

The State board of education of Pennsylvania strongly indorses this movement and Senator PAGE'S bill, and at its direction I sent a letter, as secretary of the board, to every Senator and Representative in Congress from Pennsylvania. I very much hope that this measure will pass this winter. You will get valuable and important support from Pennsylvania.

Andrew Thomas Smith, principal State normal school, Mansfield, says:

I write to add my word of encouragement and to express the hope that the measure may be passed through Congress at this session.

It is a bill which will lend very great aid to a measure now occupying the chief place of attention among the educators of our country.

Mrs. L. L. Blankenburg, vice president General Federation of Women's Clubs, Philadelphia, writes:

Senator PAGE, you recognize the fact that women are not your constituents, except in six of the Western States, and that our wishes do not have much weight with Congress, but if there is sufficient publicity given to this bill I believe club women will use such influence as they can command to secure its passage.

Thomas F. Hunt, Pennsylvania State College of Agriculture, says:

For a number of years I have been deeply interested in the movement for the introduction of industrial training in the secondary schools of this country, as expressed in your bill. I believe it to be one of the most far-reaching movements for the progress of this country that has been before Congress in many years.

The editor of the Tobacco World, of Philadelphia, says:

Have given the bill hearty indorsement in editorial.

The Times, McKeesport, says:

A conference on Senator PAGE'S vocational bill is to be held in Washington, beginning with to-morrow. This measure is intended to provide a course of studies for the rising generation which is not now afforded in all of the public schools, and if the bill goes through Congress and becomes a national law its results should be very beneficial. This bill as an educational idea far transcends in importance all the political sparring of the session just opened, for it reaches down to the child upon whose life and efficiency national life and efficiency depend.

The purpose of Senator PAGE'S bill is to add vocational studies to our public-school system. It follows closely upon the idea of Senator Justin Morrill, predecessor of Senator CARROLL S. PAGE, of Vermont. Former Senator Morrill was the father of the so-called land-grant act of 1862, establishing the State colleges of agriculture and mechanic arts, and Senator PAGE'S bill is intended to carry down to the secondary schools industrial education which Senator Morrill's bill created in State agricultural and mechanical schools.

Combining all of the features of the bill, it can be said to be a unified movement to have the Government aid in adding vocational work in the public schools throughout the States. The bill should interest every father and mother and every employer who wish our schools to prepare young people more especially for definite profitable work. It should meet with almost universal indorsement throughout the entire country, as it is a good measure tending in the right direction.

Wilmer Atkinson, editor Farm Journal, Philadelphia, says:

We shall do what we can for the Page bill. I am glad the educators who met in Washington have indorsed your bill and will work for it.

Your bill commends itself to my judgment. While technical schools have been educating coordinately the hand and brain of the favored few of the land, the great mass of our youth are forced to begin the battle of life clumsily equipped for the struggle. Nowhere is technical training more urgently needed than on the farm and in the household. The demand of the time is for scientific efficiency, and this is the only lever that can lift agriculture to its rightful place.

The National Government can not spend money for a better purpose than in providing every normal boy and girl in the land with a fair and equal chance. A nation of efficient workers is a nation committed to universal peace and world-wide prosperity. The bill is a reform, and I hope that it will come quickly.

Mr. Paul Kreuzpointner, chairman committee on industrial education, American Foundrymen's Association, Altoona:

This matter of the industrial education of the masses of our industrial workers is of vital interest to the present and future material welfare of our industries, and therefore of our country, because the increase in population, the diminishing of our natural resources in quantity or quality, and the desirability to export our surplus products in competition with nations whose older civilization gives them advantages in certain directions, has created and is creating economic conditions which make it imperative to supplement the education of the few college graduates with the education of the many.

RHODE ISLAND.

Mr. E. E. Balcomb, of the Rhode Island Normal School, and secretary of the National Education Association, department of rural and agricultural education, and secretary of the national committee on agricultural education, writes:

Was very glad to get your letter and to note that you are not afraid to put yourself on record in favor of education as against battleships. Our committee hopes to carry on an extensive campaign favoring this bill.

Mrs. Helen C. Putnam, chairman committee on public school education, American Association for the Prevention and Study of Infant Mortality, Providence:

The purpose of the bill is in accord with our views, and I am inclined to believe that its details are likely to secure sound administration of the funds.

SOUTH CAROLINA.

Mr. J. E. Swearingen, State superintendent of education of South Carolina, Columbia:

Thanks for your courtesy in sending me a copy of Senate bill No. 3 as amended. These amendments greatly improve the measure. If the bill is enacted, it will be a statesmanlike and constructive piece of legislation.

D. B. Johnson, president of the Southern Educational Association and of the Winthrop Normal and Industrial College, Rockhill, says:

The condition of rural delivery can be improved best and more surely by relating the work of rural schools to the life of the people served by them. To do this elementary agriculture, home economics, and such practical subjects must be taught in the rural schools.

The interests of the agricultural classes demand the passage of this bill.

I have just returned from Houston, Tex., where the annual meeting of the Southern Educational Association was held and where I wrote and presented the resolutions which were adopted by the association. One of those resolutions indorsed the Page bill. I thought you would be glad to have this resolution, and I inclose you a copy.

The Southern Educational Association was attended by representatives of all the educational interests of all the Southern States, and the resolution indorsing the Page bill ought to have some effect with southern Congressmen.

E. J. Watson, commissioner of the department of agriculture, commerce and industries, Columbia, says:

I am in receipt of yours of December 7 inviting me to personally attend or send a representative to Washington to attend the conference on the Page bill. I regret that absence from the State prevented my receiving your letter in time even to send the night letter requested.

I wish to assure you that this has been in no measure due to any lack of interest in this important matter, for there is no more earnest advocate on secondary agricultural and industrial education to be found in the country than myself. In the future, if there is anything I can do in this or any other matter of equal importance to the South, I trust you will not hesitate to call upon me.

Mr. S. C. Mitchell, president University of South Carolina, Columbia:

I desire to express to you the deep interest that I feel in the success of the Page bill, Senate bill No. 3, seeking to promote vocational training throughout the Union. Speaking for the South, I desire to say that this is a matter of great importance, and I sincerely hope that you will be successful in your efforts to strengthen the agencies now at work for that cause. I shall be more than happy to do anything in my power to aid you to this end.

Dr. R. S. Wilkinson, president State Colored College, Orangeburg:

Your letter of February 16, describing the features of S. 3, known as the Page bill, revised and perfected up to date, received. Upon reading the same, I find that its provisions are broad and liberal, and that if passed it would increase wonderfully our opportunities of extension in agricultural instruction.

The measure has my hearty support and I shall do all I can to influence its passage.

SOUTH DAKOTA.

Hon. R. S. Vessey, governor of South Dakota, Pierre:

I am in receipt of your favor of the 14th instant, transmitting report on Senate bill No. 3, and in connection therewith have to say, on behalf of the people of South Dakota, that, in our opinion, the measure presents a very vigorous and effective aid to the proper and best development of our youthful citizenship; hence it has our indorsement.

C. G. Lawrence, State superintendent of public instruction, Pierre, says:

Regret my inability to be present at meeting December 14; am in hearty accord with the general principles of Page bill, and shall do all in my power to help secure its enactment. Such a law will meet with general favor in this State.

Mr. J. H. Hetley, county superintendent of schools, Webster, says:

We have been trying in our weak way to aid the passage of your good measure, and a few of us are now looking about to see how we can best do more toward securing the passage of so fine a bill. Any suggestions you might be willing to give will be followed out as far as practicable.

We shall have the matter brought up at our Northern South Dakota Educational Association and perhaps have some resolution passed, but we think that this is not enough. Its measures are of vital interest to the future of our agriculture, and for this reason both our schools and our citizens will be greatly improved by the carrying out of its provisions.

The Page bill is good from my point of view. It will build up an immense corps of suggestive supervisors for the whole country. It will stimulate the agricultural movement and at the same time furnish some sane restraints upon the expenditure of public moneys.

Mr. J. W. Heston, president State Normal School, Madison:

I thank you for copy of your Senate bill No. 3, and report on same.

I am certainly interested in its passage and feel confident our entire congressional delegation will support the bill. Our Senator CRAWFORD is member of your committee and wrote me some time ago he was giving you all the help in his power.

I have been on national committee on agricultural education for several years, working for this or a similar measure, and I should be glad to do anything further in my power to secure its passage. I believe in every feature of the bill.

Mr. H. F. Patterson, superintendent Better Farming Association of South Dakota, Aberdeen:

A great deal of interest in better farming is being taken in this part of the State, and I believe that your bill will be the means of spreading this kind of work through each of the Northern States.

Mr. A. N. Hume, agronomy department, South Dakota State College, Brookings:

Although it is distinctly the function of the several States to provide for the education of citizens within their boundaries, it may well be a Federal function to assist the States. Any law providing for such assistance should be only restrictive enough to provide for the proper use of the funds. It seems to me that your bill embodies a number of the desirable features.

Mr. G. W. Nash, president Northern Normal and Industrial School, Aberdeen:

At a meeting of the Northern South Dakota Educational Association at Webster the committee on resolutions declared for your measure.

TENNESSEE.

The editor of the Progressive Teacher, Nashville, says:

I am ready and anxious to cooperate with you heartily and in every way possible.

Prof. Catharine A. Molligan, dean department of home economics, University of Tennessee, Knoxville:

It is with great pleasure that I indorse Senate bill No. 3, known as the Page vocational educational bill.

I am in favor of having home economics taught in every school in the United States.

TEXAS.

Mr. S. E. Mezes, president University of Texas, Austin:

Senate bill No. 3 appeals to me as a wise measure, conceived in a spirit of broad statesmanship. If it should become a law, as I hope it will, it would enable the Federal Government to cooperate helpfully and effectively with the States in improving the educational system of the country.

Mr. A. Caswell Ellis, professor philosophy of education, division department extension, Austin, says:

A copy of your bill on agricultural education, together with your letter, was handed to me by Prof. Sutton, on account of the fact that I have been especially interested in this matter both here and abroad.

Let me express my very heartiest commendation of this bill. I wish especially to commend the encouragement of agricultural and industrial education in our normal schools, so that we have a supply of teachers in our regular schools who are competent to teach these subjects and are in sympathy with them.

Really, the success or the failure of the secondary agricultural education rests upon the training and character of men who teach this subject.

I wish also to especially commend that feature in your bill which allows either special agricultural high schools or regular high schools with properly organized agricultural departments to secure the benefit of this appropriation.

I feel that I should apologize for intruding so much upon your attention, but the matter is one that greatly interests me and upon which I have done a great deal of work.

The editor of Farm and Ranch, Dallas, says:

It is a most excellent measure and one that is designed to stimulate education in behalf of the farms and those who most need this practical information.

The editor of the Texas Stockman and Farmer, San Antonio, writes:

Copy of your bill with view to promoting a better system of education along agricultural lines received. We will do all we can to aid you.

The Daily Texas Live Stock Reporter says:

We spend millions of dollars in teaching our children things that are of no practical value to them in the struggle for existence. We call them to do work that we give them no training for doing; we demand the tale of brick but we furnish no straw. Efficiency is value to the worker and to the Nation. The youth who goes out of school with a trained mind and hand is equipped for the battle that all must fight before success can be achieved. The money that is wasted in years of instruction in branches of learning that profits nothing because it is never applied would, if spent in teaching our children how to do things and the philosophy of practical affairs, count in making them more valuable as citizens and making us as a nation more forceful in the affairs of the world. Senator PAGE'S plan is the beginning of a change for the better that deserves the approval of all thoughtful men.

F. M. Bralley, State superintendent of education, Austin, says:

I have read Senate bill No. 3, recently received from you, and wish to say that the enactment of said bill into law would be of incalculable value to the educational interests of Texas and the entire country. I therefore heartily indorse the bill and express the hope that it will be given the support of every intelligent, patriotic Member of the United States Congress.

Mr. A. L. Paschal, superintendent Lubbock Agricultural Experimental Station, Lubbock:

I have read your amended Senate bill 3 and report, which you recently sent to me. I was very much interested in reading it and am very enthusiastic and anxious that it be unanimously adopted and enthusiastically put into practice. I heartily indorse it.

Mr. T. W. Buell, superintendent Denton Agricultural Experiment Station, Denton:

A copy of the report on Senate bill No. 3, and a copy of the bill, reached me the other day.

The optional feature is a good idea, as this gives States not yet in shape to utilize all features of the work an opportunity to avail themselves of things that may be used and a chance to later use the others. I approve it quite heartily.

I believe each State should be required to add as much to its share as it receives from the Government, but I believe you have practically so arranged the matter in section 6 of the act.

So far as I have examined the bill, it has my hearty indorsement.

Dr. J. O. Morgan, department of agronomy, Agricultural and Mechanical College of Texas, College Station:

In my opinion, this is an extremely important measure. The country is at present badly in need of just such help as your bill provides.

I think that the various State governments will gladly cooperate with the National Government in this further effort to advance agricultural and allied industries.

I am highly pleased with the bill and offer you my hearty support in furthering its success.

Rufus J. Nelson, editor Farm and Ranch, Dallas:

Our country could make no better investment than in training the boys to be producers and the girls to be home makers. A nation can rise no higher than the ideals of its citizens, and as the majority of our citizens must be producers it is the Nation's duty to educate and train her people for efficient production. Every dollar appropriated for industrial education will be an investment for this Government that will return dividends in products from our farms, factories, and mines, and the thousands of unfortunate boys and girls who are now unable to secure an education will be trained for citizenship.

Our schools do not now meet the needs of society. The tendency is now, and has ever been, to place emphasis upon the so-called art studies at the expense of industrial training. This is forcing thousands of bright boys and girls out of school annually. They become impatient to become breadwinners, because they recognize that the average high school or college course does not qualify them for a competence.

Industrial education will interest students because it trains for the everyday duties of life and makes efficient producers. Let us establish schools where boys and girls with but little means may become skilled producers and guardians of our domestic peace and prosperity.

I believe that it is our imperative duty to provide ways and means for training in the practical things of life those who are to live after us. Our own citizens who are to cultivate our farms, manufacture our products, operate our public-service utilities, should have an equal chance with those who come from foreign lands. It is our patriotic duty to invest the people's money in educational institutions where the people may be trained for industrial service. Failing to do this, will we not be responsible for social unrest, for anarchy, and for the diminishing returns in agriculture, which must inevitably follow unless our people be trained as breadwinners?

The Page vocational bill would be of inestimable benefit to us in Texas. We are an agricultural people, wholly dependent upon the products from our farms, but our people are not training their boys properly to produce larger crops and their girls adequately to make home life better. We have wonderful resources—farm products, timber, minerals, etc.—but our children are not taught manufacturing.

But the "back-to-the-farm" movement is being agitated, and our people want industrial and agricultural education for their children. The sentiment for vocational education is now apparent. This bill will make it possible for every boy and girl to secure industrial training.

I trust that you may have the hearty support and cooperation of the Texas delegation in Congress. I am sending a copy of this letter to our

Senators and you may feel at liberty to quote all or any part of this letter if it will render you any assistance.

UTAH.

W. M. Stewart, principal of the State Normal School, Salt Lake City, says:

Our objection primarily is to the establishment of district agricultural schools of secondary grade and not to the other provisions of the bill. We believe strongly in industrial and vocational subjects as a part of the curriculum of the high school, but we think that the establishment of State district agricultural schools of secondary grade would be detrimental to our already established high schools. If this clause which provides for separate agricultural schools and experiment stations were eliminated, the bill would meet with our approval.

NOTE.—The views of Principal Stewart have been met by the elimination of that part of the bill which provides for separate experiment stations, but the provisions for district agricultural schools of secondary grade is regarded as so all-important to the cause of agricultural education that it has been continued in the bill, notwithstanding the protest of Principal Stewart.

VERMONT.

Hon. John A. Mead, governor of Vermont, says:

I have felt keenly for many years that in Vermont at least there was a great demand for increased facilities along agricultural and educational lines, and the conditions of said bill will afford the desired relief and where it is most needed.

My contention has been that the prosperity of our Nation more largely depends upon intelligent development of industrial agricultural life than to any other cause. Nature has been prodigal in her gifts to our State and Nation, and shall we exercise that industry and knowledge which will permit us to reap the bounty which has been placed at our door?

You are working along the right lines, and may your success equal your fondest anticipations.

Mason S. Stone, State superintendent of education, Montpelier, says:

As a financial measure it will be a wealth producer, as it will produce wealth producers.

As an economic measure it will eliminate waste through misfit service and greatly increase the efficiency of each successive generation.

As a just measure it will afford equality of opportunity to a million of boys by enabling each to discover the thing he can do best and by training him to do that thing the best he can.

As an educational measure it will neutralize the traditional and bookish education of the present and will train pupils to think, to do, to be.

As a civic measure it will greatly enhance the Nation's general intelligence, which is the guaranty of the Nation's peace, permanence, and prosperity.

As a moral measure it will produce individual industry and contentment, community cooperation and harmony, and national integrity and righteousness.

It is the most important bill for the development of the agricultural resources of the country that has ever been introduced since the Morrill bill.

Martin G. Benedict, principal St. Johnsbury Academy, St. Johnsbury, says:

The Page bill, a bill to cooperate with the States in encouraging instruction in agriculture, the trades, industries, home economics, etc., has received my careful attention. I fully and enthusiastically indorse its provisions and urge our Representatives in Congress to do their utmost to secure its passage.

The New England Farmer, Montpelier, says:

Senator PAGE'S bill is one of tremendous and far-reaching importance to the people of this country. Its enactment will open the door of opportunity for tens of thousands of American boys.

We need to make our educational system more practical. This does not mean that we are to cut out the essential features that form the foundation of our educational system, but it does mean that we ought to provide a system of study that will help our boys and girls to a greater degree to go forth and earn their own living. It is no secret that there have been a good many studies that have been of little practical benefit to the student, and have been forgotten almost as soon as the textbooks were closed and packed away.

Battleships and standing armies are not the only means of protection for a nation. Danger from a foreign foe is a remote possibility. Danger from ignorance, inefficiency, and poverty is an ever-present peril. The foes of our own household are to be dreaded more than any possible invasion from overseas. If every year we fit several million boys and girls by the study of manual training, scientific agriculture, and domestic science, we increase the wealth of the Nation by untold millions of dollars, because we make possible the earning of larger wages, the winning of greater profits, and the more economic expenditure of the earnings of the man who works with his hands. By increasing the possibility of securing more of the comforts of life we reduce thereby the army of the discontented, we lessen the number of misfits in our economic system, and we make our country a safer and a better place in which to dwell.

C. H. Spooner, president of Norwich University, Northfield, says:

I have given the bill a first reading. It does "look good" to me. May success attend you.

G. L. Green, principal Vermont State School of Agriculture, Randolph Center, says:

I am unable to be present at the conference concerning the passage of the Page bill, but I need not tell you that I am vitally interested in its passage.

This first Vermont State School of Agriculture is located in the home county of the late Senator Justin S. Morrill, father of agricultural education in the United States. Our school maintains a two-year course, which is intended to fit the farm boy for practical and intelligent farming. We are filling a gap between the high school and college. For the first time the farmers of the State have a school of secondary grade, established primarily for their benefit.

The appropriation which we have for the present year's use is far too small to establish our plant and provide even the beginnings of an equipment. Schools of this kind everywhere can not obtain State aid adequate to their needs, and any bill which Congress may pass which will help the cause along will be a great blessing to the Nation. May the Page bill speedily become an act.

Mr. Edward S. Abbott, principal Montpelier High School, Montpelier, says:

I have read with much interest the bill introduced by you in the Senate. It seems to me that it contains the elements of a mighty service to the Nation, in no way second to the Morrill law.

A. S. Harriman, principal Middlebury High School, Middlebury, says:

I have carefully read the copy of bill introduced by you, and cordially approve of a bill so wide in its scope and so salutary in its provisions for the welfare of industrial training throughout our country.

The following resolutions were adopted by the Vermont State Grange at its annual session December 12, 1911:

Whereas a safe, sure, and sound development of the country industrially, educationally, and morally needs impulse and encouragement; and

Whereas the agricultural conditions of the country are rapidly approaching a state demanding a greater knowledge and an intensive application of the science of agriculture on account of the occupation of nearly all available land and the constant increase in population: Therefore be it

Resolved by the State Grange of Vermont in its fortieth annual meeting, That we heartily indorse the vocational measure before Congress, with such modifications or amendments as will adjust it to various vocations, and urge its passage.

Mrs. Bertha M. Terrill, department of home economics, University of Vermont, Burlington:

Keenly interested as I am in every effort that looks toward the introduction of agricultural and home economic studies into our schools for the improvement of rural conditions of living, I am heartily in sympathy with your effort and hope it may succeed.

Philip R. Leavenworth, principal State Normal School, Castleton:

I am in receipt of your favor of February 29. I have examined the Page vocational bill and also the accompanying report on vocational education with much interest and pleasure. I can assure you that I very heartily approve of the bill in every respect, and trust that it will soon become a law.

I believe that if this bill becomes a law it will be the greatest forward step in education in this country that has been taken since the passage of the Morrill Act. If there is anything that I can possibly do in any way to help the good work along, please call on me.

VIRGINIA.

J. D. Eggleston, jr., superintendent of public instruction of Virginia, says:

This measure has been discussed by leading farmers and educators throughout the State of Virginia, and I am in position to know that the sentiment for it is very strong. My opportunities for observation have been unusually good, and I am safe in saying that were this measure put to a vote of our people it would be favored by an overwhelming majority.

H. F. Button, director Manassas Agricultural High School, Manassas, says:

I wish you all speed with the Page vocational school bill. We have conducted an agricultural school here four years with such success that 200 farmers testify to its value. We can not continue to grow without more money. The State can not support us; Congress can and should.

Dr. E. A. Alderman, president University of Virginia, Charlottesville:

The bill embodies a great idea, and if enacted into law will render an enormous service. I think you would do well, if I may venture to make a suggestion to you, to make provision in this bill for giving aid to the departments of education now existing in the State universities for the preparation of teachers for the secondary schools and for training men to direct the educational machinery of the State. Every American university, especially those in the South, has either inaugurated or is preparing to inaugurate such a department. One already exists at this university, and I venture to predict that in 10 years every State university will have an organized department of education, which will not be a normal school and would not be so recognized. There will be, however, work of incalculable value in invigorating the whole school system. Is it not possible for you to remedy this defect in your bill, if I may take the liberty of so calling it? The bill would then seem to me to be an unusually powerful and well-thought-out scheme for the development of the educational life of the Nation.

NOTE.—The bill has been so amended as to meet these criticisms of President Alderman.

Mr. J. L. Jarman, principal State Female Normal School, Farmville:

Yours of the 29th ultimo is received. I have kept up with the Page vocational bill since it was first offered and am thoroughly in sympathy with it in every detail.

Mr. Hervin U. Roop, president Eastern College, Manassas:

I have read your bill with much interest and certainly think you are on the right track. I am a firm believer in vocational education. Every Senator and Representative in Congress should support the Page bill.

Mr. J. H. Johnston, president Virginia Normal and Industrial Institute, Petersburg:

Your letter of the 29th of February has been received. In reply would say I have read very carefully the bill known as the "Page vocational bill" and think it very worthy of consideration and an

early passage. We feel very grateful for your efforts toward passage of same, as general benefits will result to all the schools.

P. S.—I hope the delegation may give united support.

Dr. N. S. Mayo, Virginia Agricultural Experiment Station, Blacksburg:

I have read very carefully Senate bill No. 3 on vocational training. Many years' experience as a teacher in agricultural and mechanical colleges and a lecturer at farmers' institutes in extension courses convinces me that this bill will do more to advance the interests of the producing classes in the United States both in a material and educational way than anything else I can conceive of. I believe that this bill will add immensely to the welfare and well-being of the Nation. I congratulate you upon your foresight in the preparation and introduction of this bill. It certainly should become a law.

Julian A. Burruss, president State Normal and Industrial School for Women, Harrisonburg:

Replying to your letter of February 29 relative to Senate bill No. 3, known as the Page vocational bill, I beg to say that I, together with our entire faculty, are in entire accord with the purpose of the bill, and shall be pleased to do everything we can to secure its passage. We have already written our representatives in Congress urging its support.

WASHINGTON.

Henry B. Dewey, State superintendent of public instruction, Olympia, says:

I have very carefully examined Senate bill 3 and wish to give it my unqualified indorsement in every particular. I hope that the bill will pass substantially as printed without material amendment. It means more, in my judgment, for the youth of this country than any other bill now pending in Congress. It is the first definite step toward a redirect education.

O. L. Waller, vice president of the State College of Washington, Pullman, says:

We are very much in hopes that before Congress adjourns some good bill providing for actual demonstration to the farmers and sons of farmers will be enacted into law. We have at this institution calls for men to do this kind of work that are far beyond the means we have to take care of such calls. We have not appropriation enough at present to either employ the men or provide the equipment for such work to meet such demands. I shall prepare to write you at a later date concerning Senate bill 3, and shall seek an opportunity to look it over more carefully. But you may be very sure we are greatly interested in some legislation looking to actual services along the line of better farming conditions.

Mr. C. A. Tonneson, editor Northwest Horticulturist, Tacoma, says:

Your kind favor of recent date and copy of your bill was duly received in time for comment in our August issue. The measure you propose is along the lines we have been agitating for several years past, and therefore will be glad to cooperate with you in an endeavor to get final action on this bill.

The Horticulturist believes a measure of this kind enacted would help solve some of the perplexing problems of the day. Theory and speculation have been rampant in this country. Early training industrially will continue to make us strong in all the noble qualities for which the American Nation became noted a generation ago.

Mr. N. D. Showalter, principal State Normal School, Cheney:

I believe this is one of the best measures that has ever been presented along this particular line. I feel that Federal aid in these particular lines will stimulate very largely the activities of the States to put the work on a good basis. All educators are very much interested in the trend of educational thought, more practical ideas, and I feel that our Commonwealth would be very much benefited by the improvement which is sure to come through the aid of this measure.

May I say further that I shall be glad to cooperate in every way possible, and if there is anything that I can do to further the interests of this bill I shall be only too glad to do so.

Mr. W. E. Wilson, principal Washington State Normal School, Ellensburg:

Yesterday we had a visit from nine superintendents from western Washington. At a dinner served to them with the members of our faculty and our board of trustees by our domestic science department, the Page bill and its value to this State was discussed and a resolution was proposed strongly urging the Representatives from this State to support the bill.

The more I consider the provisions of the bill and the results that would surely follow the enactment of the measure the more do I appreciate the value of it as an educational measure. It seems to me that the bill is very wisely constructed. It provides for the preparation of teachers of these practical subjects and for securing in the country schools equipment for the education of children for country home life. If the United States does this it will place itself clearly in the front rank of nations in the matter of providing for the general education of the people in matters nearest to their interest and welfare.

Mr. Fred W. Lewis, secretary Washington State Grange, Tumwater:

To the Members of Congress from Washington:

HONORABLE SENATORS AND REPRESENTATIVES: At the last session of the National Grange the matter of vocational education was brought up, and after due deliberation it was decided to urge the adoption of the Page bill, known as Senate bill No. 3, as being a step in the right direction.

It is foolishness to cram our children's brains with matter that can be of no value to them in after life and allow their hands and minds to remain entirely untrained for the duties that will be theirs during their lifetime of effort to obtain a livelihood for themselves and their families.

It will not be possible to give thorough education along any line of endeavor, but it is possible to give an idea of the fundamental principles of all of those vocations which are the bases of the lifework of all our working people.

Washington State Grange wishes to urge upon you that you use your best endeavor to gain the adoption of this law, and as we represent the wishes of over 16,000 members, consisting of farmers and their families, we feel that you will take thought of our wishes in this.

The expense connected with this law, if put into effect, is very small when compared with the great number that will be benefited by it, and although the figures look great, yet when divided between those who will pay it, will be very small.

Hoping this may meet with your approval and that your best efforts will be exerted in the effort to make this bill a law, I remain.

WEST VIRGINIA.

Hon. William E. Glasscock, governor, Charleston, W. Va.:

I have not had the time to give as much thought to your vocational bill as I would like to, but am profoundly impressed with the wisdom of such legislation and the great good that a law of that kind will do for a great majority of the people of this country.

I am sure that West Virginia would take advantage of such a law, and I can think of nothing that would be more encouraging to our people as a whole than the aid that is proposed to be given by the Federal Government to agriculture and kindred subjects.

M. P. Shawkey, State superintendent of public instruction, Charleston, says:

I have studied quite carefully Senate bill 3 and find myself unable to improve upon its contents.

West Virginia is just now entering upon a determined campaign for bringing it into its own industrially, and especially agriculturally. We find the financial burden of such a project is somewhat embarrassing, and that Senate bill 3 will extend to us the strong hand of the Government. I most heartily indorse the bill and believe that its passage will prove to be a master stroke of legislation.

Our State supervisor of high schools, Prof. L. L. Friend, is much interested in this measure and is writing you his opinion, which you are at liberty to use if you so desire.

Thomas E. Hodges, president West Virginia University, Morgantown, says:

Yours of December 4, addressed to the State Agricultural College, Charleston, has come to me.

I most heartily approve the general purposes of Senate bill 3, a copy of which accompanied your letter.

The Association of Agricultural Colleges and Experiment Stations, at its recent meeting at Columbus, Ohio, gave their indorsement to the general proposition for Federal aid for instruction in agriculture and mechanical arts and domestic science in secondary schools and for Federal aid to the State colleges of agriculture for extension.

Mr. Thomas C. Miller, principal Shepherd College State Normal School, Shepherdstown, says:

I beg to acknowledge receipt of your letter of the 5th, together with a copy of Senate bill 3, which you have introduced in that body. I give it my most hearty approval. As a member of the national agricultural executive committee, I shall be glad to do anything I can to further the measure and should be glad to come to Washington at any time I can be of any assistance.

L. L. Friend, supervisor of high schools, Charleston, says:

I have been watching with much interest the fortunes in Congress of the Page bill, providing for the appropriation by the Federal Government of funds to promote the teaching of agriculture in high schools and normal schools. The most important educational movement now in progress in this country is the movement for the betterment of rural education. The Page bill, if passed, will prove of incalculable benefit to this movement.

WISCONSIN.

Mr. J. W. Crabtree, president State Normal School, River Falls:

I thoroughly approve of Senate bill No. 3. The agricultural colleges and the experimental stations of the United States have done and are doing a great work. I would favor the Nation's making still greater provision for those institutions than has been done in the past, but it seems to me your bill desires to render a more valuable service and a kind of service that can not be rendered by the higher institutions.

Your bill has in mind getting at this whole thing at its very foundation and of giving every child such a notion of agriculture and other vocational studies as to at least lead him to appreciate the wisdom of his going further in those lines.

Mr. A. H. Cole, principal Lincoln County Training School, Merrill:

This bill meets my hearty concurrence. If there is anything that I can do to assist in the passage of this bill, I shall be glad to do so.

Duncan McGregor, private secretary of Gov. McGovern, of Wisconsin, says:

I am directed by Gov. McGovern to express to you his unqualified approval of the purpose of bill 3, Sixty-second Congress, first session, introduced by yourself on April 6, 1911.

Charles McKenny, president State Normal School, Milwaukee, says:

I have your letter of December 7 inviting me to a conference December 14, 15, 16, at Washington, D. C., to consider the Page bill (S. 3). I regret that previous engagements prevent my being present at the conference. I want to say that I am in sympathy with the general provisions of the Page bill.

Mr. A. A. Johnson, superintendent Milwaukee County School of Agriculture and Domestic Economy, Wauwatosa, says:

I am very much interested in the bill you have introduced contemplating Federal aid for secondary agricultural education in the various States. I hope it will pass.

The editor of the Butter, Cheese, and Egg Journal, Milwaukee, says:

We fully appreciate the importance of greater educational interest along agricultural and home economic lines, and we shall endeavor to aid the cause to the best of our ability. We assure you of our hearty support.

John F. Sims, State Normal School, says:

This measure, in my opinion, is a most desirable one for the whole country, as the questions involved are the most important in present-day needs. The bill, if made law, will stimulate the scientific study of agriculture, make the farm more attractive and more profitable, and encourage a wholesome move back to the country.

Henry E. Miles, chairman of the committee on industrial education of the National Association of Manufacturers, says:

The present common-school system is cultural; practical matters are no part of its aim, nor can they be made a part. Less than one-half of our children go beyond the sixth grade; only 1 in 3 completes the grammar school course; only 1 in 5 enters the high school; only 1 in 30 graduates from the high school. Half of the children leave school at the age of 14. The Wisconsin bureau of labor, in its report for 1910, declares that only 12 per cent of the children employed under 16 years of age are in positions where they can learn a trade.

Germany apparently prefers that the great body of her children shall enter the industries at the age of 14. The point is that Germany goes into the industry with the child; the hand of the child is kept within the hand of the State. The school to which he goes is called the continuation school, for in this school his education is continued. In the continuation school only the science and art of the trade is taught. The child there learns the relations of his particular factory task to the whole of his industry. He is taught scientifically the higher reaches of his industry, and up to the limit of his ability is made an accomplished and scientific factor in his industry.

A. A. Johnson, principal La Crosse School of Agriculture and Domestic Economy at Onalaska, says:

I feel that your bill, as I understand it, will be a great aid to the development of the agricultural resources throughout the United States.

Prof. Ely, of Wisconsin, declares:

Industrial education, not for the few but for all people, for every boy and girl born in the United States, without one exception, is the chief economic demand of our times.

Comparatively little is attained by picking a few here and there and elevating them above the masses by technical schools. We want to extend the benefit of industrial schools to all alike.

Mr. W. A. Clark, principal Eau Claire County Training School for Teachers, Eau Claire:

Your letter of the 29th ultimo with the copy of the Page vocational bill and the report on vocational education were duly received.

I am interested in the purposes which this bill seeks to accomplish, particularly in the preparing of teachers for vocational courses in the State College of Agriculture, for which there is great need.

I also believe the many expenditures for the encouragement of instruction in agriculture in the secondary schools will be a splendid investment for the Nation. I find nothing in the bill to which I would take exception.

WYOMING.

Emeline S. Whitcomb, professor household science University of Wyoming, Laramie:

Your bill has my hearty indorsement. I believe it will help more than any other existing measure along educational lines to help people to help themselves.

EXTRACT FROM THE REPORT OF THE COMMITTEE ON EDUCATION OF THE NATIONAL GRANGE AT ITS MEETING IN COLUMBUS, OHIO, 1911.

The grange has ever stood for the highest and most thorough teaching of the young in the common schools, not only in the usual branches, but especially in the elementary principles of domestic science and agriculture, and we believe that in a nation depending so largely upon agriculture as a basis of wealth as does the United States every child should be taught the basic principles of this science of agriculture.

LAW OF MASSACHUSETTS RELATIVE TO INDUSTRIAL EDUCATION.

SECTION 1. The governor, by and with the consent of the council, shall appoint a commission of five persons to be known as the commission on industrial education, to serve for the term of three years, and to receive such compensation as the governor and council shall approve. The said commission on its organization shall appoint a secretary to be its executive officer, who shall not be a member of the commission and who shall receive such salary as shall be approved by the governor and council; and the commission may employ supervisors, experts in industrial and technical education, and such clerical and other service as may be found necessary. The necessary expenses of the commission, including clerk hire, traveling expenses, stationery, and all other incidental expenses, shall be paid out of the treasury of the Commonwealth, as may be provided by law, but shall not exceed the sum of $8,000 for the remainder of the present fiscal year.

SEC. 2. The commission on industrial education shall be charged with the duty of extending the investigation of methods of industrial training and of local needs, and it shall advise and aid in the introduction of industrial education in the independent schools, as hereinafter provided; and it shall provide for lectures on the importance of industrial education and kindred subjects, and visit and report upon all special schools in which such education is carried on. It may initiate and superintend the establishment and maintenance of industrial schools for boys and girls in various centers of the Commonwealth, with the cooperation and consent of the municipality involved or the municipalities constituent of any district to be formed by the union of towns and cities, as hereinafter provided. The commission shall have all necessary powers in the conduct and maintenance of industrial schools, and money appropriated by the State and municipality for their maintenance shall be expended under its direction.

SEC. 3. All cities and towns may provide independent industrial schools for instruction in the principles of agriculture and the domestic and mechanic arts, but attendance upon such schools of children under 14 years of age shall not take the place of attendance upon public schools as required by law. In addition to these industrial schools cities and towns may provide for evening courses for persons already employed in trades, and they may also provide, in the industrial schools and evening schools herein authorized, for the instruction in part-time classes of children between the ages of 14 and 18 years who may be employed during the remainder of the day, to the end that instruction in the principles and the practice of the arts may go on together; *Provided*, That the independent schools authorized in this section shall be approved as to location, courses and methods of instruction by the commission on industrial education.

SEC. 4. Two or more cities or towns may unite as a district for the maintenance of the industrial schools provided for in the preceding section, but no such district shall be created without the approval of the commission on industrial education.

SEC. 5. Whenever any city or town or any district, as provided in the preceding section, shall appropriate money for the establishment and equipment and maintenance of independent schools for industrial training, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts, a sum proportionate to the amount raised by local taxation, and expended for the support of schools for each thousand dollars of valuation, as follows: Cities and towns expending more than $5 for each thousand of valuation for the support of public schools to be reimbursed by the Commonwealth to the amount of one-half, those raising and expending between four and five dollars per thousand to the amount of one-third, and those raising and expending less than $4 per thousand to the amount of one-fifth, of the cost of maintaining industrial schools: *Provided*, That no payment to any city or town shall be made except by special appropriation by the legislature.

SEC. 6. The commission on industrial education shall make a report annually to the legislature relative to the condition and progress of industrial education during the year, stating what industrial schools have been established and the appropriations necessary for their maintenance, in accordance with the preceding section, and making such recommendations as the commission on industrial education may deem advisable; and especially shall the commission consider and report at an early day upon the advisability of establishing one or more technical schools or industrial colleges, providing for a three or four years' course for extended training in the working principles of the larger industries of the Commonwealth.

SEC. 7. The trustees of the Massachusetts Agricultural College are hereby authorized to establish a normal department for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools, as provided in sections 3 and 4: *Provided*, That the cost of such department shall not exceed the sum of $5,000 in any one year, and that at least 15 candidates present themselves for such instruction.

SEC. 8. Section 10 of chapter 42 of the revised laws and all acts and parts of acts inconsistent with this act are hereby repealed. (Approved June 21, 1906.)

In 1908 the term of the commission created by the foregoing act was extended to five years and its powers and duties were enlarged, as indicated in the following:

"The commission shall have all necessary powers in the conduct and maintenance of independent industrial schools, and money appropriated by the Commonwealth or by municipalities for their maintenance shall be expended under its direction or with its approval. Any city or town may also establish independent industrial schools in charge of a board of trustees, which shall have authority to provide and maintain such schools. Such schools, if approved by the commission on industrial education as to location, courses, and methods of instruction, shall receive reimbursement as provided in section 4 of said chapter 505.

"Any resident of Massachusetts may, with the approval of the commission on industrial education, attend an independent industrial school, as provided for in this act, located in any city or town other than that in which he resides, provided there is no such school supported in whole or in part by the city or town in which he resides, upon payment by the city or town of his residence of such tuition fee as may be fixed by said commission; and the Commonwealth shall repay to any city or town one-half of all such payments. If any city or town neglects or refuses to pay for such tuition, it shall be liable therefor in an action of contract to the legally constituted authorities of the school which the pupil attended under the approval of said commission."

In 1909 section 5 of the law of 1906 was amended to read as follows:

"Upon certification by the board of education to the auditor of the Commonwealth that a city, town, or district, either by moneys raised by local taxation or by moneys donated or contributed, has maintained an independent industrial school, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts a sum equal to one-half the sum raised by local taxation for this purpose: *Provided*, That no payment to any city or town shall be made except by special appropriation by the legislature."

By another act passed in 1909 the commission on industrial education was consolidated with the State board of education and its powers were transferred to the new board thus constituted. Sections 1 and 2 of this act follow:

"The board of education shall consist of nine persons, three of whom shall annually in April be appointed by the governor, with the advice and consent of the council, for terms of three years, except as hereinafter provided. The members of the board shall serve without compensation. During the month of June in the current year the governor shall so appoint all of said nine members of the board, whose terms of office shall begin on the 1st day of July, 1909, three for terms ending May 1, 1911, three for terms ending May 1, 1912, and three for terms ending May 1, 1913. Four of the present members of the board of education and one of the members of the commission on industrial education shall be appointed members of the board of education provided for by this act.

"The board of education shall exercise all the powers and be subject to all the duties now conferred or imposed by law upon the present board of education, or upon the commission on industrial education by chapter 505 of the acts of the year 1906 and by chapter 572 of the acts of the year 1908, and acts in amendment thereof and in addition thereto, except as may otherwise be provided herein."

During the delivery of Mr. PAGE'S speech,

The PRESIDING OFFICER (Mr. CATRON in the chair). The Senator from Vermont will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the indutries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont will proceed.

At the conclusion of Mr. PAGE'S speech,

Mr. GALLINGER. Mr. President, I ask unanimous consent that the most interesting and instructive address of the Senator from Vermont [Mr. PAGE], to which we have just listened, may be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor is entered.

CALLING OF THE ROLL.

Mr. MARTIN of Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lorimer	Smith, Md.
Bailey	Curtis	McLean	Smith, Mich.
Bourne	Dillingham	Martin, Va.	Smith, S. C.
Brandegee	du Pont	Martine, N. J.	Smoot
Briggs	Fletcher	Myers	Stephenson
Bristow	Gallinger	Oliver	Stone
Brown	Gardner	Page	Sutherland
Bryan	Gore	Perkins	Swanson
Burnham	Gronna	Rayner	Thornton
Catron	Heyburn	Richardson	Townsend
Clapp	Hitchcock	Root	Warren
Clark, Wyo.	Johnston, Ala.	Simmons	Wetmore
Crawford	Jones	Smith, Ariz.	Williams
Cullom	Kern	Smith, Ga.	Works

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. LEA, May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, in determining the value of conflicting testimony in any case it is important that we take account of the incident or event respecting which the testimony is given.

There is here a vast volume of conflicting testimony. So, before discussing the evidence of witnesses, I thought it might not be unprofitable if we considered briefly the circumstances attending this election; not only that, but the political conditions which existed in the country and occupied the public mind at the time of the election. In other words, that before introducing the actors in this drama we should attend to the proper setting of the scenery and the arrangements of the stage.

Let us, then, look, if you please, to the political conditions that prevailed in this country in the spring of 1909 and see if we can arrive at the mental processes of political leaders and voters during that period. There had been a presidential election in the November previous. There had been a heated and exciting campaign, in which the tariff question was one of the principal issues. In every part of this country previous to the convening of the national conventions men and women were discussing the high cost of living, and it was believed by a great many men, of both parties, that the tariff taxation of this country had something to do with the high prices of which the people complained, and so when the Republican national convention met at Chicago the conditions in that regard were so pressing upon the Republican Party that that national convention was driven to adopt a platform upon the tariff question which was, as shown by the distinguished Senator from Idaho [Mr. HEYBURN] the other day, essentially different from any platform ever before adopted by that party.

It was driven to declare in favor of a revision of the tariff as it then existed, and when the convention had adjourned the attention of the public was called to the fact that while the platform declared in favor of tariff revision there was no indication as to whether that party pledge referred to revision upward or revision downward, and public sentiment was so acute on that subject, the question of the high cost of living so engrossed the public mind, it was so talked about everywhere, that the Republican candidate for President of the United States was driven to declare that by the only proper interpretation to be placed upon that platform it declared for a revision downward and not otherwise.

So, when the Republican Party came into power the following spring it was pledged to a revision of the tariff downward, taking for granted, of course, that the great standard bearer of that party had authority to declare in favor of that interpretation of the national platform.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. Certainly.

Mr. HEYBURN. The Senator would not claim that the national convention left anything to be determined by the candidate as to the platform of the party, I hope.

Mr. KERN. That has very frequently occurred.

Mr. HEYBURN. It had adjourned.

Mr. KERN. Very often in the political history of this country the presidential candidate of each party has been called upon to and has not hesitated to place an interpretation upon different planks of different platforms that were regarded as so ambiguous as to need interpretation.

Following the convening of Congress, which was called in special session by the President of the United States in accordance with a promise to that effect made by him to the people, there ensued a battle royal on the tariff question. The Payne bill had passed the House. I am now speaking of the conditions which existed throughout the country at the time of the election of Mr. LORIMER to the Senate in May, 1909. The Payne bill had passed the House. It was being considered in the Senate. The attention of the country was attracted to one of the most splendid contests ever waged in any forum. There were ranged on one side an element of the Republican Party headed by that gifted son of Iowa, Jonathan P. Dolliver, of whom it has been said that he gave up his life for the cause of tariff reform. There was his distinguished colleague from Iowa and other Republican Senators with whose names the country is familiar who rallied under the standard of the people and joined with the Senators on this side of the Chamber in seeking to bring relief to a tax-ridden people.

The attention of the country was fixed upon Washington. The fight here was the subject of conversation in every neighborhood in the land between these oceans. There had not been a subject so universally discussed since the close of the Civil War. It was the engrossing topic everywhere. That contest was so close in the vote upon many schedules and promised to be so close upon others as to increase the attention of the public and intensify public interest.

I want to call your attention to that exciting condition as shown here by one of the chief witnesses for Senator LORIMER in this investigation. I refer to the testimony of Edward Hines, who was one of the chief factors in this election. Mr. Hines testified that he as a friend of Senator LORIMER and as a friend of the high protective tariff as interpreted by the standpat leadership of the Republican Party—and I use that term in no offensive sense—had been approached by these men and urged to use his influence in the election of a Republican Senator from Illinois of the right kind to the end that another vote might be added to aid in the passage of those schedules that were being pressed by the distinguished Senator from Rhode Island, Mr. Aldrich.

Mr. DILLINGHAM. Will the Senator kindly give us the page of the testimony?

Mr. KERN. I will. I read from page 814. Speaking of a conversation first with Senator PENROSE, he said:

He—

PENROSE—

said at that later date that Senator Aldrich was very much interested, because there were certain schedules in the Payne-Aldrich, or Payne tariff bill I think it was classed, which looked very doubtful if they would be able to pass in the Senate, and he wanted every Republican vote possible, and was very anxious that a Republican be elected from Illinois.

Again on page 815, questioned by Senator GAMBLE, he said:

Do you recall the particular schedule or schedules referred to?

Mr. HINES. No; I do not. He said that it was a very close vote on certain schedules. I did not particularly inquire what particular schedules they were. I knew at that time, from my being here, that there was more or less talk of the vote being very close on certain schedules.

Again on page 817, speaking of the conversation with Senator Aldrich—this was at a later date—he said:

He—

Aldrich—

said that there were several schedules coming up in the Senate—they were either up or were coming up, I am not certain which—that it was very important to have every Republican vote possible to assist in the passage of.

There are other extracts from this testimony which I might read, but that will be sufficient to show the condition here as understood by the friends of Senator LORIMER.

This condition of affairs in Washington was also the subject of earnest discussion at Springfield at that time—at the very moment of the election and the week preceding the election. I desire to read from Senator LORIMER'S testimony, volume 8, page 7863. He was questioned by myself:

What I was trying to find out was whether or not there were many of the Democrats who suggested to you the pendency of the Payne-Aldrich tariff bill, who gave that as a reason for being against you or hesitating to vote for you?

Senator LORIMER. A great many Democrats said that they could not vote for a man who held my views on political questions.
Senator KERN. Did they refer to the bill as these two men did?

And I will refer to the testimony of these two men directly.

Did they refer to the Payne-Aldrich tariff bill that was then pending in Congress?
Senator LORIMER. I think that was the subject of discussion about that time, Senator.
Senator KERN. Pretty generally?
Senator LORIMER. Yes.

He also, in his testimony on the preceding page, tells how one Democrat who voted for him begged him to cast just one vote for tariff reform so as to make it easy for him to vote for him—Senator LORIMER—and how another man importuned him to cast one vote with LA FOLLETTE, and he told them both very frankly and in a very manly way that he would not vote except as a Republican and a protectionist Republican.

Lawrence B. Stringer, the Democratic nominee, a man who carried every precinct in Illinois at the Democratic primaries, a man whose candidacy had been unanimously indorsed by the Democratic State convention of Illinois, was there pointing out this very situation in Washington, pointing out to them how the Republican leaders at Washington wanted the second vote from Illinois, and how it was in the interest of every Democrat and tariff reformer in the land to be in favor of only one high-protective-tariff Republican from Illinois.

It was further shown by the testimony that there were 24 faithful and loyal Democrats in that legislature who formed an organization, and went about there day after day and night after night begging these men who were about to desert them to remain true to the party platform, pointing out to them this condition of things at Washington, how the reforms for which the Democratic Party had fought for 50 years might be defeated by that one vote that was about to be sent from Illinois, pleading with them that if a Republican was to be elected, some Republican should be elected who would come to Washington and stand with Dolliver and LA FOLLETTE and CUMMINS and BORAH, and that splendid little band of men who made a fight in that session that will go down into history. They begged them not to aid the enemy in the battle then in progress between the upward and the downward revisionists of the tariff.

This was the political condition. At that time there was only one Republican Senator from Illinois, and Senator Aldrich was sending word there that there must be two. Why? To vote against the Democrats and progressive Republicans. On the other side every loyal Democrat in the land, high and low, every Republican who sympathized with the progressive Senators in that great battle, was equally interested that no more men of the type of the Senator from Rhode Island should at such a juncture enter the Senate. All such men agreed that if a tariff-reform Republican could not be elected, then Illinois should have but one vote instead of two.

It was at that particular juncture, with that state of feeling at Washington, with that condition of things at Springfield, with the public attention thus engrossed, that the country was startled by the news that 53 Democrats had joined with a like number of Republicans in the Illinois Legislature and had given to the Senate two Aldrich Republicans instead of one, and had elected the most ultra of all Republican leaders, the high priest of protection, the most powerful of all the machine magnates in the central West, to a seat in this body. From every neighborhood in the land between these oceans there was raised a cry of righteous indignation, not alone because of party perfidy, but the deliberate betrayal of a principle for which the united Democratic Party and hundreds of thousands of progressive Republicans throughout the land then stood, and that, too, at the supreme hour of conflict. It was not a surrender. It was as if a regiment of Washington's Continental Army had voluntarily marched into the British camp and sworn allegiance to the British King, claiming that it was for the advancement of the cause of American independence.

Of course there was indignation, and of course there was suspicion. In the natural order of things in these latter days men do not betray party or principle in that way under those circumstances save for money, and without further evidence the suspicion was deeply rooted that wholesale bribery had been resorted to in order to bring about that result.

But a little later, when the conditions were understood better, when it was learned that in Springfield the air had been foul with the odors of corruption for years, how bribery was regarded there as a pastime, how honesty and decency had become subjects of jest; when it was learned how the splendid nominee of the Democratic Party had earnestly pleaded with the deserting miscreants; when it came to be known that that little band of which I spoke awhile ago had argued for days with their faithless colleagues, pointing out the condition of affairs at Washington, and that one standpat Republican Senator was infinitely better than two, and that these 53 men had under these circumstances deliberately and advisedly deserted to the enemy, then that which had been a suspicion ripened into earnest belief, so that afterwards, when the confessions of guilt came and the evidence of wholesale corruption piled mountain high, then the belief took form of—

* * * confirmation strong
As proof of Holy Writ.

As a part of this preliminary stage setting, before the entry of the actors, let us have a picture of the prevailing legislative condition at Springfield in 1909 and for years previous. It is conceded broadly that within a stone's throw of the old Lincoln home, almost within the shadow of his tomb, scenes of political debauchery had been carried on for so long a time that the principal actors had become so emboldened as to seize upon the name of Lincoln and conjure with it to the end that their offenses might be condoned by the vast multitude of honest men who revere his memory. It was so conceded by at least one member of the present committee of investigation in his argument to the Senate on a previous hearing. I read from the speech delivered by the distinguished senior Senator from South Dakota [Mr. GAMBLE], and I beg the attention of Senators now particularly to these extracts from that speech as throwing light upon the subject under discussion. He said:

Mr. President, it has been my purpose to state the evidence given before the committee fairly as to bribery or corrupt practices as affecting the votes cast for United States Senator. I am not here to give countenance to or to approve the proceedings, the record, or the methods pursued in the Legislature of the State of Illinois. The evidence is uncontradicted that a system of corruption and malfeasance has been practiced for many years in the legislature of that State. It appears money has been coerced and received by members of the legislature for unlawful and unworthy purposes. Money appears to have been demanded and received for the promotion or defeat of legislation irrespective of its merits, and the funds so secured have been held or retained and the same distributed to members of the legislature after adjournment.

Again, the Senator from South Dakota said:

The evidence, it appears to me, was overwhelming—

I ask you to consider that language in the light of certain language that is in the report of the majority of the committee here—

The evidence, it appears to me, was overwhelming from many witnesses upon the stand, both directly and indirectly, that the matter of the jack pot had been in existence and in operation for some years. It appears to have been reduced in its operation practically to a system. I had never heard or learned of its being inaugurated elsewhere to the extent that funds raised or paid to affect legislation irrespective of its merits were held and pooled and later distributed at the close of the legislative session.

Afterwards in answer to an inquiry the distinguished Senator said:

Because, as I have said, the existence of a jack pot was testified to by many witnesses, and very early in the hearing—

Listen—

and very early in the hearing its existence was practically admitted, as far as it could be, by the respective counsel upon either side of the case.

At the conclusion of this hearing, with the meager testimony secured by the former committee strengthened at every point and buttressed by new evidence all along the line, the same Senator joined in the majority report which declares that whether corruption existed in the General Assembly of Illinois of 1909, or in previous legislatures affecting general legislation is a question about which it is difficult to secure definite information. Evidently the admissions made by counsel on both sides of the case at the former hearing, the overwhelming evidence, as he termed it, then adduced had been forgotten by the genial and accomplished Senator when he signed the present majority report.

George W. Hinman, of the Chicago Inter-Ocean, which paper is Senator Lorimer's organ, if I may use that term, testified before the committee on this subject and he declared his opinion and belief on that subject in no uncertain way. I quote from his testimony, volume 1, page 203:

It is my opinion and belief that there was a jack pot, and the editorials—

That had been referred to—

may have indicated that.
Senator KENYON. What was the jack pot for?
Mr. HINMAN. Well, I could not tell you. I have never handled a jack pot or been in a jack pot or seen a jack pot. If you wish a full answer I would say it has been the common report and matter of opinion and belief that there has been a jack pot in every session of the legislature since I have been in Illinois.
Senator KERN. What do you understand by a jack pot in that sense?
Mr. HINMAN. I understand money sent down to a legislature, not specially the Legislature of Illinois, but any legislature—I think in New York State, where I came from, it is called the Black Horse Cavalry, the venal crowd in a legislature. I mean some money that is sent down there for the purpose of influencing members as regards their votes on legislation.
Senator KERN. Sent by whom?

Mr. HINMAN. Well, men who are likely to be affected by legislation that is pending.

Senator GAMBLE. And this money is raised to influence their votes one way or the other?

Mr. HINMAN. I judge so, sir.

Senator GAMBLE. And contributed by different interests, either favoring or disapproving legislation?

Mr. HINMAN. Yes.

* * * * * * *

Senator KENYON. You have a pretty firm belief in the existence of this jack pot?

Mr. HINMAN. That is my opinion and belief.

He goes on to say:

Mr. HINMAN. I think that common report has existed in fairly strong shape, and for every legislature that has been in Illinois since I have been there—12 years (p. 205).

Ex-Gov. Richard Yates (pp. 1–220) testifies that—

The general subject of money being used to influence legislation, or to prevent the passage of legislation, has been talked about, joked about, and seriously talked about, I suppose, for 30 years; and I, of course, have heard men talk to one another about what would simply be hearsay.

I want to call attention to an incident related in Gov. Yates's testimony which I think is really pathetic. I will not take the time to read it. I think I can state the substance of it. I have it here. He testifies that the speaker of the Illinois Legislature, whose name was Miller, who was his personal friend, came to him in 1903 and told him he had been offered a bribe of $200,000 to expedite the passage of the notorious Mueller bill; that, on the governor's advice, he publicly exposed the offer to the legislature, whereupon the house appointed an investigating committee and put Miller on trial and censured him for offending the dignity of that body. Gov. Yates said:

Mr. Miller went home and died not long afterwards.

And he adds:

I had no doubt of the truth of his story. His wife told me that unquestionably—

I will read the whole of that part of Gov. Yates's testimony. The Senator from Washington [Mr. JONES] asked the question:

You have not any doubt as to the truth of Mr. Miller's statement, have you?

Mr. YATES. I have no doubt of its truth; there is no reason why I should doubt it.

Senator JONES. And anybody who knew Mr. Miller would not doubt it?

Mr. YATES. No, sir.

Senator JONES. You were his personal friend?

Mr. YATES. You are absolutely right. If this is a hearsay hearing, I will state that the last time that I was in McLeansboro, which was his home and where he lies buried, his wife told me that unquestionably his death was caused by the mortification and humiliation inflicted upon him because the house, instead of seeking to investigate this matter, had proceeded to try him.

Senator JONES. I do not think there is any doubt about it.

Yet this distinguished senior Senator from Washington [Mr. JONES] hesitates not to affix his signature to this majority report.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Will the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. Does the Senator know that the present governor of the State of Illinois, Gov. Deneen, and the newspaper combination of the city of Chicago, which is now prosecuting this case against me, were the men responsible for the outrage on Speaker Miller at that time?

Mr. KERN. I did not know it; but if——

Mr. LORIMER. They were the men who persecuted him and drove him to his grave.

Mr. KERN. If the Senator's statement is true, it only accentuates the proposition I was just making—that at Springfield at that time and for many years there existed a condition of things so disgraceful as to shock the conscience of every man who cares anything about the country or its institutions.

It is a matter of no consequence to me, so far as this prosecution is concerned, who was engaged in the corruption. I was speaking about the poisoned air of Springfield, not the question as to who had poisoned it. If both wings of the Republican Party had engaged in it, so much the worse. If they had Democratic allies—and as to that I have no doubt—so much the worse for the great, splendid State of Illinois, the State of Lincoln and of Douglas.

I was about to say that, notwithstanding this statement of the Senator from Washington [Mr. JONES], expressing the fact that he had no doubt of the truth of this tragic story so graphically told by Gov. Yates as to the representatives of Illinois having driven a good man to his death because he had the courage to stand for honesty and fair dealing, he permits himself to sign a report here which says that "there is no evidence of corruption in previous legislatures," or words to that effect.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. Certainly.

Mr. DILLINGHAM. To whom does the Senator refer in saying that?

Mr. KERN. I refer to the majority report, which I quoted a moment ago. To be exact, I will read it again:

Whether corruption existed in the General Assembly of Illinois of 1909 or previous legislatures, affecting general legislation, is a question concerning which it is difficult to secure definite information.

Mr. DILLINGHAM. I will ask the Senator if he knows of a single witness who testified of his own knowledge that it did exist? In asking that question I want to make this explanation: I think a fair consideration of the majority report will show that they have presented that question on the evidence, and have presented it fairly, quoting from newspaper publishers, from Gov. Deneen, from Speaker Shurtleff, and from others who professed to have most knowledge of the subject, and every one of them saying they had no personal knowledge of it. They had reason to believe. I will say, further, Mr. President, before the Senator answers that question, I believe it myself.

Mr. KERN. Why in the world——

Mr. DILLINGHAM. I shall probably go fully as far as the Senator from Indiana in the expression of the belief that previous to 1909, for several years, there had been corruption in the Legislature of Illinois, but the point that we make in our report is that the jack pot that existed in 1909 we do not think was connected with Senator LORIMER's election, but was a legislative jack pot formed to control the legislation of that session.

Mr. KERN. The report expressed the opinion of the majority just as I read it; and if the Senator believes it is apparent from the circumstances of the case, from the circumstantial evidence, that this corruption existed all these years, as he now says, it would have been very easy to have written it into his report, instead of saying that accurate information on that subject could not be procured.

Mr. DILLINGHAM. I have written it in this report.

Mr. KERN. Let me answer the Senator's question. The Senator asked me whether there was any evidence of a jack pot in 1909. The majority of this committee has been driven to the confession of it in another part of their report.

Mr. DILLINGHAM. Mr. President——

Mr. KERN. Wait till I get through with this. The Senator asked me a question.

Mr. DILLINGHAM. Let the Senator be fair with me. The quotation that he has made, as I understand it, comes from that part of the report that precedes the discussion of the jack pot in 1909.

Mr. KERN. I have been discussing jack pots of the previous years for the purpose of showing the condition that existed at Springfield at the commencement of that session, and I called attention to the fact; and I call attention again to that expression in the report which says, in effect, that there is no evidence of any jack-pot corruption previous to 1909.

Mr. DILLINGHAM. I do not think the report says any such thing.

Mr. KERN. Just allow me to finish the answer to the Senator's question. He asked me if I had any evidence or had heard of any evidence of a jack pot. I heard the confessions of four men that they had received money out of a jack pot; and the majority of the committee, as I said a moment ago, in its report has been driven to declare that there was some kind of a jack pot in 1909; and I will show you where. Senators will remember——

Mr. DILLINGHAM. So far as I am concerned, the Senator need not show me where, because I have advocated that idea and have quoted the evidence in this report.

Mr. KERN. Very well. Just let me proceed. The Senator asked me a question.

Mr. DILLINGHAM. But I do not like to be put in the false position here that we are trying to hide that fact, because I believe it, and I believe it sincerely.

Mr. KERN. Well, then, if there was that belief, why was the sentence thrown into your report to convey precisely the other idea?

Mr. DILLINGHAM. As the question is addressed to me, I will say this: After we had examined Gov. Deneen particularly, who was impressed with the truth of the fact that there had been a jack pot in previous sessions of the legislature—he had gone on the stump in Illinois and had alleged it and attempted to substantiate the fact—he brought his speech into the committee room and would have been glad to read it to us, and

yet when he had finished all of his testimony on that point he used this language:

But that he does not know that it is based on facts at all (1123); that he never made an investigation and had no power or facilities to do so (1123).

He believed it, and he gave his reasons for believing it, but he had no facts upon which he could base his belief and state it as a fact. I believe it just as he believed it; but in making a report to this Senate the committee believed that they should present it in judicial form and state what the facts are. They have given Gov. Deneen's testimony on that point.

Mr. KERN. I confess that I can not understand why this statement was put into the report if that belief existed; but I will say that I think my friend the Senator from Vermont does believe that there was corruption existing up to that time and through the session of 1909. I accept his word. How does he happen to believe it? Because he sat for six or eight months on this committee and listened to the evidence in the case, and from a thousand different circumstances that developed in the evidence, that belief fixed itself firmly in his mind, as it has fixed itself firmly in the minds of ninety millions of people in this country out of one hundred millions. That is why; and that is one fault I have to find—and I say it not in a censorious way—with the majority report. With them it seems there is no such thing as circumstantial evidence; that there is no bribery proved unless the briber and the bribed both come before the committee and confess their crime. I believe in, and I think all lawyers understand, the value of circumstantial evidence. It is the combination of circumstances shown by the proof which drives conviction home to the heart of every man who hears it of the truth of the proposition in dispute. My friend the Senator from Vermont has come to this conclusion, because he has learned the circumstances of the case and has been driven to that conclusion, as has everybody else.

The Senator from Vermont asked me a moment ago a question, which I started to answer two or three times, but was diverted by his courteous interruption; that was as to whether I could name any proof of the existence of a jack pot that had been shown in this investigation. I was about to say that the majority of the committee had been driven to admit the existence of something like a jack pot in trying to explain the money that was paid by John Broderick to D. W. Holstlaw in the city of Chicago. I intended to speak on that subject later on, but since the Senator has asked the question, it is more convenient, perhaps, that I should speak of it now.

Senators who were present during the debate on this question in the last Congress will doubtless remember the able and almost vicious assaults that were made upon the testimony of Senator Holstlaw. One of the strongest arguments made in the defense was the effort by a distinguished Senator to show the falsity of Holstlaw's testimony, the effort to show that there had been a deposit slip manufactured to order for the purposes of the case, and that that circumstance indicated that Holstlaw had not received $2,500 from Broderick at all, nor had he received the other payment, as he claimed, of $700. I think that a very large proportion of Senators upon this floor were very deeply impressed with the argument made on that subject; yet in this investigation the evidence was piled up so high on that proposition as to dispel every doubt on the question.

Let me give you a synopsis of that evidence: First, Senator John Broderick, the intimate friend for many years of the Senator from Illinois. a saloon keeper on the West Side, in Chicago, denied that he had ever asked Holstlaw to come to his place of business; that when Holstlaw came there in June or July, at the time when Holstlaw claimed that he was paid $2,500, certain of his friends were present all the time and that he paid no money at all to Holstlaw on that visit. Referring to the next visit in August, when Holstlaw claims that he had been paid $700 in the same saloon by the same man, Broderick denied that he had ever been there at all; he denied that at any time he had ever sent for Holstlaw or had ever written him any letter requesting his presence in Chicago.

As to the $2,500 transaction, the president of the State Bank of Illinois, a man of splendid character, whose word would not be questioned, testified that Holstlaw came to his bank a stranger and introduced himself to him; that Holstlaw's bank at Iuka and the State Bank were correspondent banks; that he took Holstlaw to the teller of the bank and introduced him; that the teller of the bank made out a deposit slip for the $2,500, and he saw the money. Then came the other officers of the bank, one by one, and testified that Holstlaw's story as to that was absolutely true. That is the first transaction.

As to the $700 transaction, Senator Broderick on the witness stand was asked, "Was Holstlaw ever in your saloon again?" "No; never; he had no business there." "Did you ever send for him to come there?" "Why, of course not. What would I send to him to come there for? I had no business with him." "Did you write to him?" "I did not." Thereupon the counsel for the committee presented to him a letter in his own handwriting addressed to D. W. Holstlaw, urging him to come to his saloon on the very day that the $700 was paid, and to come before 4 o'clock, because he was going on a trip to the West. When that letter was thrust in the face of Senator Broderick the question was asked him, "Is that your writing?" "Yes." "Did you write it?" "I must have written it." "Why did you write Holstlaw to come on that day?" "I do not know; I have no recollection at all." As the proof of perjury thus overwhelmed him he was unable to make further explanation.

The officers of the bank in Chicago then again testified—and the books show it and it is reported by the expert accountants of the committee—that on that very day D. W. Holstlaw in person deposited $700 in currency in the State Bank of Chicago. That is why the majority of the committee are driven away from the report of the Burrow's committee, which utterly discredited the testimony of Holstlaw. They report the fact back to you that Holstlaw did receive $3,200 from Broderick, but they say they are absolutely unable to understand why Broderick should have paid Holstlaw $3,200 unless it can be explained by the following circumstances:

1. That the brewery interests of the State had raised a fund.

2. That Holstlaw, having spent a large sum of money in his campaign, and being a parsimonious man, expected and demanded reimbursement from the brewers.

3. That Broderick was a saloon keeper, therefore probably in touch with the brewers and more likely than anyone else to act as their agent in paying over the money which they had furnished, or might have furnished, to make Holstlaw whole.

There is, however, not even a supposition on the question as to why the money was paid in two installments.

Is there evidence to that effect? There is direct evidence to the effect that John Broderick had told Holstlaw, "If you vote for LORIMER, there is $2,500 in it." There is evidence further that the $2,500 was "Lorimer money." Why go into the field of speculation? Why become converted to the doctrine of circumstantial evidence in one instance and not in any other? And yet, notwithstanding the facts which I have just given the Senate, the majority of the committee declare in their report that absolutely no material new evidence has been offered in this last investigation.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. KERN. Certainly.

Mr. DILLINGHAM. Does the Senator claim that the money that was paid to Holstlaw was what is called "jack-pot" money, in the meaning of that term, or was that an independent transaction, so far as the evidence shows?

Mr. KERN. So far as the evidence shows, there were two payments made all along the line—that is, the "Lorimer money" that was paid by Lee O'Neil Browne to Beckemeyer, Link, and Luke at St. Louis; the "Lorimer money" that was paid first by Senator Broderick in Chicago; and the evidence shows that about a month later, in each instance, came what was called the "jack-pot" money, and nobody seemed to know what it was for or the source from whence it came. If it was "brewery money" put into the hands of Senator John Broderick, even for reimbursement in two installments, it would be in the nature of a jack pot—not in the sense perhaps that some of us understand that term, but in the political sense in which the term is used in Illinois.

Mr. DILLINGHAM. I simply interrupted the Senator because I wanted to understand what the Senator's attitude was on that matter—whether he concluded that that was a part of what is commonly called the "jack-pot" money at that session, or whether it was an independent transaction like Holstlaw's other independent transactions, when he admitted taking $1,500 from a firm for his vote on furnishing the statehouse? That, I think, will be conceded to be an independent transaction, will it not?

Mr. KERN. I think all those transactions would savor very strongly of the jack-pot odor. Now, I think I have answered the Senator as to the existence of any so-called jack pot, and I have not come yet at all to the evidence of the four men who testified positively and without equivocation that there was jack-pot money received by them, and who testified with equal positiveness that they were paid money before that time by Senator LORIMER's accredited agent, Lee O'Neil Browne, in consideration of their votes in the senatorial election. If I had time I should like to read you some newspaper accounts of that senatorial election that were put in evidence by Senator LORIMER, and thereby stamped with credibility. I will have

occasion to refer to them a little later on, but I think for the present I will pass them.

In concluding this preliminary part of the discussion I want to call the attention of Senators to some figures. I have already said that Senator Hopkins was the Republican nominee for Senator. There were 390,000 Republican votes cast at the primary—nearly 400,000—and there were four senatorial candidates—Hopkins, Mason, Foss, and Webster. Hopkins's plurality over Foss was 47,000; over Mason, 81,000; and over Webster, 153,000. Not only that, but, as I said awhile ago, at the Republican State convention in Illinois, with every county in the State represented, a resolution was unanimously adopted recognizing the validity of the primary and declaring to the world that A. J. Hopkins was the candidate of the Republican Party in Illinois for the United States Senate. I have already stated that Lawrence B. Stringer was nominated by the Democratic Party in the same way, receiving 150,000 Democratic votes, and carrying every precinct in the State of Illinois, according to his testimony.

I call your attention to this other preliminary fact, that of the 202 members of the Illinois Legislature—I believe that is the correct number—76, or more than one-third, came from the city of Chicago and Cook County. There were 47 Republicans and 29 Democrats, and of the 29 Democrats—God save the mark—Senator LORIMER received 25 and of the 46 Republicans he received 27, the total vote for Senator being: LORIMER, 108; Hopkins, 70; and Stringer 53.

We now have a general view of the situation in Washington and a glimpse of the conditions at Springfield up to the time of the election. Senator LORIMER was bitterly opposed to the election of Hopkins and testified that his opposition was generally known throughout Illinois. He was on the ground in Springfield every week, as he testifies, from January 27 until the electon on May 26. His advocacy of the deep waterway does not explain this continued presence for the reason, as he testifies himself, that there was an absolute and square deadlock between the two houses on this subject, one house holding tenaciously to Gov. Deneen's view of the situation and the other house holding with equal tenacity to the view of Senator LORIMER; so that there was not even a vote on the proposition of the waterway during that entire session.

He was there, and, genial and mild-mannered man that he is, his was the master mind dominating that situation; and no other conclusion can be drawn by any man who impartially reads the testimony in this case. His hand was the guiding hand. He testifies to his efforts for the election of Gov. Deneen, not because he loved Deneen, but I think the inference is irresistible that he desired the election of Deneen to the Senate because he desired the removal of Gov. Deneen from the office of governor. Failing in that, then came the events to which we will now address ourselves.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. I think it is only fair that the Senator should not misrepresent my attitude with reference to trying to elect Gov. Deneen United States Senator. I doubt if the Senator will find anything in the record that will indicate that I was for Gov. Deneen because I loved him. When you look the record carefully over, you will find that I said I thought his election would be in the best interest of harmony in the Republican Party. There never has been any pretense that I favored his election because I was in love with Gov. Deneen.

Mr. KERN. No; I understood that; and I understood further that the Senator testified that the lieutenant governor, a son or grandson of the late Gov. Oglesby, was his friend. I think I understood him to testify to that.

Mr. LORIMER. Yes; I testified that Gov. Oglesby was my friend; and, if I testified on the subject at all, I also testified that I did not support him for lieutenant governor; but he was my friend in the sense that he is the friend of every other Republican in the State of Illinois, and he had practically no opposition in his election, as the returns show.

Mr. KERN. I can not now go hunting through this vast volume of testimony, and I will not even controvert the matter with the Senator; but the testimony is unquestionably clear that at a certain period in these events Senator LORIMER ceased advocating the claims of Gov. Deneen, who constantly refused to be a candidate, and that some time after that—how long I can not now tell, but perhaps a week or two or three before the election—there began to be talk of a movement started in his behalf, as shown by the testimony of Edward Hines and others.

But, passing from that, and as further illustrating the conditions surrounding this election, I call attention to the testimony as to the conversations and conduct of several Democratic members at that time. We are looking for light now on the question as to how this strange, unaccountable, unprecedented thing happened. I grant you that there have been times when Democrats have voted for Republicans and Republicans have voted for Democrats in senatorial elections and in other elections; but I challenge any Senator here to find me a time in the history of this country when any considerable number of Democrats voluntarily went over and voted for a Republican or any considerable number of Republicans went over and voted for a Democrat when the issue was so well defined, when the excitement was so high, and when the very air was so vibrant with the talk of the people about the things that were happening in this Capitol—I challenge them to furnish me a parallel case, when under such conditions there was such party perfidy, such wholesale shameless betrayal of principle. The testimony of these conversations and this conduct will be of particular interest in view of the statement in the majority report that no new testimony of a material character has been developed at this hearing.

Fred E. Sterling, editor of the Rockford Gazette, a Republican journal—a splendid specimen of young manhood as he appeared upon the witness stand, with steady nerve and a clear eye—a man of great intelligence—testified that on the Sunday before the senatorial election James H. Corcoran, Democratic representative, who voted for LORIMER on the final ballot, told him that LORIMER would be elected that week and that the fellows were getting offers of money for their votes as high as $2,500—the precise amount paid Holstlaw—that on Monday Corcoran told him that Senator LORIMER would be elected on the next day, Tuesday; but that on the following day Corcoran informed him that the election would not occur on that day because "Manny" Abrahams, whose name came first on the roll call of the house, would not break the ice for $2,500; that on the next morning, which was the day of the election, Corcoran said to him:

> It is going over this morning; they came across to Abrahams; you watch; he will be the first to break the ice.

Representative Corcoran in his testimony did not deny these conversations with any degree of positiveness; he did not remember them; and said, if they occurred, they were based on rumor. He testified, however, that during those days—this is the testimony of Corcoran—prior to the senatorial election "the air was full of rumors of corruption."

Henry Terrill, a merchant of Colchester, and a Republican member, swears that on the day before the election John Griffin, Democratic member from Chicago, asked him if he would not support LORIMER, whereupon he asked Griffin what there would be in it, and Griffin responded, "A thousand dollars."

Of Griffin's relations to LORIMER the Senator himself testified as follows:

> I have known John ever since I can remember almost, and his political friends were warm personal friends of mine. The leading Democrats in the senatorial district were for me and John was for me. I think John would have been for me whether his friends suggested it or not.

It is not necessary to say that Griffin, as I remember, contradicts this testimony, as every malefactor connected with this affair, whose hands were dirty with corruption money, denied all complicity in or knowledge of any wrongdoing.

Jacob Groves, a Democratic member, testifies that Douglas Patterson, a Democratic politician of more or less prominence, came to his room after midnight the night before the election. Groves had retired and had been asleep. Patterson asked him if he was a Mason or an Odd Fellow. Groves responded that he was an Odd Fellow. Patterson then said he could trust him with a secret, and then went on and told him that about 42 Democrats were going to vote for LORIMER next day and wanted Groves to do so, and said it would probably be a good thing for both of them to get it made unanimous. Groves seemed to be an old-fashioned kind of Democrat; he did not like to be disturbed in his sleep at that time of night. On account of the time of the visit, because of Patterson's language and manner, Groves thought the proposition was a corrupt one. On this subject he testified:

> I thought he was trying to bribe me, and I began talking loud. Patterson says, "I am not trying to bribe you; talk low; put down that transom." I said, "I don't care who hears me." He then backed out.

Mr. Groves referred to this incident in his speech on the roll call in the senatorial election, and his testimony is not denied, so far as I have been able to investigate the record.

Groves also testified that Representative Donahue told him that any man making a speech for LORIMER would get more than a thousand dollars. The orators were at a premium. Donahue, who says he thinks there was some corruption in the election, but not as much as he once thought there was, testi-

fied that he did not remember making the remark to Groves—that is, he did not remember making it seriously to Groves.

Charles Hedge, a white barber of Hinsdale, swears that Representative Lantz, a Democrat, told him on a train a week or so before the election that some Democratic representative, whose name witness did not recollect, asked him (Lantz) if he ought to take a thousand dollars and vote for LORIMER, and that Lantz said he told him that if he was that cheap he ought to go to Joliet, which is the seat of the penitentiary.

Lantz swears that while he knew Hedge, and had been riding with him backward and forward on trains, and talking with him while so riding for several years, he has no recollection of talking with him about the senatorial election and positively denies making the statement attributed to him.

Lantz was a civil-service commissioner in 1900, and he says he credited his appointment to LORIMER. Senator LORIMER testified that Lantz, who voted for him, lives in his congressional district; that he understood Lantz voted for him every time he ran for Congress; that he is a very warm personal friend; and that he had recommended him for a position on the civil-service board.

W. S. Lawrence, a real estate dealer of Fairfield, testified that he had talked with Senator Womack on a train in the fall of 1909 regarding the senatorial election. I quote from Mr. Lawrence's testimony:

I said it was the impression in my country that the election was purchased. Womack said, "There is no question about it. I was told I could get a thousand dollars to vote for LORIMER.

Senator Womack's version of the conversation is as follows:

I told Lawrence that money was probably used; that I did not know; that I believed if I had trained with that crowd I might have known about it and got a thousand dollars, or whatever was portioned out.

Womack also testified that he discussed the question of rumored corruption with Scott, a member, on the day of the election. Scott said that there was a rumor that Democrats were being paid. Womack said he had heard so. One or the other asked how much they were getting, and Scott said he had heard that they were getting a thousand dollars, but did not know. He says they were not very serious—just laughing and joking. Just laughing and joking about the purchase of a Senatorship in the great State of Illinois!

John M. Peffers, formerly Senator Hopkins's private secretary, now a lawyer of the Illinois bar, apparently a young man of high character, certainly of good appearance, testified that Representative McCormick told him that he had been offered $2,500 to change from Hopkins to LORIMER. Senator McCormick, who was a very eccentric witness, to say the least, denied this conversation.

Benjamin F. Moore, who in 1909 was the Republican sheriff of Wabash County, testified that on the night before the senatorial election he was in Springfield, and that W. C. Blair, of whose testimony I shall speak at length by and by, was there in the hotel declaring his loyalty to Stringer, the Democratic nominee. The following day Blair voted for LORIMER. Mr. Moore testified that within a month after the election another conversation occurred on a train, when the sheriff was bringing some prisoners up to some State institution, and that Blair, doubtless explaining his change of attitude, said to him:

I would have been very foolish to have voted for Stringer and let all of the Lorimer money go by and not get my part of it.

Charles A. White testified that on the day before the senatorial election, John H. De Wolf, of whose testimony I shall speak at length hereafter, a Democratic member, asked him, "Have you been up to the trough yet?" adding, with an oath, "Well, I have already been up to the trough and got mine." I will show you before I get through this discussion that De Wolf's statement that he had received his was most probably true. De Wolf testified he did not remember that conversation, but if such a thing was said it must have referred to going up to the bar to drink, because he said that was a very common expression of his; that when he spoke about going up to the bar, he always spoke about going up to the trough, and if he talked to White in that strain and asked him if he had been up to the trough, he meant to ask whether he had been up to the bar, and he said that he had been up to the trough himself, meaning up to the bar.

I want to call attention to the testimony of George W. Meyers. That testimony was offered in the former hearing. It bears directly on this case. In my judgment, taking it in connection with the evidence offered to contradict it, it fixes absolutely the truth of the charge that Lee O'Neil Browne was buying votes in Springfield for Senator LORIMER whenever and wherever he had the opportunity. I propose to show you before I get through that the bond of union between Senator LORIMER and Lee O'Neil Browne was well-nigh indissoluble, in so far as this election was concerned.

George W. Meyers testified that about 20 minutes before the roll call on the day of the senatorial election Lee O'Neil Browne sent for him to come to his desk. He went there to the desk of his leader. Browne said to him, "We are going to put this over to-day, and I would like for you to vote with us." Meyers replied, "I can not do it, Lee." Then Mr. Browne said, "There is some good State jobs to give away yet, and plenty of the ready necessary." Meyers replied, "I can not afford to do that."

What are you going to do with that kind of testimony? Is there any doubt about what he meant?

Mr. DILLINGHAM. If the Senator will allow me, did Meyers vote for Senator LORIMER?

Mr. KERN. No; he did not vote for LORIMER. I was not undertaking to show that they bought George Meyers's vote. I was undertaking to show that the effort was being made by Lee O'Neil Browne to buy votes everywhere that the opportunity presented itself. Remember, Mr. Meyers is a banker in a little town in Illinois. No attempt was made to impeach his reputation for honesty or truth. Mr. Meyers testified that he came at Mr. Browne's request in front of Mr. Browne's desk. That is a serious piece of testimony, and it was necessary to get rid of it in some way. There was no gainsaying the fact of Mr. Meyers's credibility and standing. So there is brought before the committee a young man by the name of Paul McCann, a page in the legislature, and he is made to testify, or he testifies, that he stood by the side of Mr. Browne's desk during the hours of the preliminaries of that day and the vote, and he knows that no man came to Mr. Browne's desk that day during that time.

George Alschuler, who sat near by, said that in the two intervening hours of excitement such as had never been known in Springfield before he did not see anybody approach Lee O'Neil Browne's desk, and that if anyone had come there within those two hours he would have known it. That testimony is very important, because it goes right straight to the point, and if the testimony of George W. Meyers is true, then it settles this case.

I spoke awhile ago about some newspaper account of the scenes attending the election of United States Senator having been put in evidence by counsel for Senator LORIMER, thereby giving those newspaper accounts the stamp of credibility. I come now to a description of the meeting of that morning. I want to lay before the Senate the scenes that were taking place there during the hours when young Paul McCann says he watched everybody who came to Browne's desk. "Contending forces in camp" is the subhead of the article from which I read:

At 10 o'clock, when the senate and house met in formal session, the two contending forces were in camp on opposite ends of the rotunda of the statehouse. Mr. LORIMER had his headquarters in the speaker's room, the approaches guarded by trusted scouts, and runners flying in every direction bringing in the wabbly legislators who had not declared their intentions since 3 a. m.

Former Senator Hopkins established his camp on the senate side of the capitol, conferring with his major generals and lesser lieutenants in one of the senate committee rooms.

Then comes an account of the "Tip for Lorimer try out."

Mr. DILLINGHAM. Will the Senator tell me the page to which he is referring?

Mr. KERN. The pages I expect to read from before I get through are pages 7505 to 7518, in volume 8. Listen to the account of what was going on there:

The Lorimer aids were scurrying hither and thither, checking up for the final show-down. The Hopkins people appeared to be sitting tight. Mr. Hopkins had left his headquarters following the departure of the senators and had taken a position on the side lines near the judiciary committee room of the house.

Mr. LORIMER was receiving reports each minute within the rooms of Speaker Shurtleff. Behind Speaker Shurtleff, on the rostrum, sat former Gov. Richard Yates, intensely interested in the proceedings. The committee clerks and legislative attachés crowded into the space in front of the seats of the members.

Not another person could have been crowded into the galleries of the house. Almost every politician of note in the State was among those present. Springfield turned out as it would to a gala society event. Everybody appeared to be present, when the pages began to hustle in chairs for the accommodation of "the honorable the senate."

Going on a little further, when the speeches commenced, there is an account in this same article (page 7513 of the record) of a fist fight that took place on the floor of the house. Fisticuffs enlivened the proceedings. But let us go back a little further:

There was a terrific racket at the door just as Browne reached this point in his appeal, and the tall form of Representative Chiperfield was seen hastening down the aisle.

"Mr. Speaker," demanded Chiperfield, with a voice quivering with anger, "I demand that this floor be cleared of those persons who are not entitled to be here."

He referred to former Lieut. Gov. William A. Northcott, now United States district attorney for this Federal district. Mr. Northcott was elbowing his way through the crowd which fringed the rear of the house. There was a rush of members to the rear, while Mr. Northcott started for the Democratic cloakroom.

Then the fight to which I have referred followed immediately afterwards. Paul McCann, the young man referred to, was standing by the desk of Mr. Browne, and he says that he can testify as to anyone who might or who might not have approached during every minute of that time.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. KERN. Yes.

Mr. SUTHERLAND. Lee O'Neil Browne, I understand, was the leader of one of the Democratic factions?

Mr. KERN. Yes.

Mr. SUTHERLAND. This transaction that the Senator is speaking about occupied how long—two or three hours?

Mr. KERN. The whole proceedings?

Mr. SUTHERLAND. Yes; during the time this young man claims he was standing at Browne's desk.

Mr. KERN. Does the Senator mean the proceedings there that day?

Mr. SUTHERLAND. As I understand the Senator, McCann testified that he had been standing by Mr. Browne's desk for a considerable length of time. Was that the entire day?

Mr. KERN. Throughout the proceedings. As I remember Mr. Alschuler's testimony, it covered a period of two hours.

Mr. SUTHERLAND. And McCann was there the same length of time?

Mr. KERN. I do not remember whether McCann gave the time or not. It is but fair to say that Mr. Meyers stated in his testimony that this was about 20 minutes before the roll call commenced.

Mr. SUTHERLAND. During that time speeches were being made?

Mr. KERN. Twenty minutes before the roll call?

Mr. SUTHERLAND. No; during the two or three hours that this witness testified nobody approached Mr. Lee O'Neil Browne's desk.

Mr. KERN. During the two or three hours that Mr. Alschuler testified about, there must have been speeches made, because there were speeches made all through the roll call.

Mr. SUTHERLAND. I wanted to get the situation in my own mind. As the Senator understands the testimony, just what was going on in the legislative assembly during the time when this young man says he was standing by Mr. Browne's desk and the other man, Mr. Alschuler, stood near him?

Mr. KERN. In the first place, the senate had marched across to the house, at noon, or about 12 o'clock. Then, as I understand from Mr. Meyers, there was something of a delay. There was a roll call of both houses, as I remember it, and after that there were speeches made. Now, Mr. Meyers testifies that this occurred 20 minutes before the roll call. Whether that was a roll call of the house or senate I do not know; nor do I know which occurred first, but I can get the testimony of Mr. McCann, if the Senator likes, and read what he says on that subject.

Mr. SUTHERLAND. I did not want to divert the Senator from his discussion, but I wanted to understand that exact situation.

Mr. KERN. My purpose in reading this newspaper account was principally to show the excitement attending the scenes of that day. There was much confusion. A large crowd was there. There was excitement on every hand, every minute of time; aids were scurrying backward and forward, and Senator LORIMER was receiving the reports in the speaker's room. That was during the time this young man testified about.

Mr. SUTHERLAND. I will state to the Senator the thought which occurred to my mind: Mr. Lee O'Neil Browne was the leader of one of those factions. I do not know how many members belonged to that faction.

Mr. KERN. He had more than the other factional leader. He had about 35 or 36.

Mr. SUTHERLAND. He had a large number. Here was a matter going on that was a great concern. It would have been, to my mind, somewhat remarkable if no member of his own faction during that time approached his desk.

Mr. KERN. It would be utterly incredible—with the hurrying and scurrying of aids and the rush and push of the adjutants of the generals that is here described.

Mr. OVERMAN. Mr. President, the hour of 5 o'clock has now arrived and the Senator from Indiana has been speaking since a little after 3 o'clock. I suggest that we take up the appropriation bill.

Mr. WARREN. I thank the Senator. I was about to make the same suggestion. I should like to take up the legislative, executive, and judicial appropriation bill and proceed with it as far as we can. So I ask unanimous consent to take up that bill.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming.

Mr. KERN. For what purpose?

Mr. WARREN. To take up the appropriation bill. I thought the Senator had concluded.

Mr. KERN. Oh, no; I have not finished, but I have concluded for the day.

Mr. WARREN. That is what I meant—for the day.

Mr. KERN. I shall desire, Mr. President, to continue my remarks at the conclusion of the morning business to-morrow.

AMENDMENT OF THE RULES.

Mr. BACON. I ask the Senator from Wyoming to indulge me for a moment, that I may give a notice to the Senate.

Mr. WARREN. Certainly.

Mr. BACON. I desire to have it read.

The VICE PRESIDENT. The Secretary will read the notice.

The notice was read and ordered to lie on the table and to be printed, as follows:

Notice is hereby given by Mr. BACON that after the expiration of the time prescribed by the rule of the Senate he will propose the following amendment to the standing rules of the Senate, as expressed in the following resolution (S. Res. 331) to be introduced by him for said purpose, to wit:

"*Resolved*, That Rule XII of the standing rules for conducting business in the Senate of the United States be amended by adding, at the conclusion of paragraph 1 of said Rule XII, the following words, to wit:

"'When upon the call of the yeas and nays less than a quorum of the Senate shall vote upon the pending question, the names of the Senators not voting shall again be called, and pending the call of the Senators not theretofore voting it shall be competent for the Senate to proceed to secure the attendance of absent Senators, as provided in Rule V of the standing rules of the Senate.'"

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill where it was left off yesterday.

The Secretary resumed the reading of the bill at page 34, line 13.

The next amendment of the Committee on Appropriations was, on page 34, line 16, after the word "each," to insert "Director of the Consular Service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; resident diplomatic officer, $6,500, to be appointed by the Secretary of State; eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each, to be appointed by the Secretary of State, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; Assistant Solicitor, $3,000; law clerk, $2,500; clerks—one of class 4, three of class 3, two of class 1, three at $1,000 each; three assistant messengers; for meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340," so as to make the clause read:

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500, etc.

Mr. WARREN. I ask that the word "said" be stricken out in line 14, page 35. It is there by an error.

The SECRETARY. In line 14, page 35, before the word "act," strike out the word "said."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. OVERMAN. Mr. President, I wish to call the attention of the Senate to the fact that this is all new matter here. It seems that the House of Representatives in their bill omitted these items, and the Bureau of Manufactures, the Bureau of Statistics, and the Bureau of Foreign Commerce in the Department of State were consolidated in one great bureau and put under the Department of Commerce and Labor, to be known as the Bureau of Foreign and Domestic Commerce. The Secretary of State was before us on this matter. It is a system which I condemn, and it has been going on in all the depart-

ments by which a certain amount of money is appropriated, and the head of the department sometimes will take a clerk, for example, at $1,800 a year and increase his salary to $2,500, and take it out of the lump sum.

In the tariff act which was passed there was $100,000 authorized to be appropriated in connection with the treaty and the maximum and minimum tariff. After that legislation, which referred to the settlement of the maximum and minimum tariff, an appropriation of $100,000 was made.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Will the Senator from North Carolina yield to the Senator from Kansas?

Mr. OVERMAN. Certainly.

Mr. BRISTOW. I do not know whether I understood the Senator correctly or not. Did he say that the Secretary of State would increase the salary by paying it out of some lump sum?

Mr. OVERMAN. I say the Senator will find, as I will show in another item in the bill, that that has been done and is still done all through the departments.

Mr. BRISTOW. Is not that an illegal action?

Mr. OVERMAN. It has been done. It is the custom. I will say that there are three men here, and one was getting $1,800 provided by law, and he was paid out of the lump sum a salary of $2,700.

Mr. WARREN. He was not paid that as an additional sum, but he was taken out of one class and put in another.

Mr. OVERMAN. He was taken out of that class and given $2,700. We fix the offices here and fix certain salaries.

Mr. BRISTOW. Was he appointed to another office, or did he remain in the same office, and was his compensation increased by Executive order?

Mr. OVERMAN. He was getting $1,800, for example, in class 4. Then, under this lump sum he was given a salary of $2,700.

Mr. BRISTOW. That is, he was paid $900 out of another fund by the arbitrary action of the Secretary of State?

Mr. OVERMAN. The salary provided by law was $1,800, I understand, and he was paid $2,700 out of the lump sum.

Mr. WARREN. I think my colleague has misled the Senator from Kansas. An $1,800 man may be taken over into the lump sum and be paid $2,750, but I do not understand that he keeps the place at $1,800.

Mr. OVERMAN. I did not understand that to be the case. I said that his salary was increased by the Secretary from an $1,800 job to a $2,700 job, and it had not been provided for by Congress. All these lump sums are used that way.

Mr. BRISTOW. These lump sums were given the Cabinet officer to be expended at his discretion?

Mr. OVERMAN. Let me illustrate it. One hundred thousand dollars was appropriated in connection with the settlement of the maximum and minimum tariff. Congress allowed the President to do it, but in the appropriation bill the language was a little different. I want to read it in the RECORD and to call the attention of Senators to it in connection with these offices that have not been created by Congress, but have been created by the head of the department. Although the tariff law said $100,000 should be appropriated for the settlement of the maximum and minimum tariff, in making the appropriation in the deficiency appropriation bill the following language was used:

> For defraying the necessary expenses incurred in connection with foreign trade relations within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties—

That is added, you will understand, in the urgent deficiency appropriation bill.

> arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be selected and their compensation fixed by the Secretary of State, and to be expended under his direction * * *.

Now, that $100,000 was appropriated and $29,000 was used in connection with the foreign trade, but the Secretary made some offices. He made offices at $7,500 each; he made one director of the Consular Service at $4,500, and a general counsel for the Department of State, to be appointed by the President, to which we have added "by and with the advice and consent of the Senate," at $7,500. He also appointed a resident diplomatic officer at $7,500, which the committee reduced to $6,500. He is to be appointed by the Secretary of State. He also, under that appropriation, appointed eight officers to aid in mere drafting work, four at $4,500 and four at $3,000. What I am objecting to is that he has made a salary for this diplomatic officer of $6,500, which is $1,500 higher than the Assistant Secretary of State himself receives.

Mr. BRISTOW. Do I understand that this $100,000, which was appropriated for the purpose of enabling the Secretary of State to administer the maximum and minimum provisions of the tariff law, has been used to create offices for apparently an entirely different object?

Mr. OVERMAN. I say in the tariff law $100,000 was authorized, and in providing for that in the appropriation bill the language was used which I read, and which is very full, as the Senator will see.

Mr. BRISTOW. I understand.

Mr. OVERMAN. It was under this authority that he made these new offices, and it looks to me——

Mr. BRISTOW. That was a temporary appropriation? It was not intended to be a permanent appropriation?

Mr. OVERMAN. Not at all.

Mr. BRISTOW. And he has created particular offices which now he proposes to saddle on Congress to provide for, regardless of our judgment as to whether they ought to be created or not?

Mr. OVERMAN. That is right.

Mr. BRISTOW. I do not propose to stand for it, as far as I am concerned. I think it is outrageous.

Mr. WARREN. Let me say to the Senator from Kansas that that is not a proper construction of the matter at all. If he will look at the appropriation made last year, he will see it quite differently. The difference here is that instead of appropriating $100,000 en bloc for these various matters they are itemized the same as other matters. The head of the department and his aids were before the committee to enable the committee to find where all these amounts have been paid and for what purpose and what these different officers and employees are doing. As the Senator said, we have in some cases reduced a salary, as we did the one from $7,500 to $6,500, and again we have designated, as far as we can, what each shall do. It is just in the line of what the Senator has at heart; that is, to break up the lump sum without any limit as to what the men should draw under it and insert the salary that each man draws, and it shows to what use his services are put.

Mr. BRISTOW. Mr. President, I want to make an inquiry of the Senator from Wyoming. Does he not think that the Secretary of State should have come to Congress and suggested that these positions ought to have been created and then let Congress pass upon his recommendation as to whether or not these offices should have been created and to fix the compensation which the officers should receive? Has not that been the uniform practice, and is not that the way these positions should have been created?

Mr. WARREN. In the first place, the first sum was appropriated without these designations. The second time the estimate shows exactly what purpose the amount was to be put to and we appropriated accordingly. They estimated this year, and the subcommittee felt it was the time now to have spread out upon paper, mingling in with the appropriation for other officers and employees, exactly what these men were drawing and what they were to do. The committee has not increased the expense; in fact, it has lessened it. There is one less officer, and the total amount is considerably lessened.

Mr. OVERMAN. I want to ask the Senator a question.

Mr. WARREN. In just a moment. It has been so a great many times. With lump sums they have first started on some line of action and then afterwards, when they know how to estimate, we get the estimates and try as fast as possible to elaborate and lay before Congress detailed estimates, so that Congress may know as to every item.

Mr. OVERMAN. I think the Senator from Wyoming will agree with me that this $100,000 was appropriated for a temporary purpose.

Mr. WARREN. There was nothing in the act which showed that.

Mr. OVERMAN. If the Senator will take the tariff act itself and the following appropriation bill, I ask him if it was not understood at that time by the committee and by Congress that it was a temporary appropriation to carry out the purposes of the tariff act?

Mr. WARREN. There was no such understanding a year ago in the legislative, executive, and judicial appropriation bill. There was in the first appropriation, which was for that purpose and perhaps for other purposes; yet that matter was before a Senate committee that I did not serve on, and I am not as capable of answering as to that as I am as to the second one.

Mr. OVERMAN. The Senator knows that it had never been done before. We had the great administration here of Secretary Root——

Mr. WARREN. They were appropriated for the last year on the estimate showing just how many persons there were and the amount they each received.

Mr. OVERMAN. I understand the lump sum of $100,000 was appropriated last year.

Mr. SMOOT. Mr. President——

Mr. OVERMAN. Let us understand this fully. One hundred thousand dollars was authorized under the tariff act. Then the next time they came—and the committee knew it, but nobody else—they asked for a lump sum, and it seems that out of that lump sum the Secretary of State has made some offices of $7,500 and $4,500 and $3,000. That goes to the committee. But under the bill as passed by the House of Representatives this $100,000 is expected to be carried to another department and they make an estimate. It is said that these offices are very important. I should like to have the testimony which was taken by the stenographer laid before the Senate, because I want to be fair about this matter. All these offices are newly created, and I think the officers are paid too much. I think that a resident diplomatic agent ought not to be paid more than the Assistant Secretary of State himself, who gets only $5,000. The estimate is for $7,500. We passed that through the committee for $7,500, but cut the other down to $6,500. I think that is too much money when we take into consideration what other officers of the Government are receiving. I think it is too much to pay $4,500 to a draftsman when other men here in the department are getting $3,000. There are others here doing as good work who are not getting over $2,000.

It is fair to state, however, that the Secretary of State says that some of these men speak Chinese, and they have been consulted abroad and have been used in this drafting work. Some of them speak another language.

Mr. WARREN. Many of them speak a number of languages.

Mr. OVERMAN. Some of them speak a number of languages, including English, I suppose.

Mr. BRISTOW. May I inquire if it is necessary that a draftsman should understand the Chinese language?

Mr. WARREN. Certainly, if he is drafting a treaty. This does not mean ordinary draftsmen like architects.

Mr. OVERMAN. We have not had it heretofore. I think we all agree that the administration of the Department of State under Secretary Root was a very able one, and now——

Mr. WARREN. Will my colleague on the committee let me put into the RECORD just what we did do a year ago?

Mr. OVERMAN. Yes; I should like to have it in the RECORD.

Mr. WARREN. This is the provision in the legislative, and so forth, appropriation act of last year:

Advancement of commercial and other interests as provided in the act approved August 5, 1909: Director of the Consular Service, $4,500; counselor for the Department of State, and resident diplomatic officer, each at $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations.

Mr. OVERMAN. Did that appear in the act itself?

Mr. WARREN. I am reading the law which is the current law to-day; and I go on:

Assistant solicitor, $3,000; law clerk, $2,500; 1 clerk of class 4; 3 clerks of class 3; 2 clerks of class 1; 3 clerks, at $1,000 each; 3 assistant messengers.

Then come the rooms outside the Department of State. That is all in the law.

Mr. OVERMAN. That is so; but the Senator will agree with me that those offices were created by the Secretary of State before that act was passed.

Mr. WARREN. Under the first law.

Mr. OVERMAN. That is all I am contending for. It is that the Secretary of State took that money and created these offices, and, having created them, then they were brought forward here in the next appropriation bill. He took a lump sum, in other words, and created these offices.

Mr. SMOOT. The lump sum was appropriated in 1909, and ever since 1909 they have been specifically appropriated for, and they were also in the current law by reason of that.

Mr. OVERMAN. How were these offices created first? Under a lump sum?

Mr. SMOOT. They were created under a lump sum. The appropriation was provided in a lump sum and for this particular purpose, and then after the appropriation of the lump sum the offices have been enumerated just as they are enumerated in the law to-day.

Mr. OVERMAN. I will ask the Senator from Utah a question. He was on the Finance Committee when the appropriation of $100,000 was authorized for the purpose of the maximum and minimum tariff in aiding the President at that time. Now, taking into consideration what was done afterwards, do I understand that that was for the purpose of creating any new offices?

Mr. SMOOT. Of course it was understood that we would create the new offices. That was what the $100,000 was appropriated for, and not only that, the law does not——

Mr. OVERMAN. Was it the Senator's understanding that it was done for a permanent or just a temporary purpose?

Mr. SMOOT. It was done for a temporary purpose, but until Congress could act, and the very next year Congress acted. It did not appropriate a lump sum, but specifically named the offices and made the direct appropriation for each one of them, and that has been done right along.

Mr. OVERMAN. That is, after the offices were created?

Mr. SMOOT. The Senate committee has simply put into the law what the current law is to-day.

Mr. WARREN. No; we have put it in in a different manner. Instead of putting $100,000 at the end, we covered the different cases; it goes in as a part of the general establishment and is not divided as it was before.

Mr. SMOOT. That is all the difference there is.

Mr. WARREN. That is all.

Mr. BRISTOW. Now let me make an inquiry. Was the appropriation for the resident diplomatic officer, at $6,500, in the last appropriation bill?

Mr. CLAPP. It was $7,500 the last time.

Mr. BRISTOW. Why is he paid more than the Assistant Secretary of State?

Mr. SMOOT. Because this position is harder to fill with a qualified person than the Assistant Secretary of State.

Mr. BRISTOW. Than those of the Assistant Secretary of State?

Mr. SMOOT. There is no question about it in my mind. Some think that draftsman provided for simply means the ordinary draftsman, but that is not the case. That man has to draft the agreements and the treaties between the State Department and the foreign government.

Mr. OVERMAN. How many are there?

Mr. SMOOT. I will see how many there are.

Mr. WARREN. There are eight altogether.

Mr. SMOOT. There are eight—four of the first class and four of the second class.

Mr. OVERMAN. We have had those since 1909. Prior to that time the Secretary of State and the Assistant Secretary of State did it. There are eight draftsmen now.

Mr. WARREN. While Senators talk about there being eight draftsmen, the law specifically provides that they may be used to aid all these different bureaus, in the far east and in the east and in the various possessions.

Mr. OVERMAN. Oh, yes; they have one bureau for the far east and another for the near east.

Mr. SMOOT. Here is the current law, which says——

Mr. OVERMAN. That has been read.

Mr. SMOOT (reading):

Eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909.

Mr. OVERMAN. That was read by the Senator from Wyoming.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. OVERMAN. Yes.

Mr. LODGE. I desire to say just a word in regard to these different bureaus. It became impossible to do the work of the State Department properly under one head. Our relations in all directions have grown and extended naturally with the growth of our interests and with the growth of the world's business, and it became absolutely necessary to make a reorganization.

Mr. FLETCHER. May I ask the Senator one question with reference to the item we are discussing? Is that the matter dealt with by the Secretary of State in his letter on the subject of the Bureau of Trade Relations?

Mr. LODGE. That is a part of it.

Mr. FLETCHER. That is what I understood.

Mr. LODGE. Yes.

Mr. SMOOT. The Secretary's letter was printed as Senate Document No. 761.

Mr. LODGE. If I may continue, Mr. President, those different bureaus were originally a part of the organization and were in the scheme of reorganization made by Secretary Root. They are extremely important to the proper conduct——

Mr. OVERMAN. May I interrupt the Senator? Is the Senator not mistaken about the reorganization? The former Secretary was before our committee. I understood that he asked for what was called an undersecretary. There was some objection to having an undersecretary, as it was following too

much after Great Britain. We did not give him that, but the committee provided for this diplomatic agent, who is called counselor and whose office is very important. I am frank enough to say that I did not object to that officer. The salary was placed at $7,500, and it was stated before the committee that such an officer was needed. He is a high-priced man; he is counselor for the diplomatic service; and I had no objection to that.

Mr. LODGE. I was going to say something about that officer later, but what I was proceeding to say was with reference to the organization into divisions.

The first one was established under Secretary Root when he was Secretary of State. It was the Division of Eastern Affairs, and was first put in charge, I think, of one of the Assistant Secretaries. The officers covered by the amendment are absolutely necessary for the conduct of the affairs of the Government. The "eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each," are, under the heads of these different divisions, dealing with various phases of our foreign business.

They are of very great importance to the conduct of the business of the State Department. I have received a great many protests from business organizations, not only from my own State but from different parts of the country, against any attempt to abolish those very important offices. The State Department, Mr. President, costs less money than any other department of the Government and spends less. It has not begun to grow as the Agriculture Department has grown or as the Railway Mail Service has grown, although it has charge of our foreign relations. Its total expenditure is very modest, and a large part of it is paid by the fees in the Consular Service, which is more than can be said of the service of most departments. Certainly, nothing can be more important to our business abroad and our relations with other countries than to have a reasonable and proper force in the State Department.

What is called here by, I think, a very clumsy title, "resident diplomatic officer," was established originally with the idea of bringing back from time to time, not for long service here, some officer in the diplomatic service and utilizing him here for special work. I do not know whether or not that has drifted into the form of permanent service here.

Mr. WARREN. I will say to the Senator that it has not, as we are advised. It still is the intention, if for any reason a high diplomatic officer should be desired here, to allow him to be called into service here, and then when he resumes his foreign post he goes out again better informed, because he understands what the department here is doing, and the department here understands what is being done there. When he resumes his foreign station another man may be called to take his place here, and so on.

Mr. LODGE. That was the intention in the establishment of that office, and his work has been here. The last holder of the office, who recently died, had been a minister of the United States abroad; but what seems to me of most importance is the maintenance of this division. We need very much these different bureaus for the conduct of our relations with the various countries of the world.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Yes.

Mr. SMITH of South Carolina. I merely desire to ask a question for information, for I have been busy in committee, and came in while this matter was being discussed. As I understand, this hundred thousand dollars was appropriated for the purpose of prosecuting the work arising out of the tariff legislation in 1909, and these offices were created to facilitate that work and other work that might accrue in the office of the Secretary of State. Since then, after these offices were created, an appropriation was made and has been continued, and these officers have been paid out of the hundred thousand dollars appropriated.

Mr. LODGE. The hundred thousand dollars was appropriated under the provisions of the tariff act of 1909, and the President was given authority under that act to employ such persons as might be required in carrying out that work. Of course, men had to be selected and the work had to be divided among them. Those persons were employed under that provision, and I suppose the President gave them a title which seemed to him appropriate for the work which he allotted to them. Then Congress provided for them by law, and has done so in two successive appropriation bills.

Mr. SMITH of South Carolina. Since the tariff legislation has passed the officers have remained, and the appropriation is necessary?

Mr. LODGE. Some of these officers were undoubtedly covered by that appropriation.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I do.

Mr. BRISTOW. What duties in regard to the administration of the tariff law do these men perform or have they performed? Take the counselor for the Department of State. Is he necessary in order to administer the maximum and minimum provisions of the tariff act, and is that his duty?

Mr. LODGE. No; but he is about the most useful officer in that department.

Mr. BRISTOW. But what right has the Secretary to get an appropriation for one purpose and use it for another?

Mr. LODGE. I understand the Secretary of State has not done so. That office was created by an act of Congress.

Mr. BRISTOW. But the explanation, as I understand, is that an appropriation of a hundred thousand dollars was made to enable the Secretary of State to administer the maximum and minimum provisions of the tariff law.

Mr. LODGE. And he selected a gentleman whom he called the counselor for the department, who had charge of the negotiations under the maximum and minimum provisions which were carried on with about all the countries of the world.

Mr. BRISTOW. That is true; but that work is done now.

Mr. LODGE. That work is done.

Mr. BRISTOW. And now it is proposed to make the office a permanent position.

Mr. LODGE. It has been a permanent position for two years.

Mr. BRISTOW. Was the resident diplomatic officer also needed?

Mr. LODGE. That officer was proposed before Mr. Root went out of office.

Mr. BRISTOW. But the office was not created before that time, was it?

Mr. LODGE. No; the officer was paid from this fund, which was directly appropriated.

Mr. BRISTOW. He had nothing to do with the administration of the maximum and minimum provisions, had he?

Mr. LODGE. I understand that the office was created for that purpose.

Mr. BRISTOW. What I want to learn is, by what authority does the Secretary of State now use a fund appropriated for one purpose for another purpose entirely foreign to the purpose for which the money was appropriated?

Mr. OVERMAN. I call the attention of the Senator to the fact that, although that was recommended by Secretary Root, Congress declined to do it, and, then, as I understand——

Mr. LODGE. The undersecretary was refused by Congress, but that was not recommended by Mr. Root.

Mr. OVERMAN. We did not appropriate for the diplomatic agent either until this $100,000 was appropriated. Then he was provided for out of that lump sum.

Mr. LODGE. He was paid from a lump sum.

Mr. OVERMAN. Yes.

Mr. BRISTOW. Which was without authority of law, was it not?

Mr. LODGE and Mr. SMOOT. No.

Mr. BRISTOW. He had nothing to do with the administration of the maximum and minimum provisions of the tariff act.

Mr. SMOOT. That is not all that appropriation was made for. The Senator has misunderstood the provision of the law. If the Senator will take the tariff act of 1909, and refer to section 2 of that act, he will find the requirements under that act, which imposed upon the President of the United States duties regarding our relations with foreign countries not only as to the maximum and minimum provisions, but as to the laws relating to the enforcement of tariff legislation, and so forth. Then there occurs this provision:

> To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

That is what the appropriation of the lump sum of $100,000 was made for.

Mr. BRISTOW. It may be perfectly plain and clear to the Senator from Utah, but to my mind it is a flagrant misappropriation of the public money. I can not put any other construction upon it. This money was not appropriated for the purpose for which it has been expended.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield to the Senator.

Mr. CUMMINS. I am not nearly so much interested in the original appropriation as I am in discovering whether the Government at this time needs these officers and whether the compensation provided here is a fair compensation. I am sure that the Senator from Massachusetts will say that under an appropriation such as was made in 1909 there would be no authority to create these offices. The work was done by three members of a Tariff Board concerning which we have——

Mr. LODGE. Oh, no.

Mr. CUMMINS. Well, Mr. President, I am sure a large part of it was.

Mr. LODGE. If the Senator will allow me, I know he is mistaken.

Mr. CUMMINS. I know the Senator from Massachusetts is mistaken.

Mr. LODGE. Wait one moment.

Mr. CUMMINS. A large part of the work of applying the maximum and minimum provisions of the tariff act was done by the members of the Tariff Board.

Mr. LODGE. Now, Mr. President, if the Senator will allow me one moment——

Mr. CUMMINS. I may be wrong; and if the Senator from Massachusetts can convince me, it is all right.

Mr. LODGE. Not only was it not in the hands of the Tariff Board, but the State Department would not employ the Tariff Board on it, and refused to admit them to participation in the work. It was only by direction of the President that they were consulted.

Mr. CUMMINS. Will the Senator from Massachusetts, then, say by what authority the President appointed these men?

Mr. LODGE. Under the direct authority that he was given to employ such persons as were required for this work. This appropriation has nothing to do with the Tariff Board.

Mr. CUMMINS. The Senator from Massachusetts is rapidly getting into contact with the Tariff Board.

Mr. LODGE. No. Mr. President, this relates to foreign trade relations. The Tariff Board has nothing to do with foreign trade relations. The Tariff Board was created by Congress to investigate the question of labor cost. The Bureau of Trade Relations was created in order to make our treaty arrangements conform to the maximum and minimum provisions.

Mr. CUMMINS. On the contrary, if the Senator from Massachusetts will permit me, the Tariff Board was appointed when there was not a word of authority with respect to ascertaining the difference in the labor cost here and abroad. It was appointed solely to apply the maximum and minimum provisions of the tariff law of 1909, and it was appointed under the language quoted by the Senator from Utah, and which I beg to quote again:

To secure information to assist the President in the discharge of the duties imposed upon him by this section—

That is the maximum and minimum section—

and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

And he employed Prof. Emery, Mr. Reynolds, and Mr. Sanders to do that work under the act of 1909. I know very well that the State Department assisted them in the work; they had to do so; but the Senator from Massachusetts can hardly maintain the proposition that the Tariff Board, or what is called the Tariff Board now, was not appointed under the $100,000 appropriation of which he has spoken. There was no appropriation for the so-called Tariff Board in 1909. I appeal to the Senator from Massachusetts to know if that be not true?

Mr. LODGE. The Tariff Board was undoubtedly paid from that appropriation the first year, but after that there was a separate appropriation. I am speaking now, Mr. President, of the conduct of negotiations in regard to the maximum and minimum provisions, with which I think I am fairly familiar. I know that that work was taken in hand by the State Department; and, greatly to my regret, it was with the utmost difficulty that they could get the State Department to consult the Tariff Board at all, and it was finally consulted only upon the order of the President. The State Department wished to have complete control of that matter.

Mr. CUMMINS. But, Mr. President, the State Department has no jurisdiction whatever over it.

Mr. LODGE. There I beg to differ from the Senator.

Mr. CUMMINS. It was given by this act to such persons as the President might employ for that purpose. I have been advised by one of the members of the board that he visited Canada and entered into negotiations with the Dominion of Canada in order to smooth away some of the difficulties that had arisen with Canada respecting the application of the maximum and minimum features of our law; and I am sure that he spent a very considerable time there in order to avoid a conflict which seemed likely to arise. I believe that one of the members of this board also visited Europe for a similar purpose, although I am not so well advised with regard to that. But I did not really rise to ask that question of the Senator from Massachusetts. I know that all these matters were provided for the year afterwards, and that these officers were estimated and appropriated for. If there ever was a mistake made, we have probably condoned it, and I do not care whether the Secretary of State had authority to do these things or not, so far as the present discussion is concerned. In creating a bureau in the State Department I assume that all these men are necessary. I have no reason to doubt that they are; I know nothing about it, and I accept the judgment of the committee with respect to their work and the necessity for their work; but I do not like the practice in an appropriation bill of attempting to describe the character of the work which they are to perform with such particularity as is contained in this bill. For instance, the amendment reads:

Eight officers to aid in important drafting work—

They are not officers in any sense of the word; I do not know whether their compensation is too much or too little.

Four, at $3,000 each, to be appointed by the Secretary of State——

Mr. LODGE. "And to be employed"——

Mr. CUMMINS. That is what I object to—

and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations.

We have given the Secretary of State certain power and we have imposed upon him certain duties. Whatever the Secretary of State has a right to do under the law respecting the tariff, respecting treaties, respecting trade relations and negotiations, I am willing that he shall do, and I am willing that he shall be equipped with an ample force to enable him to do his work, but I do not want to see an appropriation bill passed, if I can help it, that confers upon him authority that he does not now possess. I do not know whether this bill does so, but I am unwilling to venture upon that field, and so later on——

Mr. WARREN. Will the Senator allow me right there?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I am interrupting the Senator from Massachusetts, I believe.

Mr. WARREN. I will then ask the Senator from Massachusetts to yield to me.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. We might as well keep in view what the Senator stated in the opening of his remarks. The question is whether or not the Secretary of State needs these officers and employees. The Secretary of State and the assistant secretaries were before our committee, and they made it very plain, at least they made it plain to me and I think to others of the committee, that they did need these officers. We did not have any idea of their meddling with the customs tariff as such, but the provision here, "and to be employed upon tariff, treaty, and trade relations and negotiations," refers to agreements between countries which necessarily must have some connection with the tariff.

Mr. CUMMINS. What is the necessity of describing what these men shall do?

Mr. WARREN. There may be none, but that provision has been in the law; and if it is an error, it can be corrected by striking out the superfluous language.

Mr. CUMMINS. It was not in the law until very recenlty.

Mr. WARREN. Oh, yes; it was authorized in an appropriation act.

Mr. CUMMINS. Last year.

Mr. WARREN. Going back a little, there has been a great deal said about a hundred thousand dollar appropriation. The original appropriation was $75,000, and whatever authorization then was granted the addition carried in the next act included more matters upon which these employees should be engaged and provided more money. Then followed various appropriation acts in which was stated specifically the manner in which they should be employed. The language may be distasteful to the Senator, but if he thinks that they are employed on the ordinary work of the tariff, as the Finance Committee is, he should dismiss that idea from his mind.

Mr. CUMMINS. I want the Secretary of State to do whatever he may lawfully do with respect to the tariff, and I do not want to extend his authority through an appropriation bill.

Mr. WARREN. If I may add merely another word, as the Senator will see, the amendment also provides:

For meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340.

The $25,340, of course, comes out of the $100,000 appropriation.

Mr. CUMMINS. I have the same objection to that, and at the proper time I intend to move to strike some of it out. I do not intend to interfere with these men or with their salaries, for I do not know whether they are needed or not; but I do know that, under the act of 1909, the Secretary of State has no duties to perform. I know that the President was authorized or directed to employ certain persons to do certain work under that act; but he does not employ the Secretary of State for that purpose—that is not a very good term to describe the relations of the President to the Secretary of State. The President was authorized directly in the act of 1909 to do the work contemplated by that act, and I do not want to confuse the work of the Tariff Board and the office of the Secretary of State; and I hope the Senator from Massachusetts, who is very familiar with our foreign relations, and the Senator from Wyoming, who is interested, I suppose, only in maintaining the department in full vigor, will consider the question of whether we ought to attempt to define duties or enlarge powers in an appropriation bill.

Mr. LODGE. Mr. President, in reply, first, to what the Senator said last, of course the $100,000 covered the matter of the maximum and minimum provisions of the tariff act, but they involved our trade relations with every country with which we have treaties of commerce and friendship. Of course, there was but one person through whom those negotiations could be conducted, and that person was the Secretary of State. Necessarily, anything of that sort, involving the modification of treaties, would have to be carried on through the Secretary of State.

Mr. CUMMINS. May I remind the Senator from Massachusetts of the fact that the act of 1909 had nothing to do with the treaties? It authorized nobody to make a treaty nor to invite a treaty; it simply provided a certain penalty for discrimination.

Mr. LODGE. If the Senator will allow me, perhaps I had better explain all that in detail, as I understand it. The maximum and minimum provisions fixed certain rates at which imports should come into this country, dependent on the rates accorded or the treatment of certain of our products by foreign countries. If foreign countries did not make a satisfactory arrangement with us on those points, then one set of duties went into effect; if they did make those arrangements with us, then the other set of duties went into effect. It was absolutely impossible to come to any conclusion as to whether the maximum or minimum tariff was to go into effect, except by ascertaining what the foreign country was ready to do, and we can communicate with foreign countries to find out what they are ready to do on the tariff or any other subject only through the established organ, which is the State Department.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Certainly.

Mr. JOHNSTON of Alabama. I see that the paragraph which concludes on page 36 provides for an increased appropriation of $93,000.

Mr. LODGE. That was the exact amount by which the appropriations of last year were reduced.

Mr. JOHNSTON of Alabama. The House put in nothing for the purposes covered by the Senate amendment?

Mr. LODGE. The House cut off what was appropriated last year for these purposes.

Mr. JOHNSTON of Alabama. For the special officers enumerated here?

Mr. LODGE. Yes. They were all enumerated in the law last year.

Coming to the other question of which the Senator first spoke, and which I agree with him is the essential question in this matter, I approach this subject entirely from the point of view of the Committee on Foreign Relations. I am not on the Committee on Appropriations; I never have served upon it, and I know nothing about it from that standpoint; but I can speak from personal knowledge of the work done by the officers named here. I know of my own knowledge that the Director of the Consular Service and the counselor for the Department of State are exceedingly necessary. There is no one who does more work or more important work than the counselor for the Department of State, who, according to the provision, is to be appointed by the President.

In regard to the resident diplomatic officer I do not profess to be able to explain. I suppose the committee understands what his work is and all that; I frankly say I do not know.

Mr. CUMMINS. May I help the Senator from Massachusetts a little on that point?

Mr. LODGE. I know the intention, but I do not know the exact work he does.

Mr. CUMMINS. Mr. Dawson, who died two weeks ago, was the resident diplomatic officer. I happen to have known him from his childhood. He entered the Diplomatic Service something like 18 years ago, and became most familiar with all our relations with the South American and Central American States.

Mr. LODGE. He was a very valuable man.

Mr. CUMMINS. He became an expert on all these subjects, and was employed by the State Department to take up all matters that might arise between our country and especially the Central American and South American Republics, to negotiate upon them, and to preserve the good relations which we hope always to preserve between those countries and the United States. He was a very faithful, a very efficient, and I think a most successful officer, and I believe he earned all the salary the country ever paid him.

Mr. LODGE. Mr. President, the Senator will surely understand that in what I was saying I did not refer to Mr. Dawson. I know what an admirable man he was, how highly trained he was, and what fine work he was capable of doing, and did. I had the pleasure of knowing him myself. My point is this: We have a division of Latin-American affairs. At the head of that division there ought to be a man as nearly as possible of the character I have described. What the resident diplomatic officer does as an officer is what I do not understand. I know what Mr. Dawson did and what he did very well; but it is work that it seems to me ought to come under the division of Latin-American affairs.

Those divisions have been of the greatest possible use. It was impossible to conduct our relations without some reorganization of a division of that sort. To have them all jumbled up in the hands of one man who could not possibly carry them on had become intolerable. The Bureau of Trade Relations has been of the greatest possible value to our business interests. It is in regard to that that I have heard from business associations all over the country, and it would be a real misfortune to have that Bureau of Trade Relations crippled in any way.

I do not believe myself that it belongs to the Department of Commerce and Labor. I do not think you can mix up the business of our foreign relations with domestic matters. It is perfectly easy to have them furnish all that is necessary for the Bureau of Statistics, but I do believe that in our foreign-trade relations nothing could be better or more important than the work these officers are doing. I am speaking without any personal feeling, but merely in regard to the performance of the public duties and the doing of the public work, and to do that I am certain that they are all needed.

Mr. OVERMAN. Mr. President, in rising I desire to call the attention of the Senate to this paragraph, in connection with the matter the Senator was last talking about. Incidentally I referred to heads of departments appointing men from lump sums. I believe it ought to be condemned. It ought not to be allowed. I not only speak of this department as we go along, but I am going to show what is done in some other departments.

Mr. LODGE. If the Senator will allow me, he did not understand me as defending the lump-sum system?

Mr. OVERMAN. Not at all.

Mr. LODGE. I do not. I think it is a bad system.

Mr. OVERMAN. I only stated that in passing. I said I did not disagree as to some of the salaries; but I want to inform the Senate that these bureaus in the State Department and in other departments have been by the House of Representatives consolidated into one great department. Secretary Nagel comes here and agrees, and it seems to me that everybody else except the Secretary of State has agreed, that the thing to do is to put them in the Department of Commerce and Labor and to consolidate them in one great department. It would save a great amount of money for the Government, instead of duplicating

the work, by having one department here and another there. For example, on examining the Secretary of State, he said to me, "Senator OVERMAN, I have shown your people how to bale cotton. I have sent photographs down in your country showing how to do it." I said, "Mr. Secretary, the Secretary of Commerce and Labor and the Department of Commerce and Labor have done the same thing; they have sent photographs down there and taught our people how to bale cotton, and have sent their agents down there, and that has been of great value to us; but why duplicate it, why have your department doing one thing and the Department of Commerce and Labor doing the same thing?" That is what I complain of, and that is the reason why the House of Representatives consolidated the work in one great department.

Mr. WARREN. I simply wanted to put in the RECORD the fact that having in view the abuse of lump sums, I think it would be very hard, even in a tariff bill from another committee, to have provided a lump sum which was supposed to continue, for the language of the original law reads:

And a detailed statement of all expenditures under this provision shall be made to Congress at its next session.

The intention being, of course, to take it up specifically.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 6, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 5, 1912.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

The following-named first lieutenants of the Medical Reserve Corps were appointed as first lieutenants in the Medical Corps of the Army of the United States, with rank in each case from the date specified after the officer's name:

Neal Naramore Wood, from April 26, 1912, vice Capt. Jay Ralph Shook, promoted.

William Bertram Meister, from April 27, 1912, vice Capt. William E. Vose, promoted.

Harry Rex McKellar, from April 28, 1912, vice Capt. Frank T. Woodbury, promoted.

Howard Lane Hull, from April 29, 1912, vice Capt. Harry H. Rutherford, promoted.

Leeson Oren Tarleton, from April 30, 1912, vice Capt. Ernest L. Ruffner, promoted.

Shelley Uriah Marietta, from May 1, 1912, vice Capt. William Brooke, promoted.

Harry Hill Van Kirk, from May 2, 1912, vice Capt. Charles N. Barney, promoted.

Robert Skelton, from May 3, 1912, vice Capt. Eugene R. Whitmore, promoted.

Omar Heinrich Quade, from May 4, 1912, vice Capt. Patrick H. McAndrew, promoted.

Thomas Ewing Scott, from May 5, 1912, vice Capt. Charles Y. Brownlee, promoted.

Morris Hirshfield Boerner, from May 6, 1912, vice Capt. John A. Murtagh, promoted.

Harry Hoagland Blodgett, from May 7, 1912, vice Capt. George M. Ekwurzel, promoted.

Alfred Parker Upshur, from May 8, 1912, vice Capt. Gideon McD. Van Poole, promoted.

Thomas Everette Harwood, jr., from May 9, 1912, vice Capt. William W. Reno, promoted.

Philip Barry Connolly, from May 10, 1912, vice Capt. Carroll D. Buck, promoted.

Samuel Jay Turnbull, from May 11, 1912, vice Capt. George H. R. Gosman, promoted.

Michael Andrew Dailey, from May 12, 1912, vice Capt. Conrad E. Koerper, promoted.

Leopold Mitchell, from May 13, 1912, vice Capt. John H. Allen, promoted.

Adna Godfrey Wilde, from May 14, 1912, vice Capt. Robert U. Patterson, promoted.

Frederick Caesar Augustus Kellam, jr., from May 15, 1912, vice Capt. Roderic P. O'Connor, promoted.

Johnson Francis Hammond, from May 16, 1912, vice Capt. Robert E. Noble, promoted.

John George Ingold, from May 17, 1912, vice Capt. James W. Van Dusen, promoted.

Alvin Charles Miller, from May 18, 1912, vice Capt. Roger Brooke, promoted.

Chester Raymond Haig, from May 19, 1912, vice Capt. Wallace De Witt, promoted.

John Holmes Trinder, from May 20, 1912, vice Capt. Robert M. Thornburgh, promoted.

William Eugene Hall, from May 21, 1912, vice Capt. Robert B. Grubbs, promoted.

Hew Bernard McMurdo, from May 22, 1912, vice First Lieut. Bernard S. Gostin, honorably discharged June 17, 1910.

Thomas Ward Burnett, from May 23, 1912, vice Capt. Leon P. Le Wald, resigned September 25, 1910.

Kerwin Weidman Kinard, from May 24, 1912, vice Capt. Verge E. Sweazey, retired from active service December 27, 1910.

Robert Morris Hardaway, from May 25, 1912, vice Capt. Matthew A. De Laney, promoted.

John Wesley Sherwood, from May 26, 1912, vice Capt. Horace D. Bloombergh, promoted.

Guy Logan Qualls, from May 27, 1912, vice Capt. Paul S. Halloran, promoted.

James Ernest Baylis, from May 28, 1912, vice Capt. Kent Nelson, promoted.

Charles Ruby Castlen, from May 29, 1912, vice Capt. Peter C. Field, promoted.

Douglas Wiltz McEnery, from May 30, 1912, vice Capt. Herbert G. Shaw, promoted.

John William Meehan, from May 31, 1912, vice Capt. Louis Brechemin, jr., promoted.

Charles Moore Walson, from June 1, 1912, vice Capt. Clement C. Whitcomb, promoted.

PROMOTIONS IN THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, each of the officers named herein is to be placed on the retired list of the Army with increased rank from the date on which he shall be retired from active service.

Col. James N. Allison, Assistant Commissary General, with the rank of brigadier general.

Maj. Daniel W. Arnold, quartermaster, with the rank of lieutenant colonel.

CAVALRY ARM.

First Lieut. Hamilton Bowie, Ninth Cavalry, to be captain from May 30, 1912, vice Capt. John W. Moore, First Cavalry, retired from active service May 29, 1912.

FIELD ARTILLERY.

Second Lieut. Truby C. Martin, Fifth Field Artillery, to be first lieutenant from May 31, 1912, vice First Lieut. Fred T. Cruse, First Field Artillery, detached from his proper command.

COAST ARTILLERY CORPS.

Second Lieut. Jason McV. Austin, Coast Artillery Corps, to be first lieutenant from May 30, 1912, vice First Lieut. Ellery W. Niles, detached from his proper command.

INFANTRY ARM.

Maj. Joseph P. O'Neil, Thirtieth Infantry, to be lieutenant colonel from May 30, 1912, vice Lieut. Col. Henry C. Cabell, Fourteenth Infantry, retired from actice service May 29, 1912.

UNITED STATES DISTRICT JUDGE.

J. Whitaker Thompson, of Pennsylvania, to be United States district judge for the eastern district of Pennsylvania, vice John B. McPherson, appointed circuit judge, third circuit.

UNITED STATES ATTORNEY.

John C. Swartley, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania, vice J. Whitaker Thompson, nominated to be judge for the eastern district of Pennsylvania.

RECEIVER OF PUBLIC MONEYS.

Robert H. Sims, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex. (Reappointment after change from Territory to State.)

REGISTER OF THE LAND OFFICE.

Jose Gonzales, of New Mexico, to be register of the land office at Las Cruces, N. Mex. (Reappointment after change from Territory to State.)

POSTMASTERS.

ARIZONA.

Charles E. Dermont to be postmaster at Metcalf, Ariz., in place of Charles E. Dermont. Incumbent's commission expired May 22, 1912.

Claus V. Meeden to be postmaster at Yuma, Ariz., in place of Russell H. Chandler. Incumbent's commission expired May 22, 1912.

William M. Newell to be postmaster at Mesa, Ariz., in place of William M. Newell. Incumbent's commission expired May 26, 1912.

ARKANSAS.

George F. Puska to be postmaster at Waldo, Ark., in place of Mattie C. De Vaughan. Incumbent's commission expired April 28, 1912.

DELAWARE.

William T. Bradley to be postmaster at Felton, Del., in place of Joseph M. Harrington. Incumbent's commission expired May 14, 1912.

FLORIDA.

Alexander McDougall to be postmaster at Tallahassee, Fla., in place of John McDougall, deceased.

INDIANA.

Frank Daly to be postmaster at Lynn, Ind., in place of Frank Daly. Incumbent's commission expired April 13, 1912.

Willis P. McCormick to be postmaster at Knox, Ind., in place of Charles Laramore. Incumbent's commission expired March 11, 1912.

IOWA.

William C. Marsh to be postmaster at Aurelia, Iowa, in place of William C. Marsh. Incumbent's commission expired January 29, 1912.

KENTUCKY.

Ransom B. Martin to be postmaster at Hartford, Ky., in place of Musker L. Heavrin. Incumbent's commission expired March 24, 1912.

LOUISIANA.

J. Ernest Breda to be postmaster at Natchitoches, La., in place of Richard H. Aby, deceased.

MICHIGAN.

James Garnsey to be postmaster at Mayville, Mich., in place of William J. Ingersoll. Incumbent's commission expired April 22, 1912.

MISSISSIPPI.

Georgia A. McCuen to be postmaster at Brookville, Miss., in place of Lou J. Hall. Incumbent's commission expired April 28, 1912.

MISSOURI.

Charles L. Gray to be postmaster at Carterville, Mo., in place of Charles L. Gray. Incumbent's commission expired March 10, 1912.

Albert F. Huggins to be postmaster at Shelbina, Mo., in place of Albert F. Huggins. Incumbent's commission expired March 11, 1912.

John J. Sleight to be postmaster at Montgomery City, Mo., in place of George E. Muns. Incumbent's commission expired May 27, 1912.

W. H. P. Walkenhorst to be postmaster at Concordia, Mo., in place of William F. Walkenhorst. Incumbent's commission expired March 10, 1912.

NEW YORK.

Byron Clearwater to be postmaster at Highland, N. Y., in place of Frank F. Simpson. Incumbent's commission expired May 26, 1912.

William R. Crawford to be postmaster at Warsaw, N. Y., in place of William Watson. Incumbent's commission expired May 22, 1912.

OHIO.

Clayton H. Bishop to be postmaster at Centerburg, Ohio, in place of Clayton H. Bishop. Incumbent's commission expired May 16, 1912.

Mary M. Carey to be postmaster at Lexington, Ohio, in place of Mary M. Carey. Incumbent's commission expired April 22, 1912.

George E. Flora to be postmaster at Mount Healthy, Ohio, in place of George E. Flora. Incumbent's commission expired May 16, 1912.

John McGuff to be postmaster at Creston, Ohio, in place of John McGuff. Incumbent's commission expired April 30, 1912.

H. A. Shafer to be postmaster at Navarre, Ohio, in place of H. A. Shafer. Incumbent's commission expired May 22, 1912.

John M. Washington to be postmaster at Sabina, Ohio, in place of John M. Washington. Incumbent's commission expired April 29, 1912.

OKLAHOMA.

C. S. Cannady to be postmaster at Madill, Okla., in place of Lyman F. Beard. Incumbent's commission expired March 10, 1912.

SOUTH DAKOTA.

Timothy Norton to be postmaster at Armour, S. Dak., in place of Ernest E. Edwards. Incumbent's commission expired May 22, 1912.

VIRGINIA.

John S. Bateman to be postmaster at Crozet, Va. Office became presidential October 1, 1911.

James Carter to be postmaster at Chatham, Va., in place of James Carter. Incumbent's commission expired March 2, 1911.

Roger G. Dyson to be postmaster at North Emporia, Va., in place of Roger G. Dyson. Incumbent's commission expired May 20, 1912.

Richard R. Farr to be postmaster at Fairfax, Va., in place of Richard R. Farr. Incumbent's commission expired May 20, 1912.

Samuel R. Gault to be postmaster at Scottsville, Va., in place of Samuel R. Gault. Incumbent's commission expired February 4, 1912.

Roy T. Hart to be postmaster at Buena Vista, Va., in place of James M. Updike. Incumbent's commission expired April 21, 1912.

J. Minor Haynes to be postmaster at Cambria, Va., in place of Archie W. Moses. Incumbent's commission expired May 20, 1912.

John H. Ingram to be postmaster at Charlotte Court House, Va., in place of John H. Ingram. Incumbent's commission expired May 20, 1912.

Charles P. Smith to be postmaster at Martinsville, Va., in place of Charles P. Smith. Incumbent's commission expired February 5, 1910.

William T. Tiller to be postmaster at Emporia, Va., in place of William T. Tiller. Incumbent's commission expired May 20, 1912.

WISCONSIN.

James E. Parry to be postmaster at Florence, Wis., in place of James E. Parry. Incumbent's commission expired May 23, 1912.

George C. Seemann to be postmaster at Boscobel, Wis., in place of August J. Seemann. Incumbent's commission expired May 14, 1912.

John H. Wall to be postmaster at Highland, Wis., in place of John H. Wall. Incumbent's commission expired May 14, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 5, 1912.

SECRETARIES OF LEGATIONS.

Alexander R. Magruder to be secretary of the legation at Lima, Peru.

Roland B. Harvey to be secretary of the legation at Santiago, Chile.

COLLECTOR OF CUSTOMS.

Cornelius O'Keefe to be collector of customs for the district of Arizona.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Frederick J. Birkett to be a third lieutenant.

REGISTER OF THE LAND OFFICE.

Frank C. Bramwell to be register of the land office at La Grande, Oreg.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Lewis V. Greer to be second lieutenant of Infantry.

Second Lieut. John F. Wall to be second lieutenant of Cavalry.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. William T. Littebrant to be major.

First Lieut. Richard B. Going to be captain.

COAST ARTILLERY CORPS.

Second Lieut. George F. Moore to be first lieutenant.

Second Lieut. Roy R. Lyon to be first lieutenant.

CHAPLAIN.

Chaplain Simon M. Lutz to be chaplain with the rank of captain.

INFANTRY ARM.

Capt. John L. Hines to be major.

First Lieut. A. Owen Seaman to be captain.

POSTMASTERS.

CALIFORNIA.

Charles C. Cockley, Calexico.

FLORIDA.

Roy S. Hanna, St. Petersburg.

INDIANA.

John W. Call, Gary.
James E. Carson, Hebron.
Eugene F. Cummings, Cannelton.
Charles Hosford, Cayuga.

KANSAS.

Theodore C. Conklin, Mulvane.

MASSACHUSETTS.

Gertrude L. Campbell, North Grafton.

MICHIGAN.

Ellsworth C. Corbett, Reading.
Montague W. Ripley, Montague.
Charles N. Spear, Pittsford.

MISSOURI.

Edward Gloshen, Mercer.
Frank A. Hardin, Cabool.
William H. Howe, Hardin.
James E. Nichols, Breckenridge.

NEW MEXICO.

T. V. Shelpman, Nara Visa.

NORTH DAKOTA.

George F. Abelein, Anamoose.
Iver O. Fosse, Mayville.

PENNSYLVANIA.

William L. Buchanan, Sagamore.
Albert M. Ehart, Wayne.
Caroline E. Hall, Swarthmore.
John Leyshon, Farrell (late South Sharon).

SOUTH CAROLINA.

W. J. Adams, Dillon.
Alonzo T. Folger, Easley.

VERMONT.

Charles S. Forbes, St. Albans.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 5, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw us by Thy holy influence close to Thee, and make us conscious of Thy presence, that with clear perceptions, high ideals, and noble endeavors we may do justly, love mercy, and walk humbly with our God, and thus satisfy the longings of our own hearts and reflect glory upon the God of our salvation. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. BURTON, and Mr. NEWLANDS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The message also announced that the Senate had passed the following resolutions (S. Res. 328):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELBERT H. HUBBARD, late a Representative from the State of Iowa.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

In compliance with the foregoing, the Vice President had appointed as said committee Mr. CUMMINS, Mr. KENYON, Mr. OVERMAN, Mr. BORAH, Mr. SHIVELY, Mr. CRAWFORD, Mr. GRONNA, and Mr. HITCHCOCK.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6848. An act authorizing the Cooper River Corporation, organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross, and to erect temporary structures in Potomac Park, Washington, D. C.

LEAVE OF ABSENCE.

Mr. BARTHOLDT, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

EIGHT-HOUR LAW.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9061) known as the eight-hour bill, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to take from the Speaker's table the bill which the Clerk will report, and to concur in the Senate amendments.

The Clerk read the title of the bill, as follows:

An act (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have the amendments reported, or a very brief statement made as to them.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Pennsylvania particularly, first, in reference to the amendment which affects the purchase of those goods which can be bought in the open market, whether made to conform to specifications or not? There was a change. I noted it when it went through the Senate, but I could not quite catch the point.

Mr. WILSON of Pennsylvania. Mr. Speaker, the only change that there is in the Senate amendment is a transposition in the language. It is transferred from one portion of the bill to another portion of the bill, and does not materially affect it. It is the same language.

Mr. MANN. That is the point. I am not certain whether it materially affects it or not. When you take language out of one place in a bill and insert it in another place for the purpose, as expressed, of making a change, I think we ought to know what the change is that is effected.

Mr. WILSON of Pennsylvania. Here is the language as it now reads:

That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or—

And this is where the transposition takes place—

for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for materials—

And then it goes on to use the same language.

Mr. MANN. Has the gentleman just read the language where the Senate inserted it, or as it was in the House bill?

Mr. WILSON of Pennsylvania. Where the Senate inserted it. As it was when it passed the House it was in the bill further on. At that point the language of the bill, eliminating the supplies part of it, is—

or for such materials or articles as may usually be bought in the open market, except armor and armor plate, whether made to conform to particular specifications or not.

And it seems to me that it makes it more clear and specific, and does not leave the possibility of the qualification applying only to armor plate.

Mr. MANN. Then, in the gentleman's opinion, with the Senate amendment it is perfectly plain that the law does not apply to goods which can ordinarily be purchased in the open market, whether they are made to conform to specifications or not?

Mr. WILSON of Pennsylvania. It does not.

Mr. MANN. I understand this excepts the Panama Canal until 1915, and special work on the Mississippi River.

Mr. WILSON of Pennsylvania. This excepts the Panama Canal or contracts on the Panama Canal until 1915, and excepts levees and revetments on the river work. In addition to that it does not change the provisions contained in the appropriation acts of 1906, where it was provided that the eight-hour act should not apply to alien employees on the Panama Canal, and it changes the date upon which the act shall go into effect to January 1 next, the presumption being that that is for the purpose of allowing those who are making bids to have an opportunity to make their establishments conform to the changed conditions.

Mr. MANN. One other question: I think this eight-hour bill was inserted as an amendment to the naval appropriation bill the other day.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. I suppose if these Senate amendments are agreed to, and this bill becomes a law, it is not the intention to have that amendment remain in the naval bill.

Mr. WILSON of Pennsylvania. As far as I am concerned, I can see only one use that that amendment would have on the naval bill, and that would be to take care of the interim between the time when this bill goes into effect and the time of the passage of the appropriation bill.

Mr. MANN. I know, but if you agree to the Senate amendments to this bill, then the two are not the same. That is what I am speaking of. It would not do to enact this law in this shape with the Senate amendments in it, and then enact the naval bill as it passed the House. If that becomes a law later, it will create confusion.

Mr. WILSON of Pennsylvania. If that is incorporated in the naval bill when it comes back here, it seems to me it ought to be changed to conform to this bill.

Mr. MANN. But we would not have the power to do that. We have no further control over a provision after it has been sent to the Senate, unless it is amended by the Senate.

Mr. WILSON of Pennsylvania. It seems to me when the bill comes from the Senate, if it still contains the eight-hour amendment, that amendment ought to be made to conform to this provision.

Mr. MANN. The gentleman probably would have some control over what might be done in the Senate to that amendment. But if the amendment which was inserted in the House should be agreed to in the Senate, in its present language, the House would have no further control over it. We could not change it, and somebody ought to see that that is made to conform to the amendments agreed to here.

Mr. HUGHES of New Jersey. As I understand, there is not very much danger of that being the situation.

Mr. MANN. I do not know. When you attempt to duplicate the same thing in two bills, you ought to be careful that they do not conflict.

Mr. HUGHES of New Jersey. Does the gentleman think there is anything in these amendments that we are trying to agree to now that would conflict with the character of work that the eight-hour bill applies to on the naval appropriation bill?

Mr. MANN. I was not here when that was agreed to, but I understood that the bill which passed the House was offered as an amendment to the naval bill. Is not that the case?

Mr. WILSON of Pennsylvania. That is the case.

Mr. MANN. So if we agreed to these changes proposed by the Senate to this bill, we ought not to insert the House bill into another law in the form in which it passed the House, without the Senate amendments, because that would get us into confusion.

Mr. HUGHES of New Jersey. I understand what the gentleman is after. Of course we all want to accomplish the same result.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. I move to concur in the Senate amendments.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business in order to-day under the rule.

The SPEAKER. The gentleman from New York moves to dispense with Calendar Wednesday for this day.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the House to the fact that this is the 5th day of June, and that the sundry civil bill (H. R. 25069), which is now before the House, contains 176 pages. I understood from the remarks made by the gentleman from Illinois [Mr. CANNON] yesterday that there were a number of items in the bill which he expected would be debated at considerable length, and to which amendments will be offered during the consideration. This bill should be sent to the Senate with as little delay as possible, in order to give the Senate committee an opportunity to consider the various matters connected with it, and to give the Senate itself some time to consider those matters before the end of the fiscal year. It has always taken considerable time to pass the bill in the House, and in view of the fact that we are now approaching what many Members hope are the remaining few weeks of the session, we are at least within the spirit of the rule which provides that during the last two weeks of the session Wednesday shall not be set aside specially for the business of Calendar Wednesday. It seems to me wise to ask the House at this time to permit consideration of the sundry civil bill and to proceed with the general debate thereon.

Mr. FOSTER. Mr. Speaker, I would like to inquire, if Calendar Wednesday should be dispensed with to-day, if the business in order to-day would come up on the next Calendar Wednesday?

The SPEAKER. It would. The bill that the gentleman has charge of would be considered as the unfinished business.

Mr. FOSTER. I am quite anxious to get this bill disposed of, and yet I realize that there is a great deal of business in the House that needs to be attended to if we are to adjourn anywhere within the next three weeks, and I shall not oppose the motion.

Mr. MANN. Mr. Speaker, while Calendar Wednesday under the rules has not been entirely satisfactory, and while I think it would be possible to make a rule which would be satisfactory, I see no occasion at this time for dispensing with the rule. So far as the House is concerned, it would be quite competent for Congress to adjourn in 10 days, as far as the appropriation bills are concerned. I have seen the time in the House when the sundry civil appropriation bill was passed within two or three days, and the same can be done again by holding evening or night sessions, if there be any occasion for it; and if it would do any good, Members of the House would be quite willing to sit here at night if thereby we could get away from Washington by the middle of the month.

But up to date I have seen no great likelihood of an adjournment by the middle of the month. If it appears at the other end of the Capitol that we can get away at that time, we can dispose of our business here easy enough. I do not believe that we ought to set the precedent of dispensing with Calendar Wednesday. Under the rule which provides for Calendar Wednesday, while it is quite possible to call the Calendar of Committees on other days of the week, we all know that it has not been practicable to do so for a long time.

Gentlemen now seem to assume that they can pass important bills by placing them on the Unanimous Consent Calendar without consideration, and the gentleman from New York, if he dispenses with Calendar Wednesday to-day, will only add to that desire. We can dispose of the sundry civil appropriation bill in ample time, and meanwhile, if the gentleman believes that this is the last two weeks of the session, let him bring in a resolution for a final adjournment of Congress in two weeks and pass it through the House; and when they have done that they have a license, perhaps, to ask that Calendar Wednesday be dispensed with. But until that is done I do not think they have.

Mr. FITZGERALD. Permit me to say to the gentleman from Illinois that I do not believe that this side of the House proposes to bring in any resolution for adjournment until the differences between the two Houses on the appropriation bills are settled. If the gentlemen on that side imagine that by delaying consideration of this bill, or in any other way, they are going to make the House abandon the great reforms that they have sent to the Senate, they will find that they are mistaken.

Mr. MANN. Oh, I do not yield to the gentleman for a political speech; that is all buncombe.

Mr. FITZGERALD. It is not all buncombe, and the gentleman from Illinois will find it out.

Mr. MANN. That would have nothing to do with the adjustment of the matters in dispute between the House and the Senate. If the gentleman had brought in the sundry civil appropriation bill at the time it ought to have been brought in, a month ago, it would not be necessary now to ask for this suspension.

Mr. CANNON. Mr. Speaker——

The SPEAKER. On which side of this question is the gentleman from Illinois?

Mr. CANNON. I think on both. [Laughter.]

The SPEAKER. The reason that the Chair asked the question is that the rule provides for only five minutes' debate on a side. The gentleman from Illinois has used up the five minutes on his side, and the gentleman from New York has used three minutes, leaving two minutes remaining. If the gentleman from Illinois is on both sides of the question, the Chair will hear him for two minutes. [Laughter.]

Mr. CANNON. Mr. Speaker, I am quite in harmony with proceeding as rapidly as possible with the consideration of this bill. I suppose the motion would have been subject to a point of order.

Mr. FITZGERALD. Oh, no; it is in order under the rule.

Mr. CANNON. The rule for Calendar Wednesday?

Mr. FITZGERALD. Yes.

Mr. CANNON. Yes; it takes a two-thirds vote. I had forgotten for the moment. Now, a little bit on the other side.

Mr. FITZGERALD. But I suggest that the gentleman from Illinois has not said very much on this side. [Laughter.]

Mr. CANNON. A little bit on the other side. It should not be forgotten that this day is the day that by a vote of the House was specially dedicated to business that no constitutional question can interrupt, and yet I suppose two-thirds might dispense with it. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, there is on this side of the House an application for only one-half hour more of general debate on the sundry civil bill. I have been informed that several gentlemen on the other side desire to occupy more or less time. I desire to accommodate them, and I hoped we might be able to do so by utilizing to-day. If the gentleman does not care to occupy very much more time in general debate, then we can proceed to-morrow and not have very much time for general debate to-morrow.

The SPEAKER. The question is on the motion to dispense with Calendar Wednesday.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 72, noes 52.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to dispense with Calendar Wednesday.

The question was taken; and there were—yeas 96, nays 146, answered "present" 13, not voting 136, as follows:

YEAS—96.

Adair	Dickinson	Humphreys, Miss.	Reilly
Adamson	Dies	James	Richardson
Alexander	Dixon, Ind.	Johnson, Ky.	Rouse
Allen	Driscoll, D. A.	Johnson, S. C.	Rubey
Ayres	Fergusson	Konop	Russell
Beall, Tex.	Fitzgerald	Korbly	Sabath
Blackmon	Floyd, Ark.	Levy	Saunders
Boehne	Gallagher	Lloyd	Shackleford
Booher	Garner	McCall	Sherley
Brown	Gillett	McCoy	Sherwood
Burgess	Goldfogle	McDermott	Sims
Burke, Wis.	Good	McKellar	Sisson
Byrns, Tenn.	Gregg, Tex.	Mays	Stephens, Tex.
Calder	Hamlin	Moon, Tenn.	Stevens, Minn.
Callaway	Hardy	Morgan	Sweet
Candler	Harrison, Miss.	Morrison	Talcott, N. Y.
Cannon	Hay	Moss, Ind.	Taylor, Ala.
Claypool	Henry, Conn.	Needham	Thomas
Clayton	Hensley	Oldfield	Turnbull
Collier	Holland	Olmsted	Underhill
Covington	Houston	Page	Volstead
Daugherty	Howard	Patten, N. Y.	Wilson, N. Y.
Dent	Hughes, Ga.	Rauch	Witherspoon
Denver	Hughes, N. J.	Redfield	Young, Tex.

NAYS—146.

Aiken, S. C.	Bartlett	Burnett	Cary
Ainey	Bell, Ga.	Butler	Catlin
Ames	Bowman	Byrnes, S. C.	Copley
Anderson, Minn.	Buchanan	Campbell	Crumpacker
Anthony	Burke, S. Dak.	Carlin	Cullop
Austin	Burleson	Carter	Curley
Curry	Hardwick	Maguire, Nebr.	Sloan
Dalzell	Hayden	Martin, Colo.	Small
Davenport	Hayes	Martin, S. Dak.	Smith, J. M. C.
Davis, Minn.	Helgesen	Miller	Smith, Saml. W.
Dickson, Miss.	Henry, Tex.	Mondell	Smith, Tex.
Difenderfer	Higgins	Moon, Pa.	Speer
Dodds	Hill	Moore, Pa.	Steenerson
Donohoe	Howland	Morse, Wis.	Stephens, Cal.
Doremus	Hull	Mott	Stephens, Miss.
Driscoll, M. E.	Jackson	Murdock	Stephens, Nebr.
Dupré	Jacoway	Murray	Sterling
Edwards	Jones	Neeley	Stone
Ellerbe	Kahn	Nelson	Sulloway
Esch	Kinkaid, Nebr.	Norris	Sulzer
Estopinal	Knowland	O'Shaunessy	Switzer
Ferris	Konig	Palmer	Taggart
Finley	La Follette	Payne	Taylor, Colo.
Flood, Va.	Langham	Pepper	Taylor, Ohio
Fowler	Lee, Ga.	Peters	Thistlewood
French	Lee, Pa.	Powers	Townsend
Gardner, Mass.	Legare	Pray	Tribble
Goodwin, Ark.	Lenroot	Prouty	Vare
Gould	Lever	Rainey	Warburton
Graham	Lindbergh	Raker	Watkins
Green, Iowa	Linthicum	Rees	Weeks
Greene, Mass.	Longworth	Roberts, Mass.	Willis
Gregg, Pa.	McGillicuddy	Roberts, Nev.	Wilson, Pa.
Griest	McKenzie	Roddenbery	Wood, N. J.
Hamilton, Mich.	McKinney	Rodenberg	Young, Kans.
Hamilton, W. Va.	McLaughlin	Rothermel	
Hammond	Madden	Rucker, Colo.	

ANSWERED "PRESENT"—13.

Akin, N. Y.	Browning	Gray	Slemp
Andrus	Dyer	Haugen	
Barnhart	Foster	Mann	
Bradley	Gardner, N. J.	Slayden	

NOT VOTING—136.

Anderson, Ohio	Farr	Kitchin	Randell, Tex.
Ansberry	Fields	Kopp	Ransdell, La.
Ashbrook	Focht	Lafean	Reyburn
Barchfeld	Fordney	Lafferty	Riordan
Bartholdt	Fornes	Lamb	Robinson
Bates	Foss	Langley	Rucker, Mo.
Bathrick	Francis	Lawrence	Scully
Berger	Fuller	Lewis	Sells
Borland	Garrett	Lindsay	Sharp
Brantley	George	Littlepage	Sheppard
Broussard	Glass	Littleton	Simmons
Bulkley	Godwin, N. C.	Lobeck	Smith, Cal.
Burke, Pa.	Goeke	Loud	Smith, N. Y.
Cantrill	Gudger	McCreary	Sparkman
Clark, Fla.	Guernsey	McGuire, Okla.	Stack
Cline	Hamill	McHenry	Stanley
Connell	Hanna	McKinley	Stedman
Conry	Harris	McMorran	Talbott, Md.
Cooper	Harrison, N. Y.	Macon	Thayer
Cox, Ind.	Hartman	Maher	Tilson
Cox, Ohio	Hawley	Malby	Towner
Crago	Heald	Matthews	Tuttle
Cravens	Heflin	Moore, Tex.	Underwood
Currier	Helm	Nye	Utter
Danforth	Hinds	Padgett	Vreeland
Davidson	Hobson	Parran	Webb
Davis, W. Va.	Howell	Patton, Pa.	Wedemeyer
De Forest	Hughes, W. Va.	Pickett	Whitacre
Doughton	Humphrey, Wash.	Plumley	White
Draper	Kendall	Porter	Wickliffe
Dwight	Kennedy	Post	Wilder
Evans	Kent	Pou	Wilson, Ill.
Fairchild	Kindred	Prince	Woods, Iowa
Faison	Kinkead, N. J.	Pujo	Young, Mich.

So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FOSTER with Mr. KOPP.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. SLAYDEN with Mr. TILSON.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. LITTLETON with Mr. DWIGHT.

Mr. SHEPPARD with Mr. BATES.

Mr. STEDMAN with Mr. HANNA.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. SPARKMAN with Mr. DAVIDSON (not transferrable).

Mr. THAYER with Mr. YOUNG of Michigan.

Mr. BROUSSARD with Mr. NYE.

Mr. BARNHART with Mr. MCKINLEY.

Mr. CONNELL with Mr. GARDNER of New Jersey.

Mr. GARRETT with Mr. FORDNEY.

Mr. HAMILL with Mr. WILSON of Illinois.

Mr. PUJO with Mr. MCMORRAN.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DOUGHTON with Mr. DRAPER.

Mr. GODWIN of North Carolina with Mr. BARTHOLDT.
Mr. FRANCIS with Mr. HAWLEY.
Mr. GEORGE with Mr. HEALD.
Mr. GOEKE with Mr. HINDS.
Mr. GUDGER with Mr. HOWELL.
Mr. HEFLIN with Mr. HUGHES of West Virginia.
Mr. HELM with Mr. HUMPHREY of Washington.
Mr. KINDRED with Mr. KENDALL.
Mr. KINKEAD of New Jersey with Mr. KENT.
Mr. KITCHIN with Mr. LAFEAN.
Mr. LAMB with Mr. LAFFERTY.
Mr. LITTLEPAGE with Mr. MCCREARY.
Mr. LOBECK with Mr. MCGUIRE of Oklahoma.
Mr. MACON with Mr. MALBY.
Mr. MAHER with Mr. MATTHEWS.
Mr. PADGETT with Mr. PATTON of Pennsylvania.
Mr. POST with Mr. PLUMLEY.
Mr. POU with Mr. PICKETT.
Mr. ROBINSON with Mr. PRINCE.
Mr. SHARP with Mr. REYBURN.
Mr. SMITH of New York with Mr. SELLS.
Mr. STANLEY with Mr. SIMMONS.
Mr. TUTTLE with Mr. TOWNER.
Mr. WHITE with Mr. UTTER.
Mr. WICKLIFFE with Mr. VREELAND.
Mr. FAISON with Mr. FOCHT.
Mr. ANDERSON of Ohio with Mr. BURKE of Pennsylvania.
Mr. ANSBERRY with Mr. COOPER.
Mr. BATHRICK with Mr. CRAGO.
Mr. BRANTLEY with Mr. CURRIER.
Mr. BULKLEY with Mr. DE FOREST.
Mr. CLARK of Florida with Mr. DANFORTH.
Mr. CLINE with Mr. FARR.
Mr. COX of Ohio with Mr. FOSS.
Mr. CRAVENS with Mr. FULLER.
Mr. DAVIS of West Virginia with Mr. GUERNSEY.
Mr. EVANS with Mr. HARRIS.
Ending Saturday morning, June 8:
Mr. WEBB with Mr. WEDEMEYER.
Ending June 5:
Mr. ASHBROOK with Mr. HARTMAN.
From May 15 and ending two weeks hence:
Mr. CANTRILL with Mr. LOUD.
From May 29 and ending two weeks hence.
Mr. BORLAND with Mr. LAWRENCE.

Mr. BARNHART. Mr. Speaker, has the gentleman from Illinois, Mr. MCKINLEY, voted?

The SPEAKER. He is not recorded.

Mr. BARNHART. Mr. Speaker, I voted "aye," and I wish to withdraw my vote and vote "present."

The name of Mr. BARNHART was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and desire to withdraw my vote of "no" and answer "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

BUREAU OF MINES.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union. The unfinished business is the further consideration of the bill H. R. 17260, and the gentleman from Colorado [Mr. MARTIN] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17260, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

Mr. FOSTER. Mr. Chairman, in section 3, on line 2, there appears the words "and distribute." I think that it is proper, under the amendment passed in the legislative, executive, and judicial appropriation bill providing that these publications should be sent out from the Government Printing Office, that those words should be eliminated from the bill.

Mr. MANN. I did not hear what the gentleman stated.

Mr. FOSTER. This is at the top of the page, line 3, in reference to the words "and distribute."

Mr. MANN. What is the proposition?

Mr. FOSTER. What I want to get at is, if the provision of the legislative bill providing for the distribution of these publications at the Government Printing Office instead of from the different departments is passed, to conform with it I think these words ought to be eliminated.

Mr. MANN. The words "and distribute"?

Mr. AUSTIN. Why not let them remain, and if the House amendment prevails the Senate can strike them out of this bill?

Mr. FOSTER. I judge that is a provision of law that would be proper to apply to this.

Mr. MANN. I do not think there is any doubt section 2, which provides they shall disseminate information concerning certain things, gives them authority to distribute regardless of whether this is stricken out or not.

Mr. FOSTER. The provision in the legislative bill, if it becomes a law, will apply to all the departments of the Government.

Mr. MANN. I understand, but I do not think you will lose anything by striking out the words.

Mr. FOSTER. I do not think so, and that is the reason I think this ought to come out.

Mr. MANN. You would have to strike out the words "and distribute" and insert the word "and" before the word "publish."

Mr. FOSTER. Mr. Chairman, I move that the words "and distribute," page 3, line 2, be stricken from the bill and the word "and" inserted before the word "publish."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 1, page 3, by adding, after the word "prepare," the word "and"; and, page 3, line 1, strike out the words "and distribute."

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. Certainly.

Mr. MILLER. The amendment to which the gentleman refers in a bill which the House has already passed has not yet become a law. Suppose the Senate should strike out that from the bill and the conferees should see fit to agree to that, and the House should adopt the report of the conferees, then the Bureau of Mines would be unable to get out that information.

Mr. MANN. Under section 2 they have authority now.

Mr. FITZGERALD. Every department of the Government is doing this same work, and there is no such language.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word, in order to ask in regard to the punctuation of section 3. I notice, for instance, in line 10, after the word "industries," there is a semicolon. In most places where they separate the different classes a comma is used. I do not care particularly about it, but it says, "The use of explosives and electricity"—that is a clause by itself—"safety methods and appliances," and "rescue and first-aid work in said industries." I rather think they ought to use a semicolon after the word "electricity," but I do not know it is important.

Mr. FOSTER. I believe it is all right as it is.

Mr. MANN. It is not well punctuated; there is no doubt about that. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 4. That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed in the mining, quarrying, metallurgical, or other mining industries; nor shall the director or any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation: *Provided*, That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, line 20, by striking out the word "mining" and inserting the word "mineral."

Mr. MANN. May I ask the gentleman what is the object of that amendment?

Mr. FOSTER. That applies to it more particularly, and I think it is a better word to use.

Mr. MANN. "Mining industry" is a common expression and "mineral industry" is an unusual expression.

Mr. FOSTER. Well, it is thought that covers the field better than the words "mining industries."

Mr. MANN. But we use everywhere in the census, in statistical work everywhere, the term "mining industries"; we do not use the term anywhere "mineral industry."

Mr. RUCKER of Colorado. What do they mine except minerals?

Mr. CANNON. Yes; over on section 2.

Mr. MANN. I do not mean they do not use it in this bill.

Mr. BOWMAN. Will the gentleman yield? I think when that matter was up for consideration before the committee the suggestion was that it would cover quarrying as well as mining.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, lines 17 and 18, strike out the words: "With the approval of the Secretary of the Interior."

On page 3, line 20, after the word "industries," insert the words: "And with the approval of the Secretary of the Interior."

Mr. FITZGERALD. Mr. Chairman, I ask that that be reported again.

The amendment was again reported.

Mr. MANN. Is the gentleman willing to have the amendment divided so that it can be voted upon separately?

Mr. FOSTER. Certainly.

The CHAIRMAN. The question is on agreeing to the first amendment, in lines 17 and 18, to strike out the words "with the approval of the Secretary of the Interior."

Mr. FOSTER. I will state, Mr. Chairman, if this amendment is adopted, it would read:

Except for the health and safety of persons employed in mining, quarrying, metallurgical, or other mineral industries, and with the approval of the Secretary of the Interior.

It was thought that the changing of this language, striking it out above there, and inserting it below, makes it better sense than to leave it as it is now.

Mr. MANN. I think likely it changes the meaning.

Mr. FOSTER. It does not intentionally do it.

Mr. MANN. But the point is whether, after all, we shall permit the Bureau of Mines to engage in this private work. The provision "except with the approval of the Secretary of the Interior" inserted in either place permits the work to be performed in private mines.

Mr. FOSTER. It only provides for conditions of health and safety.

Mr. MANN. It provides for the health and safety of persons employed in all of these industries.

Mr. FOSTER. Yes, sir.

Mr. MANN. That permits anything to be done.

Mr. FOSTER. Oh, no. It says "except for the health and safety"——

Mr. FITZGERALD. What does the gentleman think is intended to be done under this provision?

Mr. FOSTER. I say this prohibits the Bureau of Mines or any employee thereof from going into any private property, except where it may be thought necessary, and be permitted by the mine owner, for improving the conditions of health.

Mr. FITZGERALD. The truth of the matter is, this is not intended to prohibit at all. This is intended to authorize, although it is put in a very awkward way.

Mr. FOSTER. No; it is not. It simply says they shall not go on any private property except for that purpose. It limits them to that purpose.

Mr. FITZGERALD. There is no authority now to permit.

Mr. MANN. Then the gentleman ought to be willing to strike the whole provision out, so that there will be no restriction to their going there.

Mr. FITZGERALD. They have no authority to go there now.

Mr. FOSTER. I will say to the gentleman from Illinois [Mr. MANN] that this is to meet the argument that this bureau is going on private property to do all sorts of work. This limits them to the going onto private property, with the approval of the Secretary of the Interior, to improve health conditions.

Mr. FITZGERALD. Why not strike the whole provision out?

Mr. FOSTER. I think it is better to have it in here so as to show the limitation.

Mr. MANN. I think my friend from New York [Mr. FITZGERALD] is correct.

Mr. FITZGERALD. I know what I am speaking about. I know what the purpose of this provision is, even if the gentleman from Illinois [Mr. FOSTER] does not.

Mr. FOWLER. It is a limitation.

Mr. FOSTER. I will say to the gentleman from New York [Mr. FITZGERALD] that I have great respect for his opinion on most matters, but I think in this case he is mistaken as to the idea of what it means. I do not think it goes beyond what it says.

Mr. FITZGERALD. I know very well what is meant by this provision——

Mr. FOSTER. I think I do, too.

Mr. FITZGERALD (continuing). And the purpose of it. And the reason and the purpose of why it is put in here is to enable the Bureau of Mines, at the instance of private individuals, to make a special examination of a particular mine for the latter's benefit.

Mr. FOSTER. Oh, no.

Mr. FITZGERALD. Oh, yes.

Mr. FOSTER. Oh, the gentleman is wrong.

Mr. FITZGERALD. I am not, because I had it from the lips of the head of the Bureau of Mines himself when I had occasion to investigate the operations of the bureau on other occasions.

Mr. FOSTER. The intention is to go into general conditions, into matters, for instance, with reference to eliminating coal dust and eliminating gases to better secure the safety of miners. Now, it might be necessary to go into a private mine and look up those conditions. The same condition might exist in stone quarries in reference to doing away with the dust that exists there, and also in metal mining.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes, sir.

Mr. MILLER. I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. Would his objection be removed if the words "in behalf of" were stricken out and there was inserted in their place the word "respecting," so that it would read "any investigation or operation respecting private property"?

Mr. FITZGERALD. Let me call the attention of the gentleman to the way this provision reads.

Mr. MILLER. It would reach the exact situation that the gentleman from Illinois [Mr. FOSTER] describes.

Mr. FITZGERALD. The first two sections of the bill describe the authority of the Bureau of Mines. The third section provides for the preparation and publication of reports. Now, the fourth section provides—

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except with the approval of the Secretary of the Interior.

If anybody can find in the preceding sections anything from which such authority might be inferred, I would be glad to have it pointed out. But this section, under the guise of limiting some power apparently conferred on the bureau, proceeds to recite "any investigation" for certain purposes, "except with the approval of the Secretary of the Interior," the purpose being to enlarge the powers given here, so that this bureau may, with the approval of the Secretary of the Interior, go upon these private properties and make investigations that should be made by the owners of the mines themselves.

Mr. MILLER. Let me make a suggestion to the gentleman.

Mr. WILSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. Yes.

Mr. WILSON of Pennsylvania. I would like to call the attention of the gentleman to the fact that in section 2 the bureau is authorized to conduct inquiries and scientific and technologic investigations concerning mining. Now, that in itself is quite a broad authorization.

Mr. FITZGERALD. It is very comprehensive.

Mr. WILSON of Pennsylvania. That might authorize and would authorize the investigation of methods of utilizing materials in mining. In order that that may not be used for the purpose of determining the methods of utilizing that waste for the benefit of individuals this clause is inserted in section 4, that such operations as are embodied in that authorization shall not be used for the benefit or in behalf of owners of private property. And then, when you make that inhibition and prevent them from using that in making such tests in behalf of private individuals, the question naturally arises as to whether such tests should not be made for the purpose of promoting the health and safety of employees in mines, and so this clause has been inserted for the purpose of qualifying the qualification.

Mr. MILLER. I would like to ask the gentleman from New York [Mr. FITZGERALD] what he thinks of this situation: These items restrict any investigation to our health and safety conditions. Suppose there is a State where there are no mining laws—there are States, I believe, that have no mining laws. Illinois has a mining law, and Pennsylvania has some law for protecting miners. Assuming, however, that the State of Indiana, for instance, has not such a mining law, and there is a condition in a coal mine in that State that the workmen feel is entirely unsafe and unhealthy. Now, a mining corporation is under no requirement of law to make changes, but if there

should be an investigation, not for the benefit of the mining company, but for the benefit of the miners themselves—an investigation by the Government—and a report to show to the world that the mining conditions there were not healthy and safe, would not that be a wise and good thing to do?

Mr. FOSTER. I think the gentleman is entirely right about that.

Mr. MILLER. Is not that what this section is designed to reach?

Mr. FOSTER. In some mines there is a great deal of coal dust which is known to have given rise to explosions. Now it is a problem how the dust of these mines may be eliminated.

The CHAIRMAN. The time has expired for the consideration of this amendment.

Mr. MANN. Mr. Chairman, only one Member has been recognized on the amendment.

The CHAIRMAN. Four or five Members have spoken.

Mr. MANN. That may be, but there has been no recognition by the Chair. I ask unanimous consent that the time of the gentleman from Illinois, my colleague, be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague [Mr. FOSTER] be extended five minutes. Is there objection?

There was no objection.

Mr. FOSTER. The matter of getting rid of this dust so as to prevent explosions has been a problem that the Mining Bureau has been investigating. One method that they have been experimenting with is by using the exhaust steam that comes from the engine so as to moisten the mine. There have been experiments all along these lines for the safety of the miners. Now under this provision of the bill it limits them to these questions of safety and health conditions.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Under section 2 the bureau is given authority to study the subject of health conditions, waste, and almost everything else that relates to mining. Under section 4 it provides that you can not study health conditions in the mines without the approval of the Secretary of the Interior. Does that mean in each particular case?

Mr. FOSTER. I think wherever the employees of the Bureau of Mines go into a private mine to study health conditions there, that before that can be done they must get the approval of the Secretary of the Interior.

Mr. MANN. But suppose they have an explosion in a mine and people are imprisoned and the Mining Bureau wants to go there and study health conditions while the conditions are in such a state as to make it desirable that they should be studied. Do I understand that they have to come and get hold of the Secretary of the Interior, procure his approval, before they can study the health conditions of that mine?

Mr. FOSTER. I think the Secretary of the Interior would issue a general order that in case of accident they could go and visit the mine.

Mr. MANN. I asked the gentleman a little while ago whether it would require the approval in a particular case, or whether he would give a blanket order——

Mr. FOSTER. Oh, I did not understand the gentleman's question, I thought he meant generally, without any extraordinary case.

Mr. MANN. But the extraordinary cases would not make any difference; if he can write a blanket order there is no necessity of putting that provision in the bill. That is the first thing the Secretary of the Interior does—is to write a blanket order.

Mr. GARNER. Mr. Chairman, I would like to ask the gentleman what he means by a "private mine."

Mr. FOSTER. A mine that the Government has nothing to do with.

Mr. GARNER. How many mines does the Government own?

Mr. FOSTER. The Government owns no mines except an experimental mine at Pittsburgh.

Mr. BOWMAN. If the gentleman will pardon me, is not this the situation: That there would be no question that if there was an explosion or a serious accident in a mine it would be the duty of the Government and the duty of the State government to go at once?

Mr. MANN. Where does the gentleman get that authority? He says it is the duty of the Government.

Mr. BOWMAN. In section 2. It is necessary in a case of accident that they should go to the mine and find out what new conditions have arisen.

Mr. MANN. Does my colleague agree to that?

Mr. FOSTER. No; I do not think they have the authority to go into a private mine even if there has been an accident.

Mr. WILSON of Pennsylvania. Not without the consent of the owner of the mine.

Mr. FOSTER. Not without the consent of the owner of the mine.

Mr. BOWMAN. It would not be in behalf of the private person or the owner of the mine in case of an accident in which the lives of many men might be in question; that would not be in behalf of the private person or the private mine owner.

Mr. FOSTER. I think if an accident occurred in a mine owned by private persons that the employees of the Bureau of Mines would not have authority to go in if permission was refused by the mine owner. I think the Government has no right to go in there against the refusal of the mine owner.

Mr. MANN. Under section 2 it is contemplated, I take it, that the Bureau of Mines may go into a private mine and make studies not only of health conditions, but of all other mining conditions.

Mr. FOSTER. To a limited degree.

Mr. MANN. Not to a limited degree, except that the owner of the mine can keep them out; the authority, as far as we are concerned, is complete.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. If you can not go into private mines to study health and other conditions, and there are no public mines in this country, what is the object of this commission?

Mr. MANN. Oh, I think you can go in.

Mr. FITZGERALD. No; you can not.

Mr. MANN. Under section 2, as I understand it, it is the purpose to give to this mining bureau the authority, so far as we are concerned—that is, the authority of the expenditure of money—to go into a mine anywhere to study conditions. Of course, you may have to get the consent of the private owner.

Mr. FOSTER. You will always have to do that.

Mr. MANN. That is another question. If section 2 gives the authority to go into the mines to study health conditions or other mining conditions, why should we provide in section 4 that as to health conditions, which are the most important, they can not go in without obtaining the consent of the Secretary of the Interior?

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BOWMAN. In this next section, 4, it says in behalf of the owner and in the other section it is for the general welfare. That is the distinction.

Mr. MANN. I know, but there is no difference at all. The Government pays the expense. They go in to study the health conditions. It is necessarily in behalf of the owner and public both in every case. There is no authority except to study conditions and make report. If the purpose of section 4 is that this should be done at the expense of the private owner, it ought to say so.

Mr. FOSTER. Oh, no; I do not think so.

Mr. MANN. Oh, certainly. There is no excuse for section 4 except to permit the Government to go and make a study of conditions for the special benefit of the private owner, and if it is to be for the special benefit of the private owner, he ought to pay the bill.

Mr. FOWLER. Is not section 2 broad enough to give that authority and is not this a limitation?

Mr. MANN. I think section 2 allows them to go anywhere.

Mr. FOWLER. I think so, and is not this a limitation?

Mr. CARTER. Mr. Chairman, I want to ask the gentleman from Illinois a question, to further carry out his idea in respect to the private ownership of mines. I believe the gentleman has stated that this bill would not permit this commission to go into privately owned mines without the consent of the owner of the mine?

Mr. FOSTER. Certainly not.

Mr. CARTER. We have in Oklahoma an application of the conservation theory. That is, we have mines there which are owned by the Indians but worked on a lease basis, with a royalty pay to the Government for the Indians of 8 cents per ton. What I want to ask the gentleman is this: What would be the effect of his bill on those mines? Would it permit this commission to go into those mines without the permission of the owners of the property? Would the commission have to go to the owners or the lessees of the property, or to whom would they have to go to get permission to make the investigation?

Mr. FOSTER. I think they would have to go to the lessees of the property.

Mr. MANN. The gentleman means, as I take it, that the General Government has certain authority to make investigations and study. It has no authority to confer the right to go into a man's private home, or his private office, or his private property for this purpose. We give all the authority we have to

study. It is up to the men who are doing the studying to get into the place where they can do it, and that must be by private consent.

Mr. FOSTER. Certainly.

Mr. CARTER. Would this be considered private property, being owned by the Indian tribes?

Mr. MANN. If a man holds a lease on property, it is just as much private property as long as the lease is outstanding as though he owned the property itself.

Mr. CARTER. But the title to the real property is in the Indians, and the Federal Government is the guardian of the Indians.

Mr. MANN. Yes; but if the gentleman rents the house from me and moves into it, during his lease from me he is the owner of the house.

Mr. CARTER. Suppose something became radically wrong with the house and needed repair.

Mr. MANN. That is a matter of what the terms of the lease provided. I would not be entitled to go into a house if you had a lease giving you the right of the house during a certain term.

Mr. CARTER. So the gentleman considers this would not give any authority to go in without the permission of the lessee.

Mr. MANN. When the gentleman says permission, you can not go there over their protest. I guess they have to have a special permit to go in any mine. Mr. Chairman, I do not know I shall offer an amendment, because I have not formulated one——

Mr. FITZGERALD. There is one pending.

Mr. MANN. I do not think this provision ought to be in section 4. Section 2 gives to these officials the authority to make study in reference to mines, both as to health conditions and otherwise. The authority is broad and general, it is complete. The only thing left is for us to furnish the money for officials and for the officials to obtain an opportunity to make that study. Now, on what theory do you propose to limit that authority as to health conditions while continuing authority as to all other conditions? You can not tell me that it is more important to give these officials the right to go into a mine to study the preparation or utilization of mineral substances, to study the prevention of waste in mining or quarrying, or investigating explosives in the mine, that that is more important than it is to study the health and safety of the persons employed in the mine. The gentleman would leave the bill in such shape that the mining officials have authority, so far as we are concerned, to go into the study of the subject of explosives, but they can not go into the study of the subject of the health or safety of miners without getting a special permit.

Mr. FOSTER. The study of safety appliances, explosives, all of those subjects connected with the mine, would be included in this provision, including the safety of the employees.

Mr. MANN. Not at all.

Mr. FOSTER. Oh, yes.

Mr. MANN. Section 2 covers health conditions. It covers the question of increasing safety. Those are two items. It covers economic development of mining; it covers the prevention of waste in mining; it covers the investigation of explosives in mining, all separately in section 2. Under that we give general authority to go into the mine. Then you turn over to section 4 and you strike out these and everything except the study of health and safety of persons.

Mr. WILSON of Pennsylvania. The gentleman is entirely wrong.

Mr. MANN. The gentleman is not mistaken at all. That is absolutely what it is.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I want to call his attention to the fact that section 4 is just the reverse of what the gentleman says. It says:

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed.

And so forth.

It does not in any manner modify the authority that is contained in section 2 with regard to investigating conditions of health and safety, so that the gentleman's position is wrong.

Mr. MANN. Under section 2 authority is given to go into the mine and to make these studies by anybody for any of the purposes covered by the provisions, and the provisions are very full, but in section 4 you limit the authority to go into the mine to study health conditions and safety conditions until you get the approval of the Secretary of the Interior. You say, "in behalf of any private party." That amounts to nothing; it neither adds or detracts if the mines are owned by private parties. You can go into any man's mine, but under the terms of section 4 you have no authority to go into a private mine to study health conditions or the safety of persons employed without obtaining the consent of the Secretary of the Interior.

The CHAIRMAN. The 15 minutes has expired under the last extension.

Mr. MANN. Mr. Chairman, I ask for recognition; it is not our fault that the Chair does not enforce the rule.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be recognized for five minutes additional.

Mr. MANN. Have I been recognized heretofore by the Chair? I am very sure I did not have 15 minutes.

The CHAIRMAN. The gentleman had 15 minutes, although he did not get it from the Chair.

Mr. MANN. I beg the Chair's pardon. I ask for recognition from the Chair.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois for five minutes.

Mr. MILLER. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. MILLER. I understood the gentleman to state that it was no doubt the intention in the preparation of the bill that any investigation in behalf of private parties should be paid for by the private party—that is, the one receiving the benefit of the investigation—but it had not been carried out.

I call his attention to section 5 and ask him, if, in his judgment, that section is not carrying out all the proposition that he suggests and whether or not section 5 should not be construed in conjunction with section 4?

Mr. MANN. Well, I do not think that that covers it. I think that section 4 is not intended as a limitation upon section 2. If it is intended as a limitation on section 2, I do not think it ought to be in here. If it is not, it is intended as an extension of authority to do this work for private parties, and if that is the case, then the private parties ought to pay for it.

Mr. MILLER. If the gentleman will permit, my understanding is that there has been an important distinction between sections 2 and 4. It seems to me, whether I understand it correctly or not, section 2 contemplated what might be termed more or less theoretical investigations, and consideration of the subject matter therein expressed.

Mr. MANN. The gentleman will notice that section 4 does not cover anything in section 2 except the study of health and safety.

Mr. MILLER. I understand that.

Mr. MANN. If it is a limitation, it ought not to be in here. If it is not a limitation and it is intended to make a special study for the benefit of private owners, they ought to pay for it. That is not required by section 5.

Mr. MILLER. The only authorization for the Secretary of the Interior to make a private investigation, so far as I know, is in section 4. Admitting that some company operating a coal mine desired to install such improvements as to promote the health and safety of the miners, and was perfectly willing to pay the expense of the Government in investigation and recommendation in that respect, would the gentleman not think it was perhaps proper that authorization should be extended to the Bureau of Mines to make that investigation if it was paid for?

Mr. MANN. So far as I am concerned, they ought to have very full authority to do it at their own expense.

Mr. MILLER. Does not the gentleman think that section 5 is sufficient to meet the expense? I can find nothing else in the bill, so far as I read it, authorizing the Secretary of the Interior to make any investigation except this in section 4.

Mr. MANN. Section 5 is obligatory. It says:

Authorized by the Secretary of the Interior under the provisions of this act—

"Under the provisions of this act"—

other than those performed by the Government of the United States or State government within the United States, a reasonable fee covering the necessary expenses shall be charged.

It is possible that would cover it.

Mr. POWERS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. POWERS. Is it your conception that section 3, which gives the Bureau of Mines the authority to investigate these matters for private individuals, section 3 only authorizes the Government to do that particular thing, or does that reach back and cover these other things in section 2?

Mr. MANN. I remember when these things were put in the law as under the Geological Bureau, it was provided that certain investigations should be made only of materials on public land or for the use of the United States. I will not undertake

to construe it, but it looked very plain, and no department has ever construed it to mean that.

Mr. POWERS. The gentleman has overlooked the more comprehensive authority given before the part he has read, namely:

Investigations concerning mining, and the preparation, treatment, and utilization of mineral substances.

Without any limitation.

Mr. MANN. They have made investigations for years without any limitation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, my understanding of the words in section 4, to which the gentleman from Illinois [Mr. MANN] has referred, namely, the undertaking of investigations in behalf of private parties, is that it contemplates investigations that would not be general in their character and which would be clearly in the interest of, or, as the language of the bill is, "in behalf of a private party."

And section 5 provides for a charge in such cases. If that is not the meaning of the two sections, I should have the same objection to them that the gentleman from Illinois [Mr. MANN] has voiced or suggested, but it seems to me that that is the fair interpretation of the language. As a matter of fact, it is the only reasonable interpretation of the language. It could scarcely be called an addition to the authority which the bureau has under section 2. It is a further direction with regard to a certain character of investigations or operations which might be held to be contemplated by section 2. This language in section 4 makes it clear that such investigations in the interests of private parties were not contemplated by section 2 except by direction of the Secretary of the Interior and under the fixed scale of charges.

Mr. BOWMAN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. BOWMAN. And an amendment has been offered striking out, on page 3, lines 17 and 18, "with the approval of the Secretary of the Interior" where it is now placed and putting it elsewhere.

Let me read it as it is corrected:

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party except for the health and safety of persons employed—

And so forth.

And in that case, by the consent of the Secretary of the Interior. That, as I read it, is a qualification on section 2. Section 2 gives the general right. Now comes the qualification in section 4 which gives the bureau a special right to undertake an investigation for the health and safety of persons employed.

Mr. MONDELL. I suppose the amendment is more or less immaterial. Perhaps it makes it a little clearer, but it seems to me that sections 4 and 5 are quite clear as they stand, construed together.

Mr. MARTIN of South Dakota. I was going to suggest this: Would not the amendment be clear if, in lines 17 and 18, on page 3, the words "except with the approval of the Secretary of the Interior" should be omitted, because the general authority given in section 2 is under the direction of the Secretary of the Interior, and I think that by repeating that, "except with the approval of the Secretary of the Interior," it qualifies and lessens the force of what follows. The exception is for the health and safety of the persons employed in mining.

Mr. MONDELL. If the gentleman from South Dakota will notice, the provision in section 2 is a general provision such as is included in all of the organic acts of such bureaus, that the operations of the bureau shall be under the direction and control of the Secretary. This is a somewhat different and more specific provision, requiring the approval of the Secretary in specific cases, and it means something more than the words in section 2, which simply provide, as they should, that all the operations of the bureau shall be under the general direction of the Secretary of the Interior, who is responsible for the conduct of the bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word. I only want a moment's time. It does seem to me that the use of that language, "with the approval of the Secretary of the Interior," after the word "except," in lines 17 and 18, gives prominence to language that is not intended to be made prominent in that section. I think if we should leave out entirely the words "with the approval of the Secretary of the Interior" and have it simply to read, "except for the health and safety of persons employed in mining," investigations could not be made on the solicitation or for the benefit of private parties except for purposes of health and safety of employees. If it is thought best, however, to make it appear that even those must be under the direction of the Secretary, that language, "with the approval of the Secretary of the Interior," could be inserted later.

Mr. MANN. That is the amendment that is pending.

Mr. MARTIN of South Dakota. If that is it, the gentleman will pardon me for having lost sight of the amendment in the midst of so much discussion upon it.

Mr. MANN. Mr. Chairman, I ask for a division of the amendment, so that we may strike out the words "with the approval of the Secretary of the Interior" in lines 17 and 18, and leave that out.

Mr. MARTIN of South Dakota. I think if they were left out nothing would be lost, and by keeping them in a good deal of confusion would be given to the section.

Mr. FOSTER. I think they make the section clearer. It does not give the Bureau of Mines the right to go into private property, but it requires them to have the approval of the Secretary.

Mr. MARTIN of South Dakota. If you want more limitation placed on the Secretary you ought not to have it in any place except the place where it is given, preceded by "except."

Mr. MONDELL. It seems to me that the words "with the approval of the Secretary of the Interior" should be put in at some point. In administration the effect would be this: That while the general operations of the bureau would be carried on by the Director of the Bureau of Mines under the general direction of the Secretary and under general rules and regulations promulgated by him, the sort of investigation proposed here in each specific case would, as a matter of administration, be referred to the Secretary's office before being entered upon. It occurs to me that is probably a wise provision.

Mr. MARTIN of South Dakota. If the provision is wise, it ought to be dropped after the word "except," because it seems to qualify the exception. I think the amendment to strike it out where it follows the word "except" is very proper, and there could be no objection to adding the same language after the word "industries," in line 20. Then it would read, "except for the health and safety of persons employed in the mining, quarrying, and metallurgical or other mineral industries, with the approval of the Secretary of the Interior."

Mr. WILSON of Pennsylvania. That is the amendment that is pending.

Mr. MARTIN of South Dakota. Then, please construe my remarks as supporting the pending amendment.

Mr. POWERS. Would it not be better to leave out altogether the words "with the approval of the Secretary of the Interior"?

Mr. MARTIN of South Dakota. Why?

Mr. POWERS. Because in a mine owned by private individuals, in the case of an accident where you might want to rush a mining rescue car into the mine for the relief of the entombed miners, you would be put to the necessity of waiting to get authority from the Secretary of the Interior.

Mr. MONDELL. Does the gentleman understand that any such accident would come under the provisions of this section?

Mr. POWERS. Where does it come?

Mr. MONDELL. That is the ordinary work of the bureau.

Mr. POWERS. Where do you get that authority?

Mr. MONDELL. That is not in the interest of private individuals. It is in the interest of the general public.

Mr. POWERS. Will the gentleman please point out where that authority is given?

Mr. MONDELL. In section 2.

Mr. POWERS. Point out the particular part of section 2 where you get that authority.

Mr. MONDELL. It is clearly granted in that section, as I endeavored to point out on a former occasion.

Mr. POWERS. You do not point it out.

Mr. MONDELL. Because whatever the bureau does will be with the approval of the Secretary of the Interior, and they will not be hampered by the fact that they have authority over it.

Mr. FOWLER. Is it not a fact that if section 4 is not maintained in the bill that the power afforded the Bureau of Mines and Mining in section 2 might be abused for the benefit of individuals instead of for the public?

Mr. MARTIN of South Dakota. Quite possibly; but I think if the amendment is in the language suggested it will meet the situation.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I want to appeal to the Members to let us dispose of this bill. We have been here for three Wednesdays on a four-page bill having the unanimous report of the committee and recommended by the Interior Department and the Chief of the Bureau of Mines and Mining. There are about 400 Members here, and we are drawing $20 a day. We have virtually expended $25,000

in the consideration of the bill which we ought to have passed in two hours.

Mr. FITZGERALD. Which never ought to be passed at all.

Mr. AUSTIN. Well, then, vote it up or vote it down. It ought to have been disposed of in two hours. If the American people could see and understand our methods, they would be completely discouraged and disgusted with the American Congress.

There are 57 committees, and they have been working industriously to get on the calendar bills that are of local and general interest. They are here, and the only way to have them considered at all is either by unanimous consent or by their consideration under the call on Calendar Wednesday. There are just 52 Wednesdays in the year, and we are in session about six months during the long term. Here we are rushing to adjourn this Congress with this calendar filled with important bills that many of us are interested in, and we will have 3 months or 90 days' session beginning in December, and it will practically require all the time to pass the supply or appropriation bills, and we will be virtually without an opportunity to dispose of this legislation. Then the new Congress will come along, and we will work over these bills again and put them on the calendar.

I come here every day interested in trying to discharge my duties as a Member of this House, and I admit that I am thoroughly disgusted at the manner with which we are trifling with the public business. I wish there was some way or means by which we could stop it and make good by passing needed legislation for the people that sent us here. [Applause.]

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate be closed on these amendments in two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the amendments close in two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, our distinguished friend from Tennessee [Mr. AUSTIN] sometimes gets impatient. Here is an illustration. He complains because the House is considering this bill. What is the bill? It is a bill of great importance—to amend a law passed only two years ago, while the gentleman from Tennessee himself was on the floor urging then, as he does now, that the bill be passed without consideration. It was passed then, and it ought to have had full consideration then. If it had been fully considered there would be no occasion now to take up the time of the House in amending it. It was because gentlemen in the House who were so impatient then to pass a bill, regardless of consideration, without attention to its details, that within two years' time the House is called upon to entirely remodel the law, correct the bill, strike out everything that was in it, and to insert new things. Certainly, having that experience in mind, it is perfectly proper that the House give consideration to the details of a law to create and maintain a bureau of tremendous importance; the original law having failed to accomplish the purpose. [Applause.]

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from Illinois, to strike out the words "with the approval of the Secretary," in lines 17 and 18, page 3.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the next amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 20, after the word "industries," insert the words "and with the approval of the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

Mr. FITZGERALD. Mr. Chairman, I want to call the attention of the gentleman from Tennessee to the fact that the gentleman in charge of the bill has offered a great many more amendments to it than any of the rest of the gentlemen on the floor, if the bill has the unanimous report of the committee.

The Clerk read as follows:

Page 3, line 24, after the word "mines," insert "at a compensation not to exceed $10 per day."

Mr. FITZGERALD. Mr. Chairman, I move to strike out the proviso.

Mr. FOSTER. The gentleman can not do that now.

Mr. FITZGERALD. I want to protect my rights.

Mr. FOSTER. I think the gentleman from New York knows the rules.

Mr. FITZGERALD. I simply wish to state to the Chair that I desire to offer an amendment to strike out that proviso.

Mr. FOSTER. I will say that the gentleman is not in order now.

Mr. FITZGERALD. I am in order to raise a question of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] offered an amendment, and the Chair has recognized him on that amendment.

Mr. FITZGERALD. That does not preclude me from stating a question of order.

Mr. MANN. What is the question of order?

Mr. FITZGERALD. I state to the Chair that I desire to offer an amendment to strike out this proviso, and in view of the experience of the Chair recently in this House I wish to know whether the Chair will hold that the motion will be in order after the disposition of the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair is very clearly of the opinion that the gentleman from Illinois [Mr. FOSTER] is entitled to the floor on his amendment perfecting the proviso before the gentleman from New York is in order to move to strike it out. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. FOSTER. The amendment that I have offered is to limit the compensation of any expert help which the Bureau of Mines may employ temporarily, so that it shall not exceed $10 a day. During the general debate some question was developed in the minds of those here about this provision. I do not desire to take up that matter now, but would like to have a vote first upon the question of the compensation. Then the amendment of the gentleman from New York [Mr. FITZGERALD] can be taken up later. I want to state in addition that this is an amendment which was suggested after the bill had been reported, the committee thinking it proper that it should be limited.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. As I understand the proviso, it is a mere limitation upon the provision that no person shall be employed who has any personal or private interest in a mine or mines under investigation?

Mr. FOSTER. Yes.

Mr. MANN. Might it not readily occur that they might wish to employ somebody who was connected with some mine in the investigation of some other mine, where they might have to pay more than $10 a day? I take it that this is in the main intended for temporary employment.

Mr. FOSTER. Exactly; that is what it is meant for.

Mr. MANN. You might get people to work for nothing, to get the credit for it, but as a rule you do not get the most expensive people to work for $10 a day, because then they get neither money nor credit.

Mr. FOSTER. I think my colleague is probably correct as to that, but the intention is that a mining engineer outside of the Bureau of Mines, who might own an interest in a mine, could be employed for temporary work for investigation of some kind that might last a little while.

Mr. MANN. But here is a mine owner who may be a brilliant man. They may want his services at some other mine for two or three days in case of accident.

Mr. FOSTER. Yes.

Mr. MANN. You might get his services for nothing, but you would not get them for $10 a day.

Mr. FITZGERALD. You would not get his services for nothing, because the law prohibits that.

Mr. MANN. Oh, I understand; but under this provision you might get him for nothing if you had the power, but you probably would not get him for $10 a day. You might get him for $50 a day or $100 a day for two or three days.

Mr. FOSTER. In a conversation with the Director of the Bureau of Mines it was stated, just as my colleague says, that it is a difficult matter to get these men at $10 a day.

Mr. MONDELL. It seems to me that there is some misunderstanding as to the character of this provision. As I understand it, this is not a prohibition against employing men who are interested in mines. It is a prohibition against employing a man interested in a mine or the products of a mine that is under investigation, and the exception would allow the employment of a person who is interested in the mine which is being investigated.

Mr. FITZGERALD. No.

Mr. FOSTER. No.

Mr. MONDELL. There is no punctuation here.

Mr. MANN. Do I understand the gentleman from Wyoming to claim that the director of this bureau may own a mine?

Mr. MONDELL. If the gentleman will read the language——

Mr. MANN. I have read it a number of times. I admit it is susceptible of doubt.

Mr. MONDELL. If that is the intent, then there should be a punctuation point.

It says:

Nor shall the director or any member of said bureau have any personal or private interest in any mine or the product of any mine under investigation.

That is not a prohibition against their having an interest in a mine. If that is the intent, then it should either be differently written or it should be punctuated.

Mr. MANN. I think it means any mine or the products of any mine under investigation. You can not tell whether he is going to be interested in the product of a mine under investigation in advance, but you can tell whether he is interested in any mine or not.

Mr. MONDELL. If the intention is to prohibit the director or any member of the bureau from having any interest in any mine that may be investigated, within the general scope of the activities of the bureau, then the words "under investigation" should be stricken out.

Mr. MANN. No. Here is the point. It is intended to prevent the director having any interest in any mine, but he can still buy his coal from a mine that is not under investigation; but if he is investigating a coal mine he can not buy coal from that mine.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to amend by striking out lines 23, 24, 25, on page 3, and lines 1 and 2 on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by striking out lines 23, 24, and 25, and page 4 by striking out lines 1 and 2.

Mr. FITZGERALD. Mr. Chairman, this amendment is offered to prevent the repetition of what was the practice in that branch of the Government service under which this work was conducted before the organization of the Bureau of Mines. Before the organization of the Bureau of Mines the technologic branch of the Geological Survey conducted this work. In 1908 an investigation disclosed that a number of men who were employed as professors in various colleges or who were employed by various States in official capacities were upon the paid roll of the technologic branch of the Geological Survey, and were receiving from the Federal Government, in addition to their other compensation, compensation at the rate of $8 or $10 per day. In addition, they were allowed at the rate of $2.50, or otherwise, for clerical services. In a hearing held by the Committee on Appropriations in 1908 the following transpired:

The CHAIRMAN. In your letter addressed to me as chairman of the committee, under date of March 20, 1908, you state:

"The following were employed during the larger portion of their time on regular duties connected with college instruction, and were appointed in a consulting capacity to the Geological Survey and paid only for time devoted to such consultation, and the proportion of working time for which they were actually so employed in the service of the United States has been about one-third in each case, except as otherwise indicated."

Then follows:

"Prof. R. H. Fernald, consulting engineer, gas-producer tests, is professor of mechanical engineering, Case School of Applied Science, Cleveland, Ohio, at about $3,000 per annum. His survey compensation is $10 per day when actually employed.

"He is allowed a stenographer, at $2.50 per day, when actually employed.

"Prof. N. W. Lord, chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about $1,800 per annum. His survey compensation is $10 per day when actually employed.

"He is also allowed a stenographer, at $2.50 per day, when actually employed.

"Prof. L. P. Breckenbridge, consulting engineer, steam tests, is professor of mechanical engineering, University of Illinois, Urbana, Ill., at about $3,000 per annum. His survey compensation is $10 per day when actually employed.

"Edward E. Somermeier, assistant to chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about $1,200 per annum. His survey compensation is $8 per day when actually employed, his working time in the service of the United States being about one-half."

Prof. Charles A. Davis, consulting expert, peat investigations, is professor of geology of the University of Michigan, at about $1,500 per annum. His survey compensation is $7 per day when actually employed.

Then, there are 15 engineers, chemists, geologists, and collaborators named in this letter, who receive compensation of from $5 to $10 per day when called in consultation.

In other words, these gentlemen, all employed by different universities and colleges and in other employments at a fixed annual compensation, conducted certain tests in the laboratories in which they were supposed to discharge the duties for which they were being employed by those institutions and were paid by the Government of the United States.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. One moment. They would state the portion of their time which they had devoted to the work of the Federal Government and collect from $5 to $10 per day for their services. I now yield to the gentleman from Minnesota.

Mr. MILLER. Does not the gentleman think that where a professor of chemistry in a great State university, like the State University of Ohio, gets only $1,800 a year, and his assistant gets $1,200, it would be in the interest of humanity and the promotion of science and education for the Government of the United States to come to the relief of such a State and also of the professors and pay them extra money?

Mr. FITZGERALD. Mr. Chairman, I decline to yield any further.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I suppose this is of sufficient importance not to be trifled away by any such frivolous remarks as the gentleman from Minnesota tried to inject into what I was saying.

If this Bureau of Mines is of such character and so important an institution of the Federal Government, it has and will have, regardless of what the belief may have been as to the propriety of establishing the bureau, such technical and other assistance as are required to perform the work devolving upon it. It is a very bad and indefensible practice to have scattered throughout the country certain technical and scientific gentlemen, devoting the greater, if not the major, or nearly all of their time to some private employment, to be upon the pay rolls of some Government bureau, making casual investigations, being consulted and advertising themselves as United States Government experts in order to aid their private employment. We have had a notorious case of that character right under our own observation here within the last few years. The practice, in my opinion, Mr. Chairman, can not be defended; it is not good administration. If those gentlemen's services are required and needed, they should be had exclusively for the Government. We should have the benefit of their training and ability——

Mr. BOWMAN. Will the gentleman yield?

Mr. FITZGERALD (continuing). And we should employ them in the bureau. We should not encourage this cooperation in the discharge of the Government business by the establishment of a number of independent agencies throughout the country supposedly under the control of the Bureau of Mines but actually not.

Mr. BOWMAN. I think the purpose of the committee and the purpose of the bill in this case was to get the services of men, particularly in the case of accidents, where men in a given locality would know something about the particular mine in question. That has been one of the principal questions that has arisen when the bill was considered by the committee.

Mr. FITZGERALD. If that has been the intention of the committee, it has not been fortunate in expressing its purpose. Under this provision and under the amendment adopted at the suggestion of the gentleman from Illinois the purpose is to reestablish a practice which was stopped a few years ago. It should not be reestablished. Gentlemen who are employed by these universities or employed in departments of a State conducting similar work should be confined to that work and should not have their incomes increased by such employment and have the advantage of advertising to the world that they are experts of the Bureau of Mines of the Government of the United States in order to aid them in securing additional employment at largely increased compensations.

Mr. MONDELL. Mr. Chairman, it seems to me that the argument of the gentleman from New York proves too much. Any head of a Government bureau who will employ and pay out of the Federal Treasury for alleged services not actually rendered under a provision like the one under consideration, would also take into the Government service and retain in the Government service an altogether useless and unworthy person. [Applause.] The gentleman objects to an abuse which he says the committee discovered several years ago. My opinion is that the official or officials who are responsible for that abuse, if it existed to the extent the gentleman believes it did, should have been relieved of their positions. That is the way to cure that kind of abuse. [Applause.] I have a great deal of sympathy with the gentleman's feeling with regard to that sort of thing. My attention has been called to it on several occasions, and at one time I offered an amendment to the agricultural appropriation bill, which is still carried on that bill, to prevent exactly that kind of abuse; and yet it is true, and

the gentleman from New York will agree with me that it often occurs that there are men outside of the Government service, men who do not care to go into the Government service, men to whom permanent Government employ does not appeal, who can render exceedingly valuable service temporarily, either in a specific investigation or in the preparation of papers in which they set out for the use of the public the results of their experiences and investigations. Now, that sort of thing may be exceedingly valuable, and every Government bureau, it seems to me, ought to have an opportunity, with proper safeguards, to avail itself of that kind of useful service, and if we discover that a head of a bureau is abusing that sort of permission, the way to cure it is to get a new bureau chief, because, as I said at the beginning of my remarks, a man who will abuse that kind of discretion will abuse any and all discretion lodged in him. But I do not believe it wise to deprive the public, the Government, the people, of the useful and beneficial services of experts in these matters simply because some bureau chief sometimes has abused the opportunity to employ such men. There have been abuses of a similar discretion, and at the time it occurred I think there was abundant reason for separating from the public service the men under whose authority that abuse existed, but the provision itself is a wise one and is in the interest of the public service. We may very often, for a comparatively small sum, secure the benefit of the services or experience of men who have had vast and varied experience. We may be able to secure views and opinions from men who have widely investigated important subjects, and in many cases that is the cheapest way of securing the information and obtaining the investigation which we desire. I will join the gentleman from New York [Mr. FITZGERALD] in surrounding this provision with safeguards so as to make its abuse difficult, and then I will join with him in insisting upon the separation from the public service any man who is so careless of his obligations as to abuse the discretion given him.

Mr. CANNON. I move to strike out the last word. I am in harmony with this amendment to strike out this proviso. I had a bit of conversation—and I do not care to quote the name of the gentleman with whom I had it—with a man that is very familiar with this service and has been, if not now, connected with it, and is entirely friendly to the bill. I objected to this proviso. I said, "What is the object of it? It is broad, without any limitation." He said, "Perchance, if we want to investigate a condition in a certain mine or mines, we sometimes can go and find an employee or somebody who lives in the neighborhood who knows about the conditions." I said, "Do you not propose to have fair men and able men for inspectors—experts that have no interests or feeling, that do not in any way care about who owns the mine or operates it—and do you not think you can get better service, although you might have to pay traveling expenses?" He said, "I do not know but that is so."

Now, I am aware of the abuse that the gentleman from New York [Mr. FITZGERALD] has referred to, and I apprehend that perchance the truth is not one-tenth part told. This is a great service. Here is an important bureau, and I am in sympathy with it and its work. It is true it goes by permission. And yet there is a great result to be gained even when the United States volunteers to make the investigation, when only ordinarily permission is given—frequently invited—and it is of such importance that I am for this bureau. But let us read:

Provided, That nothing herein shall be construed as preventing the employment by the Bureau of Mines in a consulting capacity—

Do you not see that is permanent?

or in the temporary investigation of special subjects—

Of whom?

of any engineer or other expert whose principal practice is outside of such employment by said bureau.

A lump sum appropriated for; they do not keep track of it, and perhaps there is favoritism. The United States, when it makes the appropriation, is entitled to utilize the service of competent employees, and this service is so important that I desire that the Bureau of Mines will never lack for a sufficient appropriation to carry on this work, but employ, from the head of that bureau down to every inspector, very skilled and competent men, unprejudiced and unaffected by local conditions.

Mr. BOWMAN. Will the gentleman yield?

Mr. CANNON. I will.

Mr. BOWMAN. As one who has had some experience in mining, I would say that it is utterly impossible for the United States to employ sufficient men to carry out the purpose of this bureau properly without the authority to employ men in special cases as provided for in that section. Let me illustrate. An accident is likely to occur in any given section. Even the inspectors cover a wide area. It is impossible for them to be fully acquainted with the conditions in all of these mines. There may be a man many times——

Mr. CANNON. I did not yield for the whole of my time.

Mr. BOWMAN. I thought the gentleman wanted a statement.

Mr. CANNON. Well, I have it, in substance. Now, mind you, what can be done when the bureau, or its agents, goes to the mines? But this is what? It is far broader in a consulting capacity, permanent employment of somebody that has employment outside, or in a temporary investigation of special subjects—any engineer or expert who is from professional practice outside of such employment of said bureau. I shall vote for the amendment for the reason assigned and for many others that I think might be assigned.

Mr. WILSON of Pennsylvania. Mr. Chairman, so that there may be no misunderstanding as to the purpose of this proviso, I want to say that the committee did not have in mind, as suggested by the gentleman from Pennsylvania [Mr. BOWMAN], the payment of men for brief periods of time to show the agents of the bureau through a mine when a disaster has occurred. Nothing of the kind entered the minds of the committee. As a matter of fact, whenever any disaster has occurred in any of the mines of the United States, if there were any of the men alive and at liberty, they were willing without compensation to go through the mines in search of those who still remained there. So it does not require compensation for that purpose. But what they did desire to do was to secure the services of men who were conversant with the local conditions, secure those services in a consulting capacity, and get their advice and their knowledge of local conditions in the carrying out of the general work of this bureau.

For instance, in the region that the gentleman from Pennsylvania [Mr. BOWMAN] comes from, they have immense cave-ins, where the surface goes down into the mine where the coal has been removed. Experiments are being made of methods by which the workings can be filled, so that those cave-ins will not take place.

It is a benefit to the entire community to prevent those cave-ins from taking place. The engineers who are employed in that region are more familiar with what has been accomplished, the experiments that have been made, the results that come from those experiments than any engineers that are employed by the bureau. To be able to consult with them with regard to work of that kind would enable the bureau to get information necessary to proceed upon much more cheaply than if they had to go into that region and begin the study of the entire subject from the beginning. And what applies to cave-ins in the anthracite region applies also to the local conditions in almost every mining field in the United States. There are no two of these fields where the conditions are exactly alike. There are no two fields where the composition of the coal is exactly the same. The composition is different, and, being different, there is a difference in inflammability with the coal dust in those fields. The men who are regularly employed as engineers and experts in those fields know more about the actual qualities and conditions surrounding the fields than any expert from the Bureau of Mines would know who might be sent in there for the purpose of making an investigation; and by having this proviso inserted here will enable the bureau to go into these fields and avail themselves of the information which these experts and engineers have, and from that basis of acquired information proceed with the investigations.

In my judgment it would be an assistance to the bureau and a benefit all around to allow this proviso to remain in here, and to guard it and watch it so that it will not be abused, as has been the case where this power has been given to some bureaus, as stated by the gentleman from New York [Mr. FITZGERALD]. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 25, strike out the word "temporary," and in line 24, page 3, after the word "the" and before the word "employment," insert the word "temporary."

Mr. CANNON. So that it will read——

Mr. MONDELL. Mr. Chairman, as amended, the paragraph or proviso will read as follows:

That nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, in a consulting capacity or in the investigation of special subjects, of any engineer—

And so forth.

It applies the word "temporary" to all of this employment, instead of to the latter character. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment: On line 24, page 3, after the word "mines," insert the words "with the consent of the Secretary of the Interior."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend, page 3, line 24, by inserting, after the word "mines," the words "with the consent of the Secretary of the Interior."

Mr. FOSTER. Let me ask the gentleman this question: These experts are employed through the Secretary of the Interior, of course?

Mr. RAKER. No; not at all.

Mr. FOSTER. Yes; and when one of them is employed, they must notify the Civil Service Commission.

Mr. RAKER. Oh, no.

Mr. FOSTER. Oh, yes; they do. I know what I am talking about.

Mr. RAKER. On this particular subject the language is different. On lines 23 and 24 it provides "that nothing herein shall be construed as preventing the employment" of these men "by the Bureau of Mines." Now, that is a special provision, and it does not relate to the control of this temporary employment by the Secretary of the Interior.

Mr. FITZGERALD. Let me suggest this to the gentleman from California: The Bureau of Mines is an important bureau. I think its appropriations amount to about $500,000 a year.

The bureau ought to be permitted to have some power. The Secretary of the Interior can not bother to act simply as Chief of the Bureau of Mines, and if everything that the director has to do is so tied up with these restrictions, requiring the specific approval of the Secretary of the Interior, we might better abolish the position of Director of the Bureau of Mines.

Mr. RAKER. No. His power is somewhat extended, and we think rightfully, by this bill. This is a special authorization to get men outside of the service for particularly important subjects.

Mr. FOSTER. Suppose you were to strike out their employment by the Bureau of Mines. Then they would be employed by the Secretary of the Interior.

Mr. RAKER. They would be employed as other people are. It comes to the same thing if you take it out, but I do not believe employment as vitally important as this ought to be left to the bureau alone. This provision would require the joint action of the bureau and the Secretary of the Interior. I want to do everything I can to make this bureau efficient. It is a great bureau and doing great work for the general mining interests, and I would rather extend than curtail it in any way. The miners of the West have been working for this bureau for years. They want its activities extended to the mining of the West. This bill will permit it. Every consideration possible should be extended to the miner and his great industry.

Mr. FOSTER. It is done through the Secretary of the Interior, anyway. The gentleman might move to strike out the words "by the Bureau of Mines."

Mr. RAKER. I withdraw my present amendment and simply move to strike out the words "by the Bureau of Mines."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the words "by the Bureau of Mines."

Mr. RAKER. That covers it.

Mr. MILLER. I do not care to be heard to any extent, but I sincerely hope that that amendment will not prevail. It seems to me utterly absurd to provide for an elaborate, large bureau like this and put at the head of it a very able man, like the one who is in charge of it now, and say that he can not hire a man for one day to go to some mine to see what the health conditions of that mine are. It seems to me the height of absurdity, and that it would cripple the utility of this bureau most effectively.

Mr. RAKER. Mr. Chairman, the director of the bureau has the power and authority under the bill to get the necessary assistance. That is the purpose of it. Now, you are going to give him the power to get engineers and experts outside of the service. When it becomes necessary for him to do that, because of the importance of the circumstances and surroundings or the value of the property, ought not the Secretary of the Interior and the Director of the Bureau of Mines to consult over as important an employment as that when these high-priced experts are being employed?

Mr. MILLER. Now, the gentleman has stated a different state of facts and one entirely covered by the statement of the gentleman from Illinois [Mr. FOSTER]. As far as I am advised, and I have looked into it somewhat, the bureau has never employed and could not employ any man in the capacity suggested without the order of the Secretary of the Interior after consultation and report to the Civil Service Commission.

Mr. RAKER. Very well. This bill leaves it in such a position that the Bureau of Mines can do it.

Mr. MILLER. If the bureau needs to employ any distinguished engineer or any man for anything like an extended piece of work, like a general, comprehensive investigation of several mines, requiring a period of time, that must come under the methods suggested by the chairman of the committee.

Mr. RAKER. Is it not the very object and purpose to employ a man of standing and ability to make special investigations under the Bureau of Mines if, after consultation, the Secretary of the Interior thinks it is advisable and proper? This is no temporary 5-cent man's job. It is to be temporary work of a magnitude that requires a man of ability to investigate it.

Mr. FOSTER. These men are not employed except with the consent and authority of the Secretary of the Interior.

Mr. RAKER. I so understand it.

Mr. FOSTER. I do not favor the gentleman's amendment. I simply suggested that if he wanted to do so he could offer it in that way. The director can not make any employment now without the consent of the Secretary of the Interior, and will not in the future.

Mr. BOWMAN. I trust the gentleman will not insist on the change.

Mr. FOSTER. Let us vote.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

The Clerk proceeded with and completed the reading of the bill.

Mr. FOSTER. Mr. Chairman, the other day when this bill was under consideration the gentleman from New York offered an amendment to line 20, page 2, limiting the investigation of fuels to mineral fuels. The question was suggested by the gentleman from Minnesota [Mr. MILLER] that this might not include peat. I have investigated that question, and I find that probably the gentleman from Minnesota is right about it and that it is questionable whether it would include peat or not. That is an important matter to a State like Minnesota and some others, and I ask unanimous consent that the word "peat" be inserted so that it will read "peat and mineral fuels." The gentleman from New York has no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 20, insert the word "peat," so that it will read "peat and mineral fuels."

The amendment was agreed to.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise and report the bill with the several amendments to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. SHERLEY having taken the chair as Speaker pro tempore, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, and had directed him to report the same back, with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

Mr. FOSTER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, they will be put in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FOSTER. Mr. Speaker, it had escaped my memory for the time being, but there was some objection made to the words "United States," on page 1, line 9, of the bill, by the gentleman from New York, and I ask unanimous consent that the words "United States," page 1, line 9, be stricken out.

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote ordering the bill to a third reading, and recur to the second reading of the bill.

The SPEAKER pro tempore. The Chair was about to suggest that the request of the gentleman from Illinois will be modified to the extent of asking unanimous consent that the order for the third reading of the bill be vacated, and the words "United States," in line 9, page 1, be stricken out. Is there objection? [After a pause.] The Chair hears none. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MILLER and Mr. TAYLOR of Colorado, by unanimous consent, were given leave to extend remarks in the RECORD.

The SPEAKER pro tempore. The Committee on Mines and Mining having occupied two days, the Clerk will call the next committee in order.

The Clerk called the Committee on Public Buildings and Grounds.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERY. Is the committee at liberty to call up bills without respect to the order in which they stand on the calendar?

The SPEAKER pro tempore. That is within the discretion of the committee.

CUSTOMHOUSE, BOSTON, MASS.

Mr. RODDENBERY. Mr. Speaker, I call up the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building act, and for other purposes," approved March 4, 1909.

The SPEAKER pro tempore. The bill being on the Union Calendar, the House will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 11 of chapter 318 of the acts of 1909, entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building acts, and for other purposes," approved March 4, 1909, be amended by striking out, in the last three lines of said section, the words "including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension."

That such amounts as the Secretary of the Treasury has charged against the appropriation for the customhouse, Boston, Mass., for expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension of said customhouse shall be repaid to said appropriation from moneys in the Treasury to be hereafter appropriated.

Mr. RODDENBERY. Mr. Chairman, this is a bill reported unanimously from the Committee on Public Buildings and Grounds. I yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, this bill has been rendered necessary by a situation which has developed in the city of Boston, Mass., in connection with the construction of the customhouse there. Several years ago it was found to be necessary to construct a larger customhouse at Boston, Mass. There was appropriated the sum of $500,000 to purchase a site. This sum was found inadequate, and it was then determined that a building could be erected in which the customs officials could be housed by building a tall, square, tower-like structure on top of the present old granite building. The city laws do not allow buildings to be constructed to a greater height than 125 feet, but in order to enable the Government to save the purchase price which it would be obliged to pay for another location the citizens made no protest. There were then outlined plans for the erection of a customhouse about 500 feet in height which should be erected on the center of the present old granite building. Two million dollars were asked for the construction of the building, but Congress authorized the sum of $1,800,000, and in granting that authorization put in the following language, which is section 11, chapter 318, of the act of 1909, approved March 4, 1909:

That the total cost of said enlargement, remodeling, or extension of said customhouse building shall not exceed $1,800,000, including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

That is, that all of the expenses were to be taken from this $1,800,000. The Treasury Department proceeded to hire an office building and to move the customs force into that building. Then the contracts were let for the construction of the foundation of the structure. These foundations have been all built, and when bids were received for the construction of the tower as originally planned it was found that the amount exceeded by some $337,000 the amount available under the appropriation. The reason that it exceeded the sum was because of the fact that against this appropriation of $1,800,000 there had been charged for architects' fees $84,905.66, and for rent, services, and contingent expenses a sum of about $262,421.76. In addition to that, the contracts for the foundations, which are already in, have come to $349,732.01, making a total of $697,059.43, which has been expended up to the present time. It will be necessary under this act, as now interpreted by the department, to continue to charge rent against this account, which would amount to $200,000, and you have the amount decreased by the sum of $897,059.43, which would leave a balance of only $902,940.57.

The purpose of this bill is to remove from this account the charges for rent, so that there will be available for the construction of this building the sum of $1,800,000, as was undoubtedly originally intended. At the present time the Government can not go on with the structure. The Government officials are housed in a temporary building, for which they are obliged to pay $84,000 a year rent, which, together with other incidental expenses, amounts to $97,000 per annum. Of course this expense for rent, and so forth, will cease as soon as the customs officials are housed in this building, and the delay in passing this act means to the Government the loss of the sum of about $8,000 a month.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. BUTLER. There will be additional expense charged, necessarily, for temporary removal of this force. Some expenses have already been incurred, and there will be others, will there not?

Mr. PETERS. Yes.

Mr. BUTLER. Does the gentleman think the language of the bill is broad enough to cover the expenses in the future? If the gentleman will look at the language on the second page he will see that it reads—

that such amounts as the Secretary of the Treasury has charged, etc.

Does the Secretary of the Treasury have further amounts to charge?

Mr. PETERS. I think under the wording of the bill we propose to repeal the provisions of the first act under which these charges were made, and I think no future charges for rent could be made under this act as it is amended. The allotments and contracts which have already been made amount to $697,059.43, and it is necessary to have this work start at once. The contract for the erection of the building above the foundation has been held up now pending the consideration of this measure, and each month that the contract is held up means just one month later that the Government officials will be placed in their quarters in the building, and that means $8,000 paid out for rent of buildings and incidental expenses which would be saved as soon as these officials are housed.

Mr. AUSTIN. Will the gentleman kindly give the amount of Government receipts at the port of Boston?

Mr. PETERS. Compared with the receipts of the port of Boston this expense involves comparatively a trifling amount. There was received for the year 1910 in customs duties at the port of Boston the sum of $29,634,555, that being next to the greatest receipts received at any customs district in the United States, second only to New York.

Mr. AUSTIN. This building, as I understand it, as contemplated will be large enough to house not only the present Government officials but for many years to come?

Mr. PETERS. It is expected it will meet all requirements for the customs service in Boston for at least 60 or 70 years to come, and that is as far ahead as any estimate or understanding can be made in regard to the matter.

Mr. BOEHNE. I would like to inquire of the gentleman why should we get ready to build a structure there to be ample for 70 years ahead?

Mr. PETERS. Well, there is a very rapid increase in the customs receipts at that port, and the size of this building has

been determined by experts as the size which will supply the needs of that port in the most economical way.

Mr. BOEHNE. Does not the gentleman think a building of 400 feet would have accomplished all that ought to be accomplished at this time and reduce the expenditures of this building to the amount in accordance with what was appropriated at the time?

Mr. PETERS. I am afraid not. The necessary foundations would have to be put in, and this building was worked out by architects having in view the most economical use of the space at hand.

Mr. SABATH and Mr. BUTLER rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. PETERS. I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. How much was the original appropriation for the construction of this building?

Mr. PETERS. One million eight hundred thousand dollars.

Mr. SABATH. How much has been expended up to date?

Mr. PETERS. There has been expended up to the present time $697,095.43.

Mr. SABATH. And you maintain there will be a shortage of how much? How much will this bill carry?

Mr. PETERS. This bill carries no appropriation, but it allows——

Mr. SABATH. I know——

Mr PETERS (continuing). But it allows the use of the original appropriation. At the time when the appropriation was made it was not expected that the items for rent, and so forth, would be so large nor that they would be subtracted from this $1,800,000.

Mr. SABATH. Will the gentleman explain why the amounts are so high, namely, rent? Why has it been necessary to expend $90,000 for a temporary structure in the city of Boston? That is, annually and not two years, if I am not mistaken.

Mr. PETERS. It was necessary to obtain particularly large quarters in order to house the whole customhouse force. I know nothing about the negotiations, but I assume they secured quarters as economically as possible.

Mr. SABATH. How many square feet are being used now for which the Government pays $90,000 a year?

Mr. PETERS. It is a good-sized seven-story building in the city. I do not know what the floor space of the present quarters is.

Mr. SABATH. Where in the city of Boston is this building located which is now in use?

Mr. PETERS. Tremont Street and Temple Place.

Mr. SABATH. That is not the most expensive section of the city or it is not the real business section of Boston, is it?

Mr. PETERS. It is just about where the highest priced real estate property is located, in the vicinity of this building.

Mr. SABATH. Does the gentleman know who owns that building?

Mr. PETERS. No; I do not.

Mr. SABATH. Does the gentleman know who secured the lease for that building?

Mr. PETERS. I know nothing about the negotiations of the lease or who secured it. That went through the department, and I can answer nothing more than that.

Mr. SABATH. Does the gentleman know whether the department has made any effort to secure better and cheaper quarters than this building?

Mr. PETERS. I have never heard any complaints about it, and I do not know anything about it.

Mr. AUSTIN. I desire to state to the gentleman that it developed at the hearings that this was the only suitable building they could secure in Boston conveniently located to house all the Government employees in one building.

Mr. SABATH. Do I understand that there is no other building in Boston suitable for this purpose?

Mr. AUSTIN. The statement made by the representative of the Treasury Department to the committee was that this was the most suitable building they could secure conveniently located for the transaction of public business and large enough to house the entire Government force.

Mr. PETERS. A committee aided in finding a location for it, and I have never heard any criticism of the choice or of the rent.

Mr. SABATH. How long has this building been used now as a temporary Government structure?

Mr. PETERS. About two years.

Mr. SABATH. How long will it be necessary for the Government to occupy possession of this structure?

Mr. PETERS. It will be necessary——

Mr. SABATH. Another two years?

Mr. PETERS. About two years to complete the construction of the building. So long as we delay the commencement of the construction, just that much longer will the Government have to pay this rent for outside quarters.

Mr. SABATH. So that by that time the Government will have paid about $350,000 to $400,000 as rental for this structure which the Government now occupies?

Mr. PETERS. I suppose so.

Mr. SABATH. Does the gentleman know the value of this building?

Mr. PETERS. I decline to yield further. It has nothing to do with the merits of this bill.

Mr. BUTLER. Will the gentleman yield?

Mr. PETERS. With pleasure.

Mr. BUTLER. The language that the Government uses is a part of the language of the general statute, and provides for part of the general customhouse at Boston. I can not understand how it got in the bill.

Mr. PETERS. I have thought it strange that such language should be placed in the bill, but that is the difficulty we are placed in.

Mr. BURNETT. That is the very reason of the merit of the bill, because the language of the statute was that there was an appropriation that the authorization should include expenses of the temporary removal of the force employed in the customhouse. The Treasury Department considered that to mean rentals as well as the transmission of the property and retransmission of the building. It does seem to me in order to contract for the construction of the building there ought to be a certainty about it, and as long as there is uncertainty about that rental there can be no contract for the construction of the building, although the foundation has been excavated and is ready for the erection of the building.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. Does not the gentleman think the department should know about what it should cost in case the old building is given up and the time it would take to construct? Do you not think that when they make their estimates they should properly recommend or report to the House?

Mr. BURNETT. They could not know about the length of time it would take for the construction of the building.

Mr. SABATH. That is their building, is it not? It is the department's business to ascertain.

Mr. BURNETT. The very uncertainty of the language of the bill has hindered a contract for the consummation of the building itself. They have gone on and made an excavation, costing some two hundred and odd thousand dollars, but that is as much as they can get unless they know how much money they can contract for for the completion of the building.

Mr. MANN. Mr. Chairman, it seems to me there is something wrong in this bill. I have a bill marked, after examination, as being a bill that ought not to pass. The report on the case is not very satisfactory. I think that I shall take the liberty of mildly criticizing the Treasury Department for sending in this kind of a report upon a bill, as I had occasion to do the other day. The Secretary of the Treasury, in making a report upon this bill says, in addressing the chairman of the Committee on Public Buildings and Grounds of the House of Representatives:

SIR: Referring to your request for a report in connection with H. R. 24227, a bill to amend section 11 of an act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public buildings acts approved March 4, 1909, I have the honor to inform you that the department sees no reason why the proposed amendment should not accomplish the result desired, to wit, practically increase the appropriation for the new customhouse at Boston, Mass.; and it is believed that with this amount of appropriation the customhouse building can be constructed.

There is absolutely no information whatever contained in that report from the Secretary of the Treasury, except that in his opinion the bill will accomplish the results desired. We have the right, in sending to the departments for reports upon these bills, to have them send us information.

Now, here is a proposition where three years ago, with full knowledge of the subject, the Committee on Public Buildings and Grounds provided an authorization for $1,800,000 for a new customhouse at Boston, the amount to include the cost of the temporary quarters pending the construction of the building. It said:

Including the expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

If that does not include the quarters, then I do not understand the English language.

Mr. BUTLER. Is that the customary language?

Mr. MANN. It is not the customary language. This was a particular occasion. One million eight hundred thousand dollars was appropriated, with the distinct understanding that it would cover the expenses preliminary to the final occupation of the building. They would not have gotten $1,800,000 on any other proposition, as I understand it.

Mr. AUSTIN. May I ask the gentleman if the act says anything about the payment of rent?

Mr. MANN. The act does not say anything about the hiring of a dray, and the act does not say anything about the employment of a carpenter to take down or put up. The act says:

> The expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

It does not say "the temporary removal of the force from one office to another," but "during the enlargement, remodeling, or extension." There is not any question about what was intended. It was intended to cover the rent and all other temporary expenses. It was upon that basis that $1,800,000 was provided. Now, like all other cases, gentlemen get the camel's nose in and then they want to push the whole body into the tent. Having gotten the authorization on their own terms, they then turn around and want to increase the amount that is to be available for the building.

Mr. BOEHNE. By $700,000. That is what has already been expended and what is to be expended.

Mr. AUSTIN. I beg the gentleman's pardon. The additional amount needed is $300,000.

Mr. MANN. What is the occasion for the delay over there about letting the contract and doing the work?

Mr. AUSTIN. Simply because the plans have been drawn and the specifications prepared looking to the construction of a building to cost $1,800,000. The Government anticipates that it would take three years before this building would be completed, and the expenditure for rent of practically $300,000 of the $1,800,000 causes the committee having this matter in charge to favorably report this bill before the contract is executed and further work ordered.

Mr. MANN. Having deliberately obtained from Congress a provision under which they knew the building could not cost $1,800,000, they thereupon hold it up for more than three years to date on the theory that they will make Congress yield to them, because there is no other way of doing it.

Mr. AUSTIN. I think the gentleman is in error in stating that they have held up the construction of this building for three years, because the foundation has already been constructed.

Mr. MANN. I may be in error about the time. I do not know.

Mr. PETERS. The bids for the finished structure were only received by the department about February of this year.

Mr. MANN. Why were they not received before?

Mr. PETERS. From then until now has been the only delay, and as for the people asking more than they originally expected to get, the architect, Mr. Taylor, testified before the committee that it was expected the rent would amount to about $30,000 instead of $100,000.

Mr. MANN. They could ascertain about what the building could be rented for; but why should they hold back until this February, three years after the act was passed, before contracts were advertised for? This is not one of the ordinary cases where they have to wait because they have not the force to supply the demand for plans and specifications, for this was an exceptional case. They went ahead and moved out of the building. When did they move out of the building—three years ago, two years? Can some gentleman tell me who knows?

Mr. PETERS. I know. It was a little over two years ago.

Mr. MANN. The report says several years ago. I did not know just what that meant. Undoubtedly it was not less than two years ago.

Mr. BOEHNE. Does not this bill also provide for the assuming of the rent for the next two or three years at $84,000 a year?

Mr. MANN. It may be $184,000 a year for aught we know. I have read the last paragraph of this bill, and I was going to ask for some explanation of it. I have read it six or eight times, and I do not know what it means.

Mr. SHERLEY. Does the gentleman from Illinois know how much difference in cost there would be if this building was made of brick instead of stone, for that part which is above the existing building, which they are supposed to use as a foundation for this tower?

Mr. MANN. I do not know that, but I know that if Congress provides for the construction of a building that costs $1,800,000, that sum of money can be spent on the building; and if it provides for the construction of a building to cost $1,200,000, that sum can be spent on the construction of the building; and the chances are that as far as the efficiency of the Government service is concerned the building that costs $1,200,000 will be fully as good as the building that costs $1,800,000. I have no objection to their building a monumental structure over in Boston, Mass., if they desire to do so. I can see no reason why we should increase the cost of the building at Boston, any more than we increase the cost of buildings all over the rest of the country, except that the delegation from Boston on the floor of this House is not only extremely intelligent but extremely active and persuasive.

Mr. SIMS. I should like to say to the gentleman that this House does make an exception of Boston, Mass., from the fact that we have already appropriated money out of the Treasury to reimburse an expense to which that city, State, and county have been put for removing an obstruction on a navigable stream—a thing we do not do anywhere else. Why do you want to make an exception on this thing?

Mr. MANN. I made a statement in reference to that bill, expressly calling attention to the fact that it not only was not for the benefit of Boston, but of a small community who were utterly unable to tax themselves for the benefit of the Government to an amount sufficient to accommodate the Government.

Mr. SIMS. Forty-five per cent of that appropriation went to the State of Massachusetts, and I never heard before that that was a small community.

Mr. MURRAY. Mr. Chairman, if it is of any interest to get the facts right in this case, may I suggest that the gentleman from Illinois [Mr. MANN] has stated the facts of that case so accurately that there can not be any difference of opinion about them. That bridge matter was not a Boston matter. It was Weymouth, Mass., which is an entirely separate locality.

Mr. SIMS. Does not 45 per cent of that appropriation go to the State of Massachusetts?

Mr. MURRAY. Surely.

Mr. SIMS. Does the gentleman call that a little community, poor and poverty stricken? The State includes Boston, and therefore it can not be poor.

Mr. MURRAY. Oh, no; the gentleman has got it wrong.

Mr. SIMS. Was not 45 per cent of that money to go to the State of Massachusetts?

Mr. SABATH. That amount was saved for the street car company.

Mr. MANN. Mr. Chairman, I do not desire to thrash over old straw. I am not worried about the charge any gentleman makes that I might be inconsistent. That is not bothering me. I want to discuss this proposition. Here is a proposition emanating from the Committee on Public Buildings and Grounds, giving an extra and new provision for the city of Boston, which has once been provided for. Why, Mr. Chairman, there are many places in this country that are entitled to and would like to have a public building. They can receive no consideration at the hands of the Committee on Public Buildings and Grounds. Why should we make exception for Boston? Why should the Boston Members who have been in once come here and get the ear of the Committee on Public Buildings and Grounds again? Why can not we have a provision for the necessary buildings in other parts of the United States? The other day we passed a bill to create a naval historical society composed of gentlemen from New York and Boston.

Now we have to take care of a Boston public building. I am perfectly willing to admit that Boston occupies a very large place in the history of the world and in the importance of this country, and yet it does seem to me that Boston is not the only city on the American Continent; that there are other places in the United States, and that there are other Members of Congress besides those who come from Boston, and who would like to receive consideration from the Committee on Public Buildings and Grounds. Why does not the committee bring in a public-building bill? Why does not the Committee on Appropriations provide for the construction of public buildings already authorized?

I know gentlemen sit here and wait, expecting that after the fall elections when the record has been made up and completed, that next winter every fellow will get all that he wants. Now, the manly thing to do, if you want to pass a public-building bill, is to pass it during this Congress before the election, pass it now, and instead of waiting until next winter to provide appropriations for buildings already authorized, provide appropriations now at this session of Congress. But gentlemen are proposing to trade away their opportunities for needed public buildings by passing little petty private bills like this,

for the benefit of some particular community and some particular place.

I heard gentlemen talk bravely some time ago about how they would favor a public-building bill if it could be brought before the House. One way to help do it is not to pass these second and third attempts. These gentlemen have had their day in court. They got what they asked for. Now they ought to be willing to wait for anything additional until the rest of the bills are taken care of at the same time. I reserve the balance of my time.

Mr. SHERLEY. Before the gentleman takes his seat, I would like to ask what reason he can give why there should be any extra sum appropriated for this building at any time.

Mr. MANN. I have already expressed my opinion, that I can see no reason why there should be anything extra now or at any other time, although I do not profess to be as familiar with the situation as are some others. Let them cut down the expense of the buildings. The department when it appropriates money for something ought to cut the garment according to the cloth. I reserve the balance of my time.

Mr. AUSTIN. Mr. Chairman, I am a member of the Committee on Public Buildings and Grounds. We had an extensive hearing on this proposition. The Republican members of that committee favored an omnibus public-building bill, but when the Democratic caucus decided upon a different program it was utterly impossible for us to carry out our views as members of that committee. Because a Democratic caucus vetoed an omnibus public-building bill does not mean that the Republicans of that committee should not favor this proposition, and every other similar proposition that was presented to us for consideration.

This bill ought to pass. The Public Building Committee reported $1,800,000, and the members of that committee believed and understood that Boston was to receive a public building that was to cost that amount. It was not contemplated, it was never dreamed, that there should be a delay of four or five years and a rental expense amounting to $90,000 a year taken out of the general appropriation for the Boston building. I ask every Member of this House to apply this particular case to his own district.

Mr. SHERLEY. Will the gentleman yield?

Mr. AUSTIN. In a moment I will yield. Had Congress authorized a public building in the city of Louisville to cost $1,800,000 and used the present site for the new building which rendered necessary the removal of the Government employees to an expensive building to be housed for three or five years, exhausting a third of that appropriation, I know very well that the able and efficient Representative from the Louisville district would be here asking and demanding of Congress that the full amount be restored to give the city of Louisville what was contemplated originally—a building to cost $1,800,000.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. In a moment. All of us had items in the last public-building bill, authorizing from $50,000 up to hundreds of thousands of dollars for the cities and towns in the districts we represent, and had it turned out in every one of these cases that the Treasury Department found itself without funds to meet annual rentals, running into hundreds of thousands of dollars, for three or four years, where is the Member who would have sat here and submitted to a proposition that would have exhausted the building-fund appropriation for one of his towns, carrying fifty or a hundred thousand dollars or two hundred thousand dollars or a million eight hundred thousand dollars? What the Members from Boston have a right to do is to demand that their colleagues in this House give them what they secured in the original bill and what Congress fully intended to vote them. [Applause.] Take the showing made here, wherein it is shown that Boston turns into the National Treasury $29,000,000 a year to carry on the National Government, and they ask only $1,800,000 for that city. You take that amount and compare it with the appropriations made by Congress for New York or Philadelphia or the city represented by the minority leader on the floor of this House, and we will all be frank and fair and free to say that this is a modest appropriation, considering the amount of money that Boston turns into the National Treasury and the amount of money expended by Congress in public buildings in corresponding cities of the Republic.

Mr. Chairman, some one has said we should delay this proposition until next winter. Every month's delay means $8,000 of money practically thrown away in monthly rentals. It is six months before the next Congress meets, and perhaps after it meets it will be three months before an appropriation will be made, making nine months, and nine times eight means $72,000 that we will still further take out of the Treasury and throw away in rent.

Now I will submit to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Oh, I do not want the gentleman to submit to me. I want him to yield. I am not going to punish him. I simply want to ask this question, Whether he thinks all of the equities would exist if it were the fact that they had expected $300,000 of this money to go for rent, and that the situation is one of a building authorized to be constructed for a million and a half, actually costing, because of the mistake of the architects, $300,000 more? And what would the gentleman say if it were possible now by going ahead and constructing a building—not using quite as fine material, but getting just as good a building—not to delay the matter at all?

Mr. AUSTIN. I will say to the gentleman the committee had before it the representatives of the various departments of the Government that are going to occupy this building, and we considered the question as to the capacity of the building, not only for present needs but for future needs.

Mr. SHERLEY. When did the committee have that hearing?

Mr. AUSTIN. We had an extensive hearing upon that proposition.

Mr. SHERLEY. When did the committee have it?

Mr. AUSTIN. During the present session of Congress.

Mr. SHERLEY. When?

Mr. PETERS. On April 19 and 20.

Mr. MANN. Has that hearing been printed?

Mr. PETERS. Not that I know of.

Mr. SHERLEY. Was not the meeting held a little before that time?

Mr. AUSTIN. We had an extensive hearing.

Mr. SHERLEY. When?—is what I am trying to learn.

Mr. AUSTIN. Oh, I am not the clerk of the committee and do not keep the dates of the hearings. When did the gentleman from Kentucky have a hearing on his sundry civil appropriation bill?

Mr. SHERLEY. We had a hearing on the 19th of April, and I want to see whether your hearing was before or after ours.

Mr. AUSTIN. The gentleman says he can go ahead and give Boston a building to cost $1,300,000.

Mr. SHERLEY. No; I did not. I said they had planned a building to cost a million and a half and had missed it by $300,000.

Mr. AUSTIN. Oh, we have not missed the plans at all. Plans were before the Committee on Public Buildings and Grounds, and the architect was present in person, giving the committee a report upon the amount of work and character of work and the plans and specifications, and the committee considered the question of reducing the cost of the building from $1,800,000 to $1,300,000, and we determined after weighing the evidence that if we put up a $1,300,000 building it was only a question of time when Boston would be back demanding of Congress an additional building or an enlargement of the present building.

Mr. SHERLEY. What would the gentleman say if the hearings disclosed that you could put up a building, giving the exact amount of floor space as that proposed, even if this bill passes, not crowding in any particular way the floor space of the offices of the Government, for $327,000 less than that estimate?

Mr. AUSTIN. The committee discussed that question, and it would virtually strip this building of the high-class material of which it should be constructed.

Mr. SHERLEY. What does the gentleman mean by "stripped"?

Mr. AUSTIN. To substitute brick for granite—taking off the tower, where additional space was needed for storage purposes.

Mr. SHERLEY. Has the gentleman ever seen the Singer Building in New York?

Mr. AUSTIN. Yes; certainly.

Mr. SHERLEY. Well, that is a very handsome building. They constructed that building of brick, did they not?

Mr. AUSTIN. Yes.

Mr. SHERLEY. And is not that true of many of the handsomest buildings in New York?

Mr. AUSTIN. Has the gentleman a brick building for the post office at Louisville?

Mr. SHERLEY. No; we have a horribly ugly stone building; one of the ugliest I have ever seen, that is a monument to the incapacity of the architect who built it.

Mr. AUSTIN. If we were going to make an appropriation tomorrow for a new building to be located at Louisville the citizens of the town would not have a brick building, but would demand either granite or Kentucky limestone.

Mr. SHERLEY. Now, listen. I would not stand here and say that selfishness is local to any community, though we occasionally see a little bit more on the floor from some sections than from other places. Of course, the people of my town would try to get all they could, and because they would try to get all they could through their Representative, other Representatives, realizing that, would search with a good deal of care the statements and the representations made by the community in interest. And that is what we are doing here. I do not blame Boston for getting away with it if it can.

Mr. AUSTIN. The Representatives from Boston made a presentation of their case, and they convinced every member of the committee, Democrat and Republican alike, that they were entitled to and deserved this appropriation.

Mr. SHERLEY. They had less success with the Committee on Appropriations, and they brought the same distinguished architect, and I commend to the gentleman a reading of that testimony.

Mr. AUSTIN. We had all the testimony we needed. We had representative men from Boston, and nearly every branch of the Government service that is housed in the Boston building appeared before that committee. Now, Mr. Chairman, the Government has saved over a million dollars in the purchase of the site alone by the adoption of this plan and the construction of this proposed building on the present Government sites.

Mr. SHERLEY. Is that any reason why we should expend any more than we ought to expend?

Mr. AUSTIN. No; but it amounts to this: By the adoption of this plan and the location of the building the Government will save over a million dollars, and that ought to be taken into consideration in connection with the merits of this proposition.

Mr. SHERLEY. Are not you going to use this site whether you get the additional $300,000 or not? Is not the real question whether you will have granite instead of brick, and whether you will have bronze in place of tile, and whether you will have bronze fittings in doors and windows in place of steel? Is not the question one of detail, not either the capacity or the sufficiency——

Mr. AUSTIN. We have gone to the extent of expending $200,000 on the foundation on the present Government lot, and all we want to do for Boston is what we will do for Louisville when the time comes, and that is commensurate with its growth and importance to give the very best the United States can afford.

Mr. BOEHNE. How about my town?

Mr. AUSTIN. Your town and my town.

Mr. SHERLEY. Why do you stop at $300,000? That does not represent the maximum in the Treasury.

Mr. AUSTIN. Because $300,000 will be the amount taken out of this fund for rent, when Congress intended the full amount, $1,800,000, should go into the construction of the building.

Mr. SHERLEY. That is not the best. The gentleman says he wants to give the best; why not go the whole way if we are starting on that road?

Mr. AUSTIN. Now, I will yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I want to call attention of gentlemen to the evidence of Mr. Taylor, given before the committee Saturday, the 20th, in which he said, "We calculated we would not pay more than $30,000 or $40,000 a year," having reference to the original plans at the time the estimate for rent was made.

Mr. AUSTIN. That is true, and the evidence submitted to that committee showed an effort was made to secure a cheaper and more suitable building for that purpose, and it could not be had.

Now, I yield five minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Chairman, it is very easy to broaden the scope of the question before the committee. We may extend it so as to include the argument concerning the Weymouth Bridge, or whether the witches were hung, or we may bring in the question of the general policy of having a public-building bill. But the exact question before the House at the moment relates to the Boston customhouse, and that is the question that must be decided by Congress.

Now, if it is conceded that the old Boston customhouse, which was built a great many years ago, was entirely inadequate, in my opinion, the proper thing to have done was to consider building a new customhouse. The space was very contracted. It was a case fairly calling for the expenditure of $4,000,000 or $5,000,000 for the National Government to build a customhouse such as we have in the other ports of the country that have any income commensurate with that of the Boston port. The Government is taking in nearly $30,000,000 a year in receipts at that customhouse. If we had gone on with the old customhouse and had continued to do business there we should be paying high rents—as expensive rents as it appears here in the debate we are paying. No one would question that the rent is reasonable, although it is costing something like $80,000 or $90,000 a year. But it was determined in the interest of economy to use the old customhouse lot, which is not large enough on which to build a building according to the modern standards, and to save space by running the building up in the air, I do not know how many feet. I do not think it will be any particular addition to the architectural beauty of Boston, but I do think, since the Government is to adopt this policy, and is to carry the building up some 400 feet in the air, a different sort of building from what they have anywhere else, it owes it to the community to have it of normal construction and not a mere eyesore.

It appears here from the evidence that the question has been studied and plans have been adopted and they can erect the building for the amount that was originally expected—$1,800,000—but when you come to take out of that four years' rental it will be impossible to erect a building that will have the proper appearance for that sum of money. This question is delaying construction and increasing the outside rental which is accumulating. The bill permits the department to carry out the projected plans and to build the building in granite, instead of having the lower stories of granite and the rest of brick. I think the case is irresistible. I shall not be put in a position here of scrambling to get anything from the rest of the country. I believe, compared with the amount of receipts from this customhouse, the expenditures of the Government for the building will be very modest indeed.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. MCCALL. I will.

Mr. SHERLEY. Does the gentleman think the real test of how much you shall spend for a building is the amount of custom receipts?

Mr. MCCALL. The real test?

Mr. SHERLEY. Yes.

Mr. MCCALL. I think it is, within certain limits.

Mr. SHERLEY. Is not the only limit the amount of floor space necessary to accommodate all the clerks who are needed to do the amount of work?

Mr. MCCALL. I think not, necessarily. I make this as an assertion: Of course you can do a wholesale business more cheaply than a retail business. I imagine that to have this appropriation or expenditure in Boston for the building chargeable against the Boston revenue will be a very much less percentage regarding the amount of the interest on the money invested than is expended in Louisville, Ky. But that is due, of course, to the fact that you do a less business there, and you can not expect to do it so economically. But I was going to say that, except in the case of New York, I do not believe that you will find a customhouse building in the country where the percentage of cost, chargeable to rent, on the receipts collected will be as small as it will be if this plan is carried out in Boston.

Mr. SHERLEY. Now, if the gentleman will permit me, as illustrating how unreasonable a test that is, take the city of Louisville. We collect there, contrary to the gentleman's impression, a tremendous sum of money through internal-revenue taxation. According to the gentleman's theory, we ought therefore to have a building costing a great deal more than a city perhaps of a third larger size, like Rochester or Buffalo, and yet in point of fact it does not require any more floor space. I am not discussing other considerations, such as the size and character of a city and the policy of having a building in harmony with its surroundings, but I am challenging the gentleman's statement relative to income, and submit that it is in no sense a reasonable test, except as it indicates the necessary floor space.

Mr. MCCALL. Mr. Chairman, I think the gentleman did not hear me lay down such a test. I understood the gentleman to assume that that was the test, and he asked me a question and I answered it, giving limitations. Then the gentleman assumed that I had based my argument upon a particular proposition, which I had not done.

Now, with reference to the internal revenue collected at Louisville, I suppose upon whisky and tobacco, the expense of doing that business is much less than that of doing customhouse business, where you have to have a force of appraisers, and watch importations, and have valuations, and things of that sort. A large part of the internal-revenue business is done by sending men out to the distillers. The practical part of it is done there. It is chiefly a matter of receiving the money.

Mr. AUSTIN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized for five minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I do not happen to live in Boston, but I live in Massachusetts, and I have been somewhat familiar with the discussions that arose in regard to the location of a customhouse building when it was determined that additional room was needed at the Boston customhouse.

I recollect that the leading Boston business men and committees from the Boston Chamber of Commerce and other business organizations spent a great deal of time to aid Government officials in finding a location that would be satisfactory to the business interests of Boston, which largely represents the business interests of the whole Commonwealth of Massachusetts. They failed to find a suitable location except upon an expenditure of a very large sum of money, and finally they determined that they would prefer to have changes made in the old customhouse building, increasing its size and accommodations as to room and other conveniences, as the building is in the center of the customs and business district. Therefore they evolved this plan which provided for a tower. The amount of expense was determined, and it was supposed that it would be amply sufficient to complete the building as originally designed.

In the discussion this afternoon the fact has been brought out that a cheaper method of construction might have been used; that the tower might have been built of brick instead of being built of granite. It has been contended that it might have been built of cheap brick. But it would have been a cheap-looking structure. It might even have been built of the cheapest material that could have been found.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. GREENE of Massachusetts. Oh, yes.

Mr. SHERLEY. Does the gentleman think that the Singer Building, in New York, which is built of brick and is a building of the same type, can be called a cheap-looking building?

Mr. GREENE of Massachusetts. The original customhouse building was built of granite.

Mr. SHERLEY. But the lower part of the Singer Building is built of stone also.

Mr. GREENE of Massachusetts. Oh, well, that is quite a different proposition. I think the proper material for the construction of this building would be granite. I am not going to discuss the Singer Building. I have seen it only from a distance, although I do not live very far from the city of New York. It does not make any difference what kind of a looking building the Singer Building is.

Mr. SHERLEY. The only reason why I asked the gentleman that question was because he said the building would be cheap looking if it were built of brick.

Mr. GREENE of Massachusetts. You propose to use brick. We propose to build of granite, as it ought to be built.

Mr. SHERLEY. It is proposed to build it as Congress determines to build it.

Mr. GREENE of Massachusetts. Oh, I assume that Congress will act sensibly, although Members may talk foolishly about it when they are simply talking. [Laughter.] All these side issues that have been brought up here have absolutely no influence with me.

Mr. SHERLEY. I would expect that the gentleman, being from Massachusetts, had made up his mind when the bill was brought in; but if the gentleman will read the hearings he will not make the mistakes he has made as to the facts.

Mr. GREENE of Massachusetts. Very likely.

Mr. SHERLEY. I know it to be likely, because the gentleman would not want to state anything that the record showed to be incorrect.

Mr. GREENE of Massachusetts. Not at all. I think the proposition included in the pending bill is fair and reasonable for a city located as Boston is and with the accommodations that it needs. I think the appropriation ought to be granted, and we ought not to adopt a policy of cheeseparing, to see how cheaply the proposed building can be constructed.

Mr. SHERLEY. Will the gentleman permit another question?

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. The gentleman does not need to yield if he does not want to.

Mr. GREENE of Massachusetts. I certainly wish to.

Mr. SHERLEY. The testimony of Mr. Peabody, your architect, was that it was contemplated to build this building for $1,500,000.

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. It was known that the foundation would cost just what it has cost, so that no mistake can be laid to the foundation cost.

Mr. GREENE of Massachusetts. I am not trying to deny that there may have been mistakes.

Mr. SHERLEY. It was testified to by the architect here that $300,000 of the $1,800,000 was expected to cover the rental item.

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. Now, is not the fact simply this, that Congress has authorized a building to be built for $1,500,000, and your architects have planned so badly that they have missed the limit by $300,000?

Mr. GREENE of Massachusetts. That is not unusual.

Mr. SHERLEY. No; it is not unusual; and it will not be unusual until we cease to let them get additional money when they violate the law.

Mr. GREENE of Massachusetts. Do not undertake to visit Boston with punishment. They do not deserve it.

Mr. AUSTIN. I reserve the balance of my time.

Mr. MORSE of Wisconsin. Mr. Chairman, I only want to say a very few words in discussing this matter. I believe the Government should build public buildings wherever they are needed. The people do not come in contact with the Government itself at any place very closely except at the post office, and I am very heartily in favor of building public buildings wherever the rental is large enough to warrant the expenditure; but it does seem to me that in this particular instance this appropriation is entirely unnecessary. The Democratic Party had a caucus, we are told, and at that caucus they decided that at this session of Congress we should have no public-building bill. Yet apparently some districts are in danger in Boston; therefore Boston is selected out as a place to which they propose to show special favor.

Mr. SABATH. Will the gentleman yield?

Mr. MORSE of Wisconsin. In just a moment. I notice that Boston and New England always come in for special favors. I do not care whether it is in public-building bills or tariff bills, or whether it is an appropriation for digging a ditch or removing a bridge at Weymouth, Boston and Massachusetts get their hands into the Treasury and get the money out and get what they are after.

Mr. SABATH. If I am not mistaken, the gentleman has been misinformed as to the charges that he makes against Boston, or the Members of the House from Boston. The reason why they insisted on having this bill reported, as I understand it, is in order to save the enormous rental that the Government is paying for the temporary quarters. That is the main reason that this bill has been reported and has received preference over the other bills that are now pending.

Mr. MORSE of Wisconsin. I thank the gentleman for the information, and I call the attention of the House to the fact that the Government is paying rent for almost every third-class and second-class post office. In the little city from which I come the Government owns a site and it is paying rent, and it will pay rent until that building is completed and paid for out of the Federal Treasury. I suppose that is a good reason for building a building there. I appeared before the committee in a previous session of Congress and urged the building of a building there on that ground. Now, that thing applies to all parts of the country, to every congressional district, and the mere fact that in Boston we are paying some rent does not give this particular project any virtue over any other.

I notice that they want another $300,000 in order that they may change the building from brick to granite and put in some bronze. Why, if you will give us in the Middle West a few buildings we will be tickled to death to take brick, and we do not care for a tower either. Boston is asking for a 400-foot tower on the top of it. You have $1,800,000 already, and you have the nerve to come back to this House and ask for more.

Mr. BURNETT. Will the gentleman yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. BURNETT. The gentleman does not recognize the fact that $1,800,000 has been depleted by the payments of rent. That is what gives them a standing; instead of the city getting $1,800,000 it is constantly being reduced on account of the $90,000 a year rental.

Mr. MORSE of Wisconsin. But that reason will apply to every public building wherever it is needed in a hundred places in this country.

Mr. SHERLEY. If the gentleman will pardon me, the facts in this case are that it was never contemplated from the beginning that more than $1,500,000 of the $1,800,000 should go for the building. I hold in my hand the testimony of Mr. Taylor to that effect, and, if desired, I will put it in the RECORD.

Mr. MORSE of Wisconsin. The statement made by the gentleman from Kentucky takes away every inch of the ground on which you are standing, you gentlemen who propose to put this public-building bill through the House to-day. As I said, I do not object to building all the public buildings that are needed, but I do object to you gentlemen on this side of the House going into a little secret caucus, all by yourselves, and with doors closed, newspaper men excluded, decide that you would not bring forth a public-building bill at this session of Congress; and then, in spite of that, singling out Massachusetts for some particular reason, singling out Boston for some particular reason, when it has already been favored with $1,800,000, and asking for special favors for her.

Mr. AUSTIN. Will the gentleman yield?

Mr. MORSE of Wisconsin. Yes.

Mr. AUSTIN. I have just received a telephone message from the Supervising Architect—and I hope the gentleman from Kentucky will give me his attention—in which he says that the original estimate submitted to Congress for this building was $1,800,000.

Mr. SHERLEY. Now, if the gentleman will permit me, as against his telephone communication, I will read the testimony of Mr. Taylor in regard to this building, found on page 138 of the hearings, part 1, which is as follows:

The CHAIRMAN. Will you make a statement so that we will know about it?

Mr. TAYLOR. The limit of cost of that building was $1,800,000, $300,000 of which was for rent, and that left $1,500,000 for the construction of the building. I believe that the estimate that was originally made was $2,000,000, which was just $500,000 more than was allowed for it.

That is his testimony under cross-examination. I submit to this House that it is not becoming in a public official to appear in his public capacity before an appropriation committee to give testimony there, and then by private telephone communication raise a doubt, even as to his own testimony.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MORSE of Wisconsin. I yield.

Mr. FITZGERALD. Mr. Peabody, the architect of this building, stated when he appeared before the committee that he was notified that $1,500,000 would be available for this building, and he proceeded to prepare the plans which it required, and if the building is carried out in accordance with these plans without substitution of alternatives it would cost $1,800,000, while if the alternatives be substituted a building could be constructed for $1,500,000.

Mr. AUSTIN. One million eight hundred thousand dollars provides for granite and the other for brick.

Mr. FITZGERALD. I will discuss the brick business in a little while.

Mr. MORSE of Wisconsin. Mr. Chairman, I do not desire to add to what has been said. It seems to me there is no reason on earth why this bill should be passed at this time; there is no reason why Boston should be singled out from every town and village in the country. I congratulate gentlemen on their sublime nerve in bringing this bill in, and I believe if it was not for the vote of the delegation from Massachusetts it would not have a corporal's guard.

Mr. CURLEY. Mr. Chairman, before the gentleman takes his seat, he talks about the question of precedents. I would like to ask him if he knows any other section of the country where a building is in course of construction where the rental is as large as it is in this case in Boston which is being paid while the building is in the process of construction?

Mr. MORSE of Wisconsin. Is this building in the process of construction?

Mr. CURLEY. I should say so. Here is a picture of it.

Mr. MORSE of Wisconsin. For how long has it been in process of construction?

Mr. CURLEY. I should judge somewhere about 14 months. They have been compelled to go down more than 100 feet to get a foundation that would be suitable for the superstructure. Ninety-six thousand dollars annually is being paid for outside rental. That in itself is sufficient reason for speedy action on the part of this House.

Mr. MORSE of Wisconsin. The speedy action the people of Boston ought to take is to go along as they intended to do when these plans were adopted and construct a building in accordance with those plans. You are delaying the thing yourselves.

Mr. CURLEY. Oh, I am ready for a vote now.

Mr. MORSE of Wisconsin. The facts are that the building is not good enough for Boston; that you do not care to construct the building as originally proposed; that you want a little more marble and a little more bronze; and you are the people who are delaying the construction of the building. If you will take that which is good enough for Milwaukee and Chicago and most of the other towns the size of Boston and be satisfied with it——

Mr. SABATH. Oh, I think that is unfair to Chicago. [Laughter.]

Mr. CURLEY. Mr. Chairman, it is a great many years since we regarded Boston as a town. It may be proper to regard Milwaukee and Chicago as such, but I do not think it is fair to regard Boston in that way.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, it may have been contemplated when these estimates were made that a public building could be constructed in Boston for $1,500,000. I have not been raised along lines where exquisite taste was practiced, but I do believe in harmony. I do believe in the Government constructing buildings that will harmonize with the surroundings. Oh, my friend from New York [Mr. FITZGERALD] shrivels up his face at my remark, but I know well enough what he would demand if the city of New York were involved.

Mr. FITZGERALD. Mr. Chairman, I could not help smiling at the gentleman's statement, because there are to be no surroundings for this building. It is to be so high up in the air that it is to overtop by hundreds of feet all of the insignificant structures that will be strewn around at its base.

Mr. BUTLER. Mr. Chairman, I know nothing at all about its immediate surroundings, but I do know that Boston is a city of very great importance, and I do know, as compared with other cities where public buildings are demanded and expenses incurred, that Boston ought to be well treated. I do know from observation that the estimate of the architect made at the time is not always capable of fulfillment. I do know that in a case at hand, in the little town where I live, where they estimated that $60,000 would be sufficient to construct a good building, I had to appeal to Congress a second time for the modest sum of twenty or thirty thousand dollars in addition. I thought $60,000 would be sufficient and so did the architect, and everybody thought that amount would be sufficient, but it would not build us a structure that would harmonize with the surroundings found in the little quaint, old-fashioned town in which I live. I do know that in this instance the Congress would not likely have agreed—certainly not if a protest had been made, and for one I would not—that the authorities should have the opportunity to run to this fund whenever they saw fit to take the money with which to pay the rent of quarters for the office force. It will be two or three years before this building will be constructed. Certainly the word "temporary" in the language in the bill did not intend to mean that for time without limit the money could be taken from the fund appropriated to pay the temporary expenses.

I do not think that this is an immodest demand. I think we ought to pass the bill reported by the committee. I only regret, let me say to my Democratic friends, that the caucus has willed that we shall not have at this time the opportunity of passing a bill to provide for public buildings generally which Members usually expect. I am not expecting any, of course. Nevertheless, if we can avoid the decree of the Democratic caucus I am one who is willing to undertake it, if it almost rips up the Treasury in the attempt.

Mr. MADDEN. Mr. Chairman, of course you can put up a building for almost any price you desire. You can put it up for 5 cents a cubic foot; you can put it up for 7 cents a cubic foot or for 10 cents a cubic foot, or up to 70 cents a cubic foot. It altogether depends upon what kind of a building you desire. The tendency of the citizens of the United States is toward more ornate buildings. Time was when we were all willing to live in log houses, glad to have a log house in which to live, but that time has gone by, and now everybody is seeking more comfort and better facilities and more durability and more art and more harmony, and there is no reason on earth why the Government of the United States should destroy the neighborhood in which it erects a public building.

Why should the Government of the United States destroy values by constructing cheap buildings when the people who live in the neighborhoods of those buildings are putting up good buildings themselves? The Government ought to set the pace for a high standard of construction. It ought to put in the most durable material that can be found. You can put up a building with an interior finish of pine or you can put in brass interior finish for your doors—oak, mahogany, bronze, or whatever you may wish to put in—but I maintain the most economical construction is the construction that costs the highest price when it is first erected, for it costs less to maintain and lasts longer, and it always looks well while it lasts. I say that it is false economy to put up a building for a small price, regardless of the character of its construction, simply

because you have the cubic content in it to do the business. That kind of building is no longer erected anywhere. In every great State in the Union buildings are being put up now of the most palatial style, and they are being put up to attract the eye——

Mr. SHERLEY. Will the gentleman yield?

Mr. MADDEN. Most assuredly.

Mr. SHERLEY. What do you mean by this kind of building?

Mr. MADDEN. The cheap building—with no regard for durability or style or artistic effect.

Mr. SHERLEY. They do not propose to change the kind of building. It is just a question of whether to expend $300,000 more for material.

Mr. MADDEN. That is exactly what I said. It is a question now whether you will be content with the cubical contents of the building regardless of the construction, whether it is constructed so as to be a permanent construction, whether you are to put up the character of construction that will be always in order, or whether you are to put up a flimsy character of building that will require vast repairs.

Mr. SHERLEY. Will the gentleman permit again?

Mr. MADDEN. Certainly.

Mr. SHERLEY. There is no question, so far as the architect testified, as to the permanency of the building whether the upper part will be of brick or stone; they are going to have a steel frame for it.

Mr. MADDEN. I realize that; and while the brick construction of the exterior work would probably last as long as the interior workmanship would, yet it would not be in keeping with the conditions that ought to surround a great public building in a city like Boston.

Mr. SHERLEY. Will the gentleman yield again?

Mr. MADDEN. Certainly.

Mr. SHERLEY. Will the gentleman say, if he knows, how many public buildings there are in Chicago or New York which are built of stone, and I will ask him if it is not the rule that most of the large buildings are built two or three stories of stone and the rest of it of brick or of terra cotta, like the very handsome building that has just been put up opposite the Treasury Building—the Riggs Building, one of the handsomest buildings in Washington—which is built of tile.

Mr. MADDEN. I think a very large number of high-class buildings are being constructed of glazed terra cotta throughout the country, but very little brick is used for the exterior work. Glazed tile is used and a very high class of pressed brick. You can not used glazed brick successfully, because the glaze wears off; whereas if you use a durable material like marble or granite it stands forever. Its durability is unquestioned, but the action of the atmosphere works on the other material so that in a short time it is an eyesore, and such construction ought to be avoided as a policy of the United States Government. The farmers of the United States are putting up better buildings on their farms than they used to do. They are laying out lawns and planting trees and putting out flower beds They are not satisfied with the ordinary beauty that nature gives them any longer.

Mr. SHACKLEFORD. And building good roads.

Mr. MADDEN. And, as my mud-road friend from Missouri says, they are wanting to build good roads out of the United States Treasury.

Mr. BOWMAN. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BOWMAN. I want to ask the gentleman a question. I was in the employ of the State of Massachusetts under some of their architects some years ago, and I learned to entertain a very high respect for their capacity and their ability, and I think it due to that State and due to ourselves that we let them select the materials they want and the manner in which they want to erect this building, and I think that we are wasting the time of this House in talking about this matter any further.

Mr. CURLEY. I was going to say, some 60 years ago when the customhouse was erected at Boston it was granite, and that private parties who have since constructed buildings in that vicinity have felt that they were compelled in a measure to erect their buildings to conform in character of material to that used by the Government of the United States.

Now, as we have there a chamber of commerce building that represents an expenditure of one million and a half of dollars—a granite building; a stock exchange, built in the immediate vicinity, representing an expenditure of about a million dollars—a granite building; a customhouse and warehouse building, constructed of granite and some 1,500 feet long and about 400 feet wide and some 7 stories in height, would it not rather suggest a ridiculous proposition if we were to put up a brick building? Something akin to a man invited to address a public gathering appearing in evening dress and wearing canvas shoes.

Mr. MADDEN. Now, for example, here is what happens: A man may live in a country district and have a nice home, and he may feel a pride in keeping that home up. So he paints his house every year, and what happens? Everybody in the neighborhood that can raise the money paints his house. If this man lets his house run down, every other house runs down. If the Government of the United States in an impecunious attitude should refuse to appropriate a building merely because of the fact that it is to be built in Boston, it would make a great mistake. The Government ought to put up good buildings everywhere. Why, this is a matter that concerns the people of the whole United States. It is a matter that concerns everybody, wherever they may live. It is an encouragement to private capital to invest in better buildings. I remember the time in great cities when the people who were well to do were willing to live in houses built of common brick. As they got better off they put up pressed-brick fronts, and then they put pressed-brick sides on the buildings. And after awhile they wanted more ornate buildings, and they put in sawed-stone fronts, and held these fronts on the buildings by anchors. And when they got better off they wanted marble fronts, and put them in with blocks of brownstone. They are always doing something to beautify the cities in which they live.

A building of the kind mentioned in this bill ought to be a work of art, and the Government ought not under any circumstances to save $100,000 in a great building that should last for a quarter of a century.

Mr. SHACKLEFORD. If they built a substantial building even less ornate than the gentleman has in mind, would not cities in my district ask them to give them buildings where they have none?

Mr. MADDEN. I am in favor of giving the cities to which the gentleman refers buildings as well. I am not in favor of skimping in the construction of a great public building. It ought not to be so. It is not an extravagant price to pay for a building—$1,800,000—in a great city like Boston. [Applause.]

Mr. SLOAN. Mr. Chairman, I come from a district in Nebraska where we would like to have some public buildings, and I can assure the gentleman that if any be granted he will not have to build any of them 400 feet in the air in order to have room for their construction. We have a good deal of space out there for public buildings, but when we presented our demand there was presented a caucus action of the majority as a plea in bar which said there should not be any public buildings granted at this session.

Now, I do not object to Boston any more than any other city. I have a very high opinion of Boston and the Bostonese. The facts are that old Massachusetts has a great record. I believe it held the record for the lowest rate of illiteracy in this Union until Nebraska wrested that record from her some 10 years ago. And for that reason we do not want to take any further advantage of Boston. They are trying to get it on the ground of a man who, in improvising Scripture, said, "Them as has, gits," and because they have had they expect to get more. I was somewhat interested in the picture of this projected building. It ought to be exhibited to this House so that we could all see it. I have grave suspicions about it. It looks as if they propose to cut the upper 400 feet from the Washington Monument and transport it to Boston and then make a customhouse out of it. [Laughter.]

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Massachusetts?

Mr. SLOAN. Yes.

Mr. ROBERTS of Massachusetts. I want to say to the gentleman that if they take off the top 400 feet of the Washington Monument and transport it to Boston we would have a better-looking building than we shall have unless we get the money we are asking for.

Mr. SLOAN. I am rather interested in that. I was going to speak of the patriotism of old Boston. Just think of the people who are so anxious to pay customs duties as they enter the port of Boston that they are ready to climb 400 feet high to avoid smuggling. [Laughter.] To establish this I notice they dig a foundation 200 feet deep, and then to match the foundation and have something to hold it down they are to build a tower 400 feet above the earth. But, then, I think, perhaps the building would serve a better purpose in pointing the citizens of Boston the way to heaven than it would for the collection of revenue for the United States Government. It might be likened unto the Tower of Babel, but a confusion of tongues in Boston—perish the thought. [Laughter.]

Now, what I do object to is this, not that Boston must be favored or not favored, but that in her case there shall be a special dispensation. The Democratic caucus, which has assumed control of these matters, has said to all of us out on the bounding plains, "You can not have any public buildings this session." But they would say now, in case of a favorable vote on this bill, "We will grant a special dispensation to Boston." To that I am opposed, unless they will say that this Boston matter has been brought before the Democratic caucus, which is the final arbiter on this question. And if the caucus has granted it, I want them to see that it goes through. If it has not been granted let it not be further considered. If I am ruled by that body, I want to be ruled when it is in my favor as well as when it is against me.

Mr. PAYNE. I would like to ask the gentleman a question.

Mr. SLOAN. I will answer it if I can.

Mr. PAYNE. If they should attach to this bill from one to half a dozen buildings for the gentleman's district in Nebraska, would it ease it up any or seem less like a special dispensation?

Mr. SLOAN. It would ease it up generally, and that would be the way to appeal to me. [Laughter.] And if the gentleman from New York has force enough to accomplish that, I would be glad to see him attach such an amendment. If you proceed to give a public building to every district that is entitled to it, I am inclined to think that this great tower would be erected in Boston, along with the other much-needed public buildings of the country.

Mr. PAYNE. I think the gentleman is climbing right onto the idea.

Mr. SLOAN. Oh, yes; I have been watching the course of the distinguished leaders on both sides of the House for many years. [Laughter.]

Mr. PAYNE. I want to say to the gentleman that I was told two or three years ago, about the time the tariff bill was passed, that if I would put on a certain amendment that would help this gentleman who spoke to me and a large class, there would be no doubt but that the bill in the next 60 days would be the most popular bill in the United States. He asserted that the people would say it was the best bill. I have no doubt if you could put a public building into every district in the country the bill by which you accomplished that result would be a popular bill.

Mr. SLOAN. But the gentleman did not make that amendment?

Mr. PAYNE. The gentleman did not.

Mr. SLOAN. I suppose there was a spasm of virtue then.

Mr. PAYNE. No. If the gentleman will stay here longer, he will notice other spasms of virtue of the same kind.

Mr. SLOAN. I wondered at the modesty with which this special instance was suggested.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to his colleague?

Mr. SLOAN. I yield to the gentleman from Nebraska.

Mr. NORRIS. The gentleman has suggested that this tower is to be 400 feet high. Is that it?

Mr. SLOAN. That is what they say.

Mr. NORRIS. Was it to point the way to heaven to the Bostonians?

Mr. SLOAN. Yes.

Mr. NORRIS. I understood the gentleman to say also that if the cellar is 200 feet deep there would be danger that they would go the other way. [Laughter.]

Mr. SLOAN. I will say to the gentleman that I am in favor of serving both classes and all classes in this matter of public buildings and other matters as the foundation and tower would lead Bostonians. They have travelers both ways—more going up than going down—hence difference in height of tower and depth of foundation.

Mr. NORRIS. Touching the location of the building, I fear, from the very fact that the tower is made higher than the cellar is deep, the natural inclination of the Bostonians is to go down rather than up.

Mr. SLOAN. I think the gentleman understands the bean eaters fully and precisely. [Applause.] [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. Mr. Chairman, there are some important facts about this building that I think should be called to the attention of the House. Gentlemen speak about the taking of $300,000 from the authorization as if that had been done after the building had been planned, and in that way those in charge of the construction of the building embarrassed. The fact is that after the authorization of $1,800,000 was made, with a provision for the payment of certain expenses therefrom, the Treasury Department estimated that $300,000 would be required to pay the rentals and other expenses incident to providing for the public business outside of the building during the construction of this new building. It fixed $1,500,000 as the limit within which the building should be designed. The architect was notified to plan a building which would cost not to exceed $1,500,000.

It appears from his statement before the Committee on Appropriations that he was unable to determine why he should not have the $1,800,000, and he planned a building to cost $1,800,000.

In inviting bids for the construction of this building, there was done what is done as to every building advertised for construction by the United States. A number of alternate propositions were outlined in the plans and specifications, and the advertisement required the submission of offers not only upon a definite plan which fixed the features, but provided for the substitution of certain things in case they were determined to be desirable and necessary to bring the building within the limit fixed, and the bids had to be submitted in that way.

By the substitution of certain alternates a building can be constructed giving the same amount of floor space as in the original design, but it will not be as ornamental as if the additional $327,000 were expended.

I call attention to the fact that it requires, not the amount which was set forth, $350,000 additional, but $327,000; and the additional amount up to $350,000, spoken of by the architect, would cover the additional compensation to which the architect would be entitled if, under his contract of 6 per cent of the cost, if I remember correctly, he can obtain 6 per cent upon this additional $327,000.

One of the things that it would be necessary to substitute would be brick in place of granite, the tower which can be seen in the picture before the committee to be faced with brick instead of granite. The architect seemed to imagine that it would be a great crime upon the æsthetic taste of the people of Boston to face this tower with brick. To hear his statement one would imagine that an unsightly, common, red brick tower was contemplated, but after he had been questioned somewhat it turned out that instead of unsightly, common, ordinary, red brick this tower would be faced with handsome, light, pressed brick, and above the tenth story it would require an expert to tell whether it were faced with brick or with granite or some other stone.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. ROBERTS of Massachusetts. I want to ask the gentleman if he thinks the Washington Monument, if made of the nice pressed brick he talks about, would be as pleasing and as majestic and as harmonious as it is now, made of granite?

Mr. FITZGERALD. Mr. Chairman, I have no doubt that if the Washington Monument had been built of a light-colored pressed brick, and that fact was stated to myself or to the gentleman from Massachusetts, we would have marveled all the more at the remarkable engineering skill that made possible the construction of that pile of brick, rather than of the massive stones out of which it is constructed. So far as its being pleasing to the eye is concerned, I imagine that if it were faced with light pressed brick or some other material as is the new building which takes the place of the old Riggs House in this city, it would be much more attractive and pleasing to the eye than the present uneven, discolored, unattractive facing which many of the stones in the Monument present. But to come to the substitution of the pressed brick in this tower. This Boston architect, Mr. Peabody, was greatly shocked that the people of Boston should have thrust up into the air nearly 500 feet this ugly, unsightly, ungainly tower of pressed brick. It would be out of place with the surroundings, so inconsistent with the architecture in the vicinity, and so repellent to the eyes of those coming to the shores of this country for the first time by the way of the magnificent harbor of Boston, that it would be a great injustice, not only to the people of this country but to those of other climes who seek a refuge here through Boston.

And yet, Mr. Chairman, but two or three weeks earlier a brick tower did not seem to be such an architectural monstrosity to the supervising architect when before the committee. He desired to be permitted to erect a pressed-brick tower 275 feet high in the city of New York. It was to be erected on what is known as the new barge office, a building which, I believe, is to cost $500,000. It was to be a Venetian structure, rearing its stately form at the Battery, where it would be the cynosure of all those entering the country through New York Harbor, a thing of beauty and a joy forever. [Laughter.] And yet in my innocence, in my ignorance of architectural niceties, I inquired of the supervising architect if he did not think it would impair the artistic surroundings of the city of New York by putting up

this brick tower right at the Battery, and he said, on the contrary, it would add very largely to the attractiveness of the city. [Laughter.] But two or three weeks later, when it was suggested that this tower in Boston should be faced with the same kind of material instead of granite, the artistic sensibilities of the architect in charge were immeasurably shocked that such an outrage should be committed on the people of that highly sensitive community. [Laughter.]

Mr. OLMSTED. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. OLMSTED. Does not the gentleman think that that brick tower in New York would be more appropriate if constructed of gold bricks?

Mr. FITZGERALD. It would be not only more appropriate, but the only thing that could properly be constructed there if the residents of Pittsburgh continue to go to New York in such numbers as they have in recent time and permanently reside there.

Mr. HUGHES of New Jersey. Does not the gentleman think that if the citizens of New York had returned to them all the gold bricks that have been purchased from them by gentlemen from Pennsylvania they might be able to erect a gold-brick tower there?

Mr. FITZGERALD. Oh, no; I think not. We have a very limited supply of gold bricks. And besides, I never worried very much about those who burn their fingers in purchasing gold bricks.

But to come back to Boston and this public building. To prevent the artistic sensibilities of the people of Boston from being shocked by using brick instead of granite will cost just $96,000. I might not object to the expenditure of this money if I thought the building would be a permanent benefit to the people of Boston or to the country. But this tower is some 18 stories in height; the lower part of the building, the old customhouse, I am informed, will be so cut up that it will be practically of no benefit whatever. There will be corridors, hallways, passageways, and practically no office space. This tower is 60 feet by 70 feet, without sufficient room on any one floor for any one division of any department of the Government that is to be accommodated in it. After it is finished it will be more expensive and uneconomical to conduct the public business in that building than in any other building that could possibly be designed. Within 10 years not only the people of Boston but the United States officials will be clamoring to have it abandoned and a decent, well-fitted, respectable building constructed in the city of Boston for the transaction of the public business under conditions which should exist where public business is transacted.

This $300,000 is a pure waste of public money. This is not a monumental building to be used for a great many years for the accommodation of the public business in the city of Boston. It will be inadequate. It will be insufficient. It will cost much more to conduct the public business in this building than in a building properly constructed, and from the investigation which I have made it would be much better if, instead of continuing this building, we were to pay a reasonable price to the contractors to have the existing contracts canceled and proceed to obtain an adequate site and plan and authorize a decent and fitting building.

I now desire to call attention to some other things which will be necessary. If this increased limit is not granted, it will be necessary, instead of having copper windows, to substitute windows of some other metal, and the difference in the cost between copper windows and metal windows other than copper is $36,750. I do not know how many public buildings have copper windows. There are none in the Capitol. There are none in our office buildings, and they are very rare even in Washington; but in artistic Boston these windows must be of copper.

Then to make some slight changes in the sloping roof, to substitute a steel frame and copper roof for the sloping stone roof of the tower, and instead of having the tower faced with stone, having it faced with copper, somewhat similar to the dome of the Congressional Library, which, of course, is not to be thought of in connection with this building, would make a difference of $16,900. To have the inside of the windows of some other metal than copper, not even of wood, would make a difference of $3,000. Then there are doors of peculiar design, doors opening in the offices from the corridors on all of these floors, and from one room into another, and if we do not insist that they have this peculiar design of door, but have other doors, there will be a saving of $4,000. In this 18-story tower it may be necessary to have these unique and unusual doors in artistic Boston.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CURLEY. I would ask the gentleman how much might be saved if they had no doors and no windows in the building?

Mr. FITZGERALD. Mr. Chairman, I see no pertinency in that question. Suppose this architect, with these extravagant notions, had asked us to gild the doors, would the gentleman have thought it pertinent to have suggested that instead of having gilded doors they should have no doors? I do not know a public building in the city of Washington that has copper windows. I know of a great many public buildings in other cities, and I know a great many very magnificent buildings, and I do not know of many, if any, which have windows of copper—few of them of any kind of metal. They are now introducing metal as a prevention from fire loss; but why is it necessary to add $41,000 to the cost of this building simply to have the windows and the interior of the windows of copper? There are many other metals that might be used without this extravagant outlay. Perhaps the gentleman thinks it is necessary in Boston to have copper windows so that when the ordinary passer-by on the street, going home from his daily toil, looks up at the eighteenth story window and sees it open his artistic sensibilities will not be shocked by the realization that instead of having a copper window open it is only a metal window. To save the people of Boston from this outrage perhaps it is proper to expend $40,000 and incidentally pay to the architect $2,400 additional as the result of having the copper windows substituted.

If we omit the granite-carving allowance there will be a saving of $30,000 more. There is certain carving on the granite that perhaps would be permitted in Boston which would not be permitted elsewhere. Thirty thousand dollars for carving for æsthetic Boston!

Omit the sculpture allowance and there is a saving of $25,000. If we are to have heroic statues of great men, either of the past or of modern times, I think if this bill goes through they should be statues in marble of heroic size of the present delegation in Congress from the city of Boston. [Laughter.] Twenty-five thousand dollars would not be too much with which to commemorate their memory in such a way, and I am not certain that I would not be willing to advocate an appropriation of $25,000 if I were certain that the gentlemen from Massachusetts—Mr. CURLEY, Mr. PETERS, and Mr. MURRAY, with their allies on the other side—would stand and look down as graven images upon the people of Boston passing to and fro in order that they might say, "This is the delegation that prevented our æsthetic sensibilities from being shocked by the substitution of metal for copper windows." [Laughter.]

That would be worth the money, assuredly it would be worth the expenditure; and if we could so modify this bill as to insure such works of arts—it would perhaps necessitate the approval of the Fine Arts Commission—I perhaps would be glad to vote for it. [Laughter.] Here is another item:

Substitute base for wainscot in the corridors and connecting stairs from fourth to eighteenth stories, $8,000.

In this Capitol we have a marble base all through the halls and corridors and above it is a plastered wall, but in this building they want a wainscoting about 5½ feet of marble from the fourth to the eighteenth story. Nobody will ever walk a single flight of those stairs unless the elevators are out of commission and the safety of those in the building depends upon their walking. If anybody employed by the Government walked down from the eighteenth floor of that building, either in his own time or the Government's time, it would be most extraordinary.

Mr. CURLEY. Or if they walked up.

Mr. FITZGERALD. I never suggested walking up, I talked about walking down, and yet it makes a difference of $8,000, whether that wainscoting is placed there or whether it is finished as any building in Washington where we have just a marble base. "Omit marble panels for sculpture in the rotunda and leave the recesses plastered in such manner that marble can be placed later, $3,500. Omit the marbles of the walls of the rotunda, except bases, shafts, and caps of columns from a point 18 feet above the rotunda floor, and substitute plaster, $1,000." That is for the rotunda of the building to have a marble finish to a point 18 feet above the floor and then above that 18 feet from the floor, instead of having marble, have it plastered as the Rotunda of this Capitol happens to be. By so doing $11,000 would be saved, but in this rotunda the architect desires to have the entire rotunda, sides and walls, covered with marble. If we simply take and plaster it from a point 18 feet from the floor to the top of the dome it makes a difference of $11,000. To make the dome of this rotunda of copper instead of marble would save $10,000. "Guarantee the waterproofing, using any plan that will do the work properly," will result in a saving of $4,000.

One method of waterproofing was specified, and yet to permit the use of any other method, with the guaranty that the building will be waterproof, will save $4,000. Why pay for some patented process, which is an additional bonus, if the waterproofing can be guaranteed by the use of some other process?

"To make the posts, rails, balustrades of all unimportant stairs plain, top and bottom rails to be plain, $7,000."

That foots up a total of $327,000, with the omission of one or two trifling elements. The purpose of this bill is to prevent the substitution of the matters to which I have called attention for the other materials, and to do so $327,000 must be added to the present cost, and for architect's fee an additional sum of $18,000. Such will be the result of the passing of this bill permitting the inclusion of these particular items. Do not forget it.

Mr. BUTLER. Architect's fee?

Mr. FITZGERALD. Oh, yes; that has not been mentioned yet.

Mr. BUTLER. Not the Supervising Architect?

Mr. FITZGERALD. This building is being built under the Tarsney Act. A Boston firm of architects have this particular work.

Mr. BURLESON. Peabody & Co.

Mr. FITZGERALD. Peabody & Co. Six per cent on $1,500,000 starts the fee. That is what they will receive, $90,000; and if the privilege of substituting the particular things which I have pointed out as desired be substituted we will pay them an additional $18,000. I have stated the facts in this case. This building was placed with these architects with instructions to design a building to cost $1,500,000. They deliberately designed a building to cost $1,800,000. Now, which is to prevail, Congress or the architect, who is to get a financial benefit from the designing of the building in excess of the limit fixed by Congress? The public service will not be affected by not substituting these particular things. Boston will not be injured—Boston will be benefited—because the sooner this building is destroyed after it is finished the better Boston will be, both from the standpoint of artistic features and from the standpoint of the public service.

We might just as well look at it frankly. The building is not a suitable building nor a fit building for the transaction of public business, and Boston should not have it forced upon it. A city like Boston is entitled to a suitable public building. By taking an old customhouse, using it as a base to erect upon it a tower 70 by 60 feet, nearly 500 feet in the air, for the transaction of the public business in a proper and efficient manner will not result satisfactorily. It is the most ridiculous proposition that has ever been suggested.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. As we are likely to have a long day to-morrow, I thought perhaps the gentleman would yield the floor to some one to move to rise.

Mr. FITZGERALD. I have about finished.

Mr. MANN. I meant, of course, temporarily.

Mr. FITZGERALD. I shall finish in a moment. I have practically finished all I have to say. I thought these facts should be submitted to this committee.

The Committee on Appropriations gave the architect an opportunity to present his views about this building. The committee, or many of the members, was convinced that it would not only be an injustice to the United States, but it would be a wrong to Boston to have held over them this fact that they got this $300,000 additional for this building, when the officials of the Government know now that the building will not be adequate. Under the circumstances I do not believe it should expend this money upon this architectural monstrosity. Boston deserves better. The business of the Federal Government there is extensive and important. There is needed suitable and ample accommodations for its transaction. It should be carried on in a building of such character as will enable it to be efficiently and economically done. This building is neither suitable nor adequate. Money should not be wasted upon it. Nothing should be done which will prevent this community from obtaining such accommodations for the business of the Federal Government as are imperatively required, will be persistently demanded, and to which the city and Government are entitled.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 40 minutes remaining.

Mr. MANN. Mr. Chairman, I suggest to some gentleman in charge to move to rise.

Mr. ROBERTS of Massachusetts. Let us get a vote on this and adjourn.

Mr. MURRAY. My colleague Mr. PETERS, who has been in charge of the matter during most of the afternoon, has stepped out, but I do not believe it is his desire, or the desire of anyone of us who is in favor of the bill, to prolong the debate. We are perfectly willing to take the vote on the bill now or at any other time.

Mr. MANN. Mr. Chairman, I prefer to submit my remarks on the bill further and prefer to have a larger audience present than there is now. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise. The question is on the motion of the gentleman from Illinois.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PETERS. Mr. Chairman, I ask for a division.

Mr. MANN. Then I shall make a point of order that there is no quorum present. I thought the gentlemen wanted to do business, but if they do not——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of no quorum. The Chair will count.

Mr. PETERS. Mr. Chairman, I will ask the gentleman from Illinois [Mr. MANN] if he will be willing to have the previous question ordered, so that the vote may be taken on the bill immediately——

Mr. MANN. Mr. Chairman, I stated I had 40 minutes remaining to me, and I desire to consume some time, and I am not prepared to go on to-night.

The CHAIRMAN (after counting). Sixty-seven Members are present, no quorum. The Clerk will call the roll.

Mr. MANN. It will take a roll call on the motion to rise.

The CHAIRMAN. The Chair will state it was just a call of the roll in order to determine the presence of a quorum.

Mr. PETERS. Mr. Chairman, I will withdraw the point of no quorum if an agreement is reached as to when a vote may be taken on the bill.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts [Mr. PETERS] that a point of no quorum has been made and no quorum has been ascertained. There is nothing to be done but to rise. The Clerk will call the roll.

The Clerk proceeded with the calling of the roll.

Mr. MANN. A motion was pending to rise. It does not require a quorum to rise, and I ask for a vote on the motion to rise.

Mr. FOSTER. I think, Mr. Chairman, the Chair decided that the committee concluded to rise.

Mr. BUTLER. He did; but the division was asked by the gentleman from Massachusetts [Mr. PETERS].

The CHAIRMAN. The Chair announced that the ayes seemed to have it. The gentleman from Massachusetts [Mr. PETERS] asked for a division, and the gentleman from Illinois [Mr. MANN] made a point of no quorum. The ayes have it, and the committee decides to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-buildings act, and for other purposes," approved March 4, 1909, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Pennsylvania, for one week, on account of death of a relative.

To Representatives WATKINS, ANTHONY, CONRY, HUGHES of Georgia, MCKELLAR, PRINCE, and AMES, for three days, on account of visiting West Point as members of the Board of Visitors.

To Mr. BARTHOLDT, for two weeks, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of the bill (H. R. 25102) to amend section 4347 of the Revised Statutes as amended by the act of February, 1898, so as to permit foreign vessels to engage in transportation of merchandise between the ports of the United States, Territories, and insular possessions through the Panama Canal, and the same was referred to the Committee on the Merchant Marine and Fisheries.

By unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R.

25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and the same was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until Thursday, June 6, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Deatherage, administrator of J. A. J. Rooker, deceased, *v.* The United States (H. Doc. No. 809); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for employing temporary clerks for the General Land Office (H. Doc. No. 810); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting estimate of appropriation to pay Frank N. Allen for copying correspondence for use of United States district attorney, southern district of New York (H. Doc. No. 811); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior transmitting list of claims paid by disbursing officer of the Interior Department, which have been or will be disallowed, and requesting authority to credit same (H. Doc. No. 812); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRAGO, from the Committee on Pensions, to which was referred the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported the same with amendment, accompanied by a report (No. 838), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20044) for the improvement of the foreign service, reported the same without amendment, accompanied by a report (No. 840), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 837), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, submitted the views of the minority (H. Rept. 837, pt. 2) thereon, which were ordered to be printed.

Mr. PETERS, from the Committee on Ways and Means, to which was referred the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues, reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 839), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 24344) granting a pension to Jane Heath, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKELLAR: A bill (H. R. 25136) defining and enlarging the duties and power of the Mississippi River Commission; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Kentucky (by request of the United States attorney for District of Columbia): A bill (H. R. 25137) to amend section 797a of chapter 18 of subchapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 25138) authorizing the Secretary of the Interior to make immediate disposition of the surface of the segregated mineral land occupied by the Pittsburg County Fair, Pittsburg County, Okla.; to the Committee on Indian Affairs.

By Mr. HOLLAND: A bill (H. R. 25139) to establish an immigration station on Hampton Roads, in the State of Virginia, purchase a suitable site therefor, and erect thereon suitable buildings for such a station; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: A bill (H. R. 25140) providing for the purchase of a site and the erection thereon of a public building at Glenwood, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. HAMMOND: A bill (H. R. 25141) for the erection of a public building at Pipestone, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25142) for the erection of a public building at Fairmont, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 25143) to provide for the erection of a public building at Brinkley, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: Resolution (H. Res. 572) providing for the consideration of the bill H. R. 22871; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 25144) granting an increase of pension to Benjamin S. Jackson; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 25145) granting an increase of pension to Mathilda Albers; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25146) granting a pension to Robert H. Howard; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 25147) for the relief of John D. Crawford and M. W. Ligon; to the Committee on Indian Affairs.

By Mr. DONOHOE: A bill (H. R. 25148) granting a pension to Johanna F. Weand; to the Committee on Pensions.

Also, a bill (H. R. 25149) to correct the military record of Andrew Given, alias Dugan; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 25150) granting an increase of pension to Margaret H. Kerr; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 25151) granting a pension to Nancy Matsel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25152) granting an increase of pension to Elvina McDonald; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 25153) granting a pension to Mary A. Albright; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25154) granting a pension to Lillie M. Hammons; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 25155) granting an increase of pension to William J. Downin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25156) granting an increase of pension to William H. Thompson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25157) granting an increase of pension to Barbara Tanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25158) granting an increase of pension to Catherine G. Graham; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25159) to correct the military record of Charles W. Beldin; to the Committee on Military Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 25160) granting an increase of pension to John O. Ockerson; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25161) for the relief of A. B. Goodwin; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 25162) granting an increase of pension to Elizabeth Hogan; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 25163) granting a pension to Susan McGrath; to the Committee on Pensions.

Also, a bill (H. R. 25164) granting an increase of pension to Lucinda Tweed; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 25165) granting a pension to Charles H. Haring; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of socialist societies of the States of Michigan, Arkansas, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of members of socialist societies of the States of Pennsylvania, Ohio, Illinois, New Jersey, Nebraska, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Resolutions adopted by the Glass Bottle Blowers' Association, Branch 101, Coshocton, Ohio, and Licking Division, No. 166, Order of Railway Conductors, Newark, Ohio, asking for the passage of the seamen's bill (H. R. 23673); to the Committee on the Merchant Marine and Fisheries.

By Mr. AYRES: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, memorial of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of Coopers' International Union of North America, of St. Louis, Mo., favoring passage of House bill 16844, the so-called Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Steiner Manufacturing Co., Louis C. Ebeling Jewelry & Optical Co., American Stove & Queensware Co., and the St. Louis Retail Jewelers' Association, of St. Louis, Mo., against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

Also, petition of Alumni Association of St. Louis University, of St. Louis, Mo., favoring passage of the Owen bill to provide a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Additional evidence in support of House bill 17495, granting a pension to Mary Stultz; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Resolution of Chicago Association of Commerce, against passage of House bill 16844, prohibiting fraud upon the public by requiring manufacturers to place their names upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Petitions of Farmers' Educational and Cooperative Union of America; American Purity Federation; Brotherhood of Railroad Trainmen; Patriotic Order Sons of America; Junior Order United American Mechanics, of Maryland and New York, all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of American Exporter, of New York, favoring the improvement of the United States Diplomatic and Consular Service; to the Committee on Foreign Affairs.

By Mr. DONOHOE: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of William J. Kennedy Stationery Co., and the St. Louis Retail Jewelers, of St. Louis, Mo., both protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of Workmen's Sick and Death Benefit Fund of America, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petitions of J. F. Lambson, of Lexington, Nebr., and Walter R. Sheurman, of Rochester, N. Y., favoring passage of House bill 1339, to grant increase of pensions to certain survivors of the Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of American Exporter of New York City, favoring passage of the Sulzer bill (H. R. 20044) for the improvement of the foreign service, etc.; to the Committee on Foreign Affairs.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Resolutions of members of Independent Order Abraham Israel, Independent Order B'rith Abraham Lodges of New York City, American Association of Foreign Newspapers, Lackawanna Steel Co., Labor Council of Greater New York, Hebrew-American Typographical Union, No. 83, and Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of McCormick & Co., of Baltimore, Md., against passage of the Richardson bill, known as H. R. 14060, and Henry R. Worthington, of Denver, Colo., against passage of House bill 21969 and amendment to prohibit use of the Panama Canal to any steamship company in which any railroad is interested, and Board of Commissioners of Trenton, N. J., against passage of bill relative to building a bridge over the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, petition of Watch Makers' and Jewelers' Benevolent Association No. 1, of New York City, against passage of bills to change patent laws; to the Committee on Patents.

Also, resolutions of Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Chamber of Commerce and 1920 Club, of Augusta, Ga., favoring passage of House bill 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of Adas Israel Lodge, No. 137, York, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania; Lutheran Church, Hanover, Pa.; Lohr's Memorial United Brethren Sunday school, Hanover, Pa., all favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petitions of Daughters of Liberty of Mahanoy City, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Resolutions of Humboldt Chamber of Commerce, at Eureka, Cal., favoring passage of bill to provide suitable homes for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to the deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Peter Cooper Council, No. 196, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, against

passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petitions of Chicago Woman's Aid, and Conference of Jewish Women's Organizations, and St. Ann's Society, No. 311, and Adolph Petrotes, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKENZIE: Petition of Methodist Church of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of citizens of Pulaski, Wis., against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Sheboygan Mineral Water Co., of Sheboygan, Wis., against passage of bill (S. 5461) relative to regulating traffic in intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: Resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of Root amendment to the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, relative to pure food and drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Brooklyn, N. Y., against appointment of a commission by Congress for celebrating a hundred years peace with England; to the Committee on Appropriations.

By Mr. REILLY: Petition of the legislative committee, Department of Connecticut, United Spanish War Veterans, of Hartford, Conn., favoring passage of House bill 17470, for pensions for the widows and orphans of United Spanish War Veterans; to the Committee on Pensions.

By Mr. REYBURN: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., against passage of bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SLOAN: Petition of 65 merchants of State of Nebraska, against the enactment of any parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Nebraska, favoring giving the Interstate Commerce Commission further power toward regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, to amend the food and drugs act of 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Resolution of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of voters of Charlotte, N. C., favoring passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Michigan: Petition of St. Hedwig's Parish, St. Stanislaus Parish, St. Adalbertus Parish, St. Josephat's Parish, St. John Cautius Parish, St. Casimir's Parish, and St. Hyaceth Parish, all of Detroit, Mich., and citizens of Wyandotte, Mich., all protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *June 6, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou art our Shepherd. Though Thou causest us to walk through the valley of the shadow of death, we will fear no evil. Thou art, O God, still with us. The rod of Thy faithfulness and the staff of Thy providence, they comfort us. Make us, we humbly pray Thee, to rest in the green pastures of Thy tender mercies and lead us beside the still waters of Thy heavenly grace. Grant that goodness and mercy may follow us all the days of our life and that we may dwell in the house of Thy presence forever.

Even so, our Father, hear and bless us, as we stand before Thee with bowed heads and with saddened hearts. We know that the way of man is not in himself alone and that it is not in us who walk to direct our steps. We humbly confess our dependence upon Thee. It is Thou who hast made us, and not we ourselves. It is Thou who holdest us in life and who orderest all our steps. Therefore do we put our trust in Thee. We commend to Thy care the soul of him whom Thou hast called from our presence. Be with those, we pray Thee, to whom this sorrow is most near and most sore. Comfort them as Thou alone canst comfort Thy children. Our heart and our flesh faileth, but Thou, O God, art our strength and our portion for evermore.

And unto Thee, our Father, who has loved us with an everlasting love and has given us comfort and good hope through the Gospel, unto Thee, who art our God and our Savior, be all glory now and for evermore.

In the name of Him who abolished death and brought life and immortality to light, hear our prayer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NEWLANDS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR GEORGE S. NIXON.

Mr. NEWLANDS. Mr. President, it is my sad duty to announce to the Senate the death of my colleague, the Hon. GEORGE S. NIXON, held in high esteem and affectionate regard by this body. His death occurred at Washington on the 5th day of June, 1912, at 9.55 p. m., after a painful illness following a surgical operation. At some future day I shall propose that the business of the Senate be suspended for the purpose of paying a fitting tribute to his memory.

I offer the resolutions which I send to the desk, and ask for their present consideration.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Nevada.

The Secretary read the resolutions (S. Res. 333), as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That as a further mark of respect, his remains be removed from Washington to Reno, Nev., for burial, in charge of the Sergeant at Arms of the Senate, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

The resolutions were considered by unanimous consent and unanimously agreed to.

The VICE PRESIDENT appointed as the committee, under the second resolution, Mr. NEWLANDS, Mr. BAILEY, Mr. WORKS, Mr. HEYBURN, Mr. BROWN, Mr. CURTIS, Mr. OLIVER, Mr. CHAMBERLAIN, Mr. SWANSON, Mr. CLARK of Wyoming, Mr. FALL, and Mr. ASHURST.

Mr. NEWLANDS submitted the following resolution (S. Res. 332), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator GEORGE STUART NIXON, from the State of Nevada, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DILLINGHAM, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the foregoing resolution, and it was considered by unanimous consent and agreed to.

Mr. NEWLANDS. Mr. President, I wish to announce that the funeral services of the distinguished Senator will be held

at 4 o'clock this afternoon at the residence, Belvoir, Woodley Lane, near the Episcopal Cathedral, and that the Sergeant at Arms will provide conveyances for Senators.

As a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 7, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 6, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, renew our faith and confidence in Thee; continue Thy favors unto us; quicken all our faculties and make us strong to do Thy will that we may be faithful servants unto Thee and unto our fellow men. Let Thy blessing be upon the stricken wife and son of the Senator who has been called suddenly to the higher life, that they may put their trust in the God of the living and the dead, whose mercy is from everlasting to everlasting. Prepare us for whatever awaits us in the dispensation of Thy providence, and Thine be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. Foss, by unanimous consent, was granted leave of absence for one week, on account of the death of his father.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I suggest that the gentleman from Illinois [Mr. CANNON] use some time. We have used some excess of time on our side.

Mr. CANNON. How does the time stand?

The CHAIRMAN. The gentleman from New York has used 2 hours and 45 minutes and the gentleman from Illinois has used 2 hours and 30 minutes.

Mr. CANNON. I yield to the gentleman from Kansas [Mr. CAMPBELL] 20 minutes.

Mr. CAMPBELL. Mr. Chairman, I send to the Clerk's desk and ask to have read a bill which I have introduced, being House bill 16844.

The Clerk read the bill, as follows:

A bill (H. R. 16844) prohibiting fraud upon the public by requiring manufacturers to place their own names upon manufactured articles.

Be it enacted, etc., That section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, be amended so as to read as follows:

"SECTION 1. The provisions of this act shall apply to any person, firm, company, or corporation engaged in the production or manufacture of any article or commodity that enters into interstate or foreign commerce.

"It shall be unlawful for any such person, firm, company, or corporation to place upon the market for interstate or foreign commerce any product or products of manufacture assembled and ready for use without printing, embossing, or stenciling the name and address of the manufacturer upon such article or commodity: *Provided*, That in case it is impracticable to place such name and address on the article it shall be placed on the wrapper or package containing it.

"It shall be unlawful for any person, firm, company, or corporation to erase or change the name of the manufacturer or manufacturers of any article entering into interstate and foreign commerce mentioned in this act.

"Any person or persons, firm, company, or corporation offering for sale or rent, or otherwise disposing of any property intended for interstate or foreign commerce shall furnish therewith the name and address of the manufacturer or manufacturers of said commodity or article: *Provided*, That nothing in this act shall be construed so as to prohibit such manufacturing firms placing any other name, as dealers, upon articles of manufacture in addition to the name of the manufacturer.

"Any person, firm, company, or corporation violating the provisions of this act shall be guilty of a misdemeanor and fined in the sum of not exceeding $1,000, or imprisoned for a period of not exceeding six months, or both such fine and imprisonment, as the court may direct."

SEC. 2. That this act shall be in effect from and after six months after its passage.

Mr. CAMPBELL. Mr. Chairman, the bill as read differs in some minor particulars from the bill as introduced and as discussed in the trade and manufacturers' journals throughout the country. I have amended the provisions of the bill by providing that only the finished product shall require the name of the manufacturer, making it unnecessary to place the name on the unassembled parts of a manufactured article.

Mr. DALZELL. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. DALZELL. Is this the bill introduced by the gentleman, providing for the names of manufacturers to be placed on products?

Mr. CAMPBELL. This is the bill.

Mr. DALZELL. Has it been reported by any committee?

Mr. CAMPBELL. It has not.

I have also amended the bill by providing that it shall go into effect six months after its passage. The effect of this bill will be to abolish the sweatshop; it will stop the sale of prison-made goods in competition with the products of honest industry; and it will insure a higher grade of every product of manufacture that to-day does not bear the name of the manufacturer, in this way giving to the consumer articles that are worth taking home. It will aid in promoting health by preventing wearing apparel, food products, and tobacco and cigars from being made under the insanitary and diseased conditions of the sweatshop. It will aid laborers in every branch of industry and insure to the people wholesome and clean food products and clean and durable clothing. The whole public will be benefited by the law, and only a few who are specially interested and whose welfare should not be the sole concern of the lawmaker will be immediately injured by it, and in the end they will be benefited by it.

Many Members of the House and Senate have been made to fear the general effects of this bill. I do not think I exaggerate it when I say that almost every Member has either spoken to me personally or referred to me letters from his constituents with reference to the proposed law. It has been discussed and criticized in the manufacturers' and trade journals throughout the country. Objection to it comes from some manufacturers, jobbers, and a few retailers whose business, it is claimed, would be injured by its provisions. I do not take issue with those interests. I simply say that I am concerned in the welfare of the general public, and that no man or concern has a right to defraud the public. The object of this bill is to stop the kind of fraud that has been perpetrated from year to year by unscrupulous manufacturers.

I have hundreds of comments clipped from trade and manufacturers' journals. If it were practicable to do so, I would read them all, knowing that the objections they make to the bill are the best arguments in its support. Let me give a few brief extracts:

Congressman CAMPBELL'S bill, if adopted into law, would cause serious trouble to the jobber and the middleman, especially. It would tend to eliminate the jobber, as nothing would prevent the manufacturers selling their wares direct to the retailers or the consumers.

The Campbell bill is inimicable to the best interests of the great majority of the manufacturers, wholesalers, and jobbers. * * * Meanwhile, the opposition to the bill is only beginning.

We are glad to print, as we do elsewhere in this issue, criticisms of the Campbell bill of some of the leading jobbing houses.

Mr. Chairman, the objections come from these special interests, and in many cases are very bitter.

I have been told that if I pushed this bill the interests opposing it will defeat me in my district. My reply is, "I am pushing the bill."

The manufacturers who have women's and children's and other clothes made under the most insanitary, sweatshop conditions are opposed to the bill. Every dealer who sells prison-made goods to an unsuspecting public is opposed to the bill. Every unscrupulous manufacturer who makes fair-looking but shoddy goods to be used at so-called bankrupt, closing-out, and fire sales is opposed to the bill. Every manufacturer who makes fair-looking but, in fact, only sham imitations of similar articles for mail-order houses is opposed to the bill. Every manufacturer who makes, without putting his name on his product, cheap and inferior shoes, harness, buggies, organs, pianos, clothing, and food products, all having the outward appearance of being as good as any similar articles, is opposed to the bill.

In fact, every manufacturer and every jobber interested in deceiving and defrauding the public and getting money from the people for a thing that is worthless, is opposed to the bill, and all because it is known to these interests that requiring the manufacturer to place his name upon the articles he produces

will insure to the public a better article and protect the people against the frauds now perpetrated upon them.

Honest manufacturers and honest jobbers and dealers of all kinds will not be hurt and are not opposing the bill. Why should any manufacturer be permitted to place upon the market an article so inferior that he would not put his name upon it? No country permits such frauds as are perpetrated on the American public through the use of inferior products of unknown manufacturers.

This bill should have, and I believe will have, the support of every Member of Congress and of the general public as soon as its purposes and effects are known. In all essential principles it is like the pure food and drug law and will be as beneficial to the people.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. CAMPBELL. Yes.

Mr. ADAMSON. I am very much interested in the gentleman's remarks. I will ask him if the chief advantage of his bill and its chief purpose is to provide a means and instrumentality by which we may trace to its origin a dishonest product?

Mr. CAMPBELL. That is exactly the purpose, and it has the further purpose of giving an opportunity to examine the factory to see whether or not it is a sweatshop and whether it is sanitary or not.

Mr. ADAMSON. That would serve the other idea, of protecting the people against the further production of such articles.

Mr. CAMPBELL. It would.

Mr. ADAMSON. I will ask the gentleman if he believes the provisions of his bill would prove effective for that purpose?

Mr. CAMPBELL. I think so, just as the pure-food law has been becoming from year to year more and more effective and beneficial to the public.

When understood, after full discussion by that portion of the press that is not specially interested in any one particular industry, and that represents the whole people, I believe this bill, like the pure-food law, will have the general support of the country and of the Members of both branches of Congress.

Mr. ADAMSON. Mr. Chairman, there is one other question I would like to ask the gentleman.

Mr. CAMPBELL. I will yield to the gentleman.

Mr. ADAMSON. There are a great many classes of goods used in one shape which are retailed, of course, in quite a different shape and form. There are various kinds of cloths and fabrics and a great many other things, and the gentleman will catch my idea without specific mention. I would like to ask him how the provisions of his bill would be useful to the retail trade and how they could be made so. If you stamp the entire bolt of cloth, how would that prove efficacious to prevent the retailer being swindled?

Mr. CAMPBELL. The bolt of cloth to-day is stamped; but what I want to stamp is the undergarment the child wears. I want to know who makes it and the shirtwaist the mother wears. The wearer has a right to know the conditions under which garments are made. Who has made the suit of clothes and under what conditions was it made; is the wearer sure that it was not made by some one afflicted with a communicable disease; was it made under such conditions as would justify anyone in wearing the clothes; was the cigar made under conditions that would justify anybody in smoking it; was the package of tobacco put up by a concern and under conditions that would justify anybody in using it; was the food product prepared ready for use under sanitary conditions.

Mr. ADAMSON. The material thing I am interested in—and the gentleman knows that I am interested concerning it——

Mr. CAMPBELL. The bill is before the gentleman's committee, and I am sure he is interested.

Mr. ADAMSON. As I say, what I am interested in is how he can frame the bill so that it will be effective in the retail trade, protect the consumer without unduly embarrassing or hampering the honest producers and the honest traders. Of course neither of us want to protect any other sort.

Mr. CAMPBELL. The provisions of the bill as it now reads apply to the finished product ready for use, as I have indicated, and I believe will injure no one who is honest with the public.

Mr. MANN. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. MANN. How will the stamping of the name of the manufacturer upon the product indicate the conditions under which the product was put up, as the gentleman has suggested, whether under healthy conditions, and not under conditions involving communicable diseases that the gentleman has mentioned, or anything of that sort, unless the General Government is to supervise all manufacturing establishments?

Mr. CAMPBELL. The General Government and the State governments are now extending their influence over factories, and there is assembled in the city to-day representatives of factory inspectors. There is no way of inspecting unknown sweatshops that make certain goods——

Mr. MANN. How would stamping the name on these goods do any good unless they are inspected and stamped by the Government inspector?

Mr. CAMPBELL. My view is that no manufacturer will place upon the market in an open field of fair competition either a shoddy article or one that is known to have been made under insanitary conditions or in prison, and it may become necessary to inspect and stamp such mixed products as food and clothing, as is done now with packing-house products.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CANNON. Mr. Chairman, I will yield to the gentleman 10 minutes more.

Mr. AKIN of New York. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. AKIN of New York. In my district there is a factory where they manufacture covers for brooms. These covers are made out of very flimsy material, and they sell for in the neighborhood of $3 a thousand. How could you arrange it so that they could be stamped?

Mr. CAMPBELL. That is a mere detail. I am now discussing the general purposes of the bill.

I have been asked a thousand questions in regard to this matter; for instance, how I would stamp a diamond ring, and all sorts of questions, some of them relevant, some of them raising a real important question, and others raising absolutely absurd questions. The people and concerns I am after are those who prepare food, clothes, and furnish products to the people generally of a character that ought to be what they purport to be.

Mr. AKIN of New York. Does the gentleman's bill apply to those people and nobody else?

Mr. CAMPBELL. The provisions of the bill apply to the products of manufacture.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. BYRNS of Tennessee. I am interested in the gentleman's remarks, and, like every other Member of Congress, I suppose, I have been receiving a great many letters in regard to the bill. I want to ask the gentleman in regard to one of the objections which strikes me the most forcibly, and that is the application of the bill to the woven fabric. Take the cotton fabric. It has to pass through two or three factories; one may spin the yarn, another may weave the cloth, another dye the cloth, and the point is made that this will cause confusion; in other words, what manufacturer's name will be stamped on the cloth?

Mr. CAMPBELL. The manufacturer or person that uses the cloth in making a finished product; who uses the cloth as lining or as any finished product ready for the use of the people.

Mr. BYRNS of Tennessee. But the gentleman's bill, it seems to me, at least the copy I saw, leaves the matter somewhat in doubt as to what would be the manufacture.

Mr. CAMPBELL. I think as the bill was read this morning it obviates the objection made by those who have protested to the gentleman, inasmuch as it refers to the assembled products in an article ready for use.

Mr. BYRNS of Tennessee. The gentleman has changed his bill from its original form?

Mr. CAMPBELL. Yes; in that particular.

Mr. ADAMSON. Mr. Chairman, I was about to ask the gentleman if he did not think it would be practicable here to narrow the scope of his bill so as to obviate the suggestions—several of them, at least—made on the line of that of the gentleman from Tennessee, and make it specify more nearly the people he is after.

Mr. CAMPBELL. I shall be very glad to have the cooperation of the gentleman from Georgia to that end.

Mr. ADAMSON. Does the gentleman think it can be done?

Mr. CAMPBELL. I think it can be done. I am discussing the general principle now that I think should be the adopted policy of this country. I undertook this work several years ago and prepared this bill and have spent a great deal of time in correspondence concerning it and in explaining it. My desire is to give the people better products for the money they pay out when they buy what they want. I am not particular as to the terms of the bill if they will accomplish my purpose.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. BOWMAN. I have had some objections from my district.

Mr. CAMPBELL. I have no doubt of that.

Mr. BOWMAN. I would like to ask the gentleman if he has considered if he could include in his bill some provision that

would protect the State that uses the right sort of labor in its factories, that affords protection to women and children, and whether he could protect one State which was giving a proper protection in that way from a State that was not.

Mr. CAMPBELL. All States will have to be included within the provisions of the bill, or any other bill of like character. We can not make it apply to Kansas and Georgia and leave out Pennsylvania.

I have no doubt that some industries will have to readjust their methods of doing business, and that is the purpose of the bill. I have taken the matter up with a view of getting the subject generally before the country for further discussion. I have no doubt that the bill will receive the approval of the people generally and be approved by Congress when its purposes are generally known. The subject is of the greatest possible importance. [Applause.]

Mr. PAGE. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, I desire to present an argument in support of bill H. R. 23465, introduced by me, to amend section 162 of the judicial code of March 3, 1911 (36 Stat. L., 1139).

THE PRESENT LAW.

Section 162 of the Judicial Code, which this bill proposes to amend, gives jurisdiction to the Court of Claims over claims under the captured and abandoned property act where the property was taken after June 1, 1865. These are commonly known as the cotton claims.

THE PROPOSED AMENDMENT.

The bill I have introduced is as follows:

A bill (H. R. 23465) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended and reenacted so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed prior to January 1, 1915, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitation to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims: *Provided further*, That judgment hereunder shall not be denied by reason of any bill of sale or other conveyance of such property to the Confederate Government, in consideration of securities of said Government, unless accompanied or followed by actual delivery of such property: *And provided further*, That all judgments and payments hereunder shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claims."

This bill proposes to amend section 162 of the Judicial Code by the addition of three provisos, as follows:

1. That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims.

2. That judgment thereunder shall not be denied by reason of any bill of sale or other conveyance of such property to the Confederate Government, in consideration of securities of said Government, unless accompanied or followed by actual delivery of such property.

3. That all judgments and payments thereunder shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claims.

LOYALTY.

The first, dispensing with proof of loyalty, is already embraced in the bill H. R. 16314, introduced by Mr. WATKINS and reported by him from the Committee on Revision of the Laws (H. Rept. 224) of the present session. In that report it is said:

It was evidently the intention of Congress to allow this money to be paid to the claimants from whom the property was taken after June 1, 1865 (after the cessation of hostilities), without the proof of loyalty; but as section 159 of the act approved March 3, 1911, requires such allegation and proof, a conflict of opinion has arisen as to the interpretation of the law upon this point, and it is to settle this question that this bill is presented.

The report is right in treating this proviso as intending to remove a question and not to change the law. In Padelford *v.* United States (9 Wall., 531), United States *v.* Klein (13 Wall., 128), Armstrong *v.* United States (13 Wall., 154), and Pargoud *v.* United States (13 Wall., 156), the Supreme Court considered similar provisions arising under the acts of March 3, 1863 (12 Stat. L., 767), and March 12, 1863 (sec. 3, 12 Stat. L., 820), requiring proof of loyalty, and declared that the general amnesty proclamation of the President of 1865, 1867, and 1868 (13 Stat. L., 758; 15 Stat. L., 699, 702, 711)—

relieve claimants of captured and abandoned property from proof of adhesion to the United States during the late Civil War.

It is not to be contemplated that a defense should now be revived which was formally buried over 40 years ago by the Supreme Court. But since it has occasionally been suggested that such a defense may be asserted, it is deemed right to dispose of it in advance by legislation.

CONFEDERATE TITLE.

When this bill was passed it was believed that relief would be given to a large number of persons whose cotton had been taken after June 1, 1865, and whose claims were scheduled in Senate Executive Document No. 23, Forty-third Congress, second session. It appeared from the schedules in this document that this cotton had been taken by various agents of the United States Treasury after the actual close of the war, and that the net proceeds were in the Treasury. Petitions were consequently filed in the Court of Claims in a large number of these claims.

THE FACTS.

The records of the Treasury Department were furnished to the court upon its order and show that the planters from whom this cotton was taken had in nearly every instance sold cotton to the Confederate Government in 1862 or 1863, and received in exchange Confederate bonds, and that they had executed bills of sale for the cotton, agreeing to hold it in their possession until called for by the Confederate secretary of the treasury. It was never called for, but remained in their possession until Lee's surrender, as did also the bonds. In July, August, and September, 1865, after the actual close of the war, although technically it did not end until August 20, 1866 (United States *v.* Anderson, 9 Wall., 71), United States agents were sent to the various plantations to collect the cotton which had been the subject of such sales. The Confederate cotton records were then held by the United States and were used to trace the cotton. The major part of such cotton was found on the plantations and was taken by the United States agents. It was sent to New York and sold and its proceeds are in the Treasury, as shown by the document already cited.

A part of the cotton so sold had been destroyed by fire or otherwise; a part had possibly disappeared amid the terrific hostilities existing. On many plantations there was other cotton which had not been the subject of such transactions. The United States Treasury agents made little discrimination. They had the Confederate record showing a transaction of a named planter with the Confederate Government for a given number of bales. If they found that number of bales on his premises they seized it without regard to its identity, and it is apparent from the evidence still available that in many cases they took much additional cotton not comprised in the Confederate bills of sale. If the cotton described in them was not on the premises they took other cotton in the possession of the same planter.

The Confederate bonds which the planters had received had little market value when received and less the longer they were retained. They were, for patriotic reasons, almost always held in the possession of the planters until the close of the war, when they became valueless. The planter thus received nothing of value from the Confederate Government as a consideration for the sale. He received only a promise to pay, which was rendered worthless by the insolvency of the Confederacy.

It is the purpose of my bill to declare that the so-called sale of cotton to the Confederate Government shall not be a defense to a claim for its net proceeds in the Treasury, where it was made in consideration of Confederate securities, unless accompanied or followed by actual delivery of the cotton.

LEGAL CONSEQUENCES.

In proposing to do this the bill merely attempts to apply to the title to this cotton the ordinary principles of law governing transactions between private individuals. The following principles are well settled by many decisions of both English and American courts:

1. A vendor remaining in possession of the goods sold has a right, upon the insolvency of the vendee, to hold the goods until payment of the purchase price, even if title had already passed to the vendee.

2. This right extends even to property in transit before it reaches the vendee.

3. This right is unaffected by the execution of a note or other security by the vendee and its delivery to the vendor.

The following authorities support the first and second propositions:

In Bloxam *v.* Sanders (4 B. & C., 941), decided in the King's Bench in 1825, the right of a vendor to retain the goods sold to an insolvent vendee, but remaining in the vendor's possession, is positively and clearly laid down, as follows:

Where goods are sold, and nothing is said as to the time of the delivery or the time of payment, and everything the seller has to do with them is complete, the property vests in the buyer, so as to subject

him to the risk of any accident which may happen to the goods, and the seller is liable to deliver them whenever they are demanded upon payment of the price, but the buyer has no right to have possession of the goods until he pays the price.

* * * * * * *

If goods are sold upon credit and nothing is agreed upon as to the time of delivering the goods, the vendee is immediately entitled to the possession, and the right of possession and the right of property vest at once in him, but his right of possession is not absolute; it is liable to be defeated if he becomes insolvent before he obtains possession. (Tooke *v.* Hollingsworth, 5 T. R., 215.)

In Northey *v.* Field (2 Esp., 613), the plaintiffs were assignees of merchants to whom wine had been consigned and who became bankrupt after the ship's arrival, but before the time expired for paying the duties. The wines were sold at auction for the duties. Before the sale the agent of the consignor claimed them. Suit was brought by plaintiffs to recover the proceeds.

Lord Kenyon said he was of the opinion that the plaintiffs were not entitled to recover. The courts had of late years leaned much in favor of the power of the consignor to stop his goods in transitu. It was a leaning to the furtherance of justice.

See also Winks *v.* Hassall (9 B. & C., 372; Townley *v.* Crump (4 Ad. & El., 58).

The courts of this country have fully sustained this right, nowhere more learnedly than in Conrad *v.* Fisher (37 Mo. App., 352), where, in an opinion by the well-known authority, Judge Seymour D. Thompson, it is said, page 386:

On the contrary we affirm that, as between the vendor and vendee, laying out of view the rights of subsequent purchasers from the vendee, the vendor's lien is not divested by any species of constructive delivery, so long as he retains the actual custody of the goods, either by himself or by his own agent or servant. This doctrine is supported by the best English and American adjudications. * * * "There is," said Shaw, C. J., "manifestly a marked distinction between those cases, which, as between the vendor and vendee upon a contract of sale, go to make a constructive delivery and to vest the property in the vendee, and that actual delivery by the vendor to the vendee which puts an end to the right of the vendor to hold the goods as security for the price." Arnold *v.* Delano (4 Cush., Mass., 33, 38), quoted with approval in Thompson *v.* Baltimore, etc., Railroad Co. (28 Md., 396, 406). To the same effect is Newhall *v.* Vargas (15 Me., 314, 319). "The lien of the vendor," says Miller, J., "always exists until he voluntarily and utterly resigns the possession of the goods sold, and all right to detain them. So long as the vendor does not surrender actual possession his lien remains, although he may have performed acts which amount to a constructive delivery, so as to pass the title or avoid the statute"—meaning the statute of frauds. Thompson *v.* Baltimore, etc., Railroad (28 Md., 396, 407).

See also Vogelsang *v.* Fisher (128 Mo., 386; Robinson *v.* Morgan (65 Vt., 37); Arnold *v.* Delano (4 Cush., 33); Bell *v.* Moss (5 Whart., 89).

The proposition that the vendor's lien is not lost by taking the note or other security of the vendee is equally sustained by authority.

In D'Aquila *v.* Lambert (2 Eden, 75) plaintiff shipped goods to defendants and drew bills, which were accepted by him. Defendants stopped payment, the bills were protested, and defendants made an assignment. The plaintiff revoked the consignment and consigned the goods to his factor, but the creditors of the defendants also applied for the goods. The lord chancellor said:

The plaintiff is substantially to be considered as a merchant selling goods to Israeli. The case of ex parte Wilkinson is in point. It was determined, on solid reasons, that the goods of one man should not be applied in payment of another's debts. I must therefore decree the goods to be delivered to the plaintiff on payment of the insurance. The right of stoppage in transitu was first recognized by courts of equity. It was soon, however, upon the same principles of justice, adopted in courts of law.

In Miles *v.* Gorton (2 Cr. & M., 504) a bill accepted by the vendee was negotiated by the vendor, and the vendee became bankrupt. It was held that neither the negotiation of the bills nor the charge of warehouse rent while the goods remained in the possession of the vendor destroyed the vendor's lien for his purchase money. The court said:

It is an action by the assignees of a bankrupt who claims a right to the possession of some hops which had been sold to the bankrupt without paying the price for them, the question being whether the assignee, who stands in precisely the same situation as the bankrupt, can take the property out of the possession of the unpaid vendors. The general rule of law is that where there is a sale of goods and nothing is specified as to the delivery or payment, although everything may have been done so as to devest the property out of the vendor, and so as to throw upon the vendee all risk attendant upon the goods, still there results to the vendor out of the original contract a right to retain the goods until the payment of the price.

The same principle is asserted in regard to the right of stoppage in transitu, where the purchaser's notes are in the hands of a third person for a valuable consideration. In Mason *v.* Lickbarrow (1 H. Bl., 357) it is said:

I state it to be a clear proposition that the vendor of goods not paid for may retain possession against the vendee, not by aid of any equity, but on ground of law. Our oldest books consider the payment of the price (day not being given) as a condition precedent implied in the contract of sale, and that the vendee can not take the goods nor sue for them without tender of the price.

* * * * * * *

A designation of the goods by the vendor to the use of the vendee, the marking them or making them up to be delivered, the removing them for the purpose of being delivered, may all entitle the vendee to act as owner, to assign and to maintain an action against a third person, into whose hands they have come. But the title of the vendor is never entirely devested till the goods have come into the possession of the vendee. He has, therefore, a complete right, for just cause, to retract the intended delivery and to stop the goods in transitu. The cases determined in our courts of law have confirmed this doctrine, and the same law obtains in other countries.

The English courts went so far as to sustain this lien where the goods in controversy had been tortiously taken from the possession of the vendee by the vendor. See Stevens *v.* Wilkinson (2 B. & Ad., 320), Page *v.* Cowasjee (L. R. 1, P. C. App., 127).

In Clark *v.* Draper (19 N. H., 420), Woodland Co. *v.* Mendenhall (82 Minn., 483), the giving of notes for the purchase money was held not to affect the vendor's lien.

The owners of this cotton bring themselves plainly within these principles. They sold cotton to the Confederacy, but retained it in their possession. They received bonds, mere promises to pay, and held these also. At the close of the war, and the consequent insolvency of the vendee and maker of the bonds, they had a right to resume title to their cotton. The United States took this cotton and should pay for it under fixed rules of law.

NEED OF LEGISLATION.

What is the necessity of legislation? This arises from decisions made by the Supreme Court of the United States in the years not long after the close of the Civil War, and at a time when the proper historical perspective had not been established from which questions arising from the war could be viewed without passion. The Supreme Court held, in Sprott *v.* United States (20 Wall., 459), in the year 1874, that a person who had purchased cotton from the Confederate Government could not assert a claim to the net proceeds of that cotton in the United States Treasury. This decision was based upon the ground that payment for the cotton to the Confederacy was in aid of the rebellion, and the contract was therefore entirely void and gave no title to the property purchased. Justice Field read a very able dissenting opinion and two other judges refused to concur in the reasoning of the court.

In Whitfield *v.* United States (92 U. S., 165), decided in 1875, cotton was sold to the Confederacy, payment taken in bonds, and the property left with the vendor, by whom a bill of sale was executed, agreeing to hold the cotton subject to the order of the Confederate secretary of the treasury. While both cotton and bonds were in the hands of the vendor the Confederacy dissolved and the bonds became worthless. After the actual war was over the cotton was taken by the United States Treasury agents, and the net proceeds reached the Treasury. The original owner sued for the proceeds and maintained (1) that under the rules of law just asserted the vendor's right to the cotton remaining in his possession became absolute upon the purchaser's insolvency without payment of the bonds; and (2) that under the doctrine of Sprott against United States, just cited, the sale to the Confederate Government was void, and no title had ever passed out of him.

The Supreme Court refused to recognize the application of the rules of private right to this case, and said that the sale of the cotton to the Confederacy was in aid of the rebellion; that the owner's rights must follow the fortunes of war, and that the cotton came into the possession of the United States by right of conquest. Therefore it was held that the owner had no right to assert his vendor's lien. The Sprott case was cited as authority to sustain this decision. It was thus held that a sale from the Confederate Government and a sale to the Confederate Government equally vitiated an individual's title to cotton.

The Whitfield case is typical of those which this bill is designed to relieve. The reasons why it is believed that the rule there announced should no longer stand as the rule governing the relations between the United States and these claimants are the following:

I. THE RULES OF LAW SUPREME.

It is a settled principle that the same rules of law which govern the rights of private individuals in relation to title to private property also control the Government in like dealings with individuals. Thus the Supreme Court says (Davis *v.* Gray, 16 Wall., 203, 232):

When a State becomes a party to a contract, as in the case before us, the same rules of law are applied to her as to private persons under like circumstances. When she or her representatives are properly brought into the forum of litigation, neither she nor they can assert any right or immunity as incident to her political sovereignty.

See also the same principle asserted in the Floyd Acceptances (7 Wall., 666, 675); United States *v.* State Bank (96 U. S., 30, 36).

This is the rule properly applicable here. The question was one of the title to private property between the individual planter and two sovereignties. That was dependent on settled rules of law. We have seen that these declare:

First. That a vendor in possession has a right to retain the goods sold, if not paid for, upon the insolvency of the vendee.

Second. That his right is not affected by the receipt of a note or other security from the vendee.

These are the principles upon which the question of title, a matter of civil and not military law, should be decided.

II. RULES OF LAW APPLIED.

A like conflict arose in England over the rights of individuals and the United States to property belonging to the Confederate States at the date of their dissolution.

In United States *v.* McRae (8 Law Reports, Equity, 69) the United States filed a bill in the court of chancery in England to obtain an account of all moneys and goods which came to the hands of the defendant, as agent or otherwise, on behalf of the Confederate Government during the war, and the payment of the moneys in his hands, and the delivery of the goods in his possession. The court held that with respect to all public property acquired by the insurrectionary government, the right of the United States was that of a successor of the Confederate Government; and that they could recover such property from an agent of that Government, subject to the same rights and obligations to which that Government would have been subjected, had it not been overthrown.

In the case of United States *v.* Prioleau (2 Hemmings & Miller's Chancery cases, 559) the same court again held that the Government of the United States could recover the property of the Confederate Government, as its successor or representative in the hands of its agents, but that they must take it subject to all the liens and conditions arising from the contract upon which this property was received by the agents.

This is the rule which should be applied to the title of the present claimants.

III. DECISIONS AS WAR POLICY.

The decisions, both in Sprott *v.* United States and Whitfield *v.* United States, were rendered within a very few years after the close of the war. The reader of these decisions at the present day, when nearly half a century has passed, still can feel in them the throb of passion which that great struggle aroused. The feelings of the war were the real cause of both decisions.

IV. THE WAR WAS ENDED IN FACT.

The war was, in fact, at an end. The authority of the United States was no longer disputed. The armies of the Confederacy had disbanded. The soldiers had become artisans, merchants, and tillers of the soil. The taking of this property was therefore not in fact the exercise of war power, but a civil transaction. The rights of the United States should not be determined by the laws of war and the right of capture, but should rest entirely upon the rights of property as determined by civil law in individual cases.

The Supreme Court had already held that war existed in law until August 20, 1866 (Anderson *v.* United States, 9 Wall., 71), although in fact suppressed more than a year before. It therefore felt bound in Whitfield *v.* United States to give to the Government in the summer of 1865 the benefit of war rights and to refuse to the claimant the kinder principles governing the title to property under civil law.

The time has now come for Congress to declare another and truer rule. The ultimate purpose of section 162 of the Judicial Code is to declare the war at an end on June 1, 1865, to give a remedy for captures after that date, and to restore all rights of property to a civil basis from that date. To that end it is directed that all property taken after that date shall be paid to is owners. The object is to establish, as far as is now practicable, the conditions which would have existed had the abandoned and captured property act been repealed on that date. This full purpose can be accomplished only by the enactment of the bill I now propose, recognizing the rules of law relating to the title to private property without the assertion of rights derived from capture.

V. CAPTURED AND ABANDONED PROPERTY ACT INAPPLICABLE.

A careful examination of the captured and abandoned property act of March 12, 1863 (12 Stat. L., 820), clearly shows that it gave no right to the Government to seize the cotton in question. Its first section authorizes the Secretary of the Treasury to appoint agents "to receive and collect all abandoned or captured property in any State in insurrection." A legislative definition was given to the word "abandoned" by the amendatory act of July 2, 1864 (13 Stat. L., 376), as follows:

> Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

An equally authoritative definition of "captured" property was made by the circular of the Secretary of the Treasury of July 3, 1863, quoted in United States *v.* Padelford (9 Wall., 540), as property "which had been seized or taken from hostile possession by the military or naval forces of the United States."

Neither of these definitions includes this property. The owner was not engaged in aiding or encouraging the rebellion, because the rebellion had been suppressed; and the property was not in hostile possession, because hostilities had ceased.

Thus the seizure of this property gained no validity from the provisions of those acts. The real test in law of the rights of the parties should not be those arising under the protection of those acts, which were avowedly war measures, but the standard of right under recognized rules of law guarding title to private property. The pending bill declares and enforces that standard.

VI. ALL EQUITIES FOR THE CLAIMANTS.

The Supreme Court, in the Whitfield case, rests its decision for the United States upon a very strict legal title, depending on a rigid view of the disabilities imposed by aiding the rebellion. All the equities of the case were with the plaintiff. He parted with the nominal title to his cotton, and received therefor securities of little value when received, which soon became worthless. He retained possession both of his cotton and of the bonds. The maker of this security, the Confederate States, not only became insolvent, but totally disappeared from existence. The planter therefore clearly would be right in considering the cotton as his own, since he had never lost possession and had received no valuable consideration, and the vendee was nonexistent. The use of that cotton by the people of the Southern States in rehabilitating their ruined plantations and homes would have gone a long step toward relieving the immediate distress incident to the war.

But the United States, claiming the ownership of all cotton which had ever and in any form substantially or formally belonged to the Confederate Government, exacted the pound of flesh from the planter and deprived him of these tangible assets in his possession. At this late date, when the passions aroused by the war have subsided and we can look with historic calmness upon these great events, it is plain that so stringent an assertion of the rights of the conqueror against a prostrate people was an excessive exercise of sovereign power. It is therefore the object of this bill to undo the wrong thus done and to say to the few survivors, and to the children of the deceased that the cotton for which no real consideration was received from the Confederate Government and which remained in the planter's possession until the collapse of the Confederacy shall be treated as the property of the planter and the net proceeds now in the Treasury paid to him or to his surviving next of kin. The amendatory act is one of simple justice. [Applause.]

VII. NO REAL CONSIDERATION.

Lest the objection be made that the delivery of the bonds to the planter was a valuable consideration, a short historical discussion is now pertinent and entitled to consideration.

The sales of cotton to the Confederacy were between December, 1862, and June, 1863, and the records of the Confederate treasury department show that the price paid was from 13½ cents to 15 cents a pound, paid in Confederate bonds. In the learned work, published by Yale University, entitled "The Confederate States of America," by John Christopher Schwab, a table is given as Appendix I which shows the monthly value of gold in Confederate currency during this period, as follows:

December, 1863	2.9
January, 1864	3.0
February, 1864	3.3
March, 1864	4.1
April, 1864	4.5
May, 1864	5.2
June, 1864	7.0
Average for 7 months	4.3

See also History of Confederate Treasury, by Ernest A. Smith, publications of Southern Historical Association, volume 5, pages 225–226.

At the rate of 15 cents per pound in Confederate currency the planter therefore received from 2.1 to 5.2 cents per pound, or an average of 3.5 cents per pound in gold. Middling upland cotton was worth in New York during the same seven months an average of 70.7 cents per pound. See tables of New York prices in Chronological and Statistical History of Cotton, by E. J. Donnell, pages 518–522. It is thus plain that the amount paid in depreciated bonds was a very small fraction of the actual market value of cotton at this time.

Had the planter been allowed to hold the cotton and sell it in New York in the summer of 1865 he would have received

50.7 cents per pound in May and 43.9 cents per pound in September. See the same authorities. Allowing for all expenses of carriage, commission, and middlemen, it can be seen how great a loss was inflicted upon the planter by the Government taking his cotton. The remedy proposed, namely, to give the net proceeds in the Treasury, after the enormous expenses charged against it by the Treasury agents and their subordinates and the losses incident to the methods then adopted, gives but a fraction of what the planter would have realized had the Government refrained from taking it.

While the bonds of the Confederate Government were theoretically convertible into currency, yet the least study of the financial policy of the Confederacy shows the constant effort to secure the conversion of currency into bonds by its holders. Every possible effort was made to induce creditors to receive bonds instead of currency, even the railroads taking pay for services one-half in bonds. It is therefore plain that the citizens of the Confederate States, loyally devoted to its aims, purposely refrained from converting their bonds into currency to the disadvantage of the Government. Indeed, with the governmental pressure the other way they would have found difficulty in securing such conversion. See both the works already cited where these conditions are fully shown. For these reasons it may confidently be asserted that the bonds issued in payment for this cotton remained almost without exception in the hands of the planter to whom they were issued. After the lapse of half a century they can be found but in few instances, but this is not remarkable since during all the time they had been worth more as waste paper than as bonds.

THIRD PROVISO—BANKRUPTCY.

The third proviso directs that the proceeds of claims under this section shall go to the personal representatives rather than to assignees in bankruptcy of the original owners of the cotton. This is similar to the provision contained in the bills for payment of the southern claims under the Bowman Act and the French spoliation claims (26 Stat. L., 908, 1456; 30 Stat. L., 1191, 121; 32 Stat. L., 218, 245; 33 Stat. L., 780, 811). Argument is unnecessary to show the propriety of giving the proceeds of these claims to the families of the owners of the cotton rather than scattering them among distant creditors who have long since forgotten their claims.

CONCLUSION.

All three of the provisos to this bill are essential to carry out the intent of the original enactment. In particular the second proviso should be declared the rule of law, because:

1. It is necessary to afford the relief designed by the original act.

2. It declares the war ended for purposes of these claims when actual hostilities closed.

3. It substitutes a rule of civil law for a harsh rule of war.

4. It recognizes a principle of justice and consideration for a conquered people in place of a merciless exaction of the utmost legal right.

Recapitulation of statements of captured cotton collected subsequent to June 1, 1865, sold, and the proceeds paid into the Treasury.

Number of bales sold.	Gross proceeds.	Total expenses.	Proceeds released.	Proceeds in Treasury.
5,697	$750,702.68	$209,338.58	$87,511.24	$453,852.86
20,240	2,881,589.90	705,622.47	289,576.92	1,886,390.51
6,375	838,043.92	232,487.94	38,869.12	566,686.86
1,170	175,075.16	40,826.13		134,249.03
2,205	351,601.97	51,565.51		300,036.46
2,398½	334,361.92	31,561.70		302,800.22
2,462½	490,743.87	68,187.02		422,547.85
9,712	1,412,335.68	540,962.38	127,192.79	744,180.51
3,378	416,229.83	279,883.13	60,420.00	75,926.70
53,638 Total	7,650,675.93	2,160,434.86	603,570.07	4,886,671.00

Mr. Chairman, I have presented this argument in support of this bill in order that I might have an opportunity to get into this record, and to present to the people of the country, the legal phases of the question which is now before the court, subject to the difficulties with which that question is met by the law officers of the United States. I do not criticize the legal representatives of the Government of the United States for presenting the defenses which they invoke in these cases. As honest men representing the Government, it is their duty to perform this service. In my judgment, however, it was the purpose of the original section 162, when passed by the Congress of the United States, to refund this money now in the Treasury of the United States to those who were entitled to it. It was intended that they should receive it, and these technical defenses having been interposed may prevent the carrying out of the purpose and the intent of the Congress of the United States in passing the law, and the purpose and object of the bill I have introduced is simply to amend that statute in such a way as to take away these technical defenses so that the purpose and intention of the Congress of the United States in the passage of the original act, section 162 of the Judicial Code, may be carried out and these just claims paid.

In this time of peace, when we all stand beneath the clear blue skies as citizens of a great Republic, each one loving the flag that flies above us, willing to do anything we can to uphold and sustain it, simple justice demands that we should be honest enough—not only generous enough, but honest enough—to return this money to these people who lost it because they were prostrate and helpless, who lost it contrary to right and justice, who lost it by reason of the iron hand that existed at the time and demanded it from them and put it into the Treasury of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. Just a little more time, please.

Mr. STEPHENS of Mississippi. I hope my colleague will be given more time. Mississippi is greatly interested in these claims.

Mr. HENRY of Texas. I join in the request that the gentleman be given more time. He is certainly making a most interesting and entertaining speech, and giving us much valuable information showing the justice of these claims.

Mr. PAGE. I yield the gentleman five minutes additional time if necessary to conclude his remarks.

Mr. CANDLER. I thank the gentleman, and I will hurry as much as possible.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. CANDLER. With pleasure.

Mr. HENRY of Texas. By reason of your devotion to duty and Democratic principles you are always listened to with close attention. Your speech has thrown great light on this question, and will speed, I am sure, the payment of these claims. You have shown their justice; and they ought to be, and I hope will be paid. I favor their payment and will aid you in any way I can to bring about that result.

Mr. CANDLER. I thank my friend from Texas.

Now, permit me to say in conclusion, that this great Government of ours does not need this cotton money and can not afford to longer keep it. It only needs honest money—money that comes into the Treasury by the will of the people—for the support of the Government and for the development of our institutions for the great progress which is ahead of us, and this Government can well afford to return this money to the noble and brave people of the South who lost it in time of stress and strife. They come not here to-day, through me as their representative, as mendicants or beggars, because, thank God, they have always been brave and courageous enough to meet every difficulty which has been presented to them and surmount them all; and I am glad to-day that peace, prosperity, and happiness is in the Southland and is blessing our people, and that we are able still to meet our difficulties and overcome them; but I come as their representative pleading an honest and just cause, and simply asking this great Government to do justice to a patriotic people, and in doing so to do honor to itself, and give some comfort to them. In the passage of my bill this will be to some extent accomplished. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes;

The message also announced that the Senate had passed the following resolution (S. Res. 333):

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That as a further mark of respect his remains be removed from Washington to Reno, Nev., for burial, in charge of the Sergeant at Arms of the Senate, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing, the Vice President appointed as said committee Mr. NEWLANDS, Mr. BAILEY, Mr.

WORKS, Mr. HEYBURN, Mr. BROWN, Mr. CURTIS, Mr. OLIVER, Mr. CHAMBERLAIN, Mr. SWANSON, Mr. CLARK of Wyoming, Mr. FALL, and Mr. ASHURST.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, we, as the representatives of the people of the United States, are charged with the important duty of voting the necessary money to meet the proper expenses of this Government in the executive, legislative, and judicial branches. In view of our representative capacity in this respect, and for the further reason that in a short time the people of this country will be called upon to select a President of the United States, Members of Congress, and other officials of the Government, it seems to me that this is a proper time to call to the attention of the House an approximate number of qualified electors in the various States. I therefore submit the two following tables, the first showing, for continental United States, geographic divisions and individual States, the distribution of males 21 years of age and over by literacy, by elements, according to the censuses of 1910 and 1900; and the second showing, for the above areas, the distribution of foreign-born white males 21 years of age and over, according to citizenship, in 1910 and 1900:

Total males 21 years of age and over by literacy, by elements.

State.	Total 21 years of age and over.			Native white native parents.		Native white foreign parents.		Foreign white.		Negro.		Indian.		Chinese.		Japanese.		All other.	
	Total.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.
Continental United States:																			
1910	26,999,151	24,725,825	2,273,326	12,654,689	557,042	4,438,275	60,691	5,858,042	788,564	1,640,076	819,251	30,652	32,315	50,943	9,448	51,675	4,923	1,473	1,092
1900	21,134,299	18,845,829	2,288,470	9,951,137	618,606	3,375,709	68,975	4,341,954	562,316	1,083,692	976,610	20,743	36,334	58,542	22,476	14,052	3,153	.....	.....
GEOGRAPHIC DIVISIONS.																			
New England:																			
1910	2,019,096	1,891,647	127,449	800,007	8,398	380,122	7,622	687,994	108,853	20,107	1,967	511	124	2,690	476	210	9	6	.....
1900	1,707,955	1,590,811	117,144	778,336	9,885	290,084	8,579	502,612	95,211	16,470	2,291	352	137	2,885	1,037	72	4	.....	.....
Middle Atlantic:																			
1910	5,920,501	5,519,403	401,098	2,285,815	34,360	1,165,851	12,514	1,931,638	340,643	126,924	11,826	1,491	625	6,406	1,090	1,261	40	17	.....
1900	4,557,812	4,249,521	308,291	1,924,000	47,882	943,026	15,506	1,285,897	224,978	88,050	16,517	1,113	608	7,128	2,779	307	21	.....	.....
East North Central:																			
1910	5,604,500	5,362,735	241,765	2,553,977	59,185	1,285,839	16,669	1,423,207	150,136	93,875	13,295	2,980	1,929	2,474	546	377	5	6	.....
1900	4,624,078	4,387,517	236,561	2,127,996	79,415	1,019,793	20,206	1,168,796	115,821	67,122	18,260	1,911	2,265	1,815	590	84	4	.....	.....
West North Central:																			
1910	3,493,637	3,370,266	123,371	1,672,604	38,518	809,919	7,651	810,760	58,220	70,089	13,558	5,221	5,127	844	235	803	62	26	.....
1900	2,921,551	2,790,888	130,663	1,400,817	48,065	592,445	8,469	742,669	47,340	49,927	20,392	4,040	6,145	852	210	138	42	.....	.....
South Atlantic:																			
1910	3,071,428	2,531,182	540,246	1,674,849	166,364	118,997	1,672	131,006	19,659	604,144	351,220	998	1,003	1,090	314	94	12	4	2
1900	2,496,785	1,885,154	611,631	1,288,262	178,564	102,929	2,555	92,415	11,768	399,824	417,400	574	813	1,127	529	23	2	.....	.....
East South Central:																			
1910	2,096,186	1,689,656	406,530	1,188,811	148,311	67,864	1,482	42,677	3,631	389,783	252,677	224	353	274	71	22	.....	1	5
1900	1,794,415	1,328,330	466,085	956,261	155,719	65,522	2,129	43,451	3,994	262,657	303,714	170	419	263	109	6	1	.....	.....
West South Central:																			
1910	2,261,366	1,951,175	310,191	1,342,435	86,421	145,492	9,353	135,729	36,251	315,531	173,284	10,818	4,515	850	300	292	29	28	38
1900	1,584,099	1,263,113	320,986	862,358	81,520	101,218	7,817	101,359	29,572	188,974	196,379	8,172	5,253	1,023	436	9	9	.....	.....
Mountain:																			
1910	933,558	850,709	62,849	430,653	12,195	168,927	2,089	226,353	31,219	8,285	707	4,392	14,062	3,869	1,187	8,101	1,380	129	10
1900	563,499	513,488	50,011	243,622	13,975	104,106	2,086	149,399	15,463	5,901	923	2,082	14,741	5,507	1,990	2,871	833	.....	.....
Pacific:																			
1910	1,618,879	1,559,052	59,827	705,538	3,290	295,264	1,639	468,678	39,952	11,338	717	4,017	4,577	32,446	5,229	40,515	3,386	1,256	1,037
1900	884,105	837,007	47,098	369,485	3,581	156,586	1,628	255,356	18,169	4,767	734	2,329	5,953	37,942	14,796	10,542	2,237	.....	.....
NEW ENGLAND DIVISION.																			
Maine:																			
1910	235,727	222,657	13,070	156,620	3,149	24,549	2,073	40,788	7,676	421	55	186	102	86	15	7	.....	.....	.....
1900	217,663	203,711	13,952	153,957	3,420	18,875	2,089	30,292	8,223	368	77	144	114	72	29	3	.....	.....	.....
New Hampshire:																			
1910	136,668	128,255	8,413	75,780	859	17,189	609	35,047	6,909	171	29	9	2	58	5	1	.....	.....	.....
1900	130,987	120,692	10,295	81,194	1,189	12,790	706	26,436	8,333	196	34	3	2	72	31	1	.....	.....	.....
Vermont:																			
1910	113,506	107,467	6,039	68,056	1,331	18,137	1,230	20,320	3,439	937	38	8	1	8	.....	1	.....	.....	.....
1900	108,356	99,812	8,544	67,098	1,759	16,466	1,858	15,984	4,862	232	57	2	1	30	7	.....	.....	.....	.....
Massachusetts:																			
1910	1,021,669	959,760	61,909	332,646	1,700	216,312	2,172	397,097	56,504	11,405	1,186	198	9	1,974	336	122	2	6	.....
1900	843,465	789,771	53,694	319,016	1,927	163,162	2,422	296,086	47,436	9,356	1,100	151	11	1,962	795	38	3	.....	.....
Rhode Island:																			
1910	163,834	149,378	14,456	48,047	466	35,206	794	63,106	12,793	2,722	345	70	4	199	54	28	.....	.....	.....
1900	127,144	115,469	11,675	44,343	550	24,499	841	43,973	9,795	2,340	425	15	3	286	61	13	.....	.....	.....
Connecticut:																			
1910	347,692	324,130	23,562	118,858	893	68,729	744	131,636	21,532	4,451	314	40	6	365	66	51	7	.....	.....
1900	280,340	261,356	18,984	112,728	1,040	54,292	663	89,841	16,562	3,978	598	37	6	463	114	17	1	.....	.....
MIDDLE ATLANTIC DIVISION.																			
New York:																			
1910	2,836,773	2,666,743	170,030	898,051	11,443	646,481	6,383	1,072,319	148,704	43,582	2,295	1,102	604	4,227	580	966	21	15	.....
1900	2,184,965	2,054,961	130,004	767,286	15,201	524,856	8,240	728,698	100,776	27,884	3,541	872	605	5,117	1,022	248	19	.....	.....
New Jersey:																			
1910	774,702	723,616	51,086	277,053	4,216	152,719	1,207	267,301	42,347	25,549	3,052	57	16	790	243	147	5	.....	.....
1900	555,608	517,303	38,305	218,274	6,370	110,223	1,285	170,298	26,300	17,549	3,925	13	.....	909	424	37	1	.....	.....
Pennsylvania:																			
1910	2,309,026	2,129,044	179,982	1,110,711	18,701	366,651	4,924	592,018	149,592	57,793	6,479	332	5	1,389	267	145	14	2	.....
1900	1,817,239	1,677,257	139,982	938,440	26,311	307,947	5,981	386,901	97,902	42,617	9,051	228	3	1,102	733	22	1	.....	.....
EAST NORTH CENTRAL DIVISION.																			
Ohio:																			
1910	1,484,265	1,421,267	62,998	822,368	19,188	291,064	3,379	273,318	35,160	34,019	5,169	37	4	403	98	58	.....	.....	.....
1900	1,212,223	1,153,525	58,698	672,480	25,476	252,267	4,688	204,083	21,605	24,422	6,813	14	13	243	103	16	.....	.....	.....
Indiana:																			
1910	822,434	788,851	33,583	578,478	17,641	114,432	1,953	78,325	10,602	17,339	3,312	62	12	180	63	33	.....	2	.....
1900	720,206	680,190	40,016	492,509	24,937	108,284	2,944	66,065	7,022	13,144	5,042	43	13	141	58	4	.....	.....	.....
Illinois:																			
1910	1,743,182	1,663,739	79,443	673,612	15,588	404,043	3,275	548,617	55,907	35,624	4,359	60	8	1,554	303	226	3	3	.....
1900	1,401,456	1,333,975	67,481	565,921	20,852	312,174	4,139	430,515	36,608	24,211	5,551	8	4	1,092	323	54	4	.....	.....
Michigan:																			
1910	870,876	832,173	38,703	332,397	5,254	218,250	4,144	274,143	28,034	5,869	397	1,299	826	181	48	33	.....	1	.....
1900	719,478	680,248	39,230	281,887	6,406	158,124	4,413	234,722	26,693	4,467	726	859	941	183	51	6	.....	.....	.....
Wisconsin:																			
1910	683,743	656,705	27,038	147,122	1,514	258,050	3,918	248,804	20,433	1,024	58	1,522	1,079	156	34	27	2	.....	.....
1900	570,715	539,579	31,136	115,199	1,744	188,944	4,022	233,411	23,893	878	128	987	1,294	150	55	4	.....	.....	.....

Total males 21 years of age and over by literacy, by elements—Continued.

State.	Total 21 years of age and over.			Native white native parents.		Native white foreign parents.		Foreign white.		Negro.		Indian.		Chinese.		Japanese.		All other.	
	Total.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.
WEST NORTH CENTRAL DIVISION.																			
Minnesota:																			
1910	642,669	619,065	23,604	134,762	732	201,370	1,757	278,335	19,947	3,267	123	1,068	1,007	215	33	46	5	2	.....
1900	506,794	485,938	20,856	103,840	737	135,288	1,766	244,033	16,720	2,018	150	607	1,449	117	31	35	3	.....	.....
Iowa:																			
1910	663,672	649,468	14,204	329,402	4,219	175,957	1,456	139,031	7,764	4,887	641	87	118	75	5	26	1	3	.....
1900	635,298	618,237	17,061	315,569	5,944	149,455	1,791	149,660	8,246	3,466	975	10	81	70	24	7	.....	.....	.....
Missouri:																			
1910	973,062	921,778	51,284	603,018	27,860	164,841	2,357	110,556	10,848	42,853	10,068	67	12	368	131	72	8	3	.....
1900	856,684	796,357	60,327	516,715	34,723	142,855	3,021	104,817	7,666	31,589	14,829	21	5	355	82	5	1	.....	.....
North Dakota:																			
1910	173,890	168,423	5,467	43,155	203	48,572	290	75,692	4,029	295	16	636	915	24	11	49	3	.....	.....
1900	95,217	90,030	5,187	19,624	153	17,682	220	52,051	3,507	96	19	472	1,239	18	12	87	37	.....	.....
South Dakota:																			
1910	178,189	172,638	5,551	65,464	305	52,126	299	52,205	2,323	316	25	2,432	2,559	65	33	30	7	.....	.....
1900	112,681	107,053	5,628	35,162	219	26,267	259	43,231	2,215	154	30	2,113	2,887	126	18	.....	.....	.....	.....
Nebraska:																			
1910	353,626	345,081	8,545	167,158	1,401	85,368	643	88,459	5,886	2,994	231	506	329	84	22	494	33	18	.....
1900	301,091	293,703	7,388	145,879	1,629	58,849	535	86,248	4,677	2,031	267	560	242	133	38	3	.....	.....	.....
Kansas:																			
1910	508,529	493,813	14,716	329,645	3,798	81,685	849	66,482	7,423	15,477	2,454	425	187	13	.....	86	5	.....	.....
1900	413,786	399,570	14,216	264,028	4,660	62,049	877	62,629	4,309	10,573	4,122	257	242	33	5	1	1	.....	.....
SOUTH ATLANTIC DIVISION.																			
Delaware:																			
1910	61,887	55,615	6,272	36,005	1,672	6,283	68	7,084	1,692	6,221	2,829	.....	.....	18	11	4	.....	.....	.....
1900	54,018	46,480	7,538	30,604	2,666	5,482	93	5,561	1,186	4,796	3,578	3	.....	33	15	1	.....	.....	.....
Maryland:																			
1910	367,908	336,670	31,238	195,187	8,097	51,781	523	42,936	5,037	46,479	17,484	11	2	265	94	11	1	.....	.....
1900	321,903	281,551	40,352	161,812	10,191	45,959	1,006	37,530	4,481	35,944	24,462	.....	.....	300	212	6	.....	.....	.....
District of Columbia:																			
1910	103,761	98,679	5,082	49,624	325	14,012	66	10,928	810	23,820	3,801	18	4	237	75	36	.....	4	1
1900	83,823	76,771	7,052	39,166	391	11,086	75	9,122	478	17,048	6,024	3	7	341	76	5	1	.....	.....
Virginia:																			
1910	523,532	430,615	92,917	304,610	33,488	10,487	192	13,585	1,297	101,726	57,867	97	36	101	35	9	2	.....	.....
1900	447,815	334,462	113,353	245,824	35,057	9,143	270	9,919	1,166	69,358	76,764	62	13	146	83	10	.....	.....	.....
West Virginia:																			
1910	338,349	303,309	35,040	244,028	20,666	15,761	356	26,159	8,528	17,300	5,457	7	1	52	32	2	.....	.....	.....
1900	247,970	215,904	32,066	182,192	23,024	14,482	553	9,983	2,895	9,202	5,584	3	1	42	9	.....	.....	.....	.....
North Carolina:																			
1910	506,134	398,571	107,563	302,413	49,619	2,192	91	3,022	274	90,083	56,669	808	895	51	15	2	.....	.....	.....
1900	417,578	294,920	122,658	230,393	54,208	2,085	126	2,311	140	59,625	67,489	475	680	31	15	.....	.....	.....	.....
South Carolina:																			
1910	335,046	244,339	90,707	141,474	17,535	3,341	64	3,149	206	96,298	72,857	30	41	46	3	1	1	.....	.....
1900	283,325	183,809	99,516	108,454	15,643	3,231	68	2,825	154	69,242	83,618	12	17	45	16	.....	.....	.....	.....
Georgia:																			
1910	620,616	479,075	141,541	307,331	29,936	7,640	149	8,137	376	155,777	111,037	14	10	173	33	3	.....	.....	.....
1900	500,752	342,505	158,247	232,015	31,914	6,692	168	6,331	376	97,363	125,710	5	1	98	78	1	.....	.....	.....
Florida:																			
1910	214,195	184,309	29,886	94,177	5,026	7,500	163	16,006	1,439	66,440	23,219	13	14	147	16	26	8	.....	1
1900	139,601	108,752	30,849	57,802	5,470	4,769	196	8,833	892	37,246	24,171	11	94	91	25	.....	1	.....	.....
EAST SOUTH CENTRAL DIVISION.																			
Kentucky:																			
1910	603,454	515,938	87,516	405,210	59,314	41,864	833	19,058	1,382	49,736	25,958	25	23	36	6	9	.....	.....	.....
1900	543,996	441,468	102,528	340,062	62,182	40,657	1,166	22,970	2,169	37,738	36,990	10	9	31	12	.....	.....	.....	.....
Tennessee:																			
1910	552,668	465,991	86,677	363,721	47,479	11,855	264	9,484	628	80,869	38,273	27	19	26	14	8	.....	1	.....
1900	487,380	381,529	105,851	302,377	51,244	11,472	444	8,779	730	58,840	53,396	13	15	44	22	4	.....	.....	.....
Alabama:																			
1910	513,111	388,617	124,494	249,568	30,389	8,221	244	9,493	1,028	121,179	92,744	105	76	47	10	4	.....	.....	3
1900	413,862	274,213	139,649	185,370	30,680	7,876	286	7,434	648	73,474	107,997	15	23	42	14	2	1	.....	.....
Mississippi:																			
1910	426,953	319,110	107,843	170,312	11,129	5,924	141	4,642	593	137,999	95,702	67	235	165	41	1	.....	.....	2
1900	349,177	231,120	118,057	128,452	11,613	5,517	233	4,268	447	92,605	105,331	132	372	146	61	.....	.....	.....	.....
WEST SOUTH CENTRAL DIVISION.																			
Arkansas:																			
1910	395,824	342,384	53,440	242,872	20,343	10,983	385	9,057	661	79,352	32,013	77	18	34	20	9	.....	.....	.....
1900	313,836	251,221	62,615	186,421	22,546	8,903	449	7,750	528	48,103	39,054	14	12	30	26	.....	.....	.....	.....
Louisiana:																			
1910	414,919	296,203	118,716	151,687	28,091	32,769	935	21,332	5,211	90,035	84,176	40	114	295	146	20	5	25	38
1900	325,943	203,305	122,638	96,675	24,681	30,062	1,120	19,102	6,238	57,086	90,262	37	120	338	211	5	6	.....	.....
Oklahoma:																			
1910	447,266	418,559	28,707	329,054	14,345	27,948	479	21,363	2,188	29,445	7,396	10,594	4,286	117	12	38	1	.....	.....
1900	206,552	184,602	21,950	144,579	10,113	12,765	411	10,507	1,033	8,654	5,319	8,064	5,049	33	25	.....	.....	.....	.....
Texas:																			
1910	1,003,357	894,029	109,328	618,822	23,642	73,792	7,554	83,977	28,191	116,699	49,699	107	97	404	122	225	23	3	.....
1900	737,768	623,985	113,783	434,683	24,180	49,488	5,837	64,000	21,773	75,131	61,744	57	72	622	174	4	3	.....	.....
MOUNTAIN DIVISION.																			
Montana:																			
1910	155,017	146,313	8,704	59,429	228	29,597	166	53,428	5,885	776	75	1,107	1,659	827	341	1,143	343	6	7
1900	101,931	95,722	6,209	34,893	237	19,574	186	37,308	2,675	637	74	596	2,274	1,308	345	1,406	418	.....	.....
Idaho:																			
1910	110,863	107,447	3,416	58,734	244	22,538	109	23,808	2,036	312	16	351	688	643	168	1,050	155	11	.....
1900	53,932	50,996	2,936	25,497	289	10,945	106	12,721	770	110	20	227	970	894	501	602	280	.....	.....
Wyoming:																			
1910	63,201	60,788	2,413	30,586	120	10,692	37	16,466	1,819	1,275	50	351	68	164	51	1,195	268	59	.....
1900	37,898	36,262	1,636	17,846	166	7,593	46	9,783	828	379	102	79	348	371	66	211	80	.....	.....
Colorado:																			
1910	271,648	260,305	11,343	144,605	2,663	46,548	273	63,046	7,468	3,910	373	115	209	264	77	1,816	280	1	.....
1900	185,708	178,019	7,689	96,729	2,834	30,530	361	47,510	3,652	2,767	448	33	246	430	138	20	10	.....	.....

Total males 21 years of age and over by literacy, by elements—Continued.

State.	Total 21 years of age and over.			Native white native parents.		Native white foreign parents.		Foreign white.		Negro.		Indian.		Chinese.		Japanese.		All other.	
	Total.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.
MOUNTAIN DIVISION—continued.																			
New Mexico:																			
1910	94,637	78,003	16,634	61,147	8,142	6,404	538	8,872	3,630	556	88	622	4,171	201	29	201	36	.....	.....
1900	55,067	39,482	15,585	29,582	9,589	3,711	671	5,007	2,244	649	126	261	2,901	267	54	5	.....	.....	.....
Arizona:																			
1910	74,051	59,588	14,463	28,199	553	9,919	744	18,235	7,447	700	64	1,382	5,319	863	303	290	33	.....	.....
1900	44,081	32,866	11,215	15,657	526	6,076	491	8,402	3,759	964	120	592	5,948	994	353	181	18	.....	.....
Utah:																			
1910	104,115	100,638	3,477	32,780	199	34,632	173	30,699	1,966	542	26	132	753	197	127	1,656	233	.....	.....
1900	67,172	64,702	2,470	18,031	290	22,278	200	23,277	1,129	341	17	121	656	376	161	278	17	.....	.....
Nevada:																			
1910	40,026	37,627	2,399	15,173	46	8,597	49	11,799	968	214	15	332	1,195	710	91	750	32	52	3
1900	17,710	15,439	2,271	5,387	44	3,399	25	5,391	406	54	16	173	1,398	867	372	168	10	.....	.....
PACIFIC DIVISION.																			
Washington:																			
1910	441,294	430,714	10,580	199,179	600	75,436	240	140,266	6,998	2,999	121	1,445	1,413	1,846	458	9,441	684	102	66
1900	195,572	188,937	6,635	91,802	460	29,823	169	59,332	2,413	1,089	141	825	1,907	2,534	867	3,532	678	.....	.....
Oregon:																			
1910	257,188	250,728	6,460	140,537	729	39,983	185	59,876	4,033	752	40	695	540	6,217	493	2,533	301	135	139
1900	144,446	137,468	6,978	78,339	881	20,357	198	30,405	1,081	507	53	430	753	5,799	3,756	1,631	256	.....	.....
California:																			
1910	920,397	877,610	42,787	365,822	1,961	179,845	1,214	268,536	28,921	7,587	556	1,877	2,624	24,383	4,278	28,541	2,401	1,019	832
1900	544,087	510,602	33,485	199,344	2,240	106,406	1,261	165,619	14,675	3,171	540	1,074	3,293	29,609	10,173	5,379	1,303	.....	.....

Foreign-born white males 21 years of age and over, by citizenship, 1910 and 1900.

	Total.	Naturalized.	Papers.	Alien.	Unknown.
Continental United States:					
1910	6,646,606	3,035,333	570,588	2,265,121	775,564
1900	4,904,270	2,845,473	411,898	914,917	731,982
GEOGRAPHIC DIVISIONS.					
New England:					
1910	796,847	324,100	48,314	366,226	58,207
1900	597,823	268,304	24,167	215,304	90,048
Middle Atlantic:					
1910	2,272,281	879,348	202,012	965,109	225,812
1900	1,510,875	825,262	100,091	381,823	203,699
East North Central:					
1910	1,573,343	813,819	148,254	424,948	186,322
1900	1,284,617	802,666	141,461	136,308	204,182
West North Central:					
1910	868,980	510,792	76,935	143,771	137,482
1900	790,009	516,440	86,650	61,899	125,020
South Atlantic:					
1910	150,665	61,134	8,997	57,127	23,407
1900	104,183	64,513	4,252	17,263	18,155
East South Central:					
1910	46,308	25,850	2,223	8,749	9,486
1900	7,445	32,037	1,719	4,662	9,027
West South Central:					
1910	171,980	70,775	10,076	52,872	38,257
1900	130,931	61,511	18,466	25,953	25,001
Mountain:					
1910	257,572	113,670	23,220	85,643	35,039
1900	164,862	99,129	16,485	27,158	22,090
Pacific:					
1910	508,630	235,845	50,557	160,676	61,552
1900	273,525	175,611	18,607	44,547	34,760
NEW ENGLAND DIVISION.					
Maine:					
1910	48,464	14,994	1,490	23,672	8,308
1900	38,515	13,242	784	17,143	7,346
New Hampshire:					
1910	41,956	16,415	1,421	19,377	4,743
1900	34,769	14,022	958	12,850	6,939
Vermont:					
1910	23,750	10,811	1,164	9,632	2,132
1900	20,846	9,560	639	6,949	3,698
Massachusetts:					
1910	453,601	189,126	30,016	212,033	22,426
1900	343,522	150,919	14,752	127,172	50,679
Rhode Island:					
1910	75,899	32,040	5,314	31,996	6,549
1900	53,768	27,840	2,071	17,027	6,830
Connecticut:					
1910	153,168	60,714	8,909	69,496	14,049
1900	106,403	52,721	4,963	34,163	14,556
MIDDLE ATLANTIC DIVISION.					
New York:					
1910	1,221,023	502,083	131,085	475,267	112,588
1900	829,474	481,362	59,748	189,715	98,649
New Jersey:					
1910	309,648	128,438	24,511	122,076	34,623
1900	196,598	109,460	12,765	45,591	28,782
Pennsylvania:					
1910	741,610	248,827	46,416	367,766	78,601
1900	484,803	234,440	27,578	146,517	76,268

Foreign-born white males 21 years of age and over, by citizenship, 1910 and 1900—Contd.

	Total.	Naturalized.	Papers.	Alien.	Unknown.
EAST NORTH CENTRAL DIVISION.					
Ohio:					
1910	308,478	142,465	17,509	113,856	34,648
1900	225,688	157,323	7,069	26,335	34,961
Indiana:					
1910	88,927	42,533	13,320	18,354	14,720
1900	73,087	44,364	9,830	3,155	15,738
Illinois:					
1910	604,524	317,339	43,482	174,581	69,122
1900	467,123	326,538	16,188	51,576	72,821
Michigan:					
1910	302,177	168,634	26,235	75,220	32,088
1900	261,415	153,377	31,122	37,449	39,467
Wisconsin:					
1910	269,237	142,848	47,708	42,937	35,744
1900	257,304	121,064	77,252	17,793	41,195
WEST NORTH CENTRAL DIVISION.					
Minnesota:					
1910	298,282	179,187	26,222	58,132	34,741
1900	260,753	166,373	35,684	24,801	33,895
Iowa:					
1910	146,795	90,550	6,652	20,222	29,371
1900	157,906	117,507	5,627	11,372	23,400
Missouri:					
1910	121,404	65,512	10,117	25,735	20,040
1900	112,483	78,829	5,215	10,427	18,012
North Dakota:					
1910	79,721	46,636	9,824	10,965	12,296
1900	55,558	31,534	10,515	5,488	8,021
South Dakota:					
1910	54,528	32,495	8,020	4,376	9,637
1900	45,446	26,684	7,918	2,411	8,433
Nebraska:					
1910	94,345	57,270	9,928	12,343	14,804
1900	90,925	54,241	14,368	4,846	17,470
Kansas:					
1910	73,905	39,142	6,172	11,998	16,593
1900	66,938	41,272	7,323	2,554	15,789
SOUTH ATLANTIC DIVISION.					
Delaware:					
1910	8,776	3,707	658	3,189	1,222
1900	6,747	4,109	275	1,287	1,076
Maryland:					
1910	47,973	24,256	3,278	13,573	6,866
1900	42,011	28,523	1,276	5,706	6,506
District of Columbia:					
1910	11,738	6,474	1,058	2,304	1,902
1900	9,600	6,733	657	1,294	916
Virginia:					
1910	14,882	6,411	859	4,693	2,919
1900	11,085	6,801	484	1,492	2,308
West Virginia:					
1910	34,687	7,263	1,358	22,545	3,521
1900	12,878	6,429	507	3,714	2,228
North Carolina:					
1910	3,296	1,439	194	827	836
1900	2,451	1,444	67	313	627
South Carolina:					
1910	3,355	1,602	184	739	830
1900	2,979	1,801	79	494	605

Foreign-born white males 21 years of age and over, by citizenship, 1910 and 1900—Contd.

	Total.	Naturalized.	Papers.	Alien.	Unknown.
SOUTH ATLANTIC DIVISION—continued.					
Georgia:					
1910	8,513	4,023	625	1,846	2,019
1900	6,707	3,952	363	949	1,443
Florida:					
1910	17,445	5,959	783	7,411	3,292
1900	9,725	4,721	544	2,014	2,446
EAST SOUTH CENTRAL DIVISION.					
Kentucky:					
1910	20,440	13,225	815	2,754	3,646
1900	25,139	18,731	682	1,692	4,034
Tennessee:					
1910	10,112	5,444	464	1,867	2,337
1900	9,509	5,746	280	1,193	2,290
Alabama:					
1910	10,521	4,736	687	2,895	2,203
1900	8,082	4,895	618	995	1,574
Mississippi:					
1910	5,235	2,445	257	1,233	1,300
1900	4,715	2,665	139	782	1,129
WEST SOUTH CENTRAL DIVISION.					
Arkansas:					
1910	9,718	5,284	595	1,388	2,451
1900	8,278	4,780	527	795	2,226
Louisiana:					
1910	26,543	10,024	1,171	9,169	6,179
1900	25,340	12,848	962	7,302	4,228
Oklahoma:					
1910	23,551	12,074	1,477	4,449	5,551
1900	11,540	6,609	1,447	693	2,791
Texas:					
1910	112,168	43,393	6,833	37,866	24,076
1900	85,773	37,324	15,530	17,163	15,756
MOUNTAIN DIVISION.					
Montana:					
1910	59,313	27,635	6,749	16,937	7,992
1900	39,983	26,268	4,018	5,397	4,300
Idaho:					
1910	25,844	12,817	2,478	6,215	4,334
1900	13,491	9,127	1,400	1,228	1,736
Wyoming:					
1910	18,285	6,837	1,937	8,147	1,364
1900	10,611	6,224	1,071	2,226	1,090
Colorado:					
1910	70,514	35,245	6,536	19,615	9,118
1900	51,162	29,678	7,317	6,539	7,628
New Mexico:					
1910	12,502	4,267	709	6,048	1,478
1900	7,251	3,568	432	1,973	1,278
Arizona:					
1910	25,682	5,912	1,113	14,574	4,083
1900	12,161	4,084	657	5,507	1,313
Utah:					
1910	32,665	15,351	2,416	9,628	5,270
1900	24,406	15,826	1,334	3,181	4,065
Nevada:					
1910	12,767	5,606	1,282	4,479	1,400
1900	5,797	3,754	256	1,107	680
PACIFIC DIVISION.					
Washington:					
1910	147,264	68,895	15,258	43,216	19,895
1900	61,745	39,466	5,511	8,012	8,756
Oregon:					
1910	63,909	29,675	7,591	17,430	9,213
1900	31,486	21,814	3,584	2,842	3,246
California:					
1910	297,457	137,275	27,708	100,030	32,444
1900	180,294	114,331	9,512	33,693	22,758

Mr. DYER. The above shows that in 1910 there were 71,580,270 persons 10 years of age or over in the United States, of whom 5,517,608 were unable to read or write, constituting 7.7 per cent of the population.

The native whites, who constituted nearly 75 per cent of the entire population, had the smallest number of illiterates, 1,535,530, or 3 per cent.

The foreign-born whites had 1,650,519 illiterates, or 12.8 per cent of their number.

The colored had 2,331,559 illiterates, or 30.5 per cent.

DECLINE IN ILLITERACY.

Comparing 1910 with 1900, there was a gain of 13,640,456 in the population of 10 years of age and over, but the number of illiterates fell off 663,461. There was consequently a decline in the percentage of illiteracy from 10.7 to 7.7 per cent for the aggregate population.

Among native whites the number of illiterates diminished 378,081, and as the population increased the percentage fell from 4.6 per cent in 1900 to 3 per cent in 1910.

Among the colored there was a decrease of 647,864 illiterates and a diminution of the percentage of illiteracy from 44.5 per cent to 30.5 per cent.

Among the foreign whites there was the slight increase of 363,384 in the number of illiterate persons, but the whole number of foreign whites had largely increased, the percentage of illiteracy remains practically the same as 10 years ago, being 12.8 per cent in 1910 and 12.9 per cent in 1900. The tabular summary follows:

Population 10 years of age and over.

Year.	Total.	Unable to read and write.	
		Number.	Per cent.
1900.			
Native white	41,236,662	1,913,611	4.6
Foreign white	10,014,256	1,287,135	12.9
Colored	6,698,906	2,979,323	44.5
All classes	57,949,824	6,180,069	10.7
1910.			
Native white	50,989,343	1,535,530	3.0
Foreign white	12,944,215	1,650,519	12.8
Colored	7,646,712	2,331,559	30.5
All classes	71,580,270	5,517,608	7.7

It is gratifying indeed to note that the colored illiterates have decreased in the last 10 years from 44.5 per cent to 30.5 per cent. This shows progress, and I sincerely hope that the next 10 years will see even greater advancement.

On April 2, 1912, Senator BRADLEY, of Kentucky, in the Senate, in urging the enactment into law of Senate bill 180, providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, said, concerning the progress of the colored race:

Since the negroes were freed they have increased from 4,000,000 to 10,000,000 in population. They own to-day, notwithstanding they were freed without any property, more than $600,000,000. They have 135 private high schools. They have 30,000 teachers, 82 banks, 500 newspapers and periodicals. They have decreased in illiteracy 47 per cent. They have 1,500 lawyers, 2,500 physicians, several thousand ministers, some of whom are among the ablest men in the United States. They have 149 wholesale houses, 9,098 retail merchants, and 1,186 manufactories. Among them are scientists, poets, authors, musicians, artists, and inventors, and they have 2,000,000 children in the schools.

The object of this bill is to give them a chance to call prominently to the attention of the people of this Nation what they have accomplished and to show their progress, to encourage their people to the accomplishment of greater things, and to show the white people the extent of their improvement in order that they may better merit their help and sympathy.

Mr. President, it seems to me when we consider the fact that these people for so many years bent their backs in bondage in unrequited toil in order to make fortunes for others; that they were denied every right of manhood, every opportunity of education; that during the Civil War, notwithstanding their freedom was at stake, in the whole southern country not one of them ever committed an outrage, although they were left in charge of the wives and children of the Confederate soldiers who were fighting to continue them in slavery, now that they are citizens of the United States it is our duty to lift them up, to help them, to strengthen them, to encourage them, to make them better citizens, and to make them of more value, force, and virtue in this great Republic.

This is but a pittance, and it is conditioned upon their raising among themselves $50,000 before they can enjoy the appropriation. I do not think that the spirit of economy should be such as to prevent the passage of any bill which has for its purpose the betterment of humanity, the betterment of our country, and the improvement of its citizens. I hope the bill may pass.

This Government should continue to do its utmost to help the colored man in his desire to advance in intellect, business, morality, and other ways. I am in hopes that the House will, during this session, pass the bill referred to above, and which has already passed the Senate, appropriating $250,000 to help the colored people show to the people of this country and of the world the great advancement that they have made since they became a free people.

The colored men have heretofore been given opportunity to show their worth as officials of this Government. Some of them have and are now holding important official positions, and have uniformly given credit to the Government as well as their race. As proof of the above I might mention the names of a few of the colored men who are to-day holding important positions in the Government service, among whom are the following:

H. W. Furniss, of Indiana, minister to Haiti; Dr. W. D. Crum, of South Carolina, minister to Liberia; Charles W. Anderson, of New York, collector of internal revenue, New York City; Joseph E. Lee, collector of internal revenue, Jacksonville, Fla.; Henry Lincoln Johnson, of Georgia, recorder of deeds, District of Columbia; R. W. Tyler, of Ohio, Auditor for the

Navy Department; Whitefield McKinley, collector of customs, Washington; Charles A. Cottrell, of Ohio, collector of customs, Hawaii; Robert H. Terrell, judge of municipal court, District of Columbia; J. E. Bush, receiver, land office, Little Rock, Ark.; T. V. McAllister, receiver, land office, Jackson, Miss.; Nathan Alexander, register, land office, Montgomery, Ala.; W. C. Matthews, assistant United States district attorney, Boston, Mass.; S. L. Williams, assistant United States district attorney, Chicago, Ill.; James A. Cobb, special United States district attorney, Washington; Gen. Robert Smalls, collector of customs, Beaufort, S. C.; Mrs. E. P. Booze, postmaster, Mound Bayou, Miss.; Thomas Richardson, postmaster, Port Gibson, Miss.; W. T. Vernon, supervisor of Indian and Negro schools; W. D. Johnson, Forest Service, Department of Agriculture, and so forth.

The highest salary paid an Afro-American is received by the envoy extraordinary and minister plenipotentiary of the United States to Haiti, whose salary is $10,000 per annum. A number of Government officials receive from $2,500 to $5,000 per year. Clerks are paid from $900 to $1,800.

The total number of Afro-Americans in all branches of the service of the United States Government is, in round numbers, 15,000, and the aggregate annual salaries paid amount to nearly $10,000,000.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from New York [Mr. MALBY] 60 minutes.

Mr. MALBY. Mr. Chairman, this Nation never more fittingly observed its birthday than it did on the 4th of July, 1789, when it approved an act for laying a duty on goods, wares, and merchandise imported into the United States for the necessary support of government, the discharge of the debts of the United States, and the encouragement and protection of manufactures.

Practically since the foundation of this Government—to be exact, since July 4, 1789—we have had a tariff law which has levied a tax upon certain articles imported into this country. This tax, as a general rule, has been levied for the double purpose of raising a revenue for the support of the Government and to protect our industries.

So far as the Republican Party is concerned, it has at all times stood for and demanded a tariff for this double purpose, while our Democratic friends have universally contended, as they now do, for a tariff for revenue only and not for protection's sake. In other words, they tolerate a tariff for revenue as a matter of necessity and at the same time declare a tariff which affords protection to our many industries a robbery.

What the position of the two great political parties upon this question has been and is is well known in Congress, but it has not been understood by the people of the country at large, and we find in every manufacturing center of the country Democratic spellbinders deliberately attempting to deceive their audiences by pointing out the fact to be that tariff laws framed by them when in power afforded a measure of protection as well as raised a revenue for the support of the Government; while, on the other hand, other representatives of the Democratic Party before their audiences in different sections of our country have taught the doctrine of free trade and have roundly denounced the Republican tariff, or any tariff designed to protect our industries, as a robbery of the many for the benefit of the few, and by this method, particularly in manufacturing centers, have secured the support of protectionists, while with the doctrine of free trade in other sections they have secured the support of free traders.

It is my intention to place upon the records of Congress something from which the people of the country at large may know the position of each party upon this greatest of questions, upon which presidential elections have been lost and won for more than a half century, and for that purpose I desire to call the attention of the House to some recent statements made by the leaders of the Democratic Party in the United States Senate and the House of Representatives upon this subject, as well as to point out their official action with reference to various tariff bills which have been given consideration since the country thoughtlessly trusted them with power in this body a year ago, which will conclusively prove the facts to be just as I have stated them.

Hon. OSCAR W. UNDERWOOD, of Alabama, chairman of the Ways and Means Committee of the House, June 7, 1911, on the wool schedule:

Mr. Chairman, in presenting this bill to the House we distinctly draw the dividing line between the two great political parties in this country from the standpoint on which they write tariff bills to obtain revenue to support the Government.

The Republican Party, as declared in their platform, presents tariff legislation for the purpose of levying duties at rates that will equal the difference in cost at home and abroad and at the same time protect a reasonable profit to the American manufacturers.

Their declaration is primarily in favor of levying tariffs in the interest of the great manufacturing classes of this country. The question of raising revenue is incidental to levying a tax to prevent foreign competition.

The Democratic Party does not believe that any interest in this country is entitled primarily to the fostering care of the Government of the United States. * * * The primary purpose from the beginning of those who believe in the principles of the Democratic Party is to levy these taxes for the purpose of supplying the revenue of the Government, and if any protection arises from the levying of these taxes it is a mere incident, which grows out of the constitutional warrant given by the people to levy taxes at the customhouse. * * *

Hon. OSCAR W. UNDERWOOD, July 28, 1911, on the cotton schedule:

As I have stated before on this floor, I am anxious, if we have the power to do so, to reduce every schedule in the tariff bill to a strictly revenue basis.

Hon. LEE S. OVERMAN, a Senator from North Carolina, June 12, 1909, on the tariff:

Mr. President, there has never been a tariff bill passed by Congress but that there were differences between individual Senators belonging to the same party in regard to some details or items in the schedules of every bill, and especially those items to be locally affected. But there was, and is now, very little difference among the Democrats as to the fundamental principles of the party upon this great question. * * * We have honestly differed as to whether some few articles should not go on the free list or the dutiable list; but, however we may have differed in this respect, the party has been united on the fundamental principles of a tariff for revenue.

Hon. ISIDOR RAYNER, a Senator from Maryland, April 29, 1909, on the tariff:

In 1876 the platform upon which Mr. Tilden was nominated declared: "We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretenses. * * * We demand that all customhouse taxation shall be only for revenue."

In 1892 the platform upon which Mr. Cleveland was nominated proclaimed: "We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only."

As I understood at that time, these tariff planks were written, respectively, by the Democratic leaders whose names I have mentioned, and they embody, in my judgment, our party axiom.

Hon. JOSEPH W. BAILEY, a Senator from Texas, April 26, 1909, on the tariff:

The practical question, therefore, between us and our adversaries, when fairly stated, is simply this: "Shall tariff duties be imposed for the purpose of raising revenue for the support of the Government, or shall they be imposed for the purpose of protecting certain classes of our people against foreign competition?"

Hon. FRANCIS BURTON HARRISON, of New York, a member of the Ways and Means Committee of the House of Representatives, March 27, 1909, on the tariff:

The protection afforded by our revenue law should be simply and solely incidental to the necessity of procuring revenue sufficient honestly and economically to administer this Government.

Hon. ISADOR RAYNER, a Senator from Maryland, May 29, 1912, on the metal schedule:

I contend for the proposition that we have not any right to protect the industries of our own States. I am for a tariff for revenue; I am for putting everything on the free list that can be put upon the free list consistent with the raising of revenue. If a tariff for revenue gives incidental protection I can not help it, but I am for a tariff for revenue. I am not for a tariff for protection with incidental revenue, and I believe that the vast majority of Senators on this side agree with me in the views that I have expressed. * * *

The overwhelming majority of the Senators on this side have always voted for a tariff for revenue as against a tariff for protection.

Hon. OLLIE M. JAMES, of Kentucky, recently elected to the United States Senate from that State, March 29, 1909, upon the tariff:

And right here I want to say that no Democrat can justify his position before his people in undertaking to get a protective tariff upon something the people of his district produce, for when he does he strengthens the bands of protection everywhere.

Hon. THOMAS U. SISSON, of Mississippi, March 29, 1909, on the tariff:

I will go on record with all my heart by saying that I am opposed to protection on anything.

Hon. WILLIAM RICHARDSON, of Alabama, March 30, 1909, on the tariff:

The Democratic Party contends that every tariff duty imposed should be primarily for revenue.

Hon. BENJAMIN G. HUMPHREYS, of Mississippi, April 3, 1909, on the tariff:

I am opposed to the policy of protection utterly, and by that I mean to say that in my opinion a tariff should be imposed for the one sole and only purpose of raising revenue for the Government. * * * I am not in sympathy with the so-called policy of "a tariff for revenue with incidental protection." If I should write a tariff law I would write it with the sole view of raising revenue, and whatever protection that it afforded would be accidental rather than incidental.

The first bill passed by the Democracy at our extra session of Congress a year ago was the so-called reciprocity bill, which was little else than a free-trade measure, and absolutely so, so far as section 2 is concerned, which placed print paper upon the free list, although it was known to all at the time that the cost to the American manufacturer was, according to the Tariff Board,

$5.35 per ton more than to its nearest and most dangerous competitor in Canada, and notwithstanding the fact that the Canadians repudiated the proposed contract long before the meeting of this present Congress, the Ways and Means Committee of this House has absolutely refused to report, either favorably or otherwise, my bill introduced in December, 1911, to repeal this iniquitous and unfair measure, while one of our country's greatest industries hangs trembling in the balance as to whether it will survive or perish.

I think that it is one of the most important things in the coming election of a President of the United States to have the people of this country know where the parties stand upon this very important question of repealing this so-called reciprocity bill and putting print paper on the free list.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MALBY. Yes.

Mr. FITZGERALD. There will not be any misunderstanding as to where President Taft stands, will there? He has not changed his mind.

Mr. MALBY. I do not think that the gentleman has any right to say that President Taft has not changed his mind, for I believe he has. Everything which has occurred since the passage of this bill could not fail to convince a man of much less intelligence than President Taft where the American people stand on this important subject. I saw in the newspapers a little while ago that when our distinguished President was campaigning in the State of Ohio he said that reciprocity was dead. I mean the reciprocity bill. So far as we are concerned, whether we voted for or against it—and the majority of this side were against it—so far as I have power to speak for the minority, that legislation is forever dead. If you do not concur in its burial, of course you can keep the corpse alive just as long as you want to and be responsible. But the people ought to know that you are responsible for it.

Mr. PAYNE. Will the gentleman permit an interruption?

Mr. MALBY. Certainly.

Mr. PAYNE. The Senate, as I suppose the gentleman is aware, did take up that question and acted upon it.

Mr. MALBY. Yes; and I did desire to call attention to the fact that despite the omission on the part of our Democratic Ways and Means Committee to take any action with reference to my bill providing for a repeal of the reciprocity bill, we find that a Republican Senate committee has acted favorably upon a bill which repeals section 1 of that law relating to farm products, which ought to be repealed, and amends section 2 by placing a duty of $2 per ton upon paper. This affords some measure at least of protection to this great and important industry. I hope that when the bill comes over here there will be an opportunity to vote upon it.

Mr. PAYNE. Right there, if the gentleman will permit; it has come over here with these amendments and been referred to the Committee on Ways and Means, and the majority of that committee, the Democrats, have voted to nonconcur in that amendment which repeals the law and puts a duty of $2 a ton upon paper.

Mr. MALBY. Mr. Chairman, I am very much obliged to my colleague from New York for calling my attention to the fact that the bill has already come over and that it has been referred to the Committee on Ways and Means and that the majority, to wit, the Democrats, have moved to nonconcur in that amendment. This shows conclusively their position upon the subject of reciprocity.

Then followed the passage of the bills revising the woolen schedule, the cotton schedules, iron and steel schedules, leather and chemical schedules, and others, without giving the slightest heed or consideration to the question of protecting these great industries.

I find, upon consulting the most recent records upon industries more or less affected by this proposed legislation, that there is invested in manufactures in this country at the present time over $21,000,000,000, with an annual output valued at over $23,000,000,000; that there are paid in salaries and wages about $5,000,000,000 and for materials about $15,000,000,000. Over 8,000,000 of our people, in about 300,000 establishments, are engaged in the manufacturing industries of this country.

I find, according to the report issued by the Bureau of Manufactures of the Census for 1909, which is the latest available, that the value of the output of the foundry and machine shops for that year was $1,228,475,000; the number of persons employed, 615,485; that they were paid in salaries and wages $415,316,000. In the iron and steel industries for the same year the total value of the annual output was $985,723,000, the number of persons employed was 260,762, and the salaries and wages paid amounted to $189,393,000.

The value of the cotton goods manufactured for the same year was $628,392,000, the number of persons employed 387,771, and the wages and salaries paid $147,271,000.

In woolen and worsted and felt goods manufactured this same year, I find that the value of the product was $435,979,000, with 175,176 persons employed, and wages and salaries amounting to $82,524,000.

In the pulp and print paper industry, which was nearly destroyed under section 2 of the Canadian reciprocity bill, I find there were 777 establishments doing business in the year 1909 which employed directly in their manufacturing establishments 81,473 persons, with an invested capital of $409,348,000, and paying wages and salaries annually amounting to $50,315,000. The cost of material was $165,442,000, and the value of the annual output was $267,657,000.

I call attention particularly to that great industry because it is a matter which is to come before the House in a very little while. I might call the attention of the House also to the fact, if it interests the membership here, that since less than a year ago, commencing with August of last year, more than twice the quantity of print paper is being brought into the United States from abroad now than was brought in at that time, and that not a single new paper mill has gone up in this country since the reciprocity bill was passed, while a dozen or more mills have gone up in Canada, or are in process of construction.

Mr. ESCH. What has the effect been upon the prices of paper in the United States?

Mr. MALBY. I am glad that the gentleman asked that question, because the question of price is always an argument one way or another. It has not had any effect upon prices, and for this reason, as I called attention to a moment ago. Not a single additional paper mill has gone up in this country during the past year. The output of our paper mills is less than it was a year ago. They have simply permitted the foreign product to come into the country and be sold at a high price, reducing their own output by precisely the same amount that has been brought in. That has been the cause, and the output of our mills will continue to decrease in the same proportion as the Canadian mills continue to grow and increase.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. MALBY. I do.

Mr. SIMS. How many new mills has the International Paper Co. put up in the 10 years prior to the passage of the reciprocity bill?

Mr. MALBY. I do not know, but I do know that the International Paper Co., which very largely does business in the district that I have the honor to represent, had sufficient capacity to more than supply their demand, and that they have got a greater capacity to-day than they are now using. It was not necessary for them to put up any new mills, and you will never live to see the day, unless this law is repealed, when a single new news print paper mill will go up in this country. And if you pass the bills that you passed a year ago and this year, and they ever become laws, in my judgment you have seen practically the last cotton mill and the last woolen mill and the last iron and steel mill go up in this country that you will ever see go up.

The proposition to me is so plain that it does not require any argument. There is only one of two things that can possibly happen when the tariff is repealed: Either our laboring men must work for what their competitors are working for abroad, or else quit the job. That proposition is so plain that it ought not to require argument. It does seem to, however; but if you are going to reduce the wages of the laboring men of this country to the level of those engaged in the cotton and woolen mills of England and France and Germany, I want to tell you that you want to increase the standing Army of the United States by tenfold to maintain order throughout the country and protect life and property. The laboring men of this country who have once tasted of good wages will never pauperize themselves to the extent of competing throughout the world with labor paid so inadequately.

Mr. SIMS. Mr. Chairman, may I ask the gentleman another question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. MALBY. Yes.

Mr. SIMS. What per cent of the total cost of a ton of paper is represented by labor?

Mr. MALBY. Substantially all.

Mr. SIMS. Not 10 per cent.

Mr. MALBY. Oh, I know very well what it will cost. I know, sir, this, that you can buy from the forests of the Canadian Government to-day, or you could less than a year ago, for 50 cents per cord, the tree standing where you find it. You know that, for the evidence taken by the committee of which you were a member shows that. It takes a cord and a half of wood to make a ton of paper; that is, 75 cents' worth of wood. That paper is worth $45 a ton in the markets of the United States to-day, and was when you made the investigation. Now, tell me where the money goes. Certainly not to the paper makers, who have never received in this country a fair or even a moderate return for the capital invested.

Mr. SIMS. Do you want to put a tax on Canadian wood to come here to make paper?

Mr. MALBY. There is no tax on Canadian wood.

Mr. SIMS. Do you want any to go on?

Mr. MALBY. No.

Mr. SIMS. You do not need revenue in that direction?

Mr. MALBY. We do not, when our country is depending upon Canadian wood. I am not in favor of a tax upon things which we do not produce in sufficient quantities in this country to satisfy the demand, except when such tax is necessary to protect the industry and those who labor in it, and this is not one of those cases. That is not protection. That is robbery; but it is your theory of a revenue tax for the support of the Government.

In the chemical industries I find that in the year 1909 there were employed 27,791 persons, with an invested capital of $155,144,000, and paying wages and salaries amounting to $20,222,000. The materials employed cost $64,122,000, and the value of the annual output was $117,689,000.

Notwithstanding the importance of these great industries to the whole people of the United States, and particularly to the millions employed therein, it is an astounding fact that the Ways and Means Committee of this House, which originated all of this legislation, held only secret sessions while preparing these bills, at which not a single person representing these great industries or otherwise was permitted to be present or heard, and even the Republican Members, among whom was the distinguished Representative from New York [Mr. PAYNE] and a former chairman of the committee, were not permitted to be present during the time the Democratic Members were formulating these measures. In view of this extreme secrecy and lack of consideration, the results of their labors are not to be wondered at. I do not know whether my friend the gentleman from New York [Mr. PAYNE] has sat in the councils of his committee during the formulation of these tariff bills this year or not. He told me he did not last year.

Mr. PAYNE. Does the gentleman ask whether we were called in to formulate these bills?

Mr. MALBY. Yes; that is my question.

Mr. PAYNE. No; the bills which had been formulated by the majority members of the committee are simply presented in the committee, and we have an hour in the committee, and half of that time is used in voting on the bills and the report.

Mr. MALBY. That is all the opportunity you have had to consider them?

Mr. PAYNE. All that the minority members of the committee have had.

Mr. MALBY. Such a procedure as that ought to shame the legislative body of the greatest country upon the face of the earth.

Mr. SIMS. Was not the Payne bill passed the same way?

Mr. MALBY. No; the Payne bill was not passed the same way. The country knows that it was not passed the same way. I know and the gentleman knows that for many long, weary months the committee labored to give every interest and every individual in this broad land an opportunity to be heard.

Mr. BARTLETT. The manufacturers.

Mr. MALBY. Yes; manufacturers, the people, and anybody who wanted an opportunity to be heard.

Mr. PAYNE. I want to say that the importers who represent the consumers and have knowledge of facts that consumers generally do not were heard, and heard as fully and were as welcome to the committee as were the manufacturers, notwithstanding the gentleman from Georgia.

Mr. MALBY. Of course they were.

Mr. SIMS. When I said "the same way," I had reference to the committee's action with reference to the minority members.

Mr. MALBY. Not at all. I appeared before the committee, and I do not think that I was accorded a privilege that was not accorded to everybody else. I talked for an hour, and I know my Democratic friends were there; the gentleman from Alabama [Mr. UNDERWOOD] and the distinguished Speaker were there, and asked me a number of questions. I did not see that anybody was hindered from being heard.

Mr. LONGWORTH. If the gentleman will pardon me, I want to suggest that there were various Democratic Members of the House who came before the Committee on Ways and Means, and I remember several who wanted a 300 per cent increase in the duties on peanuts. [Laughter.]

Mr. PAYNE. May I make another suggestion?

Mr. MALBY. I would be glad to have the gentleman.

Mr. PAYNE. I want to say that we not only heard everybody who wanted to be heard, but we went out into the highways and byways and invited men to come in. I wrote a number of letters to distinguished gentlemen who had been writing upon the subject of the tariff for years, claiming that they knew all about the tariff and why it should be lowered. I asked them to come before the committee and make their statement, and they straightway began to make excuses, and did not appear.

Mr. DALZELL. Let me suggest that we subpœnaed parties to come before the committee.

Mr. MALBY. I think the country ought to know the difference in the methods employed in the revision of this tariff bill and those which were observed in the formulation of the Payne bill, because I am trying to lay the foundation by calling your attention to Democratic methods of the importance of the maintenance of this present Tariff Board, and I think I will be able to demonstrate that before I close.

It is certainly a remarkable thing that in a great country like ours, where we have a little matter of $21,000,000,000 of the people's money invested in manufacturing and $23,000,000,000 annual output and 8,000,000 people employed in that industry, when there was a general demand on the part of all the people interested for a hearing before the most popular, the most important committee in the House of Representatives, which rises to the sublime dignity of being the most important and far-reaching committee in any legislative body in the known world, a committee that ought to be a committee before whom the poorest as well as the richest may freely appear and say what he has to say and have it fairly and carefully considered—I say it is simply remarkable that they should not have had that opportunity.

We are the greatest manufacturing country, and have been for many years, on the whole earth. Therefore is not this a subject entitled to the most careful and nonpartisan consideration of any which comes before Congress, and is it not our fair duty to furnish ourselves and to furnish the people of this country with adequate information upon this most important subject. And when the committee of this House which is chargeable with legislation affecting these vast interests legislates for 90,000,000 people, is it not according to the rule of common decency and fairness that that committee should accord, as it has every time the Republicans have revised this schedule, to the people of this country the humble privilege of appearing before it and having a hearing with respect to those things in which we are all interested and which are so intimately tied up with the welfare of the people of this whole Nation? I desire to call the attention of the House particularly to these bills, which were acted upon in the dark, in a perfectly star-chamber way, when no one's interest was given the slightest possible consideration.

Fortunately for the people of this country, all of these bills had to be sent to our able and fearless President, who, true to the promises made to the people who trusted and elected him, vetoed them all, because he knew and was in possession of all these facts concerning the formulation of these bills, and realized that no consideration whatever had been given to the question of protection, but on the contrary, the Democracy, true to their idol, free trade, had only considered the subject from a free-trade and revenue standpoint, and even as to that had little or no information upon which to base an intelligent judgment.

Then came the final struggle to pass them over the President's veto, but again, fortunately for the people of our country, the Republican Members of this House, true to their principles and platform, defeated them in this final attempt to fasten upon the manufacturing industries of the country this most infamous of all tariff legislation, which has never been exceeded in all our history.

At this regular session of Congress most of these same bills, in substantially the same form, and again with little or no adequate consideration and no public hearings and in defiance of the findings of the Tariff Board as to the cost of production at home and abroad, have again been presented to this House and passed, and will undoubtedly receive the same consideration

from President Taft as upon their former visit, if presented for his consideration.

I believe that the people of this country by a very large majority favor the Republican ideas of a protective tariff—that is, one which will fairly represent the difference between the cost of production here and in other countries.

The difficulty and contention has been, however, that this difference is impossible of ascertainment and that it has not found a place in any of our tariff bills. Great difficulties undoubtedly exist, but not such as are insurmountable or impossible of solution so as to answer all practical purposes.

Peary was not at the North Pole, but upon submitting his proofs, which clearly showed that he was not exactly there, he demonstrated that he was practically as near as anyone will ever get, and hence was very properly credited by scientists throughout the whole world with the successful accomplishment of this arduous task and was universally proclaimed as its original and only discoverer.

We can attain perfection in only a few things, but we may so closely approach it as to answer all practical purposes.

There has been some feeling on the part of the people that the tariff legislation passed in recent years did not fairly represent the difference between the cost of production here and abroad, and particularly that the tariff rates were higher than these differences would warrant, and this impression, whether well founded or not, and I think mostly unwarranted, has caused much criticism and dissatisfaction with our tariff legislation. Could this impression be removed, as it could be, and a bill framed along these lines, there can be no doubt but that it would meet with the general approval of a great majority of the citizens of this country.

While it is true that our tariff measures have not merited the criticisms that have been made against them, and it is true that much time and patience was given to their consideration, and that they are much more accurate than anything that has been offered to take their place, yet it was believed by President Taft and by Congress that even better results could be obtained by additional methods which would furnish to the President and to the Congress as well as to the country at large more definite information, and hence a Tariff Board was created for this especial purpose.

Before proceeding to a discussion of the results of their labors, let us pause long enough to inquire as to the personnel of this board and the uses to which their labors may be applied.

The tariff act of August 5, 1909, commonly known as the Payne-Aldrich bill, contains, in article 718, section 2, the following provision:

To secure information to assist the President in the discharge of the duties imposed upon him by this section—

That is, relating to the application of the maximum and minimum rates—

and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Under the authority thus given, the President, by a letter dated September 14, 1909, appointed three persons to assist him in the manner contemplated by the act and designated them as constituting the Tariff Board. The persons so appointed were Prof. Henry C. Emery, professor of political economy in Yale University; Alvin H. Sanders, editor of the Breeders' Gazette, a leading agricultural journal, and for 30 years a student and writer on agricultural subjects; and James B. Reynolds, Assistant Secretary of the Treasury and for some four years previous in charge of customs.

During the short session of the Sixty-first Congress bills were introduced to make the Tariff Board permanent, increasing its membership to five, and more clearly defining its powers. A bill was adopted by each House of Congress in slightly different form, but failed in final enactment during the last hours of the session.

President Taft, determined upon carrying out what he believed to be the wishes of Congress, appointed, on March 4, 1911, two additional members of the Tariff Board, thus raising its membership to five, selecting two Democrats, the three previous members of the board being understood to be of the Republican faith, thus putting into effect two of the most important provisions of the bill creating the Tariff Board, to which I have referred.

The two new members of the Tariff Board were Prof. Thomas W. Page, professor of economics in the University of Virginia and previously dean of the College of Commerce, University of California, and Hon. William M. Howard, for 14 years a Member of the House of Representatives from the State of Georgia, who had given most distinguished service in that body.

It will thus be seen that in the selection of the Tariff Board the President was actuated by a sincere desire to secure the very best results by the selection of as able men as could be found in the whole country and at the same time make it nonpartisan.

The arduous character of the duties they were called upon to perform can not be overestimated and is little appreciated. In order, however, that the public may have some idea of the work which the Tariff Board has accomplished and its appreciation by others since its organization in March, 1911, I desire to call the attention of the House to a communication from the National Tariff Commission Association, addressed to Mr. John Candler Cobb, president of the National Tariff Commission Association, which reads as follows:

THE NATIONAL TARIFF COMMISSION ASSOCIATION,
New York, June 14, 1911.

Mr. JOHN CANDLER COBB,
President The National Tariff Commission Association.

DEAR SIR: Under the permission given at your request by President Taft, in his letter to you of May 4, 1911, the committee of our association selected to investigate and report on the organization, methods, and work of the Tariff Board submit the subjoined report.

The President's action was predicated on the concurrence of the Tariff Board, whose chairman, in a letter to the President, dated May 2, 1911, wrote:

"I beg to say that the Tariff Board are unanimous in welcoming this proposal, and that we shall be very glad indeed to have a committee of the National Tariff Commission Association make a thorough examination of our work and to offer them every facility for doing so."

Five members of our committee went to Washington in order to investigate the organization and work of the Tariff Board, with which most of them were previously more or less familiar, and devoted much additional time to reviewing the information thus obtained and in reaching conclusions thereon. We undertook the investigation with open minds, without previous comment or prejudice either for or against the Tariff Board and its methods. Our effort throughout was to ascertain facts. The conclusions reached represent the unanimous judgment of the committee.

Our investigation was so thorough and the information gathered so voluminous that our record of the results is necessarily somewhat extensive. To facilitate its use we have divided it into two parts, namely, the report, which summarizes the essential facts and states our conclusions thereon, and a supplement, which contains a historical review of the Tariff Board and gives the detailed information on which our conclusions are based. Those who desire a full understanding of the matter should read both papers.

The committee desires to record its appreciation of the cordial cooperation and assistance given to it throughout by each and all of the members of the Tariff Board. Unlimited opportunity was afforded us in our investigations of the work and methods of the board, the organization of the staff, the rates of salaries paid, and the kind and amount of all other expenses incurred. Every inquiry by us was responded to unreservedly and satisfactorily. We are justified, therefore, in stating that our conclusions are based upon a full and intelligent understanding of the facts.

Respectfully,

HENRY R. TOWNE, *Chairman,*
President Merchants' Association of New York, N. Y.

JOHN KIRBY, Jr.,
President National Association of Manufacturers, Ohio.

CHARLES M. JARVIS,
Vice President National Association of Manufacturers, Connecticut.

J. J. CULBERTSON,
President Southern Cottonseed Crushers' Association, Texas.

H. E. MILES,
Ex-President National Association of Implement and Vehicle Manufacturers, Texas.

FRANCIS T. SIMMONS,
Member Executive Council, Chicago Association of Commerce, Illinois.

The National Tariff Commission Association report, to which they refer in the above communication, is in part as follows:

Our committee was favorably impressed with the character, ability, and fitness of the members of the Tariff Board appointed by President Taft. We think it fortunate that the country has been able to secure for service in this new and untried field five men who, on the whole, are so well equipped for their duties, so impartial, and able in so short a time to organize the work on an effective basis. In this connection it is important to keep in mind that the functions of the Tariff Board are administrative and judicial; that its members were not selected as technical experts in any one field of industry; that the work of technical investigation will be done by many experts employed for this purpose by the board; and that the highest function of the board will consist in weighing the evidence thus gathered, in reaching sound conclusion thereon, and embodying all essential facts in its reports. In this respect the board acts as a court of first instance to review the evidence gathered by its experts and to pass judgment thereon. It thus fulfills the functions of a commission appointed by a court of justice to make findings of fact for the information of the court. Briefly, the motto of the board might be, "To furnish facts, not opinions."

For the technical investigations which the work involves the board utilizes the services of the trained experts, carefully selected with reference to their ability and past experience in each line of investigation taken up, and the experience thus far indicates that men possessing the requisite experience, skill, and knowledge can be secured on fair terms. Members of our commission passed in review every important employee of the board, except those absent on field work, investigated their duties, ascertained the salaries paid, and thus informed themselves generally concerning the business organization and methods thus far developed. The resulting impression was unexpectedly satisfactory and fully justifies the statement that the administration of the work of the Tariff Board is on a sound, economical, and businesslike basis, which does credit to the members of the board and demonstrates conclusively their fitness to perform the executive functions which their duties

involve. Their equal fitness to perform intelligently and impartially the judicial function, which constitutes the other and greater part of their duty, may be judged from the two reports which they have thus far rendered.

Our committee, although previously familiar with the subject, was deeply impressed by the immense complexity and scope of the work which the Tariff Board has undertaken, and also by the progress already made in creating an organization for its effective conduct, and by the volume of work accomplished in the past eight months, or since October 1, 1910, when the board was first effectively organized. The actual achievement during this short period justifies the prediction that the work on other important schedules can be completed in similar periods or less, and on the simpler schedules in proportionally shorter time. When the initial work has once been completed the continuing work of keeping it revised and corrected to date will be relatively easy and simple.

Commenting on one of the issued reports, an official of the Royal Imperial Ministry of Commerce of Austria, regarded in Europe as a leading authority on tariff questions, says:

"The report is excellent and in line with the latest theory, and I know of no European publication which so correctly interprets the most important features of the question of commercial policy as does your report on the paper industry. This is a very good beginning, and I already see that you will leave all European government departments far behind in the publication of model reports on questions of commercial policy. This report will attract great attention in Europe."

The observations of our commission confirm and justify these favorable comments. We believe the reports of the Tariff Board as they are issued will prove to be of great value not only to Congress and the executive departments of the Government but also to American producers in all fields of industry, collectively and individually. We predict that this opinion will be indorsed by the latter as rapidly as they have opportunity to receive and study the reports relating to their respective lines of industry.

It is earnestly to be hoped that at an early date Congress will enact a law making the Tariff Board a permanent part of the machinery of the Federal Government, and in so doing Congress will make provision whereby the board shall on request report directly to Congress or to either House thereof, concerning any matter within its field of investigation and concerning which its work has been completed or sufficiently advanced to enable it to respond to such a call.

In conclusion our committee find that the Tariff Board is composed of able, impartial, and earnest men, who are devoting their energies unreservedly to the work before them; that the staff has been carefully selected for the work in view; is efficiently organized and directed, and includes a number of exceptionally competent technical experts; that the scale of salaries is reasonable—indeed, moderate—and that all other expenditures are closely scrutinized and appear to be equally reasonable; that the work of the board, vast and intricate in detail, is already highly organized, well systematized, and running smoothly; and that Congress and the people can now await the completion of that work with entire confidence that it is progressing as rapidly as consistent with proper thoroughness and that it will amply justify all of the time and expense which it entails. We believe that the value of the work, when completed, will be so great and so evident as to leave remaining no single doubt as to the expediency of maintaining it as a permanent function of the Government for the benefit of all the people.

It will be recalled that this investigation was made by the representatives of the greatest commercial body in this country, if not in the whole world, intensely interested in having this work on which the future prosperity of the whole country was so dependent, accurately and well done; that it especially requested the President to permit them to make this investigation of the work of the Tariff Board, and the manner in which this committee was received and the opportunities offered for investigation are set forth in the report above quoted.

This, then, is the estimate of the Tariff Board by this intelligent and nonpartisan commission which officially represents the manufacturing industry of the entire country, after a thorough investigation of its work, and to which nothing can be added.

The Appropriations Committee undertook to inform itself as to the character and extent of the work performed by this board and summoned its members before it. The statements made by its chairman, Mr. Emery, were most instructive and show conclusively not only its method of procedure and accuracy, but also that the estimate made of the work of the Tariff Board by the National Tariff Commission committee is warranted in every particular.

I quote in part from the hearings:

Mr. EMERY. We have shown what rates would equalize the difference in the cost of production, but we have never in the way of a formal meeting for that purpose discussed at all the question of any tariff rate, either in the present tariff or in any proposed rates, with a view to determine what it should be.

Mr. SHERLEY. In other words, you have never undertaken to make any recommendations?

Mr. EMERY. Not in the slightest.

Mr. SHERLEY. Then your advisement of the President, under the law, has consisted in presenting to him certain information in the way of data, without giving any conclusions of the board in connection therewith?

Mr. EMERY. Absolutely.

Mr. SHERLEY. Do you consider that that represents the scope of the board's authority?

Mr. EMERY. Absolutely.

Mr. SHERLEY. Do you consider that that represents the scope it should have?

Mr. EMERY. Yes, sir.

Mr. SHERLEY. In point of efficiency?

Mr. EMERY. Yes, sir.

The CHAIRMAN. After the President indicated the particular schedule he desired, was it left to be determined by the board?

Mr. EMERY. You mean as to the line of inquiry?

The CHAIRMAN. Yes, sir.

Mr. EMERY. That has been left absolutely to the board. The President simply said, "Give me the information on this subject," and he left it to us to determine the whole line of inquiry. The President instructed us to find the absolute facts, so far as it was possible to do in relation to each industry, regarding prices, the relative cost of production here and abroad, the condition of competition between the American producer and the foreign producer, the relation between cost at home and the price charged at home, between the price charged by the manufacturer and the price charged to the consumer, and to report those facts fully and completely, whatever they were, regardless of who was affected by the publication of this knowledge. * * * We were to find out all we could about a given industry, and it was not to be prepared for use of any one person or for the use of a person who had a particular object in mind, but was to be prepared so that those facts would be as useful as possible either for Congress or for the President, either for a protectionist or a free trader to understand the existing conditions in the industry as it is.

Mr. MALBY. There are one or two questions that I would like to ask Mr. Emery. I did not, perhaps, quite understand the import of one or two questions asked by the chairman or by Mr. SHERLEY relative to the gathering of the detailed facts with respect to any industry, and, when collected, as to whether another body of men, rather than the present board, considering the same facts which you had before you, could in honesty and fairness come to any other conclusion with respect to cost than you did?

Mr. EMERY. No, sir; I do not believe it possible.

Mr. MALBY. That is to say, your findings are based upon the facts found by you in the course of your examination?

Mr. EMERY. Yes, sir; and I am confident that any five men who would check the data we had would come to the same conclusion that we came to with regard to cost.

Mr. MALBY. The thing I want to develop clearly for the record is that your conclusions were deduced from a certain state of facts ascertained by you after a careful, patient, and honest investigation?

Mr. EMERY. Yes, sir; our conclusions as to the facts.

Mr. MALBY. And in making your investigations in the various mills or manufacturing establishments, the commission had previously laid down certain rules and regulations for the guidance and direction of the employees of the commission, as to the scope and character of the investigation demanded?

Mr. EMERY. Yes, sir.

Mr. MALBY. And these rules were uniform and applied to each one of the investigators sent out?

Mr. EMERY. Yes, sir.

Mr. MALBY. Several European countries maintain boards having for their purpose the performing of functions somewhat similar to those performed by your board for the furnishing of tariff data?

Mr. EMERY. Many of them do. Practically all of them have a permanent body of officials studying the relation of the tariff to industries. Japan has just established a new permanent tariff commission.

Mr. MALBY. And the boards in these countries are permanent organizations?

Mr. EMERY. Yes, sir; they have nothing to do with politics and go on from year to year.

The foregoing questions and answers clearly indicate the attitude of the President with reference to the board and its work, as well as the fact that the board confined its investigations to the ascertainment of legitimate facts connected with the industries under investigation, regardless of results.

The work of the board, in addition to the investigation of the foreign tariff, has been divided into two different branches of inquiry—first, the preparation of reports, which have included analyses of existing tariff schedules, with a description of each article, its character, and its place in the industry, together with all the necessary statistical, descriptive, and historical material regarding each article necessary for tariff purposes; second, much more elaborate reports involving an investigation through expert agents of the board into the cost of production here and abroad, together with a large mass of information as to the conditions of competition between this and other countries. These reports have been much more elaborate and difficult and have involved the use of a very much larger force of experts. Under the reports of the first character referred to above the board has completed reports on Schedule A, chemicals; Schedule B, pottery and earthenware; Schedule I, cotton; Schedule K, wool and manufactures of. It has partially completed reports on Schedule C, iron and steel; Schedule E, sugar; Schedule J, jute and linen; Schedule L, silk and manufactures of; and Schedule N, leather. Under the second class of reports the board has completed Schedule I, cotton; Schedule K, wool and manufactures of; Schedule M, pulp and paper; and also a report on the relative value of farm products in Canada and the United States.

All the findings of facts reported are unanimously agreed to, indicating conclusively the nonpartisan character of the work of the board.

Attention is called to the fact that this work is not simply for the information of Congress, but for the whole country, for both the manufacturer and consumer alike, and so far as it has already been published it has shown by the unanimous testimony of both importers and dealers on the one hand and manufacturers on the other, that the investigation was practical and thorough and reveals the real facts regarding the conditions of the respective industries.

Furthermore, by the testimony of one, at least, of the leading experts in Europe this Tariff Board has been able during its brief existence to put itself at the head of all similar bodies in the entire world.

I quote as follows from Mr. Richard Schuller, a distinguished member of the Austrian tariff board of more than 20 years' service:

ROYAL IMPERIAL MINISTRY OF COMMERCE,
Vienna, March 18, 1912.

* * * It (the wool report) is an excellent standard work. The Tariff Board has come within a very short time to the head of all the similar boards established a long time since in the other countries. It is really true that no legislative body has ever had presented to it a better report on a tariff question. It will be also entirely impossible not to take your results in mind in proceeding to a revision of the tariff. It was a great mistake to stop the work of the board, and it would soon prove necessary to reestablish it. * * *

RICHARD SCHULLER.

It will be seen that although reports have been completed upon only three schedules the work has progressed so far upon others that to discontinue it at the present time would be to stop it when it is only about half completed and thus lose the benefits of the work already done and paid for, and at a time when contemplated tariff legislation makes its continuance most necessary and desirable.

Preliminary work has been done, as we have seen, on a good many schedules. The methods of investigation have been tried out and thoroughly tested. An experienced force has been organized, and the work on the remaining schedules is far less complicated than that on the woolen and cotton schedules, which have already been completed. As a result, these schedules can be completed much more rapidly than when the work was in the first experimental stages. Bills have, so far, passed one or both Houses of Congress affecting the cotton schedule, the woolen schedule, chemical, and paper and pulp schedules, sugar and iron and steel schedules, reports on all of which have been submitted by the Tariff Board except on the iron and steel and sugar schedules. An investigation of the sugar schedule is now under way, and preliminary work has been done on this as well as on the metal schedule, and in view of the action taken by the House and the Senate on the sugar schedule its importance to Congress and the country can not be overestimated.

The entire work of the Tariff Board could probably be completed within the next two or three years and kept up to date thereafter with a very small force of employees and at a small expense.

It may be said, then, that there is no sound basis for the objection to the continuance of the work of the Tariff Board, and there are reasons without number why it should be continued. I submit that the labor which has been performed so faithfully and well and upon such a high plane as this merits more consideration than that a great committee, holding the purse strings of the Government, should simply dismiss it without an appropriation at all, locked up and left to starve. I do not want to be unkind in my remarks, and I probably could not if I wanted to, but it strikes me that failing to make an appropriation for the Tariff Board is consistent and in strict conformity with their determination to stop all avenues of information which lead to true light. When you are making a tariff bill the Republican members of the Ways and Means Committee are told to keep away; the country is told that it is none of their business; and by refusing a reasonable appropriation to carry on the Tariff Board you have said to the country that the Democracy prefers darkness rather than light. [Applause.]

I read over a portion of the remarks of the gentleman from New York [Mr. REDFIELD], made the other day, and his criticisms of the Tariff Board seemed to be based upon his unsupported charge that the report of the Tariff Board on the cotton schedule did not, according to his idea, contain evidence of its absolute correctness. Perhaps it is not absolutely correct in every particular, but had he treated the report fairly, as did the Tariff Board in making it in a nonpartisan manner, his conclusions undoubtedly would have been different. I believe that the people of this country will accept the judgment of those who have examined and approved of it as a business proposition rather than political, than to adopt the statement from one who advocates a tariff for revenue only and not for protection. As an evidence of the correctness of their reports let me call attention to the fact that a company which was doing an $8,000,000 business was examined by the board, which proceeded to estimate by the use of its tables of costs the actual total cost of manufacture for the year to the company. The figures checked within $8.33 of the total amount of money expended by the company in manufacture during the year for which the Tariff Board made the estimate. In another case, by the same method of computation, the variation amounted to only $332. In every case the report shows that the companies examined agree, after a careful examination, that the figures given by the Tariff Board in its report on the cotton schedule, and the cost of manufacture, and so forth, are correct. In the face of these facts the country will determine whether my colleague from New York [Mr. REDFIELD] is correct in his criticisms or whether the findings of the Tariff Board are for all practical purposes absolutely correct.

Our Democratic friends will have to find some other excuse for not continuing this board than that they are incompetent, or that the country does not want them, or that the task which has been assigned to them is an impossible one.

I believe that too high a tariff, one in excess of the difference in cost of production here and abroad, is unjust to the consumer, and one lower is unjust to the manufacturer and laborer. A tariff representing less than the difference in cost would invariably result in either lowering the wages of the employee to the point where the cost at home and abroad would again have to be equalized or the importation of foreign-made goods would be inevitable, bringing about the complete destruction of our home industries, for a tariff which does not equal the difference between the cost at home and abroad is no better than no tariff at all so far as the effect upon our protected industries is concerned, for the results would be the same in either case.

It matters very little to a 6-foot man whether he is thrown into 7 feet of water a thousand miles from shore, or whether he went down with the *Titanic* 10,000 feet below the surface of the sea, for the one in the 7 feet of water might struggle for a while, but in the end he must necessarily yield to the inevitable and find his resting place beneath the waves.

Why shut out the light when the information is at hand and the demand well-nigh universal? Can the Democracy, who are now in control of the purse strings of the National Treasury, find justification in the cry of economy, which is seldom practiced by them and so often neglected when the public interest would be promoted by its observance? Hundreds of thousands of dollars have already been appropriated and expended by them, hundreds of thousands more have been authorized to be expended, since they came into power in this House about a year ago, in a perfect multitude of investigations, and without one single tangible reform or economy resulting therefrom. Can they now afford to refuse a moderate appropriation to continue the work of the Tariff Board, which is so much needed and demanded by the people of the whole country outside of these legislative halls in correctly solving this great national question of tariff legislation, and which is so highly appreciated both at home and abroad? Upon them rests the responsibility for the success or failure of this appropriation. You may succeed in temporarily shutting off the light, but enough has already been seen by the people of this country to convince them of the utility and necessity for this information, and when the Republican Party is restored to power in November the good work will be completed and tariff bills formulated along those lines which will, as in the beginning, serve to support the Government and protect our manufactures and their employees from that competition from other lands which would reduce their pleasant and happy homes to hovels and turn their holidays to drudgery. [Applause on the Republican side.]

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Washington [Mr. WARBURTON] 30 minutes.

Mr. WARBURTON. Mr. Chairman, I hope I may have the attention of the House and particularly of the committee which reported this bill, because if I do not get their attention the people in my district and my State are going to suffer a great injury.

There are about seven large national parks in the West. The Mount Rainier National Park will, I think, be conceded by all to be of equal importance with that of any other park. In point of attendance of visitors it ranked third last year, and if the Government road in the park through the reserve, to which I am going to address my attention, is maintained, it is only a question of one or two years when in point of visitors the Mount Rainier National Park will exceed that of any of these national parks.

It is one of the most beautiful natural parks in the world; it surrounds one of the grandest mountains in the world. There is not a stretch of mountains in Switzerland that affords more beautiful or magnificent scenery than that contained in the Mount Rainier National Park which surrounds Mount Tacoma.

The Government established this park a number of years ago. Shortly afterwards it determined to construct a road within it. An appropriation was made to that end. The Government engineers went to the park and commenced surveying a road up the side of the mountain from a point that is known as the Hot Springs. After the Government had spent much time in surveying this road it finally located one from the Hot Springs up the mountain side to the eternal snows, at a grade of 4

per cent. The road as located, in point of engineering feat, is equal to that of any road constructed in the United States, and when completed no other mountain road in this country or in Switzerland will surpass it in point of scenery. No transcontinental road that has been constructed across the Rocky Mountains displays better engineering skill than this mountain road. The engineers then undertook to locate a road from Hot Springs in the park to connect the proposed Government road, as mentioned, with the county road of Pierce County at the edge of Mount Rainier National Forest Reserve.

Several years before the park was established and before the Government had extended its surveys up to and into the boundaries of the park some settlers had squatted along the Nisqually River. Each settler took up a quarter section along the line of this river up to what is now the boundaries of Mount Rainier National Park. After considerable surveying the Government engineers found that the shortest and most direct route for the proposed road to connect with the county road and one that would cost the least to build and at the same time give the Government the grade it desired was over the land of these settlers. For these reasons the Government decided to locate the road on this line and solicited the settlers to grant a right of way over their land. The settlers deeded to the Government the right of way over their land. Prior to this time these settlers and the county of Pierce had constructed a road that was sufficient for all purposes for the settlers. The Government also asked the county of Pierce to consent to the construction of the proposed Government road, as it crossed and recrossed the county road in a number of places. If the Government had built this road upon its own land, the road would have been nearly twice as long and in every way less desirable.

The objection that the members of the committee have made to the appropriation is based on the grounds that the Government ought not to construct a road on private property. They overlook the fact that this road was located and constructed by the Government over the land of these settlers not for the benefit of the settlers in any wise, but for the benefit of the Government, in order that it might secure a right for the grade it desired and also save much in cost of construction of the road. The road through the forest reserve is about 3½ miles long. The road through the reserve, as constructed, runs in a generally easterly direction. The Government owns forest land on either side of this 3½ miles of road through the fores reserve. It is the very choicest of timberland. It is of immense value. The timber that the Government owns on either side of this road for 10 miles back is easily worth many, many millions of dollars, all of which is nonassessable and from which the county of Pierce and State of Washington get not a penny of taxes.

The tax on the forest land at the rate and on the valuation given like timberland in Pierce County for 10 miles on either side in one year would more than macadamize this road.

The road as originally constructed was sufficient for the travel for the first two or three years the park was open, but the travel has increased enormously during the past two years, and, in addition to that, it has been used by the purchasers of timber from the Government in hauling out lumber and shingles that have been manufactured on Government land. A mill has been built and the Government is getting a large amount each year from the sale of timber, which is hauled over the entire length of this 3½ miles of road. This is hard hauling, and during the rainy months of the last winter season has practically destroyed the road.

If the road is not improved as I suggest, no one will be able to enter the park this year except on foot, and the Government will lose the revenue both from the people who enter the park and the sale of its timber.

Congressmen SULZER and MURDOCK were over this road last fall. They will tell you the frightful condition it was in then, but it is far worse now by reason of the heavy hauling which I have mentioned. I informed the Commercial Club of Tacoma in March that it was possible that the committee would not make any recommendation for an appropriation for this road. This aroused the people of the whole State of Washington, and they have deluged me with telegrams showing the frightful condition of the road and the urgent need of an appropriation.

I will read you a few of these telegrams and print as a part of my remarks many others:

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Immediate financial aid must be given to repairing Mount Tacoma Road within Rainier Forest Reserve or success mountain season impossible. Road worse condition this season than ever; cut up by unusually heavy hauling. Pierce County hitherto made repairs. Government should make adequate repairs and improvements.

TACOMA DAILY LEDGER.

Hon. STANTON WARBURTON,
Washington, D. C.:

Would not be destroyed every year by ordinary hauling. We do not feel that Pierce County should be called upon every year to repair the road through Government property. Please do your best to secure appropriation for substantial and permanent repairs.

TORGER PETERSON,
Chairman Board Pierce County Commissioners.

—

Hon. STANTON WARBURTON,
House Office Building, Washington, D. C.:

The many thousands of tourists who will visit this section the coming season will be disappointed in their efforts to visit and see the beauties of the wonderful Mount Rainier National Park, because the condition of the road through the forest reserve extending to the limits of the park make the latter absolutely inaccessible at present.

THE TACOMA TRIBUNE,
J. E. RHODES, *Publisher.*

—

Hon. STANTON WARBURTON, M. C.,
Washington, D. C.:

Road to Mount Rainier almost impassable within the limits of the forest reserve without a good road in the reserve; the road building which has been done in the park will not be of much use, as no one can reach it; respectfully urge immediate improvement.

H. R. WILLIAMS,
President C. M. & P. S. Ry.

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Tacoma Municipal Commission to-day passed following resolution:

"Whereas condition Government road through forest reserve is in deplorable and almost impassable condition; and

"Whereas tourist season is approaching when large numbers of people will visit park: be it

"*Resolved*, That our Representatives in Congress be, and are hereby, urged to use best endeavors to have Government put said road in good condition at earliest possible date."

W. W. SEYMOUR, *Mayor.*

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Bottom dropped out Government road in national forest. Bottom will drop out tourist travel to mountain unless road is fixed quick. Pierce County gone limit in assistance to mountain road. Feels Government should complete work. Please use your best efforts in Congress for right kind of assistance.

H. C. NUTT.

There is no way to enter the park except through this Government road. All the travel into the park is over this road. It can be reached in no other way. Last year over 10,000 people went in over this road in a space of about 45 days.

It is expected by those who operate the hotels and camps in the park that the travel into the park this year would be from 15,000 to 20,000 people. If this road is not made passable not 500 people will be able to enter the park. Last year the Government received $8,000 from licenses, and so forth, from people who entered the park over this road. This year it would take in from this source from $12,000 to $15,000, if this road is improved as I suggest. If the road is not improved as I suggest the Government will lose not less than $10,000 to $15,000, which it ought to have and which would enable the Government to make still further improvements in the park. The mill corporation which is purchasing timber from the Government will have to close down and go out of business unless this road is improved. The Government will lose from this source $10,000 and upward each year. So, if you look at it strictly from a business point of view it is wholly indefensible to refuse the appropriation. It will not only prevent people from using this park as they desire to, and ought to be permitted to, but the Government will lose an income this coming year of not less than $20,000. So I ask this appropriation not alone because it is just and right that we have it, but because it would be a pecuniary loss to the Government itself. This appropriation can not be refused, then, on the ground of economy; it can not be refused because people do not make use of the park, as I will shortly show.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. CULLOP). Does the gentleman from Washington yield to the gentleman from North Carolina?

Mr. WARBURTON. Yes; I will.

Mr. PAGE. My recollection is, as a member of the committee, that the gentleman introduced a bill and appeared, I believe, before the subcommittee and asked for an appropriation of $30,000 for the construction of this road?

Mr. WARBURTON. Yes.

Mr. PAGE. Is this proposed road inside or outside of the national park?

Mr. WARBURTON. It is within the forest reserve. It is part of a national park road.

Mr. PAGE. That is my recollection of the testimony taken before the committee, and it is also my recollection that within this 3 miles of forest road which is sought to be improved the

land has been preempted and is in private possession and does not belong to the Government, in spite of the fact that it is included within the bounds of a forest reserve; and the gentleman in point of fact is asking the Committee on Appropriations, or did ask the Committee on Appropriations, and proposes to ask the House, to appropriate $30,000 to build a road over private property.

Mr. WARBURTON. I went over that a moment ago, and I am glad to go over it again. Now, I want the gentleman's attention——

Mr. PAGE. I am listening to the gentleman.

Mr. WARBURTON. I want to call your attention to this map of the State of Washington which discloses the location of the Rainier National Forest Reserve and the Mount Rainier National Park, which you will observe is wholly within the forest reserve. The road constructed by Pierce County through the forest reserve is along this general line [pointing to map] touching the forest reserve at about this point. You will observe the road through the forest reserve extends about 3½ miles through the reserve before it reaches the park. It will be remembered this road was built by the Government to make the national park accessible and is, in fact, an integral part of the national park road. You will observe by looking at the map that the land lying immediately north and south of this road for many many miles is in the forest reserve and, I will say, is the choicest land.

You will readily understand how unfair it would be to ask the State of Washington to construct a mountain road through this park for the benefit of the Government. If the Government is going to own and use this property and sell it and get the benefit of it, it ought, in all fairness, to construct the road. The Mount Rainier Forest Reserve, together with the Mount Rainier National Park, have an area of over 2,800 square miles. Together they are nearly three times as large as the State of Rhode Island, over half as large as the State of Maryland, and one-third as large as the State of Massachusetts or New Jersey. They contain over 2,800 sections of land. The road through the forest reserve runs over about five quarter sections of land lying practically end to end or about 1¼ square miles out of this over 2,800 square miles.

Now, you are suggesting that Pierce County and the State of Washington, because one twenty-eighth hundredth part of it is privately owned, construct 3 miles of expensive macadamized road, which is a part of the park road and which is through Government land.

This land within the park reserve is the most valuable land in the State of Washington. It is worth more than a like area of farm lands either in Massachusetts, Rhode Island, or Connecticut, or Maryland, improved as they are.

This 1,800,000 acres of land would sell on the market tomorrow for more than a like number of acres in any of the States I have mentioned, outside of the towns and municipalities. You have some idea of what the taxes would be derived from this land if owned privately. If the Government is going to continue to hold this land and ultimately sell the timber thereon and take the proceeds, it certainly is nothing but fair that it should repair a necessary road for the benefit of the people who go to the national park and necessarily have to pass over the road.

Mr. SHERLEY. Does the gentleman consider the park a benefit to the community?

Mr. WARBURTON. Certainly; I do.

Mr. SHERLEY. You consider it also a benefit to the community to have people visiting the park?

Mr. WARBURTON. Certainly.

Mr. SHERLEY. Then by what process of reasoning do you make the burden of maintaining all of the roads and the tax to build roads that confer a benefit upon the State and the community fall upon the United States Government?

Mr. WARBURTON. I am very glad the gentleman asked that question, and I will come to that in a few moments. Pierce County and the State of Washington have done something for the park that no other part of the country has done. It has done more than any other county, State, or country has done. Where this road enters the park it is 50 miles from the city of Tacoma. We needed no roads except the ones we had already constructed, except for a fine road to the park. In the last five years Pierce County has built a road solely for the purpose of this park that cost between $250,000 and $300,000 in cash. When this season opens in July every mile of that road that needs macadamizing or paving will be paved or macadamized. We are spending $50,000 this spring to finish macadamizing the last of that 50 miles of road.

Mr. PAGE. The gentleman made the statement that the county in which Tacoma is located and that is adjacent to this park had done for the national park what no other community had done.

Mr. WARBURTON. That is correct.

Mr. PAGE. Does the gentleman seriously mean that his county has expended this $200,000 in the construction of a macadamized road from the edge of this forest reservation for the benefit of the park?

Mr. WARBURTON. Absolutely for the benefit of the park and the resultant benefit by the people using the park, and they come from all parts of the United States.

Mr. PAGE. Let me ask the gentleman, on the other hand, was not that road constructed by the county or by the city of Tacoma for the benefit that would come to the county and city of Tacoma because of the road and the number of people who would come there to visit the park?

Mr. WARBURTON. Certainly so; but we are the only county I know of that has built a macadamized road to a park 50 miles away, and I think that when we spend $5 to the Government's $1 in making the road, at least we ought to be treated as well as you treat any other park. You have not done that. You gave $50,000 to Glacier Park this year.

Mr. SHERLEY. The gentleman assumes that the building of that road over private property was the result of a great deal of magnanimity on the part of the people who owned the ground. In point of fact, I have never known a community on earth that would not be perfectly willing to give the ground for building a road that would produce the advantages to the community that this road did. Now, the gentleman's argument is like that of every gentleman that has a Government institution within the boundaries of his district—that whenever it comes to the burden of the institution they say Uncle Sam should bear it because it is national, and whenever it comes to the benefits they want them all.

Mr. WARBURTON. I do not do that.

Mr. SHERLEY. I want to suggest another thing. The gentleman is aware that there is a provision carried in the Agriculture appropriation bill for the building of roads through forest reserves. Why should we appropriate for parks and for building roads through forest reserves or through private property?

Mr. WARBURTON. One amendment I am going to offer, which is desired by the Agricultural Department and the Secretary of the Interior, that this road be made a part of it.

Mr. SHERLEY. It is desired by the Agricultural Department, of course, to come and get out of Congress all the money it can for building roads and then turn over to some other bureau all it can so as to have that much more money.

Mr. WARBURTON. I may be dull of comprehension, but I know the conditions out there, and I know that if we had the assessed value of that land on either side of this forest reserve for one single year in taxes we could get enough out of it to macadamize the road. If we were getting the taxes out of it, I would say let the people build the road, but we are not.

Mr. MANN. Will the gentleman yield?

Mr. WARBURTON. Certainly.

Mr. MANN. Do I understand that the local authorities have built a road up to within 3 miles of the park?

Mr. WARBURTON. Up to the edge of the forest reserve.

Mr. MANN. Between the end of the road is a part of the forest reserve?

Mr. WARBURTON. Yes.

Mr. MANN. And the Agricultural Department has jurisdiction over it?

Mr. WARBURTON. Yes.

Mr. MANN. Has the gentleman made any effort to have that provision put in the Agriculture appropriation bill?

Mr. WARBURTON. I did, over in the Senate.

Mr. MANN. There is not much satisfaction in being in the fix that the gentleman is where he has a road built up to one point and built up to another and having a quarrel over the space in between.

Mr. WARBURTON. There has never been one before this time.

Mr. MANN. But there has been no road there.

Mr. WARBURTON. Yes; the Government has already constructed the road, but it has become impassable.

Mr. SHERLEY. Will the gentleman state how much land is owned privately on each side, immediately on either side?

Mr. WARBURTON. Within 5 miles on either side there is not one-tenth of 1 per cent.

Mr. SHERLEY. Is not the road over ground that was originally privately owned?

Mr. WARBURTON. There is no private land on the left of the road or on the right of it; it is all Government land. Here is one——

Mr. SHERLEY. But it goes over property privately owned?

Mr. WARBURTON. It runs over about five quarter sections lying along the river. Now, on either side of these quarter sections for 20 miles is Government property. Now, if we had 5 miles of private property on either side of the road, we would construct the road. But the Government owns it for 10 to 50 miles on either side, and if we owned property for 10 miles on either side we could pave the road with the taxes that would come from it in one year.

Mr. SHERLEY. I want to get at the facts, because I can not carry in my mind all the items relating to these different projects. Is it not a fact that the road itself—I am not talking about quarter sections, but the road itself—is built over mostly privately owned property.

Mr. WARBURTON. Yes; but the right of way has been ceded the Government.

Mr. SHERLEY. Is it not a fact that at the present time alongside the most of the road is privately owned property?

Mr. WARBURTON. There is just that one succession of quarter sections, as I state. The property beyond that on either side is not privately owned.

Mr. SHERLEY. I am talking about property right next to the road.

Mr. WARBURTON. Suppose this [pointing to the desk] was a forest reservation, and suppose by some accident four or five quarter sections of land extended into it and the Government needed a road which it desired for the public, would the gentleman ask us to build the road?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WARBURTON. Certainly.

Mr. MANN. Referring to where the road is, whether on private property or not, can the State build the road over this property?

Mr. WARBURTON. No.

Mr. MANN. Why not?

Mr. WARBURTON. Because it is Government-owned property. The Government wants to keep the road so as to be able to protect the forest reserve and also the park. I have letters from the Secretary stating that it is desired to have it placed under the jurisdiction of the park in order to police it and as a matter of fire protection.

Mr. MANN. Mr. Chairman, the first question which would arise, it seems to me, would be whether it is properly the duty of the General Government to build the road or properly the duty of the local authorities to build the road. If it should be determined that it is the duty of the General Government, in the interest of the General Government, to build the road, of course it does not make much difference whether it is forest reserve or private property. But if the local authorities ought to build the road, we could very easily grant them permission to do it.

Mr. WARBURTON. Yes.

Mr. SHERLEY. That is what I was going to add. Has the gentleman ever asked for permission?

Mr. WARBURTON. I have not.

Mr. SHERLEY. Are the people the gentleman represents willing now to undertake the building of it?

Mr. WARBURTON. No; I do not think so. I am going to appeal to this House and ask them if they think it fair that we should do it. I do not think it is fair.

Mr. MANN. After all, there is quite a question of principle involved. Here is a national park that it is to the interest of the Government to make available and entertaining for visitors. On the other hand, visitors who go to the park are a distinct financial advantage to the residents of the locality.

Mr. WARBURTON. Yes.

Mr. MANN. And the question is whether the Government ought to construct the roads outside of the park in order to induce visitors to go there or whether the local people ought to build the road outside of the park and let the Government use its funds to construct a road inside the park. A great deal more is involved than this mere proposition, because that applies to all parks.

Mr. WARBURTON. I agree with the gentleman absolutely, where it is clearly outside of the Government property. For instance, if there was a place a mile wide or 2 miles wide, privately owned property, so that you could tax it and make the owners pay, all well and good, but it is essentially through Government property.

Mr. MANN. The gentleman speaks of local property. Of course it is certain that in this case, for instance, the privately owned property can not build the road, but that applies to almost every case where you want to build a first-class road. The question is whether it is the duty of the State to help build the road, whether it is to the interest of the State to make it easily accessible for visitors to reach this park, which, as the gentleman says, is one of the ornaments of the Nation, and invite visitors to go there and spend their money in the State in that way, rather than to leave it inaccessible.

Mr. WARBURTON. Mr. Chairman, I want to say, further, that we are in very great need of money for widening the road within the park. The road is dangerous. I took President Taft over the road last year and was very severely criticized for it by all of the eastern papers, as some gentlemen will remember, because it was said by using this road we were endangering the life of the President. That park will be closed this year unless something is done immediately.

Mr. SHERLEY. If the gentleman wants my opinion, I think our present park system is entirely a mistake. The gentleman told the whole story a moment ago when he referred to the railroads advertising. The park is advertised simply by a railroad in order to help that railroad. Here a railroad comes to it. Then there are circulars and folders sent out to exploit that place that they may get the benefit of the railroad traffic. Then certain hotels, certain men running a line of busses, or certain automobile owners proceed also to boost that particular park that they may get the benefit of the travel which may come in. Now, what is the result? The result is to-day we are spending an altogether disproportionate sum of money on our national parks considering the resultant benefits to the Government and the American people. Last year the Yellowstone Park had 23,000 visitors during the year. Why, on one Sunday more people will go out to the Zoo Park outside of Washington here than will go throughout the entire year or through three years of the park which the gentleman is talking about; and what I am in favor of and what I am going to offer on the floor of this House is a provision by which we will charge a fee, not for the running of busses or automobiles, but a fee from every person who goes into the park; not a fee sufficient to bear all the burden of maintaining the park, but a fee that will bear part of the burden, in order that these peculiar beneficiaries of the national parks may bear some burden instead of the rest of the people.

Mr. WARBURTON. I do not disagree with the gentleman.

A MEMBER. How large a fee?

Mr. SHERLEY. My own idea is the fee ought to be at least a dollar a head. For instance, in the Yellowstone Park we would not keep a single man from going there and it would give $23,000 more money to put on the roads. At present our system is without uniformity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I would like to have more time.

Mr. MANN. How much time does the gentleman require?

Mr. WARBURTON. I do not know; it depends upon how much I can obtain.

Mr. CANNON. I yield the gentleman 10 minutes additional.

Mr. WARBURTON. I agree with you. I am perfectly willing that they should be charged a dollar a head. Now, I have here a picture of this road, the one I want repaired. The Government has built 11 miles of roads in the reserve and park that it permits automobiles to use. Six hundred automobiles entered the park last year, and for the use of that road and this kind of a road they paid $5 for each automobile. It is such a road that when I took Congressman SULZER and Congressman MURDOCK up there I could hardly force a 60-horsepower car through it. It is a road that is not fit to drive a drove of razorback hogs over.

Mr. SHERLEY. They not only pay the $5 for going over the razorback-hog road of which the gentleman speaks, but they also pay it for the privilege of going over the other roads in the parks.

Mr. WARBURTON. In other words, they pay $5 for riding over a Government road 11 miles and return. I say if you are going to charge us $5 for the privilege of riding over a road that you ought to give us something that we can drive over.

Mr. SHERLEY. But the equity of the thing is that every dollar of this is turned back into improvements.

Mr. WARBURTON. If this road was built you would get out of it, instead of an income of $8,000, an income of $15,000 or $20,000.

If you will give us a road in the reserve and park equal to the road we have constructed for 50 miles, instead of 10, we will have 50,000 or 60,000 people within the next three years, because it is the most attractive road in the world. It is the only road in the world where you can leave tidewater and go to the eternal snows in five hours' time. I have here 50 telegrams—telegrams from men like the president and vice president of the Milwaukee road, the Northern Pacific road, from every club in the State of Washington, from every organization of any character that is organized for promoting the interest of the country in which it is located—urging the appropriation. There is not a dollar of money requested by any locality that has been

granted it or will be granted that is needed as much as this appropriation. I do not think there is a locality which has the benefit of a park in its community that has done one-half of what my country has done toward improving a road to the park and making it accessible. Last year we spent $50,000 in macadamizing this road. This year we are spending another $50,000 in macadamizing the road, and it does not seem like it is much to ask the Government much more to put $30,000 on the end of it on its own property and its own reservation.

Now, the people, as I said, paid nearly $8,000 last year for the use of this park. There was appropriated last year $3,000. The Sequoia National Park last year, for which it is proposed to appropriate this year $15,800, had total receipts of $336 as against our $8,000. You propose to appropriate $50,000 for the Glacier National Park, and last year the recipts were something like $780 against our $8,000. This year you propose to appropriate for the Yellowstone $75,500. Its receipts were $23,000 as against our $8,000. Now, I do not think we are asking anything but what is fair between man and man. I think it is a moral obligation that rests upon the Government to keep this road in repair. If it ultimately should develop that the Government wants to return this land to the county, all well and good. We will take the road and keep it in repair. But I will venture the assertion that that will not be done—that is, it will not be done unless over the protest of the Agricultural Department and the Department of the Interior. A number of them have told me, for instance, Assistant Secretary Thompson and a subordinate in the Agricultural Department, that it ought to remain in the control of the Government, because running through the park as it does and through the forest they want to control it and they want the power to police this road to prevent forest fires, and so forth, and they ought to have it. The Government has given the Yellowstone Park $2,000,000 in the last 15 years. If so, I think it could give us $35,000 to improve this road.

As I have stated, the people of my county have expended about $300,000 in building a road to make the park accessible. I think we have actually spent five dollars in constructing a road to the park where one has been expended by the Government within it. We certainly have built 50 miles of splendid road, macadamized where needed, while the Government has constructed within the forest reserve and in the park less than 25 miles, and most of it is in a deplorable condition, the worst part being within the forest reserve, which is wholly impassable. If the Government would macadamize all the road within the forest reserve as well as within the park it then would have a road not at all superior to the Pierce County road as it now exists, and if this were done it would only be building a road equal to that of the county in quality and only one-third as long. I think when my county builds 3 miles of road to the park where the Government has built 1 mile in the park we have done our share. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WARBURTON. I will ask permission to extend and revise my remarks.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Can have photographs made showing bad condition of forest-reserve road and mail same Monday morning if they will reach you in time to be of service. Wire quick Saturday morning if these photographs will be of service; must have answer by noon Saturday; suggest you suspend activities on all mountain legislative matters except measure to repair forest-reserve road until we can send you complete recommendations joint Seattle-Tacoma committees. Superintendent Hall wrote Secretary Fisher, under date of 28th, describing horrible condition reserve road and urging prompt action to provide funds for repairs.

TACOMA COMMERCIAL CLUB.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Careless lumberjacks have ruined Mount Tacoma Road in forest reserve; vehicles sink in mire to hub; all rest of road in splendid shape; piece in reserve shame and disgrace. We believe Government should fix it, and will do so; earnestly urge you get situation to attention proper sources.

MAURICE A. LANGHORNE.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Jolting President Taft got last fall no circumstance to what tourists will get this year over mountin road in forest reserve. Anything you can do to secure funds to have this road put in condition will be highly appreciated by all Tacomans.

A. M. INGERSOLL.

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Early visitors to Rainier National Park report road through forest reserve absolutely impassable; ruined by hauling of shingle bolts and lumber; urge you to greatest possible efforts in matter of securing funds to put this road in usable condition; quarter million dollars spent this city and county wasted unless this link of road is made passable.

WEST COAST GROCERY CO.

—

TACOMA, WASH., *March 28–29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Earnestly urge you introduce emergency appropriation bill for construction competent road in Rainier Reserve; rest of mountain road built by city and county in splendid condition; road in reserve impassable account logging operations; immediate Federal assistance only way vehicles can reach mountain coming season.

TACOMA GRAIN CO.

—

TACOMA, WASH., *March 30, 1912.*

Congressman STANTON WARBURTON,
Washington, D. C.:

Earnestly solicit your cooperation securing passage bill providing $45,000 emergency appropriation for immediate improvement road leading terminus Pierce County road through Government forest reserve. This road is in absolute deplorable condition, demanding immediate repair. Prompt action on part of Government now will prove a saving to department.

TACOMA AUTO CLUB.

—

ASHFORD, WASH., *February 23, 1912.*

STANTON WARBURTON, M. C.,
Washington, D. C.:

My estimate to widen fifteen and macadamize thirty-five thousand. Engineer Keys estimates forty-five thousand. See his report to Secretary of Interior. Arrangements can probably be made for rock from county plant. This portion of Government road now practically impassable.

HALL, *Superintendent.*

—

TACOMA, WASH., *March 29–30, 1912.*

STANTON WARBURTON,
Washington, D. C.:

Rotary Club of Tacoma, representing over 1,000 distinct lines of business, urge immediate appropriation for repair of road through Rainier Forest Reserve. Persons having timber lease from Government have been hauling shingle bolts over road during winter months and have rendered same impassable for ordinary traffic. Imperative that special provision be made for repair of road to provide access to the park for summer traffic.

W. CARR MORROW, *President.*
W. G. STEARNS, *Secretary.*

—

SEATTLE, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House, Washington, D. C.:

Absolutely necessary to repair or reconstruct present road from end of Pierce County road to National Park Road before summer season opens. Road now practically impassable, due to heavy freighting of lumber and shingles over road during rainy season. Government responsible for this condition, therefore they should repair road.

SEATTLE COMMERCIAL CLUB.

—

TACOMA, WASH., *March 29, 1912.*

Congressman STANTON WARBURTON,
Washington, D. C.:

We find it practically impossible to drive an automobile through Government reserve road between Ashford and Rainier National Park entrance, account horrible condition of roadbed, which is like a hog mire. Please urge immediate action by Government.

TACOMA AUTO LIVERY CO.
By GEO. J. SCHAELER.

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

Tourists to Mount Tacoma will be absolutely unable to use present roadway unless some appropriation and help is secured from the Government to put in repair and proper condition the roadway from the reserve limits to the entrance to the national park. Heavy travel this winter has completely ruined the road, and condition needs urgent attention. Over 10,000 tourists entered the park last year and number increases largely every season. We urge you to bend every effort to secure necessary appropriation. We will appreciate your efforts.

PACIFIC CAR CO.

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

On account of poor construction and heavy hauling over same by parties operating under Government timber contracts, road between outer boundary Rainier Forest Reserve and Park entrance is made impassable and dangerous for carriages and automobiles most of the year. Do all possible to obtain Government aid to rectify conditions.

J. M. KEEN.

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

We respectfully urge your cooperation and efforts to secure assistance from the Government to improve roadway from western limits Government forest reserve to entrance Mount Rainier National Park. Owing to heavy timber hauling during the past winter the road is

absolutely impassable at present, and it will be absolutely unfit for the heavy tourist travel to the mountain unless immediate steps are taken to improve this stretch of road; therefore prompt action is imperative. Will appreciate your efforts.

FIDELITY TRUST CO.

—

TACOMA, WASH.

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

The present roadway from the entrance to the Mount Rainier National Park to the western end of the Government forest reserve is in a most deplorable condition. In order to make this stretch of road passable for this year's travel to the mountain immediate work for the betterment of this roadway must be begun. Can you not obtain an appropriation from the Government and impress upon them the necessity for immediate action? Will appreciate your efforts.

JOHN S. BAKER.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mount Tacoma tourist travel will bang up against it unless road in national forest is fixed quick. Ten thousand persons visited mountain last year not one-quarter as many will go this year unless highway is improved. Do all you can to get Government aid to work.

SAVAGE SCOFIELD CO.

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
Washington, D. C.:

Do all you can to urge immediate appropriation for repairs to road Rainier Forest Reserve, which has been damaged by loggers operating under Government lease. In its present condition the road will be impassable for summer traffic.

Great golf weather these days.

DELBERT A. YOUNG.

—

TACOMA, WASH., *March 28–29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Entire success 1912 mountain season depends on proper repair to Government road within Rainier Forest Reserve. Condition now worst imaginable, caused by hauling logs.

This road one causing great discomfort to President Taft on mountain trip last fall. Earnestly urge emergency appropriation.

SCANDINAVIAN AMERICAN BANK.

—

TACOMA, WASH., *December 28–29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Condition Government road in national park awful. Immediate appropriation must be made or money spent by city and county on road in vain. Vehicle access to mountain next to impossible. I urge your best efforts for emergency appropriation. Park travel will be immense if repair is made.

ROBERT G. WALKER.

—

SEATTLE, WASH., *April 2, 1912.*

Hon. STANTON WARBURTON, M. C.,
Washington, D. C.:

Seattle Ad Club urges the importance of appropriation to repair road in Rainier Reserve. Present condition makes its use impossible for coming season.

SEATTLE AD CLUB,
A. J. IZZARD, *Secretary.*

—

TACOMA, WASH., *April 1–2, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

Condition in forest reserve is such that unless macadamized before summer it will render national park almost inaccessible to vehicles. Hope your emergency bill passed promptly.

Your other bill appropriating $150,000 for improving only the present South Side Road should be defeated unless amended to include Carbon River survey and construction of Indian Henry Road, to both of which Tacoma is committed by agreement with Seattle March 1. Amount asked for should be $250,000.

JOHN H. WILLIAMS.

—

ABERDEEN, WASH., *April 1.*

STANTON WARBURTON,
Washington, D. C.:

Would appreciate your efforts to secure an appropriation from the Government for improvement of road extending from end of Pierce County Road, through the Government forest reserve, to the entrance of Rainier National Park, as a logging company has been hauling logs over this road during the winter until it is so badly cut up as to be almost impassable. Unless we can secure assistance from the Government, it will be almost impossible for tourist travel into the park this coming summer.

GRANIS HARBOR AUTO CLUB,
By W. J. PATTERSON, *President.*

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
Washington, D. C.:

I urge immediate appropriation for repair of road through Rainier Forest Reserve. Persons having timber leases from Government have been hauling shingle bolts over the road during winter months and have rendered same impassible for ordinary traffic; imperative that special provision be made for repair of road to provide access to the park for summer traffic.

HENRY MOHR.

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
Washington, D. C.:

Respectfully urge you to use your best efforts to secure the necessary appropriation immediately to put in proper repair the Government road leading to the mountain before heavy traffic sets in. We must not disappoint the tourists.

W. R. MORSE.

—

TACOMA, WASH., *March 28–29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Our people all greatly interested in prospects of mountain travel this year. Have just learned condition of forest-reserve portion of road. Has been bad other seasons, but this year it is an utter wreck. Do all you can to get funds for repair.

TACOMA MILL CO.

—

TACOMA, WASH., *March 28–29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Travel to Mount Tacoma almost impossible account awful condition portion of road in forest reserve Entire success mountain travel this year depends early repair. Quarter million dollars spent by us total waste unless Government comes to rescue. Road ruined by heavy hauling. Urge your best endeavors for emergency appropriation.

JAMES H. DEGE CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Earnestly urge your best efforts in securing immediate Federal assistance to putting Mount Tacoma Road, in Ranier Forest Reserve, in good condition. Present state of road frightful. Hauling of lumber and shingle bolts cause money spent on road by city and county entirely wasted unless quick action is taken.

LISTER MANUFACTURING CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Rainier National Park had 2,000 visitors four years ago; 10,000 visitors last year. We are hoping for great increase. Condition of road through forest reserve ruins prospects unless immediately repaired. Do all you can to remedy the situation.

LOVE WARREN MONROE CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mountain road in Rainier Reserve all shot to pieces. Nothing doing on tourist business unless fixed quick. Please get word situation to right spot.

CARMAN MANUFACTURING CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Over 10,000 tourists visited Mount Tacoma last year. No one could reach mountain now, account terrific condition road in national forest. Full success mountain exploitation depends on fixing this road. Emphatically urge emergency appropriation for building real road in reserve.

WALSH & GARDNER.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Three hundred thousand dollars spent by Tacoma thrown to winds unless Government gets busy and fixes mountain road in national forest. Nobody can pass road now. Never has been a road, and Government should make it one. Your good offices in matter will be appreciated by everybody here.

TACOMA SMELTING CO.

—

TACOMA, WASH., *April 1.*

Congressman WARBURTON,
Washington, D. C.:

The Government road to Rainier National Park has been damaged by logging company under Government lease. Will have to be repaired before summer travel starts. Use your best endeavors to secure an appropriation for this.

COMMERCIAL DOCK CO.

—

TACOMA, WASH., *March 29.*

Hon. S. WARBURTON,
Washington, D. C.:

It has become absolutely necessary that immediate steps be taken to repair the Government road in Rainier National Park. Through the winter months heavy hauling of timber over a distance of 7 miles has almost destroyed the roadbed in places and rendered balance unfit for teams and auto travel.

FRANK A. NEYHART & CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

President Taft will bear witness awful condition of mountain road in national reserve. You ought to be able to get his active assistance for appropriation to make real road there. Suggest you see President and ask assistance. Careless logging methods have left road hub-deep mire. Whole county aroused.

CARSTENS PACKING CO.

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Approach to Mount Tacoma utterly impossible now account bottomless road through national forest. Liberal support of Pierce County mountain road warrants Government in finishing it. Urge that you bring every possible pressure to bear to get something done at once.

PIONEER BINDERY & PRINTING CO.

—

TACOMA, WASH.

S. WARBURTON, *Washington, D. C.:*

Personally know that unless there is work done on forest reserve section of mountain road no person can visit Mount Rainier National Park this summer. Road absolutely impassable.

E. F. GREGORY.
JAS. R. THOMPSON.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mount Tacoma road to Rainier Reserve in absolutely rotten condition. Hauling logs made it utterly impassable. Quick action necessary or travel will be impossible. This strip one that bumped President Taft so hard. County done full share building road; Government should finish it.

E. B. JUDSON.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mountain road through national forest has never been more than a trail. Melting snows and early traffic this year have made it quagmire. Splendid assistance by Tacoma and Pierce County to construction rest of road warrants Government in building real road in reserve. Such road must be built or previous expenditures will be waste. Do all you can for emergency appropriation this work.

ST. PAUL & TACOMA LUMBER CO.

Mr. MALBY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, at the request of my colleague, who has charge of the time on this side, I yield 10 minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I have listened with considerable interest to the debate here, and I can not help but think that the gentleman from Kentucky [Mr. SHERLEY] is inclined not to treat the people of the West with that degree of fairness which he would demand for his own State if one-fourth of his territory was taken up in forest reserves, Indian reservations, national parks, and things of that character.

As I sat here and heard him making his remarks regarding the railroad people taking an interest in this road-building question I thought that this is not entirely selfish on the part of those railroads. They have gone into that mountainous country at an expense of $30,000, $40,000, $50,000, and sometimes $100,000 a mile to build their roads. If this country was not taken up with Government reserves, if this was not a national park, if it was cut up into farms and homes as it ought to be, and there were thousands of people in there creating commerce for those railroads to carry, does not the gentleman think they would get more out of it than they would out of the passenger traffic they are now taking in there? And are not the railroads justified in asking that the Government make this property available for tourists, inasmuch as the Government has set it aside for a national park? I think the people of the West are making a very reasonable request in asking the Government to construct roads through its reservations. I have sat here in this House and I have heard Members get up and say that the forests of the country that are left should be reserved for the use and benefit of the entire people. We have thousands of acres of forest reserves set aside, and people in the East to-day are hoping and thinking that some day those forest reserves will be converted into cash that will go into the National Treasury and reduce to some extent the taxes of all the people. They are trying to hold all the minerals that are in the mountains, in so far as they still belong to the Government. You all want to get the benefit from that.

Mr. SHERLEY. To whom does that land belong?

Mr. LA FOLLETTE. It belongs to the people. I am not questioning that.

Mr. SHERLEY. Then why do you object to the people wanting to retain it?

Mr. LA FOLLETTE. But it is within the confines of the States of Washington or Oregon or Idaho and other Western States, and those States do not get the benefit of one cent of taxes on such property. The people in the State of the gentleman from Kentucky [Mr. SHERLEY] are getting taxes from every acre of that State to help pay the local and State expenses. You people in the East do not take into consideration the fact that an extraordinary burden is put upon the people who have Indian reservations, forest reserves, and national parks within their confines. All we want is to be treated with fairness.

Mr. SHERLEY. Virginia, of which my State was a part, gave to the Union a great deal of territory, so that the gentleman's story does not fit at all.

Mr. LA FOLLETTE. How many thousand acres of forest reserve have you in Kentucky?

Mr. SHERLEY. We have not any. I wish we had.

Mr. LA FOLLETTE. How many Indian reservations and how many national parks that you do not get any taxes from?

Mr. SHERLEY. But listen. Where did you get your title?

Mr. LA FOLLETTE. All titles come from the Government. The gentleman does not need to ask a question of that kind. There is no man here so obtuse as not to understand that all titles come from the Government. That is immaterial. It is not a question whether the Government has a right to set aside forest reserves, Indian reservations, and things of that kind, that the county and State can have no control over, but it is a question whether the Government should then compel the local community to build roads and keep them up in order to get to that property and get through it. I am talking not only of this national forest reserve, but of all kinds of Government reservations.

Mr. SHERLEY. In point of fact all titles do not come from the Government. The title of the Government came from the States in my part of the country, and in parts of the great Northwest that Virginia ceded to the United States. You would not have had the Northwest under the Stars and Stripes if it had not been for the Kentuckians who explored it and gave it to the Union.

Mr. LA FOLLETTE. That may be in part true.

Mr. SHERLEY. The gentleman ought not to talk about getting title from the Government——

Mr. LA FOLLETTE. The gentleman invited it by his question. When was Kentucky made a State; when did you get your title to the land in Kentucky? Did you acquire it from the Crown; did the United States get it?

Mr. SHERLEY. If the gentleman had read the compact with Virginia, he would not ask the question.

Mr. LA FOLLETTE. I have read all of that.

Mr. SHERLEY. Then the gentleman has forgotten it.

Mr. LA FOLLETTE. I say Kentucky as a State never ceded anything to the National Government that she got from the Crown. All title has to come from the Government that was not acquired from the Crown.

If Kentucky received part of its territory from Virginia and through Virginia from the Crown, it was from Government just the same even though of Virginia and the Crown, and makes no difference in this controversy as to the right and expediency of the Government of the United States setting aside within the confines of any State of the Union national parks, forest reserves, and Indian reservations, and making inadequate or no provision at all for proper roads through these reservations. Granting that the Government has the power, is it just and right?

All we want is fair play. It is all any country in the West asks. When you set aside one-half or one-third or one-quarter of the territory in any State as reserves you should at least be willing to take care of the territory so set aside by constructing proper roads.

Mr. CANNON. There are a number of other gentlemen on this side who desire to be heard, but they are not present, and I take it they have abandoned their desire.

[Mr. FOSTER, Mr. MANN, Mr. PAYNE, Mr. HILL, Mr. HOWARD, Mr. CULLOP, and Mr. LA FOLLETTE were given leave to extend remarks in the RECORD.]

Mr. FITZGERALD. Mr. Chairman, I yield 30 minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE. Mr. Chairman, as a member of the Appropriations Committee and of the subcommittee having in charge the preparation of this bill and reporting it to the House, I at the time it was reported had no purpose of submitting any remarks in the time allotted for general debate. I had hoped that the time might be limited to the least possible amount and that the bill might be brought to consideration under the five-minute rule and, as promptly as possible, passed through this House.

I have not been one of those who during the last few weeks have entertained even the hope that the Congress might complete its labors and adjourn by the middle of this month, and yet I had hoped that the necessary legislation of the session might be as speedily enacted as possible. I was somewhat disappointed on yesterday when it was demonstrated by a roll

call that there were not as many gentlemen in the House anxious to finish the business and adjourn as I had hoped. Quite a number of them put themselves on record as opposed to the consideration of the appropriation bills and preferred rather to take the time in discussing and passing other matters.

I should not, as I said in the beginning, have spoken on the bill at all but for certain developments during the debate upon the bill. In the opening remarks the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], made a very full and, I think to the membership of the House, a satisfactory explanation of the items carried in the bill, of the amounts that it carried, and a complete justification of the reduction in the amount carried in this bill as compared with the current law.

I desire to say, as a member of that committee, that individually and for the majority of the committee reporting this bill we assume full responsibility for the appropriations, item by item, carried in the bill for the maintenance of the several branches of the Government during the coming fiscal year.

I go further than that, Mr. Chairman, and make the statement that I do not believe in the face of the great reductions that have been made in the volume of appropriations ordinarily carried in the bill that any single department in this Governmen will suffer one iota in its efficiency for the lack of a proper amount of money to carry on the bureau or the department for which it was appropriated.

On yesterday the distinguished leader of the minority, the gentleman from Illinois [Mr. MANN], seemed impatient that the Appropriation Committee had delayed reporting this bill to the House for so long a time. I am sure that the gentleman forgot that the appropriations for the affairs of the National Government had been for 16 years in the hands of the Republican Party, and that the people having commissioned what had been the minority party during this period to legislate and appropriate for the maintenance of the Government, we felt it was incumbent upon us to go into and examine more fully than has ordinarily been necessary or has ordinarily been done, the various items that go to make up the appropriations carried in this great bill. The subcommittee of the Committee on Appropriations charged with this responsibility has gone not only fully but extensively into the examination of Government officials and others who are responsible for the estimates submitted to the Congress in which they ask appropriations. I dare say, whether we have wisely investigated or otherwise, that so full an investigation of the estimates and of the necessities of the various departments that are appropriated for in the bill has not been undertaken by any committee in this House for 20 years, and I venture the assertion that so valuable information touching the administration of the various bureaus and departments for which we appropriate has not heretofore been placed in the records of this House.

The distinguished gentleman from Illinois [Mr. CANNON], my colleague upon the committee and upon the subcommittee, the former Speaker of this House, a native of my own State, the most distinguished Member of this House, made a speech upon this bill a day or two ago, and in the course of his remarks assumed a position that is remarkable to some of us as coming from the gentleman from Illinois. Mr. Chairman, I have had great admiration for the courage of the gentleman from Illinois. He has been a stalwart of the stalwarts. He has stood in this House as a stone wall for 30 years, yea, more than that, for nearly 40 years, and has contended that the legislative branch of this Government should not be encroached upon by the executive branch. I do not believe that in the history of the Congress of the United States this body has had a more insistent or abler defender than the distinguished gentleman from Illinois [Mr. CANNON]. [Applause.] Personally I have admired his persistence in this direction, and it is surprising, it is amazing, to some of us that after all these years he should at this late day in his long and illustrious career in this House surrender the position that he has occupied through all of these years and virtually say upon the floor of this House, in his criticism of items carried in the bill, that the majority is guilty, as he says, of sins of omission, in leaving out certain things which, in his judgment, should have gone in the bill. He cited item after item and made the statement that the estimate was so much, that the committee had allowed so much, and that he thought the estimates should have been allowed in full. Mr. Chairman, that is equivalent to saying that the gentleman from Illinois now believes the executive department of this Government should, in its estimates to this House, write into the law the amount of the appropriations for the various departments of the Government.

I can not believe that he really thinks this should be done, that the functions of the House of Representatives, the prerogatives that have been given it by the Constitution, which he has defended through all of these years, should be abrogated to the various departments of the executive branch of the Government. [Applause.] Yet this is the logical conclusion that one must reach from the argument that he made in general debate upon this bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Cheerfully.

Mr. CANNON. By no manner of means do I claim that an estimate should be allowed in full as it is made. My only claim was and is that in instances where I criticized, the good of the public service and its efficiency was not benefited by withholding appropriations under the reduction of estimates as recommended by a majority of the committee. I did not discuss it at length and in detail, but I am prepared, under the five-minute rule, to justify at least myself to myself in the general statements that I made.

Mr. PAGE. Mr. Chairman, I shall be gratified if the gentleman, in discussion under the five-minute rule, shall change the impression that his speech made upon my mind. I was loath to believe that he had shifted the position which he had occupied for years as a Member of this House.

But, Mr. Chairman, coming now to a discussion of the items that are carried in this bill, I shall not occupy the attention of the committee for very long. I do not feel that it is necessary to enlarge upon the statement made by my colleague from New York [Mr. FITZGERALD]; but there has been some criticism aimed at the action of the majority of the committee touching the bill as it is reported to the House for its failure to appropriate for the continuance of the so-called Tariff Board. My distinguished colleague on the committee [Mr. CANNON] entered into this criticism of the committee. In other words, he defended the so-called Tariff Board. I hope he did not do violence to his own conscience. He certainly did violence to his past record as touching this question. I am not going to discuss it, because others will, under the five-minute rule, discuss at length, I imagine, the wisdom of the majority of the committee in refusing to appropriate for the continuance of this board. I shall only say in passing that the Republican Party, in power in this country for 16 years, has been constantly during that time, until 1909, opposed to a Tariff Board or anything that was like a Tariff Board. They have opposed it whenever it was proposed upon the floor of this House to be written into legislation. They discovered, Mr. Chairman, only after the country had repudiated their position upon this question, that they needed advice upon this question. [Applause on the Democratic side.] It would have been vastly better for them, possibly, as a political party if they had had some board to advise them when they were enacting into law the Payne-Aldrich tariff bill. It is our asset that they had no such advice, but because of their lack of information—not that they were not informed—but because of their lack of regard for the taxpayers of this country when they wrote this iniquity upon the statute books accounts to-day for the fact they are in the minority in this House and in November will be a minority in all branches of this Government. [Applause.]

After they had seen the handwriting upon the wall they pleaded for somebody to advise them how to write a tariff law. We are very much obliged to you, gentlemen, but we think we know what we want to write to relieve the taxpayers of this country from burdens which have been placed upon them by the tax laws that you have written upon the statute books.

Mr. SHERLEY. If the gentleman will permit——

Mr. PAGE. Certainly.

Mr. SHERLEY. I suggest to him the complaint of the country in the past has not been as to what came to the Ways and Means Committee but what came from it.

Mr. PAGE. Absolutely. Mr. Chairman, this great question of taxation through our tariff laws, whatever they may say and however they may try to shift the question that attracts the attention of the people at an approaching election, that is the question before the American people, and upon it will be decided the fate of parties and of men. Why, the Republican Party in the past 20 years has occupied varying and shifting positions upon this great question, except in one particular. They have continuously told the American public that they wanted protection. They started this great propaganda for infant industries. When those industries have grown into giants and monopolies, they have increased the amount of food that the infants required. [Applause on the Democratic side.] They have declared from time to time that it was for the protection not of manufacturers alone and for the infant industries of the country, but for the protection of the labor of the country. I can recall the day when men in the Republican Party who advocated the principle of protection boldly declared that the for-

eigner paid the tax. They were driven by public sentiment from that position and they have not made that statement for years. Then they have brought the claim that by this system they made it possible for the American manufacturer to maintain the wage of the American workman, and now one of their candidates for the nomination for the Presidency has enunciated for the Republican Party a new doctrine absolutely, and that is that it must be written into the law that the laborer must have his share. [Applause on the Democratic side.] I wonder what gentleman on that side is going to be commissioned to write this effectively into the law of the land.

Mr. SHERLEY. If the gentleman will permit a suggestion again, it is the first equitable proposition in connection with the protective tariff of which I have heard.

Mr. PAGE. But an absolutely impracticable proposition.

Mr. SHERLEY. That is true.

Mr. PAGE. To pass on to other matters, the Tariff Board, in the judgment of this side of the House, has not justified its existence, and for that reason the Committee on Appropriations has used the only means within its power, and that is the withholding of appropriations that made it possible. When this bill was first reported, as a member of the committee reporting it I was asked by a number of Members what the action of the committee had been touching the Economy Commission. Mr. Chairman, the fact that this bill carries in amount of appropriations $33,000,000 less than the current law is the most striking evidence that can be given to the House and to the country that at least the majority members of the Committee on Appropriations and this House are in favor of economy in the Government service. [Applause on the Democratic side.] I know that over on the other side of that aisle there have been coming a great many slurs and insinuations at this side of the House as to its professions of economy, and I think an answer to that will be made upon the last day of this session of Congress when the statement of cold facts is given to the people of the country, and for one I am ready to await that statement and the judgment of the people as touching it.

I know we have not economized to that degree that a great many of us would have liked. I am free to say that there are economies, in my judgment, that might have been effected that have not been effected, and some of these economies that might have been effected have not been effected on account of the solid vote against them on that side of the Chamber.

In speaking of the Economy Commission appointed by the President for the investigation of the executive departments of the Government and the methods of the administration of those departments looking to economies of expenditure, they have made partial reports to the President and to the Congress of the United States. The subcommittee had before it representatives of this commission and patiently for three days listened to their testimony touching not only what they had accomplished but the plans they had for the accomplishment of other things. We took into consideration the recommendations they had made both to the President and through him to the Congress. It is somewhat significant in this connection that this testimony taken before the subcommittee brought out the fact that the commission of the President, of his creation and reporting to him, made reports to the President of reforms that might be effected, saving thousands of dollars to the Government, as long ago as last December—reforms that required absolutely nothing except the Executive order of the President of the United States to put them into operation—and while six months have elapsed no order has been issued to put into effect these reforms that have been recommended by his own board. I recognize the fact that during this period of time the President has been very busy. Other things have occupied his mind and his time to the exclusion possibly of some of the things that would have saved the Government a mint of money. But, as a matter of fact, no Executive order has been issued based upon the recommendations of this board that would save the Government a dollar in its expenditure with perhaps one or two slight exceptions.

Mr. MANN. Will the gentleman yield?

Mr. PAGE. Yes; with pleasure.

Mr. MANN. If the gentleman were President, would he pursue the same course?

Mr. PAGE. The gentleman who is now addressing the committee has never for a moment contemplated what he would do if he were President, because he never had any aspirations or hopes of reaching that position.

Mr. SHERLEY. I hope he will pursue it with better success, anyway.

Mr. MANN. The Economy Commission reports, being called to the attention of the departments, and there being some question as to the applicability in each case to each department, do you not think it ought to be settled how these reforms can reach out in these departments rather than have the President issue half-baked resolutions applying these things to the various departments?

Mr. PAGE. I have no intention to be unfair to the President or to anybody else. I will admit that there is something in the suggestion, made by the gentleman from Illinois [Mr. MANN], that it does take time to work out any great reforms. I only have this observation to make, and it is based upon my conclusion from the evidence that has come into the possession of the committee upon which I serve—not only the testimony of the gentlemen who are members of this Economy Commission, but statements made by various gentlemen connected with the several departments of the Government—that if the President waits until there is accord on the part of the bureaus and departments of the Government in the recommendations that have been made by the commission he will have to serve more than three terms before he gets one of these Executive orders into effect.

Mr. MANN. Does not the gentleman agree with the President about that? Would the gentleman, if he had the power, issue an order directing that all these recommendations of the Economy Commission be in force?

Mr. PAGE. No, Mr. Chairman.

Mr. MANN. The gentleman, of course, can not differentiate himself in the first instance.

Mr. PAGE. I want to say to the gentleman, in my judgment, as he has put the question to me, if I were President and there were recommendations made by this board to me that were so patent as to the feasibility of their operation and so clearly setting forth the saving of public money, I should put them into commission. [Applause.]

Mr. MANN. I have read the report of the Economy Commission. I have no doubt that the gentleman from North Carolina has done so. I have read all the reports carefully and annotated them. I would like to say to the gentleman if he has found very many recommendations on which he would issue a sweeping order and put in force in every department of the country I am very much surprised.

Mr. PAGE. That some reforms have been worked out by the Economy Commission that are valuable is undoubtedly true. I agree with the committee in retaining the commission. But I doubt whether any gentleman would have ordered them to be put in force in all of the departments, and necessarily it is impossible for the President carefully to examine all of the recommendations of the Economy Commission and himself to judge, in the first instance, without hearing from his department officers as to whether they should be adopted or not.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit me——

Mr. PAGE. I yield to the gentleman——

Mr. SHERLEY. I would suggest that the President exercise enough discretion to send to Congress recommendations as to things concerning which he needed congressional action.

Mr. PAGE. Yes; I was going to mention that. He has sent in recommendations asking that they be enacted into law.

Mr. MANN. I would be very much surprised if the committee had acted upon them, and the committee, as a matter of fact, has not done it. The committee has not proposed to act upon them.

Mr. PAGE. Not all of them, but some of them. My only complaint is that the President has not put into effect any of them.

Mr. FITZGERALD. The gentleman will admit that few people who are familiar with the Government service would propose to put some of them into execution.

Mr. MANN. The gentleman is complaining because the recommendations have not been put into effect by a sweeping Executive order.

Mr. PAGE. Mr. Chairman and gentlemen, I mean to say again that I did not want to make any unfair criticism of the President. If I had any desire to enter into a criticism of the gentleman who occupies that high and exalted position, I should have attacked him through some other channel than the Economy Commission. I have no desire and I do not want to be unfair to him, but I want to say that this commission in its report has recommended certain matters in connection with the filing of papers and the handling of papers in the various departments of the Government that they say will save the Government a million dollars annually. Now, it does seem to me that that is a matter that could be determined inside of six months, as to whether or not that recommendation should be put into operation.

Further, they recommended that $50,000 could be saved by the use of the window envelope. This has been partially put

into operation by the President. Then they have recommended various and sundry other things. In their recommendations they said that $50,000 could be saved by the discontinuance of affidavits appended to personal-expense vouchers. The committee has written into this bill a provision that will save that $50,000——

Mr. FITZGERALD. Without dispensing with the affidavits.

Mr. PAGE. Yes; without dispensing with the affidavits.

There was also a recommendation that concerned necessary legislation that could be put into operation touching the mailing of public documents. This committee has incorporated a provision carrying that into effect and carrying into effect the recommendation of the Economy Commission and the recommendation of the President as to another reform. They have recommended that a million dollars could be saved in the travel of officers and employees of the Government by the use of mileage books. That does not require legislative action. It seems to me that is a matter that could be worked out by the Executive in less time than six months. My only criticism is that those things which, in my judgment, might have been effected by an Executive order have not been put into operation.

Mr. MANN. Is the gentleman sure that that does not take any legislation?

Mr. PAGE. That is my opinion—that it does not take any legislation.

Mr. MANN. The gentleman may be correct, but I think he is wrong.

Mr. PAGE. Well, I may be wrong, and in the estimation of the gentleman from Illinois most of us are oftener wrong than right.

Mr. MANN. Well, as to the gentleman's side, that is absolutely true.

Mr. MALBY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from New York?

Mr. PAGE. I yield to the gentleman from New York.

Mr. MALBY. I want to ask my colleague on the committee whether it does not appear from all our hearings of representatives of the various departments that they are now using mileage books wherever they can?

Mr. PAGE. Oh, no.

Mr. MALBY. I would be glad if the gentleman would state one department where they are not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman such additional time as he desires.

Mr. PAGE. I thank the gentleman. Now, I can not undertake to carry in my mind all the statements that were made in 3,000 pages of hearings——

Mr. MALBY. Of course not all of them——

Mr. PAGE. And this matter of mileage books came up in connection with almost every department, and my recollection is that almost every gentleman who appeared before the committee and to whom questions were propounded touching the propriety of using mileage books was ready to offer some reason why it could not be done. In other words, they were antagonistic to this recommendation of the Economy Commission.

Mr. MALBY. Will the gentleman permit?

Mr. PAGE. I yield to the gentleman from New York.

Mr. MALBY. I acknowledge that the gentleman can not recall everything in 3,000 printed pages of hearings; but when he revises his remarks, as he probably will, if he can find a single official in any department of the Government who said that he would refuse to use mileage books on any such grounds, I hope he will put the statement in the RECORD.

Mr. PAGE. I have not found any department that refuses to use them, because there has been no order issued requiring them to be used.

Mr. MALBY. Or anybody who had neglected to use them.

Mr. SHERLEY. I suggest to the gentleman that the Interstate Commerce Commission, that was supposed to know peculiarly about the subject of rates, was asked about the matter, and the suggestion was made by myself that they investigate the recommendation of the Economy Commission, and they promised to do so immediately.

Mr. PAGE. I recall very clearly that particular paragraph in the hearings.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. PAGE. With pleasure.

Mr. GILLETT. I should like to ask the gentleman whether it is not a fact that, although the President has not adopted all the recommendations of the Economy Board, yet this administration right here in Washington has introduced reforms in methods of administration which have saved hundreds of thousands of dollars a year.

Mr. PAGE. In the Treasury Department.

Mr. GILLETT. In the executive departments.

Mr. PAGE. In one department of the Government that is true, and the Treasury Department has instituted economies and reforms that are saving quite a sum of money in the administration of the department, and we have always given them credit for it, and did so in the report that was made to this House on the legislative bill.

Mr. HAY. Were these reforms in the Treasury Department the result of the recommendations of this Economy Commission?

Mr. PAGE. No; they were not. But I started out, not to criticize the President altogether, but to say that we believe that there are so many reforms that might be worked out to the advantage of the taxpayers of the country in the administration of the executive branch of this Government, and we have been so impressed with the fact that this commission would find some of these things, and that some of them, at any rate, would, on account of the work of this commission, be placed in effective operation, that we were not willing to assume the responsibility of discontinuing the existence of the commission. We did feel that we were justified in reducing the number of the chief officers of the commission.

Mr. HAY. Will the gentleman permit me to ask him a question?

Mr. PAGE. Certainly.

Mr. HAY. How many officers did they have?

Mr. PAGE. As now constituted, there are five members of the commission—a chairman and four other gentlemen—together with a secretary.

Mr. HAY. How much do those six men receive?

Mr. PAGE. The chairman of the commission receives a salary of $10,000 a year. Three of the commission receive salaries of $6,000 a year. The fourth member of the commission receives $40 a day for each day that he is engaged in this work, but his compensation must not exceed $6,000 in any one year.

Mr. HAY. Has he been drawing $6,000 a year under that arrangement?

Mr. PAGE. Yes; my information is that he has worked enough days to get the limit.

Mr. FITZGERALD. He has worked about half a year.

Mr. PAGE. About half a year.

Mr. HAY. How much is appropriated in all for this commission?

Mr. PAGE. They have had $175,000 in all. The estimate submitted to this Congress is $75,000.

Mr. HAY. Out of that they propose to pay $10,000 to one man and $6,000 to each of four men.

Mr. PAGE. Forty thousand dollars went for salaries, including the secretary.

Mr. HAY. To six men?

Mr. PAGE. Yes.

Mr. HAY. How many clerks have they?

Mr. PAGE. I have forgotten the number of men they have employed; but quite a number.

Mr. HAY. How many rooms have they at their disposal?

Mr. PAGE. I do not know that. I can not answer the gentleman in detail offhand. They are occupying considerable space.

Mr. HAY. About 14 rooms, have they not?

Mr. PAGE. I can not say as to the number of rooms.

Mr. SHERLEY. If the gentleman will permit, I think it is only fair to the commission to say that they filed a detailed statement as to their rents and their expenses for furnishings and otherwise. That statement was quite satisfactory in every particular. I had the impression that they had been very extravagant because it had been commonly rumored that that was so, but these details which they have furnished are very full and complete.

Mr. PAGE. It is only fair to the commission to say that they have filed a detailed statement, showing not only the men that they have employed and the salaries they have received, but the rooms that they occupy and the rents they pay.

Mr. HAY. Who are these men who occupy these high-salaried places on the commission? Where do they come from?

Mr. PAGE. The chairman of the commission——

Mr. HAY. I understand about the chairman.

Mr. PAGE. I will read the biographies of this commission:

Frederick A. Cleveland, chairman: Age, 46. Salary as chairman of the President's Commission on Economy and Efficiency, $10,000 per annum; appointed March 8, 1911. Official positions previously held: Instructor of finance, University of Pennsylvania, 1900 to 1902; professor of finance, School of Commerce, Accounts, and Finance, New York University, 1903 to 1905; member of commission on finance and taxation appointed by Mayor McClellan, of the city of New York, 1905 to 1906; member of committee appointed by Comptroller Metz for the revision of accounts and administrative methods of New York, 1907 to 1908; member of committee on office methods and practices, appointed

by Controller Prendergast, city of New York; director bureau of municipal research, Philadelphia; director bureau of municipal research, New York City.

William F. Willoughby: Age, 44. Salary as member of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed March 8, 1911. Official positions previously held: Expert, Department of Labor, 1890 to 1901; treasurer of Porto Rico, 1901 to 1907; secretary of Porto Rico and president of the Executive Council of Porto Rico, 1907 to 1909; Assistant Director of the Census, 1909 to 1911.

Walter W. Warwick: Age, 43. Salary as member of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed April 20, 1911. Official positions previously held: Clerk to United States circuit judge, 1892 to 1893; confidential clerk, law clerk, and chief law clerk, Treasury Department, 1893 to 1898, and 1905 to 1908; deputy auditor Isthmian Canal Commission (Washington office), 1904 to 1905; examiner of accounts of the Isthmian Canal Commission and auditor of the government of the Canal Zone (on duty on the Isthmus), 1908 to 1911; appointed associate justice of the Supreme Court of the Canal Zone, 1911. (Did not enter on duties of office last named because of appointment as member of the commission.)

Frank J. Goodnow: Age, 53. Salary as member of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed April 20, 1911. Official positions previously held: Professor of law, Columbia University, New York, since 1883; member of commission appointed by Gov. Roosevelt in 1900 to revise the charter of the city of New York; member of commission on finance and taxation appointed by Mayor McClellan, of the city of New York, 1905; member of commission appointed by Mayor Gaynor to inquire into the causes of congestion of population in New York, 1910; delegate of the United States Government to the first Congress of Administrative Science, at Brussels, 1910.

Harvey S. Chase: Age, 50. Salary as member of the President's Commission on Economy and Efficiency, $40 per day while on duty at Washington, without cost to the Government for traveling and personal expenses, the total cost per annum not to exceed $6,000; appointed June 30, 1911. Official positions previously held: Consulting expert in the installation of uniform systems of accounting for the State of Ohio, 1902; expert for finance commission of the city of Boston, 1908 to 1910; expert for governor of State of Massachusetts, 1910 to 1911; president of Massachusetts Society of Public Accountants; trustee and member of executive committee of American Association of Public Accountants.

Merritt O. Chance, secretary: Age, 42. Salary as secretary of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed March 8, 1911. Official positions previously held: Assistant messenger, Post Office Department, 1888; clerk, War Department, 1890; clerk, Post Office Department, 1891 to 1894; clerk and private secretary to Fourth Assistant Postmaster General, 1895 to 1899; chief clerk, Fourth Assistant Postmaster General, 1899 to 1901; private secretary to the Secretary of War, 1901 to 1904; superintendent of post-office supplies, Post Office Department, 1904; chief clerk, Post Office Department, 1905 to 1908; Auditor for the Post Office Department, 1908 to 1911.

Mr. PALMER. Will the gentleman yield?

Mr. PAGE. Certainly.

Mr. PALMER. I want to observe that in view of the interesting biographies of these gentlemen, and from the comfortable salaries they now enjoy, it strikes me as a standing refutation of the old proverb that "a rolling stone gathers no moss." [Laughter.]

Mr. PAGE. I think that is a very apt observation.

Mr. FOSTER. Will the gentleman yield?

Mr. PAGE. I will.

Mr. FOSTER. Is it not a fact that the secretary of this commission, who was formerly an auditor of the Post Office Department, is the one that largely helped to put into operation the reforms in the Treasury Department?

Mr. PAGE. I can not answer the gentleman, because I do not know of my own knowledge.

Mr. MADDEN. Will the gentleman from North Carolina yield for a question?

Mr. PAGE. I will yield to the gentleman from Illinois.

Mr. MADDEN. I understood the gentleman to say that the amount of money expended for the services of this commission up to now is $175,000.

Mr. PAGE. That amount has been appropriated up to the end of the fiscal year.

Mr. MADDEN. But not expended. The commission has been in office about a year?

Mr. PAGE. More than a year. They went into office, the most of them, on the 8th of April, 1911.

Mr. MADDEN. Can the gentleman state what the amount saved thus far has been as the result of the recommendations made by the commission?

Mr. PAGE. I can not; and neither can anybody else. To be entirely frank, I do not think it fair to test the value of this commission by the results to this date, because it necessarily takes time to work out and carry into effect reforms as far-reaching as are needed in the various departments of the Government.

Mr. MADDEN. That is exactly what I wanted the gentleman to state.

Mr. PAGE. For that reason the Appropriations Committee did not feel warranted in discontinuing the appropriation and the commission, because it did not feel that there had been sufficient time for them to demonstrate whether or not their work was of real value.

Mr. MADDEN. What I was fearful of was that the gentleman would leave the impression on the minds of Members of the House that the commission had rendered no service of any value.

Mr. PAGE. If the gentleman thought that, he should not have voted to continue the commission.

Mr. MADDEN. Oh, I do not believe that; I believe that they are of value.

Mr. PAGE. I think they may be of value, and we were willing to give them a chance. Personally I had this sort of mental reservation—that if they did not make good, after the 4th of next March a Democratic President could discontinue them. [Applause on the Democratic side.]

Mr. MADDEN. But the gentlemen may not have the pleasure of recognizing that right under a Democratic President.

Mr. GARNER. Will the gentleman from North Carolina yield?

Mr. PAGE. Certainly.

Mr. GARNER. The gentleman said either that he had reduced the number or the pay of the commission, as I understood him.

Mr. PAGE. We have a provision which provides that not more than three persons shall receive from this appropriation a salary in excess of $4,000 per annum. The committee did that because, recognizing that there was a possibility of accomplishing a real economy through the activities of these gentlemen, we thought it was a little bit overorganized or top-heavy, and I think the House will agree with us.

But, Mr. Chairman, I have occupied vastly more time, not only on the Economy Commission but upon other things, than I started out to.

Before taking my seat there are one or two other matters that I desire to advert to. The other day, when the chairman of the committee was making his statement to the House, there was a great deal of interest elicited, not only on that side of the Chamber—for while most of the questions came from that side they were of as acute interest on this side—touching the appropriations carried in this bill for the Isthmian Canal.

Upon the face of it, as explained by the chairman, a reduction of $13,000,000 in the appropriation for the Isthmian Canal might make an impression on the minds of some gentleman who has not had an opportunity to inform himself as being calculated to retard or hinder the execution and completion of this great project. I want to assure the membership of the House that not only have we not been guilty of cutting the appropriation for that great work, but I want to assure gentlemen on that side of the House—and the record in the past will bear me out—that this side of the House has never done anything to hinder the construction of the Panama Canal, and it has been one of the great enterprises of this Government upon which there has been no party division.

We are as much in earnest and are as much concerned about the continuance and completion of the work as gentlemen on that side of the Chamber can be. If I believed that there was a single item in this bill that did not carry a sufficient amount of money to carry on this work with all the speed that the great organizer who is the head of the Isthmian Canal Commission had planned, I should not support it, but would gladly increase the amount.

I want to say upon my personal responsibility that aside from the hearings to guide the committee and that are within the reach of every Member of the House, the chairman of the Isthmian Canal Commission, when last in Washington—I believe in April—appeared before the subcommittee of the Committee on Appropriations making up this bill, and we then went over item by item the estimates that had been submitted and the amounts that in his judgment would be necessary for the coming fiscal year.

Unfortunately, I think now we did not have present at that hearing a reporter to take down what was said, but I took the precaution while Col. Goethals was making this statement to take my committee copy of the bill appropriating for the Isthmian Canal, and item by item I wrote in the margin of that bill the exact amount that Col. Goethals said was necessary to continue the work during the next 12 months. When we came to write the appropriations in the bill, I insisted—no, it took no insistence, because we agreed that every dollar that he had indicated he needed should be written in the bill, and it is written in the bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. CANNON. I do not know what the record does not show which came to the gentleman's knowledge, but under the five-minute rule I will read from the record as it is what Col. Goethals and the Chief of Staff said touching the appropriations for the Panama Canal.

Mr. PAGE. Mr. Chairman, I prefaced my remarks by the statement that the committee was in possession of information that did not appear in the public hearings, and I said I thought it was unfortunate that it did not appear in the public hearings. My memory is not exactly clear, but I think the gentleman from Illinois [Mr. CANNON], a member of that subcommittee, while possibly not present during the entire time that Col. Goethals was making his statement, did come into the room and heard at least a part of the statements that Col. Goethals made.

Mr. CANNON. Mr. Chairman, I do not recollect in 3,000 pages of evidence, and could not say whether I was present at the time the gentleman refers to or not. I get my information from the record of the two officers, who were chiefly responsible, as well as from an estimate sent by the Secretary of War in April, and I stated the matter in perfect good faith. The whole matter can be threshed out later under the five-minute rule.

Mr. PAGE. O Mr. Chairman, I want to say to my friend that in anything I have said I did not have in mind any statement he made the other day, nor did I intend to reflect upon anything he said.

Mr. CANNON. The whole matter can be threshed out under the five-minute rule.

Mr. PAGE. Certainly.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. MANN. I want to ask the gentleman a question, and I hope he will not consider it a reflection upon the committee.

Mr. PAGE. Oh, no.

Mr. MANN. But does the gentleman think it quite fair to the House for the Committee on Appropriations to take testimony to the extent of 3,000 printed pages upon the sundry civil appropriation bill and then on as important an item as the Panama Canal to base its figures for appropriation upon secret testimony not taken down and furnished to the House, but which the gentleman himself undertakes to furnish orally to the House?

Mr. PAGE. Mr. Chairman, the gentleman constantly appeals to me and to other gentlemen on this side of the Chamber in the interest of fairness. It might come from other gentlemen with better grace. He is not himself always fair. I want to say that this is not the first time that the appropriations for the Isthmian Canal have been made upon testimony that did not appear in the record, but I prefaced my statement by saying that I personally thought it was unfortunate that it did not appear in the record, but I was stating merely the facts as they existed.

Mr. MANN. Mr. Chairman, if the gentleman will yield, he replied to my question with an epithet, but that is all.

Mr. PAGE. That is the usual brand of fairness that the gentleman from Illinois deals in in this House.

Mr. MANN. That is the usual brand of fairness the gentleman exhibits.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. PAGE. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, speaking for myself, I think a proper consideration and weighing of the testimony which is printed, plus that knowledge that comes to men who have visited the canal and who are familiar with conditions, warrants, without reference to anything else, every recommendation that we have made in the bill.

I am willing to meet the case on the record as printed, although it is true, as stated by the gentleman, in order that we might be sure that we make no mistake we had this informal conference with the chief engineer, Col. Goethals, and it is also true that during that conference the gentleman from Illinois [Mr. CANNON] came in and attended part of it.

Mr. PAGE. I agree entirely with my colleague from Kentucky that we can justify the items carried in this bill from the printed testimony.

Mr. CANNON. If the gentleman will allow.

Mr. PAGE. With pleasure.

Mr. CANNON. I get my only knowledge touching the matter in controversy from the evidence as printed. I was not constant in attendance, owing to my duty as a Member and otherwise, upon the hearings of this committee, and I can not say that what the gentleman states as to Col. Goethals's statement that does not appear in the record is not correct, because I regard the gentleman—have always and do now, both gentlemen—as being truthful men, but I want to say that I have no recollection of any statement that Col. Goethals made in the premises that does not appear in the record.

Mr. SHERLEY. Will the gentleman yield?

Mr. FITZGERALD. Let me make this statement: There should be no misunderstanding about what happened. Before Col. Goethals was ready to leave the city and return to the Isthmus, at my request, he reexamined the estimates submitted and agreed to do what had been the practice in other years—to indicate to the committee what sums could be eliminated, because of the later information he had that they would not be required. He came to the committee room one morning and I invited him into my office. The gentleman from Kentucky [Mr. SHERLEY] came to the committee room and he came in. The gentleman from North Carolina [Mr. PAGE] came to the committee room and he came in. It was not a prearranged meeting. We asked Mr. Courts, clerk to the committee, to come in, and the matter was being discussed when the gentleman from Illinois [Mr. CANNON] came in and inquired what was being done.

Within a short time the gentleman from Illinois stated that he had to attend to some other matter that had previously been arranged to occupy his attention and was compelled to leave. During this informal conference these figures were taken from Col. Goethals and noted by those present on their books. In some respects the sums recommended are somewhat different from the sums stated by Col. Goethals, but the differences are not very great, and no different in such respect than the changes made on other occasions. There was no intention nor attempt either to withhold information or to misrepresent. My only purpose now is to prevent any misunderstanding because I believe and I am aware that everybody desires to make such recommendations for the canal as may be necessary.

Mr. CANNON. Just let me state in justice to myself it might be inferred from the statement of the gentleman from Kentucky and the statement of the gentleman from North Carolina that I was present when something was said that does not appear in the record. I do not recollect that it presented itself as the gentleman from New York states, but I rely upon the printed record where there is a record. I do not dispute what the gentleman states.

Mr. FITZGERALD. I understand that. I simply wished to make that statement so there will be no misunderstanding that there was any attempt to obtain information that would not be accessible to everybody.

Mr. CANNON. I do not so intimate.

Mr. SHERLEY. If the gentleman will permit. There was nothing in my statement that should ruffle the most sensitive nerve of the gentleman from Illinois. I am not reflecting upon him at all. He has made such criticisms of the bill as he saw proper. That is all right. I know I have been on the Committee on Appropriations for five years or more and we have dealt with the Panama Canal in this instance in no different way than we dealt with it in years gone by while Republicans were in control, and there was not the slightest intention on my part, and I am sure there was not on the part of any Democratic member on the committee, to in any way impede the work. I say this not because of what the gentleman from Illinois has said, but more particularly because of the statement that has gone out in the press.

There was in a morning paper in Washington to-day a statement to the effect that we had made a cut that was not only incomprehensible but the inference was that is was absolutely indefensible. Now, if the man who wrote that editorial had taken the trouble to read the hearings and obtained the information therein contained he would never have written it, but it is in keeping with much that has gone out to the public touching the recommendations for appropriations that happen to be below the estimates. The only way we can please some gentlemen in and out of the House is by giving exactly what any department asks, whether they need the money or not.

Mr. CANNON. If the gentleman will allow me just there?

Mr. PAGE. I will yield to the gentleman, but I will say there is some pressure being brought to bear upon me to close, and I desire to close my remarks in a few minutes.

Mr. CANNON. All I wanted to say was this. I do not know the gentlemen to whom the gentleman from Kentucky refers as being in the House who are not pleased unless full estimates are given. Those out of the House I do not know nor care.

I want to say to the gentleman that I am one of the Members of the House that never rush to the newspapers to give real information or misinformation.

Mr. SHERLEY. I take the gentleman's disclaimer. It was not necessary, because I did not suppose he had gone to the newspaper.

Mr. CANNON. After all, I am a Member of the House, and there is this omission in the appropriation, and I am willing to wait for the consideration of it.

Mr. PAGE. Mr. Chairman, I am sure when we come to the consideration of the items appropriating for the Panama Canal, under the five-minute rule, that those of us who are responsible for the amounts in this bill can justify to the House and to the

country that the appropriations we have made are not only ample for the continuation of that great work, but that they meet the approval of the chairman of the Isthmian Canal Commission.

Now, Mr. Chairman, reverting to one other matter, and in conclusion—because while other gentlemen have occupied a great deal of time that has been charged up to me, I have occupied a great deal more than was anticipated—I want before I close to revert to one other question.

Mr. MADDEN. May I interrupt the gentleman from North Carolina with relation to the canal?

Mr. PAGE. If you will be brief.

Mr. MADDEN. Does the gentleman know whether the force on the canal has been reduced? If so, how much?

Mr. PAGE. I think the information before the committee is that it has been materially reduced within the last six months.

Mr. MADDEN. Has the committee any information as to the number of men employed on the canal now?

Mr. PAGE. I think the latest testimony before the committee as to the number of men employed was at the time of the taking of the testimony on the Isthmus, in November, when the committee was there.

Mr. MADDEN. How does that compare with the previous years?

Mr. PAGE. I can not tell the gentleman, except that there was a reduction.

Mr. MADDEN. The reason I am asking these questions is this: It was with the idea, in fact, of ascertaining whether or not the force had been reduced sufficiently to justify a proportionate reduction.

Mr. PAGE. I think that is not only true, but the gentleman also knows that in the progress of the construction of the canal the efficiency of those employed has been vastly increased, much beyond the expectation of even the men who had the work in charge. In addition to the money appropriated in this bill, and I feel it is only fair to say that, they will have at least $5,000,000 of a surplus from the appropriations of last year.

Now, Mr. Chairman, there has been some evidence that there will be controversy upon the floor of the House relating to one other item when it is reached in the bill. I want at this stage of the discussion to submit just a few remarks concerning a belated estimate, although a great many belated estimates come before this committee, coming in even after the bill was ready to report to the House. There was one sent in by the Treasury Department recommending the appropriation of $500,000 for what is known as the epidemic fund—a fund that has existed since the nineties—to enable the President to suppress outbreaks of epidemics of contagious diseases specified in the original enactment, and quite a sum of money has been expended through the Marine-Hospital Service in the suppression of outbreaks of yellow fever, cholera, and the bubonic plague. The last appropriation made for this fund was carried in the sundry civil appropriation bill of 1909, and was in amount $750,000. In the years 1907 and 1908 there was an outbreak in the cities on the Pacific coast of bubonic plague, and a considerable amount of this money was expended under the authority of law and under the direction of the President for the stamping out of this oriental disease that has made its way to our shores. First and last, there has been expended from this fund in California a sum exceeding a million dollars. While there has not been a case of bubonic plague in a human being on the Pacific coast, I believe, since 1909, there is still being expended under this service about $14,000 a month in the eradication of rats and ground squirrels that are the conveyors of this disease to human beings.

I have no criticism to make of the expenditures that have been made from this fund by direction of the President and through this organization upon the Pacific coast and elsewhere. But it appeared to the committee that there was approximately $100,000 of this fund yet unexpended, and that the expenditures were almost entirely confined to the State of California for the exterminating of ground squirrels, at the rate of about $14,000 a month, and a simple calculation in arithmetic will demonstrate that it will not take the $100,000 carried in this appropriation to continue this work during the next year.

But, Mr. Chairman, in this connection I want to say that in the judgment of some people very much nearer to the existence of this supposed plague than those of us who are legislating here in Washington, the danger of the spread of the bubonic plague is a thing of the past in California, and it is due largely to the vigilance and the active work of the officials of the Marine-Hospital Service. It has cost, under the testimony submitted to the committee, something like $1,500 for every infected ground squirrel that has been killed in California. It is a pretty expensive hunting expedition. But it appeared to the committee—and it had some weight as to the amount of money that we appropriated for the continuance of this work upon the Pacific coast—that the State of California itself failed to make any appropriation for the continuance of this work during the last session of its legislature, or if there was legislation enacted it was vetoed by the governor.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. PAGE. I yield to the gentleman from California.

Mr. KAHN. Is the gentleman aware of the fact that there is a general law in the State of California which makes the charge a lien upon the property whenever the owner refuses to do his share of the work of killing the rodents upon his property and the local government performs that work? The cost of the extermination is a lien upon the property. Is the gentleman also aware of the fact that there is scarcely a county in the State of California having infected ground squirrels and rats where the owners of property and the counties themselves have refused to make appropriation for this work?

Mr. PAGE. Mr. Chairman, the fact that the gentleman states may be true. I do not care to controvert and can not controvert it, but the fact remains that the lien that the gentleman speaks of is absolutely ineffective because of the lack of legislative action on the part of the State of California to make it effective.

Mr. KAHN. I know the gentleman does not want to misstate the facts.

Mr. PAGE. Well, then, will the gentleman state the situation briefly?

Mr. KAHN. The policy of the Government is to go into those counties where there are large Government reserves. At present the counties are doing their work against the squirrels on land within their boundaries, but on the Government reserves the Government ought to do the work.

Mr. PAGE. Mr. Chairman, the testimony had before the committee does not correspond with the statement made by the gentleman from California—that Government money is to be expended only on Government land. On the contrary, the statement is in the record, made by the head of the Marine-Hospital Service, that this money has been expended in the various counties of California and in the cities outside, largely, of the Government reserves.

Mr. KAHN. Will the gentleman yield?

Mr. PAGE. The gentleman will excuse me. I am not going to make any further statement that he will controvert.

Mr. KAHN. I only want the gentleman to be fair toward the taxpayers of California.

Mr. PAGE. Oh, the gentleman will have ample time in which to discuss this subject under the five-minute rule.

Mr. KAHN. I am quite sure that the gentleman in his speech does not intend to make any unfair statement.

Mr. PAGE. Mr. Chairman, I will say in conclusion that while the gentleman from Illinois [Mr. CANNON] expressed his willingness to appropriate any amount of money that might be required for this fund, the committee felt absolutely justified in appropriating only the amount carried in this bill, on the ground that it was ample to meet any emergency that might arise, and has felt sure that the efficiency of the Marine-Hospital Service and our quarantine service, and its increased efficiency, if you please, has made it and will make it less necessary from year to year to expend large sums of money to keep out epidemics and plagues.

And now, Mr. Chairman, one word more and I shall close. I have been led far astray from the remarks that I intended to submit. I wanted only to point out in the bill, or in connection with the bill, some things that, in my judgment, confirmed by the testimony taken, would justify the committee in reductions that have been made in the appropriations carried by this appropriation bill.

We are willing as a committee to say to our colleagues on this side of the House and to our colleagues on that side of the House that we believe every single item carried by an appropriation in this bill is ample for the service for which it is appropriated; and in spite of the fact that the statement has repeatedly been made that we will be faced by deficits and deficiency appropriations I do not believe that even if the country is inflicted with a Republican administration for another four years, and God forbid, we will have deficiencies under these appropriations; and I know that if the future brings what we are expecting and what our friends on the other side of the Chamber are about ready to concede, a Democratic administration, we shall have, under this Democratic administration, not a deficit, but an economical administration of the executive departments of this Government that will bring surpluses and not deficiencies in the appropriations under this bill a year from now. [Applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June 30, 1913, namely:

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

GETTYSBURG ANNIVERSARY—CHANGE OF REFERENCE.

The SPEAKER. The Chair lays before the House the following request for a change of reference.

The Clerk read as follows:

By unanimous consent, the Committee on Military Affairs is discharged from further consideration of S. 6964, an act authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill and the same is referred to the Committee on Appropriations.

Mr. MANN. What is that request?

The SPEAKER. To change the reference of the bill to make arrangements to celebrate the fiftieth anniversary of the Battle of Gettysburg. The change of reference is requested at the suggestion of the chairman of the Committee on Appropriations and the chairman of the Committee on Military Affairs.

Mr. MANN. I will not object; but I do not see what jurisdiction the Committee on Appropriations has.

Mr. FITZGERALD. A bill was introduced in the House and it was referred to the Committee on Appropriations. The Senate passed a bill, which was referred to the Committee on Military Affairs. I called the attention of the chairman of the Committee on Military Affairs to the fact that the two bills ought to be in the hands of one committee. I have no particular desire to control the matter.

Mr. MANN. This is a Senate bill?

Mr. FITZGERALD. Yes.

Mr. MANN. Of course, the Committee on Appropriations would have jurisdiction to report it if it is a Senate bill referred to that committee.

The SPEAKER. Is there objection?

There was no objection.

VIEWS OF MINORITY ON COTTON BILL (H. REPT. NO. 829, PT. 2).

Mr. PAYNE. The views of the minority were to be filed today on the cotton bill, H. R. 25034. The gentleman from Pennsylvania [Mr. DALZELL] who has them is not here just now. I ask that the time be extended for one day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend the time for one day in which to file the views of the minority on the cotton bill. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9061. An act limiting hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes; and

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public land for reservoir purposes; to the Committee on the Public Lands.

DUPLICATE ENGROSSED COPY OF IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution (H. Res. 574) was read as follows:

Resolved, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will ask who makes this request?

The SPEAKER. The gentleman from Alabama [Mr. BURNETT]. The engrossed bill has been lost or mislaid, and we are merely asking for a copy of it.

Mr. MANN. Where was it lost?

Mr. BURNETT. I do not know.

Mr. MANN. We have had so many of these losses, I should like to have some explanation.

Mr. BURNETT. The Clerk's books show that the bill was signed for by the messenger of our committee, and the clerk of our committee says he has not seen the bill; that it has not reached him.

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman if the enrolling clerk holds the receipt of the Committee on Immigration?

Mr. BURNETT. The messenger does.

Mr. MANN. What was the bill?

Mr. BURNETT. The bill known as the Dillingham immigration bill, a Senate bill.

The SPEAKER. And the gentleman's resolution is asking for a copy.

Mr. MANN. I have a curiosity to know, Mr. Speaker, how so many engrossed bills get lost—whether it is because we dispensed with the messenger whose business it was to deliver bills to the committees. I suspect that is the reason.

The SPEAKER. The gentleman from Alabama states that the clerk of the enrolling committee has the receipt of his messenger. That is as far as the Chair has obtained any information.

Mr. MANN. The old practice was for the messenger to take the bills to the committees and take receipts from the clerk of the committee, and very seldom was a bill lost. Now they drop them on the sidewalk between here and the Office Building. [Laughter.]

Mr. GARNER. Mr. Speaker, if any committee of the House of Representatives has a messenger who is incapable of carrying a bill from the desk to the office to which it belongs he ought to be fired.

Mr. MANN. There are many messengers around here that I would not intrust with an engrossed or an enrolled bill.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

DEATH OF SENATOR NIXON, OF NEVADA.

Mr. ROBERTS of Nevada. Mr. Speaker, it is my solemn and painful duty to announce to the House the death of the Hon. GEORGE S. NIXON, a United States Senator from the State of Nevada. Thus has ended the life of an honored and useful servant and one who was universally respected. At some future time I shall ask that a date be set apart to pay proper tribute to his memory. I now offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 575.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE S. NIXON, a Senator of the United States from the State of Nevada.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 12 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER announced the committee of Members to attend the funeral as follows: Mr. ROBERTS of Nevada, Mr. LANGHAM of Pennsylvania, Mr. BOWMAN of Pennsylvania, Mr. RAKER of California, Mr. HAMILTON of West Virginia, Mr. DYER of Missouri, Mr. GOULD of Maine, Mr. MURRAY of Massachusetts, Mr. RUBEY of Missouri, Mr. LANGLEY of Kentucky, Mr. YOUNG of Kansas, and Mr. GREENE of Massachusetts.

ADJOURNMENT.

The SPEAKER. The Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to; accordingly (at 3 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Friday, June 7, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimate of deficiencies in appropriations for the Marine Corps (H. Doc. No. 820) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLDFIELD, from the Committee on Patents, to which was referred the bill (H. R. 23568) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, reported the same with amendment, accompanied by a report (No. 847), which said bill and report were referred to the House Calendar.

Mr. McGILLICUDDY, from the Committee on the Judiciary, to which was referred the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected, reported the same with amendment, accompanied by a report (No. 848), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 842), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4568) granting an increase of pension to Annie R. Schley, reported the same with amendment, accompanied by a report (No. 843), which said bill and report were referred to the Private Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 19149) for the relief of the legal representatives of Mrs. L. R. Goodlett, deceased, reported the same with amendment, accompanied by a report (No. 844), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 845), which said bill and report were referred to the Private Calendar.

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 24598) for the relief of Jesus Silva, jr., reported the same without amendment, accompanied by a report (No. 849), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred sundry bills, reported in lieu thereof a resolution (H. Res. 528) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138), accompanied by a report (No. 846), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11497) granting an increase of pension to Perry S. Grindle, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 25167) to regulate the use of public-school buildings and grounds in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OLDFIELD: A bill (H. R. 25168) to provide for the erection of a public building at Clarendon, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. SISSON: A bill (H. R. 25169) to tax the manufacture and sale of deadly weapons, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 25170) to tax the manufacture and sale of deadly weapons, and for other purposes; to the Committee on Ways and Means.

By Mr. FERGUSSON: A bill (H. R. 25171) to authorize the exploration and purchase of mines within the boundaries of private land claims; to the Committee on Mines and Mining.

By Mr. HAMLIN: A bill (H. R. 25172) granting to Ralph Morrison rights, in so far as the interest of the United States may be affected, to construct and maintain a dam across the Osage River for the development of water power and to generate electricity, at a point about 3 miles above the town of Warsaw, Benton County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 25173) to establish a mining experiment station at Lander, in the State of Wyoming; to the Committee on Mines and Mining.

By Mr. CARTER (by request): A bill (H. R. 25174) providing for the purchase of permanent improvements on the segregated mineral lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 25175) granting pensions to certain soldiers who served in the Indian wars and their widows; to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 25176) to provide for a post-office building at El Paso, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: Resolution (H. Res. 573) to print 100,000 copies of three-year homestead act; to the Committee on Printing.

By Mr. STEPHENS of Texas: Memorial of the legislature of the State of New Mexico, asking for allotment and opening of the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

By Mr. ESCH: Memorial of the Legislature of the State of New Mexico, praying to be placed in judicial circuit with Oklahoma, Kansas, and Colorado; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking Congress to place a specific duty on wool on the scoured-shrinkage basis; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying that Congress allot and open the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. BATHRICK: A bill (H. R. 25177) granting a pension to Maria C. Waste; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25178) granting an increase of pension to Caroline McPhail; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 25179) granting a pension to William H. Wise; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25180) granting a pension to David Melton; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 25181) granting an increase of pension to Rosanna Thompson; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 25182) granting an increase of pension to Virgil M. Wilson; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 25183) granting a pension to William H. Magee; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25184) granting a pension to Charles Wedeke; to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 25185) granting a pension to David T. Kirby; to the Committee on Pensions.

Also, a bill (H. R. 25186) for the relief of the legal representatives of Mary S. Brennan, deceased; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 25187) for the relief of H. G. and Minna Kassahn; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 25188) granting an increase of pension to William F. Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25189) granting an increase of pension to Susan Keating; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 25190) granting an increase of pension to William H. Partridge; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 25191) granting a pension to Maud Perkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of members of Socialist societies of the States of West Virginia, New York, and Texas, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the committee on American steamship affairs, relative to placing in its old position the Frying Pan Shoals (N. C.) light vessel; to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Joseph Society, No. 83, Cleveland, Ohio; Townouzystero Boskieszo Seveor Yezus Society, No. 229, Plymouth Rock, Pa.; St. Joseph Society, No. 227, Dayton, Ohio; Matki Boskiej Tuchowskieg Society, No. 443, Chicago, Ill.; Gann III Sobieskiego Society, No. 27, Stamford, Conn.; Korony Polskitropr N. M. P. N. P. Society, No. 546, Chicago, Ill.; Society No. 522, Bridgeport, Ohio; N. M. P. Krol Kor Polskry Society, No. 63, La Salle, Ill.; St. Josaphate Society, No. 61, Buffalo, N. Y.; St. Stanislaus Kostker Society, No. 457, Everson, Pa.; The Polish Kas Hes I. R. K. U. Society, No. 401, Syracuse Omstage, N. Y.; St. Adalbert Society, No. 334, East St. Louis, Ill.; St. John Evangieliska Society, No. 394, Milwaukee, Wis.; St. Mary of Perpetual Help Society, No. 328, Cicero, Ill.; and St. John Baptist Society, No. 133, Wilkes-Barre, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTLETT: Petition of the Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON (by request): Petition of Tombigbee Lodge, No. 426, Brotherhood of Locomotive Firemen and Engineers, against passage of workmen's compensation bill; to the Committee on the Judiciary.

Also (by request), petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Resolutions of the Franklin Club; St. Stanislaus Society, No. 410; and St. Valentine Society, No. 383, of Polish Roman Catholic Union of America, of Cleveland, Ohio, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Manila Merchants' Association of Manila, P. I., favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petitions of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of the Gardner and other bills restricting immigration, and of the American Vigilance Association of New York, favoring passage of amendment providing inspectors and matrons on duty on vessels carrying immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Abram Mathias, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the National Civil Service Reform League, against clause in House bill 24023 relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. CALLAWAY: Petition of citizens of the State of Texas, against passage of the Owen bill, relative to national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of the Second Ward Socialist Club of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the St. Louis Retail Jewelers' Association, of St. Louis, Mo., against passage of Senate bill 6273 and House bill 23417, providing for amendments to the patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of the Jewish Women's Organizations of Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Swedish Methodist Episcopal Church, of Rockford, Ill., in favor of the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Daniel Green, of Newport, Del., and of John Tisdale, of Chattanooga, Tenn., favoring the passage of House bill 1339, to increase pensions of certain soldiers of the Civil War who lost an arm or a leg; to the Committee on Pensions.

Also, petition of Lloyd Odend'hal, Baltimore, Md., protesting against the proposed plan to dispense with the execution of pension vouchers as provided in House bill 18985; to the Committee on Appropriations.

By Mr. GALLAGHER: Petition of the Polish Women's Patriotic Club of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of St. Casimirs Society, No. 579, of Passaic, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of the Chicago Association of Commerce, favoring passage of House bill 18327, relative to preparation and printing of a national directory of the commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Conference of Jewish Women's Organizations of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Providence Board of Trade, Providence, R. I., protesting against passage of House bill 21969, prohibiting ships interested in by railway corporations from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Petition of the Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, and Local Union No. 1715, United Brotherhood of Carpenters and Joiners of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Resolution of the Order of Independent Americans, Francisville Council, No. 837, of Philadelphia, Pa., favoring passage of the Dillingham bill providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Rochester Chamber of Commerce, favoring the passage of the 1-cent postate rate for letters; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Shoe Retailers' Association, Memphis, Tenn., protesting against passage of the Campbell bill requiring all goods to be marked with the manufacturer's name; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Resolution of the State council of Pennsylvania, State Camp, Patriotic Order Sons of America, citizens of Philadelphia, Pa., and Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the German-American Alliance of Philadelphia, Pa., and Arbeiter Kranken und Sterbe-Kasse of the United States, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Manila Merchants' Association, of Manila, P. I., favoring sale of the Philippines friar lands; to the Committee on Insular Affairs.

Also, resolution of the Rochester Chamber of Commerce, of Rochester, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the legislative committee, Department of Connecticut, U. S. V. P., of Hartford, Conn., favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. WEBB: Petition of voters of Charlotte, Mecklenberg County, N. C., favoring passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Rochester Chamber of Commerce, favoring passage of the 1-cent postage rate for letters; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *June 7, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

HOMESTEAD ENTRIES (S. DOC. NO. 783).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of April 30, 1912, a tabulated statement showing number of applications which have been made for the listing of lands for homestead entries within national forests under the act of June 11, 1906, etc., which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

John T. McKnight *v.* United States (S. Doc. No. 782);

William A. McMurtrey *v.* United States (S. Doc. No. 781);

Mary E. Neal, widow of Curren G. Neal, deceased, *v.* United States (S. Doc. No. 780);

Fannie R. Teal and Laura E. Fisher, daughters and sole heirs of Henry H. Neff, deceased, *v.* United States (S. Doc. No. 779);

Mary L. Oliver, widow of Joseph J. Oliver, deceased, *v.* United States (S. Doc. No. 778);

Daniel O'Sullivan *v.* United States (S. Doc. No. 777);

Robert T. Paine *v.* United States (S. Doc. No. 776);

Arthur S. Palmer *v.* United States (S. Doc. No. 775);

Martin S. Perkins *v.* United States (S. Doc. No. 774);

John Perrott *v.* United States (S. Doc. No. 773);

Francis M. Pickins *v.* United States (S. Doc. No. 772);

Emma J. Pinkley, widow of Samuel C. N. Pinkley, deceased, *v.* United States (S. Doc. No. 771);

Louisa Pinkney, widow of Bertine Pinkney, deceased, *v.* United States (S. Doc. No. 770);

Elizabeth E. Power, widow of Charles A. Power, deceased, *v.* United States (S. Doc. No. 769);

Alva K. Skaro, Edwin A. Skaro, and Clara Skaro Stangland, children and sole heirs of Asgrim K. Skaro, deceased, *v.* United States (S. Doc. No. 768);

Jennie V. V. Wolcott, widow of Richmond Wolcott, deceased, *v.* United States (S. Doc. No. 767);

Lydia A. Whitmore, widow (remarried) of James W. George, deceased, *v.* United States (S. Doc. No. 766); and

Laura O. Mundy, widow of William H. Mundy, deceased, *v.* United States (S. Doc. No. 765).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALEXANDER, Mr. HARDY, and Mr. HUMPHREY of Washington managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, the original having been lost.

The message further transmitted to the Senate resolutions of the House on the death of Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

The message also announced that the Speaker of the House had appointed Mr. ROBERTS of Nevada, Mr. LANGHAM of Pennsylvania, Mr. BOWMAN of Pennsylvania, Mr. RAKER of California, Mr. HAMILTON of West Virginia, Mr. DYER of Missouri, Mr. GOULD of Maine, Mr. MURRAY of Massachusetts, Mr. RUBEY of Missouri, Mr. LANGLEY of Kentucky, Mr. YOUNG of Kansas, and Mr. GREENE of Massachusetts the committee on the part of the House to attend the funeral of the deceased.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes;

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek in Berkeley County, S. C.; and

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Amalgamated Ladies' Garment Cutters' Association of New York City, remonstrating against the adoption of the so-called literacy test amendment to the immigration law, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry citizens of Forest Park, Ill., remonstrating against the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Champaign, Ill., remonstrating against the enactment of legislation to prohibit the fixing of resale prices on patented goods, which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Virden, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the St. Hedwing's Building and Loan Association, of Chicago, Ill., and a memorial of the Labe Building and Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which were ordered to lie on the table.

He also presented resolutions adopted by the Illinois State Branch, United National Association Post Office Clerks, in convention at Decatur, Ill., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which were ordered to lie on the table.

He also presented a petition of the Association of Commerce of Chicago, Ill., praying for the enactment of legislation authorizing the preparation and printing of a national directory of the commercial organizations of the United States, which was referred to the Committee on Manufactures.

He also presented resolutions adopted by the Illinois State Branch, United National Association of Post Office Clerks, in convention at Decatur, Ill., favoring the enactment of legislation providing for an 8-hour day to be worked within 10 hours for post-office clerks and mail carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 476, United Brotherhood of Carpenters and Joiners of America, of New York City, praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Congress Heights Citizens' Association of the District of Columbia and of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. JONES presented a telegram in the nature of a petition from members of the Snohomish County Medical Society, of Washington, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Port Orchard, Ballard, Nachese, North Yakima, Granger, Brewster, and Seattle, all in the State of Washington, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. WETMORE presented a memorial of the Board of Trade of Providence, R. I., remonstrating against the enactment of legislation in connection with the Panama Canal that will prevent railroad companies from operating steamship lines, which was referred to the Committee on Interoceanic Canals.

REPORTS OF COMMITTEES.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to which was referred the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 861) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McCUMBER, from the Committee on Indian Affairs, to which was referred the bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, reported it without amendment and submitted a report (No. 849) thereon.

Mr. SMOOT, from the Committee on Pensions, to which was referred the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield, reported it with an amendment and submitted a report (No. 850) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation, reported it with an amendment and submitted a report (No. 851) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 6686) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes, reported it without amendment and submitted a report (No. 852) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River (Rept. No. 853); and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands" (Rept. No. 854).

Mr. STEPHENSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6650) for a site and the erection of a public building at Ripon, Wis., reported it without amendment.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont, reported it without amendment and submitted a report (No. 855) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 1001) to correct the military record of Andrew Floyd and grant him an honorable discharge, reported it with an amendment and submitted a report (No. 856) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1589. A bill to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States (Rept. No. 857); and

S. 2147. A bill for the relief of James L. Chase (Rept. No. 858).

Mr. MYERS, from the Committee on Indian Affairs, to which was referred the bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, reported it with an amendment and submitted a report (No. 859) thereon.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana, reported it without amendment and submitted a report (No. 860) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6918) increasing the cost of erection of a United States post-office building at Hillsboro, Tex., reported it without amendment and submitted a report (No. 862) thereon.

LIFEBOATS ON ARMY TRANSPORTS.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably, with an amendment, the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be

necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. OVERMAN. Is that an emergency appropriation, I should like to inquire?

Mr. DU PONT. It is an appropriation placed in the bill and passed by the House. It is designed to protect the lives of officers and soldiers and crew who are on Government transports by properly equipping the transports with lifeboats and other life-saving apparatus.

Mr. OVERMAN. Has it been estimated for?

Mr. DU PONT. The bill came from the House, and estimates are always considered there. I presume it was estimated for. I am not able to answer the question.

Mr. OVERMAN. Has it been considered in a Committee on Appropriations?

Mr. DU PONT. It undoubtedly has been in the House. It has passed the House and was considered here by the Committee on Military Affairs.

Mr. OVERMAN. I should like to know why we are called on to appropriate $300,000 in this way, and why it is not included in the regular appropriation bill.

Mr. GALLINGER. I will ask to have the bill read again.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill.

The Secretary again read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LODGE. It is reported from the Committee on Military Affairs?

The VICE PRESIDENT. The Committee on Military Affairs reported the bill, and the Senator from Delaware has asked for its present consideration.

Mr. OVERMAN. I can not understand why it has not been before some Appropriation Committee that handles these bills.

Mr. LODGE. The Committee on Military Affairs has charge of the Army appropriation bill. That is an appropriation committee.

Mr. OVERMAN. Why was it not included in the Army appropriation bill if it is not an emergency appropriation?

Mr. LODGE. I suppose it came in too late.

Mr. OVERMAN. I should like to know something more about it.

Mr. LODGE. The object is to protect Government transports with lifeboats. We have just had a pretty serious example of the absence of lifeboats, and it seems to me it is a wise thing to do.

Mr. DU PONT. I will state that it is designed to meet a special emergency in view of the lesson the country and the world has received as to the result of inadequate life-saving appliances.

Mr. OVERMAN. I wish to know something about the merits of the measure and why such a large amount of money should be appropriated by a simple bill for the purpose.

Mr. DU PONT. It is a House bill. It has passed the House.

Mr. OVERMAN. The House may do things that are right and they may do things that are not right. I am not making any objection, however, to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 7, after the word "rafts," to insert: "including such number of steel self-righting, self-bailing motor lifeboats for each vessel as the Secretary of War may deem advisable."

So as to make the bill read:

That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of equipping all Army transports with all lifeboats and rafts, including such number of steel self-righting, self-bailing, motor lifeboats for each vessel as the Secretary of War may deem advisable, necessary to accommodate every person for whom transportation facilities are now provided on said transports, and the crew of said transports; said sum to be expended under the direction of the Secretary of War, who is hereby directed to make to Congress an itemized statement showing how the sum aforesaid has been expended.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 7063) granting a pension to Blanche Wood; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7064) to regulate the use of public-school buildings and grounds in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. HEYBURN:

A bill (S. 7065) granting an increase of pension to Ephraim W. Baughman (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE (for Mr. CRANE):

A bill (S. 7066) granting a pension to James E. C. Sawyer; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7067) to relinquish the title of the United States to Arpent lot 79, old city of Pensacola, Escambia County, Fla.; to the Committee on Public Lands.

A bill (S. 7068) granting an increase of pension to Mary C. Grant (with accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7069) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 7070) granting a pension to Elizabeth Crockett; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WORKS submitted an amendment proposing to appropriate $10,000 as an additional amount toward the erection of a public building in Santa Barbara, Cal., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $200,000 for the construction of a general administration building at the new Army supply depot, Fort Mason, Cal., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment authorizing the President to appoint William E. Farrell, late midshipman, an ensign in the United States Navy, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing that the salary of one of the clerks for assistant paymasters in the Marine Corps be $1,500 per annum, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. ROOT submitted an amendment relative to contract or contracts entered into in connection with the construction of the Isthmian Canal, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. HEYBURN submitted an amendment authorizing Senators, Representatives, and Delegates in Congress to send by registered mail, free of charge, United States maps, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $74,000 for additional books authorized to be furnished under section 229 of the act to codify, revise, and amend the laws relating to the judiciary, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $30,000 to pay to the National Irrigation Congress to assist in defraying the expenses of the twentieth annual meeting of the Congress to be held at Salt Lake City, Utah, commencing September 30, 1912, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts ap-

proved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

DONATION OF CANNON.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War in his discretion to deliver to certain cities and towns condemned bronze or brass cannon with carriages and outfit of cannon balls, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities condemned bronze and brass cannon with their carriages and outfit of cannon balls, which was referred to the Committee on Military Affairs and ordered to be printed.

THE MISSISSIPPI RIVER.

Mr. WILLIAMS submitted the following concurrent resolution (S. Con Res. 23), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Mississippi River Commission be instructed to report to Congress a plan for the complete control of the Mississippi River for the purpose of preventing floods and in the interest of navigation, and an estimate of the cost thereof, including such dredging, canalizing at sharp bends, revetting, continuous leveeing on both banks thereof, flood gates, and any and all other work as may seem to them to be a part of a complete plan, and that the necessary steps to make the report be taken at once, so that the report may be in the hands of Congress at the earliest possible opportunity.

RENTALS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, I desire to offer a concurrent resolution, and before the resolution is read I wish to say that in view of the discussion a few days ago concerning the rental of buildings in the District of Columbia, I have received several letters, two from the owners of property, saying that the matter was not fairly presented, and one from a private citizen who says that the Government is renting more or less space in a building or buildings owned by the Government at a price far below what the Government ought to receive, this party saying that he is prepared to pay twice the amount the Government is receiving. He insists that this matter ought also to be looked into.

I offer this concurrent resolution for the creation of a joint committee to look into the matter, which I think is desirable. There is no purpose on my part to do the owners of property which is rented to the Government an injustice. The proposed inquiry will clear the matter up. The resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The concurrent resolution (S. Con. Res. 22) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint special committee of the two Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the Presiding Officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed, by subcommittee or otherwise, to sit during the sessions or recess of Congress, to carefully inquire into the possibility of better utilizing space in the several departments of the General Government and the District of Columbia, and also to make a thorough investigation of the rentals paid by the Government and the District of Columbia. Said committee is authorized to employ a stenographer and such other assistants as may be necessary, and shall conclude its investigation and report to the Sixty-third Congress the result thereof, together with its recommendations concerning such legislation, if any, as may be advisable. The expenses incurred by said committee shall be paid equally out of the contingent funds of the Senate and the House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On June 6, 1912:

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads;

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands; and

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

On June 7, 1912:

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and there being no objection the request was ordered to be complied with.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows or dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the

House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 17260. An act to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, was read twice by its title and referred to the Committee on Mines and Mining.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. OVERMAN. Mr. President, I suggest the want of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Smith, Md.
Bacon	Curtis	Lorimer	Smith, S. C.
Bourne	Dillingham	McCumber	Smoot
Bradley	du Pont	McLean	Stephenson
Brandegee	Foster	Martin, Va.	Stone
Briggs	Gallinger	Myers	Sutherland
Bristow	Gardner	Nelson	Thornton
Brown	Gronna	Overman	Tillman
Bryan	Guggenheim	Page	Townsend
Burnham	Heyburn	Perkins	Wetmore
Burton	Hitchcock	Pomerene	Works
Catron	Johnston, Ala.	Root	
Clapp	Jones	Shively	
Cullom	Kern	Simmons	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, before proceeding with a discussion of the evidence to-day, I desire to refer briefly to a colloquy between the Senator from Illinois [Mr. LORIMER] and myself on Tuesday last, which evidently grew out of a misunderstanding as to what I said, or what I intended to say, concerning the motives which probably prompted his proffered support of Gov. Deneen for the Senatorship prior to his own avowed candidacy. I intended to say, and thought I did say, that this support was offered not because the Senator from Illinois loved Gov. Deneen but because he wanted him out of the governor's office, that his friend, the lieutenant governor, might have that position, thereby giving to the Senator and his friends full control of the political situation in Illinois. The Senator from Illinois understood me to say that the offered support was because he loved Gov. Deneen. It may be that by a slip of the tongue I used that language, but it will be quite apparent to anyone who heard the evidence that a statement that the Senator was offering to support Gov. Deneen because of personal affection would have been utterly ridiculous. I certainly had no such thought in my mind.

I was proceeding, at the conclusion of my remarks on Tuesday, to show the absurdity and the utter unreliability of the testimony of Paul McCann, the page who was produced to overthrow the very damaging testimony of Representative George W. Meyers, who, with great positiveness, had testified that before the roll call on the senatorial vote he, fixing the time at about 20 minutes before the commencement of the roll call, had gone to Lee O'Neil Browne's desk in response to the latter's request, and was then and there urged by the latter to support Senator LORIMER, Browne tempting him with the statement as to the State jobs yet remaining for distribution, and also, to use his own language, "plenty of the necessary." Paul McCann testified positively that on that day he stood by Lee O'Neil Browne's desk from 10 o'clock in the morning until 5 minutes before 12, when, at Browne's request, he went to the clerk's desk to procure some blank roll calls, which did not occupy more than 5 minutes; that he then resumed his position at Browne's desk, and remained there throughout the proceedings attending the senatorial election; that at no time during that period, which would be from 10 o'clock in the morning to 2 or 3 o'clock in the afternoon, did Mr. Meyers or anybody else approach the desk of Mr. Browne, and that Mr. Meyers could not have gone to Browne's desk during the five-minute period that he was getting the roll calls without his seeing him. I now read from page 6960 of the testimony. After testifying that between 10 and 12 o'clock the legislature was at work reading bills most of the time, his examination proceeded as follows:

Senator JONES. Were not the members sending the pages for anything during that time?
Mr. McCANN. No, sir.
Senator JONES. So that you say now, positively, that you never left Browne's desk from 10 o'clock until about 5 minutes before 12 that morning?
Mr. McCANN. Yes, sir.
Senator JONES. You stood right there by him all the time?
Mr. McCANN. Yes, sir.
Senator JONES. Did he sit there in his desk all the time?
Mr. McCANN. Yes, sir.
Senator JONES. He never got up?
Mr. McCANN. No, sir.

Reading again from page 6963:

Senator JONES. Were all the members in their seats that day between 10 o'clock and 12?
Mr. McCANN. No, sir.
Senator JONES. How many were not in their seats?
Mr. McCANN. Oh, I could not tell you that.
Senator JONES. A great many?
Mr. McCANN. Yes; about half of them.
Senator JONES. About half of them?
Mr. McCANN. Yes.
Senator JONES. Were the others on the floor, or were they outside of the chamber?
Mr. McCANN. On the floor.
Senator JONES. What were they doing?
Mr. McCANN. Conferring.
Senator JONES. Walking around here, there, and yonder?
Mr. McCANN. Yes, sir; buying newspapers.
Senator JONES. And yet you say none of them came to Browne's desk that morning?
Mr. McCANN. Yes, sir.
Senator JONES. Between 10 and 12?
Mr. McCANN. Yes, sir.
Senator JONES. Did anybody come to his desk between 10 and 12 on the 25th?—

That being the day before—

Mr. McCANN. I do not remember that.
Senator JONES. You do not remember whether they did or not?
Mr. McCANN. No, sir.
Senator JONES. Why do you not remember that?
Mr. McCANN. Because I do not remember it.
Senator JONES. Was there any reason why you should remember the 26th rather than the 25th?
Mr. McCANN. Yes, sir.
Senator JONES. Why?
Mr. McCANN. Because it was more excitable that day than usual.
Senator JONES. Were they all excited at 10 o'clock?
Mr. McCANN. Yes, sir.
Senator JONES. How did they manifest their excitement?
Mr. McCANN. By going to each other, laughing, and making more noise; more excitement all around.
Senator JONES. They were going around generally, talking to each other and laughing?
Mr. McCANN. Yes, sir.
Senator JONES. And yet you mean to say that nobody came to Browne and talked to him?
Mr. McCANN. Yes, sir.

Reading, again, from page 6969:

Senator LEA. And during that whole period of time not a single other member of the legislature came to his desk?
Mr. McCANN. No, sir.
Senator LEA. You are positive of that?
Mr. McCANN. Yes, sir.
Senator LEA. You would remember if they had done so?
Mr. McCANN. Yes, sir.
Senator LEA. The other members, as I understand it, were visiting each other?
Mr. McCANN. Yes, sir.
Senator LEA. But no one visited Mr. Browne and he visited no one?
Mr. McCANN. No, sir.
Senator LEA. You are absolutely positive of that?
Mr. McCANN. Yes.
Senator LEA. Your recollection is clear?
Mr. McCANN. Yes, sir.

Again, on page 6971, referring to Browne:

Senator JONES. On the 26th, from the time he came in there at 10.30, what did he do until noon?
Mr. McCANN. He read the morning papers.
Senator JONES. How do you remember that?
Mr. McCANN. Because I remember seeing him.
Senator JONES. You remember seeing him do it?
Mr. McCANN. Yes; I was standing in front of him.

Again, reading from page 6985:

Mr. MARBLE. Mr. Browne was right there in his seat from half past 10 o'clock in the morning until about half past 2 or 3 o'clock?
Mr. MCCANN. I do not know whether it was half past 10 or not; it was between 10 and 10.30.
Mr. MARBLE. From the time he came in, between 10 and 10.30?
Mr. MCCANN. Yes.
Mr. MARBLE. He was right there in his seat?
Mr. MCCANN. Right there in his seat.
Mr. MARBLE. And he never left at all?
Mr. MCCANN. He never left.
Mr. MARBLE. Until after the senate went out.
Mr. MCCANN. Until the senate went out.
Mr. MARBLE. And nobody came and spoke to him in that time?
Mr. MCCANN. No.
Mr. MARBLE. You are just as sure of all of that as you are that Mr. Meyers did not come and speak to him?
Mr. MCCANN. Yes.
Mr. MARBLE. Absolutely?
Mr. MCCANN. Yes; absolutely.
Mr. MARBLE. You had no chair there?
Mr. MCCANN. No, sir.
Mr. MARBLE. You stood up all the time?
Mr. MCCANN. Yes.
Mr. MARBLE. Did you get pretty tired?
Mr. MCCANN. Yes, sir.

George W. Alschuler, one of Senator LORIMER's active Democratic supporters and a personal enemy of Senator Hopkins, testified that it was from three-quarters of an hour to an hour after the members of the senate entered the hall of the house for the joint session before the voting began (p. 6091); that he did not observe Browne's movements between 10 and 12 o'clock (p. 6096); that he might have talked to numerous members within that time, but after the senate came in Browne sat quietly all the time, except when speaking, for two hours, and during that time no member approached his desk or talked to him.

I read from his testimony, volume 6, page 6094:

Senator KERN. So during the whole two hours he sat there surrounded by these members, but practically alone, in that nobody spoke to him and he did not speak to anybody. Is that true or not?
Mr. ALSCHULER. That is my judgment.
Senator KERN. No, no. Do you remember that as an independent fact?
Mr. ALSCHULER. It is true; yes. It is true. I swore to the fact that it was true. But now there may be a possibility—I may swear to a thing and still be mistaken, you understand. I may swear that you are sitting there, and you may not be there. But I swear that for that period of two hours I was watching Mr. Browne; I could not help but watch him. I was sitting back of him, and I could not help but see Mr. Browne; and if anybody had come there within those two hours I would have known it.
Senator KERN. Yes. And therefore you are entirely positive that during the two hours nobody spoke to him and he spoke to nobody?
Mr. ALSCHULER. That is the best of my knowledge and belief.

I might observe here that this boy McCann, who was then perhaps 16 years old and probably 18 when he testified—though I am not sure as to that—has been provided for. He has been given a place in the sheriff's office in Sangamon County, Ill., just as Robert E. Wilson, that notorious member who paid out the jack-pot money at St. Louis, was, after his infamy was disclosed, given a lucrative position in the county clerk's office of Cook County, which he now holds. And Senator Jandus, the man who corroborated Broderick's testimony, which testimony is now conceded to be false, has been given a lucrative place in a county office in Cook County, which he now holds. It shows a method in taking care of witnesses there. It is the same method that was proposed, as I shall show later on, by Lee O'Neil Browne with Charles A. White in order to quiet him when he began to show signs of recalcitrancy.

But to go on with this; the testimony of McCann is contradicted by that of Representative Henry A. Shephard, a Democratic friend of Senator LORIMER, who voted for him on the last ballot and who figures prominently in this investigation.

Mr. Shephard testifies as to Browne's movements just before the senate members entered the house for the joint session. After referring to a conversation with Representative Alschuler, his examination proceeded as follows. I will read all of Mr. Shephard's testimony on this point at this time, because it not only throws light on the question as to where Browne was and what Browne was doing immediately before the vote commenced, but it also throws light upon the question as to why Mr. Shephard, a Democrat, voted for Mr. LORIMER on the last ballot:

He—

George W. Alschuler—

had been out somewhere and came in to take his seat. As I recall that conversation—they had nicknamed me "Shep"—he said, "Shep, there is going to be something doing to-day for United States Senator." He said, "Are you with us?" I replied, "For LORIMER?" He said, "Yes." "No; not me, George," I replied. That closed that conversation.

Skipping a few questions that are immaterial, Mr. Shephard proceeds:

Then, after that, perhaps 10 minutes, or perhaps a little more than 10 minutes, Lee O'Neil Browne came down the aisle. My seat was on the aisle. He asked me if he could see me a few moments. We went back to the main entrance to the assembly room, and we stood by the side of the door and conversed. He asked me if I was not going to vote for LORIMER. I said, "No, Lee; I can not do it." He said, "Are you going to throw us all down?" I said, "I never threw anybody down in my life. I never promised you that I would vote for LORIMER." Then I recalled the conversation that I had had with him the night in the St. Nicholas Hotel.
Mr. MARBLE. Tell us what you said about it.
Mr. SHEPHARD. I said, "You remember the conversation I had with you in the St. Nicholas Hotel that night, when I made the remark that I could be induced to vote for LORIMER if I could get a promise from him that that postmaster should not be appointed, and your reply to me was, 'That can not enter into it,' and I answered you then, 'Well, nothing else will induce me to vote for him'"; and he said, "I answered you in that way because I supposed that your Congressman was a Republican and that it would be up to the Congressmen to appoint the postmasters." He said, "I had forgotten that Mr. RAINEY was the Congressman from your district, a Democratic district." He said, "The Senators, Senator CULLOM, and Senator LORIMER if he is elected, will appoint all the postmasters in Democratic districts." He said, "LORIMER will make you that promise." I hesitated. I said, "I don't like to do it, Lee." He said, "Well, we have been expecting you to vote for him." I said, "You have been reckoning without your host. I never intended to and never promised that I would vote for him." After some hesitation I said, "Well, do you suppose he would make me that promise now?" He replied, "I know he will, and he will keep it." He went on, "He is back in the speaker's room; go back and see him." I hesitated a few minutes. "Well," I said, "I believe I will"; and I went back, and I saw Mr. LORIMER in the speaker's room. Do you want my conversation?
Senator KERN. Did anybody go in with you?
Mr. SHEPHARD. Mr. Browne. He went with me to the door and started to introduce me to Senator LORIMER. Senator LORIMER said, "I have met Mr. Shephard before." I had met him in Washington. I said, "Mr. LORIMER, I have been asked to vote for you for United States Senator. There is only one condition in the world under which I would vote for you." I told him that an editor in our town, a man who edited a Republican paper, had been maligning me and libeling me—not only me, but my family and my business—for 9 or 10 years, and that if I could get any assurance from him that that man or the man under whom he was then serving as deputy—Mr. Richards was the postmaster and Mr. Becker, the editor of the paper, was his deputy; that Becker had been postmaster before and then Richards was his deputy; then Richards got the appointment and made Becker his deputy—I said if I had the assurance that neither Becker nor Richards would be appointed postmaster at Jerseyville, I would vote for him. He said, "Mr. Shephard, I promise you to do all in my power to prevent the appointment of either of those men." I said, "I will vote for you, then." That is all the conversation we had.

Now, mark:

I went back into the assembly room, and as I got in there the senators were just coming in for the joint session.

That shows conclusively that as to this period between 10 and 12, during which McCann testifies Mr. Browne was in his seat all the time, he is entirely mistaken, Mr. Shephard corroborating Mr. Meyers on that proposition.

Shephard proceeded further as follows:

The senator from my district, Frank W. Burton, sat alongside of me at nearly every joint session. I told Senator Burton what I was going to do, and he said, "You are making a mistake." He said, "You are playing Jerseyville politics, and I would not do it." I replied, "I promised Mr. LORIMER that I would do it, and I am going to do it." On the roll call in the joint session I voted for LORIMER.
Senator KENYON. Did you do it because of this promise that you have told about?
Mr. SHEPHARD. Yes; I did.

Mr. Lee O'Neil Browne testified that he did not remember whether or not he took Shephard to LORIMER, as the former testified, but said:

I would not be surprised if I did.

Senator LORIMER, while not agreeing entirely with Shephard's version of the conversation, testified that such a conversation occurred on the day of the senatorial election.

George Meyers's statement must stand. All efforts to overthrow it have proven futile and ineffectual. It is only necessary, if it is true, to show Browne's connection with Senator LORIMER to make this palpable attempt at bribery a determining factor in this investigation, for it shows conclusively the character of the methods employed in the election, and, with the other circumstances developed by the evidence, makes the case impregnable.

I had intended the other day to call attention to the testimony of Senator Landee as to a visit of Mr. Hughes, Mr. LORIMER's business associate, on the Sunday prior to the election. Mr. Hughes tells us that he was soliciting support for Mr. LORIMER all over the State amongst members of the legislature at such points as he happened to be, and that he was deeply interested in Senator LORIMER's success. Senator Landee testified that Hughes came to his house and offered him Federal patronage, telling him it would be to his advantage to vote for LORIMER, feeling him out, apparently, carefully and cautiously; that these advances were indignantly repelled, whereupon Mr. Hughes went away. Landee, who was a staunch supporter of Hopkins, also testified that about three weeks before the election Representative Charles Luke told him to tell Hopkins that he—Luke—could get him 10 votes if he would do the right thing. That afterwards on the night after the election Landee

asked Luke why he had not voted for Hopkins, and he replied, "Hopkins would not come across."

I do not know that I shall refer to Luke's testimony again, and therefore I will add here that Charles Luke is the man who has since died. He seems to have been addicted to the excessive use of intoxicating liquor. His widow testified that her husband received a telegram from Wilson to come to St. Louis just as Beckemeyer and these other witnesses say they received telegrams from Wilson to come to that city on the day they received the bribe money in July, 1909. She testifies that this telegram came between July 5 and August 5, and that in response to that telegram her husband went to St. Louis, and that about that time she saw in his possession $950 in money. She did not ask him where he got it or what he was going to do with it, and he never volunteered to her any information as to where he got it or as to what he intended to do with it.

I will now call attention to some new testimony.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. Would the Senator from Indiana have the Senate understand that Mrs. Luke testified that she saw a large sum of money in the possession of her husband before he went to St. Louis or after he went to St. Louis?

Mr. KERN. I will answer that question. Is the Senator through with his inquiry?

Mr. LORIMER. Yes; that is all.

Mr. KERN. On the first hearing she said she thought it was before he went to St. Louis. At the last hearing she was not certain whether it was before or after he went to St. Louis. But she was altogether sure that she had seen, or he had read to her, the telegram that Wilson sent to him asking him to come to St. Louis on that day. She was sure that he went to St. Louis on that day, and that about that time this sum of money was in his possession.

I was about to call the attention of the Senate to a line of testimony that was not introduced at all on the former hearing. That is the testimony respecting the conduct of Representatives W. C. Blair, J. H. De Wolf, and Henry L. Wheelan, and Senator Jandus, of Chicago; also a few more facts respecting the conduct of Henry L. Shephard.

It appears from this evidence, and from the evidence that was adduced in the former hearing, that White had a large sum of money after the Wilson visit and after the other visit; and White is corroborated by the testimony of Thomas P. Kirkpatrick, a reputable man, who saw him deposit a large sum of money, in large bills, with the cashier of the Grand Leader Co. in St. Louis for safe-keeping overnight.

It is in evidence that Beckemeyer received a large sum of money in bills of large denominations from Browne and Wilson; and he is corroborated by the testimony of men who saw these bills of large denominations in his possession.

Senator Holstlaw testifies that he received a large sum of money; and his testimony is so overwhelmingly corroborated now that the majority of the committee concede that he did receive the two sums of money as testified to by him.

William C. Blair, who is a lawyer of southern Illinois, residing in a small town, a man of dissolute habits, bankrupt in finances, a man who owned a little home in a little town with a $1,300 mortgage on it, who owed all the banks in the town, and who, as he says, owes $2,000 in bills around over the community in which he lived—this impecunious man was seen in the month of July by some of his neighbors at a baseball game exhibiting eleven $100 bills. Considering the character of the man and his financial condition, and his general impecuniosity, such an exhibition naturally excited the attention of his neighbors. So one of them, a merchant, asked him where he had obtained so much money. He said he had been over at Olney, Ill., which is the home of Thomas Tippitt, the leader of one of the Democratic factions, on some legal business, had been consulted by a client and had been paid this sum of $1,100.

When Mr. Blair was brought before the committee he first testified that he had four or five $100 bills that he had entrusted to his wife, and that she had placed them in a closet in their house. A little later he testified that there might have been some five or six $100 bills in this closet. A little later he testified that he had from eight to eleven $100 bills in the closet. He testified that on the morning of the baseball game he was at home; that he became intoxicated to some extent; that he went down to his house, took this money out of the closet, and proceeded over to the ball game in another town. On being asked by members of the committee where and how this money had come into his possession—of course everybody understood that he had not received it from any client—he undertook to explain his possession of the money by saying that his salary as a member of the legislature was $2,000 a year; that early in the session he had drawn probably $600 of it; that the remaining $1,400 was left in the State treasury until the close of the session, which was about the 4th of June; that he had then drawn the $1,400 from the State treasury; that a considerable part of it was in $100 bills; and that the $100 bills that were in the closet at this home, in his wife's possession, were undoubtedly a part of his salary that he had drawn on the 4th of June.

That was a fair accounting for the transaction. Yet it transpired from the books of the State treasury and from the books of the bank in his town that he had drawn the last dollar of his salary early in February; that he had deposited the warrants in his bank at home, and that it had been all paid out on his indebtedness and checked out, until in July he had an overdraft of $1.40 at the bank. He was confronted with the books of the bank and the books of the State treasury, showing that his statement was utterly false; and he admitted then, of course, that the books were correct.

Then the question recurred: "Where did you get the money?" And that man was not able to account for the possession of a single one of the hundred-dollar bills; not a single one.

He denied that he had been in Olney, the home of Thomas Tippit, on the day of the baseball game or the day before. He denied that he had seen Thomas Tippit at Olney about that time. Thomas Tippit testified that he had not seen Blair about that time. After Mr. Blair was confronted with the hotel register in Olney and it was shown to him that he had registered there on the night before the day of this baseball game, he was unable to account for his presence there. A little later Mr. Rowland, an editor and lawyer who lives in Olney, testified that on the morning of that day he saw William C. Blair come to the courthouse steps, where he was sitting, inquiring for Mr. Tippit; and the ex-county judge of that county, Judge MacNeill, testified that on the same morning he was talking with Mr. Blair on one of the public streets of Olney, and that Mr. Tippit came along and they greeted each other by shaking hands and walked off together.

So it is definitely fixed that Blair was in Olney, the home of Thomas Tippit, immediately before he went to the baseball game, immediately before he was seen in possession of this large sum of money, and that he went from there to the baseball game, where he exhibited the money. The fact that he denied being in Olney and the fact that Tippit denied seeing him in Olney speak volumes on the question as to where he got the money, the hundred-dollar bills—bills of like character to those that were paid out by Browne in St. Louis in June and those that were paid out by Wilson in St. Louis in July.

Take the case of John H. De Wolf, a very voluble gentleman, I think a farmer—perhaps I should say an agriculturist—by profession. He is the gentleman, you will remember, who asked White on the day before the senatorial election if he had been up to the trough yet, and on receiving a negative answer said, with an oath, "I have been up to the trough and got mine," explaining that by testifying that if he did use the language attributed to him by White he evidently referred to the bar, because he always called the bar the trough, and that this was one of his favorite expressions.

It transpired that John H. De Wolf, soon after this grand distribution of money was made to members of the Illinois Legislature in the summer of 1909, purchased a tract of land, and in the first payment on the purchase price he paid six $100 bills. De Wolf was brought before the committee and asked as to the fact of this payment, which he did not deny, and then the question was, of course, Where did you get the money? Mr. De Wolf said he took the money out of the old family Bible at his home; that he had kept those six $100 bills between the lids of that sacred volume for several months before the purchase of the land.

Then the questioning was pushed a little further. "Where had you procured the money that you put in the Bible?" He did not remember. He said it might have been at a sale; but it was developed pretty accurately on cross-examination that he could not have received that money at the sale. He did not know of anybody in all the world who had ever paid him a hundred-dollar bill. He was one of the Democrats who voted for LORIMER on the theory that it would contribute to Democratic harmony and success.

Take Mr. Henry L. Wheelan, representative of the Rock Island district. Mr. Wheelan had been in the employ of the liquor league of the State, or of the antiprohibition organization, for some time as an election agent. Mr. Wheelan bought

a piece of property soon after the distribution of the jack-pot money, and it happened that in the first payment he laid down ten $100 bills. When asked where he got these hundred-dollar bills he gave an extraordinary account, in which he was corroborated. He said he borrowed three of the $100 bills from an ex-policeman, who was a stonecutter by trade, and that he had borrowed the other seven $100 bills from a lawyer who lived in Rock Island, whose name I do not now remember. He had not given any security for the money. He had no property except this home he was buying, and he had made a payment on that, I believe, of $700 in addition to the $1,000 borrowed from these two friends.

These men were brought before the committee. The ex-policeman said he had loaned Wheelan three $100 bills. "Did you have a bank account?" "Yes; I had an account in the savings bank." "How did it happen that you were carrying these three $100 bills around in your pocket for an indefinite time?" He was unable to give any reason save he wanted to keep his wife from knowing that he had that particular sum of money.

We brought the lawyer on the stand. He said he had these seven $100 bills on his person for at least a week or 10 days; that there was a bank in which he did business right across the street from his office. When asked why he carried seven $100 bills around in his pocket for that period of time instead of putting them in the bank where he deposited other money, he could give no reason for that except he heard that Wheelan wanted to borrow some money, and he was carrying the seven $100 bills around in his pocket until such time as Wheelan might call on him to get the money.

Take Senator Jandus, of whom I spoke a little while ago. He paid out large sums of money about this same time. Hundred-dollar bills were found in his possession. It was shown that Jandus had been borrowing money of his distinguished colleague, Senator Broderick, down at Springfield, while the legislature was in session—at least $145; which he says might have been a poker debt or something of that sort; but Mr. Jandus in explaining his possession of this large number of $100 bills told the committee that he had in his office in Chicago a vault—such a vault as is usually found in offices in cities—with an iron door, opening into a closet, and in that vault he kept a tin box in which he had $5,300, mostly in $100 bills; that he had been accumulating that money for two or three years; that whenever he received a $100 bill he would go and put it in that box. His office associates had access to that vault. There were other employees about the office. He said he had a bank account and named the bank where he kept his account, but that for two or three years he had been accumulating this money, putting none of it in his bank. The only reason he gave for this extraordinary proceeding was that being in politics when men came around to borrow money he would show by his bank book that he had a small balance, whereas if he had had a large sum of money in bank he would have been annoyed by their importunities.

So we have these four members of the legislature—perhaps others—living in different parts of Illinois, none of them accustomed to having money, some of them impecunious and bankrupt, appearing with bills of these large denominations, about the same time, and none of them able to give a reasonable explanation as to how they received the money or any part of it, all of them being alleged Democrats who betrayed their party and voted for the candidate of the opposition. From these facts the inference is irresistible that the hundred-dollar bills found in their possession came from the same common fund which supplied the money for the bribery of White, Beckemeyer, Link, Luke, and the other men whose guilt is either admitted or conclusively shown.

A word further concerning this man Henry L. Shephard. Shephard says he was present in St. Louis by the invitation of Lee O'Neil Browne in June, 1909; that he met all the confessed bribe takers save Holstlaw, there in Browne's room in the Southern Hotel; that when Wilson came to distribute the money in St. Louis a month later, he happened to be in St. Louis on that day, accidentally met Luke upon the street, and Luke gave him the information that Wilson was at the Southern Hotel; and that he went up there and saw Wilson and these other members of the legislature there. He testifies that Wilson called him into a bathroom, separate and apart from the others, just as Beckemeyer says he called him into a bathroom when he paid him the $900, but that he saw no money. Here comes a remarkable circumstance. He testifies that immediately after leaving Wilson and his fellow legislators on that day he went across the street to a safety-deposit box that he had rented in St. Louis, and there indulged in the pleasant pastime of clipping coupons off some bonds that he had in that box.

Right here I pause for a moment to comment upon the fact that Mr. Shephard, who is a banker in a thriving town in Illinois, having presumably a vault and safe of his own, instead of keeping his papers, his deeds, and his bonds in his own bank, in his own safe, in his own vault, rents a safe-deposit box in St. Louis for the purpose of keeping conveniently his valuable papers.

On the former hearing Shephard testified that it was before he saw Wilson on that day that he went to his safety-deposit box, but afterwards when he learned there was a record kept by the safety-deposit company of the time of day at which each box is opened, Mr. Shephard changed his testimony, and on this hearing admitted that it was after the Wilson visit.

The testimony shows further in that connection that Mr. Thomas Tippit, the leader of one of the factions, also felt it necessary to have a safety-deposit box rented in his town. Mr. John Broderick, whose business was keeping a saloon, the State senator who paid bribe money to Holstlaw, found it necessary to rent a safety-deposit box for the keeping of his valuable papers, and I think the testimony will show that there were other members who had use for safety-deposit boxes about that time.

With reference to Shephard's testimony, I call your attention to the fact that on hearing that White was talking something about a disclosure, Mr. Shephard went to Chicago at once to consult Lee O'Neil Browne and Robert E. Wilson. On arriving at Chicago he registered under an assumed name at the La Salle Hotel. He testifies that having knowledge that when Browne was in Chicago he stopped at the Briggs House he just took a chance of calling up the Briggs House to see if Browne was there. He ascertained that Browne happened to be there, and he went down, found that Bob Wilson also happened to be present, and talked over the alarming situation with Mr. Browne and Mr. Wilson on that occasion.

In this connection also let me say that it develops from the evidence here that immediately upon the visits of White and the detective, Tierney, to various parts of the State previous to the publication of the White story, that there was a general hurrying about over Illinois by numerous members of the legislature. We find Beckemeyer going to Springfield to meet Wilson and registering under an assumed name. We find Mr. Browne and Wilson and the various leaders of these factions pursuing the most devious courses and ways in their efforts to conceal their movements about this particular time.

It is true that this evidence is circumstantial evidence, but in many cases of like kind it is not only the best evidence but the only obtainable evidence. As I stated the other day, men engaging in transactions of this kind, bribe givers and bribe takers, never reduce their agreements to writing. They never call witnesses to their infamous transactions. The men who engage in the business of bribery are past masters in the art, and they are selected because of their willingness to commit perjury, if necessary, to screen the men who are higher up. A man who would not commit perjury for the protection of the men who furnish the money in the first place would never find employment in this dangerous trade.

I am glad that the circumstantial evidence in this case has been so strong, so irrefragable, so overwhelming as to convince my friends of the majority of the committee of the truth of Holstlaw's statement that he received $3,200 from Senator John Broderick in July and August, 1909. I am glad, as I stated the other day, that the members of the majority so recognize the value and weight of circumstantial evidence that the chairman of the committee now declares before the Senate that he has a fixed belief in the existence of the jack-pot fund in the Legislature of Illinois prior to the senatorial election of 1909. Of course we must rely——

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. I do.

Mr. DILLINGHAM. I did not quite catch the finishing sentence of the Senator's remarks as to my admission.

Mr. KERN. I was congratulating the majority members of the committee on the fact that they had recognized the value and weight of circumstantial evidence to such an extent that they now have declared here that they believe in the existence of the jack-pot fund in the Illinois Legislature prior to 1909.

Mr. DILLINGHAM. That is all right.

Mr. KERN. I am sure my friend will take no exception to that.

Mr. DILLINGHAM. Not at all.

Mr. KERN. I was trying to pay him a compliment, and I am glad that he now accepts it as such.

I was going on to say that in cases of this kind there is seldom any evidence save circumstantial evidence. There can be

little evidence in cases like this other than circumstantial evidence, except where by mischance some of the miscreants are trapped and in order to escape punishment are induced to tell the truth.

The story as to how these gentlemen were trapped in this case, as to how their confessions were induced, is of interest. Beckemeyer, Link, and some of the other legislators who were in St. Louis on the 15th of June, visiting Browne, and again in July, to meet Wilson, were called before the grand jury, and testified positively they had not been in St. Louis at all on either of those days. This distinguished statesman, Robert E. Wilson, who had paid them the money on the latter date, had been so indiscreet as to register at a hotel. When he was called before the grand jury he testified that he was in St. Louis on the date named in July, and then testified that he had seen these other men there. So, when these gentlemen were confronted with the statement of Mr. Wilson that he had been in St. Louis on that date and that he had seen them all there in the Southern Hotel, realizing that they had been guilty of rank perjury in their statements in denial of the fact that they had been there at all, they concluded to make a clean breast of the whole matter, and started in to tell the truth. They did tell the truth without any hope of reward or fear of punishment, save that which would properly and legitimately enter the mind of a malefactor who had been detected in perjured testimony, and who was desirous of making terms with officers of the law. The confessions of these four men, which were discredited and laughed at at the former hearing, are, as I said the other day, fortified and buttressed by circumstance after circumstance, until all doubt of the truth of the confessions is eliminated from the case; so, strengthened at every hand until, as I have said before, the majority members of the committee are compelled to admit that Senator Holstlaw did receive $2,500 from Senator John Broderick in June or July, the date that he fixed, and again that he did receive $700 in the month of August. So, in Holstlaw's case, at least, all doubt has been removed, and there is a unanimous opinion on that subject.

I now come, Mr. President to a discussion of the testimony of Charles A. White, and I am going to discuss that in the light of the new evidence in the case. I shall not discuss, as I now think, the testimony of any other of the witnesses who confessed to their wrongdoing. At the former hearing it seemed to have been conceded by all Senators on both sides of the question that White was essentially a bad man—a hardened criminal. There was no man on the floor of this Chamber, sir, during the last debate, who had a word to say of Charles A. White except of condemnation. If Senators will allow me, I want to show something of White's life and character as developed for the first time by the evidence on these hearings and of his connection with this affair. Then I shall undertake to show the connection between White and Browne, and then I propose to show the connection between White and Browne and the junior Senator from Illinois.

I think the reason for the universal condemnation of White on the occasion of the former debate was that the Burrows committee had made no effort to throw any light at all on his life or antecedents. He was simply pictured here as a hardened wretch, a man so vile as to be placed outside the pale of decent society. In this investigation the matter of White's life was gone into to some extent; and let me briefly, and as rapidly as I may, give you some of the features of his career.

He was born down in the mountains of Tennessee in July, 1881. He lived with his parents in and about Knoxville and Johnson City until he was 21 years of age. He was brought up in a good family, surrounded by wholesome church influences. He worked all his life, be it said to his credit. Before he was 21 years of age he had attended a business college in Knoxville. On January 15, 1901—he was then 20 years of age—he received a certificate from that college certifying to his high character and his capability. From February, 1901, to June, 1902, he worked in a department store at Knoxville as a floor walker. On June 23, 1902, he received from the manager of that store a certificate to which I desire to call attention, because it is important, as I think, that we should know something about the life of this man before we entirely condemn him. This young man was then 21 years of age, and he was only 27 when he first became involved in these affairs:

To whom it may concern:

The bearer, Mr. Charles A. White, has been in our employment for the past 19 months, for the first 4 months in the capacity of a salesman, when he was promoted to assistant floorwalker, afterwards being promoted to floorwalker, which position he has been holding for the past 12 months.

We have always found him to be an honest, upright, and energetic business young man.

We therefore take pleasure in recommending him to any person wishing such a man in their employment.

He leaves this firm of his own will and accord, and any favor extended Mr. White will be greatly appreciated by us.

Very respectfully,

M. M. NEWCOMER & Co.,
Per M. M. NEWCOMER.

He took that certificate with him to St. Louis—he was then of age—as he started out into that western country to make his way and better his condition, as thousands of other young men from the older States have done before him. At St. Louis he worked for the International Mercantile Agency. In October, 1902, he received a certificate of character from that company. A little later, in 1903, he was in the employ of the Simmons Hardware Co., the greatest hardware company in the world. I ask you to listen to what the Simmons Hardware Co. had to say of Mr. White at that time—he was then 22 years old:

To whom it may concern:

This is to say of Mr. Charles A. White that he entered our employ on February 16, 1902, and was with us until May 23, 1903, when he was temporarily laid off on account of reduction in our force.

During the period specified he was employed first in our entry department and on March 11, 1903, was transferred to our buying department, where he was employed in a clerical capacity. In both positions he discharged the duties intrusted to him in a satisfactory manner, and while with us he impressed us as being a gentleman of most excellent character and habits.

We will be pleased to hear of his success in any enterprise in which he may engage.

Very respectfully,

SIMMONS HARDWARE Co.,
R. M. BURTON, *A. G. M.*

Then, finding that he could secure better wages as a street car conductor, he entered upon the duties of conductor of an interurban line, and continued to work as such conductor until 1907, he then being 26 years old. He manifested interest in the labor problem and was an officer in the local union of the street car employees. The State organization of the union had such confidence in him that in 1907 they elected him as legislative agent to attend the Legislature of Illinois to look after labor legislation. He went there in the discharge of the duties of that position, and there became acquainted with Lee O'Neil Browne. In 1908 he became the Democratic candidate for member of the legislature in his county and was elected. He continued his duties as street car conductor all through the campaign, going out at night to attend to his canvass, and did not give up this position until almost the time of the meeting of the legislature. Then he went to Springfield as a member of the legislature. Before that time, however, he had been in correspondence with Lee O'Neil Browne, who had invited him to a banquet at Chicago to attend a meeting of his friends and also a meeting of the State central committee. I call your attention to a letter written White by Browne on the 1st of January, 1909, after the Chicago banquet and before the convening of the legislature:

OTTAWA, ILL., *January 1, 1909.*

HON. CHARLES A. WHITE,
O'Fallon, Ill.

FRIEND WHITE: I hope you will find it possible to be at Springfield early Monday, or, better still, Sunday some time. While we have the other crowd beaten forty ways, as you saw clearly at Chicago on Monday—

That was the occasion of the banquet—

at the same time we must not let up for a minute. I shall rely on such good, solid friends as yourself and others like you to keep up the good work. All the members will get in Monday, and I would like to have you there and meet them and interview all the new members who are not with me. Try to get there early. My best regards to you, old man. We will win in a walk. Excuse long hand, as, being a holiday, my help is all off watch.

Sincerely,

LEE O'NEIL BROWNE.

Now, mark the postscript:

P. S.—Have you sent for your transportation as yet?

Chicago & Alton, write to president Chicago & Alton Railroad, Railway Exchange Building, Chicago, Ill.

Illinois Central, write John G. Dieman, general counsel, Park Row, Chicago, Ill.

Wabash Railroad Co., write Col. Wells H. Blodgett, general counsel, St. Louis, Mo.

Pullman passes, write Hon. John H. Runnels, general counsel Pullman Parlor Car Co., Pullman Building, Chicago, Ill., for one-half dozen sets Pullman passes and return, good 60 days.

More later as soon as lists are made out.

There was part of the first introduction of Charles A. White to Lee O'Neil Browne. Here was this young man from Tennessee, unacquainted with the ways of the world, knowing nothing of politics or politicians, knowing nothing of the devious ways that were about to be opened to him, receiving an invitation from one of the recognized leaders of his party to apply to the railroad corporations for the transportation that would carry him over the State—giving him information that would tempt him to apply for Pullman passes, and, as will be shown a little later, induced him to apply for telegraph franks and little accessories that seemed to be necessary in the early stages of the work of debauching public officials.

Counsel for Senator LORIMER in his brief filed here has declared that Charles A. White is a moral leper, and we all concede it; but there was no leprosy about him when he first became acquainted with Lee O'Neil Browne. Nobody shunned White on account of his leprosy at the time he became acquainted with the Senator from Illinois. If he is a leper, or if he was a leper in the fall of 1909, he was stricken with the malady sometime between the date when Lee O'Neil Browne tempted him by suggesting that he get passes from the railroad and Pullman companies and franks from the telegraph companies and the time when he accepted from Lee O'Neil Browne the money for his vote for Mr. LORIMER for United States Senator from Illinois. I do not believe it was charged, even then, that he was a leper. It is only since the exposure came—since this man, either from a good motive or a bad one, has unfolded this corrupt condition of things—that he is charged with the disease of leprosy and is made the subject of this wholesale denunciation.

Let us run along with this. We have now reached the 1st of January.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. Certainly.

Mr. DILLINGHAM. I think the Senator has overlooked some evidence relating to Mr. White during the session of 1907, when he was a legislative agent.

Mr. KERN. I have not overlooked it at all.

Mr. DILLINGHAM. Very well.

Mr. KERN. I regarded that evidence as absolutely incredible and unworthy of belief. But even admitting that it was credible, admitting that he said something in 1907 that would indicate that he was corrupt in mind, still Senators must be driven to confess the truth of the proposition that up until the time he encountered the Legislature of Illinois, up until the time he breathed the foul air of that modern political Gomorrah, he was entirely free from this malady of moral leprosy.

I call attention to another fact respecting White, and I hope Senators will not lose sight of it. In this Illinois Legislature, at its commencement, when there was a combination between Democrats and Republicans for the election of E. D. Shurtleff as speaker, Charles A. White was the only man who had the courage to stand out and vote for a Democrat for that position. In so doing he exhibited independence of character rarely found in a young man entirely inexperienced and untrained in political matters.

White testifies that a little later, about the time the legislature convened, he received the passes for which he had applied, as suggested by Lee O'Neil Browne; that he received the Western Union frank and the Pullman transportation; that when the Illinois Central pass was handed to him it was accompanied by a request that he vote against a certain bill in which that company was interested. Mr. White testifies to conditions in Springfield that disclose some things as to the method of conducting affairs there that are not testified to nor contradicted by anybody else. For instance, he testifies that there were 137 janitors in the lower house of the legislature, and that he was allowed to name a janitor who did not do a day's work during the whole session, so far as he knew, and that the most reckless extravagance prevailed on every hand. That was the condition of things in Springfield at the time Mr. Lee O'Neil Browne began to exert his baleful influence over this inexperienced young Tennesseean.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. KERN. I do.

Mr. HITCHCOCK. I suggest the absence of a quorum, Mr. President, if it does not annoy the Senator.

Mr. KERN. Not at all.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lippitt	Shively
Bailey	Curtis	Lodge	Simmons
Bourne	Dillingham	Lorimer	Smith, Ariz.
Brandegee	du Pont	McLean	Smith, Md.
Briggs	Foster	Martin, Va.	Smith, S. C.
Bristow	Gallinger	Martine, N. J.	Smoot
Bryan	Gardner	Myers	Stephenson
Burton	Guggenheim	Nelson	Stone
Catron	Heyburn	O'Gorman	Sutherland
Clapp	Hitchcock	Overman	Townsend
Crawford	Johnston, Ala.	Page	Warren
Culberson	Jones	Perkins	Wetmore
Cullom	Kern	Pomerene	Williams

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senator from Indiana will proceed.

Mr. KERN. Respecting the election of Senator LORIMER and the connection of Mr. White with that election, I read from White's testimony on page 2469, which refers to a conversation between White and Lee O'Neil Browne on the subject of the senatorial election. It was after their first conversation on the subject in which Browne had proposed to pay White for his vote, but had not named the purchase price:

Mr. WHITE. I went to his room.
Mr. MARBLE. Who was there.
Mr. WHITE. Mr. Browne.
Mr. MARBLE. Anyone else
Mr. WHITE. No, sir.
Mr. MARBLE. What was said then?
Mr. WHITE. He said, "Charlie, old boy, what seems to be troubling you?" I told him, "Nothing, Lee, only I would like to know what the members are getting out of this proposition, or what I am to get out of it." I do not remember the exact language now. He said, "Can't you trust that to me, old boy?" I said, "Yes, I can do that; but I want to know." He said, "You are to get $1,000, and it is ready cash, too." I told him all right; that that was what I wanted. He cautioned me again about keeping quiet. He said, "Don't talk to anyone. Keep this under your hat"; and he remarked again that he was suspicious of the little place above there that they called Joliet.
Mr. MARBLE. Was anything else said:
Mr. WHITE. That is the substance of the conversation then. During that conversation I did ask him what there was from the other resources. He said, "The jack pot won't be distributed for about three months after the legislature adjourns. There will be about that much or possibly a little more later on."

A little later he received from Browne as part payment, as he testifies, a $100 bill, that the bill had some pencil marks on it, and that he gave it back to Browne, telling him he "did not want to take any chances on passing that bill then," or words to that effect, whereupon Browne had the bill changed into others of smaller denominations.

The legislature adjourned about the 4th of June, 1909. On June 9 Mr. White, being impecunious and having started a business in East St. Louis which was not paying him, wrote a letter to Mr. Browne telling him of his financial needs, whereupon Mr. Browne wrote to Mr. White this letter under date of June 9:

My dear Charlie—

I invite attention to the endearing terms in which, in all this correspondence, Mr. Browne addresses Mr. White.

I did not get home until the night of Monday, June 7, when I found your letter awaiting me. I wish you had spoken to me of the matters contained in your letter before we left Springfield. It would have been comparatively easy for me at that time to have advised with you personally and properly. It is far more difficult now, and I would hardly know what to say to you without seeing you personally. In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you sometime within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to, and suggest anything that may be appropriate and proper. You know where I stand, old man, and that I will go my length for you. Should you find it necessary to see me before the end of the next two weeks, you had better arrange to come to Chicago and meet me there. However, as matters stand, and in the way that I am tied up with business matters now, I would prefer to put off the meeting for the length of time I have stated. I want you to feel and realize that I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you any time. My best regards to you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

On June 13, only four days later, another letter having passed from White to Browne, Browne wrote this letter:

OTTAWA, ILL., *June 13, 1909.*

FRIEND CHARLES: Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But, Charlie, I will be in Chicago Tuesday or Wednesday sure (this is under your hat, though, for I do not want to be bothered by every job hunter in Chicago). If you can wait, I'll do my best to see you. I'll be at the Briggs when there.

In haste. BROWNE.

The words "but" and "will," in the sentence "But, Charlie, I will be in Chicago," are italicized.

Mr. White testifies that he went to Chicago; that he received $50 from Mr. Browne on the evening he reached there; that on the next day—I quote from White—

There was some talk about members, etc., and Mr. Browne gave me seventeen $50 bills, picked from a roll of money that he had in his pocket, and said: "There is $850, and with the $100 I gave you in Springfield and the $50 I gave you last night it makes a thousand dollears—all of your LORIMER money." I placed the money in an envelope in my inside coat pocket. He noticed me do this, and he took a safety pin from the table and came over and pinned it in my pocket. He cautioned me not to go back to O'Fallon or East St. Louis and pass the $50 bills at public places, because some one would get suspicious or become suspicious. During this conversation he said that some of the Chicago members wanted to handle the Chicago end of it, but that he was going to handle it himself. He went on to say that a little later on, about the 15th of July, he would be able to give me that much or a little more—possibly a little more. He told me that he expected to be in St. Louis in a few days and meet these members from southern

Illinois and give them their money. I requested him to let me know when he was down there, and I told him I would come over and meet him. He did not do it, though.

Prior to June 24, Mr. White suggested to Browne something about taking a trip. This shows the fellowship that existed between these two men, one a leading lawyer of Illinois, a leader of the Democratic Party of that State, a man of great intelligence, an eloquent and persuasive orator, a man whose personality would of necessity attract young men desirous of advancing their interests and making their way in the world.

The VICE PRESIDENT. The Senator from Indiana will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, before asking that the unfinished business be laid aside I desire to state that I am anxious to take up this chemical schedule bill to-morrow. I do not think it will take us very long to dispose of it. I hope that we may be able to conclude the debate and have a vote on it to-morrow. I recognize, of course, that the matter which is now before the Senate is one of the highest privilege, but I trust that the members of the committee who have it in charge and who are going to participate in the debate will not insist upon keeping this question before the Senate to-morrow to the exclusion of the unfinished business.

I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. WARREN. I take it the Senator from North Carolina means to lay it aside for the day.

Mr. SIMMONS. Certainly. I understand that to be the effect of the request.

The VICE PRESIDENT. Without objection, that order will be followed. The Senator from Indiana will proceed.

Mr. KERN. Mr. President, the date of the payment of the money by Browne to White in Chicago was the 16th of June. A little later Mr. White had written Mr. Browne suggesting a trip of some kind, to which Mr. Browne responded as follows:

OTTAWA, ILL., *June 24, 1909.*

And I invite especial attention to the language of this letter—

DEAR FRIEND CHARLIE: Yours received. Your plan of a trip certainly sounds awful good to me, if it could be brought about, but, unfortunately, I'll not be able to get away at all this summer for any extended trip. You see, I've lost a whole year out of my business, and it will keep me guessing all summer to get my delayed stuff in shape for the fall. If I was situated as you are, I'd plan for a trip out there sure about the 10th of July, and I'd have a good time.

Now, mark these words:

Perhaps, however, you better wait and save the money for the next campaign. I'll see you again before very long. My best regards to you, and—be a good boy.

Always your friend,

B.

He had just paid him $850, a week or so before that, and when the boy is proposing to him a pleasure trip this experienced legislator suggests to him that perhaps he had better save the money for the next campaign. This evidence shows that at the time he paid White the $850 White had no money at all—was utterly impecunious—so that when Browne told him here that he had better "save the money" he could have only referred to the bribe money that he had paid him only a few days before.

This takes us to the 24th of June. On the 14th of July Mr. White received the following telegram, similar in all respects to the messages received by Beckemeyer, Link, Luke, Clark, and perhaps Sheppard:

To Hon. CHAS. WHITE, *O'Fallon, Ill.:*

Meet me to-morrow forenoon without fail at Southern Hotel, St. Louis; wire me answer at once care Briggs House, Chicago.

ROBT. E. WILSON.

The fact that that telegram was sent is not denied. The fact that White responded to it by going to St. Louis on that day is not denied. The fact that he there met Beckemeyer, Link, Luke, Clark, and Shephard is not denied by anybody. The only fact that is denied by Wilson is that he paid them any money on that day. Mr. White gives an account of the meeting at St. Louis and the payment of the money similar to that given by other witnesses. On the following day he received the following letter from Lee O'Neil Browne:

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.:*

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter—

That was a request that Browne had made of White to telegraph the governor in the interest of one Doyle, who desired an appointment—

You have certainly been one of my good old friends since we have become acquainted. I feel sure that that friendship will last just as long as you and I do. I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis—

Referring to the Wilson meeting, which occurred the day before in St. Louis—

I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning and have had a pretty serious time of it. I did not dare to attempt the trip.

That is why I said the other day that Robert E. Wilson, who carried that money to St. Louis on that day, was the accredited agent of Lee O'Neil Browne, who, but for his sickness, would have been there and distributed it himself.

Now, mark the further points of this letter:

I hope everything is all right with you and *satisfactory*—

Italicized—

and that you are happy and *fairly prosperous*—

Italicized—

I hope, before very long, to be able to meet you either in St. Louis or Chicago and talk over old times. I think you and I have got one real good visit coming. Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend,

LEE O'NEIL BROWNE.

Lee O'Neil Browne knew that White had received $900 at the hands of Wilson on the previous day, and it was because of that knowledge that he expressed the hope that "everything is satisfactory and you are fairly prosperous."

Going on a little further, chronologically, we come to the meeting between White and Browne at Chicago, when with some boon companions they took numerous trips on the lake. They remained together several days, and Mr. White describes their performances as a very carnival of debauchery, and in this he is corroborated by other testimony. In testifying as to his financial condition at the conclusion of this period of revelry, Mr. White said:

Well, when I went to Chicago on that trip I had $550. I loaned Mr. Browne $220. Mr. Browne paid me back $20 before I left Chicago after we had made those trips, and I had run out of money, and he let me have that much back to pay my hotel bill. Then afterwards he sent the $200 to me by Mike Giblin—

Who was some kind of a private secretary of Mr. Browne.

On the 27th of August Mr. Lee O'Neil Browne telegraphed Mr. White from Ottawa to Chicago that Mike Giblin would see him the next day at the Briggs House; that Giblin came according to Browne's promise, and refunded to White for Browne the $200 the latter had borrowed. That $200 was spent by September 8, 1909.

It is shown that by this time Charles A. White was thoroughly debauched. He had learned to drink to excess; he had been taken to houses of ill fame; he had been brought into contact with the most depraved people in the world by Lee O'Neil Browne and his other associates who were members of the Illinois Legislature. His downfall was now nearly assured—a pitiful spectacle, as we think back only a year before, when he stood a young man of good habits and high character who was freely received into the company of men of the highest grade in the State of Illinois and enjoyed the confidence of all who knew him. He then, being impecunious, wrote a letter to Browne, as follows:

O'FALLON, ILL., *September 8, 1909.*

Hon. LEE O'NEIL BROWNE, *Ottawa, Ill.*

FRIEND LEE: I don't like to write and ask a favor of you, but if you can accommodate me with a little money until I can get to work at something and pay you back I will certainly appreciate it. This is the honest truth: I have only 90 cents in money—all the money I have in the world—and, you see, I am boarding—have been for eight years. If you can let me have a little money, fill in the amount on this note which I am making to you, and some day you will get every cent of it back.

Everything is quiet here—like Sunday or a holiday every day.

Trusting I will hear from you at an early date, I remain,

Your friend,

CHAS. WHITE.

He inclosed his note for $50, and on the following day—observe the promptness with which this great lawyer and statesman responds to the request of this young man who is now denounced as a leper:

OTTAWA, ILL., *September 9, 1909.*

FRIEND CHARLES: Just got your letter. Am awfully sorry for you, old pal, because I know how true a good fellow and gentleman you are. Your fault, old pal, is in trying to go too ——— fast. You must cut it out for awhile, old boy. I'll do all I can to land you a job, but do not yet know when LORIMER will be able to do anything; or, rather, when he will do anything. But I'll do all I can, Charlie. Am pretty hard up myself, after the fierce vacation we all had, but have managed to scratch out a fifty for you. Hope it will do some good, anyway. I am down at the "grind" again, working like a slave. It's sure h—l, after the "music and flowers" we had for a time this

summer. But when a thing has got to be done I can always shut my teeth and go to it. It's the only way. It's hell, but that's the price we pay for most of the pleasure of life. I always did, at least. Good bye; old man, and God bless you. Wish I could do more for you.

Your friend,

LEE O'NEIL BROWNE.

P. S.—I hope you will do all you can to help James Morris, our old pal, pull through. He must win, he says.

That is September 9. Mr. White, on September 16, telegraphed again. That $50 was sent him. In less than a week Mr. White had requested a conference at Chicago. Browne telegraphed as follows:

OTTAWA, ILL., *September 16, 1909.*

To Hon. CHARLES A. WHITE,
O'Fallon, Ill.:

Impossible to be in Chicago Saturday or Sunday; sorry, but unavoidable.

LEE O'NEIL BROWNE.

A little later White wrote another letter. I do not see that it is dated. It is as follows:

Hon. LEE O'NEIL BROWNE, *Ottawa, Ill.*

FRIEND LEE: I received your telegram yesterday—

Referring to the telegram I have just read—

and I am very sorry I can not get to see you in Chicago Sunday, because I am in such a position here that I am embarrassed to death.

Now, Lee, I don't want you to feel that I am trying to work you or stick you for a dollar, but, by the grace of God, every cent you have let me have you will get back some day with interest.

I am down and out financially. There is no one that I can go to here and get a few dollars from. You can't imagine how it makes a fellow feel to be in such position, and the fall right here on him. I have some clothes waiting me in St. Louis that I ordered six weeks ago. I owe my tailor $85, and he has been expecting me to come in and pay him and get my clothes for the past three weeks. But, like a fool, I went the limit of what I had on my foolish stunt in Chicago, never dreaming that I would spend all I had.

Now, I am going to ask you to try and do me a favor, and if you can I promise you that the obligation will be met and that you won't lose a penny. Will you see if you can get me the money on the note I am inclosing to you ($100)?

That will make $150 I have borrowed from you since I saw you in Chicago about the last of August.

You may have your doubts about me, but my record is open, and I defy any man to show that I have beat any honest debt.

I would like to know as soon as possible about this, because I am in the mire to my neck now. Don't be under the impression that you will lose anything you let me have, because if I live you will get every cent back that I get from you.

With best wishes, your friend, CHAS. WHITE.

He adds:

Lee, I am making this note read for $125 with interest at 6 per cent.

Now I am willing to allow you the additional $25 interest on the $100, so will put it in so there can be no question about interest in case I should die. I need the money and need it bad, and would feel like giving two hundred for one hundred in order to get the money. I am making the note for one year, but if I can pay it in 30 or 60 days I will do so, or just as soon as I can.

WHITE.

Mr. Browne responded September 23. I will not read all this letter. He inclosed a draft for $50. It is, in part, as follows:

I do not know what you are thinking of, my boy, to get yourself into a position of this kind. I do not want to preach to you, but you certainly are not very wise in your generation. I will tell you, Charlie, you must just simply take the situation by the neck and get down to hard tacks and go to work. If you can not get what suits you, get something else. You know that you got to do something, and when you are in that position, do not be too particular about what you do. LORIMER is tied up so that he can not move a hand, at the present time, in the way of getting jobs. When he does get so that he can move, I will do anything in my power to help you. And, as you know, there is no other avenue through which I can move. I am awfully sorry that you are in your present financial condition, Charlie, but really, don't you know, you have nobody to thank for it but yourself. You certainly could have used more judgment and foresight than you have, under the circumstances. Now, brace up, old man, and surprise yourself and everybody else by making good. It is in you, and all you need is a little nerve at the present moment. I hope and trust you will do everything in your power at that convention at Belleville to see that Jim Morris lands. My best regards to you. I will write you again before very long. Am working hard.

Very sincerely, your friend, LEE O'NEIL BROWNE.

October 1, 1909, Mr. White began to make some veiled threats as to what he might do. I call attention to a letter, as follows:

O'FALLON, ILL., *October 1, 1909.*

Hon. LEE O'NEIL BROWNE,
Ottawa, Ill.

FRIEND LEE: I am inclosing you herewith a note for the $50 you loaned me. I appreciate this assistance very much.

I will pay this note off as soon as possible, also the other note for $50 you hold against me. I am doing nothing at all, and can't say when I will find work.

My regrets at present are from my experience that I let the better judgment of myself drift along the wrong channels. I am going to try and aright all of that in some way; can't say what my destiny will be, but I believe it for the best.

Have my ring in pawn for several dollars, and am financially down and out. The future of every man's life brings some interesting surprises, so I presume we should not be surprised at anything in these wonderful day.

If I live long enough I expect to repay you every dollar that you have give me.

Don't be surprised at the future of any action that I may make.

With best wishes, yours,

CHAS. WHITE.

A little later he wrote a letter to Senator LORIMER, as follows:

Hon. WILLIAM H. LORIMER,
Washington, D. C.

MY DEAR SIR: My present circumstances compel me to inquire of you if it is possible for you to assist me in securing a position. I have not found anything in the way of a position since the legislature adjourned, and to be plain with you, and absolutely out of money, with no resources to fall back on. I lost considerable money in a business undertaking and presume I owe somewhere in the neighborhood of $500 now. I do not like to ask you to assist me in securing some sort of a position that will place me on my feet again, but I know of no other person at present that is in a better position that could assist me.

Possibly there is something in the Secret Service or investigation department that you could secure for me. Kindly drop me a line and let me know if you can place me somewhere. With best wishes, I am,

Respectfully, yours,

CHAS. A. WHITE.

O'FALLON, ILL., *October 19, 1909.*

Senator LORIMER did not answer that letter; but on the 24th of October, 1909, the subject matter of that letter is referred to in a letter received by White from Lee O'Neil Browne:

CHICAGO, *October 24, 1909.*

FRIEND CHARLIE: Have been trying to land something for you. I came up yesterday and had a visit with LORIMER in the afternoon for about half an hour. He goes back to Washington in December, at which time he feels that he can probably place you along the lines you suggested in your last letter.

That is a position in the Secret Service that they are promising this young man, who is now fast becoming a leper.

In the meantime, he is arranging to give you a temporary job up here as clerk in some one of the offices.

Who is proposing to give this man, a man who lives away down in southern Illinois, near St. Louis, a position in a county office in Chicago? Senator LORIMER. Why? Why should Lee O'Neil Browne be soliciting Senator LORIMER in the interest of this impecunious young man, who has now become a common borrower and deadbeat, and to whom Senator LORIMER should be under no obligation in the world to procure a position in one of the county offices of Cook County and bestow it upon that kind of a man, who lives 150 or 200 miles from Chicago?

I will get word down home the early part of the week—

Let me go back and read that sentence:

In the meantime, he—

That is, Senator LORIMER—

is arranging to give you a temporary job up here as clerk in some one of the offices. I will get word down home the early part of the week, and then I'll let you know and will come up here and report to LORIMER'S secretary, who will take you out and place you.

Is there no connection between these three men? Are there Senators upon this floor who will stand up and say there is no evidence here connecting Senator LORIMER with Lee O'Neil Browne, connecting Senator LORIMER, Lee O'Neil Browne, and Charles A. White together, in the face of this testimony? Proceeding:

See? The salary of the temporary job will not be very high, probably $75 per month, but it will help you get through all right until I can land you better after a while. If this thing does not suit you well enough to take it, you must wire me at Ottawa as soon as you get it. However, in your present condition, I think you had best take it. I am awfully sorry, Charley, that you are situated as you are, but really you are not entitled to a whole lot of sympathy, it's largely your own fault, you must get down to cover and learn that you must cut your coat according to your cloth. You know I am fond of you and will do anything I can, but this does not blind me to your faults and the fact that you are not at all consistent in your expenditures. My very best regards to you, old pal, and remember that I will do all I can.

Your friend,

LEE O'NEIL BROWNE.

November 2, a little over a week after that time, comes this telegram to Charles A. White from Lee O'Neil Browne:

Dated OTTAWA, ILL., *2d.*

To Hon. CHARLES A. WHITE,
City:

Report to Charles Ward, secretary to Senator LORIMER, ninth floor Rookery Building, Chicago, at once. Tell him James L. Monaghan, in the Country Building—

"County Building," it should be—

wired me to have you report for duty. If you do not find Ward, go at once to Monaghan; he has you placed. Wire me at once, so I may know you got this letter to you to-day, care Briggs House.

LEE O'NEIL BROWNE.

Another telegram, November 1, that should have preceded the last one read, is one to Lee O'Neil Browne, as follows:

CHICAGO, ILL., *November 1.*

LEE O'NEIL BROWNE,
Ottawa, Ill.:

Send White to me. Have arranged for him to work week ago.

JAMES L. MONAGHAN.

The next day the following letter from Lee O'Neil Browne was received by White:

OTTAWA, ILL., *November 2, 1909.*

Hon. CHARLES A. WHITE,
C/o Briggs House, Corner Randolph Street & Fifth Avenue, Chicago, Ill.

FRIEND CHARLIE: I inclose telegram received by me this morning from James L. Monaghan, in the county building of Chicago. He "owns" one of the offices in the county building, and can be found

there. He is one of the prominent fellows in Cook County, and everybody knows him. I wired you this morning, instructing you to go to Chicago at once. You are to go at once to Charles A. Ward, secretary to Senator LORIMER, on the ninth floor of the Rookery building, on La Salle Street, and tell him who you are and that you were sent there by me in response to a telegram from Monaghan. He will at once take you over to Monaghan, or send you over to him with a note. In case you find Ward out, you will go at once to Monaghan and tell him who you are and that you were sent there by me in response to his telegram. Monaghan will at once place you at work. As I told you in a letter some days ago, this job is only temporary, and will pay you probably $75 a month. As soon as Congress opens in December, or shortly after, LORIMER thinks that he will be able to place you at something more remunerative, and something that will enable you to be in your home district more of the time. In any event, this was the best that I could do for you at this time, and, under the circumstances, it will help out a whole lot.

Signed "Lee O'Neil Browne," after a moral lecture delivered to Mr. White as to his future conduct in the concluding part of the letter. November 5 White wires down again for $25, and I believe he had no answer to his telegram. A little later Mr. White telegraphed Lee O'Neil Browne as follows:

CHICAGO, ILL.

HON. LEE O'NEIL BROWNE,
Ottawa, Ill.:

Kindly inform Charles Ward, LORIMER's secretary, that I will not accept temporary $75 position.

CHARLES A. WHITE.

That is the end of the story, Mr. President, up to that time. Here was a man, utterly broken financially, impecunious, a borrower, who had become thoroughly debauched from association with statesmen of the type of Lee O'Neil Browne, rapidly approaching that period when he might be pronounced a common "dead beat," beginning to threaten as to what he might do in the future. Then follow these efforts on the part of Lee O'Neil Browne and of the Senator from Illinois to placate him, finally culminating in their securing for him and offering to him a position in a Republican county office in Cook County. I spoke a moment ago of this queer situation of a United States Senator securing a position for a citizen and voter of southern Illinois in one of the county offices in Cook County. It becomes still more strange when we consider that the man applying for the office is a Democrat of pronounced type and one to whom this Republican Senator is presumably under no obligations whatever.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. Will the Senator from Indiana indicate in what part of the record there can be found any testimony which will even suggest that in any sense of the word LORIMER was trying to placate White?

Mr. KERN. If it is not shown in the correspondence; if it is not shown by the fact that, in response to a letter written by White to LORIMER, Lee O'Neil Browne suggests that LORIMER will place White by and by in the Secret Service of the Government, and temporarily in a Republican county office in Chicago—if that does not show it, then there is no force or effect in plain words written plainly.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana further yield to the Senator from Illinois?

Mr. KERN. Yes.

Mr. LORIMER. Would the Senator from Indiana have the Senate understand that he belives that when a Senator attempts to aid a man who has voted for him for United States Senator to secure an appointment of any kind at any place that is an evidence of corruption?

Mr. KERN. Is that your question?

Mr. LORIMER. That is the question.

Mr. KERN. Standing by itself, I would say "no"; but taken in connection with the thousands of circumstances that surround this case, I would say "yes."

Mr. LORIMER. Then will the Senator indicate what testimony there is in the record that tends to show that in any way the Senator from Illinois was trying to placate White, because of knowledge on the part of White of any corruption in the election of a United States Senator?

Mr. KERN. I will come to the relationship between the Senator and Lee O'Neil Browne a little later on; and it is upon that relationship, testified to by both, and the subsequent conduct of the three parties concerned that I have made the statement which I have made.

Mr. President, much has been said in this controversy about the source from which this money came in the first place. The original source of the corruption, I am free to state, has not been discovered. I might add that the first source of money employed in legislative corruption has been discovered but few times in this country. The men who originally furnish the money are so hidden and have such facilities for protecting themselves that it is almost impossible to catch them in any dragnets that may be thrown out. There is testimony showing that a man who was seemingly more vitally interested in the election of Senator LORIMER than anyone else was talking about money, was seeking to collect money, was making statements about where contributions for reimbursement might be sent, but as to the original source, there is no evidence here which satisfactorily discloses it.

The record shows a sharp issue of veracity between Clarence S. Funk, general manager of the International Harvester Co., and Edward Hines, a millionaire lumber dealer of Chicago, who seems to have been one of Senator LORIMER's chief supporters, concerning a conversation which occurred between them a few days after the senatorial election.

Mr. Funk, who had not been interested in political matters and unquestionably a man of high character, testified very positively that a few days after the election he met Hines casually in the large lounging room of the Union League Club of Chicago, of which club both were members; that Hines approached him saying, "Hello! you are just the man I am looking for," or "that I wanted to see"; that they walked over to a couch and sat down, when Hines proceeded as follows: "Well, we put LORIMER over down at Springfield, but it cost us $100,000 to do it," or "about $100,000"; that Hines went on to explain that they had to act quickly when the time came and did not have time to consult anybody. Then he said, "So we put up the money. Now we are seeing some of our friends to get the matter fixed up." That Funk then inquired about how much he was getting from his different friends, and he said, "Well, we can only go to a few big people, but if about 10 of us would put up about $10,000 apiece we would clean it up." Funk then asked him why he came to him, and he said, "Because you are as much interested as anybody in having the right kind of a man in Washington"; that in the conversation Hines said, "Just send the money to Ed. Tilden." Funk swears that he refused to have anything to do with it, saying "We are not in that kind of business."

Mr. Hines admits meeting Mr. Funk at the Union League Club, fixes the date as May 27, the day following the senatorial election, and also admits that a conversation occurred respecting the election of Senator LORIMER.

He says that he was sitting on a sofa in the main lounging room with two of his employees, Baker and Hall, and one Carney, a lumber dealer of Marinette, Wis., talking over a lumber deal; that he saw Funk approaching them and arose and shook hands with him; that Funk said, "I am very glad to hear that Mr. LORIMER has been elected Senator," or words to that effect, whereupon he—Hines—said, "I am pleased that you are glad that he is, and he ought to make a good representative of the State"; that Funk then said, "I would like very much, at your earliest convenience—or convenience—if you would arrange to introduce me to Senator LORIMER. I have never met him, and I would like to have you introduce me to him," to which Hines rejoined that he would be pleased to do so; that Funk then took him—Hines—by the arm, and they walked toward the club exit, and that at the exit Funk said: "The Senator must have been put to more or less expense in the contest for the Senatorship, and he ought not to stand that. The business interests ought to take it off his hands. We would like to contribute to that expense"; that he—Hines—replied that he did not know anything about the matter but would see and let him know; that Funk then left, and he—Hines—returned to the sofa, where Carney, Baker, and Hall had remained while this conversation with Funk had been taking place.

Notwithstanding the partial corroboration of Hines's story by his friend and customer, Carney, and his employees, Baker and Hall, all of whom testify that they saw Funk approach Hines in the Union League Club and heard him express pleasure at the election of Senator LORIMER, I am thoroughly convinced of the absolute truth of the testimony of Clarence S. Funk, and if the Senate will indulge me I will give the reasons for that belief.

In the first place, Mr. Funk declares that he had taken no interest in the senatorial election and had not the slightest personal feeling against Senator LORIMER.

As shown by the testimony of Cyrus H. McCormick and by his conduct on the witness stand, Mr. Funk is a modest, quiet man, not given to much talking. He bears the reputation of an honorable gentleman, and no evidence was offered by way of impeachment of that reputation.

In this connection, I wish to say, I have a letter this morning from one of the most prominent Republicans in Indiana, one of the greatest manufacturers in the country, Joseph D. Oliver, of

the great Oliver Chilled Plow Works, at South Bend, Ind. He addresses his brother-in-law, Hon. George Ford, and says:

OFFICE OF THE PRESIDENT,
OLIVER CHILLED PLOW WORKS,
South Bend, Ind., June 5, 1912.

Hon. GEORGE FORD,
South Bend, Ind.

MY DEAR MR. FORD: The Lorimer case now pending in the United States Senate, in which the Hon. JOHN W. KERN, United States Senator from Indiana, is an active participant, presents some very peculiar features which, in my opinion, are totally unwarranted. The friends of Mr. LORIMER, in an attempt to bolster up his case, have raised the question of veracity betwen Mr. Clarence S. Funk, general manager of the International Harvester Co., and Edward Hines, of the Edward Hines Lumber Co. Mr. Funk is attacked in the most outrageous and indecent manner, his private character assailed, and every possible effort made to discredit him. This is vindictive persecution and should not be tolerated. I know Mr. Funk intimately and well. I know that among his Chicago neighbors and friends his word is regarded as unimpeachable, and of my own experience I know that he is thoroughly reliable and in all respects a man of the highest character.

I deem it my duty to go on record as a believer in Mr. Funk's rectitude as against all defamers, and I wish Senator KERN to know my views on the subject. Because of your long-standing personal acquaintance with Mr. KERN and the fact that he does not know me personally, I venture to ask your good offices in placing my views before him for such use as he may care to make of them, together with any comments of your own that may occur to you as being proper under the circumstances.

Very sincerely, yours, JOSEPH D. OLIVER.

At the first apportunity Mr. Funk related the circumstances of his meeting and conversation with Hines to his superior officer, Mr. McCormick, and to Edgar A. Bancroft, attorney for the Harvester Co., in substantially the same way he related it to the committee. Afterwards, when the question of corruption in the senatorial election became a subject of general discussion in the newspapers, in the clubs, and elsewhere, he repeated the same statement in confidence to his friend, H. H. Kohlsaat. There was no earthly reason why this man of irreproachable character and high standing, connected in no way, directly or indirectly, with any of the political factions in Illinois, having, as he swears, no particle of ill will toward Mr. LORIMER, should invent and repeat a deliberate falsehood and follow it up with the commission of willful perjury in his statements before the committee.

On the other hand, Edward Hines never repeated his version of the conversation to any living soul save to his attorneys until he stated it on the witness stand before the committee.

Funk told this story on the 5th of April, 1911, before the Helm investigating committee at Springfield. It was widely published throughout the United States and was the subject of general discussion.

Mr. Hines had appeared before that committee previous to that date, namely, on March 28, and testified positively that he had never discussed with anyone the question of raising money to aid in Mr. LORIMER's election, and that he never heard the question of raising money discussed either before or after the election. (See p. 32, Report of Helm Committee.)

On April 25 Mr. C. F. Wiehe, Hines's brother-in-law and business associate, appeared before the Helm committee, took part in the cross-examination of a witness, and stated to the committee in writing that he was there representing Edward Hines.

Mr. Hines was interviewed by newspaper reporters, but made to none of them the statement that Funk had approached him with the proposition to contribute to a fund for the reimbursement of Senator LORIMER. The fact that a voluble talker like Mr. Hines concealed this important fact would naturally excite astonishment amongst those who knew him, but the testimony of his star witness, Baker, throws much light upon his remarkable reticence.

I invite the attention of those who are interested in this matter to the wonderful performance of this man Isaac Baker, by whom Mr. Hines undertakes to corroborate his own testimony.

Mr. Baker testified on direct examination, with great attention to every detail, of the meeting between Funk and Hines, that Hines, Hall, and himself had gone together to the Union League Club in an automobile to meet Mr. Carney; that after their arrival the four of them sat together on a lounge on the left side of the entrance discussing the value of the lumber which Carney was proposing to sell to Hines; that a gentleman came up and said, "How do you do, Mr. Hines," and Hines got up and shook hands with him, and he made the remark, "I see that Senator LORIMER is elected, and I am glad of it." Mr. Hines said, "Yes; I think he will make a good representative"; and the gentleman said, "I have never met the Senator, and I would like to be introduced to him." At that he turned around and they walked off toward the exit, about 10 feet from the lounge, and engaged in further conversation, which he did not hear, after which Mr. Hines returned to the lounge and said to Mr. Carney, "That is Mr. Funk, the general superintendent of the International Harvester Co.—a small man for a large position," or something to that effect. (Vol. 2, pp. 1431–1432.)

He remembered distinctly that as Hines and Funk left the lounge Funk took hold of Hines's left arm at or near the elbow. (Vol. 2, p. 1448.) Now, remember that Funk had testified before the Helm committee on April 5. Baker says he first discussed the Funk testimony with Hines about 10 days thereafter, which would make that conversation about April 15, 1911. (Vol. 2, p. 1441). That in that conversation he asked Hines if that was the man we met at the Union League Club; that he was surprised to see the testimony he had given after he seemed so pleased when he met Mr. Hines in regard to the election of Senator LORIMER. "Then," he says, "Mr. Hines wanted to know how we came to be there—

That was on the 15th of April when Baker and Hines were discussing Funk's testimony—

Mr. Hines wanted to know how we came to be there, and I said we were there on some business, and he wanted to know who was there with us, and I told him I thought one of our managers was there, because we had telegraphed the manager of our mill and met him there. (Vol. 2, p. 1442.)

Mr. Hines said he could not remember who was there at the time. "I thought it was Mr. Whitten, one of our general managers, and he thought it was another one of them, and found out it was not.

Now, listen—

I was then going to Buffalo and Cleveland, and I told him it was some lumber deal, and it might have been one of our customers in Cleveland or Buffalo who was there, and he told me to go and see them and find out if they were there about that time, which I did, and found they were not. (Vol. 2, p. 1442.)

This witness says that he went to see Mr. Gynn, of Cleveland, in May, and then inquired of Mr. McLeod in Buffalo, and then of Mr. Silverthorn, of Tonawanda. He swears that during this time he had no recollection that Hall or Mr. Carney were present. The evidence shows that this search for the right men continued from April 15 until some time in June.

On June 8, more than two months after Funk had testified at Springfield, Mr. Carney received a letter written by Edward Hines, asking him to go over his records and memoranda and see if he did not come to Chicago to meet him (Hines) during the latter part of May, 1909. In the letter Hines says he has a recollection of meeting him (Carney) about that time, and adds—mark the words—

Can you find out if you were in the city and whether you met me between May 26 and June 1, 1909, as I wish to place an incident about the time you met me?

Yours, very truly, EDWARD HINES.

(Vol. 1, p. 1050.)

Let it be observed that the versatile Mr. Hines had an incident in his possession that he was exceedingly anxious to "place." He could not "place" it prior to the 26th, which was the date of LORIMER's election, but would not hesitate to "place" it on any day thereafter, which might correspond in a general way with the Funk testimony.

Carney responded by telephone, informing Hines that he was in Chicago May 26 and 27. He swears that after thinking the matter over he had no recollection of the meeting in the Union League Club, that the matter had passed out of his mind entirely, but that after 20 minutes' conversation with Hines on the 10th of June, when he was made to remember that he, with Hall, Baker, and Hines, was sitting on a lounge in the Union League Club talking when a man with a smile on his face came up and Hines got up and stepped out 3 or 4 feet to meet and greet him; that witness could not hear a word that passed between them; that Hines and the stranger walked off, as he believed, out of sight (vol. 1, p. 1053); that after an absence of four or five minutes Hines returned and said, "Well, Carney, that is not a very heavy fellow for a fellow holding down a big job, is he?" I said, "No, sir; he is not." He said, "That is Mr. Funk, general manager of the International Harvester Co." Witness says he never saw Funk before or since. (Vol. 1, p. 1048.)

Mr. Hall remembers his movements on the 27th of May, 1909, with great accuracy from the time he had his breakfast until he went with Hines and Baker and met Carney at the Union League Club; remembers how he sat with reference to Hines; saw a man come up and shake hands with Hines, saying, "How do you do, Mr. Hines?"; that Hines called the man Mr. Funk; that Hines and Funk stood right in front of him and talked, Funk saying, "I am very glad that Mr. LORIMER has been elected Senator." Hines expressed himself as being pleased, whereupon Funk asked Hines to introduce him to the Senator at his convenience. Then Funk took Hines by the arm and they walked out 10 or 12 feet and stood in plain view of the men on the sofa for two or three minutes; Hines came back and said, "There is Mr. Funk, general manager of the International Harvester Co.," and he spoke of his being a small man for a large job. (Vol. 1, pp. 1064–1065.)

Mr. Hall says that he was in Chicago when Funk testified in Springfield—read that testimony April 6. That from April 6 until June 1 the circumstances of the Funk-Hines conversation came back to him gradually, so that on the latter date he broached the subject to Mr. Hines, and a little later found substantial unanimity of sentiment could be reached between the four parties on the sofa, and so the incident that Mr. Hines had been carrying around with him for two months was finally placed.

In this connection it might be well to refer to other distinguished services rendered by Mr. Isaac Baker to his employer.

It is agreed by all parties that on the day of Senator LORIMER's election Mr. Hines was in the room of Wirt H. Cook in the Grand Pacific Hotel and there had a conversation with some one at Springfield concerning the election. That episode will be discussed by another member of the committee. It is also agreed that at least four persons were present at the time of that conversation, namely, Hines and Wiehe, Cook and O'Brien.

But Mr. Hines insists that a fifth person was there in the presence of Isaac Baker. O'Brien, who is not unfriendly toward Hines, swears that he saw no person in the room other than the four above named; and Cook swears that he believes Wiehe was there, and is sure that Wiehe and Baker both were not there. (Vol. 1, pp. 628–689.)

In placing this incident it was convenient to have Baker there as the fifth man, and Wiehe and Baker, like parrots, repeat the story of the telephone conversation as told by Hines.

Also in this connection, as illustrating Mr. Hines's methods of procedure, his notions of propriety, and the accuracy of his memory, I will call attention to his efforts to induce Cook and O'Brien to leave Chicago at the time the grand-jury investigation of the White exposure was in progress, to evade the process of the grand jury.

I might add, in passing, that that was a strange performance for a man who had been engaged in a telephone conversation in which there was no harm. According to his version of the conversation there was nothing particularly wrong about it. According to the version of the conversation as heard by Cook, it was a proposition to take or send money to Springfield to influence the senatorial election, if necessary. So, I say, these efforts to induce men who listened to the conversation to get out of the way of the grand jury, lest they might repeat the conversation to that body, is somewhat of a suspicious circumstance.

Mr. Hines testified very positively (vol. 1, p. 877) that he received a telephone message from some one in Duluth, stating that Cook had been talking in a hotel in Duluth and on a train about having heard a conversation in his room in which he—Hines—had talked to some public men, and about that time the grand jury was in session in Chicago investigating jackpot bribery. The Duluth gentleman told him that if Cook was talking promiscuously like that around Chicago, it would have the effect of getting his—Hines—name drawn into it, and if there was anything in the conversation it might be well for him—Hines—to see Cook and caution him not to repeat it; that he thereupon called up Wiehe by telephone, but he was not in. After Wiehe returned from the theater, he called up Hines to see what was wanted, and Hines swears as follows as to his instructions to Cook:

> I said possibly Mr. Cook is unconsciously referring to that conversation and repeating parts of it, and if he does so around the hotels in Chicago it may come to the knowledge of the State's attorney or some of his associates, and he will be subpœnaed, and it would draw me to the State's attorney's office; and if so, I would have to disclose the conversation; that I felt that disclosing it would place some people in an embarrassing position, like Gov. Deneen, politically. It had no bearing on any information or anything affecting the subject which they were trying, as I understand, to trace down, and I would not wish to have the conversation come up. Mr. Wiehe said he would go down and explain to Cook and not have him do any talking. (Vol. 1, p. 878.)

In other words, Mr. Hines declares that the only thing he requested Wiehe to do was to go down and see Cook and request Cook not to talk.

This conversation, if it occurred, according to Hines's testimony showed a noble spirit. First, the telephone conversation, if related to the grand jury, would only burden that busybody with irrelevant matter which could throw no possible light on the subjects of its inquiry. Then the great sympathetic heart of Hines was moved compassionately toward Gov. Deneen, whom he desired to protect from any kind of embarrassment. It revealed the noble sentiments of a Christian gentleman.

But let us hear the story from his kinsman, Mr. Wiehe, who having told the story previously before the Helm committee, could not afford to "place the incident" in accordance with Hines's memory, and unfortunately the scene was so staged that the handy Mr. Isaac Baker could not be brought in.

Wiehe swears that on his return from the theater on that night he was informed that Hines had been calling for him—that he called up Hines, and that Hines told him that Cook and O'Brien were at the Grand Pacific Hotel and asked him to go down and see them. He—Hines—said the grand jury was in session, that a subpœna was out for them, that they were to be subpœnaed, and asked him—Wiehe—to tell them to keep out of the way until the matter was over. (Vol. 2, pp. 1730, 1371–1377.)

Cook and O'Brien both swear that Wiehe came to the hotel at midnight without collar, looking as if he had just got out of bed. (Vol. 1, pp. 631–697.)

Cook says that Wiehe wanted them to get out of town, saying that Hines had just called him out of bed and told him that LORIMER had just called him up and said we were in town, and wanted us to get out right away quick, or they would have us before the grand jury the next morning. (Vol. 1, p. 631.)

O'Brien, evidently friendly to both Hines and Senator LORIMER, testified that Wiehe came to the hotel and told them that Senator LORIMER had called up Mr. Hines and told him we were in town and that Hines had sent him down there to tell us to leave town, that the grand jury was in session, and that they were afraid we would be taken before it. O'Brien told Wiehe that there was no train out of town anyway, and that he did not know that he had done anything that required him to leave town.

O'Brien also testified that Wiehe told them on that occasion that there had been some talk about the telephone conversation that Hines had in Cook's room, and that was one of the reasons for urging their departure. (Vol, 1, pp. 695–698.)

I hope Senators will not lose sight of the fact that Mr. Hines stated on his oath that his only reason for sending Wiehe on this midnight mission was because some one at Duluth had informed him of Cook's volubility, and that the message sent was to Cook alone. I call attention to the following from Mr. Hines's testimony on this subject (vol. 1, p. 970):

> Senator KERN. Had you heard that O'Brien had been talking, too?
> Mr. HINES. No, sir.
> Senator KERN. Why did you send word for O'Brien to leave town, too?
> Mr. HINES. I sent word to Mr. Cook.
> Senator KERN. Did you not send word by Mr. Wiehe for Cook and O'Brien to leave town?
> Mr. HINES. No.
> * * * * * * *
> Senator KERN. You said nothing to Wiehe about O'Brien at all?
> Mr. HINES. No, sir.
> Senator KERN. Did you know that O'Brien was with Cook?
> Mr. HINES. No, sir; I did not.

Here, then, we have this man on a highly important question squarely contradicted not only by Cook, who is his enemy, but by O'Brien, who is his friend, and by his business associate and kinsman, Mr. Wiehe.

The main question to which all this is addressed is as to whether Edward Hines is a truthful man, and whether his word is to be weighed against that of Clarence S. Funk.

Another sharp issue of veracity which tends to throw light on this main question is presented by the testimony of Herman H. Hettler, a highly reputable business man of Chicago, president of the Herman H. Hettler Lumber Co.

Mr. Hettler testified that in the afternoon of May 26, the day of the senatorial election, he was in the Union League Club, purchasing cigars at the cigar stand, when Hines touched him on the shoulder and said, "Do you know the name of your new Senator?" and on receiving a negative answer, Hines continued: "It is LORIMER. He has been elected. I just finished talking with him—just left this moment," waving his hand in the direction of the telephone booth, and went on to say: "I elected him. I did it myself." (Vol. 1, pp. 1389–1390.)

Mr. Hines, while admitting that he had a conversation with Hettler that day, just after coming out of the telephone booth at the Union League Club, denies that he said he had elected LORIMER or that he had been talking with him. He swears that he does not know where Wiehe was at the moment, but that he must have been near. (Vol. 1, pp. 916–947.)

Mr. Wiehe, now almost as omnipresent as the gifted Baker, swears that he was right there and that no such conversation as that detailed by Hettler occurred. (Vol. 2, pp. 1632–1633.)

Mr. Hettler testified with absolute certainty that Mr. Wiehe, whom he knows very well, was not present at all. (Vol. 2, p. 1401.)

Donald M. Frame, the cigar clerk at the Union League Club, who was selling the cigars to Mr. Hettler, corroborates that gentleman to the extent of testifying that his attention was attracted by Mr. Hines's remark that "I have elected LORIMER our next Senator."

The variance between the testimony of Senator Aldrich and Mr. Hines on many points is sharp and striking. Senator

Aldrich contradicted squarely many of the statements made by Hines. There are numerous other illustrations in this record of Mr. Hines's treacherous memory—too numerous to review in detail.

During the closing days of the investigation a circumstance developed which throws much light on Mr. Hines's character and methods.

Miss Helen M. Seevers, a young lady of this city, telegraph operator at the Willard Hotel, testified that about two weeks previous to February 8, 1912, she had received and sent a message from A. C. Bailey, one of the Burns detectives who had testified at the hearings, to a Mr. Kerr. That shortly afterwards, on the same day, Edward Hines came up and asked her to show him the message that Bailey had filed. She continued:

I told him it was impossible; that it was against the rules of the company to show any messages at all. He said he knew it was, but that it meant a lot to him, and he would like to see the message. He said, "I will give you something if you will let me see it." So I said, "Well, I couldn't take it." I wouldn't be bribed in that way when I knew I was doing right. So then he said, "I will come back later, and you think it over." Then he came back later in the day, and asked if I had thought it over. I told him yes, but that he couldn't see the message.

Her testimony proceeded as follows:

Mr. HEALY. Did he exhibit any money?
Miss SEEVERS. Why, he offered me some money; yes, sir.
Mr. HEALY. Tell us what he offered you—just what happened in that regard. Tell us what he did and what he said about it, if anything.
Miss SEEVERS. Well, he just handed the money. He was in the office at the time, and he went out, and he says, "If you let me see that message," he says, "I will put something in your paw." Then he left the office and came back, and I saw that it was money wrapped up. I don't know how much it was, but I just saw the green. (Vol. 8, pp. 8509–8510.)

Now, how was Mr. Hines to meet that evidence given by a reputable girl who could not be bought? In going through these thousands of pages of testimony, it is refreshing to find some one, even though it be a little girl in Washington, proof against the Hines money—the kind of money that was used in the corruption of the Illinois Legislature. She was absolutely without interest in the case. What was to be done? The services of Baker could not be had. It might be dangerous to attempt to use Wiehe. The committee was ready to adjourn the hearings sine die. So this veracious witness entered upon the only open avenue, took the stand, and testified upon his oath that he had seen her and talked with her at the booth in the Willard on that day; that he had accidentally seen and partially read the message sent by Bailey to Kerr, but that he had uttered no word that could be construed into even a request to see the message, much less a bribe, and that the statements of the young lady to that effect were unqualified falsehoods. This is the man whose word, bolstered by that of his employees, is to outweigh that of Clarence S. Funk.

There is in this record another letter, the genuineness of which is conceded, which throws some light upon the character of Mr. Hines and those associated with him. I refer to the letter contained in the testimony of Charles McGowan, and I will beg the indulgence of the Senate for a moment while I find it.

I do not find the letter just now, Mr. President, so I will not weary the Senate with its reading. It was with reference to another episode which I shall not attempt to discuss, but shall leave to other members of the committee who will have more time and strength than I have to discuss it. I refer to the incident on the sleeping car between Duluth and Virginia, testified to by Mr. William Burgess, a business man of Duluth, whose character is unimpeached. Mr. Burgess swore that Mr. C. F. Wiehe then stated to him in effect that he had contributed $10,000 to the election of Senator LORIMER.

A young man by the name of McGowan, an entire stranger to everybody in the crowded smoking compartment of the sleeping car, where several gentlemen were sitting and others standing, undertook to testify to everything that was said during a two hours' ride on that train; and not only that, but to testify to everything that was not said. That is to say, this witness testified that notwithstanding the noise of the train, notwithstanding the fact that the smoking compartment of the car was crowded with men engaged in general conversation, notwithstanding the fact the he had never before seen a single man there and had never seen any of them afterwards, save one, he could not only testify to the conversation that occurred but he could testify to the precise location of every man in the compartment, could tell when each man entered, and when each man left, and swore that it would have been impossible for Wiehe to have mentioned LORIMER's name without his hearing it.

I did not believe that story. It was regarded by me as not only improbable but utterly incredible. So, when there was brought forward the testimony of the Burns detectives as to how they had trapped this man, how they had induced him to admit that his testimony here was perjury, I paid no attention to it. That is to say, I did not attend the hearing when the detective witnesses were on the stand, because I felt that it was a waste of time to listen to testimony in rebuttal of evidence like McGowan's, which was so utterly incredible. The detective testified to the facts I have stated—that McGowan had admitted to him that his testimony was perjury, and that testimony I shall not review.

But Mr. McGowan himself admitted, in the closing days of the hearings, that he had written a letter to the detective, Bailey, and it was that letter for which I was just now looking. I will give the substance of it.

It was that after testifying in Washington last summer in this hearing he went to his place of business in Canada; that he found he had lost some money by reason of his absence here in Washington attending the hearing; that he demanded reimbursement from Mr. Hines or Mr. Wiehe or the Hines Lumber Co. The detective testified that McGowan told him he was going to make them "come across" on account of the perjury he had committed for them; that if they did not "come across" he would expose them.

The letter which he afterwards wrote the detective, and the genuineness of which he admits, says, referring to the Hines Lumber Co., "I made them come across, not for as much as I hoped, but I had a hell of a time in getting what I did," or words to that effect, corroborating the statement of the detective that his testimony was perjury, and corroborating the idea that he was paid this money as hush money to prevent an exposure, his testimony in the first instance having been false.

One or two words more, Mr. President, and I think I shall have finished. I wanted, before sitting down, to say something about the relationship existing between the Senator from Illinois and Mr. Lee O'Neil Browne. If there was no connection between them, then much of what I have said is of no weight. Speaking of their relationship, Mr. Lee O'Neil Browne testifies very fully and very plainly.

I read from Senator LORIMER's testimony because in it is incorporated the testimony of Lee O'Neil Browne. These were questions asked by myself:

Senator KERN. I want to ask you something about the activities of Lee O'Neil Browne in your behalf, and the conferences you had with him. I call your attention to Mr. Browne's testimony, on page 4894, where he testified to a promise which he says he exacted from Mr. Shurtleff and yourself concerning the roll call, which I imagine was that there should not be a roll call for you until you had enough votes to elect:

"Senator KENYON. Then when did you exact it from Mr. Lorimer?—Speaking of the promise to which I have just referred.

"Mr. BROWNE. Just as soon as I had any conversation with him in regard to the matter, which was shortly after I saw Mr. Shurtleff—very shortly, because the conferences relative to that campaign commenced to take place in those rooms very shortly after my telling Mr. Shurtleff what I would do.

"Senator KENYON. Did you frequently meet Mr. LORIMER there?

"Mr. BROWNE. Oh, yes; every night, and sometimes there would be half a dozen conferences in the night, the same as there are in any campaign.

"The CHAIRMAN. In the speaker's rooms in the hotel?

"Mr. BROWNE. Yes, sir."

Then, again, on page 4912, a question by myself:

"Senator KERN. I see that your testimony then given was to the effect that 'from that time on the conferences were at night mostly—every night during the stay at Springfield,' and that they lasted sometimes for some hours and sometimes there were a dozen of then in an evening?

"Mr. BROWNE. Yes, sir.

"Senator KERN. And that at those meetings you kept Senator LORIMER posted as to your movements in reference to his candidacy, and that you and Mr. Shurtleff kept each other posted, 'just as any other campaign committee would do?'

"Mr. BROWNE. That is substantially correct.

"Senator KERN. Then those were very busy days and nights there, pushing his candidacy?

"Mr. BROWNE. Yes, sir; all the days and nights down there had been very busy.

"Senator KERN. But at the time I speak of now, when you were holding a dozen conferences in one night, that would be a busy time?

"Mr. BROWNE. Yes; I presume there were evenings when there would be what you might call one long conference entered into, or you might say a dozen separate ones.

"Senator KERN. What would be the purpose of a dozen conferences in one evening? How would that contingency arise?

"Mr. BROWNE. An endeavor to ascertain accurately how some one member or members stood, about whom there would be some doubt.

"Senator KERN. Yes. That is to say, when a question would come up about a member you or some one would go and see the man?

"Mr. BROWNE. Or have some one else go; some one who would see the member.

"Senator KERN. And then you would have another meeting to find out the result of that effort?

"Mr. BROWNE. He would come back and report; yes.

"Senator KERN. You told Mr. LORIMER, during this period, as to just what you were doing toward furthering his canvass?

"Mr. BROWNE. Yes; in a general way.

"Senator KERN. And you went over the list with him?

"Mr. BROWNE. Oh, as I have told you, I probably did frequently, in part. I do not think I ever went over the entire list."

I want to ask you if that accords with your recollection as to what Mr. Browne and other members were doing?

Senator LORIMER. I should say, substantially, yes.

Mr. WILLIAMS (at 3 o'clock and 30 minutes p. m.). Evidently the Senator from Indiana is very much fatigued. He

has not been well. I request that he be permitted to resume his speech to-morrow. He informs me that he can finish in about half an hour.

Mr. KERN. It will take me a very short time to conclude. I expected to finish this evening, but I have been indisposed for some days, and I find the effort this afternoon has exhausted me.

Mr. WARREN. I understand the Senator has yielded the floor for the time being.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Notice will be entered that the Senator from Indiana will proceed with his remarks to-morrow after the morning business.

Mr. WARREN. I move that the Senate take up House bill 24023, the legislative, executive, and judicial appropriation bill.

Mr. CULBERSON. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Martin, Va.	Smith, Ga.
Bacon	Dillingham	Martine, N. J.	Smith, Md.
Bourne	du Pont	Myers	Smith, Mich.
Bradley	Fletcher	O'Gorman	Smith, S. C.
Brandegee	Gallinger	Overman	Smoot
Bristow	Gore	Page	Stephenson
Bryan	Heyburn	Percy	Sutherland
Burton	Johnston, Ala.	Perkins	Thornton
Catron	Jones	Poindexter	Tillman
Clapp	Kern	Pomerene	Townsend
Crawford	Lodge	Reed	Warren
Culberson	Lorimer	Shively	Wetmore
Cullom	McCumber	Simmons	Williams
Cummins	McLean	Smith, Ariz.	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present.

PUBLIC BUILDING AT RICHFORD, VT.

Mr. PAGE. I should like to have the attention of the Senate for just a moment while I ask unanimous consent to have a very small bill passed. It is the bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont. The bill has received a favorable report from the Committee on Public Buildings and Grounds, and I should like to have it passed this afternoon if I can.

Mr. WARREN. I understand it to be somewhat of an emergency matter and a very short measure. If it does not lead to any debate I am willing to yield for that purpose.

Mr. PAGE. If there is any objection to it I will withdraw the request.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost for a public building in the city of Richford, State of Vermont, authorized under section 4 of the act of May 30, 1908, from $60,000 to $74,000, and appropriates $14,000 to provide for such increased cost.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the legislative appropriation bill be proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the committee, on pages 34 and 35, which has been read.

Mr. WARREN. I understand that the amendment, on pages 34 and 35, has been read in full, and an amendment offered to the amendment has been carried. I now ask for the adoption of the amended amendment.

Mr. CUMMINS. I made a suggestion, when we were considering this amendment a day or two ago, and I hope the Senator from Wyoming will agree to that suggestion. Possibly he has forgotten it.

Mr. WARREN. No; if the Senator will allow me, what I understand the Senator from Iowa to want to do is to strike out the language commencing on line 22, page 34, with the word "and," and to strike out the balance of that line and all of line 23 up to the word "any."

Mr. CUMMINS. No. I wish to repeat that I have no objection to the employment of these persons in the Department of State. I do not know whether they are necessary or not, but I assume that the committee has fully investigated that question, and I accept the judgment of the committee with regard to the necessity of these employees.

Mr. WARREN. I understand the Senator, but I supposed those were the words he wanted to have stricken out.

Mr. CUMMINS. I want to strike out beginning with the word "and," in line 22, on page 34, down to and including the word "relations," in line 2, page 35, and then after the word "with," in line 7, page 35, to insert the words "the work of the department," striking out all the portion in italics after the word "with."

Mr. WARREN. That is more than I understood the Senator to want. I understood that he wished to strike out the definition commencing where he commenced the words "and to be employed upon tariff, treaty, and trade relations and negotiations." The committee would have no objection to striking that out if that would suit the Senator. I do not think we should strike out so much as the Senator has now indicated.

Mr. CUMMINS. Mr. President, I do not object to Congress creating four additional divisions, one for the far east and one for Latin America and one for the near east or Europe, but I do not want to create those departments in an appropriation bill if they are not already created.

Mr. WARREN. They are already created, only they were created, as most of these places are, in an appropriation bill, and are in the current law.

Mr. CUMMINS. If that be true, and I do not doubt it——

Mr. OVERMAN. I desire to correct the Senator from Wyoming right there. While they were carried forward in the appropriation bill, they were created by the Secretary of State from a lump sum. That was the original creation.

Mr. WARREN. The Senator is going back, say, four or five years ago.

Mr. OVERMAN. It was done in the tariff act, and that was not four or five years ago.

Mr. WARREN. Each year they have been provided for.

Mr. OVERMAN. But the appropriation of $100,000 was authorized in the tariff act.

Mr. WARREN. That was in 1909, and it is now 1912. It was four years ago, and the appropriation was $75,000.

Mr. OVERMAN. Three years ago.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. The Senator from Iowa had not concluded.

Mr. CUMMINS. I wish to say that while I agreed with what was said the other day respecting the creation of offices under the act of 1909, yet it has been done, as I understand it, and I do not know enough about the subject to ask that it be undone. Therefore I will be content if the words "and to be employed upon tariff, treaty, and trade relations and negotiations" be stricken out of that part of the amendment and the words I have already indicated be inserted and the other language in italics stricken out on page 35.

Mr. WARREN. As to the first, I shall be glad to accept the amendment, but as to the second I do not think I can accept it. Perhaps I do not understand it. Where does the Senator commence? On what line?

Mr. CUMMINS. It would read in this way:

For meeting occasional and unforeseen expenses arising in connection with the work of the department, $25,340.

I do not know that that is a proper sum or not. I assume that the committee has investigated that and I am not sufficiently familiar with the matter to controvert it, but I do oppose putting in the words:

For meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the act of August 5, 1909.

If we have given by any legislation heretofore the authority to the Department of State—and I assume we have—to enter upon negotiations with foreign nations concerning these things, I do not protest; but I do not think that we ought to enlarge that power, whatever it may be, in the appropriation bill.

I do not know precisely what the committee had in mind in describing this work in the manner in which it has described it. The latter part of the proposed amendment refers to the act of 1909. The only authority that was given in that act for the expenditure of any money whatsoever, or the only basis that

was laid for an appropriation, is contained in the last sentence of the first paragraph on page 81 of the tariff act, which says:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

The only authority is to the President to employ such persons as may be required to do the work that is there indicated. Now, the committee says in this amendment:

Including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the act of August 5, 1909.

That would seem to substitute for the President of the United States the Secretary of State, and to authorize him to employ such persons as he might deem best to execute the tariff law; and I can not think that the committee intended power or authority in that matter to be transferred in that way.

Mr. WARREN. I do not wish to interrupt the Senator, but certainly he is wide of what the committee intends and wide of the real facts in the case as to what has happened since.

As I explained the other day, it was the sum of $75,000 and not $100,000, in the first place. The work was done under that original language. A year afterwards in an appropriation bill different language was used and a different amount was named, and precisely these duties were provided which are now contained in this measure.

The committee in considering this matter proposed first to settle the question, Does the Department of State require these men to perform the duties which they are now doing? A careful investigation, in which we had the Secretary of State and several assistants with us, developed very plainly that if we were to sustain the position of the Government in a proper manner with foreign countries and advance these relations that have already been growing in importance relatively, they not only need the officers now but would undoubtedly continue to need them.

So instead of bunching them in exactly as it was last year we put them in with the others in the statutory way. In the latter part of the amendment which the Senator has read we used the exact language that has been current, the language in the last law and in, I think, at least one law before then. I have it here, if the Senator would like to know what it was.

Mr. CUMMINS. If we had it so in the last law, it was wrong, and it ought not to be perpetuated.

Mr. WARREN. That is another matter.

Mr. CUMMINS. Precisely.

Mr. WARREN. It is useless to say that we are acting upon the original $75,000 appropriation.

Mr. CUMMINS. Let us see if we fully understand each other. When we passed the act of 1909 it was urged that a board ought to be created, first, for the purpose of assisting the President in applying the law to the new condition, which was the creation of a maximum and a minimum tariff schedule, and, second, that we ought to authorize the President to employ suitable persons to make an investigation concerning the cost of production at home and abroad.

Mr. BACON rose.

Mr. CUMMINS. In just a moment. I will yield in a moment to the Senator from Georgia.

That, as Senators will remember, was a suggestion made that it was thought would take the place of the Tariff Board that was being urged by some of us upon this side of the Chamber, and notably by the then Senator from Indiana. When the bill was reported, however, it had dwindled into an authority to the President to employ certain person or persons to apply this law, and there was no suggestion with regard to the acquisition of information. There was no thought of interposing the Department of State as one of the preliminaries to the revision or change of a tariff schedule, and the act gave that power only to the President.

Now, if some subsequent act transferred that power to the Department of State it was erroneously transferred. Congress never intended that the Tariff Board should act under the direction of the Department of State. It was bad enough to put it completely under the power of the President of the United States.

That was a course which never met my approval. I think there is still the same demand for an independent Tariff Board, responsible to Congress alone. But we did commit the power finally to the President of the United States to employ these people, and he did employ them with increased appropriations from year to year. I have nothing to say against their work. In the main, I think it has been exceedingly well done and will be very helpful as time goes on. But what we propose to do here is to give that power to the Secretary of State to the extent of the appropriation that is here permitted.

Now, I yield to the Senator from Georgia. I wanted to finish that thought.

Mr. BACON. I simply wanted to see if I am correct in my recollection that when this matter was before the Senate in 1909 the provision as it originally came before the Senate did contemplate some enlarged functions on the part of those who were to be employed, looking to general information in regard to tariff matters. If I am correct in my recollection the then Senator from Maine, Mr. Hale, was very explicit when the provision was changed so as to limit to the performance of the duty which would devolve upon the President strictly to the maximum and minimum provision of the tariff. Questions were propounded to him which brought from him the statement that it was the purpose to exclude everything else. Am I correct? Does the Senator remember it?

Mr. CUMMINS. The Senator from Georgia is entirely correct.

Mr. BACON. Really the purpose for which I rose before, and I would not have done so but the Senator was dividing the two functions to be performed, was to ask the Senator whether he understands that there is still a necessity under the maximum and minimum provision in the tariff law for power to the President to employ any person for that purpose, or whether that is not a function already performed, and not liable again to call for any action on the part of the President. Certainly if so it is an exceptional case.

Mr. CUMMINS. Not with any such generality, of course, as existed in 1909, but I think it is true that the power is a continuing one. If the President of the United States were to find that any nation with which we have dealings had begun to discriminate against us it would not only be within his authority, but it would be his duty to recall the proclamation he had theretofore issued and to impose upon that country our maximum duty.

Mr. BACON. Undoubtedly.

Mr. CUMMINS. So it can be said that there is still necessity for some advice and assistance in this direction.

Mr. BACON. But the Senator does not recognize that there is any such probability of an occasion of that kind arising, certainly with any such degree of frequency as to require the appropriation of a large amount for that purpose.

Mr. CUMMINS. No; I would think not.

Mr. BACON. I think it is true that possibly since the first investigations were made under the act of 1909 nothing has occurred which required any additional action on the part of the President, and so far as we can now anticipate it is not probable that there will be any. Of course it is possible.

Mr. CUMMINS. I want the Senator from Wyoming to distinctly understand my position. I do not want to limit the power or authority of the Department of State; I want it to exercise all the duties—not, however, contained in an ephemeral appropriation act—that it has been authorized to perform. I recognize the great value of the service that it renders. I do not want to diminish the amount of money that is placed at its disposal; but, on the other hand, I protest against creating new duties or giving new directions to the Department of State in an appropriation bill. I intend, I hope, to maintain that position throughout our appropriation measures.

I am opposed to legislation, of an important character at least, that is not very germane in appropriation bills. I know that once in a while we will do a very good thing by legislating in an appropriation bill; we possibly secure an act that we otherwise could not have secured; but, on the other hand, in the long run we will do more bad things than we will do good things by attempting to govern the country in its general policy through the medium of appropriation bills.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. I notice that the Senator read a very interesting and valuable document in his tariff speech on the steel schedule by Mr. Charles M. Pepper.

Mr. CUMMINS. I read during one of my addresses a report made by Charles M. Pepper, who was operating at that time as an employee or agent of the Department of Commerce and Labor.

Mr. OVERMAN. I was just going to call to the attention of the Senate the fact that Charles M. Pepper was an employee of the Department of Commerce and Labor, but, as Mr. Nagel says, they have taken from him some of the most valuable men for the State Department, and one of them is Charles M. Pepper, to whom they pay a salary of $4,500. He

was working under the Department of Commerce and Labor, and, I think, at that time procured all the valuable data which the Senator used, but now he has been transferred to the State Department under this provision, and he is in charge of that work. I want to inform the Senate that that is one of the things they are doing.

Mr. CUMMINS. I can not imagine what objection the Senator from Wyoming can have to this amendment, because it gives the Department of State for expenditure in every way authorized by the law all the sum of money which it is thought necessary for that purpose.

I do not want to take the act of 1909 and give to the Secretary of State or put into the hands of the Department of State the work which was committed to the President under that act. It ought not to be taken away from the President; and I protest against the creation of another agency to deal with the tariff.

Mr. WARREN. Mr. President, I will send the Senator another copy of the bill, so that during the debate he may prepare an amendment to the bill in the Senate, if he should conclude to offer one, though I do not very well understand the necessity for it; but I should like the attention of the Senator for a moment.

The province, as I understand, of the Appropriations Committee is to bring here for the consideration of the Senate appropriations under the law, and not to make law. It is true that in another place they are making law and appropriations at the same time; but surely our province is to appropriate under the law, unless we wish to submit changes of law that we consider important, and then the question would arise as to our right to do so. Here we come to a matter of law. These positions are provided for by law, and, if the Senator will permit me, I am going to have the language of the existing law read, which we followed. There have been some changes this year, and, therefore, in order to reduce it somewhat in expense and to reduce it also in the ambiguity of its language, if there be any, we have left out some of the language and some of the money; but the proposition that the Senator has now before him, and which he desires to change, is existing law, and he proposes to change the law in an appropriation act.

Mr. CUMMINS. Mr. President, I do not think this is existing law. The Senator from Wyoming has not yet apprehended the point I am making. I am not objecting to any office; I am not seeking to strike out any part of this bill which creates an office or which makes an appropriation for an office; but you make an appropriation here of $25,340 for "occasional and unforeseen expenses" in the Department of State. I am not objecting to that, because I can well understand how it might be necessary, but I am objecting to the provision which declares that this $25,340 shall be expended under the—

> Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909.

That act does not provide for any such expenses; it provides for no officers to be appointed by the Secretary of State and no expenses to be made by the Secretary of State.

Mr. WARREN. It is precisely word for word the current law.

Mr. CUMMINS. Will the Senator read the current law?

Mr. WARREN. I have read the current law once or twice; and I will read it now.

Mr. CUMMINS. I shall be glad to have it read.

Mr. WARREN. Probably it would be better if the Senator were to read the language as he has it before him, and I will compare it with the language of the existing law as I have it here.

Mr. CUMMINS. What the Senator has before him is the appropriation act.

Mr. WARREN. That is the law. The Senator's salary and all other salaries are provided for in an appropriation act.

Mr. CUMMINS. I would be glad to have him read the language.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CULBERSON. I thought the Senator had concluded. I do not desire him to yield.

Mr. WARREN. The Senator from Iowa asks me to read the language. It is as follows:

> For meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340.

Mr. CUMMINS. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. I do.

Mr. CUMMINS. I assert that that is not law. It was provided in that act that this sum of money should be expended during the coming year for these purposes.

Mr. LODGE. It is the law until the 1st of July.

Mr. CUMMINS. I am not objecting to the continuance of expenditures until the 1st of July; but it is not the law for the year after the 1st of July. There are no officers provided for. It simply says the Secretary of State may expend certain sums of money for certain purposes during the year; and we are now trying to find out what the Secretary of State should expend for the coming year. If I object to giving him $25,340 for that purpose, I am surely not seeking to overturn any established law. It was a mistake a year ago, and we ought not to perpetuate it now.

I am perfectly willing that he shall have the money, and that he shall expend it for any purpose within the authority of the law or within the scope of the duties of the Secretary of State; but I am not willing, as I said before, to attach him to the act of 1909.

Mr. CULBERSON. Mr. President, it seems to me the Senator from Iowa [Mr. CUMMINS] is entirely correct about this matter. I called attention to it in committee at the time when this amendment was being considered. I presume this amendment at pages 34 and 35 was prepared at the State Department. When it was presented to the full committee there were three places in which the words were inserted "under the provisions of the said act of August 5, 1909." On page 34 that provision was stricken out in two instances, but for some reason it was not stricken out on page 35. So we have an appropriation bill in the present instance providing that certain appointees are to be selected and compensated under the provisions of the act of August 5, 1909, when the provisions of the appropriation bill are in contravention of the act of August 5, 1909, for the simple reason that the act of 1909 provides that the appointments shall be made by the President, whereas this appropriation bill and the appropriation bill of a year ago provided that they should be made by the Secretary of State; that is, in two or three instances.

I agree with the Senator from Iowa that all reference to the act of August 5, 1909, ought either to be stricken out of this bill or that the provisions ought to be made to accord with the act of 1909, so that the appointments shall be made by the President instead of by the Secretary of State.

There is another objection to this provision, Mr. President, unless it can be cleared up to my mind, and that is——

Mr. WARREN. Mr. President——

Mr. CULBERSON. I hope the Senator will let me conclude. I shall take but a few moments. It occurs to me, although I am not entirely satisfied about it, that this amendment provides for a duplication of work in our foreign relations. I call attention to the provisions of the bill on page 136, beginning in line 9, and following, under the head of "Bureau of Foreign and Domestic Commerce":

> Chief of bureau, to be appointed by the President, by and with the advice and consent of the Senate, $4,000; assistant chiefs of bureau, one at $3,000, one at $2,750—

And so on down the line, there being an appropriation made for the Bureau of Foreign and Domestic Commerce under the Department of Commerce and Labor, when the same character of work is provided for in the Senate committee amendment on pages 34 and 35 in this appropriation bill.

Mr. President, to show that I am not entirely wrong in my suspicion about the duplication of this work, I call the Senate's attention to a paragraph of the letter from the Secretary of State to the Committee on Appropriations, of date May 25, 1912, in which he says, writing to the chairman of the committee, the Senator from Wyoming [Mr. WARREN]:

> When I had the pleasure of appearing before your subcommittee day before yesterday you were good enough to suggest that, owing to the impression of a duplication of work between the Department of State and the Department of Commerce and Labor, I should confer with the Secretary of Commerce and Labor and with the President, in order that you might be given such explanations or suggestions by me as would enable the committee to carry out its purpose of eliminating duplications, if any important ones were found to exist while at the same time conserving and strengthening the machinery for the promotion of our great foreign trade.
>
> I have had a conversation with the Secretary of Commerce and Labor, but Mr. Nagel showed a reluctance to address himself to the subject in so far as it passed the direct concern of his own department.

So I suggest, Mr. President, to the chairman of the committee having this bill in charge that this amendment of the Senate committee ought not to be adopted if there is in fact a substantial duplication of the work, first by the State Department

and then by the Department of Commerce and Labor, as indicated by the letter of the Secretary of State and by the provisions of the bill to which I have invited attention.

Mr. OVERMAN. Mr. President, will the Senator from Wyoming yield to me?

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. WARREN. Yes.

Mr. OVERMAN. I think it is proper here, Mr. President, that the Senate should know what the Secretary of Commerce and Labor thinks about this matter. That there is a duplication of work there is no question. I will say that the committee, through the chairman, did inform the Secretary, as is shown in the testimony, that it was desired that the Secretary of State and the Secretary of Commerce and Labor should get together, if they did not like our plan, and suggest some plan by which we could stop this duplication of work. It seems they could not get together, and that ended it. I now read from page 195 of the hearings:

Mr. NAGEL. As you are aware, Mr. Chairman, the House has provided in its bill for the consolidation of the activities of a number of bureaus, chiefly in my department and perhaps one in another department; and it appears to me that this part of the legislation presents a question that perhaps ought to be well considered. When the bill first came out of the committee in the House, it provided for a transfer of the Bureau of Manufactures to the State Department, and for a transfer of the Bureau of Statistics to the Census. I regarded both measures as unfortunate, and did what I could to state my position. The Bureau of Statistics is, as I take it, on the firing line of commercial information, and should not be sent to any other bureau which has more to do with the past. The Bureau of Manufactures is, in my judgment, the foundation of the whole Department of Commerce and Labor, if there ever is to be such a department, and I think, so far, we have only a suggestion of one. During the three years that I have been here I have done everything that I can to build up that bureau. I have endeavored to bring it in touch with the commercial and industrial forces of the country, and have directed to it nearly all of my attention in public speaking, and really hoped to develop something worth while.

Senator OVERMAN. Was not that really the idea of the establishment of that bureau?

Mr. NAGEL. That was my conception of it. Frankly, it has never seemed to me that the State Department should be charged with the immediate development of commercial interests.

Senator WETMORE. Those commercial interests that you have in mind are both domestic and foreign?

Mr. NAGEL. Yes. Of course, I think there ought to be a complete cooperation between the two departments.

The CHAIRMAN. Have you discussed with the State Department these changes as proposed in the House bill? If so, what is their attitude in the matter?

Mr. NAGEL. I will speak of that at once. It has been the subject of discussion from time to time, more especially as between myself and Mr. Wilson. Mr. Wilson and I do not agree, but I prefer to have him speak for himself upon that matter.

Senator OVERMAN. That is in no sense a commercial department of the Government.

Mr. NAGEL. His impression is, as I understand him, that the Bureau of Manufactures properly belongs to that department, and my impression is that inasmuch as it is to represent a commercial department proper, that bureau ought to be in the Department of Commerce and Labor.

Senator WETMORE. You do not think they might be properly kept as they are, foreign relations and trade relations, or perhaps foreign trade relations, if that is the term, in the State Department, and the other part, as I take it, now in your department?

Senator OVERMAN. I do not suppose it is necessary to say so, but it looks to me like a duplication of work. I had something to do with the appropriations for this Bureau of Manufactures and commercial agents. There was great complaint at that time by all the manufacturers of this country that they could not get proper information. These consular officers sent abroad did not look after the interests of the manufacturers of this country, and the consequence was that an appropriation was made for that purpose.

* * * * * * *

Mr. NAGEL. Answering that one question, my understanding of the law is that the consular agents make their reports to my department through the State Department, and under the present practice the State Department first passes upon those reports and then transmits them to us. We then examine them and determine what part is to be made public.

* * * * * * *

Senator OVERMAN. Excuse me for the interruption, but I wanted to get that point clear right there, because we might not come back to that.

* * * * * * *

Mr. NAGEL. As to the Bureau of Trade Relations, I have been careful not to express any opinions, because it involves another department. I know the attitude of Secretary Wilson upon the question and he knows mine. I had assumed that perhaps we would continue just about as we have been doing, but Mr. Wilson is undoubtedly of the opinion that if there is to be a consolidation our bureau ought to go to him, while I am of the opinion that in such an event his ought to come to us. I have just stated the grounds for my contention upon that subject. But be that as it may, as I read the bill, as it comes from the House, the changes in the State Department, if they are to stand at all, are more radical than they should be. It does look to me as though the State Department had been deprived of a number of positions which it should have under all the circumstances, even if the Bureau of Trade Relations, in so far as it has to do with commerce, is transferred or modified. In other words, I think the change is more radical in the State Department than it should be under any view of the case. That involves details as to which I shall be glad to speak with Secretary Knox and endeavor to present the matter to the committee in some well-considered manner. I think that is the way in which we ought to present the matter. In fact, I should be glad to speak with the President about it, and get his direction as to the policy the departments ought to pursue with respect to this proposed change.

In accordance with that request we asked the Secretary of Commerce and Labor to confer with the Secretary of State, and in the hearings you will see what the Secretary of State, Mr. Knox, says about it. It seems that the economy board was about to make a report, as Mr. Nagel understands, recommending these very changes; but the report has been withheld for some reason and has not come to us. Nobody, as I understand, is advocating this trade-relation matter except the Secretary of State himself. Now, to be perfectly fair and just, I want to read what Mr. Knox said about this question:

WORK OF BUREAU OF TRADE RELATIONS.

Recently, for instance, the South has been suffering with an arbitrary tare on cotton, which amounts to about twenty millions of dollars a year. The Bureau of Trade Relations took up that question and examined into the conditions in every cotton market in the world. It got photographs of bales that were shipped from the United States as compared with bales of cotton coming from other parts of the world, and showed the southern planters how they could save that money by a different method of baling. That matter was brought to the attention of the legislatures of the various States, and we never had a more grateful expression than we had from the governors of the States. Nobody hears about these things. They are not sensational. Nobody knows anything about them except the people directly concerned.

DUPLICATION OF WORK.

Senator OVERMAN. Right there, carrying out my idea with reference to that matter of baling cotton, I want to say that I know about that, and I know what has been done.

The people are very grateful; but the fact is that this other bureau has done the very same thing, and has sent its agents down to make speeches. They have made speeches in different parts of the South instructing the people along that very line. There is where the duplication that I am talking about comes in.

Secretary KNOX. But, you see, we have the service to call on for this information. We have an organized service as old as the Government itself, consisting of several hundred members, namely, the Consular Service. We have a consular office in every commercial center of the world.

Senator OVERMAN. That is not the question. It may be that you should do it all.

Secretary KNOX. But I am telling you why we are able to do it at such comparatively small expense. I am not saying a word against the efficiency——

Senator OVERMAN. And I do not want you to.

Secretary KNOX (continuing). Or the necessity of the Bureau of Manufactures in the Department of Commerce and Labor.

Senator OVERMAN. But the question in my mind is, Can this duplication be stopped and money be saved? That is the point.

Secretary KNOX. If there is a duplication at all, it comes in as a minor part of the expenditure of the $29,000 in our Bureau of Trade Relations. Our Bureau of Trade Relations does a great deal that the Department of Commerce and Labor does not do at all, and the total cost of our bureau is $29,000 a year.

That is about what occurred in the committee, without reading it all.

While I am on my feet, Mr. President, I would like to hear some reason for the provision in regard to the officer of whom I am about to speak; the Secretary of State did not give any, and I have heard no reason given why we should provide for the officer who is called the "resident diplomatic officer." He has nothing to do with trade relations, and why should we establish such an office? The amount proposed to be appropriated for his salary was originally $7,500, but, I believe, on motion of the Senator from New Hampshire in the committee, it was reduced to $6,500. I do not see why we should have such an officer as a "resident diplomatic officer" at $6,500. There is an officer, created by the State Department originally, although it is true he has been carried in different appropriation bills, known as the "counselor for the Department of State," to be appointed by the President, by and with the advice and consent of the Senate. I agreed to the provision for that officer, because the former Secretary of State, the distinguished Senator from New York [Mr. ROOT], gave it as his opinion that that officer ought to be continued; but when we have the Secretary of State, the First Assistant Secretary of State at $5,000, the Second Assistant at $4,500, and the Third Assistant at $4,500, why we should have a resident diplomatic officer at a higher salary than the Assistant Secretaries I can not see. When it is in order to do so I want to move to strike out the provision for that officer, so as to perfect the amendment. I think that will be in order. I should like to make a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. OVERMAN. Is it in order to move to strike out certain lines in order to perfect this amendment?

The VICE PRESIDENT. The Chair does not quite understand the Senator.

Mr. OVERMAN. Is it in order to move an amendment to the amendment in order to perfect it?

The VICE PRESIDENT. To the pending amendment?

Mr. OVERMAN. Yes.

The VICE PRESIDENT. Most certainly it is.

Mr. OVERMAN. Then, Mr. President, I move to strike out——

The VICE PRESIDENT. But there is one pending amendment which should be first disposed of.

Mr. OVERMAN. I think I offered that amendment, and, if so, I withdraw it.

The VICE PRESIDENT. The Chair understands an amendment to the amendment was offered by the Senator from Iowa [Mr. CUMMINS], although the present occupant of the chair was not in the chair at the time it was offered.

Mr. WARREN. The Chair is properly advised.

Mr. CUMMINS. My amendment is now pending.

Mr. OVERMAN. I beg the Senator's pardon; I did not know he had offered his amendment. I agree with the Senator from Iowa, and if he will take this testimony and read it he will see what has been done in the Department of State. I think the amendment ought to be amended.

Mr. WARREN. Mr. President, so far as the chairman of the committee is concerned, I am willing to accept, and have accepted, the first amendment of the Senator from Iowa, and am perfectly willing now to accept the second.

The VICE PRESIDENT. The Secretary will state the amendment, as it has not yet been stated, as the Chair is advised.

The SECRETARY. On page 34, lines 22 and 23, it is proposed to strike out the words "and to be employed upon tariff, treaty, and trade relations and negotiations."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. WARREN. That is the whole of that amendment.

The VICE PRESIDENT. That is the whole of the amendment to the amendment. Now the Senator from Iowa offers another amendment, as the Chair understands. Is the Chair right?

Mr. CUMMINS. I offered a second amendment.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 35, line 7, after the word "with," it is proposed to insert "work of the department" and strike out the remainder of the amendment down to and including the words "and nine," in line 15.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. CULBERSON. What is the last amendment? I did not catch it.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. OVERMAN. I should like to have read the amendment of the committee as it will appear if amended as proposed.

The VICE PRESIDENT. The Secretary will state the amendment of the committee as amended.

Mr. OVERMAN. Beginning on page 34, line 22, after the words "Secretary of State," where, as I understand, the first amendment to the amendment was adopted.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—one of class 4, three of class 3, two of class 1, three at $1,000 each; three assistant messengers; for meeting occasional and unforeseen expenses arising in connection with work of the department, $25,340.

Mr. WARREN obtained the floor.

Mr. CULBERSON. Mr. President——

Mr. WARREN. Did the Senator arise to address himself to this particular amendment?

Mr. CULBERSON. I desire to ask the Senator from Wyoming what explanation he has, if any, of the suggestion of Secretary Knox to the subcommittee as to the duplication of this work by the Department of State and the Department of Commerce and Labor?

Mr. WARREN. I will be very glad to reply to that suggestion. The subcommittee at first felt a good deal of uncertainty in regard to the matter, and were very careful to examine the Secretary of the Department of Commerce and Labor and learn his views as to the proposed consolidation, and to learn from him, if they could, how much, if any, it would infringe upon the State Department and where the dividing line could be safely drawn between the two departments. My colleague on the committee across the aisle, the Senator from North Carolina [Mr. OVERMAN], has read a portion of the statement of the Secretary of Commerce and Labor. We gave him exactly what he said was proper and right in the consolidation of the Bureau of Manufactures and the Bureau of Statistics, and, excepting certain higher salaries and certain extra employees, we were able to arrive at a conclusion which seemed to be satisfactory to him. Without settling the matter, however, we asked the Secretary of State and his assistants to appear before our subcommittee in order to learn from them their side of the case, giving them to understand that we were in favor of putting so much of the business affecting trade relations and commerce as was practicable under the Department of Commerce and Labor. The Secretary of State stated that the very utmost that was even liable to the suspicion of being a duplication of the duties and work of the two departments would only amount to not exceeding twenty-nine thousand two hundred and some dollars; and on inquiry he responded emphatically that it would not in reality amount to that sum of money, but that that was the utmost figure that could possibly be reached. We did ask the Secretary of State to compose the differences, if there were any, with the Secretary of Commerce and Labor, and, if possible, to secure the approval of the President, and he replied in the language the Senator has read from the hearings.

Since that time, I may say that I have been in conversation with the Secretary of Commerce and Labor, who takes no exception to the manner in which the committee has adjusted the matter.

Perhaps Senators have noticed that toward the end of the matter read by the Senator from North Carolina, the Secretary of Commerce and Labor said to us that he considered the cut made by the House affecting the State Department much too large; that they needed the men they had, and so forth. The subcommittee took the ground—and I take it for granted that the whole committee concurred—that twenty-nine thousand two hundred and some dollars is too small an amount to quibble over when it affects the entire foreign trade and commerce of the Nation. The United States to-day, as Senators know, is exporting a large volume of merchandise. Never before, perhaps, have the exports been larger, nor in fact so large; and it seems to me that in so important a work twenty-nine thousand two hundred and some dollars, even if a duplication were involved, would not break the Nation. On the other hand, it is perfectly evident to me, as I think it ought to be to everyone, that our consuls and diplomatic officers in various parts of the world must of necessity have information concerning trade conditions, and if they have the encouragement growing out of the knowledge that their efforts are appreciated by the State Department, if the small incidental expenses incurred in the seeking of trade and looking up trade statistics are covered, if they all have an ambition to extend the trade of the United States, why cut them off? They will not be in correspondence with the Department of Commerce and Labor. The State Department, the oldest department we have, have their agents, ambassadors, ministers, consuls general, consuls, and consular agents at various places throughout the world. They are there for diplomatic and other duties, and they are so situated that they are bound to be of value to the United States as to its commerce and trade, and there is no necessity of there being any undue infringement upon one department by the other or any considerable duplication of work. Why take away from the diplomatic and consular officers the incentive to report to the State Department their ideas as to how the trade of this country could be advanced along particular lines?

When the report goes to the State Department and is entered there the diplomatic part is taken out and the other part goes to the Department of Commerce and Labor. The Department of Commerce and Labor then follows it up.

For instance, we have been appropriating $60,000 a year for commercial agents. Suppose information comes through some consul or some minister to the State Department, and from there to the Department of Commerce and Labor, that a particular line of manufacture could be pushed in a certain large way in a certain country, or that there is certain information there that could be obtained, the Secretary of Commerce and Labor has the funds and he has the authority to send a special agent there who can give his entire time to the work, and he can be properly introduced through our diplomatic corps.

I have thought, and the more I think of it the more strongly I am inclined to the opinion that the committee was right in taking the chances of a possible duplication of some small part of this twenty-nine thousand two hundred and odd dollars. The State Department officials abroad are our outside advance pickets. They are our scouts to investigate and report preliminaries, how, when, and where to take up and improve fields for advancement of our foreign trade, and the regular Commerce and Labor forces follow.

Mr. ROOT, Mr. SMITH of Maryland, and Mr. SMITH of South Carolina addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wyoming yield, and to whom?

Mr. WARREN. I yield to the Senator from New York.

Mr. ROOT. Mr. President, I do not think there is much, if any, avoidable duplication. There are two entirely distinct kinds of work to be done. The Department of Commerce and Labor is in communication with the producers and commercial interests of the United States. It is in touch with them. It is finding out their capacity for production, finding out what they need, and discussing trade conditions with them and informing them of opportunities to spread their trade. In the nature of things, the performance of that duty gives rise to many occasions for securing information from abroad and for getting things done abroad.

The securing of that information, in the ordinary course, can be best accomplished through the regular force of diplomatic officers and consuls who are under the direction of the State Department. The getting done of the things which the Department of Commerce and Labor thinks ought to be done, upon consultation with our producers, can be best secured through the State Department giving directions to the consuls and diplomatic agents who report to it.

The carrying on of those two ends of the same general business—one the domestic affairs and the other the foreign affairs—necessarily involves these two departments just as much as when the collection of duties, which ordinarily is under the charge of the Treasury Department, has for certain purposes to be put into the hands of the Department of Justice. In such cases there will be some little duplication of work. It is inevitable, but it is a necessary duplication of work.

The Bureau of Manufactures in the Department of Commerce and Labor belongs there. It ought not to be placed under the State Department. Its business is with our producers and our merchants; but, on the other hand, the little Bureau of Trade Relations in the State Department is a necessary agency to enable the Secretary of State to do what the Department of Commerce and Labor calls upon him to do. He can not write the letters himself; somebody has to do it for him. He can not carry on the communications that are necessary to give effect to the wishes of the Department of Commerce and Labor and the commercial interests of the country. And the agency through which this is done is called the Bureau of Trade Relations.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. CULBERSON. I called attention a moment ago to a provision on page 136 of this bill. Now, with the permission of the Senator from New York, I call attention to what appears as an amendment to the bill by the Senate committee on page 137, showing the still further duplication of this work:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $4,000.

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

Mr. OVERMAN. Mr. President, that is not an amendment on the part of the Senate.

Mr. CULBERSON. It appears to be.

Mr. OVERMAN. It is only transferred.

Mr. WARREN. It is put in a different place.

Mr. CULBERSON. It is in italics.

Mr. WARREN. That is because it had to be transferred to a different place.

Mr. CULBERSON. At all events, it provides for an expenditure of $60,000, under the direction of the Secretary of Commerce and Labor, to develop not only domestic but foreign commerce.

Mr. WARREN. Yes. That same provision has been current for several years, and I may say, if I am any judge of the returns, that it has been one of the best paying investments we have made.

Mr. ROOT. I think that is a very wise provision, Mr. President.

Mr. CULBERSON. Certainly; I have no objection to this provision, if the Senator from New York will permit me, but I do not want a duplication of the same work by two departments.

Mr. ROOT. Certain parts of it have to be done by one department and certain parts by the other.

So far as my observation goes, the money that is given to the Department of Commerce and Labor for the purpose of stimulating our commerce, both foreign and domestic, is money well spent. But they can not do the whole work without calling on the State Department. The Secretary of State must have the agencies to enable him to do what he is called upon to do, just as much as a lawyer who is called upon to try a case for a merchant must have the clerks and other agencies necessary to enable him to represent that merchant's interests.

A very good illustration of the way in which both departments have to act is furnished by the reports referred to by the Senator from Wyoming. Our consuls all over the world are sending in regular reports in which they give information about trade and trade opportunities. At the same time, in the same papers, they are reporting about protection afforded American citizens, and about a great variety of matters with which the Department of Commerce and Labor has nothing whatever to do. They sometimes express themselves freely, as they are encouraged to do. They express opinions and give information to the Secretary of State which ought not to be made public.

Those reports, when they come in, have to be examined and blue-penciled, and have to have stricken from them the things which ought not to be published. When that has been done, the reports go over to the Department of Commerce and Labor, and there the commercial portions are published in the Daily Consular Reports, which go to all our mercantile people, and are of very great value.

I have seen many a time in those reports observations by a consul which would make it impossible for him to remain longer in his position if they had been made public. Somebody has to look after those things. So, in that one transaction of the report of a consul the officers of the two departments are called into play, one after the other, and you can not get along without either.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. I do.

Mr. OVERMAN. I will agree, so far as I am personally concerned, that this item of $29,000 for the Bureau of Trade Relations is a small one. But now the Senator is talking about the services of the consular agents. They are provided for in another bill. The appropriations have all been made for that purpose, I believe. The information they give is very important; and it is sent down to the Department of Commerce and Labor, where it will be of great value, and they can send out their special agents to various countries.

Mr. ROOT. That is very proper.

Mr. OVERMAN. But what I want to ask is, What has the Secretary of State to do with this? He has his agents to get this information. What does he need this $29,000 for? All the information is sent down to the Department of Commerce and Labor. He obtains the information from the consular officers, and the consular officers are provided for in another appropriation bill. What else is to be done by the Secretary?

Mr. ROOT. The first thing is to inspect the reports and to cut out what should not go to the Department of Commerce and Labor. The next thing is to carry on the enormous correspondence.

Mr. OVERMAN. That was done under the Senator when he was a great Secretary of State, and he had none of these officers. He did not have this fund.

Mr. ROOT. I thank the Senator for the kind way in which he refers to me; but there was then a Bureau of Trade Relations which was doing just this work and which has been doing it since before we were born.

Mr. OVERMAN. I was going to say that has been done and was done under the Senator; but here we propose to appropriate $90,000 more than was allowed in those days. Right at this point I desire to ask the Senator another question, because I want to satisfy myself about it. I do not want to cripple the Department of State. I should like to have some one explain, because so far I have heard no explanation, what is the use of this resident diplomatic officer—something new in the history of our country—at $6,500? What can he do, and what is the reason for having him?

Mr. ROOT. Mr. President, I will answer the two inquiries together.

Mr. OVERMAN. I wanted to put the question so that before the Senator sat down he would reply to it.

Mr. ROOT. First, with regard to the increase of the appropriation for doing this necessary work of the State Department: I am not a member of the committee, and I am not familiar with the testimony that was taken, or the specific information that was given; but I can well see that it is necessary that there should be a very considerable enlargement of the provision for the work the State Department has to do.

In the first place, the so-called maximum and minimum clause of the tariff act enlarges the points of contact between the United States and foreign countries, and our trade is increasing enormously. You can not do the work appropriate to

fostering commercial relations and rendering the necessary services in connection with a foreign trade that involves over two thousand million dollars of exports in a single year for the same amount of money that was sufficient for the much smaller foreign trade we formerly had.

The trade of the United States is pushing out all over the world, into all kinds of places and all kinds of countries; and it certainly does involve a very great increase of the burden upon the State Department. So while I do not know in detail I know in general that it is a wise expenditure of money to enable the State Department to take care of its end of the business. The amount is so small in proportion to the results which are secured that I should not think we had better spend much time on it.

Now, about the resident diplomatic agents: I do not know just what the practice has come to be, but the original idea, I understand, was that it would be a very useful thing to bring here for limited periods successively men who are engaged in foreign posts, that they may become familiar with the administration of affairs, with the views of the responsible officers here, and then go back to their posts, having at the same time given by their presence here a fuller familiarity with the conditions as they exist abroad. So we would have an interchange of experience and of knowledge between the home officers and the foreign officers. They would come from one post here, and after a short time here they would be sent off to another post. I do not know whether that plan has been carried out. If it has been, I should think that probably it would be very useful.

Mr. BACON. Mr. President, before the Senator takes his seat, I understand from the suggestion that is made by him his idea contemplates not the appointment of an officer to this division taken from private life but the recalling of some officer who is now in office at some foreign post and having him on duty here awhile and then returning him to his diplomatic studies abroad, and so forth. I want to ask the Senator, in the case of Mr. Dawson—I know he had previously been in the Diplomatic Service—was he in the Diplomatic Service at the time he was called to the post of resident diplomatic officer?

Mr. ROOT. I can not answer that question authoritatively. I suppose that he was.

Mr. BACON. I suppose so.

Mr. ROOT. I had known him for many years as being a very efficient and very capable officer.

Mr. BACON. I know he had been in the Diplomatic Service, and I suppose that is true.

Mr. ROOT. It may be that I am all wrong about this, and I am only stating what my understanding was at the time the position was created.

Mr. CUMMINS. The Senator from Georgia was inquiring about Mr. Dawson?

Mr. BACON. Yes.

Mr. CUMMINS. Mr. Dawson's permanent diplomatic position abroad was as minister to Panama. He was recalled from that position to become the resident diplomatic officer of the Department of State.

Mr. BACON. That is exactly my understanding of it, though I did not know the details.

But I wish to call the attention of the Senator from New York and that of the Senate to the fact that the provision in this bill is not in harmony with the suggestion made by him, or by the policy which would be contemplated by his suggestion. This gives to the Secretary of State, if I correctly interpret the language, the power to appoint anyone whom he sees fit to the position. It does not provide for the recalling of an officer from a diplomatic post and assigning him to this duty, keeping him in the service, with the power to again designate him to resume either the same post or some other post; but it gives to the Secretary of State the arbitrary power to appoint. It does not even require that he shall be appointed by the President of the United States, and confirmed by the Senate, as would be the case of a diplomatic officer already in service who should be recalled, as the Senator from New York suggests, and assigned to duty here.

I think the provision as it stands is extremely objectionable. If it is to be an office of the dignity and rank and importance suggested by the Senator from New York the language ought to be so changed as that the officer either shall be appointed by the President and confirmed by the Senate, and in that way incorporated in the Diplomatic Service with the right of being transferred or assigned to other duties, or there ought to be language here which would contemplate the recalling of an officer. That might be put within the power of the Secretary of State without any other authority. But to give him the power to originally appoint an officer of this rank and this salary is, to my mind, extremely objectionable.

I should like to hear from the Senator from New York as to whether the suggestion which I make does not show that the bill, at least as framed, whatever may have been the design, is not calculated to carry out the particular function which he so clearly stated in his explanation to the Senate.

Mr. ROOT. Mr. President, I do not think the provision is quite adequate to express all that I suppose is intended by it; but it does relieve the Secretary of State from an incapacity which arises from the very specific provisions of our statutes in relation to the appointment and the action of diplomatic officers. Neither the Secretary of State nor the President could bring to this country a diplomatic officer from China, Turkey, or any other country, however much he might wish the advice or however much he might wish to have instructions from that officer to those in the State Department, without having his pay cut off within the statutory period.

Mr. BACON. That is true; and yet, if the Senator will pardon me, I suggest to him that that was exactly the contemplation of the function as expressed by him heretofore—that he should come here and become familiar with conditions in the home office, and that he should also bring to the home office information as to what he had learned in the foreign post.

Mr. ROOT. I suppose that the phrase used, "resident diplomatic officer," was understood to express the purpose of the provision. He is to be a diplomatic officer of the United States, brought into residence here by authority of law, and while here to be paid a specified salary.

Mr. BACON. The Senator does not mean brought from a foreign post?

Mr. ROOT. I do.

Mr. BACON. But the Senator has just stated that that could not be. If he had been confirmed as an ambassador to France, for instance, he could not be brought back and assigned to duty here in the State Department without having his pay cut off.

Mr. ROOT. He could not, except for this provision. As I understand it, under this provision that can be done.

Mr. BACON. This provision certainly does not provide for that. It may be so amended as to make it provide for it.

Mr. ROOT. The pay specified here would take the place of the pay which he would have been receiving if he had been at his post performing the duties of that post.

Mr. BACON. With the permission of the Senator, I want to suggest to him that it would not be simply the difficulty as to pay, but when an officer has been nominated by the President and confirmed by the Senate, as ambassador to France, unless there is specific authority which would give the power to recall that officer and assign him to duty in the State Department, he certainly could not be appointed to that position under such language.

Mr. ROOT. I think this language was understood to authorize, and was intended to authorize, that very thing. As I say, it is not very full but undoubtedly that is the purpose.

Mr. WILLIAMS. If the Senator from Georgia will pardon me a minute, it might be made perfectly clear by making it read:

Resident diplomatic officer, to be appointed by the Secretary of State from those employed in the Diplomatic Service abroad.

Mr. BACON. It can be made plain, of course. It can be so amended as to embrace that. But, Mr. President, I doubt very much whether this should be done. In the first place, I do not exactly appreciate the force of the suggestion that the State Department is going to be very largely benefited by having a diplomatic officer recalled from a foreign post and assigned to duty in the State Department, because the State Department is officered by those who are presumed to be quite familiar with all those matters which relate to the duties of the State Department. If this officer is to be in the nature of a permanent officer in the State Department, if the purpose is not simply the interchange of duties from a foreign post to duty in the State Department, but he is to be in the nature of a permanent officer in the State Department, then I think he ought to be classified in a different way. If he is to be in the State Department he is really intended to be an Assistant Secretary of State. If there is needed an additional Assistant Secretary of State he ought to be so classified, and he ought to be put there in that position.

We all remember, of course, three years ago, just before the present administration began, and when our present Secretary of State, then a Member of this body, had been designated as the future Secretary of State and had announced his intention to accept the office, and so forth, and was recognized as the Secretary of State under Mr. Taft when he should succeed to

the office of President, there was an effort made to create the office of under secretary of state. That was the express wish of then Senator Knox, now Secretary Knox. The title was objected to because it was taken from the British nomenclature, and it was not approved by the Senate.

Then an effort was made on the part of some who desired to harmonize the law with the wishes of the future Secretary of State to give him the officer under another title, thinking that that possibly was the only objection. But Congress did not approve of it, although that was a Congress in each branch that belonged to the political party to which the then Senator and future Secretary belonged. But still, I would not let that stand in the way. If the Department of State is becoming so enlarged in its functions and in its duties and responsibilities as to require another assistant, I am perfectly willing to give it, because I suppose that I, as much as any other Senator, realize the importance of that department, and am willing to accord to it everything which is necessary to make it most efficient. But if we are going to make a change we should make it in a proper way. I do not think we should give the Secretary of State the right, on his own motion and by his own selection, to bring into office one who is to occupy that important relationship to the Department of State that this officer is seemed designed to occupy. I do not think that power ought to be given. He becomes an officer of the United States, and he should be an officer of the United States. If he is an officer of the United States under the Constitution he does not belong to the class of inferior officers contemplated by the Constitution when it said that the Congress may delegate the appointment to the head of a department. He belongs to an altogether different class, with altogether different dignity and altogether different power. He is an important officer; he practically stands next to the Secretary; and I have no doubt that the function which he will perform will be that which the officer who was sought to be secured under the name of undersecretary of state would have performed if he had been authorized by Congress.

For that reason I very seriously object to this provision as it is found in the bill. I am not objecting to the officer or to the pay, if he is needed. I presume he is, or the department would not ask for it.

Mr. OVERMAN. Right there, let me interrupt the Senator. I wish to call attention to the fact that this gentleman, Mr. Dawson, to whom reference has been made, was, I understand, a very efficient officer, but he was called back and made Chief of the Division of Latin-American Affairs. Now, we have in this bill four new offices created under the $100,000 lump-sum appropriation of three years ago. We have four of them at the head of these divisions at $4,500 and we have four at $3,000. The Secretary of State speaks of these divisions in his testimony before the subcommittee. Here is the Division of Far Eastern Affairs, the Division of Latin-American Affairs, and Near Eastern Affairs. It seems that Mr. Dawson was recalled and made chief of one of these divisions, as is shown in this testimony. They have, as I said, four at $4,500, and they can at any time take one of these agents abroad and bring him to Washington and make him the chief of one of these divisions at $3,000. Of these officers 10 of them were never employed until three years ago. They are new officers created for Latin-American Affairs, Far Eastern Affairs, Near Eastern Affairs, and so on, with the diplomatic agent at $6,500. We have a First Assistant Secretary of State, we have a Second Assistant Secretary of State, and we have a Third Assistant Secretary of State. This diplomatic agent is given more salary than the first assistant or the second assistant or the third assistant. I think it is all wrong that this man should be given that amount of money and given more salary than the Assistant Secretaries of State are getting. Everything that was done has been accomplished, as the Senator from New York has said, by calling them back here and making them chiefs of divisions, as was done in the case of Mr. Dawson.

Mr. BACON. Mr. President, what is the particular amendment now before the Senate?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee. The Secretary will state it.

The SECRETARY. On page 35, in the committee amendment, line 7, beginning with the word "foreign," strike out all down to and including the word "nine," in line 15.

Mr. OVERMAN. That was accepted and adopted.

The VICE PRESIDENT. It was not agreed to.

Mr. WARREN. It was accepted, so far as the manager of the bill is concerned, and I did not know that it was objected to.

The VICE PRESIDENT. The question was not put. If there be no objection to the amendment to the amendment it is agreed to. The Chair hears no objection.

Mr. BACON. Now, if I am in order——

The VICE PRESIDENT. The Senator is.

Mr. BACON. I wish to move an amendment in reference to the matter which I have just been discussing. I am not, from my personal knowledge, satisfied as to the necessity for this officer, and therefore, in the amendment which I am about to offer, I do not mean to be understood as consenting to the fact that he is needed. He may be needed; I do not know, but if he is——

Mr. WARREN. The Senator will understand that as far as the salary is concerned it was cut down $1,000.

Mr. BACON. I understand.

Mr. WARREN. It was $7,500, and it now stands at $6,500.

Mr. BACON. I think $6,500 is sufficient in view of the salaries of the other officers in the department. For instance, the first assistant receives $5,000 and the second assistant $4,500, I think. So this officer is certainly well paid if he performs the same class of work and is given $6,500.

The only amendment which I propose to offer relates to another matter altogether. If this officer is to be had I wish that he shall be an officer of the United States appointed by the President, by and with the advice and consent of the Senate. Therefore, without committing myself to the question of salary at present, I move to strike out, in the 20th line, the words "Secretary of State" and insert in lieu thereof "President, by and with the advice and consent of the Senate."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, at page 34, line 20, strike out——

Mr. WARREN. I wish to suggest to the Senator that if he will go a couple of lines above and put that in the same clause with the consular agent he will accomplish his purpose without so much language.

Mr. BACON. I am perfectly willing for any direction to be given to it that will accomplish the purpose.

Mr. GALLINGER. Let the amendment to the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 34 of the committee amendment, line 20, strike out the words "Secretary of State" and in lieu thereof insert "President, by and with the advice and consent of the Senate."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. BACON. What is the suggestion of the Senator from Wyoming?

Mr. WARREN. I accept the amendment as it is. I was going to shorten it.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. OVERMAN. I want to say that the committee added those words after the word "consular." He was to be appointed by the Secretary of State also.

In line 19, I move to strike out "$6,500" and insert in lieu thereof "$5,000," so as to make it the same salary as the First Assistant Secretary of State receives.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 34, line 19, strike out "$6,500" and insert in lieu thereof "$5,000."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. WARREN. I can not accept that. I hope it will be voted down.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. CULBERSON. I move an amendment. I do not know that it is necessary to move to strike out, but I have not heard sufficient reason given for the creation of this resident diplomatic officer at a salary of $6,500. I suggest that that portion of the amendment be not adopted. I think a motion to strike out would not be in order, because the amendment itself has not been adopted.

Mr. GALLINGER. That is in order.

The VICE PRESIDENT. The amendment is in order to strike that out.

Mr. CULBERSON. While adhering to my opinion that it is not necessary because the amendment has not been adopted, I move, accepting the suggestion of the Chair, to strike out, in lines 19 and 20, the words "resident diplomatic officer, $6,500, to be appointed by the President, by and with the advice and consent of the Senate."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 34, in the committee amendment, lines 19 and 20, strike out the words "resident diplomatic officer, $6,500, to be appointed by the President, by and with the advice and consent of the Senate."

Mr. WARREN. I hope that will not carry.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment. [Putting the question.] The noes appear to have it.

Mr. REED. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a second to the demand? [After a pause.] Seven Senators have seconded the demand; not a sufficient number. The yeas and nays are refused. The noes have it, and the amendment is rejected.

Mr. CULBERSON. I move to strike out the word "eight," in line 20, and insert "five."

The VICE PRESIDENT. The Secretary will report the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 34, line 20, before the word "officers," strike out "eight" and insert "five," so as to read:

Five officers to aid in important drafting work.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to.

Mr. SMITH of South Carolina. Right in this connection, before any further amendments are offered, I want to call attention to what the Secretary of State says, which has not been referred to, and which I think will be of interest to all concerned on this question of duplication of affairs or in reference to modifying the amount by different amendments.

At the bottom of page 324, in reply to some question pertinent to the appropriation of $29,000, he said:

But only a small part of that $29,000 is expended for work which could in any sense be regarded as duplication of work of the Department of Commerce and Labor. That sum of $29,000 covers all of the work of the Bureau of Trade Relations; and where they do lap over, if at all, it is only on an insignificant part of the expenditure.

Now, this is the main point to which I wish to direct the attention of the Senate:

Secretary KNOX. I want to add one thing that I intended to say when you spoke, Senator. From the direct efforts of the Bureau of Trade Relations we have gotten over $200,000,000 worth of new business for the United States—as the result of its direct efforts, backed up by the diplomacy of the department—to say nothing of what we may have gotten indirectly, which we can keep no track of and about which we have no information. But the Government never made a better investment than it made when it strengthened the Bureau of Trade Relations at the time we reorganized the department.

Farther down on that same page, and in reply to a question from the Senator from North Carolina [Mr. OVERMAN]—

Do you publish reports of what has been done?

Secretary Knox said:

We have literature showing what the department has done. I do not know whether these gentlemen have brought any of it here or not.

This is the point I want to make: I happen to be in a position to know that by the report of the Consular Service, under the efficient officer of that department, every department of trade, particularly in the South, has felt the benefit of this additional detailed work. I am not in a position to know whether the officer has been the correct one or not, but I do know that in the last couple of years we have had more direct and efficient knowledge with reference to our foreign trade relations, and there has been a greater impetus given it by virtue of the knowledge we have gained, which at the proper time, if necessary, I can specify.

Mr. CULBERSON. I will ask the Senator from South Carolina if he knows whether this trade increase, which he has referred to, came from the operation of the State Department or the Department of Commerce and Labor? Undoubtedly the work has been duplicated.

Mr. SMITH of South Carolina. I am taking the statement of the Secretary of State.

Mr. OVERMAN. Before the Senator concludes I will ask him to read what Mr. Nagel said.

Mr. SMITH of South Carolina. I have read what Mr. Nagel said about it. I am simply speaking of the diplomatic relations of this country and the trade with foreign countries. Those relations involve all the nice relations of trade. He must necessarily be the editor in chief of what passes between this country and foreign countries, and I claim that by virtue of that $200,000,000 has been added directly, of which he has specific knowledge; how much more he does not know. I presume the overflow is what he is giving Mr. Nagel's department credit for. He said a lot of these things he did not know about; and I presume that that is the part that did not come particularly or properly through the diplomatic relations, but after being edited went through Mr. Nagel's department.

Mr. OVERMAN. Since the adoption of the amendment of the Senator from Iowa [Mr. CUMMINS] there is no use of this appropriation of $25,340. That money was appropriated for this purpose, to be employed upon tariff work, treaty work, and trade relations and negotiations. All that is stricken out. The clause "for meeting occasional and unforeseen expenses" is left in. Then we have stricken out all that is to be done under tariff legislation and otherwise, and in the negotiation and preparation of treaties. I move to strike out $25,340 and make it $20,340, because I think, with the adoption of the amendment of the Senator from Iowa, $20,340 is enough for that purpose.

The VICE PRESIDENT. The Secretary will state the amendment as amended.

The SECRETARY. On page 35, line 15, of the committee amendment, strike out "$25,340" and insert "$20,340."

Mr. CUMMINS. I express no opinion upon the point raised by the Senator from North Carolina. The work of the State Department which it is now authorized to do may justly require the expenditure of the sum of money named here. I rise only to say that my objection was not to the amount appropriated, for I have no opinion upon that subject. I have left that to the committee and I accept the judgment of the committee with regard to it. My objection was that a portion of this money seemingly was appropriated for a purpose with which the Secretary of State had nothing whatever to do.

Mr. OVERMAN. I agree with the Senator. We have examined into it, and I think the chairman probably agrees with me. It will not take all this money since that amendment has been adopted.

Mr. WARREN. I am willing to accept the amendment to the amendment rather than waste so much time.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to. The Secretary will resume the reading of the bill.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, in the item of appropriations for the maintenance of the Department of State, on page 36, line 7, after the words "in all," to strike out "$260,300" and insert "$353,800," so as to read:

Clerks—16 of class 4, 16 of class 3, 25 of class 2, 41 of class 1, 3 of whom shall be telegraph operators, 16 at $1,000 each, 19 at $900 each; chief messenger, $1,000; 5 messengers; 22 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; in all, $353,800.

The amendment was agreed to.

The next amendment was, on page 36, line 16, after the word "repairs," to strike out "$9,000" and insert "$11,000," so as to make the clause read:

Contingent expenses, Department of State: For stationery, furniture, fixtures, typewriters, including exchange of the same, repairs, and material for repairs, $11,000.

The amendment was agreed to.

The next amendment was, on page 37, line 3, after the word "exceeding," to strike out "$50" and insert "$100"; and in line 4, after the word "foregoing," to strike out "$6,500" and insert "$7,000," so as to make the clause read:

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of vehicles and harness, telegraph and electrical apparatus and repairs to the same, street car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

The amendment was agreed to.

The next amendment was, on page 37, line 9, after the words "Department of State," to strike out "$9,220" and insert "$11,720," so as to make the clause read:

For rent of buildings in the District of Columbia for the use of the Department of State, $11,720.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 37, line 15, before the word "each," to strike out "$1,800" and insert "$2,000"; in line 19, before the word "three," to strike out "assistant chief messenger, $1,000" and insert "two assistant chief messengers, at $1,000 each"; in line 20, before the word "messengers," to strike out "four" and insert "three"; and in the same line, after the words "in all," to strike out "$60,510" and insert "$61,270," so as to make the clause read:

Office of the Secretary: Secretary of the Treasury, $12,000; three Assistant Secretaries of the Treasury, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; three

private secretaries, one to each Assistant Secretary, at $2,000 each; Government actuary, under control of the Treasury, $2,250; clerks—one of class 4, four of class 3, two of class 2; chief messenger, $1,100; two assistant chief messengers, at $1,000 each; three messengers, at $900 each; three messengers; in all, $61,270.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the chief clerk and superintendent of the Treasury Department, on page 38, line 13, before the word "firemen," to strike out "three" and insert "eight"; and in the same line, after the word "firemen," to strike out "five firemen," so as to read:

Eight elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; eight firemen; coal passer, $500.

Mr. REED. I do not want to cavil about the bill, but I notice as we run along there is a constant increase everywhere. I should like to know why it is that we increase the number of firemen?

Mr. WARREN. If the Senator will notice, we have not increased the firemen, but we have simply added the two. Where it says "three firemen" and "five firemen" we make it "eight firemen."

Mr. REED. I thank the Senator for that explanation, but on the page we have just passed we were raising salaries right along.

Mr. OVERMAN. Is that the Treasury Department?

Mr. REED. Yes.

Mr. OVERMAN. I want to say for the Treasury Department that is one department where I am inclined to give them what they ask, because they have decreased in their department thousands of dollars below the estimates. They have reorganized and saved I do not know how much. They seem to be determined to economize. That is one department I have investigated where I think we should give them what is proposed here.

The amendment was agreed to.

The next amendment was, on page 39, line 17, before the words "of class 3," to strike out "two" and insert "three"; in the same line, before the words "of class 2," to strike out "one" and insert "three"; in the same line, before the words "of class 1," to strike out "three" and insert "six"; in line 18, after the word "messenger," to insert "messenger boy, $360"; and in line 19, after the words "in all," to strike out "$46,060" and insert "$51,620," so as to make the clause read:

Division of Customs: Chief of division, $4,000; assistant chief of division, $3,000; law clerks—5 at $2,500 each, 2 at $2,000 each; clerks—3 of class 4, 3 of class 3, 3 of class 2, 6 of class 1, 5 at $1,000 each; messenger; assistant messenger; messenger boy, $360; in all, $51,620.

The amendment was agreed to.

The next amendment was, on page 40, line 10, before the words "of class 3," to strike out "three" and insert "four," and in line 17, after the words "in all," to strike out "$72,170" and insert "$73,770," so as to make the clause read:

Division of Loans and Currency: Chief of division, $3,500; assistant chief of division, $2,700; custodian of paper, $2,250; bond and interest clerk, $2,000 (in lieu of division chief at $2,000 transferred from register's office); clerks—5 of class 4 (1 transferred from register's office), 4 of class 3 (2 transferred from register's office), 5 of class 2 (3 transferred from register's office), 5 of class 1 (2 dropped and 4 transferred from register's office), 1 clerk, $1,000, 18 at $900 each; assorter of bonds, $800 (transferred from register's office); 12 expert money counters, at $720 each; messenger; 3 assistant messengers (1 transferred from register's office); 8 laborers; in all, $73,770.

The amendment was agreed to.

The next amendment was, on page 41, line 2, before the word "bookbinder," to strike out "one at $900" and insert "two at $900 each," and in line 3, after the words "in all," to strike out "$32,370" and insert "$33,270," so as to make the clause read:

Division of Printing and Stationery: Chief of division, $2,500; assistant chief of division, $2,000; clerks—4 of class 4, 3 of class 3, 3 of class 2, 3 of class 1, 1 at $1,000, 2 at $900 each; bookbinder, $1,250; 3 messengers; assistant messenger; 2 laborers; messenger boy, $360; in all, $33,270.

The amendment was agreed to.

The next amendment was, on page 42, line 12, before the word "chief," to insert "assistant chief of files and record division, $2,250"; in line 14, after the words "one at," to strike out "$2,200" and insert "$1,800"; and in line 25, after the words "in all," to strike out "$142,920" and insert "$144,770," so as to make the clause read:

For the following now authorized and payable from general appropriations, namely: For chief of technical division, $3,000; assistant constructor, $2,750; assistant chief of files and record division, $2,250; chief structural engineer, $2,750; assistant chief structural engineer, $2,400; inspectors of supplies—1 at $2,300, 1 at $1,800; inspectors—5 at $2,300 each, 3 at $2,000 each, 1 at $1,800; photographer, $2,000; 6 administrative clerks, at $2,000 each; clerks—1 of class 4, 4 at $1,700 each, 4 of class 3, 6 at $1,500 each, 8 of class 2, 8 at $1,300 each, 13 of class 1, 4 at $1,100 each, 6 at $1,000 each, 3 at $900 each, 2 at $840 each; duplicating paper chemist, $1,200; foreman vault, safe and lock shop, $1,100; assistant messenger; messenger boys—3 at $480 each, 2 at $360 each: skilled laborers—4 at $1,000 each, 7 at $960 each, 1 at $900, 1 at $840; laborer, $600; in all, $144,770, which shall be paid out of the appropriation made in the sundry civil appropriation act for the fiscal year 1913 for "General Expenses of Public Buildings."

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to strike out:

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made, as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States.

Mr. WILLIAMS. I should like to have some explanation of that amendment from the Senator in charge of the bill.

Mr. WARREN. Mr. President, the auditing now as to preliminary work and the handling of funds is through bonded officers. The regular auditing officer after that, of course, does the auditing, and the account has to pass the Treasury Department. This would provide that the first audit must be where the matter now lands finally, which would lead to a great deal of delay. The committee thought it best to strike out the clause and to take the matter up with the House conferees, because it appeared to the committee as not only unnecessary under the present arrangement of business, but as expensive in its delay. If the conferees shall find to the contrary, of course the matter can be arranged in conference.

Mr. WILLIAMS. Mr. President, the language in the bill as it came from the other House which it is proposed to strike out is:

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made, as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States.

It seems to me that the provision contemplated by the Dockery Act is a provision safeguarding public funds and calculated to prevent anything wrong in the departments. I do not feel like delaying the consideration of the bill, but I do wish to express the hope that the Senate conferees will not strike out what is substantially intended by the provision as it comes from the House, even though they may desire to some extent to amend or modify it.

Mr. BACON. I should like to ask the Senator from Wyoming whether there are any changed conditions which make this modification desirable, or whether the law has been found to work inconveniently?

Mr. WARREN. The Dockery Act, so called, has not been in force exactly as here proposed, because the departments have, as the Senator knows, grown very rapidly, and they have a great deal in the way of mere small details of business to attend to. They have also much to do at a great distance in our possessions thousands of miles away; and to delay such transactions until they can come to a head of a department would be to duplicate the work, to greatly increase the expense, and to inconvenience the public.

Mr. BACON. It was with reference to that point that I made the inquiry whether the changed conditions have been brought to the attention of the committee.

Mr. WARREN. Changed conditions have very largely influenced the matter. I do not think that the auditing and disbursing accounts of the Government have shown defalcations enough or shortages enough to make us suspicious of the present mode. If the system can be improved, all right; but those who have the matter in charge have explained the delay and duplication which must occur under the present system.

Mr. BACON. As I understand, the Senator does not propose to entirely abandon the system, but to simply modify it?

Mr. WARREN. We simply propose to handle it in a convenient way. The system of auditing and disbursing will be just as complete, but it will not be unnecessarily duplicated—in fact, continue to do as we are now doing.

Mr. WILLIAMS. Mr. President, the present mode, or the lawful mode, at any rate, is the mode indicated here. If any of the departments have not been pursuing that course, they have been violating the law. It may be true, as regards some of the outlying possessions of the United States, that this is rather an inconvenient thing; and it may be true that it would be well to modify it as regards them; but to come in and strike down a course which has been required by law to be pursued,

upon the ground that it has not been pursued; that is, upon the ground that public officials have neglected their duty, is not to give a good reason for the change.

Mr. WARREN. I have not put it upon that ground. I do not want the Senator to misstate me. I say that——

Mr. WILLIAMS. The Senator stated, as I understood, that the Dockery law had not been obeyed.

Mr. WARREN. Conditions have changed. Let me state to the Senator from Mississippi that, for instance, the Department of Agriculture, within his remembrance and mine, was headed by a commissioner and required an appropriation of but three or four hundred thousand dollars a year. At about the time the Dockery Act was passed all its business was transacted in a little building down here across the way; but at the present time the officials of that department are handling and paying out money nearly all over these United States and abroad as well. The Forestry Service, involving the payment of employees, the sale of timber, and all that, has to be dealt with, and they have their experiment stations everywhere. There has also been a great expansion in the other departments. The convenience of business as a matter of economy should be kept in view. If the Senator feels there is any lack of provision for proper auditing or proper disbursement, I should be glad to know it, for we ought to provide against anything of that kind.

Mr. WILLIAMS. The precise provision that is stricken out is a provision of the present law, is it not, I ask the Senator from Wyoming?

Mr. WARREN. If so, why did the House put it in?

Mr. WILLIAMS. Did the House put it in?

Mr. WARREN. The House put it in the bill and we struck it out.

Mr. WILLIAMS. I did not know that; I thought that was the provision of the law now.

Mr. WARREN. It was not in the current law for this year.

Mr. WILLIAMS. I did not know that; I thought it was in the law now.

Mr. WARREN. Oh, no.

Mr. WILLIAMS. I did not know that the Dockery Act had ever been repealed or had ever ceased to point the course required by law to be pursued.

Mr. WARREN. This came to us in this bill as new legislation. So far as its place in the bill is concerned, we took it up with the departments, found that it was going to be burdensome, and therefore we struck it out; but we are perfectly willing, if the House conferees can show any reason why it should be left in, to leave it in when the bill comes out of conference.

Mr. WILLIAMS. When was the so-called Dockery Act repealed?

Mr. WARREN. I am not a lawyer, and therefore I do not follow legal questions. I submit that matter to the Senator himself, who has been for many long years a Member of the other House and of this. I do think it has been repealed.

Mr. WILLIAMS. If it was ever repealed during my course of service in the House of Representatives—I was out of public life for two years, and I can not speak as to that time—I do not recall it. If it was done, it certainly was done, as the darkies say, "unbeknownst" to me, but I do not think it ever was repealed.

Mr. GALLINGER. It has not been repealed.

Mr. WILLIAMS. I thought not. Then, if it has not been repealed, the House is merely by this provision requiring a law upon the statute book to be executed.

Mr. WARREN. If it has not been repealed, then why put it in the bill?

Mr. WILLIAMS. But it is a declaration upon the part of the legislative body that a law which has been neglected must be obeyed; and it is admitted that it has been neglected and disobeyed.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. Mr. President, I inquire what was done with the amendment we were discussing.

The VICE PRESIDENT. The Chair stated that, without objection, the amendment was agreed to, and the Chair heard no objection.

Mr. REED. I would not want to file a complaint, but the Chair did not give time to object.

The VICE PRESIDENT. The Chair will put the question again. The Chair does not wish to foreclose any Senator.

Mr. REED. I thought that would be the attitude of the Chair. I desired to make an inquiry, and that is all. The committee strike out this provision for auditing. They have stated the reasons for their action, but there is no provision which I have seen in the bill that does take the place of the auditing provided for; and therefore would not the adoption of the amendment leave us without any provision in the bill for the proper auditing and examination of accounts?

Mr. WARREN. Not at all.

Mr. REED. Well, where is the provision?

Mr. WILLIAMS. If the House provision is stricken out the preliminary auditing will not be done according to the Dockery Act, but will be done by the disbursing clerks. I think, however, it ought to be done——

Mr. WARREN. The auditing and disbursing is done by bonded officers.

Mr. WILLIAMS. I think it ought to be done by the administrative heads of the divisions and bureaus.

Mr. OVERMAN. Mr. President, if I remember correctly, this matter was brought to our attention by the Attorney General of the United States. He suggested that we strike out the words "shall be prepared," because he said many heads of departments could not possibly——

Mr. WARREN. That was in another place in the bill, not here.

Mr. WILLIAMS. But undoubtedly, if the Senator will permit the interruption, if the words "shall be prepared" were stricken out that would obviate the difficulty to which the Senator from Wyoming is calling attention, to wit, the difficulty in auditing accounts in the Philippines and in our other outlying possessions.

Mr. WARREN. Mr. President, that is exactly why we cut out that provision, but we did so without prejudice. The House may have more information than we have about it.

Mr. WILLIAMS. I have not objected to that. I rose merely for the purpose of expressing the wish that the Senate would not strike down this provision, and that, upon the contrary, it would modify the existing Dockery Act only to the extent found absolutely necessary, to wit, as affecting our foreign possessions.

Mr. WARREN. The committee is in harmony with the Senator about that.

Mr. WILLIAMS. I hope that will be the final report from the conference committee.

Mr. OVERMAN. Mr. President, that was exactly our idea in striking out the words "shall be prepared," so that it should go into conference, and then the conferees could understand it, and make some arrangements for the auditing of these accounts.

Mr. REED. Then, it is the purpose of the committee, as I understand, before the bill is completed, to provide for a proper auditing of accounts?

Mr. WARREN. That is all provided for under the present law. We are leaving nothing open. This is new matter, put in the bill in accordance with statements made by the Attorney General and others as to the great inconvenience that would result from leaving in the provision inserted by the House. If we strike that out, as I have said, we want the benefit of all the information the House has about it; and if we leave in a part of their language and amend it only to a small degree, we will have no power to amend that which has passed both bodies.

Mr. BACON. Mr. President, if I am not mistaken, the provision as it comes from the House amounts to this: The present law, known as the Dockery law, prescribes the manner in which accounting officers shall audit accounts. This language provides for something which shall be done before they go to the accounting officer. That is all there is to it.

I should judge, from reading this provision, that heretofore the preliminary examinations have been made by disbursing clerks. This clause is to provide that hereafter these preliminary examinations, before the accounts go to the auditing officers, shall not be made by the disbursing officers, but shall be made by and through the administrative heads of divisions and bureaus. That is all there is to it.

Mr. WARREN. That means a delay of many, many months.

Mr. BACON. That is the change that is proposed. It is not proposed to change the manner of auditing.

Mr. WARREN. Oh, no; not in the end.

Mr. BACON. It is simply proposed to change what shall precede the auditing.

Mr. WARREN. The preliminary work.

Mr. WILLIAMS. That may be true, but that is not my understanding of it. My understanding is that the State Department especially, and the War Department to some extent, have felt forced by circumstances not to comply strictly with the existing law. Instead of modifying the existing law as regards our distant possessions—and all this has grown out of the situation in our distant possessions—the House has redeclared

the law in its full completeness and strength; and the Senate, by striking it out, would do away with it everywhere.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 44, line 16, after the sum "$2,000," to insert "chief of division of accounts, $2,500"; in line 17, before the word "chiefs," to strike out "three" and insert "two"; in line 18, before the words "of class four," to strike out "twenty-four" and insert "twenty-five"; in line 19, before the words "of class two," to strike out "sixty-two" and insert "sixty-one"; and in line 22, after the words "in all," to strike out "$309,570" and insert "$310,470," so as to make the clause read:

Office of Auditor for War Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division of accounts, $2,500; 2 chiefs of division, at $2,000 each; clerks—25 of class 4, 49 of class 3 (1 transferred to disbursing clerk), 61 of class 2, 50 of class 1, 10 at $1,000 each, 5 at $900 each; skilled laborer, $900; messenger; 5 assistant messengers; 10 laborers; messenger boy, $480; in all, $310,470.

The amendment was agreed to.

The next amendment was, on page 45, line 10, before the words "of class 1," to strike out "twenty-three" and to insert "twenty-eight," so as to read:

Office of Auditor for Interior Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—14 of class 4, 16 of class 3, 28 of class 2 (1 transferred to office of disbursing clerk), 28 of class 1 (1 transferred to office of disbursing clerk).

Mr. REED. Mr. President, may I have one word of explanation there, please? That amendment and the one in the next line increase the number of clerks by 10, and increase the pay roll, I think, by approximately $11,000. Why is that?

Mr. WARREN. Because they have not help enough to do the work, according to the statement they make—and they made a very clear statement to us. The Interior Department, as the Senator knows, occupies a very broad field, and its transactions are constantly growing. Legislation adds to the work from time to time, and they were without the necessary help to do the work. The committee were satisfied that they needed that many more men.

Mr. REED. It is simply because of the increase of work, then?

Mr. WARREN. Yes.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the same clause, in line 11, before the words "at $1,000 each," to strike out "eight" and insert "thirteen," and in line 13, after the words "in all," to strike out "$143,250," and to insert "$154,000," so as to read:

Thirteen at $1,000 each, one at $900; two messengers; three assistant messengers; one laborer; in all, $154,250.

The amendment was agreed to.

The reading of the bill was resumed, down to line 11, on page 46.

Mr. BACON. I should like to ask a question there. There are no figures put in after "charwomen."

Mr. WARREN. There is a regular, standard salary of $240.

Mr. BACON. Of course, I understand that the wages are fixed by law.

Mr. WARREN. Except where the amount is named, it would be $240 for each charwoman.

Mr. BACON. I am not objecting to the amount they are paid, but it occurred to me that it ought to be expressed.

Mr. WARREN. Wherever it is not expressed, it means $240 each.

The Secretary continued the reading of the bill.

The next amendment was, on page 46, line 19, after the words "the compensation of," to strike out "employees engaged in tabulating" and insert "such number of employees as may be necessary to tabulate," so as to make the clause read:

Provided, That the Secretary of the Treasury may, during the fiscal year 1913, in his discretion, diminish the number of positions of the several grades below the grade of clerk at $1,000 per annum in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the postal service.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Office of the Treasurer of the United States, on page 48, line 16, before the words "silver piler," to strike out "pressmen, $1,400" and insert "compositor and pressman, $1,500," and in the same line, after the words "in all," to strike out "three hundred and forty-five thousand three hundred and ninety dollars" and insert "three hundred and forty-five thousand four hundred and ninety dollars," so as to read:

Compositor and pressman, $1,600; compositor and pressman, $1,500; silver piler, $1,000; in all, $345,490.

The amendment was agreed to.

The next amendment was, on page 50, line 12, before the words "expert counters," to strike out "seven" and insert "twelve"; in line 14, before the words "in all," to insert "two charwomen"; and in the same line, after the words "in all," to strike out "$38,780" and insert "$43,460," so as to make the clause read:

For expenses of the national currency (to be reimbursed by the national banks), namely: Superintendent, $2,500; teller, $2,000; clerks—1 of class 4, 1 of class 3, 4 of class 2, 5 of class 1, 4 at $1,000 each, 5 at $900 each; engineer, $1,000; 12 expert counters, at $840 each; 3 counters, at $700 each; assistant messenger; fireman; messenger boy, $360; 2 charwomen; in all, $43,460.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the word "clerks," to strike out "two" and insert "three"; in line 4, before the words "of class four," to strike out "twenty-eight" and insert "twenty-nine"; in line 5, before the words "of class three," to strike out "twenty-four" and insert "twenty-five"; and in line 8, after the words "in all," to strike out "$332,700" and insert "$338,100," so as to make the clause read:

Office of the Commissioner of Internal Revenue: Commissioner of Internal Revenue, $6,000; deputy commissioner, $4,000; deputy commissioner, $3,600; chemist, $2,500; first assistant chemist, $1,800; second assistant chemist, $1,600; third assistant chemist, $1,400; 3 heads of divisions, at $2,500 each; 6 heads of divisions, at $2,250 each; superintendent of stamp vault, $2,000; private secretary, $1,800; clerks—3 at $2,000 each; 29 of class 4, 25 of class 3, 37 of class 2, 37 of class 1; 32, at $1,000 each; 42, at $900 each; 3 messengers; 21 assistant messengers; and 16 laborers; in all, $338,100.

The amendment was agreed to.

The reading of the bill was continued down to line 24 on page 52.

Mr. OVERMAN. Mr. President, it is now 6 o'clock, and I understand an executive session is desired. I will ask the chairman of the Committee on Appropriations if he will not suspend the consideration of the bill at this time.

Mr. WARREN. I wanted to get over to another page, but it does not matter. I wish to give notice that I shall endeavor to continue consideration of the bill early to-morrow.

Mr. CULLOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. POINDEXTER. Mr. President, if the Senator will withhold that motion long enough to allow me to introduce a motion, I should like, out of order, to ask unanimous consent to do so.

The VICE PRESIDENT. Does the Senator from Illinois yield?

Mr. CULLOM. I do, if there will be no debate about it.

THE COMMERCE COURT.

Mr. POINDEXTER. I give notice that I shall move that the Senate Committee on Interstate Commerce be discharged from further consideration of the bill (S. 3297) to amend the act entitled "An act to create a Commerce Court, etc.," approved June 18, 1910, and that the bill be placed on the calendar, under Rule VIII, for consideration by the Senate.

The VICE PRESIDENT. The notice of the Senator from Washington will lie over and be printed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 8, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 7, 1912.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. John W. McKie, Coast Artillery Corps, to be captain from June 2, 1912, vice Capt. Willis C. Metcalf, retired from active service June 1, 1912.

POSTMASTERS.

INDIANA.

Harry H. Crooke to be postmaster at Odon, Ind., in place of Harry H. Crooke. Incumbent's commission expired April 22, 1912.

Anna Egly to be postmaster at Berne, Ind., in place of John H. Hilty. Incumbent's commission expired May 15, 1912.

Emma G. Powell to be postmaster at Montezuma, Ind., in place of Albert Jerome. Incumbent's commission expired February 12, 1912.

KANSAS.

W. S. Lyman to be postmaster at Lewis, Kans., in place of James Sutherland, resigned.

MONTANA.

J. Z. Clem to be postmaster at Virginia City, Mont., in place of James H. Powell, resigned.

NEBRASKA.

Joseph F. Hejtmanek to be postmaster at Dodge, Nebr., in place of Joseph F. Hejtmanek. Incumbent's commission expired May 26, 1912.

NEW JERSEY.

Harry E. Frey to be postmaster at Stewartsville, N. J., in place of Harry E. Frey. Incumbent's commission expired March 31, 1912.

Andrew Mercer to be postmaster at Lodi, N. J., in place of Andrew Mercer. Incumbent's commission expired February 4, 1912.

NEW MEXICO.

Adelina Jaramillo to be postmaster at Fort Sumner, N. Mex., in place of William H. Parker.

NEW YORK.

Charles D. Randles to be postmaster at Ogdensburg, N. Y., in place of Samuel H. Palmer, deceased.

OHIO.

C. A. Burke to be postmaster at Johnstown, Ohio, in place of Sherwood Blamer. Incumbent's commission expired May 28, 1912.

OREGON.

J. Ralph Woodford to be postmaster at Medford, Oreg., in place of Alonzo M. Woodford. Incumbent's commission expired March 21, 1912.

TEXAS.

Thomas S. Hunter to be postmaster at Celina, Tex., in place of Luther B. Johnson, resigned.

VIRGINIA.

Beverly A. Davis to be postmaster at Rockymount, Va., in place of Beverly A. Davis. Incumbent's commission expired March 10, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Clement Joseph Todd to be third lieutenant.

RECEIVERS OF PUBLIC MONEYS.

Nazario V. Gallegos to be receiver of public moneys at Tucumcari, N. Mex.

Harold Hurd to be receiver of public moneys at Roswell, N. Mex.

Enrique H. Salazar to be receiver of public moneys at Fort Sumner, N. Mex.

Manuel Martinez to be receiver of public moneys at Clayton, N. Mex.

Benigno C. Hernandez to be receiver of public moneys at Santa Fe, N. Mex.

REGISTERS OF THE LAND OFFICE.

Royal A. Prentice to be register of the land office at Tucumcari, N. Mex.

Manuel R. Otero to be register of the land office at Santa Fe, N. Mex.

Thomas C. Tillotson to be register of the land office at Roswell, N. Mex.

Charles L. Hunt to be register of the land office at Clayton, N. Mex.

Charles C. Henry, to be register of the land office at Fort Sumner, N. Mex.

POSTMASTERS.

ARIZONA.

Fred E. Cadwell, Douglas.

COLORADO.

Ella New, Delta.

CONNECTICUT.

Frederick B. Crofutt, Danbury.

FLORIDA.

Alexander McDougall, Tallahassee.

GEORGIA.

John S. Brown, Locust Grove.
Fred Feltham, Boston.
George L. Liverman, Bainbridge.
Charles D. O'Kelley, Grantville.
Terrell C. Peterson, Fort Gaines.
Henry G. Roberds, Villa Rica.
Albert N. Tumlin, Cave Spring.

NEW MEXICO.

Vincent B. May, Las Cruces.
John Pfluger, Sante Fe.

OHIO.

William C. Hughes, New Straitsville.
Lewis Nikolaus, New Matamoras.
William J. Weirick, Loudonville.

PENNSYLVANIA.

Daniel M. Bennett, Bridgeville.
John S. Edmundson, Duquesne.

UTAH.

E. W. Redmond, Eureka.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 7, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who hast ever been our refuge and our strength, without whom we are nothing, continue Thy blessings that these Thy servants may be guided in their deliberations by Thy counsels, that the interests which they represent may be subserved in accordance with the eternal fitness of things. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF CORNELIUS H. HANFORD.

Mr. BERGER. Mr. Speaker, I rise to a question of the highest privilege and also of the greatest importance. By virtue of my office as a Member of the House of Representatives, I impeach Cornelius H. Hanford, judge of the western district of the State of Washington, of high crimes and misdemeanors.

I charge him with having annulled, on May 13, 1912, in violation of the Constitution and on a frivolous charge, the naturalization papers of Leonard Oleson.

I charge him with having been guilty of a long series of unlawful and corrupt decisions.

I charge him with having issued in the collusive suit of Augustus Peabody *v.* The Seattle, Renton & Southern Railway, in August, 1911, an injunction in the interests of the company and against the interests of the citizens of Seattle, flagrantly in violation of justice and law.

I charge him with being an habitual drunkard.

I charge him with being morally and temperamentally unfit to hold a judicial position.

In accordance with former proceedings before the House of Representatives in like cases, I submit the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 576.

Resolved, That the Committee on Judiciary be directed to inquire and report whether the action of this House is necessary concerning the official misconduct of Cornelius H. Hanford; whether he has been in a drunken condition while presiding in court; whether he has been guilty of corrupt conduct in office; whether his administration has resulted in injury and wrong to litigants of his court and to others affected by his decisions; and whether he has been guilty of any misbehavior for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk and stenographer, and to appoint and send a subcommittee whenever and wherever necessary to take testimony for the use of said committee.

That the subcommittee shall have the same powers in respect to obtaining testimony as are herein given to the said Committee on Judiciary.

That the expenses incurred in this investigation shall be paid out of the contingent fund of the House.

Mr. BERGER. Mr. Speaker, I move that this resolution be referred to the Committee on the Judiciary.

Mr. McCALL. Mr. Speaker, I am not sure that I correctly got the reading of the resolution, but as I heard it it declared that the judge was guilty of misconduct. I think the word "alleged" should be inserted before the word "misconduct."

The SPEAKER. As the Chair understood, that was a preliminary statement by the gentleman from Wisconsin.

Mr. McCALL. Mr. Speaker, I suggest to the gentleman that this is a resolution to have the conduct of Judge Hanford inquired into.

The SPEAKER. That is it.

Mr. McCALL. Mr. Speaker, I would ask that the first part of the resolution be again reported.

The SPEAKER. Without objection the Clerk will again report the resolution.

There was no objection, and the Clerk read as follows:

Resolved, That the Committee on Judiciary be directed to inquire and report whether the action of this House is necessary concerning the official misconduct of Cornelius H. Hanford——

Mr. McCALL. Mr. Speaker, that is the portion of the resolution to which I referred—"concerning the official misconduct" of this man. I would suggest that it would be in keeping with the rest of the resolution to have the word "alleged" inserted before the word "misconduct."

Mr. BERGER. Mr. Speaker, I would be very glad to accept that amendment.

Mr. MANN. Mr. Speaker, the matter is not open for amendment, as I understand. The gentleman from Wisconsin merely asks to have the resolution referred to the Committee on the Judiciary.

Mr. BERGER. That is right, and that committee can amend it if it sees fit.

Mr. MANN. The gentleman can ask unanimous consent to change his resolution.

Mr. CLAYTON. Mr. Speaker, I think it is unnecessary to amend it. The statement made by the gentleman from Wisconsin [Mr. BERGER] before he introduced the resolution is in accordance with the practice which has obtained in like cases heretofore, and the resolution follows, as near as may be, resolutions in like cases heretofore referred to the Committee on the Judiciary. The Committee on the Judiciary will not take the gentleman's statement on the floor, nor the resolution itself, in any broader sense than as an allegation, and will treat it as such. Such resolutions and such statements have always been treated as allegations or charges only; not as proof. Therefore, it seems to me, while there could be no objection to putting in the word "alleged," as suggested by the gentleman from Massachusetts, it is unnecessary so to do; but if the gentleman from Massachusetts insists upon it, let the gentleman from Wisconsin ask for unanimous consent to insert that word.

Mr. BERGER. Mr. Chairman, I ask unanimous consent to insert the word "alleged" before the word "misconduct."

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to insert the word "alleged" in the resolution at the place suggested. Is there objection?

There was no objection, and it was so ordered.

Mr. CLAYTON. Mr. Speaker, I suggest a pro forma amendment to the resolution. The resolution as read refers to "the Committee on Judiciary." The word "the" is omitted before the word "Judiciary," as I heard the resolution read. That committee is ordinarily and correctly designated as "the Committee on the Judiciary."

Mr. BERGER. Very well.

The SPEAKER. The gentleman asks unanimous consent to insert the word "the" prior to the word "Judiciary." Is there objection?

There was no objection, and it was so ordered.

Mr. OLMSTED. I merely wish to suggest that the resolution calls for an investigation and ascertainment of whether or not this judge has been drunk upon the bench. I do not understand any allegation has been made that he is or ever was drunk upon the bench.

The SPEAKER. Why, the gentleman from Wisconsin [Mr. BERGER] in his preliminary remarks alleged that he was drunk most of the time.

Mr. BERGER. Habitually drunk. I do not know he is drunk all the time. He is charged with being an habitual drunkard.

Mr. OLMSTED. He might have sober intervals. Does the gentleman charge him with being drunk upon the bench?

Mr. BERGER. Yes, sir.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to refer the resolution to the Committee on the Judiciary.

The question was taken, and the motion was agreed to.

PENSION BILLS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 18712, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, how many of such bills does the gentleman desire to offer?

Mr. RICHARDSON. I have in my hand four, and we can get rid of them quickly.

Mr. FITZGERALD. Will there be any controversy?

Mr. RICHARDSON. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 20628, with Senate amendments, and ask to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 22867, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 23515, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 22194, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 23765, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain

soldiers and sailors of wars other than the Civil War and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair announces the following conferees on all these bills: Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey.

REGULATION OF RADIO COMMUNICATION.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill S. 3815, and ask that the House insist on the House amendments and agree to the conference asked.

The SPEAKER. The Chair lays before the House a Senate bill with House amendments, and the gentleman from Missouri asks that the House insist on its amendments and agree to the conference asked by the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this bill goes to conference whether it is the intention to enlarge the scope of this bill or merely to arrange the differences between the two Houses?

Mr. ALEXANDER. I have no advice as to the intention of the Senate conferees, but there is no intention on our part to enlarge the scope at all.

The SPEAKER. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. ALEXANDER, Mr. HARDY, and Mr. HUMPHREY of Washington.

COTTON SCHEDULE.

Mr. PAYNE, from the Committee on Ways and Means, presented the views of the minority on the bill H. R. 25034, to reduce the duties on manufactures of cotton, for printing under the rule.

[House Report 829, part 2, Sixty-second Congress, second session.]

REDUCTION OF THE DUTIES ON COTTON MANUFACTURES.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following as the views of the minority, to accompany H. R. 25034:

This bill in so far as it relates to duties on manufactures of cotton is identical with the bill which was vetoed by the President a little less than a year ago. A brief reference to its history compels the belief that it is now reported by the majority without any expectation or desire that it shall be enacted into law.

In the Sixty-first Congress the Democratic membership of the Ways and Means Committee unanimously joined with the Republican members of that committee in reporting a bill to create a tariff board, whose duty it should be to make a thorough investigation and furnish the necessary information on which to base an orderly and scientific revision of tariff schedules. This bill was passed by the House by a large majority and concurred in by the Senate with an immaterial amendment. In the closing hours of the session it was defeated by a filibuster led by a Democratic Member. By a provision in the sundry civil appropriation bill, however, a tariff board was created and proceeded to the performance of its duties.

Notwithstanding this fact, at the extra session of this Congress the majority, without waiting for any report from the Tariff Board, proceeded to prepare and pass through the House a bill identical in terms with that now reported. That bill was made without any information additional to that which the committee had when the present tariff law was framed and enacted. No hearing was accorded to any parties whose interests were involved. The bill was rushed through the House pursuant to the dictate of a Democratic caucus without deliberation or opportunity for amendment. When it reached the Senate the Democrats of that body were not slow in finding out that its passage would result in the crippling of a southern industry. It was loaded down with amendments. One amendment tacked onto it was a revision of the metal schedule. Another amendment tacked onto it was a revision of the chemical schedule. This latter may not be inaptly termed as grotesque. It was not the result of any committee examination or report. It was offered from the floor of the Senate, and, as was subsequently discovered, represented the guesswork of a Treasury employee who had been instructed to turn specific duties into ad valorem, and then, regardless of the effect, to reduce these ad valorem duties uniformly all along the line. One effect of this amendment was to abolish the customs duties on alcohol imposed to compensate for the high internal-revenue tax and thus deprive the Government of a very large revenue. This, however, did not result in killing the bill. On its return to the House the Democratic majority proceeded to concur in the amendments en bloc without question or deliberation, and so the bill went to the President. He had no alternative but to veto it. This he did, both because of the Senate amendments and because of the crude and haphazard character of the bill as it affected the cotton industry. The bill had not had the informing report of the Tariff Board, although that report was in process of preparation and promised within a short time thereafter. In his veto message the President said, inter alia:

"My objection to the cotton schedule is that it was adopted without any investigation or information of a satisfactory character as to the effect which it will have upon an industry of this country in which the capital invested amounted in 1909 to $821,000,000, the value of the product to $629,000,000, the number of wage earners to 379,000, making, with dependents, a total of at least 1,200,000 persons affected, and the wages paid annually amounted to $146,000,000. The bill would not go into effect by its terms until January 1 next, and before that time a full report to be submitted to Congress by the Tariff Board, based upon the most thorough investigation, will show the comparative cost of all the elements of production in the manufacture of cotton in this and other countries. The investigation by the Committee on Ways and Means of the House did not cover the facts showing this comparative cost, for the reason that the committee was preparing a bill on a tariff-for-revenue basis and their view of a proper tariff was avowedly at variance with the theory of protection. Pledged to support a policy of moderate protection, I can not approve a measure which violates its principle."

The protests that came up from the South, and had their influence on the Senate, showed conclusively the unwillingness of that section to have any tariff tinkering that would affect its industries. It was then publicly announced that revision of the cotton schedule had been laid aside.

On the 22d day of March, 1912, the Tariff Board made its report on the cotton schedule. Like its previous report on the wool schedule, the report was thorough and comprehensive, and furnished the necessary data on which to base an orderly and scientific revision of the duties relating to the manufactures of cotton. This report makes clear the crude, careless, and haphazard character of the bill which the President had vetoed and which is now again reported by the committee, without modification or change, except in the abandonment of the Senate amendments. The committee has paid no attention to the report of the Tariff Board, except to find fault with it because of the condemnation to be found in it of their bill.

The original discredited bill is now again reported, while there is pending in the Senate and not yet acted upon a bill relating to the tariff on wool, a bill relating to the sugar tariff, and while a bill relating to the metal schedule also remains undisposed of. It is hardly necessary to say that the profession by the party in power of a desire to revise the tariff and its actions are not consistent with each other.

Having these facts in mind, and the further fact that no reason can be assigned to justify the President in approving the same bill which he has heretofore disapproved, it is difficult to avoid the conclusion that the report of this bill at this late day of the session is to serve some other purpose than its enactment into law.

If the majority are willing to enter upon a genuine revision of the cotton schedule, availing themselves of the information furnished by the report of the Tariff Board, the minority will cheerfully cooperate with them in such revision.

SERENO E. PAYNE.
JOHN DALZELL.
S. W. MCCALL.
E. J. HILL.
J. C. NEEDHAM.
J. W. FORDNEY.
N. LONGWORTH.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MOSS of Indiana. Mr. Speaker, I rise to a question of personal privilege, and I would like to have the Clerk read the statement I send to the desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas the present chairman of the Committee on Expenditures in the Department of Agriculture of this House promised, in April, 1911, that there would be a rigid investigation of the Weather Bureau "at an early date," which promise has not been kept——

Mr. MOSS of Indiana. Mr. Speaker, I do not wish to take up very many minutes of the time of the House, but as this statement is a false one, I would like to present the facts to the House as briefly as I may. This resolution (H. Res. 570) was introduced by the gentleman from New York [Mr. AKIN]. I do not know what information he had. I do know that the gentleman has never had any communication with me, directly or indirectly, orally or written, concerning the subject matter of the resolution. He has never been in the committee room, and if he has any information regarding any irregularities in the Weather Bureau he has never brought it to my attention, or, so far as I know, to any member of the committee.

I was a member of this committee during the Sixty-first Congress under the chairmanship of Mr. Graham of Pennsylvania, during which time the chief of the bureau came before the committee and made a full statement of the operations of his department; and so far as I know there were no charges of any kind preferred against his management. Later on, noticing a statement in the press over the signature of a Mr. Berry of this city, that there were certain irregularities that ought to be called to the attention of Congress, I made a clipping and laid it away; and after the committee had been organized—in the present Congress—I wrote Mr. Berry that the committee would be glad to have him bring before the committee any information he had regarding the Weather Bureau which ought to be investigated. The committee then organized, and decided to work under subcommittees and the chairman was authorized to appoint a subcommittee to take up the question of the particular charges, referred to by Mr. Berry; and on April 22, 1911, I wrote the following letter to Mr. Berry:

APRIL 22, 1911.

Mr. JAMES BERRY,
1½ Third Street SE., Washington, D. C.

DEAR SIR: Again referring to your favor of March 31 concerning the administration of affairs in the Weather Bureau, I beg to inform you that I have named Hon. ROBERT L. DOUGHTON, who is a member of this committee, to confer with you and to go over the evidence you wish to present to the full committee.

You will kindly arrange with Mr. DOUGHTON, whom you will find at room 447, House Office Building, as to the time which will be most convenient to you both.

Very truly, yours, RALPH W. MOSS, *Chairman.*

Finding that Mr. DOUGHTON was out of the city at that time, I wrote him on May 11, 1911:

MAY 11, 1911.

Mr. JAMES BERRY,
14 Third Street SE., Washington, D. C.

DEAR SIR: Referring to my letter of recent date, in which I requested you to call upon Mr. DOUGHTON, I beg to advise you that he has now returned to the city, and will be pleased to see you at his office at any time.

Very truly, yours,

RALPH W. MOSS,
Member of Congress.

Mr. Berry called upon Mr. DOUGHTON and took up the question with him, and Mr. DOUGHTON came back to me and said that it was a matter that he did not care to settle himself and he preferred that I take the question up as chairman of the committee, and accordingly, on May 31, I wrote Mr. Berry the following letter:

MAY 31, 1911.

Mr. JAMES BERRY,
14 Third Street SE., Washington, D. C.

DEAR SIR: I would request that you call at the committee room of the Committee on Expenditures in the Department of Agriculture at 10 a. m. to-morrow, June 1, as I desire to talk with you in regard to the charges you have made against the Weather Bureau.

Very truly, yours,

RALPH W. MOSS, *Chairman of Committee.*

Mr. Berry came in response to this, and I requested him to submit in writing whatever charges he had to submit against Prof. Moore and the operation of the Weather Bureau. He submitted in writing what charges he had to prefer against the bureau at that time, together with whatever oral explanation he had to make of the evidence he had behind the charges, and thereupon I called an informal conference of the Democratic members of the committee, which was attended by every one of the majority members—Mr. FLOYD, Mr. DOUGHTON, Mr. MAYS, and myself. I submitted to these members the written charges that Mr. Berry had made, and it was the opinion of the members that, in the main, the charges as made were not worthy of calling a congressional investigation for the special purpose of examining them. There were, however, some particular specifications referring to Mount Weather and one or two other matters that I took up for personal investigation. I invited Mr. LAMB, chairman of the Committee on Agriculture, and Mr. LEVER, of South Carolina, a distinguished member of that committee, to go with me to Mount Weather. We made a personal trip there and spent a day carefully examining Mount Weather and its operations, and if either of the gentlemen are present I will leave it to them to say whether they found anything that should be called to the attention of a congressional investigating committee.

Later, as some of the charges referred to the expenditure of the contingent funds in the Weather Bureau, I had the clerk of the committee, Mr. Crawford, spend almost a month in going over their accounts for a full year, calling upon Mr. Zappone, representing the Department of Agriculture, to submit the original competitive bids and the vouchers upon which the supplies were bought, and comparing them. After spending, as I say, almost a month in going over these expenditures of the Weather Bureau, Mr. Crawford reported back that everything, so far as the bookkeeping or methods of purchasing supplies were concerned, was perfectly straight and square.

I selected a list of the newspapers in the United States that were handling the Weather Bureau maps and publishing them, and I had the committee clerk write to every such paper in the United States, asking the editor what kind of service they received from the Weather Bureau, whether or not they had any suggestions or charges to make in regard to a change of it.

In every instance they came back in their replies to the effect that the weather map was appreciated by their subscribers, and they protested against any change whatever that might interfere with the service which the Weather Bureau was giving to them.

Wishing to make a further test, I asked the Representatives of districts within my own State to give me lists of representative persons living in their districts to whom I could write letters of inquiry, asking them as to whether the weather service was satisfactory. I received from my colleagues lists from their districts in our State, and I wrote a letter to each person on those lists, and I have their replies.

Mr. LONGWORTH. Mr. Speaker, if the gentleman will permit, I suggest to the gentleman that a happy compromise might be reached between himself and the gentleman from New York [Mr. AKIN] by striking out the word "Bureau" in the resolution. There is no question but that the abominable weather that we have had this year ought to be investigated. [Laughter.]

Mr. MOSS of Indiana. If it were not for the fact that we have our corn planted, I would accept that in a moment.

In every instance the replies which came back from Indiana were either one of two kinds—either that they were entirely satisfied with the service or else that they wanted a service extended to them that would be equal in the rural districts to the service that was received in the city.

Now, Mr. Speaker, I shall not refer to this further, except to say that at this stage in the preliminary examination of the Weather Bureau the Wiley hearing came. It was thought at that time that the great importance of this hearing demanded a full committee, and we accordingly discontinued this work on the Weather Bureau and took up the Wiley hearing, which continued until January, when we made our report to the House. After making this report I called the committee together and submitted the question whether it would take up the Weather Bureau or the Forestry Bureau, and Judge FLOYD of Arkansas offered the following resolution on February 3, 1912:

Resolved, That the chairman be, and he hereby is, authorized to request Mr. Graves, Chief of Forestry Bureau, to appear and present to the committee a full detailed statement of the expenditures in his department.

That became the order of business to be pursued by the committee by a unanimous vote of the committee. But before we had time to take up that question certain Members of the House appeared before the committee and asked us to investigate charges pertaining to the Everglades in Florida, so that this order of business was displaced, and we went to work on the investigation of the Everglades matter. Before the investigation of the Everglades matter was concluded a resolution was introduced in the House to investigate the meat service, and we now have that on hand.

Now, here comes a request to investigate by special committee the Weather Bureau, charging that the present committee has failed to do its duty. I want to say to this House that I regard the power given to the investigating committees to be intended just as much to protect the reputation and service of a faithful public official as it is to find out anything that is wrong in the public service. [Applause.] I want to say that a man who is a Member of this House who will introduce a resolution charging that the committee has not made any examination of the Weather Bureau and charging that a great bureau of this Government is not giving efficient service to the people of the United States, if he has not taken more time and devoted more effort to the task of finding out the truth of the charges regarding the Weather Bureau than he has with respect to the truth of the charges against this committee, he puts himself into one of two classes, either that of a man who is easily misled, or else that of a man who is willing to give currency to charges that have absolutely no foundation in fact. [Applause.]

Mr. Speaker, I want to say further that I would not have spoken about this matter if it had not been for the injustice to the membership of the committee of which I have the honor to be chairman. We have given the greatest latitude to every person who has appeared before us with any grievance whatever, and my friend the gentleman from Nebraska [Mr. SLAON], who sits here, is a member of the committee, and I ask him to correct me if it be not a fact that every person who has appeared there with a grievance has been invited to tell the committee without any restriction whatever anything which he thought reflected upon the public service? This committee has taken many hundred pages of testimony and has devoted more hours to this duty than almost any committee in the House. Part of the time we have sat daily, and frequently we have had two sessions a day.

Upon this showing to the House I am perfectly willing to rest. If this House wishes to order a special committee of investigation, I shall be quite content; but I am not willing to have a Member of this House stand upon the floor and introduce a resolution reciting alleged statements about the action of this committee which have absolutely no foundation in fact. [Applause.]

Mr. AKIN of New York. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. AKIN of New York. To reply to the gentleman from Indiana.

The SPEAKER. It is not debatable.

Mr. AKIN of New York. I ask unanimous consent to reply to the gentleman.

Mr. FITZGERALD. How much time does the gentleman wish?

Mr. AKIN of New York. Ten minutes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not believe it desirable to enter into a discussion of the Weather Bureau this morning.

The SPEAKER. The gentleman from Illinois objects.

Mr. AKIN of New York. If the gentleman will withhold his objection, I will state what I have to say in three or four words.

Mr. MANN. I have no objection to that.

The SPEAKER. Did the gentleman from Illinois object?

Mr. MANN. The gentleman from New York does not want as much time as he first stated.

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent to address the House for 10 minutes.

Mr. AKIN of New York. For two minutes.

The SPEAKER. The gentleman says two minutes. Is there objection?

There was no objection.

Mr. AKIN of New York. Mr. Speaker, I have not had time to go back into this matter and dig up the stuff to make a proper reply, but I want to say that I am going to stand on my resolution.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

Mr. MALBY. Mr. Chairman, I offer an amendment to the pending bill.

The CHAIRMAN. The Clerk will report the amendment. Before doing that the Clerk will report the section to which it is offered.

Mr. FITZGERALD. The Clerk has read the first paragraph, and I understand the gentleman from New York offers his amendment to that.

The CHAIRMAN. The Chair can not hear the gentleman from New York.

Mr. GARNER. The first paragraph has already been read.

Mr. CANNON. Mr. Chairman, I rise to a question of order, and I shall make it constantly until there is order. In the confusion we can hear nothing. I do not want to lecture the House, but gentlemen engage in conversation, and others can scarcely get near enough, Member to Member, to hear what is going on. I hope that order may be kept.

The CHAIRMAN. The committee will be in order.

The Clerk read as follows:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes, and to enable him to do any and all things in connection therewith authorized by law, $225,000, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1912.

Mr. MALBY. Mr. Chairman, owing to the fact that the House indulged me yesterday for about an hour discussing this particular amendment, which restores the Tariff Board to this bill, it is not my purpose this morning to take time for the further discussion of the amendment which I have offered. I simply desire to call the attention of the House to the fact that the amendment is to continue the appropriation for the work of the Tariff Board, which has been carrying on its work during the past two years, and further to call the attention of the House to the fact that the language of the proposed amendment is precisely that which has been carried in the current law during the past two years. I yield the balance of my time to the gentleman from Ohio [Mr. LONGWORTH].

Mr. BARTLETT. Mr. Chairman, I make the point of order that the gentleman can not yield time.

Mr. MALBY. Very well, then; I will yield the floor.

Mr. LONGWORTH. Mr. Chairman, I will ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that he may proceed for 10 minutes?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, as the gentleman from New York has stated, the effect of the amendment will be to continue the Tariff Board in existence for a year after the 1st of next July. Should the bill as it stands be passed, the Tariff Board will cease to exist on the 1st of next month. This bill represents the culmination of the attack made by the Democratic Party upon the tariff commission plan. Unsuccessful while the Republican Party was in control of this House, in securing the abolition of the Tariff Board on its merits, they propose now, that the keys of the Treasury are in their hands, to accomplish their purpose by the simple but highly effective method of withholding the appropriation.

The reason for withholding this appropriation can be but one of two, either because it is a part of the cheese-paring policy of false economy, applied to some of the most important branches of this Government, that if carried through will inevitably result in crippling them, or else it is because the information that has so far been furnished to this House by the Tariff Board has not only not assisted but has proved absolutely inimical to the Democratic policy of tariff making.

Nobody regrets more than I, Mr. Chairman, that the tariff commission plan should have been made a party issue. We did not make it so on this side of the House. The members of the Tariff Board have not made it a party issue. Their reports have been unanimous, although two of the members are as tried and true believers in the Democratic faith as any man that sits upon this floor. You, yourselves, gentlemen, made it a party issue, or at least the great majority of you did when you trampled over some of your ablest leaders last year, and we upon this side propose to fight it out to a finish.

In supporting this amendment, and I am confident that everyone on this side of the aisle will support it, we are fighting not alone for the preservation of the Tariff Board. We are contending for a more important principle, the principle that no revision of the tariff will be again undertaken and carried through except in accordance with complete, accurate, and scientific information with regard to all the schedules, to be furnished as it only can be furnished by a permanent, nonpartisan, independent tariff commission.

Of course the present board is not that; it has not the power it ought to have. It is not responsible, as it should be at all times, to Congress; and above all it has not the enduring nature that any great Government commission should have in order to properly carry out its functions. But it is the best possible under the circumstances, and we of the Republican Party do not propose that the Tariff Board shall be consigned to an early grave if we can help it. [Applause on the Republican side.]

The history of the tariff commission movement is brief and simple. Some years ago thinking men of this country began to realize that the American tariffs, Democratic as well as Republican, have never in many respects been scientifically made; that some of our schedules, both in Democratic and Republican bills, have been the result, not so much of action based upon accurate and scientific information as of logrolling and trading between interested parties.

A few years ago a nation-wide association was formed, known as the National Tariff Commission Association, with a membership of men in all walks of life, whose purpose it has been to direct public sentiment toward the creation of a permanent tariff commission. A number of bills were introduced in both Houses of Congress looking to that end. I myself introduced a bill, which embodied, as I believe, the best features of all the bills, notably those introduced by the gentleman from Iowa [Mr. GOOD] and the gentleman from Wisconsin [Mr. LENROOT]. That bill was indorsed by the National Tariff Commission Association, and it met the approval of the President of the United States. It was gone over by the Republican members of the Ways and Means Committee and modified in some respects. It was then presented to the full committee, and after a consultation among the Democratic members they suggested an amendment, which we of the majority very glady adopted, and the bill was reported unanimously by the full Committee on Ways and Means, except only that the gentleman from New York [Mr. HARRISON] reserved the right not to support the bill on the floor of the House. When the bill reached the floor it was discovered that a large majority of gentlemen on that side of the House were opposed to the Tariff Board idea, and while the gentleman from Missouri [Mr. CLARK], now the honored Speaker of this House, and the gentleman from Alabama [Mr. UNDERWOOD], now leader of his party, stood manfully by their guns, they were run over by the majority of their party, led by the gentleman from Kentucky [Mr. JAMES] and the gentleman from New York [Mr. FITZGERALD]. The bill received a solid Republican vote in the House. It received a solid Republican vote in the Senate, with several immaterial amendments added, which its friends here were perfectly willing to accept; but owing to the congested condition of business in the Senate, the bill did not

reach this House until the morning of the 4th of March. It reached here, however, in ample time to have been passed, had not a filibuster been entered upon by the gentleman from New York [Mr. FITZGERALD]. [Applause on the Republican side.] Every parliamentary device possible—and no one knows the art of parliamentary procedure better than the gentleman from New York—was resorted to. Roll call succeeded roll call. The hours flew by, until the question simply was whether the Congress should expire by lapse of time and the appropriation bills fail or whether the Tariff Board bill should be abandoned. At that point, and not till then, we, the friends of that bill upon the floor of this House, threw up our hands and allowed it to die. That is the history of events, Mr. Chairman, and it shows that the responsibility for defeating the permanent Tariff Board lies solely at the door of the Democratic Party. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Mr. Chairman, I will be very glad to yield if I can have a few minutes more.

Mr. SHERLEY. I think we can get the gentleman five minutes more.

Mr. LONGWORTH. Then I yield to the gentleman.

Mr. SHERLEY. I simply wanted to ask the gentleman if he would not, for the sake of having the record complete, put into his statement the fact that in violation of a direct rule of the House, which says that a conference report shall be in order at any time except during a roll call, and so forth, on the motion of the gentleman from Minnesota, Mr. Tawney, and on the action of the then Speaker of the House, Mr. CANNON, a roll call on the question of the Tariff Board bill was stopped in its midst in order that a conference report on an appropriation bill might be considered, and that thereby it was made impossible to have a final vote upon the Tariff Board matter.

Mr. LONGWORTH. Mr. Chairman, I am perfectly well aware of the fact that one of the final roll calls was interrupted. Nobody regretted it more than I did.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONGWORTH. Nobody regretted it more than I, and I do not propose to express an opinion as to whether it was right or not, but the plain fact is that the roll call would never have been interrupted had not that filibuster been undertaken to prevent the passage of the Tariff Commission bill.

Mr. SHERLEY. If the gentleman will yield, there never would have been the possibility of a filibuster if a hostile party at the other end of the Capitol had not held the matter until the very last day, and if there had not been at least permissive action on the part of the Republican leaders upon that side, aiding in the delay of the consideration of the Tariff Board bill.

Mr. LONGWORTH. Mr. Chairman, I am delighted to hear the gentleman from Kentucky now speak with regret of its defeat.

Mr. SHERLEY. Oh, I have always been and am now in favor of a proper tariff board, and my position is not a sudden conversion when I wanted an excuse to delay a real revision of the tariff, like some of the leaders on the other side. [Applause on the Democratic side.]

Mr. LONGWORTH. Mr. Chairman, I suggest to the gentleman to come over here on this side of the aisle, where he will be welcomed.

Mr. SHERLEY. Oh, I still want to be sincere in my attitude in regard to a tariff commission.

Mr. LONGWORTH. The fact is that the Tariff Board bill reached this House about 8 o'clock in the morning. We had practically four hours in which to pass it, if it had not been delayed by a Democratic filibuster and killed, and it does not lie in the mouth of any gentleman on that side of the House to say that it was not killed and intended to be killed by the Democratic Party. [Applause on Republican side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FITZGERALD. In view of the fact that the gentleman's party tried to pass a bill creating a tariff board on the last day of the session, after 16 years' control of Congress, does the gentleman think the country will believe that his party was very serious? [Laughter and applause on the Democratic side.]

Mr. LONGWORTH. Well, I am not responsible for the actions of my party [laughter on the Democratic side] in the Senate of the United States, but you were responsible for the action of your party when that bill came to this House.

Mr. FITZGERALD. Now, the gentleman knows that bill arrived at the House at 8 o'clock in the morning. The Committee on Rules, the night before, agreed to the most drastic rule ever drawn, yet that bill was not called up until half or three-quarters of an hour later. If it had been called up when it came over and if it had been as skillfully engineered as any other legislation, it might easily have been enacted.

Mr. LONGWORTH. Do I understand my friend the gentleman from New York is now apologizing for the part he took?

Mr. FITZGERALD. I did not favor it then and I do not favor it now. I am not like some recent converts, who, like Saul, saw a sudden light. I still have some convictions, and I am against a tariff board designed to delay relief to the American people from the burdens of an iniquitous tariff. [Applause on the Democratic side.]

Mr. LONGWORTH. And so are the rest of us, Mr. Chairman, and because the Tariff Board means no such thing the Republican Party stood and now stands for a permanent tariff board, while the Democratic Party stood against it and is now against it. [Applause on the Republican side.] The responsibility for the failure of this legislation, the responsibility for the fact that there is no permanent tariff board in this country, lies at the doors of the Democratic Party.

Mr. MADDEN. They do not need light.

Mr. LONGWORTH. But after this bill was defeated there still remained a Tariff Board, a board of three, appointed by the President under the authority conferred upon him by the Payne law. He proceeded at once to enlarge and reorganize this board, so as to make it——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LONGWORTH. Mr. Chairman, I dislike very much to trespass on the indulgence of my colleagues, but I would like to have five minutes more time, as I have been so frequently interrupted.

Mr. FITZGERALD. Mr. Chairman, I have no objection, but it depends upon how many gentleman on that side desire to speak.

Mr. MADDEN. We are all going to talk on it.

Mr. FITZGERALD. However, if the gentleman claims the paternity of this recent Republican doctrine, he should have an opportunity to justify it, if it can be justified.

Mr. LONGWORTH. I am greatly obliged to the gentleman. As I said, the President proceeded at once to reorganize and enlarge this board, so as to make it as nearly as possible, both as to functions and as to personnel, what it would have been had the permanent tariff-board bill passed. And I say, Mr. Chairman, it is to the enduring credit of the President of the United States that he made it possible for this country to receive in the brief existence that this board has enjoyed reports which exceed in thoroughness, accuracy, and value to the American people all that we had had in our previous existence as a Republic. [Applause on the Republican side.]

Now we are asked to abolish this board in the very heyday of its usefulness, when it is fully organized and equipped to make further investigations of the tariff schedules. We are asked to forego the opportunity to have further information with regard to how much it costs to produce here and abroad articles in which we are in active competition with the world. We are asked to forego the opportunity to find out anything more about labor conditions here and abroad, about working hours, conditions in the factories, wages—conditions, in short, which it is absolutely necessary for us to know if we are to properly safeguard the interests of American workingmen. Gentlemen upon that side, in seeking to bolster up the weakness of their position have inveighed vigorously against the Tariff Board, and then they have turned around and said with equal emphasis that the tariff reports justified the bills that they have brought in. Only the other day the gentleman from New York [Mr. REDFIELD], who is now in the public eye largely by virtue of the fact that he is the only avowed candidate for Vice President known to be at large [laughter on the Republican side], after a most vehement attack upon the trustworthiness and accuracy of the Tariff Board report upon the wool schedule, said that it absolutely justified the Democratic wool bill. There is just about as much sense in that, Mr. Chairman, as knocking down a man because he calls you a name and then hugging him to your bosom because you admit that the name he called you was justified. The trouble is that the Tariff Board stands in your way, gentlemen. You do not want the kind of information that it has furnished, the kind of information that contributes to the sum of human knowledge.

You want a sort of select information, if you want any at all, information of your own choosing which will justify some of your peculiar theories. That is the reason you oppose a tariff

board. You may succeed now in abolishing this board and proceed with your haphazard revision of the tariff schedules based upon ignorance of the facts, upon prejudice, party exigency, and geography, but I warn you that you are only postponing the inevitable. The people of this country will never support a tariff revision made upon these principles. The permanent tariff board is bound to come. And it will come through the medium of the party that has stood for it in the past and stands for it now. It will come through the medium of the Republican Party. [Applause on the Republican side.]

Mr. CANNON. Mr. Chairman, I would be glad to be recognized. I do not care to discuss the merits of the resolution at this time, but I would be glad to be recognized on another proposition. The gentleman from Kentucky [Mr. SHERLEY] refers to an incident which happened during the last 30 minutes prior to 12 o'clock on the 4th day of March of last year at the close of the Sixty-first Congress. I recollect the incident very well, and if the committee will bear with me I want to say a word about the conditions.

There had been for some time filibustering proceedings in progress—determined and persistent. It was perfectly evident in the condition in which the House found itself that one of two things would fail, either the bill referred to by the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Kentucky [Mr. SHERLEY], creating a permanent tariff board, or the sundry civil appropriation bill, carrying, for almost all branches of the public service, in round numbers, $140,000,000.

A roll call was then in progress. At the end of the first calling of the roll the gentleman from Minnesota, Mr. Tawney, who was then chairman of the Committee on Appropriations, rose in his place to a question of the highest privilege. He was recognized and presented the final conference report on the sundry civil appropriation bill. The Senate had agreed to it, as I recollect, and it only remained for a vote of the House to send that bill in the last hour to the President for his signature. There was talk then, generally, about a special session of Congress. Frankly, as a Member of the House and a citizen of the United States, I did not desire, as one individual, to see a special session of Congress. I knew that if the sundry civil bill failed a special session of Congress must come or the Government stop, practically. It would be inevitable. In that kind of a filibustering condition, where under the rules of the House the Speaker in the presence of a filibuster is practically what he was then alleged to be all the time, a czar, he was responsible first to himself, then to the House and the country, when he could hold under those conditions any motion as out of order as a dilatory motion.

I recognized the gentleman from Minnesota, Mr. Tawney, by halting the roll call. "The letter killeth and the spirit maketh alive." Under such conditions those clothed temporarily with power were justified in action that would ordinarily not be justifiable if a filibuster had not been in progress, and if we had not been in the last hour of the session——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for five minutes more. I have almost finished.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. The alternative was presented to the presiding officer of the House, in that condition, to choose. I do not know whether the permanent Tariff Board bill then before the House would have been enacted or not within the few remaining minutes before the expiration of the Sixty-first Congress. I had then and have now my serious doubts, but I knew if it did pass it would be at the expense of the defeat of the sundry civil appropriation bill, and that a special session of Congress would be inevitable. I was satisfied the House, if it had the opportunity, would prefer to pass the appropriation bill rather than pass the Tariff Board bill, and by my ruling I gave the House the opportunity to pass the appropriation bill. Under the same circumstances, if again I was Speaker of this House, I would do the same thing. I have no apologies to make for it. I did believe then if the sundry civil appropriation bill passed there would be no extraordinary session. But an extraordinary session came. I do not believe there is anybody upon this side of the House that does not regret that it came, and I doubt if there is anybody on that side of the House that glorifies in the fact that it came. I want to say this much, and in conclusion, that conscientiously I performed my duty then and justify it now. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I have no desire to pass upon the motives of the distinguished gentleman who has just taken his seat, but the fact remains that the assumption of authority that he has just stated he took upon himself and which he attempts to justify was made in the face of one of the plainest rules that was ever written into the parliamentary law of the House of Representatives. And any Member supposed to know anything at all about the rules would be presumed to know the binding effect of this rule. One of the quarrels that this side of the House and that the American people have had with the distinguished gentleman has been upon that same assumption, that whenever, in his judgment, it was warranted he was at liberty to disregard the rights of the Representatives of the American people. [Applause on the Democratic side.]

Now, the rule of that Congress, and the rule of preceding Congresses, and the rule of this Congress, provides that the presentation of reports from committees of conference shall always be in order except when the Journal is being read, while the roll is being called, or while the House is dividing on any proposition. In the case at issue the roll was being called. There was an express provision that prohibited its being stopped. And yet the gentleman, because he did not desire an extra session, because he thought that a particular bill should be considered, violated that plain rule, and by its violation the vote on the Tariff Board could not be taken within the time left to the Congress of the United States. [Applause on the Democratic side.]

That is the record. I make no statements as to the gentleman's motives. He himself has told you why he acted. I present to the country the facts as to the rules of the House of Representatives.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. Does the gentleman think they would have had time before 12 o'clock on that day for the roll to have been called on the Senate amendments and the Senate amendments agreed to if this conference report had not displaced the completion of the roll call?

Mr. SHERLEY. My own judgment is that there would have been; but it was claimed that there was not sufficient time.

Mr. MANN. There was not sufficient time.

Mr. SHERLEY. That is the gentleman's opinion. Maybe the wish was the father to the thought in the gentleman's case, like that of a number of other gentlemen on that side.

Mr. MANN. I will explain that in my own time.

Mr. SHERLEY. Of course it is open to explanation, and in need of it.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me, I merely want to say that there is another rule of this House that gives the Speaker extraordinary power in the presence of a filibuster.

Mr. SHERLEY. The gentleman must not take up my time with a statement.

Mr. CANNON. Mr. Chairman, I ask that the gentleman be given five minutes more.

Mr. SHERLEY. I do not want it.

Mr. CANNON. Just a word or two. I ask, Mr. Chairman, that the gentleman's time be extended five minutes.

Mr. SHERLEY. I have no desire to ask it in my own right. I only want a word, and then I will yield the floor to the gentleman.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANNON. Mr. Chairman, I ask two minutes of time, part of which I will yield to the gentleman from Kentucky [Mr. SHERLEY.]

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANNON. I again say there is a rule of the House also that gives extraordinary power to the Speaker in the presence of a filibuster. Under the spirit of the rule and in the fact that a conference report could even halt a motion to adjourn; under all the conditions, administering the rules as it was my duty to do, I took the action that I did.

The gentleman travels out of his way to say that whenever I desired anything as Speaker of the House and generally, I was charged with "czarism." I call on the gentleman, and I call on the Members of this House, to bear me out in this statement, that in courtesy to both sides of the House and in courteous administration of the House, to the best of my judgment, almost invariably approved by the House, under ordinary conditions every rule, in spirit and in letter as well, was given full play. But he who would sacrifice the interests of the country, he who would halt in the then condition of the House in taking the responsibility that I took would, in my judgment,

fail of the performance of his duty, and I again say I have no apologies to make. [Applause on the Republican side.]

Mr. SHERLEY. Now, Mr. Chairman, it so happens that the highest right that is reserved to the representatives of the people in the House of Representatives is the right of a roll call. The Constitution guarantees it. No rule can take it away. And in order that the constitutional guaranty may be made plain in every case, so that no possible excuse can be offered, the rule that I have read to the committee was invoked.

I again say—not questioning the patriotism of the gentleman or the motives which prompted his action, but questioning the wisdom of an action that puts the judgment of a man as to a crisis in front of the country before the plain letter of the law, which should control a deliberative body [applause on the Democratic side]—this is a government, or should be, of law and not of men. And again I submit the issue to the people—of the rules of the House having supremacy as against the judgment of a Speaker, no matter how patriotic, as to the need to disregard them. [Applause on the Democratic side.]

Mr. PALMER. Mr. Chairman, I am not so much interested—though the matter is an interesting one—in fighting over this ancient parliamentary battle as I am in the matter which is immediately before the House, and I want to bring the minds of the committee back to that question.

The proposition of the Committee on Appropriations is to abolish the present executive Tariff Board by refusing to appropriate the money necessary to continue its operations during the next fiscal year. The proposition of the gentleman from New York [Mr. MALBY], as contained in his amendment, is to continue the present executive Tariff Board by appropriating in this bill the exact amount which was appropriated a year ago for that board for the work of the present fiscal year.

I am against the amendment. I am for the proposition of the Committee on Appropriations, because I am against an executive tariff board.

Mr. MADDEN. Will the gentleman tell us what kind of a tariff board he is in favor of?

Mr. PALMER. Yes; I will say what I am in favor of before I sit down.

In my judgment there is neither warrant nor excuse under the Constitution, nor justification, reason, or necessity under the present conditions in business and its relations to the tariff, for an executive tariff board. [Applause on the Democratic side.] The present board was conceived in the desire of American manufacturers to fasten upon this country in perpetuity a high protective-tariff policy. [Applause on the Democratic side.] It was born in a plain and clear usurpation of executive authority. [Applause.] And its short and eventless life has been crowned with the purpose of delaying the execution of the people's judgment.

Mr. Chairman, it deserves to die. [Applause on the Democratic side.] It meets that deserved fate very properly at the hands of the Democratic Party, which believes neither in a high protective policy nor in the usurpation of executive authority nor in delay in the execution of the people's will. [Applause on the Democratic side.]

I understand that the gentleman from Ohio [Mr. LONGWORTH] has criticized this method of killing the Tariff Board. Whatever may be said upon the merits of the proposition, it seems to me there is no just criticism to be found in the method which has been adopted to bring this institution to an end. As far as its present powers are concerned, the powers which it has exercised during the past two years, it has derived them from an appropriation bill; and an appropriation bill having been its place of birth, it is entirely proper that an appropriation bill should be its winding sheet. [Applause.]

I have said, Mr. Chairman, that I am opposed to an executive tariff board. I am not one of those, if there be any such, who believe that a tariff bill can be written without expert assistance. There is no man in this House who has ever been engaged in the preparation of a tariff bill but will freely and frankly admit that he has availed himself of all the expert assistance at his command.

I would favor the establishment of a nonpartisan board composed of statisticians and experts upon tariff matters, named by and working under the direction of the House of Representatives. Since the foundation of the Government the Committee on Ways and Means has been charged with the duty of preparing revenue legislation which, under the Constitution, must originate in this House. The expert assistance necessary to prepare such legislation affecting all kinds of revenue ought to be at the command of that committee. It has always employed such assistance and it always will, whether there is an outside tariff board or not. While such a corps of experts ought not to be partisan, they ought to work at the direction and under the control of that branch of the Government which is constantly in truest sympathy with the prevailing sentiment of the people upon the important questions affecting taxation. The very reason which prompted the framers of the Constitution to vest in the House of Representatives the exclusive power of originating revenue legislation—that reason being that this House is quickly responsive to the public will, and by the frequent election of its Members can constantly be made so—is a sufficient argument to sustain such a board solely as an adjunct to the lawmaking body.

It is not because we would not have this assistance in preparing Democratic revenue measures that we cut off this tariff board, but it is because this executive tariff board has demonstrated, by reason of the manner of its appointment and the purpose for which it was created, that its findings and facts, so called, will not receive consideration at the hands of the Congress, no matter which party is in power, in the writing of a tariff bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. I should like to have 10 minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PALMER. Under the Constitution legislation of all kinds must originate in the Congress. It must be initiated here. The President, of course, has the power of recommendation. He has the added negative power in legislation of the veto, but it was not intended that he should initiate legislation in the form in which it would go through the Congress. No President, with very few exceptions, has ever undertaken to send down here any bill which he desired to have passed. President Cleveland did it once. President Taft did it perhaps indirectly a couple of times, but with those exceptions it has almost never been done. The legislative branch of the Government would resent it if it were done.

But what applies to general legislation applies with peculiar force to revenue legislation, because under the Constitution that legislation must originate not only in the Congress, but in this body. And I declare, Mr. Chairman, that as long as that remains so, although the House of Representatives will be glad to avail itself of such information as the executive department may collect in and about its regular duties as an executive branch of the Government, it will never avail itself of information furnished to it by the executive branch of the Government for the purpose of legislating, and the history of both parties in this House bears out that contention.

The present Tariff Board, which has been in existence nearly three years, has satisfactorily demonstrated only one thing, and that is its utter and absolute uselessness as an adjunct of the lawmaking power. It has made two reports—that covering the woolen schedule of the tariff law and another covering the cotton schedule of the tariff law. Those reports were made to the President and transmitted to the House. Then there was the report of the Tariff Board in relation to the pulp-and-paper schedule, but so far as this House has had anything to do with them there have been but the two reports, covering the schedules on wool and cotton.

We have had within the past week a striking illustration of the fact that the House of Representatives, without regard to party, will never take the work of this Tariff Board with anything like the seriousness that some gentlemen contend that it deserves. It is in the very nature of things, it is in the very nature of men, not to have that confidence in men appointed by others which they would have in the findings of men appointed by themselves. It is absolutely and entirely natural, and it has been demonstrated within the past week. The Democratic Party, through its majority on its Committee on Ways and Means, has introduced into the House, with a unanimous report of the majority members of that committee, a bill to revise the cotton schedule of the tariff law.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. PALMER. Yes.

Mr. COOPER. The gentleman recalls the fact that the Democratic majority of the Ways and Means Committee reported a chemical bill, to reduce the duties on chemicals, does he not?

Mr. PALMER. Yes.

Mr. COOPER. Two chemical bills.

Mr. PALMER. No; only one bill.

Mr. COOPER. Two bills.

Mr. PALMER. We reported only one bill revising the chemical schedule, and that was at the present session.

Mr. COOPER. Did not the Democratic House pass a bill last session revising the chemical schedule?

Mr. PALMER. Yes; but that was a different matter.

Mr. COOPER. That is one bill.

Mr. LONGWORTH. And it was reported favorably by the Ways and Means Committee.

Mr. COOPER. It was reported favorably by the Democratic Party in this House and it was defended on this floor as a scientific revision, and yet during this present session the Ways and Means Committee reported another bill revising the chemical schedule based on an entirely different theory; an entirely different bill. [Applause on the Republican side.]

Mr. PALMER. I thought, Mr. Chairman, I yielded to the gentleman for a question. I did not yield to him to inject a speech into my speech.

Mr. COOPER. I will ask the question now, if the gentleman will permit.

Mr. PALMER. Mr. Chairman, I do not want to be diverted into a discussion of the chemical schedule. As to that, everybody knows the situation. The chemical bill brought in by the Committee on Ways and Means during the present session and passed by this House and now in the Senate was defended by us as a scientific revision of the schedule. We were not the fathers of the chemical amendment to the cotton bill at the last session of Congress, and while we voted for the entire bill at the time in order to pass the cotton bill, it was distinctly stated that at the first opportunity we would bring into this House a revision of the chemical schedule.

Mr. COOPER. Mr. Chairman——

Mr. PALMER. I do not care to yield further, Mr. Chairman, for a discussion of the chemical schedule.

I was saying that while the Democratic Party, through its majority representatives on the Ways and Means Committee, had brought in a unanimous report covering a revision of the cotton schedule recently, there was one member of the committee, the gentleman from Connecticut [Mr. HILL], who prepared a bill which he declares is a revision of the cotton schedule in exact accordance with the findings of the Tariff Board.

The gentleman from Connecticut is one of the ablest and most studious men in this House. [Applause.] I have no doubt that from his point of view he understands the tariff question as well as any Member here. He declared to his colleagues upon that committee that his bill was a revision fixing the rates at exactly those which could be deduced from the findings of the Tariff Board, and these other gentlemen on the committee, strong adherents of the Tariff Board, now earnestly favoring its continuance, like my colleague [Mr. DALZELL] and the gentleman from Ohio [Mr. LONGWORTH], and all the rest, forgot their respect for the Tariff Board and disputed its accuracy in these matters and refused to vote for his bill in the committee. [Applause on the Democratic side.] Mr. HILL's bill, based on the Tariff Board report, received his own vote and no other.

Mr. McCALL. Will the gentleman yield?

Mr. PALMER. I will.

Mr. McCALL. If the gentleman from Pennsylvania is going to give what occurred in the committee he ought to give it correctly. The other gentlemen said they had not had an opportunity to read the bill of the gentleman from Connecticut and therefore did not want to sign. Although it is out of order for the gentleman from Pennsylvania to go into the discussion that took place in the committee, if he insists upon giving it he ought to give it fairly.

Mr. PALMER. I will give it fairly.

Mr. MANN. Mr. Chairman, if the gentleman is going to refer to matters in the committee, and I shall not make a point of order upon it, will the gentleman say whether either bill was read in the committee before the committee acted?

Mr. PALMER. Yes; both bills were read in the committee.

Mr. MANN. In the committee?

Mr. PALMER. Mr. HILL's bill was read in the committee and the other was the same bill which had been read many times in the committee.

Mr. MANN. It never had been read in the committee.

Mr. PALMER. Oh, the gentleman from Illinois was not in the committee.

Mr. MANN. That is true, but I know the bill was not read in the committee at either time.

Mr. PALMER. I say, and the gentleman from Connecticut [Mr. HILL] will say, and nobody will disbelieve him in the matter, that his bill was read in the Committee on Ways and Means.

Mr. HILL. It was.

Mr. PALMER. Before these colleagues of his refused to vote for the bill.

Mr. HILL. It was read fully, but I do not think the Democratic bill was ever read, either in this session or in the extra session.

Mr. MANN. That is what I stated.

Mr. PALMER. The gentleman is mistaken about that.

Mr. PAYNE. Oh, no; the gentleman from Pennsylvania is mistaken. It never was read.

Mr. PALMER. It was read in the committee and in the Committee of the Whole and it was read in the country and approved everywhere. [Applause on the Democratic side.]

Mr. MANN. But it was never read in the Committee on Ways and Means, and probably has not been read by the gentlemen who are applauding sentiments respecting it.

Mr. PALMER. Mr. Chairman, the gentleman from Massachusetts [Mr. McCALL] mildly calls me to order for stating what occurred in the committee, and ordinarily I would hesitate to do that, but upon this Tariff Board proposition we have heard dozens of times from the Republican members of the Committee on Ways and Means what happened in the committee in the Sixty-first Congress; the last time as late as this morning, when the gentleman from Ohio [Mr. LONGWORTH] referred to the matter. So I am justified in referring to it, and I am not criticizing these gentlemen for refusing to approve this bill, drawn in accordance with the findings of the Tariff Board. I am simply quoting their action to show how natural it is for men to refuse to follow an executive bureau in a matter of this kind, and these gentlemen are perfectly consistent with themselves when they refuse to vote for a cotton bill framed upon the Tariff Board's findings, because it was only three years ago when my colleague, the gentleman from Pennsylvania [Mr. DALZELL], said in this House:

> There will in no event be any tariff commission. [Renewed applause on the Republican side.] The men who made the Constitution intrusted to the Representatives of the people elected every two years the exclusive prerogative of initiating revenue measures. During all our history the House of Representatives has jealously guarded that prerogative, never surrendered it, and both Democratic and Republican Representatives in this respect, standing on a common platform, never will.

[Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that he have 10 minutes more.

The CHAIRMAN. Is there objection to the gentleman continuing for 10 minutes?

Mr. PALMER. I do not know that I shall use that much.

Mr. MANN. I think five minutes of time is all that should be granted.

Mr. FITZGERALD. Five minutes.

Mr. PALMER. Mr. Chairman, at that time my colleague from Pennsylvania did not anticipate what is the situation now, that we would have a Democratic House to originate tariff legislation while there was a Republican Executive. About the same time, a little after the Dalzell pronunciamento, the then leader of the Republican Party on the floor, the chairman of the Committee on Ways and Means, the distinguished gentleman from New York [Mr. PAYNE], when asked about a revision of the tariff at that time and whether a tariff commission would be acceptable to the Committee on Ways and Means and the House of Representatives in framing legislation, said:

> I think the signs of the times are that next winter this committee will be forming a tariff bill. The question is whether the committee should receive the aid of a tariff commission. We shall invite in all the aid we can get—all the information we can get—and our power is great to send out and get it. We know where to get the Government experts for information about all the intricacies of the operations of the various schedules of the tariff. We know where to get the various decisions as to what the language means in the different schedules. We know where to get the information from manufacturers or merchants or mechanics the country over. Shall we get this information at first-hand or shall we delegate that power to another body of men appointed as a tariff commission? Speaking for one and from what I have seen of the formation of tariff bills, the committee, no matter what the tariff commission might report, would seek its information at first-hand.

[Applause on the Democratic side.]

But he winds up that speech by an expression of his deliberate judgment—

> You probably have gathered from the tone of my remarks that I am not able to see the wisdom of a tariff commission.

[Applause on the Democratic side.]

And so when the gentleman from New York was framing a tariff law he was not standing for a tariff commission, and now the gentleman from Ohio [Mr. LONGWORTH] says that we are opposed to it because it stands in our way, as the gentleman from New York feared, perhaps, it might stand in his way. It was intended to stand in our way [applause on the Democratic side], and because it has consistently stood in the way of an

honest revision of the tariff downward we propose to wipe it out of existence. [Applause on the Democratic side.] I said a few moments ago, Mr. Chairman, that this Tariff Board was conceived in the minds of the manufacturers of the country, who wanted to fasten a high protective-tariff policy upon us. I shall not stop now in the few moments I have to show how it was conceived, but I find upon my desk this morning, as probably every Member did, a clipping reprinted from the Dry Goods Economist, May 25, 1912, entitled "Demand its continuance"—referring to the Tariff Board—and this paper gives a list of the organizations which originally started the agitation for a tariff board. It names the National Association of Manufacturers, the National Retail Dry Goods Association, the Wholesale Dry Goods Association, the American Hardware Corporation, the Merchants' Association of New York, and others. The writer says that the reason these strong friends of the purchasing and consuming public, these great associations of manufacturers, have been anxious to have a tariff board is because the Members of Congress are too ignorant and too lazy to study the tariff question or pass upon these questions. Will you stand for that? Do you indorse the statement of the gentleman from Ohio reported in the newspapers some time ago that a majority of the majority on this side did not know the difference between an ad valorem and a specific duty? Do you believe any such rot as that? Yet that is the argument presented by the Dry Goods Economist, and such in the last analysis seems to be the reason advanced by most of its friends for the continuance of this institution. [Loud applause on the Democratic side.]

Mr. MANN. Mr. Chairman, when I witnessed the wild enthusiasm of the Democratic side of this House applauding the utterances of the Hon. JOHN DALZELL, of Pennsylvania, in regard to the tariff I have wondered. [Laughter.] When the gentleman from Pennsylvania [Mr. PALMER] desires to arouse enthusiasm now on his side of the House on the tariff question he reads the utterances of his colleague from Pennsylvania [Mr. DALZELL], and I wondered whether Mr. DALZELL has become a low-tariff man or his colleague from Pennsylvania has become a high-tariff man. [Laughter and applause on the Republican side.] And when I saw the gentleman from Alabama [Mr. HEFLIN], with enthusiasm in every line of his face, wildly applauding the speech on the tariff question made by the gentleman from Pennsylvania [Mr. DALZELL] I wondered whether the millennium had come. Mr. Chairman, a practical joke sometimes results in a tragedy. When the Ways and Means Committee by a unanimous vote in the last Congress recommended the passage of the bill establishing a Tariff Board some practical joker on the Democratic side, with no expectation of success and with no intention of gaining a victory, commenced some opposition, and before he knew he had accomplished more than he thought—he had lined up a majority on the Democratic side against the Tariff Board and the passage of a bill which no one desired to defeat at that time and which was passed in the House previously. It finally came back to the House on the 4th of March, two years ago, after an all-night session of the House, somewhat late in the morning, and that practical joker from Texas [Mr. GARNER] commenced opposition, or followed the opposition which he had commenced before, to the House agreeing to the Senate amendments, and the gentleman from New York [Mr. FITZGERALD], active, acute, bright in mind, well informed as to his rights under the rules, concluded that he would take part in that joke and prevent the House from agreeing to the Senate amendments and thereby defeat the bill to create a tariff commission. The gentleman from Kentucky [Mr. SHERLEY] a few moments ago stated that the cause of the defeat of that bill was the action of the then Speaker in recognizing Mr. Tawney, of Minnesota, to present a conference report between the first and second call on a roll call. In the interest of history, at least, I think it is proper for me to say a word upon that point. Mr. Chairman, during my service in this House I never have seen the House reach a point so near personal conflict as came on that morning. The gentleman from New York began to filibuster. The tariff commission bill came from the Senate with a number of Senate amendments. It is the custom of this House on the 4th of March, so far as ordinary business is concerned, when it comes close to the hour of 12 o'clock, to move the hands of the clock back through some unknown and supposedly unseen agency.

But no one in the House would desire to move the hands of the clock back for the purpose of falsifying the record of time in order to pass a controverted bill in the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Without objection, the gentleman will continue for five minutes more.

There was no objection.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] commenced to filibuster on the bill. It was plainly impossible to call the roll on the passage of each of the Senate amendments—and a roll call could be demanded on every amendment—and complete the call before 12 o'clock. Thereupon the Committee on Rules reported a rule providing that the previous question should be considered as ordered upon a motion to agree to the Senate amendments in gross. And, under the filibuster, that had to be adopted by a roll call. The first call of the roll was had on that rule, and at the end of the first roll call the gentleman from Minnesota, Mr. Tawney, presented a conference report on the sundry civil bill and asked to have it considered.

I am familiar with the rule referred to by the gentleman from Kentucky [Mr. SHERLEY] that a conference report can not interrupt a roll call. I was not familiar with it at that time, and no other Member of this House—and I make no exception—knew there was such a rule.

Mr. FITZGERALD. Mr. Chairman, will the gentleman permit an interruption? I beg to state I called the Speaker's attention to it and protested against his action, at the desk. I had to do it at the desk because I could not get recognition on the floor. [Applause on the Democratic side.]

Mr. MANN. The gentleman had recognition on the floor. The Members are applauding too quickly.

Mr. FITZGERALD. I did not.

Mr. MANN. The gentleman himself looked at the rules and found there was such a rule. And he went to the Speaker and I went to the Speaker and called his attention to this rule, the parliamentary clerk not then being at the Speaker's table. The gentleman from Minnesota, Mr. Tawney, in asking for a consideration of the conference report, made a parliamentary mistake. I think the Speaker in recognizing him made a parliamentary mistake. The gentleman from Minnesota possibly made a tactical mistake, not supposing that the Democratic side would filibuster against the passage of the sundry civil bill, which they did, and which required a roll call. But even if that mistake had not been made, unfortunately it was not possible to have a final roll call on agreeing to the Senate amendments. When the motion on the roll call was carried, the gentleman from New York [Mr. FITZGERALD], under the rules, made the point that he had a right to make a motion to recommit the bill to the Committee on Ways and Means. The Speaker sustained his right. Those who have charged this morning that the Speaker was unfair and autocratic should remember that on a matter which was then controverted and was then settled by the ruling of the Speaker, giving to the minority the right which they claimed, the Speaker recognized the gentleman from New York [Mr. FITZGERALD] to make a motion to recommit a bill because the rules seemed to provide for that. It was not possible to conclude that roll call and have another roll call on agreeing to the Senate amendments before the hour of 12 o'clock came. Gentlemen on both sides of the aisle were hot-tempered and bitter. In the midst of that controversy, trying to keep my judgment and trying to hold my temper, and believing it would be a serious catastrophe if a riot should occur in the House of Representatives when an effort should be made to turn back the clock, if that were made, and knowing that once the clock were turned back it would not be possible to pass these Senate amendments, I went on my own responsibility to the gentleman from New York [Mr. FITZGERALD] and other gentlemen on that side of the House, and stated to them that the clock would not be turned back for the purpose of passing any controverted proposition. And shortly after that the gentleman from New York [Mr. PAYNE], seeing that it was not possible in the course of half an hour or more after 12 o'clock to agree finally to the Senate amendments, withdrew, in the midst of the roll call, the entire proposition by unanimous consent.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. [After a pause.] The Chair hears no objection.

Mr. MANN. When that request was agreed to, the clock was turned back twice before the conference report had been enrolled and presented to the House. I am sorry that the tariff commission bill did not pass. But I recognized then and I recognize now the rights of a minority to pursue every parliamentary device which rules provide to defeat legislation, as the

majority has the right to pursue parliamentary devices to enforce or pass legislation.

But I would much rather that the Tariff Board question should remain open for the people to decide than to have seen what on that day was imminent—a personal conflict between Members of the two sides of the House, each believing that it was right. The Speaker then, my colleague Mr. CANNON, is entitled to no criticism for what he did. He preserved the rights of the minority. If he had refused, in violation of the rules, to recognize the gentleman from New York [Mr. FITZGERALD] on that day to make a motion to recommit, the tariff commission bill might be a law. But my colleague now acknowledges, like a man, and takes the responsibility of recognizing the conference report between the two roll calls. He does not play the "baby act," and he never does. But in point of fact both the gentleman from Minnesota, Mr. Tawney, and the Speaker in the chair were not familiar with the rule, which had not been invoked in practice probably in the course of a half century of time.

Now, Mr. Chairman, so much for that. I was not very enthusiastic about a tariff board. But, with what little experience I have had in the House in the course of the preparation of one general tariff bill and a number of schedule tariff bills, I have reached the conclusion that the House can not in any way obtain too much information. [Applause on the Republican side.]

The gentleman from Pennsylvania [Mr. PALMER] says somebody accused the House of being ignorant or lazy. On tariff questions this House, on both sides, is in the main both ignorant and lazy. [Laughter.] No one pretends that the average individual Member of this House knows or studies the schedules or the rates on different items in different schedules in the main. The Ways and Means Committee itself does not do it. When the chemical tariff bill was presented to this House at this session there was one Member in the House who pretended to know in regard to it, and he was the one who had written the bill.

I will not blindly follow the report of a Tariff Board, whether it be an executive board, a legislative board, an independent board, or any other kind of a board. But why do you fear the information? If we on this side of the House shall have the next House, why do you oppose our desire to have the information? If, on the other hand, you on that side of the House shall have the next House, why, even if you want to throw the information in the wastebasket, do you oppose our having it? In fairness to the minority now, in fairness to the majority then if we shall be in the majority, and in fairness to the minority then if we shall then be in the majority in the organization of the House, you should give us a chance to acquire the information which we desire.

Mr. PALMER. Would you pay the same attention to it then, if you were in the majority, that the minority of the Committee on Ways and Means now are paying to the report of the Tariff Board on the cotton schedule?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

Mr. PALMER. Mr. Chairman, I ask that the gentleman be allowed five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Mr. Chairman, when the Tariff Board's report on the wool schedule came out I read it, and read it again, and read it still again. Some other Members of the House did that. I think everybody will say that there was some information contained in that report, whether you agree with the information or not.

I am frank to confess that I have not read the report of the board on the cotton schedule. Up to within a few days ago it was my understanding, at least, and I think it was based upon information from authoritative sources, that the cotton schedule bill was not likely to come in at this session of Congress. I have no criticism because a change of policy, if there was a change, was made in that respect.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. The majority have full privilege in reference to that.

Mr. LONGWORTH. The statement was made by the chairman of the Committee on Ways and Means that no cotton bill would be reported unless the Senate showed a disposition to enact final tariff legislation. It was on the authority of the Senate's action on the steel bill with the reciprocity amendment that a disposition was construed to exist in the Senate to pass tariff legislation. As a matter of fact, of course, everybody knows that the Senate's action means that there shall be no further tariff legislation.

Mr. MANN. I have no criticism for the chairman of the Committee on Ways and Means if he changed his mind, if he did change his mind. That is his right. I think it is not required that he shall announce his policy at all, and much less to the minority side of the House.

I went over very carefully with the gentleman from Connecticut [Mr. HILL], and in other ways, the wool bill which was offered by the minority in the House when the committee's wool bill was passed. Personally, while I have talked with the gentleman from Connecticut [Mr. HILL] in regard to his bill and have examined casually his provisions, I have given no special examination to the provisions of his bill. While I have the highest regard for the gentleman from Connecticut and would much prefer to follow him on a tariff bill rather than some gentlemen on the Democratic side, we are not constituted on this side of the House so that we indorse proposed legislation without any examination.

On that side of the House a gentleman can prepare a tariff bill offhand, as the chemical bill was prepared, with no one knowing its contents except its author, and it will receive the enthusiastic support of all Democrats. [Applause on the Republican side.]

Mr. RUCKER of Colorado. Will the gentleman please make an exception?

Mr. MANN. Oh, the gentleman is no longer an ordinary Democrat. He is a sensible Democrat. [Laughter.] The gentleman has voted against nearly every party measure that has been brought into the House and has in that respect shown excellent judgment. [Applause on the Republican side.]

Complaint is made because we do not take offhand the cotton bill prepared by the gentleman from Connecticut [Mr. HILL] and presented to the Ways and Means Committee. It is easier for them. What do they do? They take offhand a bill prepared last summer by no one on this side knows whom. Who prepared the bill of last summer? In the light of all the information which you have received since last summer—and unless you are dummies you must have received some information—you have not dotted an "i" or crossed a "t" in the cotton bill. You learn nothing by experience. You acquire nothing by study. You add nothing by information.

Mr. PALMER. We were right the first time.

Mr. MANN. You simply follow what some ignoramus or gentleman or learned man has prepared and then blame us because we are not equally foolish. [Laughter on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I shall not attempt to go very much into what happened at the end of the Sixty-first Congress. The attempt to defeat the Tariff Board bill was no practical joke, however. I resented its being reported by the aid of Democratic votes. I antagonized it in committee, in the House, and I antagonized it when it came from the Senate. If everybody else is so delicate about having attributed to him any responsibility for the failure of the Tariff Board bill, I am perfectly willing to have them place that responsibility on me, because I think that was one of the most meritorious things I have ever accomplished during my membership in the House. [Applause on the Democratic side.]

I think the gentleman from Illinois [Mr. MANN] states pretty fairly what happened in the last day of that Congress. I have never seen such intense excitement here. There was danger of personal conflict. I was glad the bill was defeated. I protested against the action of Speaker CANNON in permitting the conference report on the general deficiency bill to be submitted in the way it was, because I believed it a violation of the rule.

But I wish to say that I have always been convinced that his action was in good faith as to his powers under the rules of the House. Whether that particular action or some other things made impossible agreement upon the conference report made no difference to me. I desired to defeat that bill. I resented some of what I considered at that time to be the arbitrary actions of the Speaker in depriving me of opportunities to delay a vote upon the bill. Considering the opportunities under the rules to delay matters, I do not believe that a vote could have been reached on the bill. I never believed that the Republican Party were sincere in that Congress in their attempt to enact a tariff board bill. [Applause on the Democratic side.] They had had control of Congress for more than 16 years. They reported their so-called tariff bill somewhat early in the session, and passed it through the House. They brought it back in the dying hours of the Congress.

Knowing the possibilities for delay under the rules, knowing that there were men who were determined to prevent the enact-

ment of the law if it could be prevented, it requires more credulity than I have ever possessed to induce me to believe that the great majority of the Republicans were really sincere in their desire to enact the bill, and I am justified in that belief by the historic attitude not only of the Republican Party, but even of distinguished gentlemen now in the House and who have recently been in both Houses of Congress. The gentleman from Illinois [Mr. CANNON] himself said upon the occasion referred to by the gentleman from Pennsylvania [Mr. PALMER] when the gentleman from New York [Mr. PAYNE] made the statement which he quoted:

We had a Tariff Commission once, composed of very able men. They performed in the early eighties. We revised the tariff. I am told, Brother PAYNE, by those who were in that Congress, that they heard all the industries, and the report of the Tariff Commission was so voluminous that they did not even read it. * * * I fear greatly that you would turn into a debating school, just as we do in the House, and that there would be liable to be a majority and a minority report—maybe not; I should hope not—if this commission is constituted. * * * You say that Congress is not fully informed. Let me tell you something. I want to say that I do not believe there is a man in the United States who knows as much of the schedules and who is as well equipped for that work as the gentleman upon whose shoulder I lay my hand [Mr. PAYNE].

And after Mr. PAYNE had had his opportunity to revise the tariff, and after the country had pronounced its emphatic condemnation of the result of his efforts, the gentleman from New York [Mr. PAYNE] and the gentleman from Illinois [Mr. CANNON] and gentlemen from every other hidebound Republican district where the protective industries have been fattening at the expense of the American people suddenly became convinced that it was highly desirable to have a tariff board, in order to furnish information to the Democratic Party in their revision of the tariff. [Applause on the Democratic side.]

Mr. Chairman, I have opposed the Tariff Board because it is a futile waste of money. [Applause on the Democratic side.] It was conceived for the purpose of preventing action on the tariff until the Republican Party might possibly patch up its differences. That was practically the statement of the President at Winona, but he was a poor prophet. He anticipated that the wounds would be healed in four years. It would be an indefinite period for the life of this commission if it were to be extended until the present differences in the Republican Party are healed and cooperation in its divided ranks again becomes possible. [Laughter and applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for 10 minutes additional.

The CHAIRMAN. The gentleman from New York asks that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the President did not originally anticipate that this should be a tariff board in the sense now contemplated, and I shall read from two statements to confirm that view. He said:

I do not intend, unless compelled or directed by Congress, to submit the results of these investigations, but to treat them merely as incidental facts brought out officially from time to time.

And Senator Hale pointed out in the Senate—and I shall put in the RECORD just what he said—the fact that he had thoroughly gone over the provision in the Payne-Aldrich bill, section 2, and that the provision in there was not to create a tariff board, but to enable the President to administer the maximum and minimum provisions of the law. Senator Hale said, on August 4, 1909:

When this subject came up, Mr. President, as it does in the urgent deficiency bill, I went over this whole question with the President as to his scope of duties. I showed to him that it was not intended to keep this subject open, but to confine him to the question of discriminations, discriminating duties, and discriminating processes by other powers. In framing the language of the item of appropriation that gives the President the amount of money that he asked, it has been confined strictly to the language I have recited as a part of the tariff act. I have no fear the President will undertake to exceed that. I do not believe that he will.

Then he said further:

But the Senate conferees found the House conferees a rock against any form, not only of tariff commission, but of any authority, that should be given for any officer of the Government to keep this subject open. * * * What is the business of the President under the maximum and minimum provisions? It is not to inquire into the condition of labor in other countries—the relative cost of labor there and here. He is limited to an inquiry as to the discrimination that is made by other countries against the United States. He so understands it. I understand that he so understands it. I do not believe and I do not expect and I do not fear that the President would seek to amplify this authority.

Speaking further, relative to possible changes of the Payne law, he said:

* * * It is not any tariff commission that will settle this question in the future. It will be Congress that will settle it; it will be the House primarily and the Senate secondarily; and no tariff commission will add 1 ounce of weight to the deliberations of the two bodies which must at least settle all these questions.

And yet within two months of these declarations the President stated that he construed the provision to authorize him to appoint a tariff commission. This so-called tariff commission has expended $550,000. It has completed the investigation and reported upon three schedules of the tariff law. There are 11 schedules still to be investigated and reported upon. This pending amendment proposes to reappropriate the unexpended balance of the appropriation made for this year, although the President in his message, I think on the cotton report, stated that it would require $60,000 additional to complete the work of the commission during the present year.

I endeavored to ascertain how much more would be required to enable the commission to complete its work, and the best information that could be obtained from these gentlemen was that it would require at least $450,000. But by the time they had completed their work additional money would be required for additional investigations in order to keep it up to date.

I have heard gentlemen speak of the value of the reports of the Tariff Commission and the necessity for the information that the reports contained, and the importance to the Congress that the information should be before the House before tariff legislation is enacted. The gentleman from Illinois [Mr. MANN] stated that he has carefully examined the report on the wool schedule, and that it contained at least some information. It would be very difficult, Mr. Chairman, for a report of the size and volume of that report not to contain some information, but how valuable it is I shall not undertake to say.

But I shall quote a competent witness on this question, a man whom nobody upon that side will challenge as to his ability and knowledge and competency. Samuel S. Dale, recognized as one of the greatest textile experts of the country, and, if I be not misinformed, either the editor or connected with the Textile World Record, the recognized authority upon these questions, has prepared a most comprehensive analysis of the report of the Tariff Commission, so called, on the wool schedule, and a most illuminating analysis of the bill prepared by the gentleman from Connecticut [Mr. HILL]. I shall ask to have it printed as a part of my remarks, and I shall read to the House for its information at this time only the concluding paragraph of the paper, prepared by the most competent man on these questions in the United States:

In conclusion I desire to express my keen regret at having found the statement of fact in the report—

Referring to the report on the wool schedule—

deficient, and the conclusions generally erroneous. The Tariff Board's work on Schedule K may, nevertheless, serve a useful purpose by awakening interest in a question of great importance, provided the real character of the investigation is clearly understood.

So that the only value of this report, according to the most competent man in the United States to pass upon these questions, is that it may awaken some interest among the American people as to the necessity for removing the indefensible rates in the woolen schedule. Does anybody imagine that it necessitated an expenditure of $550,000 to convince the American people that any such revision was necessary?

Mr. Chairman, I oppose the Tariff Board because its purpose—not the purpose of the members of the board, but the purpose of those who created it—was to delay tariff revision. We all recall the veto messages of the President of the United States. He vetoed the tariff bills passed in the special session of this Congress upon the ground that, as the Tariff Board had not reported upon the various schedules affected, he was unable to state whether the bills as passed and presented to him afforded that measure of protection which the Republican platform promised to the protected industries of the country, which was a rate to equalize the difference in the cost of production here and abroad with a reasonable profit to the manufacturer; and he stated that he would not approve any bill revising or affecting the tariff which did not give that measure of protection to the protected industries.

Yet, Mr. Chairman, during that same session of Congress, with a report of the Tariff Board showing a difference in cost of producing print paper of $5.34 in this country and Canada, in the face of the Republican platform upon which he was elected, and after pledging himself not to approve legislation which did not afford that measure of protection, he signed the reciprocity bill, which contained a provision putting print paper upon the free list. In that way he has completely repudiated not only the reports of the Tariff Commission, but his own action in denying to the people of the United States relief from the iniquities of the present tariff law. Of what value is it to wait for these reports if the President is to play fast and loose with them himself? Who knows that he would be satisfied with

a bill reducing rates to a point which even the board would concede was proper for the purpose merely of carrying out the Republican platform if, perchance, it would affect some industry which was peculiarly active in behalf of the Republican Party either before or after the nominations?

Mr. Chairman, the whole purpose of this scheme is to delay, to prevent relief to the people. So far as I am concerned, I believe that this side of the House is not only sufficiently patriotic, but that it has the courage and the information necessary to so revise the tariff as not only to meet the commendation of the American people, but to bring that relief to which they are entitled. In this coming campaign we shall face that issue confidently. The country may then determine whether it desires to delay, delay, delay in the interest of those who have been enriching themselves at the expense of the people or whether the people are prepared to approve the legislation thus far enacted by this House. To write such laws upon the statute books I believe the people will give us a sweeping victory in the next campaign. Upon the issue we are ready to abide the judgment of the American people. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I do not think that the gentlemen on the other side of the aisle can justify themselves to the American people for striking down all legislation in reference to a tariff board by quoting some speeches that I made four or five years ago. I was opposed to a tariff board then. I believed that it was better for the parties who were to make a tariff and suggest rates to have the witnesses come before them, that they might examine them and see the witnesses themselves and their manner of giving evidence, especially parties who were interested, in order to get at the truth.

The committee over which I had the honor to preside were more faithful, spent more time, worked harder to get at the facts than any Ways and Means Committee of the House since I have been a member of that committee, now something over 23 years. But, Mr. Chairman, there were certain facts we could not get at. We could not get witnesses from the other side of the water; we could not examine them; we could not see their manner of testifying; and we could not ask them the questions that we desired to ask; and yet, hampered as we were, we ascertained more facts and obtained a better basis for formulating a tariff bill than any committee with which I have ever been connected before. Yet that experience convinced me that we needed something more. The gentleman from Pennsylvania is opposed to an executive tariff board. He promised the gentleman from Illinois to tell what kind of a one he wanted, but he forgot to say anything about it, although he wandered around for half an hour on the subject afterwards. An executive tariff board! Has this committee of this House ascertained a single fact that they did not get from an executive department of this Government in reference to the formation of a tariff unless some of them, perchance, may have read over a stray hearing that was had before the committee in 1909. If they have, they failed to show it to the House. Their reports have been voluminous, but you can not find anything in them that is not in a report of the census or some other executive branch of the Government. What does he mean; what kind of a tariff board is he for? He evidently wants to justify himself, because he knows the people of Pennsylvania and the people of this country want a tariff board. Why does not he mention the kind? Why does not he bring a bill in for a tariff board before the Committee on Ways and Means—he is an influential member there—and push it through the committee? Why did he vote against the bill I called up in the Committee on Ways and Means during this present session—identical with the bill that the majority of the House voted for and he voted for, if I am not much mistaken, in the last Congress during the closing hours?

Oh, how anxious he is, how very anxious he is for a tariff board or a tariff commission to gain information. Now, this Tariff Board has the power. It sent agents abroad to take testimony there. They had power to send agents over the United States to take testimony here. They presented a report on the wool bill that everybody who is competent to judge says was the greatest report ever made on any tariff subject in any country in the world, and this praise comes not alone from the people of the United States, but from men abroad who have made a study of these questions the work of their lifetime. That is what this board has done. But the gentleman from Pennsylvania says the Republican majority does not believe in this board. Why, it seems to be an impression even with some members of the Ways and Means Committee that this board suggested rates. They are doing nothing of the kind; very far from it. They do not suggest a rate for a tariff for revenue only reformer; they do not suggest a rate for the free trader and they do not suggest a rate to those of us who believe in the protection of American industries. It is true in the wool schedule they say if Congress adopts a certain rate upon the scoured content of wool other rates will follow as a corollary, on scoured wool and wools in various stages of manufacture the rate of tariff would be according to the weight of the wool, but they do not suggest any rates to Congress that Congress shall adopt, but all through their report they simply furnish the facts. It was suggested at the time I made that speech in the House that we should refer it to the board to bring in a bill. I said Congress never would submit to that, and it never will. I stand by that now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I would like to have about 10 minutes more.

The CHAIRMAN. Without objection, the gentleman will be given 10 minutes. [After a pause.] No objection is heard.

Mr. PAYNE. The Constitution gives to us the fixing of rates, but the Constitution does not state that we are to find out the facts in any given way. We can get at it ourselves; we can have a tariff board, a part of the executive portion of the Government. What kind of tariff board does the gentleman want? Now, the great difficulty in the Ways and Means Committee is this: The life of Congress is only two years. If the President calls us together as soon after the 4th of March as can be done, as he did in April during the formation of the tariff bill in 1909, still we have a very short time in which to formulate a bill and get it through Congress. We can not get all the evidence we want. I did want to revise the woolen schedule. I was earnest in it. I got all the facts together and laid them before the committee, but I could not get facts enough to convince gentlemen who have since read the wool report from this Tariff Commission and who agree now that I was partially right, at least, in what I wanted to do.

I had paid a little more attention perhaps to that than some others in the committee.

A tariff bill is not formed by any one man. I have been through two or three tariff formations. The chairman does not have his own way about everything. I think that perhaps I had my own way about the last bill as much as any chairman I ever served with, but I did not have my own way. The bill before the House even was not exactly the bill I would have framed if I had absolute power.

Mr. HULL. Will the gentleman state now that he is in favor of a tariff board and if it is his opinion it would have been better in 1909 to have created a tariff board and revised the tariff schedule by schedule in that way instead of the manner in which it was admitted to be dealt with?

Mr. PAYNE. I think if we had had the assistance of a tariff board that we still would have made a better bill than we did. Nobody will ever make a perfect bill. Nobody will ever report a bill with every item of which he agrees, because it must be a compromise.

Mr. HULL. Then the gentleman thinks the committee made a mistake in the manner in which they dealt with it in 1909?

Mr. PAYNE. I do not. I regard the present tariff law, as I have said before, and as you will acknowledge some day, as the best tariff law put on the statute books since 1850, and I am willing to meet any of you and debate on that question anywhere or any time, or with any other man in the United States, and I will prove it to you by the statistics of the Government. But we might have done better if we had had a tariff board at work a year or two before that. I did not know it then. I realize it now.

The gentleman from Pennsylvania [Mr. PALMER] says that we discredit the report of this Tariff Board. Well, we formed a wool bill. The gentleman from Connecticut [Mr. HILL] and myself both had a good deal to do with the formation of that bill. We did not agree in all of the particulars. We disagreed on some. He had his way on some things, and I had my way on some other things, as the gentleman knows. When we got through with it, we got through with the best woolen schedule that was ever made up to the present date, without any quesion. We got through with the schedule, we reported a schedule to the committee, and it ought to have been adopted. You ought to have voted for it over there. We prepared a way to reduce the tariff on wool and woolens, and if you had accepted it it would have been a law to-day, and it would have been a substantial reduction on wool and woolens. What did you do with it? Beyond the one reading in the committee I doubt if any one of you ever read that bill through or ever considered it or have any knowledge of it, if not entirely ignorant of it and its contents to-day. I became discouraged. And when the cotton report came in I did not care whether the bill was prepared or not, so far as I was concerned. What was the use? It was like the man in Scripture, casting pearls be-

fore some neighbors or inhabitants in those days. It was of no use. I am not reflecting on you, gentlemen. I am simply saying it was as useless as was the casting of pearls in those days.

It met no response. I agree with the encomiums that have been placed upon my friend from Connecticut [Mr. HILL]. I have been pretty close to him a good many years in tariff matters on the Ways and Means Committee, and I think perhaps he and I were more of one way of thinking in the formation of the tariff act of 1909 than perhaps any other two members on the committee. He is a man of great industry. I do not always agree with all he says and all his conclusions, and, of course, he does not agree with mine always, but that does not prevent my appreciation of him. But I never yet have taken a tariff bill on the strength of any one man's judgment, and I never will. Now, this bill was brought before the committee, and I never heard it read until I heard it read in committee. It was the only cotton bill that has been read in the committee at this session of Congress. My friends on the other side expressed a desire to hear it read, and I stated to the committee, and I will state that now, because the gentleman from Pennsylvania has stated some things that occurred there, that that was the first time I had read that bill of Mr. HILL's. Perhaps it was my own fault. I was not prepared to say I was for that bill or that I concurred in the judgment of the gentleman from Connecticut [Mr. HILL] that it was just exactly in accordance with the Tariff Board report. I criticized it in the particular that it had abolished specific duties and had nothing but ad valorem duties in it. It may be that after a study of it I might have acceded to that, but I had not had the study. I believe in specific duties wherever we can have them, because they stop fraud, and that is the best judgment of every man who has had the administration of a tariff act since Walker, and Walker was the only exception.

I was not prepared to vote for it, and I so announced to the committee, and I did not vote for it. I have not examined it yet. What is the use? Why, if we presented to you a bill in exact accordance with what you believe, you would not dare to even vote for it. You set aside your manhood in the interest of trying to carry the country next November. Why, if Mr. UNDERWOOD says it is all right, his fellows on the Committee on Ways and Means say it is all right, and anything that the majority of the Ways and Means agree to you accept without thinking, without study. If it is true that a man formerly said that Congress was too lazy and too indolent and too ignorant to prepare a tariff bill, he must have been a prophet, and must have foreseen some of the performances that have occurred in our presence right here in this House of Representatives. [Laughter.] Why, if he said it about this Congress none of you would dare to go into court and sue him for libel. You would not dare to.

What have you done? What do you know about this cotton bill that is pending now? What do some of the new members of the committee know about it? I appeal to my genial friend from Missouri [Mr. SHACKLEFORD], and ask him to tell if he knows anything about it. I yield him time now.

Mr. SHACKLEFORD. Mr. Chairman, I have no pearls to cast.

Mr. PAYNE. I thought that is all he knew about it. [Laughter.]

The CHAIRMAN (Mr. BARTLETT). The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RUCKER of Colorado rose.

Mr. PAYNE. I except my genial friend from Colorado [Mr. RUCKER], who has studied these questions and, having studied them, voted against these bills. I wish there were more like him over there. I do not know that I ought to tell the admissions I have heard in private conversations I have had with some of these gentlemen, and yet they did not tell them to me privately.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Colorado?

Mr. PAYNE. With pleasure.

Mr. RUCKER of Colorado. I want to say, in courtesy to the gentleman, that I do not follow him all along the line. I often find the gentleman is right, and I often find my associates on this side are wrong. I am trying to keep in the middle of the road. [Laughter.]

Mr. PAYNE. Well, I wish there were other gentlemen over there who were inclined also to keep in the middle of the road and were not inclined to get away up on one side, close against the rail fence, in order to file in and out after their leader on these questions. Gentlemen, wake up and study up on these propositions. Study them. I will help you if I can. I will help you to form a good tariff bill.

Why, some gentlemen on the Committee on Ways and Means have said to me that if I had offered that minority wool bill as a substitute for the wool schedule on the original Payne tariff bill there would not be any Democratic majority in this House to-day. I do not think there would be.

Mr. RUCKER of Colorado. That is a fact.

Mr. PAYNE. And I am in favor now of taking it up schedule by schedule, in accordance with the facts. I want the facts to appear in all of these schedules. I want to review the present tariff law and the facts as they appear on all these schedules. I am in favor of the fullest inquiry. Turn on the light. We tried to get it in 1909. Do not close the doors now.

Have you any criticism to make on the personnel of this Tariff Board? I have not heard any. Do you know the Democrats there? Of course, many of you know Mr. Howard. Mr. Page is an equally good man, coming from old Virginia. Talk with them. Go down and visit them and try to learn something. I wish to heaven you could go down and talk a few minutes with them before you take your vote on this paragraph; not simply to talk on the question of this appropriation, but to get a little general idea of what that board has been doing and the information which it has gotten together, and then you would be incited to hunt up that information; and then if you are going to put in a tariff bill for revenue only, you would not put prohibitory duties on the least expensive goods for "the poor people," whom you talk so much about, you know.

No; you would not put it on their goods. You would put a heavier duty, that was a protective duty, on the high grades of manufacture that the common people could not buy, that only the rich could buy. You would not reverse it, as you have in many of these "Underwood bills," and as you have in the bills that have come over from the Senate. Oh, study it. Go into a kindergarten on this business and learn it from the first principles. When you get strong enough, take up the reports of this Tariff Board and study those, and you may finally bring in a bill that will meet the approval of the American people when they come to understand it.

But you say the people are with you; that they are for a revision of the tariff. Well, go ahead. Possibly sometime you may make some of these bills into laws. You will not go much further after that. The empty dinner pail, the soup house, and all that business will come around. Things will be cheaper, perhaps, not according to the measure of wage, but according to the measure of money. Perhaps they will. I do not know. Do you know that nearly every item on which we put a lower rate of duty or which we put on the free list in that bill—and there were hundreds of them—costs just as much to the consumer to-day as it did before the cut was made in the duty? Somebody else is collecting that revenue and not the Government. The wholesaler, the retailer, the middleman are doing it. If you ever get your bills through they may do it for you. If they do, the condemnation and wrath of the American people may be postponed for a little while, but it is sure to come. Study these bills and lay up information against the day of wrath. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HULL. Mr. Chairman, I am opposed to the adoption of the pending amendment. The positions of the two political parties with respect to taxation are historic and fundamental. In view of the radical difference of tariff views and of party methods of writing our tax laws, it is utterly immaterial whether we create and have in existence one tariff commission or board, or a dozen tariff commissions or none. After all is said and done by those commissions, the two political parties come together in Congress and insist on writing the tariff laws upon the basis suggested by their respective party views.

During last summer I delivered some remarks on this floor in the course of which I gave a history of tariff board or tariff commission agitation, both here and abroad, and in the course of this review I submitted and proved by the utterances and the actions of the leaders of the Republican Party for more than 30 years, not only their views with respect to a tariff board or a tariff commission and its functions and possible efficiency, but also the policy of their party with respect to the utilization of a tariff commission in dealing with the tariff.

The whole truth is, Mr. Chairman, that the Democratic Party, dealing with the tariff as it undertakes to deal with it

from a revenue standpoint, has never needed a tariff board or tariff commission, and the Republican Party, dealing with the tariff from a protection view, has never wanted a tariff board or tariff commission except on two occasions, and those were occasions during which this party found itself and our present system of high protection confronted with a serious political crisis, which hazarded the existence of both.

In 1882 our Republican friends presented a proposition for a tariff commission. At that time, as now, the Democrats charged that it was an act of bad faith, that it was intended solely for the purpose of postponing and delaying honest tariff revision. The result was that they created that commission. It made its report, as the present Tariff Board has made its report. That report was not read by Congress. It was brushed aside. The Republican Congress later went through the pretense of revising the tariff, with the result that while the board had recommended a reduction of from 20 to 25 per cent, the revision showed an actual increase on an average from 42 per cent to 47 per cent.

Mr. RUCKER of Colorado. Mr. Chairman, I want to suggest that I observe there are only 13 Republicans in their seats to hear this speech.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. HULL. I yield to the gentleman from Colorado for a question.

Mr. RUCKER of Colorado. Would not the gentleman like more than 13 Republicans to hear his speech?

Mr. MANN. The gentleman ought not to say 13. That is an unlucky number.

Mr. RUCKER of Colorado. The gentleman from Illinois makes 14. I will call attention to the fact that there is no quorum present.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] makes the point that there is no quorum present. The Chair will count.

Pending the count,

Mr. RUCKER of Colorado. Mr. Chairman, I withdraw the point.

Mr. PAGE. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Tennessee may have five minutes more. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I desire to call attention in a few words to the past action of our friends on the other side with respect to a tariff commission. After this commission had been characterized by Republicans as a failure in 1882, and by Democrats as a fraud, and after its work had been deliberately ignored even by our Republican friends, some years following they were in power at both ends of the Capitol, and they were revising the tariff by the McKinley bill. At or just prior to this time it was proposed by a Republican to have a tariff commission. Our Republican friends at both ends of the Capitol ignored the suggestion of a tariff commission and characterized it as useless, inefficient, and unnecessary.

In 1897, when the Dingley bill was pending, a suggestion was made by one Republican that a tariff commission should be created for the purpose of revising the tariff. The Speaker of the House and the leaders and the membership of the House on that side peremptorily refused even to consider the idea of reenacting a tariff board or a tariff commission law. It was brushed aside, and from that time, as well as before, all the leaders of the Republican Party in both Houses of Congress, and the Chief Executive at times, set forth the contention that a tariff board or commission was absolutely unnecessary; that whichever party might be in power would revise the tariff according to its respective views, and this position has been held until, as the gentleman from New York [Mr. FITZGERALD] stated, the Republicans found the country in open revolt against their tariff revision of 1909, and then they suddenly espoused a little propaganda that had been commenced in 1907 by the National Association of Manufacturers, who, anticipating another revision of the tariff, had undertaken to secure the adoption or the enactment of a tariff-commission law in the hope that they might through this agency maintain the existing system of protection.

In 1908 they urged the Republican national convention to insert a provision in its platform calling for the enactment of a tariff-commission law. The committee on resolutions ignored it and characterized it as useless if not frivolous. It was not until 1909 and 1910, after this storm had arisen against the operation and the effects of the Payne law, that this sudden, and I might say deathbed, conversion has overtaken the gentlemen on the other side, who now seemingly espouse with so much earnestness a tariff board or a tariff commission.

I said last summer, and I repeat it now, that in view of 30 years' record of that party, in view of the uniform utterances of all of its leaders, both in and out of Congress, this present pretended support of the tariff board or commission is nothing more than a downright deception on the part of gentlemen on the other side. [Applause on the Democratic side.]

I agree, Mr. Chairman, that they are in earnest in the ultimate purpose which they are undertaking to subserve, and that is the maintenance inviolate of the existing system of high protective-tariff taxation with its long train of evils, and they may construe this act that I call deception merely as strategy by which they would mislead the people of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GILLETT. Mr. Chairman, the gentlemen on the other side of the House are finding great satisfaction and amusement in quoting extracts from speeches years ago by prominent Republicans opposing a tariff board. I am disposed to admit that until recent years a tariff board has been opposed by the dominant opinion in the Republican Party. But the Republican Party is not characterized by a narrow, bigoted adherence to opinion, and in that it differs from the Democratic Party, which, like the Bourbons, learns nothing and forgets nothing.

But where facts are brought to our attention, which properly ought to change our minds, we are ready to change; and I am ready to admit that the Republican Party, under the leadership and urgency of President Taft, has changed its opinion upon the Tariff Board and that it is now generally favorable to it, and for several years has advocated it.

I was pleased to hear the gentleman from New York [Mr. FITZGERALD] openly admit that the bill for a permanent tariff commission was defeated under his leadership by the Democratic Party. When the project was first seriously urged by President Taft a majority of both parties seemed to favor it, but the Democratic fondness for it seemed to diminish as ours increased, and at last by filibustering they killed it. I personally have for some years been in favor of a tariff board, thinking we could not have too much light on these intricate and difficult problems and that they ought to be studied in the open. How different that is from the position which the Democratic Party has taken in this Congress in their tariff bills. The Republicans, when we were in a majority and framing a tariff law, not having any tariff board to furnish facts, always gave extensive hearings open to all parties interested, and so attempted to base the law upon ascertained facts. The Democratic Party in this Congress, having at their disposal the exhaustive investigations of the Tariff Board, disdainfully refuse to make use of them, deny all requests for hearings, and apparently prefer to evolve a bill from their inner consciousness quite unhampered by any unconfutable facts or knowledge. They prefer to act secretly and in the dark.

On the most far-reaching and radical of all their bills I understand the Committee on Ways and Means, having framed and agreed upon a bill, kept its provisions absolutely secret, so that when it was brought into the Democratic caucus the members of their own party knew nothing at all as to what its provisions were, so carefully had the secret been guarded. Then, in the caucus when the bill was sprung, the Democrats were all converted to it, and in a few hours all constitutional objections and details of the bill were explained, and satisfactorily, their minds were made up, and it came out with the sanction of the Democratic caucus, notwithstanding the fact that a few hours before the great majority of the party had not an inkling as to what the measure contained.

That is a sample of Democratic legislation, and that being their method, it is not strange that they are opposed to a tariff board, it is not strange that they do not want any light. It is not legislation by a party or by investigation, it is legislation by a few leaders and a mass of blind followers. One objection I always felt to a tariff board was that I did not believe any bipartisan board could investigate facts and come to a unanimous opinion. I believed the facts and the deductions from the facts were so intricately and inextricably involved that the members could never agree, and that there would be necessarily a partisan report on each side. I think it is a strong proof of the ability and fairness and mental integrity of the members of this Tariff Board that their reports have come in unanimous. It is a result which I did not believe possible, and to my mind it is a monument to the extraordinary soundness and thoroughness and ability of the present Tariff Board. Therefore, to my mind our experience thus far fully justifies

the experiment that we have made. That board has been infinitely more successful than I supposed was possible. They have thrown light on the questions they have investigated, and to my mind they have opened a new era in the development of tariff bills. I believe we should have a permanent expert commission formed of men of such great ability as these gentlemen have proved themselves, in order that Congress may have the facts upon which tariff bills shall be framed. I am glad that it is the Republican Party that stands for it. I was glad to hear to-day the admissions that it was the Democratic Party that had tried to prevent it, and I believe that is bound to be the method of framing tariff bills in the future.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on the pending amendment be closed in 30 minutes.

Mr. SIMS. Mr. Chairman, reserving the right to object, I want to say this to the gentleman, that this is a very important matter and there is politics in it; and a number of us not being members of the Ways and Means Committee who have to vote upon it and are to be held responsible for it at home want a little opportunity to say something as well as those gentlemen who happen to be members of that committee. Time has been extended liberally, and I think it ought to be.

Mr. FITZGERALD. Mr. Chairman, I am simply endeavoring to ascertain what is wanted. If I can ascertain what gentlemen still desire to speak and about how much time they desire, then I shall ask that debate be closed at the end of that time.

Mr. SIMS. I would like to have 5 or 10 minutes myself—say, 10 minutes—but I shall not use it all if I can help.

Mr. FITZGERALD. How much time is desired on the other side?

Mr. MALBY. Mr. Chairman, so far as I know, no one on this side of the House desires to speak further, except the gentleman from Wyoming [Mr. MONDELL] for five minutes, and I would like about five minutes when the discussion is through.

Mr. HILL. Mr. Chairman, I would like to have 10 or 15 minutes if it is entirely convenient, inasmuch as my name has been brought into the discussion.

Mr. MALBY. That will be convenient to me.

Mr. FITZGERALD. Then, Mr. Chairman, I move that all debate on the pending amendment close at 3 o'clock.

Mr. MANN. Mr. Chairman, I wish the gentleman, instead of making a motion in that way, would fix a certain time, because it always leaves everything in a mixed-up condition where we fix a definite time in that way. I suggest that the gentleman move to fix it in so many minutes—40 minutes, so far as I am concerned.

Mr. FITZGERALD. We have been discussing this particular amendment since half past 11. If we stop about 3 o'clock, that is as reasonable as anybody could wish. Mr. Chairman, I will make it 50 minutes.

The CHAIRMAN. It is moved that all debate on the pending amendment be closed in 50 minutes.

Mr. MALBY. I would like to inquire of the gentleman from New York how much time he will want on his side of the House?

Mr. MANN. Oh, about half and half.

Mr. FITZGERALD. There are three gentlemen on this side who indicate a desire to speak——

Mr. MANN. If there are 10 gentlemen they can have five minutes each.

Mr. MALBY. The gentleman from Connecticut says that he wants 10 or 15 minutes.

Mr. HILL. I would ask the gentleman from New York if he includes the request which I made for some time.

Mr. FITZGERALD. We are proceeding under the five-minute rule.

Mr. MANN. How much time does the gentleman want?

Mr. HILL. Fifteen minutes, if it is agreeable.

Mr. MANN. Make the request to close in 50 minutes, the gentleman from Connecticut to have 15 minutes.

Mr. FITZGERALD. I will not do that, because the gentleman from Illinois [Mr. RAINEY], a member of the Committee on Ways and Means, wants 15 minutes.

Mr. FOSTER. Why not couple with the gentleman's request that the gentleman from Connecticut have 15 minutes and the gentleman from Illinois have 15 minutes.

Mr. MANN. I have no objection; I presume the time would be divided between the two sides.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto be closed in one hour.

Mr. HEFLIN. I suggest in that connection the gentleman ask that the gentleman from Connecticut be given 15 minutes and the gentleman from Illinois 15 minutes.

Mr. MANN. That will give half an hour for other gentlemen.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate be closed on this amendment and all amendments thereto in one hour, and the gentleman from Illinois [Mr. RAINEY] have 15 minutes and the gentleman from Connecticut [Mr. HILL] have 15 minutes of that time.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on this amendment and all amendments thereto be closed in one hour, and of that time the gentleman from Connecticut may have 15 minutes and the gentleman from Illinois have 15 minutes, and the remainder of the time to be disposed of under the five-minute rule. Is there objection? [After a pause.] No objection being heard, the request is granted. The gentleman from Illinois. [Applause.]

Mr. RAINEY. Mr. Chairman, I have listened with much interest to the address of the gentleman from Massachusetts [Mr. GILLETT], who has just taken his seat, and to his criticism of Democratic methods of revising the tariff. He charges with evident sincerity that the majority in the present session of this Congress have proceeded to revise the tariff without information, that they have closed the windows through which light might come, and that they have preferred to proceed in the darkness. The speeches which have been made on this side, the reports submitted by the Democratic majority of the Ways and Means Committee demonstrate the fact that the statement made by the gentleman in that particular is not in accordance with the facts. He comes from a State where they believe in the doctrine of protection. Now, the Republican method of revising the tariff is exceedingly easy; the method adopted by them when they produced the tariff law which has just been overwhelmingly repudiated by the people at the polls. [Applause on the Democratic side.] They simply examine interested witnesses, those witnesses who reap a profit by the imposition of high protective duties. They obtain information from no other source and then when they are in doubt as to what rate of protection a schedule ought to carry, they just raise it, that is all. [Applause on the Democratic side.] That method will meet with the approval of the protected industries of the country, and the protected industries furnish the sinews of war for the Republican Party in national elections.

I have no sympathy with the criticisms of the methods of the distinguished gentleman from Illinois [Mr. CANNON], my colleague, who for four terms presided over the deliberations of this House. He was simply, in the administration of his office, what the Republican majority of this House permitted him to be and wanted him to be. After he had bestowed upon his fellow Republicans all sorts of honors and after the people were led to repudiate the Republican Party, they turned from him and said, Why, the thing this country needs is to put somebody else in as Speaker of the House of Representatives. He furnished a splendid opportunity for insurgents and near insurgents to come back to Congress by pretending to be insurgents when they were simply insurgents upon the question of Cannonism. I have no sympathy with that sort of thing which found an echo here this afternoon in this debate. It was possible during the eight years of his incumbency of that office any day to depose him and put somebody else in. They had the majority to do it, and they declined to do it. Cannonism was and is Republicanism. He furnished the Republican Party with the only leader they have had for a decade, and as soon as he was deposed they commenced to try to get along without a leader. Why, even here in this House you are doing that at the present time, drifting along without leadership; you are on a rudderless sort of cruise at the present time over troubled seas [applause on the Democatic side], not guided even by the stars. To-day, in the City by the Lakes, disorganized, broken, beaten, and discouraged, the remnants of the Republican Party are assembling for the purpose of holding another national convention. [Applause on the Democratic side.] Here in the House no Republican seriously thinks of following the gentleman from Illinois [Mr. MANN], my colleague, who has been selected as the nominal leader on your side. He does not seem to care whether you follow him or not; if he has ever developed a policy no one knows what it is. He never leads or tries to lead, and you never follow or try to follow. I get the impression often that here on the floor the Republican leader starts to lead without knowing himself which way he intends to go.

Mr. RUCKER of Colorado. But the ascendancy of the Democracy is rising in the same proportion.

Mr. RAINEY. I think the gentleman is right about it; and I want to say for the gentleman from Colorado, who has been charged this afternoon with being a Republican by the nominal leader on the Republican side, and no more serious charge in these days of repeated Democratic victories can be made against

a Democrat than to say that he shows Republican tendencies—I want to say for this old ex-Confederate soldier, who represents here a Colorado constituency and who sits on this side of the House, who recently in this Capital City assembled all the ex-Confederates who hold high office, and with no decorations in his banquet room except the Stars and Stripes, held a reunion, that he never has during the time he has been a Member of this House bolted a Democratic caucus. There have been times when he has not voted with the majority here—once or twice, perhaps—but he never voted against a majority of his colleagues without having first obtained their permission in caucus assembled. We have a rule which the Republican Members may not have—a Democratic rule—which provides that if a Democratic Member of Congress prior to his election has made promises and speeches to his constituents along certain lines he is not bound by caucus action if he asks permission of the caucus not to be bound. The gentleman from Colorado is a splendid gentleman of the old school, a vigorous enemy of Republican practices and tendencies, and a most valuable addition to the Democratic side of this House.

Mr. HULL. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. HULL. I just want to say in that connection that I agree with the gentleman, and I intended to make a similar statement when I had the floor, but I was interrupted and did not have an opportunity to do so.

Mr. RAINEY. At the present time we are told by Republican Members of Congress, speaking upon this proposition, that Republicans are united, and it appears that you are. Of course you are united on this proposition. You are united on this proposition because you are Republicans, and you can always get Republicans to unite on any proposition that takes away from the people power and confers it upon the Executive. You were able for eight years to agree upon a similar proposition when you conferred all the power of this House upon the Speaker of the House of Representatives. We are told that the way to revise the tariff scientifically is to find out the difference in the cost of production at home and abroad and then perhaps deduct ocean-freight charges, and then by some sort of mysterious alchemy you contend we will have a measure that is fixed and unchangeable for revising tariff schedules. The fact is that men of the same race the world around, living along the same parallels of latitude, are working in about the same climatic conditions, in about the same kind of factories, and producing about the same sort of output and about the same amount per man. If they are of different races living in the same latitude they are producing different articles, and those articles do not compete with each other. It is impossible to arrange any definite standard as to what it costs to raise a bushel of wheat on farms in the same locality. A fertile farm here under proper management may produce twice as much as an unfertile farm in the same locality where the management is not quite so good. It is impossible to adopt any definite measure by which tariffs can be revised. The report of the Tariff Commission on the paper and pulp schedule shows that it costs varying amounts of money to produce paper in certain mills in the United States. In certain mills where efficient methods are observed it costs less than in other and poorer mills, and the same rule prevails with reference to all industries.

Now, what is to be the measure of difference? If you attempt to average the differences in cost of production per unit here and abroad and then levy tariffs in accordance with that, you will levy tariffs not needed by the most efficient mills and you will not levy as much as the mills of lowest efficiency need. The only measure, if you adopt that measure at all, by which you can satisfy manufacturers in this country is to equalize duties in accordance with the capacity of those mills which in the most expensive way produce the most expensive unit of quantity. It is impossible to do it in any other way. And so that brings us back to the only possible rule that can logically be adopted in this decade, when the people of the country are rebelling against extravagant protective tariffs—the only rule that can possibly be logically adopted is the rule which levies tariffs for revenue purposes only, a method of tariff taxation in which Democrats the country over believe.

We are told by the gentleman from New York [Mr. PAYNE], whose tariff bill has been so overwhelmingly repudiated, that we ought to turn in the light on the question, and he makes the generous proposition to us that if we want his assistance in revising the tariff we are welcome to it. The bills reported out by the Democratic members of the Ways and Means Committee and passed through this House by Democratic votes have been popular measures, and they have been popular measures because they have not met with the approval of the gentleman from New York. [Applause on the Democratic side.] We will be able to continue our tariff program without the assistance of the man or the men who framed the bill which has brought to the Democrats in this House a majority of over 70. [Applause on the Democratic side.]

The idea that it is possible to arrive at the difference in the cost of producing an article abroad and here, and then use that as a method of impartial tariff revision appeals to those who have not studied the subject as possessing a measure of fairness. It proceeds always upon the theory that it costs more to produce an article in this country than to produce it abroad. The cotton report recently submitted by the President's Tariff Commission, if it is of any value at all, shows that we produce cotton goods in this country at the same cost or at less cost than the same goods are produced in England. Under these circumstances what would be the measure of tariff protection?

It costs in England and it costs here different amounts per unit of production in different factories. Are we to take as the measure of difference the lowest cost per unit of production in England and the lowest cost per unit of production here? In other words, shall we arrive at the cost difference by finding out what it costs in the best factories in England to produce an article and finding out what it costs in the best factories in the United States to produce the same article? We will probably find not much difference in cost if we adopt this standard. Sometimes the difference in cost will be greater here and sometimes it will be greater in England. Or shall we adopt the method of finding the cost difference between the products of the least efficient factories of England and the least efficient factories here? Or shall we try to average the cost of production here and abroad? If we do that, we invariably have a tariff not needed by the best factories for protection and not high enough to protect the least efficient factories.

If we adopt either of these illogical methods of revising the tariff the effect is simply to put a premium upon the inefficient factories and to enable the best factories to distribute dividends larger than ever on their watered stock. The logical result of the Republican position carried into effect will be this, that tariff protection will be regulated always by the cost of the most expensive unit.

Not long ago the President of the United States, in his Winona speech, pronounced schedule K, the woolen schedule, indefensible. We took him at his word, and revised that schedule first of all. It went to him with slight increases put upon it by the Senate. He vetoed the bill, not because the Senate had increased the rates fixed by the House, but he vetoed it because his Tariff Board had not reported. Slowly the months passed. Finally his Tariff Board reported. We sent back to him the same bill. It is in the Senate now on its way to the President. The President preferred to be responsible for 12 months' delay in revising this schedule in order to get the opinion of five men, which he valued more highly than the action of the 391 Members of Congress elected to represent in the lower House the various States of the Union, and he valued their opinion more highly than the conclusion reached by the Senate of the United States. The effect of the delay in waiting for the report of the Tariff Board is merely this: The people of the country on account of this 12 months' delay have paid $50,000,000 more for clothes than they would have paid if we had not had this Tariff Board and if the bill had been signed by the President when it came to him from the Congress.

The time will never come when taxes will not be an interesting subject in this Republic. The admitted object of selecting a Tariff Board is to take away from the representatives of the people the power to control the levying of taxes. Of course this is a purely Republican theory.

The Republican Party, after building high a tariff wall around the country, after firmly establishing a system of taxation which gives to protected industries the right to collect taxes, which compels the consumers of the country to pay taxes which never reach the Treasury, after having been overwhelmingly repudiated on account of broken tariff promises by the people at the polls, seeing ahead still greater and more disastrous defeat, ask now for a simple and easy way to carry through the future years the system which has been repudiated by the people, the system against which the people are rebelling, the system of establishing and maintaining high tariffs for the purpose of protecting the profits of manufacturers. The way they propose to accomplish this result is to adopt the tariff-board theory, a method which will make it possible for five men, or more than that, or perhaps less, not responsible at all to the people, but only to the Executive, selected by the Executive, to relieve Congress of the burden and the responsibility of revising the tariff. The Democratic policy is that Representatives of the people, responsible to the people, in a

referendum vote held every two years, ought to originate revenue measures. If Republican theories and tendencies are to prevail in this country, it will not be long until Congress will be relieved of all its functions except the distribution of farmers' bulletins and vegetable seed.

We believe that the Ways and Means Committee of the House, responsible for tariff bills, should have ample assistance—the assistance of experts, to be selected by it and to be responsible to it and not to the Executive—we believe in the method which we have so far followed in this Congress in the bills passed through the House and on to the Senate—the method which is meeting with the approval of the people of the country—the method which we propose as Democrats to continue. [Applause on the Democratic side.]

Mr. MONDELL. Mr. Chairman, we read in Holy Writ of those who love darkness rather than light, because their works are evil——

Mr. SIMS. Deeds.

Mr. MONDELL. Yes; deeds. I stand corrected by a better Bible student, the gentleman from Tennessee. [Laughter.]

The Democratic Party has placed itself in this evil category in the matter now pending before the committee, for of all of the sources of light—clear, expansive, illuminating—that the country has ever known, the reports of the Tariff Board exceed them all. [Applause on the Republican side.]

But what is information, what is light, to a Democratic House in the matter of tariff except to confuse, except to annoy, except to prove the worthlessness and the indefensible character of their basic principles? I was going to say—they are not worthy of that name—their doctrine, touching the tariff. The idea that in a great country, with a standard of living far above that of any other nation on earth, with a rate of wages higher than that of any other people, and constantly increasing—the idea that in such a nation you can in all things compete with the underpaid, the miserably depressed, the hunger-driven labor of all the world, is not entitled to serious consideration by intelligent men. And yet, as I understand it, that is the theory of the gentlemen on the other side.

As against such a theory and in repudiation of such a theory we seek light and facts, the facts of the cost of production, and we have discovered that those facts can be obtained. They can be obtained so that they appeal to all thinking and reasoning men, and we are in favor of continuing the agency through which they have been and can be obtained.

Time was when, free from combinations in this country, with free competition in all lines, it was not material if a tariff rate was somewhat higher than the measure of the difference between the cost of production at home and abroad.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. But in these later days the people have demanded that we should bring the tariff rates down to the difference between the cost of production at home and abroad, and in order to do that intelligently we must have information. We all know that there is no Member of this House who has sufficient knowledge and information upon which to base a complete tariff schedule. We all know that it is impossible to secure too much information. We all know that information can be obtained from this source—the Tariff Board—and inasmuch as we desire to reduce the rates as low as they can be safely reduced without subjecting our people to the ruinous competition of underpaid labor elsewhere, we desire the continuation of the Tariff Board, while our Democratic friends insist that this flood of light shall no longer be shed upon this all-important subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am sorry I have no time left.

Mr. RUCKER of Colorado. I am going to extend the gentleman's time.

Mr. MONDELL. Thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman——

Mr. RUCKER of Colorado. Mr. Chairman, I want to ask that the time of the gentleman from Wyoming be extended three or five minutes.

Mr. CULLOP. I do not want that to be taken out of my time.

Mr. RUCKER of Colorado. Will the gentleman from Indiana yield?

Mr. CULLOP. I do not want it taken out of my time.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent, before the gentleman from Indiana begins, that the time of the gentleman from Wyoming [Mr. MONDELL] be extended three minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RUCKER of Colorado. Now, Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL], proceeding as he does, is just like a trotting horse. The gentleman and I have been in the same business, breeding and racing horses. We know the peculiarities of a trotting horse. Sometimes it gets such a speed that it goes into a wall and butts its brains out; but here the relation must stop, because the gentleman from Wyoming has too much brains to be spent that way. But the gentleman, without intention, has said something here that is very interesting, to the effect that the Republican Party is pledged to a protection in degree governed with reference to the difference in the cost of production abroad and here. I want to say to the gentleman from Wyoming that I have never adopted that doctrine. That really goes further than I can go, because I do not believe that such a measure should be placed upon our production. The gentleman is standing by the old Republican doctrine; the Progressive Republicans are going beyond that; and I, as a Progressive Democrat, am going beyond the gentleman.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I thank the gentleman from Colorado for extending my time in order that he might make a speech. [Laughter.]

Mr. CULLOP. Mr. Chairman, in 1909, at the time when it was proposed to establish a tariff board, I was opposed to the proposition, and the Democrats were assured by the distinguished gentleman from New York [Mr. PAYNE] that there would be no tariff board, and every stand-pat Republican upon that side of the Chamber was opposing the establishment of a tariff board.

It was not until 1911, after they had been defeated because of the passage of the Payne bill, that they became converts to the establishment of a Tariff Board, and then it was only done for the purpose of extending the opportunities for the tariff barons to exploit the pockets of the ultimate consumers of the country. [Applause on the Democratic side.] At the present rate at which the reports of this Tariff Board are being made it would take 28 years to revise the tariff. It is procrastinating and thereby delaying relief from a revision downward of the tariff. The Democratic Party has always taken the position that there was no need of a tariff board in order to levy a tariff for revenue in this country. Last year the manufacturers of this country turned out $16,000,000,000 worth of finished products at a labor cost of $3,250,000,000, a labor cost of about 21 per cent. Yet the Payne-Aldrich bill now in force levies an average duty of 47 per cent—more than double the labor cost of production.

The Democratic Party knew and the people of this country know that it requires no Tariff Board to show them that the tariff levied under that bill was unjust and unfair to the American people; that its duties are excessive and greatly exceed any difference in cost of production at home and abroad. I want to call attention now to the report of the Tariff Board on the cotton schedule, which conclusively shows our contention is correct. This is the bill about which the gentleman from New York [Mr. MALBY] on yesterday lamented over its introduction at this time. If you will read the report of the Tariff Board, as found on pages 13 and 14, you will find that, taking the measure of protection fixed by the Republican Party in their national platform of 1908, to equal the difference in cost of production at home and abroad, together with a reasonable profit, it needs no tariff. If the report can be relied on as correct in its statements, then our Republican friends have no room to complain. We are producing cotton goods in this country cheaper than any country in the world.

Now, Mr. Chairman, I want to call attention to some extracts from that report:

> Figures are presented in the report showing that although the labor costs in the cotton industry are in many cases lower in the United States than in England, yet the actual hourly earnings in this country are, in most of the principal occupations, much greater.

They labor more hours and for less money under the Payne-Aldrich bill. And to-day we have an anomaly presented. One of the leading candidates of the Republican Party for President is advocating that there be written in the tariff bill as a law the provision that labor shall have the tariff that is levied. He confesses, as we have always contended, that labor has not been receiving the tariff as the Republicans have claimed in order to secure the votes of the laborers in this country. This claim contradicts all claims heretofore made on this subject.

It is an admission that his party has been deceiving the laboring man. Yet this candidate is the man for whom the stand-pat Republicans are to-day preparing the old steam roller which it is to roll over him at the coming Chicago convention. He is advocating the doctrine that labor has not been getting the tariff, as everyone knows, but that the owners of the industries have been receiving that part of the tariff as unearned profits. [Applause on the Democratic side.]

I call attention to another paragraph on this page of the report:

The conclusion that under present methods of production on many plain fabrics the cost of production is not greater in this country is also borne out by a comparison of English and American mill prices. A comparison of such prices on a large variety of these fabrics in England and the United States for the date of July 1, 1911, shows that in the case of plain goods the American prices at the mill was in no case much above the English mill price, while in the majority of cases it was lower. It should be noted, however, that American prices of this date relative to the price of cotton were somewhat lower than normal. The English prices are the regular quotations for the home market, and are not necessarily the prices for export and for neutral markets. In the case of fancy goods, however, where the looms tended are necessarily less, the American mill prices were in most cases higher than the English.

The subject of prices is referred to below, but the fact that in the case of a number of leading fabrics the American manufacturer is selling at less than is the English manufacturer is corroborative of the statement that plain goods can be manufactured as cheaply in this country as in England. The report also gives information as to the ability of the American manufacturer to compete in neutral markets on goods of this kind.

Yet the effort of the gentleman from New York [Mr. MALBY] yesterday as a calamity howler was to make it appear in the face of this report that if this Democratic legislation, the cotton bill, was enacted into law it would shut down the industries of this country because of the want of an adequate amount of protection. I quote again from the same report:

A comparison of 60 specific samples for which finishing data were obtained shows that in most cases the differences between the charges in the two countries were slight, but that the American charges were slightly lower on most of the samples.

DUTIES IN RELATION TO COSTS OF WEAVING AND FINISHING.

The report includes a table of 48 selected plain goods on which the English mill prices and the American mill prices correspond very closely. It shows that in a majority of cases the American prices are somewhat lower than the English. On these goods the present duty varies from half the total American cost of conversion to more than twice such cost. The high figure, however, applies to only two samples. In nearly all cases the duty is more than 80 per cent of the total American cost of conversion, and in a majority of cases it more than equals the entire conversion cost in this country.

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These figures show a large number of costs in which the duty per square yard on the cloth unfinished (in the grey) is more than equal to the total conversion cost. To take an extreme case, in the case of a plain heavy duck, the present duty is 8 cents per square yard, which is more than six times the total conversion cost, although only 38 per cent ad valorem on the foreign market value. The variations are very great, running from this extreme of six times the conversion cost to duties which are less than half of the conversion cost. The ratio of the duty to the conversion cost bears little relation to the ratio of the duty to the foreign market value. Thus, in some cases, duties which are less than 30 per cent ad valorem will be one and a half times the total American conversion cost, while in other cases duties of nearly 50 per cent ad valorem will be only three-fourths of the American conversion costs. In the greater number of cases the duties are greater than the total domestic cost of spinning and weaving.

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In the majority of cases, so far as the actual samples are concerned, for which cost figures were secured, the increase in duty is in excess of the total actual increase in cost, due to the finishing processes. On the samples used the extra duty for bleaching ranges from half the total cost of bleaching to three times this cost. The extra duty for printing is from one-third the cost of printing to one and two-thirds the cost. In the case of dyeing quite similar conditions prevail. The additional duty for mercerizing in the case of these samples was from 40 per cent in excess of the cost of mercerizing to double the cost.

That the duty itself is double the labor cost in the production of the article.

The higher figure, however, applies to only two samples. In nearly all the cases the duty is more than 80 per cent of the total American cost of conversion, and in the majority of cases it more than equalizes the entire conversion cost in this country.

Now, that report clearly discloses the fact that to-day the duty is more than twice the labor cost of the article in this country. A tariff board could not levy a scientific tariff until men in business ability are made equal and all localities for production are similarly situated and equally located to the markets of the world. A tariff board can not make that condition. It is beyond its power to do so.

Now, I want to call attention to some of the articles upon which duties were levied in the metal schedule recently passed by this House, and show that in each case the duties are in every paragraph in excess of the labor cost of the production of the article.

Take cutlery, one of the most expensive in labor of all articles produced. Last year in labor cost there was paid in wages $7,000,000. The amount of production was $18,000,000. The labor cost was 38 per cent, and the average duty is 31¼ per cent. If the foreign labor cost of production was only one-half of what it is in America there would be sufficient to meet that difference and leave about 15 per cent as a net profit.

Mr. CANNON. Will the gentleman yield for a question?

Mr. CULLOP. I have only a short time.

Mr. CANNON. It is only a short question, and I will get the gentleman one minute more time.

Mr. CULLOP. Very well; please state it.

Mr. CANNON. Does the gentleman get his facts touching the cotton report from the report of the Tariff Board?

Mr. CULLOP. I am reading from the first volume of the Tariff Commission's report on cotton manufactures, on pages 13 and 14, as made recently by the present Tariff Board.

Mr. CANNON. And the gentleman believes that that report is correct?

Mr. CULLOP. I assume that it is correct.

Mr. CANNON. Then why not have more of it?

Mr. CULLOP. I will tell the gentleman why we do not want any more of it. Because it is a useless expenditure of public money to furnish information on what every intelligent man in the country knows or ought to know. [Applause on the Democratic side.] I may say in addition that I am reading it as a confession of the Republican Party of its erroneous position on this great question.

Now, Mr. Chairman, in the limited time I have remaining I want to call attention to as many of the articles as I have the time, to show that none of them was reduced to such an extent as will produce the result claimed by the calamity howlers on the Republican side of this House. Their fears are unfounded; if they will examine the facts and lay aside their blind adoration for the unjust and unfair system to which they stand pledged for the benefit of the big campaign contributor, and which plunders the ultimate consumers of the country; they will concede their position is absolutely untenable. In the new bill just passed take, for instance, cutlery, which I was considering when interrupted by the gentleman from Illinois.

According to the census reports on manufacturing we produced last year in round numbers $18,000,000 worth, and paid for the labor which produced it $7,000,000. The labor cost was 38 per cent, the average duty was made 31¼ per cent. Now, if the foreign labor cost was only one-half of what it is in this country, which no one will claim, it would equal 19 per cent, then the duty would cover the difference in labor cost and 11¼ per cent for profit, which all must confess to be a reasonable one.

Again, take files: We produced $4,390,000 worth. There was paid for the labor in their production $1,500,000, so that the labor cost was 34½ per cent. The duty is fixed at 25 per cent. If the foreign labor cost in their manufacture is one-half of what it is in America, which we do not concede, it would be 17 per cent. The duty then is 8 per cent more than the difference in the cost of labor production at home and abroad.

Again, take screws: We produced over $2,000,000 worth last year. There was paid for the labor in their production $500,000. The labor cost equaled 25 per cent and the duty is fixed at 25 per cent. If the foreign labor cost is only one-half of what it is in this country, a thing we do not concede, it leaves 12½ per cent profit in duty to the manufacturer of this article.

Again, take firearms: We produced last year $8,075,000 worth. We paid in wages for their production $3,722,000. The labor cost equaled 45 per cent. In this item the labor cost is probably higher than in any other of our manufactures. The duty is fixed at 35 per cent. If it only cost one-half in foreign countries to produce these articles that it costs in this country, then the labor cost there would be 22½ per cent, a thing we deny, but it would leave a profit to the manufacturer over and above the difference in labor cost of production at home and abroad of 12½ per cent.

Again, take watches: The labor cost is fixed at 40 per cent. The duty is 30 per cent. If they can be produced in foreign countries for one-half of the labor cost entailed here, a fact which we deny, then the labor cost abroad would be 20 per cent. The duty in this item would pay the difference in labor cost at home and abroad and leave 10 per cent as a net profit to the manufacturer.

Again, take clocks. The labor cost is 40 per cent. If the labor cost of producing the same article abroad is one-half of what it is here, a thing we deny, then it would cost the foreigners to produce these same articles 20 per cent for labor. The duty is fixed at 30 per cent. This would pay the difference between the labor cost of production at home and abroad and leave an excess of 10 per cent.

Again, take tools. We produced last year $20,000,000 worth. We paid for wages in producing them $6,000,000, so the labor

cost was 30 per cent. If they can be produced by foreigners by one-half of the labor cost here, a thing no one will claim, then the labor cost abroad would be 15 per cent. The duty is fixed at 25 per cent; this would pay the difference in cost of production at home and abroad and leave an excess of 10 per cent.

If I had the time, I could go on and take other items in the bills which the Democratic House has passed and show the same facts to exist relative to every other item contained in those bills. The duty has not only taken care of the difference in cost of production at home and abroad, but has left a large excess as a net unearned profit to the manufacturers. These duties were not fixed for the purpose of protection, but for revenue, because of the extravagance of the Republican Party in public expenditures; they are made necessary in order to raise revenue to meet these large expenditures.

This clearly demonstrates the fact that we do not need a Tariff Board to ascertain what duties should be levied, and therefore it is a useless expenditure of public moneys to maintain a board which can serve no good purpose to the country, but only to delay a proper revision of the tariff and give the trusts and combinations a longer period of time to exploit the pockets of the ultimate consumers of the country. For this reason I opposed the Tariff Board in 1909, and have done so every time it has been proposed from that time up to the present, and expect to continue to oppose it for the reasons herein given. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, there are two things that I greatly desire for my country. One is peace and the other is prosperity. I am in favor of peace by arbitration and not by force. For that reason I wish that we might have an army large enough for a national police at least, and a navy strong enough for the national defense, and I objected very seriously the other day when the Democratic Party attempted to cut down the Army by five regiments, and absolutely did cut out from the naval estimates two battleships.

I remember distinctly in 1898 when the solid Democratic Party sitting on that side of the House demanded that this country should go to war with Spain, and, backed up by a few Republicans, against the protest of the eminent gentleman from Illinois and others, they succeeded ultimately in doing it after the battleship *Maine* was blown up.

In my judgment conditions to-day are far more serious, and I do not want to see the Army of the United States and the Navy reduced in the face of such conditions as exist to-day with reference to both Cuba and Mexico.

I also want prosperity, and I am a believer in the doctrine of protection that has given prosperity to this country such as is unparalleled in the history of the world, but we have soon to go into a political campaign, gentlemen, faced by the danger of the protective system being destroyed by the Democratic Party if they secure control.

Now, as a proof of that, I want to give you the opinion on this subject of each candidate who will present his name for acceptance at the Baltimore convention.

Mr. Harmon says:

> The first step must be to redeem the tariff from its perverted use and restore it to its proper place as a revenue measure by gradual reductions so that all concerned may have time to prepare for the change.

I remember the change in 1894. I do not want to have to prepare for another change of that kind. It is not necessary to quote from Mr. UNDERWOOD, but I will. Said he:

> We on this side of the House do not believe that a tariff should be levied for purposes of protection.

Let me quote from the Speaker, a man who is always frank and honest and who is never afraid to express his opinions, a man who, in my judgment, is to lead the Democratic hosts in the next campaign. At the close of the Sixty-first Congress he said that he "was for a tariff for revenue only"—and that is a thing that I am against—and without any qualification he adds that—

> It means a tax on everything, having no free list, or a very small one, if any.

Gov. Wilson spoke the other night in New York, and, referring to the Republican platform of protection, he said:

> It is not too much to say that the whole proposition is ignorant and preposterous.

So far as I could judge from reading his speech twice, I am of the opinion that he would gladly wipe out all tariffs in this country at the earliest possible moment—tariffs either for revenue or protection. That is my judgment. The prosperity of this Nation has come through a wise application of the policy of protection, until the marvelous development of our industries has made lower rates possible. The clear, unmistakable call to a change of method, but not a change of policy, came to us in 1901, on September 5, when President McKinley said:

> We have a vast and intricate business, built up through years of toil and struggle, in which every part of the country has its stake, which will not permit of either neglect or undue selfishness. No narrow, sordid policy will subserve it. Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. If, perchance, some of our tariffs are no longer needed for revenue, or to encourage and protect our industries at home, why should they not be employed to promote and extend our markets abroad?

I shall not follow down the history from that time to this, for I have not the time, but I want to call the attention of Republicans, as well as Democrats, to the platform of 1908, wherein it defines the true measure of protection which has been quoted so often and so effectively. What does it say besides that? It says:

> The aim and purpose of the Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage workers in this country, who are the most direct beneficiaries of the protective system.

I believe that it is the duty of the Republican Party and every Representative here, from time to time, if a tariff rate becomes exeessive, to vote to reduce it to the point of protection and not one particle below that, and I believe for that purpose that we ought to have a permanent, independent tariff board, whose business it shall be to study and collect the facts, as the European tariff boards do, and submit them to us. [Applause on the Republican side.]

Mr. Chairman, I remember in 1909 there came a man before the Ways and Means Committee. He made egg beaters. He came from the northern part of the country and demanded a higher tariff on egg beaters. He was asked various questions—whether he was making money, and he said he was, and a lot of it; and whether he had any foreign trade, and he said he had, all over the world. Then he was asked whether there was a profit in his business, and he answered yes; but yet he demanded a higher tariff. I said to him in the presence of the committee, "For heaven's sake, what do you want a higher tariff for?" and he replied, with a brazen effrontery that I have never since forgotten, "Because I want to make more money."

I was ashamed of myself, I was ashamed of the man, and I want no possibility of such a thing as that being repeated. I stand here to-day to say that, in my judgment, the Democratic Party is making a mistake, making a mistake politically, making a mistake economically, when it stops the appropriations for the Tariff Board, nonpartisan, not a Republican tariff board, not a Democratic tariff board, not a tariff board hitched to a partisan committee as the tail of a Democratic kite, not a partisan board hitched to a Republican committee in the Senate as the tail of a Republican kite, but a tariff board made up of independent, nonpartisan men, with a certainty of permanent tenure of office, independent of political positions, honest in their convictions—yes, honest as protectionists, honest as free traders, honest as revenue-tariff men. I would trust any of them put in that position. I want to see such a board as that maintained. It has done wonderful work.

To his everlasting credit President Taft put two wide-awake Democrats on the board in cooperation with three Republicans at the close of the last session when the Democratic Party defeated the bill for a permanent tariff commission. So far as he could he made it permanent; so far as he could he made it nonpartisan. I believe that I owe it to William H. Taft as the present President of the United States, as the next nominee of the Republican Party, and the next President of the United States, in my judgment, to stand squarely behind him and put forward every effort in my power to secure an appropriation for a tariff board and the continuance of a nonpartisan examination of the basic facts of every industry. For one I am not content, when he sends in a message with a report from such a board, earnestly and officially recommending to Congress the immediate revision of the schedule upon which the report is made, to answer "What is the use?" I am not ready to make that reply.

Gentlemen, I am going home to my constituents this fall. I am going to make a campaign on an honest tariff, backed up by intelligent investigations, before any schedule is touched. I stand for the Payne bill, unless we have an intelligent investigation before it is amended. It is a good bill. It would have been better if it had become a law as it passed the House; but it is a good bill as it is. It has mistakes; but what legislation has not? But it made a reduction of 14.24 per cent of the tariff which would have been collected by the Dingley law had it con-

tinued in force. I know some of my friends think that is one of the worst features of it. I do not agree with them; but the country does approve the Payne bill, so far as the actual reductions are concerned. Now, I want to see that bill stand. It gave us the maximum and minimum tariff law. It gave us the Tariff Board; it gave us the Customs Court; it gave us the greatest reduction in the tariff that has ever been made in the history of this country by any one act of legislation, and I want to see it stand until it is amended schedule by schedule—every excessive rate cut out, all inequalities corrected—under the leadership for another four years of William Howard Taft, who signed it. That is the position I am taking. [Applause on the Republican side.] I am for a tariff board. Now, what is the alternative? The alternative is just simply this: You abolish the Tariff Board and you go back to the old system. I think, gentlemen, you are ashamed of the old system yourselves. You Democrats can take no credit to yourselves, for the last tariff you made was denounced by your own President as being branded with perfidy and dishonor, and, if I am not much mistaken, the cotton schedule which was last reported on was the ground on which that declaration was made. There are mistakes in the present one, mistakes which Chairman PAYNE corrected in the House, but which were put back in the Senate. I stand, therefore, in favor of its revision. You can not revise it too quickly for me. The facts shown by the Tariff Board report makes it plain that it should be corrected; and when that is done, whether we are under the leadership of William Howard Taft—as I believe we will be—or under the leadership of my genial friend from Missouri, CHAMP CLARK, who his political friends hope will be their leader [applause on the Democratic side], I want to see the responsibility for the basic facts in regard to tariff legislation put on an independent nonpartisan tariff board and the credit for appropriate legislation given to the dominant party. [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, it is always a pleasure to hear the distinguished gentleman from Connecticut [Mr. HILL], but difficult to follow him. But I feel that I ought to pause here long enough to state that in his selecting the present President of the United States for reelection he was applauded the first time by five Republicans and the last time by one out of the number of Republicans present.

Mr. HILL. That does not trouble me, I am planted on a rock. [Applause on the Republican side.]

Mr. SIMS. Certainly, just like the *Titanic* is planted on a rock, 10,000 feet below the surface. I do not see why we should have all this row about a tariff board. We are not making or trying to make, because it is impossible under the present conditions, an ideal Democratic tariff. We have had high protection for 50 years and conditions have grown up under that high protection which we have to meet, and it is a question of judgment about how much of this high protection we shall take off, but the Democrats are all united that the tariff should be lower, and we are not so ignorant that we can not count the rails and see that a fence is 10 rails high, and we can certainly take 2 rails from that fence without having a scientific expert board to tell us whether it is 10 rails high or not. [Applause on the Democratic side.] Let me tell you what the position of an ideal protectionist is. He is a man who believes in a tariff on imports that absolutely prohibits the imports that compete with American manufactures. Now, that is true, and my friend from New York [Mr. MALBY] knows it is true, because it is not full protection unless it does.

Mr. MALBY. Will the gentleman give way?

Mr. SIMS. I have only five minutes.

Mr. MALBY. I prefer to state in my own way my own opinion.

Mr. SIMS. If the gentleman would not be embarrassed I have no doubt he would. The gentleman knows that the bedrock protection argument is that we make a prohibitive tariff and let home industries keep down prices by competing with each other. What does the Democratic Party need with a tariff board? We do not believe in protection. We do not want any excuse for protection. An ideal revenue tariff is one levied only on articles not made or produced in this country, just as a Republican ideal tariff is one that is levied exclusively on articles made in this country. For revenue purposes we may not be able to get revenue enough by levying on noncompeting articles only, and therefore we have got to levy something on competing articles. Our purpose is to get revenue instead of profits to private individuals.

My friend from Connecticut [Mr. HILL] met one honest man, and he seems to have disgusted Mr. HILL when that man came before the committee and told him he wanted more protection because he wanted more money. That man was honest. That is what they all want it for. If he had told the gentleman from Connecticut that he wanted more tariff in order to give his laborers higher wages, the gentleman from Connecticut would have put on a smile and said, "You know that I am the friend of the laboring man." You have no use for a man who comes before the committee and says he wants to make more money as a reason for wanting higher tariff protection.

We are in a condition where we can not be ideal Democrats. Why? When a man has been drunk for six months you can not take all the liquor away from him at once, can you? We have had high protection dope for 50 years, and the country has got the protection jimjams, and we can not take it all away at once. That is the reason we can not pass ideal Democratic tariff bills at this time.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. SIMS] has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. McCALL. Mr. Chairman, I am in favor of a tariff board, not because I believe it is going to be an infallible instrumentality of government, but because I believe it is going to be a very useful instrumentality. I would not agree to abdicate my judgment as a Representative to accept the judgment of any tariff board, but I believe there is no better way—and I have believed that for a long time—to collect the basic facts of industry, facts that are most important to be considered in framing a tariff bill, than by the instrumentality of a scientific commission.

Now, the gentleman from Tennessee [Mr. SIMS] has said, "What is this row all about?" I agree. I can not see any reason for division between the two sides of the House on the question at issue here. It is simply whether we are going to perpetuate an instrumentality for collecting facts which would be useful to the Democrats as well as to the Republicans. It is said that only two schedules have been investigated and reported upon—the woolen and the cotton schedules. Those are two very difficult schedules. They have both been reported upon and the work chiefly done within a year; and then, in addition to that, most of the important information—and I invite the gentlemen on the other side to say if I am not correct—most of the important information that the majority had use of in forming their chemical schedule was obtained from the Tariff Board.

The gentleman who had charge of the chemical bill before the House acknowledged the great obligations that he and his associates were under for the facts gathered and the work performed by the Tariff Board.

Now, this board has been called "a board of mere clerks." I do not believe that there is any body in the service of the Government that has any better membership than that. We all know that Prof. Emery was at the head of the department of economics in one of the greatest universities of the country—nominally, a Republican. We all know that Prof. Page was at the head of the department of economics of another great university—the University of Virginia—and nominally a Democrat; and if we were asked to pick out a Member of this House to serve upon the Tariff Board, I do not believe that we could pick out a man who would command the respect of his fellow Members more than was commanded by William M. Howard, Democrat, of Georgia. Then we had two other members of the board—one who knew especially about the conditions in agriculture, and the other who knew especially about the administration of our customs laws.

I believe that this House will make a great mistake if it shall vote not to continue the appropriation and to keep going the splendid piece of machinery that has been set up in the creation of this board.

A year ago, as has been said, the leading Members upon that side of the House were in favor of this organization. To-day

the Republicans are generally in favor of it. You do not need to adopt the theory in regard to the cost of production in framing your tariff, because you can utilize the facts and apply them to any theory upon which you think tariff revision should proceed. And I think it would be a very great mistake if we should do away with this board and refuse to vote for the amendment which has been offered by the gentleman from New York [Mr. MALBY]. [Applause on the Republican side.]

Mr. GRAY. Mr. Chairman, I have heretofore given my views respecting the character of this so-called Tariff Board, and explained the process by which it was pruned of all useful power and authority and made a servient tool to hinder, delay, and postpone the judgment of the people.

I am opposed to the appropriation asked for by this amendment for the reason that there is no existing law to support an appropriation for a tariff board, and no tariff board is authorized by the amendment offered.

The claim is made that section 2 of the act of August 5, 1909, commonly known as the Payne law, supplemented by the provisions of the appropriation acts of June 25, 1910, and March 4, 1911, creates a board to investigate the tariff and obtain reliable data to be used as the basis of tariff legislation.

Section 2 of the Payne law relates solely and exclusively to the maximum and minimum tariff rates, and provides for the enforcement of such rates by the President accordingly as foreign nations may be found to discriminate against our exports, and no power or authority is given the President for any other purpose.

There is not one word, line, or sentence to be found in all said section 2 which in any way pertains to any investigation of the tariff as a basis for legislation, or to authorize the President to employ any person to make any investigation or any examination for the purpose of obtaining tariff data to be used in tariff revision.

And while both the appropriation act of June 25, 1910, and the appropriation act of March 4, 1911, assume to grant power to investigate the tariff, yet by express limitation in both of these acts the power granted is made to relate only to the power of the President to employ persons to assist him in the discharge of his prescribed duties of securing information as to what nations, if any, are discriminating against the exports of the United States for the purpose of enforcing the maximum and minimum tariff rates, and not to secure information for use in tariff legislation.

Although the provision in both is made to include "such investigation of the cost of production of commodities, covering cost of material, fabrication, and every other element of cost of production," these words are immediately followed by the words "as authorized by said act," which refer to section 2 of the act of August 5, 1909, in which no power or authority can anywhere be found.

While the provision in these appropriation acts assumes to grant power to investigate the tariff, it is only for the purpose "as authorized by said act," which refers to said section 2, conferring upon the President power to employ "such persons as may be required to assist the President in the discharge of the duties imposed upon him by this section" in the ascertainment of facts for the application of the maximum and minimum tariff rates.

No power can be held granted, by these provisions, to investigate the tariff for the purpose of furnishing a basis for tariff revision, as no investigation is authorized for such purpose by the act referred to.

Neither of these appropriation bills gives this body even the name or style of a "tariff board" or "tariff commission," but instead leaves them with the meaningless designation of "such persons."

Neither of these appropriation bills empowers this body to examine witnesses under oath or to compel the production of books or papers or to proceed with even the common formalities to observe truth or to guard against error. Neither of these appropriation bills empowers this body to investigate the tariff nor gives authority to obtain reliable tariff data for the basis of tariff revision.

And the amendment now offered to this bill merely follows the language of the appropriation acts of June 25, 1910, and March 4, 1911, and likewise makes no provision for the examination of witnesses under oath, nor for the production of books or papers, nor for the common formalities to observe truth or to guard against error, nor for any investigation of the tariff for the purpose of obtaining reliable data for use as the basis of tariff legislation.

But I am in favor of and will support a good-faith tariff board, not because I have greater confidence in such a body than I have in a special committee directing an investigation with the aid of experts and statisticians, but because the existence and experience of such a body would clear the atmosphere of delusive claims made only to delay and postpone tariff revision, and because I believe that Congress should keep an open door to all information from whatever source relating to the adjustment of the tariff and in obedience to all party demands until the people are relieved from the burden of excessive tariff taxes.

I am in favor of a tariff or revenue board to be nominated by both the majority and minority of the Ways and Means Committee of the House of Representatives, elected by said House, and made responsible to both the House and the Senate, instead of appointed, controlled, and directed by one-man power—the Executive only. The long fight from monarchy to republic has been to wrest power from one man usurping the rights of the people and their chosen representatives and exercising both legislative and executive authority. Even the power vested in the Speaker of the House of Representatives over the appointment of committees has had to be reclaimed to the whole of the people's representative to prevent abuse and to secure consideration for popular demands.

I am opposed to the exercise of such legislative power by a Republican President. I am opposed to such legislative power being exercised by a Democratic President. I am opposed to the exercise of such legislative power by any President or by any one man clothed with either legislative or executive authority. The grant of such legislative power to be exercised by the Executive is reactionary and a move to evade and postpone the popular will.

I am in favor of a Tariff Board empowered to examine witnesses under oath and to compel the production of books and papers for verification. Such power is a necessary preliminary to the validity of the simplest judgments of inferior courts for the smallest amount of money or for an order calling for the most trivial mandate or injunction, and without which all is a nullity and without force or credit. I am in favor of a Tariff Board empowered to make thorough investigation and examination into production, commerce, and trade of the United States and of foreign nations, and of all conditions affecting the same, and to obtain information useful in tariff legislation, including all power and authority embraced in the amendments offered in the Senate to the Payne law by the Insurgent Republicans and rejected, voted down, and stricken out by the Senate Finance Committee and by the House conferees during the consideration of the Payne law.

Mr. HEFLIN. Mr. Chairman, has all time been consumed?

The CHAIRMAN. Three minutes are remaining.

Mr. MALBY. How much time is there left?

The CHAIRMAN. Three minutes.

Mr. MALBY. Mr. Chairman, very little can be added upon this side of the House with reference to the necessity and propriety of adopting the amendment which I have offered.

I have listened with extreme interest to my friends on the opposite side, in the hope that they might state, for the benefit of the House and the country, something that would indicate their exact position with reference to the tariff; but I have not heard them offer an intelligent explanation, so that the common people can understand exactly what they may expect if the Democratic policies go through.

Whether they are in favor of free trade, or whether they are in favor of a tariff for revenue only, I do not know. They content themselves with saying that the present tariff is an iniquitous kind of a measure. Whether it is so because it affords protection to our industries, or affords too much protection, I do not know, because none of them has defined just what they mean when they make their charges in relation to it.

I want to say to my friend from Tennessee [Mr. SIMS] that so far as I am concerned I want the tariff of this country to be made high enough, so that the laboring men of this country will be permitted to manufacture what the people of this country have to use and wear. [Applause on the Republican side.] And I am in favor of whatever tariff is high enough to accomplish that purpose.

I appreciate the fact that when over $1,500,000,000 worth of goods are imported from foreign countries, as they were into this country during the past year, those goods have replaced an equivalent, or at least a large amount, of American labor and American prosperity in order that the importation might be made; and the smaller that importation is, within the bounds of reason, I am in favor of providing that the benefit shall go to the American laborers and the American citizen. In order that we may ascertain what that tariff shall be, I am in favor of getting all the information that we can upon that subject, including that which will come from the Tariff Board.

But if we can not have a Tariff Board, I would rather have the Payne-Aldrich bill, the McKinley bill, or the Dingley bill, under which this country has had more prosperity than it ever had before in all the country's existence. [Applause on the Republican side, and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York [Mr. MALBY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MALBY. Mr. Chairman, I desire to have a count.

The committee divided; and there were—ayes 42, noes 81.

Mr. MALBY. Mr. Chairman, I respectfully ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. MALBY.

The committee again divided; and the tellers reported—ayes 47, noes 72.

Accordingly the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

EXECUTIVE.

To enable the President to continue, by the employment of accountants and experts from official and private life, such officials to receive no compensation beyond their official salaries, to more effectively inquire into the methods of transacting the public business of the Government only in the several executive departments and other executive Government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by Executive action alone, and for each and every purpose necessary hereunder, including the employment of personal services at Washington or elsewhere, $75,000: *Provided*, That not exceeding three persons may be employed hereunder at rates of compensation exceeding $4,000 per annum. And a report hereunder shall be submitted at the last regular session of the Sixty-second Congress and not later than December 31, 1912.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. This says a report shall be submitted not later than December 31, 1912. I take it that does not mean a final report.

Mr. FITZGERALD. In the provision that was incorporated in the bill for the current year a proviso was inserted requiring a report to be made by December 31, 1911. The purpose of this provision is to emphasize, if possible, the necessity of having the information submitted to Congress not later than the 1st of January. If it is to be of any value to the House in the preparation of the appropriation bills it should be submitted by the date designated.

Mr. MANN. I quite agree with the gentleman about that. There is such a provision in the current law, and various reports have been submitted, but they have not been final reports. I take it this does not mean a final report.

Mr. FITZGERALD. The gentleman understands that this provision is in the bill by consent. The only authority for this commission is the appropriation. It does not exist by virtue of any specific statute. The purpose is to make as emphatic as possible the fact that if these investigations are to be of service to us, the information should be submitted, so far as possible, at a time during the session when it can be utilized.

Mr. SHERLEY. Mr. Chairman, I do not now desire to delay the reading of that part of the bill which immediately follows, in which the public buildings are contained, and in which a number of gentlemen are interested, but I shall ask the privilege of the committee later on to speak in connection with the paragraph just read on the subject of a budget, both from the executive and the legislative end, and I make that statement now, in order that I may not be forclosed in having that opportunity.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn, and the clerk will read.

The Clerk read as follows:

Lebanon, Tenn., post office: For commencement of building under present limit, $1,000.

Mr. HULL. Mr. Chairman, I move to strike out the last word. I made some reference the other day, when this bill was first being considered, to the condition of buildings system in which gentlemen of the House are, or should be, interested.

Last fall I was talking to the Supervising Architect, and it was then represented to me that a request upon that department for a substantial appropriation for the building at Lebanon, Tenn., would be asked for in this sundry civil bill; not some future bill, but the pending appropriation bill. Naturally that information was communicated to the people who were interested. At some period of time since last fall the proposed action of the Supervising Architect's Office was modified so that now only a nominal appropriation is asked for and inserted in the bill by the Appropriations Committee.

I was also informed at a later and more recent date by the Assistant Secretary of the Treasury that under the system of construction of public buildings by the Treasury Department, if Congress should appropriate for buildings in any given amount that had not first been requested by the department in its estimates, this money would lie idle in the Treasury, and the Treasury Department would not direct the Supervising Architect's Office to utilize it. I desire to inquire of the gentleman from New York [Mr. FITZGERALD] if that is his understanding as to the present workings of the system over there?

Mr. FITZGERALD. My understanding is that these buildings are numbered, and that the department takes them up in their order, and even though an appropriation was made for some building out of its order, unless requested by the department for some special reason the department would not take up that building.

Mr. HULL. That is in conformity with the information given to me by the Assistant Secretary of the Treasury.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. MANN. Why not try it, to find out?

Mr. HULL. Mr. Chairman, I was just coming to that phase of the matter, and certainly expect to do so. This illustrates the criticism I offered some days ago, in part, as to the operation of that department, as it relates to the public-building system. I think that Congress ought to designate the amount of money it desires expended annually in building construction, and not the Secretary of the Treasury. Congress ought to prescribe directions, or at least to retain control, over this construction work to a sufficient extent to enable us to know with some degree of definiteness when a building will be taken up or as to how the general building regulations of the Treasury Department shall be applied. As it is, no Member can tell what the Secretary of the Treasury may direct. He may direct the expenditure of $15,000,000 one year and $10,000,000 another year, with a result that the people interested, and the Members here who are held responsible to the people, know nothing for certain or with any degree of certainty as to what the policy of the Treasury Department will be the next year or the year after, or at any future time. Hence, when a building or buildings will be taken up can not be definitely known. If I did not think this committee would overrule the present action of the Treasury Department without waiting to adopt a law giving Congress immediate direction and control over this phase of it, I would hesitate to offer an amendment increasing this appropriation to $10,000; but I know the Supervising Architect's office, if the judgment of architects on the outside is worth anything, can do much more work than it is now doing, and it should be directed, if possible, to do more work. They have several hundred models of $50,000 buildings on file, and so it is entirely unnecessary for a new design, new drawings and specifications to be prepared in each instance. That is a useless expense.

I do not know whether this method of new plans is utilized as a means of delaying this work, but I do know, Mr. Chairman, that we owe it to ourselves to retain enough control over the operations of this immense department to have some definite idea as to what amount would be expended annually in this construction work and as to when buildings will be constructed. As it is now, a Member of Congress in one State may have a building completed before a building in his colleague's adjoining district will be taken up and the work of construction commenced. It is impossible to make the people understand this.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, and I withdraw the pro forma amendment.

The Clerk read as follows:

Amend, page 11, line 8, by striking out "one thousand" and inserting in lieu thereof the words "ten thousand."

Mr. HULL. Mr. Chairman, I do not wish to take up the time of the committee unduly, but it is not real often that I consume much of the time of the committee or of the House. This is intended to get before the committee the question as to whether it desires to indorse the operation and present bad system, which has been devised by the Secretary of the Treasury, and which is in operation in the Treasury Department with respect not only to the amount annually expended in the construction of public buildings, but in respect to the method and the time of constructing buildings by that department. If it is the desire of the House that the Secretary of the Treasury

shall continue to exercise absolute direction and control in all these respects, that Congress shall retain no control with respect to the preparation of drawings, location of sites and buildings, and the time and the order in which they are constructed, but that it shall be left entirely to the Treasury Department, then I would not expect the House or the committee to adopt this amendment, but I would be obliged to allow the work of constructing this building to remain in abeyance until the discretion of the Secretary of the Treasury moved him to direct that work shall proceed under the vicious system now in vogue.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. HULL. Certainly.

Mr. FOSTER. In the gentleman's opinion, would the appropriation of this additional amount of money cause the Secretary of the Treasury to expend the money any sooner than he otherwise would do it?

Mr. HULL. Mr. Chairman, in answer to the gentleman I will be perfectly frank and say that my investigations, in so far as they have extended as to the system and its operations in the Supervising Architect's office, lead me to the unalterable conclusion that instead of expending 6 per cent as expenses in the office in connection with the work of constructing public buildings it could be done for probably one-half of that, and that instead of preparing such a large number of separate drawings and specifications for each $50,000 building or $75,000 building the office can take the same model and with but slight alterations make it apply as successfully as a new drawing would apply to a particular site. Of course I know the Treasury Department takes the position that, under the circumstances stated by the gentleman, it would not do the work until next spring and that the money would lie idle in the meantime.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not prevail. It will be manifestly unjust to a large number of the Members of this House to have the committee adopt this amendment. The estimates submitted originally to Congress for public buildings carried the amounts required until June 30, 1913. At the request of the committee, and following the precedent established in 1910, the Supervising Architect's Office revised this estimate so as to indicate the amount of money required on various buildings up until March 4, 1913, when the next sundry civil appropriation bill will become a law. This building at Lebanon, Tenn., is No. 93 upon the list. Provision is made in the pending bill for all buildings up to No. 70. To increase this appropriation is to advance this particular building over 22 buildings which under the system adopted have a priority at the present time. About 30 buildings for which estimates were submitted in the original estimates have been eliminated or the estimates greatly reduced, because less will be required for use until March 4, 1913. Because of the fact that contracts will not be entered into before the 4th of March, 1913, some have been eliminated from the bill. If the appropriation be made, the money could not be expended, and it is simply a question of adding to this bill the original estimates for the entire fiscal year——

Mr. HULL. Will the gentleman permit?

Mr. FITZGERALD (continuing). Which would be more than $5,000,000 in excess of that which it now carries. The committee has recommended the various sums required and has treated everybody fairly and impartially. To provide for these buildings in the order in which they have been numbered after the acquisition of sites is the only equitable method to follow.

Mr. HULL. Mr. Chairman, I appreciate the reasons on which the gentleman's committee has acted, but I desire to ask him this question. It was not my fault that the department recommended to me that they would ask for a substantial appropriation in this bill, not in some future bill, and they have thoroughly misled me and the people interested. Now, my contention is that they have not made such representations to other gentlemen, and it is an act of bad faith to mislead a Member or any person with respect to this work, and this is seeking, through the agency of Congress, to make the appropriations and give them an opportunity to make good on the promises they made.

Mr. FITZGERALD. I understand from the statement which was made by the gentleman from Tennessee and which he published for the information of the people of his community that misunderstandings can easily result, which perhaps unless thoroughly explained will be perhaps embarrassing to gentlemen and perhaps create an improper impression in the community. In the original estimate submitted to Congress it is pointed out by the department that this particular building, which is No. 93 on the list, will be taken up in November, 1912, for plans, but no contract can be in force prior to April, 1913. Now either one or the other thing should be done. Either this bill should carry appropriations for every building for the entire fiscal year, and all the five million and odd thousand dollars necessary for the balance of the year from the 4th of March until the 30th of June should be included in this bill, or else no further appropriations should be made for these particular buildings. How could any of the gentlemen in the House, with a building authorized in his district, finding himself in the same position as the gentleman from Tennessee, justify the failure to have reinserted in this bill an appropriation that could not be utilized, even if made, before the next bill becomes a law, if we make an exception in any one case? If those gentlemen would not be sufficiently informed that the committee determined to take that action, they would be awakened before this bill finally became a law, and it means to add eventually over $5,000,000 to this bill if we depart from the rule to treat everybody impartially——

Mr. FOSTER. I would like to ask the gentleman if they have made provision in this bill for every public building where the money can not be utilized before another bill would be passed?

Mr. CARTER. At another session.

Mr. FOSTER. At the next session.

Mr. FITZGERALD. We have made provision for all money that can be expended upon every building authorized until the 4th of next March, when the next bill will become a law. It would be manifestly unjust to other Members to make a different ruling for one building or to make an exception for one building and place all the other Members in an embarrassing position. For instance, the gentleman from Illinois has a building in his district——

Mr. FOSTER. Mount Vernon.

Mr. FITZGERALD. Mount Vernon, and it was included in the original estimates for $20,000 or $30,000. No money can be used on that building before the 4th of March, and it has been entirely dropped out of this bill. What position would the gentleman from Illinois be in if money that could not be utilized were put in for some other building and the building in his district did not appear? And the same would be true of a great number of Members of the House. It would require that this bill be increased over $5,000,000 to place all the items in the bill.

Mr. CARTER. Mr. Chairman——

Mr. FITZGERALD. I yield to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. The gentleman speaks about buildings coming in a certain order, or rather being of certain numbers on the list. I expect we have all been embarrassed considerably from not getting appropriations for public buildings already authorized. I have made some investigation of this matter and would like the gentleman to state for the benefit of other Members upon what the order of appropriation is based.

Mr. FITZGERALD. I will state that briefly. I reviewed it the other day, and it appears in the RECORD, but I will state it again at this time. My understanding is that after a site is authorized the department sends its agent to select a site, and when a site is finally agreed upon by a representative of the department and the conflicting interests in the various communities have been pacified the United States district attorney in the district in which the community is located is instructed to search the title.

When he finishes that work he sends the abstract of that title to the Treasury Department or to the Department of Justice. At any rate, it comes to the Attorney General for consideration, in order that he may attach the certificate required under the law before the site can be purchased. As soon as the title is approved by the Attorney General, that site is given the number next in order, and the plans are prepared for buildings in the order in which they have been numbered.

Mr. CARTER. And then the appropriation is authorized just in order as title to the site is acquired? How is the percentage of money apportioned? Will the gentleman state that?

Mr. FITZGERALD. The Supervising Architect determines how much money can be expended during the given period on that particular building, and whatever the department states can be expended the committee recommends in the bill. It makes no change whatever. In this bill those sums which can be expended up to the 4th of March, 1913, are included. Ten thousand dollars can not be expended on this particular building. No contract will be entered into until next April. I repeat it would be a manifest injustice to a very great number of gentlemen to appropriate for this building upon a different rule than that which applies to others.

Mr. CARTER. My home town had a building authorized two years ago. They had some trouble acquiring a site, and it

is, I am informed, No. 99 on the list now. Can the gentleman give me any information as to when I may expect an appropriation for that building?

Mr. FITZGERALD. What is the name of the place?

Mr. CARTER. Ardmore.

Mr. FITZGERALD. Here is the information we have about Ardmore, Okla.:

Post office and courthouse. Building has been authorized. Limit of cost, $150,000. Population of the community is 8,618. Postal revenues, $23,134. Drawings have not yet been commenced. The annual cost of maintaining this building after it is constructed will be $7,185.80, and the present facilities at Ardmore are costing the Government $3,092 a year.

Mr. CARTER. Is not that a very good showing, from the standpoint of economy, when compared to the usual case?

Mr. FITZGERALD. It will require interest on an investment of about $150,000 and about $4,100 additional.

Mr. CARTER. The gentleman is giving me information I did not ask for.

Mr. FITZGERALD. I thought the gentleman might be glad to have his memory refreshed.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. FITZGERALD. No; just a minute. The statement of the Supervising Architect as to the building at Lebanon, Tenn., which is No. 93 on the list, is that the drawings will be taken up for preparation in November next, and the contract will be entered into in April. It would appear in that event that if the site is already obtained in Ardmore and it is only sixth removed from Lebanon, that provision should be made for it in the next sundry civil bill. That would be my impression.

Mr. FOSTER. Mr. Chairman, I would like to ask the gentleman one more question. Does the sundry civil bill that will be passed next year at the close of the Congress, with the provision for public buildings, become available on the 4th of March?

Mr. FITZGERALD. Appropriations for public buildings become available as soon as made, and remain available until expended.

Mr. FERRIS. I would like to ask the gentleman from New York a question. I notice now, for instance, the town of McAlester, on page 12, and the town of Chickasaw, on page 5. Both of these towns were appropriated for in the same bill and the amounts are practically the same. I think both are about $150,000. I think the amounts are identical. I notice, however, that in one instance $70,000 is carried and in another instance $20,000, and I wondered if there was a uniform rule by which the department would determine, and why the difference.

Mr. FITZGERALD. It would probably be due to the fact that more delay had occurred in obtaining a site in one place than in the other, and as a result the work would be so much further behind on one. The same amount of money could not be utilized within the fixed time.

Mr. FERRIS. I have no doubt that is true.

Mr. HOUSTON. Mr. Chairman, I am perfectly aware that there ought to be a fair and impartial treatment of all the projects that have been authorized by law, and that one building project should have the same treatment that another receives. I think, however, that under all the facts that have come out in the discussion of this matter here and the general discussion of this bill, it is apparent that the Supervising Architect and his force are not exactly and accurately informed as to when they can complete each of these projects—that is, to the extent of submitting plans and letting out contracts.

Now, the first estimate was that they expected to let out these contracts—from 70 up to 100, as I remember it, although I am not certain about the number—this fall, beginning in September and October and along there. Since that time they have changed their calculations. I have a building project for a public building at Shelbyville, Tenn., for which, in the estimate submitted by the Treasury Department, $23,000 was recommended for the purpose of beginning and carrying on that public building at Shelbyville. Since that they have revised their recommendations and have cut that amount down from $23,000 to $1,000.

Now, in view of the fact, Mr. Chairman, that it has become manifest upon the floor, from the discussion here and from facts that have not been controverted, that the Treasury Department—the Supervising Architect's department—does not pursue uniform lines all the time, that they do not travel at the same gait all the time, that sometimes they proceed with the construction of more buildings per month than they do at other times—upon the calculation that the project might be reached in September or October, it does seem to me that the public building at Shelbyville, Tenn., as well as that of my colleague from Lebanon, Tenn., might reasonably be reached before the 4th of March next, and the passing of this amendment and the adoption of the amendment that I have here ready to offer as to the building at Shelbyville, Tenn., will certainly do no harm to the Public Treasury if the money is not called for. But in the event this building will be begun at or near the time first estimated, or approximately near that time, we might use the money some months earlier. And as to Shelbyville, Tenn., if I could get an amendment substituting $20,000 for the $1,000, or $10,000 for $1,000, it could be started five or six months earlier, perhaps, than if we were compelled to wait until the next appropriation bill passes.

Now, under this condition of affairs it does seem to me to be reasonable and fair to ask that as to these buildings, between the number of 70 and 100, a sufficient allowance be made to start the work in operation.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Certainly.

Mr. HULL. Is it not true, upon the basis that has been applied to the preceding number—preceding the 70—that only between $250,000 and $300,000 would cover the number from 70 up to 100, as the gentleman suggests?

Mr. HOUSTON. I understand so.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Yes; when my colleague finishes.

Mr. HULL. And it is also true that the Supervising Architect's Office could commence the construction of a dozen buildings a month instead of 10 buildings a month, as it has recently been doing?

Mr. HOUSTON. That is unquestionably true. There is no excuse, in my judgment, for the delay in starting these buildings. There is no reason for not utilizing the plans and designs that are already in the office, and the people of those places where the buildings are to be located would be perfectly satisfied with them, I have no doubt.

Now I yield to the gentleman from North Carolina.

Mr. PAGE. I simply wanted to make this statement to the gentleman: The Supervising Architect has stated to the Committee on Appropriations, and through us to the House, that so much money can be expended between now and the 4th of next March, and that sum of money has been written in the bill. Now, how much would the gentleman's community benefit if we should write in the bill an excess of that amount, when the Supervising Architect can not and will not spend it?

Mr. HOUSTON. I confess that if he will not spend it we would not be advantaged one whit.

Mr. PAGE. He says he can not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUSTON. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOUSTON. I hope this amendment will pass, and I shall vote for it. I have prepared an amendment to offer for Shelbyville. I think this building and the one at Shelbyville and the others in the category which I have named should receive a substantial amount sufficient to begin the work in the event they may be reached sooner than the 4th of March next.

Mr. MONDELL. Mr. Chairman, the debate on the amendment that has been offered makes it very clear that this piece of legislation is a gigantic fraud. It is a delusion, and it will prove to be a snare. It is sailing under false colors, with bare poles, straight on the rocks of deficiency. It is not what it claims to be. Its title is that of a bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913; but the Members responsible for it admit that it does not carry any items, particularly for public buildings, rivers and harbors, and many other things sufficient to provide for the public service beyond the 4th of March next; so that the bill is not a sundry civil bill for the fiscal year, but a sundry civil bill for the benefit of the Democratic campaign this fall.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am glad to.

Mr. PAGE. The gentleman is certainly aware that the sundry civil bill in prior Congresses, when the Republican Party was in the majority, appropriated for these items only until the 4th of March of the succeeding year, or if he is not so informed, he can and should be informed.

Mr. MONDELL. The gentleman knows, and we all know who are informed on the subject, that to a certain limited extent, and only in one or two cases, bills have been scaled down

somewhat along the lines suggested by the gentleman, but it never was a good policy, it never was a justifiable policy, and it never has been carried to an extent that is comparable to the extent to which it is carried in this bill.

Mr. PAGE. May I inquire of the gentleman why he did not turn his batteries of criticism upon his own side of the House when they did exactly the same thing? [Applause on the Democratic side.]

Mr. MONDELL. Because our side of the House never appropriated in this way to anything like the extent that this bill does.

Mr. PAGE. I am sure the gentleman does not want that statement to go into the RECORD.

Mr. MONDELL. I do.

Mr. PAGE. That they never did it? The gentleman is entirely mistaken.

Mr. MONDELL. I am perfectly willing to appeal to the RECORD, and I say again that no sundry civil appropriation bill, or any other appropriation bill, has ever been brought into this House which limited the appropriations to the next 4th of March to anything like the extent that this bill so limits the items carried.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MONDELL. I am glad to.

Mr. FITZGERALD. This bill limits until the 4th of March appropriations for river and harbor work, public-building work, fortifications, and for the Panama Canal.

Mr. MONDELL. Yes.

Mr. FITZGERALD. The appropriations for fortifications have always been so limited.

Mr. MONDELL. Not always, by any means.

Mr. FITZGERALD. Always since I have been a member of the Committee on Appropriations, which goes far enough back. Since I have been a member of that committee they have been limited to the 4th of March in a session like this. The river and harbor appropriation during that period——

Mr. MONDELL. Not all the time or to the same extent.

Mr. FITZGERALD. My recollection is that it has always been made in this same way; and for public buildings the appropriations were made in this way commencing in 1910. In my opinion, it was not done for the purpose of enabling the Republicans to make a good showing in the campaign of 1910 on their appropriations, but it was done because these appropriations become available when made, continue available until expended, are not made with reference to the fiscal year, and an investigation disclosed that appropriations were being made which resulted in the unnecessary and unjustifiable tying up of public money; and the sum of $10,000,000 is now to the credit of public buildings, appropriated, which can not be expended during the next fiscal year.

Mr. MONDELL. Mr. Chairman, the gentleman attempts to excuse what has been done to an inexcusable extent in this bill by the argument that to a certain limited extent appropriation committees have sinned in this respect in the past.

Mr. FITZGERALD. I do not agree with that statement.

Mr. MONDELL. They never have erred to anything like the extent that the committee have sinned in this case, and it is no justification to their committee that other committees have sinned in like manner, to a very limited extent in the past.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more. A good deal of my time was taken by the gentleman from New York.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, there never was and there never will be any justification for this sort of an appropriation. Appropriation bills should be what they purport to be, appropriation bills for the fiscal year. I am surprised that the gentleman from New York should attempt to impose upon the credulity of the House by the suggestion that this kind of legislation prevents the tying up of public money. Everybody knows that the appropriation bills do not tie up money. Not a dollar is tied up by an appropriation. There is not money enough in the Treasury at the time we pass the appropriation bills to pay them all. Every Member of the House knows that the money is constantly coming in and constantly going out. What is gained by appropriating in one bill for 8 months and then in the next bill appropriate for 16 months? What sense is there in that sort of a thing? If the gentleman says you tie up money by appropriating for 8 months, how does he justify appropriations in the short session for 16 months?

Mr. FITZGERALD. I was not responsible for it, and I did not criticize in a partisan manner what I knew to be a proper appropriation.

Mr. MONDELL. I do not care what committee has been guilty of it——

Mr. FITZGERALD. The gentleman should have awakened to that some time during the 16 years in which his party had control and the practice was indulged in.

Mr. MONDELL. The gentleman knows that the practice has not been indulged in 16 years. It began only a few years ago. It was only two years ago that a bill was brought in with any considerable reduction, and there has never been a bill brought in here in which a large proportion of the appropriations were scaled down to an eight-month basis.

Mr. FITZGERALD. I am willing to match my recollection against the gentleman's about these matters.

Mr. MONDELL. It is not fair to the House, it is not fair to the country to pass one appropriation bill covering 8 months and then another covering 16 months following it. The country is misled as to the amount of the expenditures of the Government. It is difficult to keep track of the expenditures. You talk about its being done for the purpose of avoiding the tying up of public money; that is all gammon. These bills do not tie up any money.

Mr. PAYNE. I want to call the gentleman's attention to the fact that nearly all of this money appropriated for the next fiscal year has to be raised after the 1st of July.

Mr. MONDELL. The money is coming in all the time and is being expended all the time. There is never a time when the appropriation bills are being passed when there is money enough in the Treasury to pay all the appropriations if it were necessary to pay them all at one time. This thing of attempting to fool the people by bringing in eight months appropriation bills has no justification, no matter if it has been practiced somewhat in the past.

Mr. SHERLEY. Mr. Chairman, I shall not feel very much grieved over the remarks of the gentleman from Wyoming [Mr. MONDELL]. He has suffered a good deal lately. The facts that came out in connection with the public building desired in a city by the name of Sundance, a city that had a population of several hundred people, in which there was to be spent on the building many thousands of dollars, would have disturbed me considerably if I had been from that State and been as zealous in obtaining appropriations out of the Public Treasury as the gentleman was.

I appreciate also his sensitiveness due to the facts that have come out in connection with Fort D. A. Russell and the expenditures of money that have been made for that fort in his State. But for my own part I never had a great deal of sympathy with much of the clamor for public buildings. I hold in my hand a statement prepared by the Treasury Department which shows the cost of maintenance of public buildings authorized since 1902 will be $3,163,177.41, and that the cost for rental and other expenses in buildings that would otherwise be used by the Government for the same cities and towns would amount annually to $818,169.30.

In other words, the result of the erection of all the public buildings that have been authorized since 1902 when completed will be to increase the annual cost to the Government over $2,000,000, without counting interest on the seventy-two millions spent for such buildings. For my part, I think we could go a little more slowly still, particularly in view of the illustration we have had of the ability of gentlemen to get consideration by committees of bills such as the one relating to the very popular city of Sundance. In point of fact, the Committee on Appropriations, not feeling that it lay within the province of that committee to undo the work of Congress touching public buildings, has brought in a recommendation for every dollar of money which can properly be expended until the money in the next appropriation bill will become available. For my part, I never have heard a reason that could be advanced for appropriating money in advance of the time when it can be used. We have simply pursued what has been the frequent policy of the Committee on Appropriations heretofore, and which, to my mind, is a common-sense business proposition.

Mr. MANN. Mr. Chairman, I have been watching appropriation bills more or less for a number of years, and it is news to me, absolutely news, that the river and harbor appropriations and the public building appropriations heretofore have been made only on the basis of the fiscal year ending March 4, instead of with June 30.

Mr. FITZGERALD. Let me say to the gentleman that, whether or not it is news, it is a fact.

Mr. MANN. I have had some appropriations with reference to rivers and harbors made in my district, and as to those I know that it is not the fact.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. FITZGERALD. It is my business to know, and I know, and I will put the proof in the RECORD.

Mr. MANN. The gentleman can not put into the RECORD the proof as to the appropriations which have been made in my district, as to rivers and harbors, some of which have been carried in the sundry civil appropriation bill, and which have been made upon an estimate originating with the War Department for the full fiscal year, which have been carried in full in the sundry civil appropriation bill. What is the use of saying to me, when the department makes an estimate for the full fiscal year and the appropriation bill carries the full estimate, that they have made an appropriation only until the 4th of March? I think that has usually been the case with the sundry civil appropriations as to rivers and harbors.

Nor do I quite understand what the gentleman means as to the appropriations until the 4th of March in this bill. What is the estimate for the Lebanon post office that is now under construction for the next fiscal year? The estimate is made by the fiscal year.

Mr. FITZGERALD. Does the gentleman want to know that?

Mr. MANN. Yes.

Mr. FITZGERALD. It is $20,000.

Mr. MANN. The full amount is carried in this bill.

Mr. FITZGERALD. Oh, the gentleman is mistaken about that.

Mr. MANN. The gentleman said $1,000. I do not know what the estimate is.

Mr. FITZGERALD. I said $20,000.

Mr. MANN. Was there not a revised estimate?

Mr. FITZGERALD. A revised estimate.

Mr. MANN. For how much?

Mr. FITZGERALD. One thousand dollars.

Mr. MANN. For the next fiscal year?

Mr. FITZGERALD. No; the amount that could be utilized until the 4th of March.

Mr. MANN. The estimate submitted by the department is an estimate for the fiscal year?

Mr. FITZGERALD. Let me state what happened, and the gentleman can see what is the fact. In the regular Book of Estimates, not carried as totals, there is a statement that certain specific sums could be expended on the buildings therein designated by the 30th of June, 1913.

Mr. MANN. The full fiscal year.

Mr. FITZGERALD. And then the department, at the request of the committee, pursuant to the plan adopted in 1910, submitted estimates of amounts that would be necessary until the 4th of March, 1913, and it is those sums that this bill carries.

Mr. MANN. Let us see. Here is the Lawrenceburg, Ky., post office, the item just preceding, carrying $30,000. What was the estimate in the regular annual estimates for the next fiscal year for that post office?

Mr. FITZGERALD. Forty-three thousand dollars.

Mr. MANN. And the bill carries only $30,000? In all of these estimates is the amount reduced in that way?

Mr. FITZGERALD. Not all of them, but in some. Wherever the original sum requested will be used by the 4th of March it is appropriated; in those instances the department has indicated that fact, and that amount has been given.

Mr. MANN. I am perfectly frank to say to the gentleman that I do not know what the custom has been with reference to public buildings, as to whether the full amount has been carried or not, but I do know, as to rivers and harbors, that the estimates which have been made in that way have not been scaled to eight months.

Mr. FITZGERALD. The gentleman is mistaken as to that.

Mr. MANN. But I am not mistaken, because I have watched it. I will not say that there have been cases, because I do not know, but I know many cases where that has not been done.

Mr. FITZGERALD. An examination of the hearings will tell just exactly what transpired, and I will read just what happened.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman's time be extended. I desire to read from the record, because I made that statement in the opening discussion of the bill, and I do not wish to misrepresent.

The CHAIRMAN. Is there objection to the extension of time? [After a pause.] The Chair hears none.

Mr. FITZGERALD (reading):

The CHAIRMAN. The next item is river and harbor improvements, beginning on page 195 of the bill. The estimates for the next fiscal year are $12,114,988.

Col. TAYLOR. These are the estimates as submitted on the 1st of July; that is, as they were submitted in the annual report of the Chief of Engineers.

The CHAIRMAN. Have you since revised the estimates?

Col. TAYLOR. Yes, sir.

The CHAIRMAN. What would be the total under the present estimate? When was this last estimate made?

Col. TAYLOR. It was up to about the 1st of March. I find two or three clerical errors in the statement I have here, and I am not sure that my totals are absolutely right. I have the estimates in two ways here, one for the fiscal year up to June 30, 1913, and one up to March 1, 1913, on the assumption that there will be another sundry civil bill by that time.

So that was not an unusual practice; but it is the practice that has prevailed, according to my recollection, while I have been a member of the Committee on Appropriations.

Mr. MANN. If the gentleman is right about that—and I am satisfied that he is not——

Mr. FITZGERALD. Well——

Mr. MANN. Well, that is neither here nor there. But do I understand that the gentleman now claims that these contracts are made at the long session for 8 months? If so, they must be made at the short session for 16 months.

Mr. FITZGERALD. That is true.

Mr. MANN. That has never been the case in my personal experience, and I do not believe it has been usually the case.

Mr. FITZGERALD. Well, it has been the case in my experience; and I am informed by a gentleman who is not usually mistaken about these matters that as to rivers and harbors matters it is a well-established custom of the committee.

Mr. SHERLEY. If the gentleman will permit——

Mr. MANN. With very few exceptions, the sundry civil bill has carried appropriations every year for a number of years for river and harbor improvements in my district and has always carried them to July 1——

Mr. FITZGERALD. Yes; that may be so; and yet——

Mr. MANN. And without any special influence on my part.

Mr. FITZGERALD. These appropriations have rarely, if ever, in my experience, been discussed in the House. I have criticized Republicans to the extent to which appropriations were made, and yet knowing this situation and knowing the purpose that was to be served in making them in this way I never attempted to take advantage of what I knew was the proper thing to do and to make partisan capital out of it, and this bill for these 8 months for river and harbor contract work carries $2,000,000 in excess of the current year made by appropriations for the 16 months.

Mr. MANN. I am sorry the gentleman, every time a gentleman asks a question about an appropriation, feels that we are injecting partisan politics.

Mr. SHERLEY. If the gentleman will permit I desire to suggest this: With public buildings we are dealing with contract work; and as with river and harbor contract work there can not be logically any such thing as a fiscal year. There is a certain amount of money necessary to do a given piece of work. Now, it so happens that sometimes a given amount of money within a certain time can be spent in completing or toward the completion of that work, and when you leave outside the question of maintenance, public work like public building is not subject and can not in the nature of things be properly subject to fiscal-year periods.

Mr. MANN. Very true, but the estimates are made according to the fiscal year.

Mr. SHERLEY. But estimates are not such sacred things that they should not accord with a common-sense proposition.

Mr. MANN. Well, there is nothing of a common-sense proposition in the matter at all, the question of whether you make appropriations one year for 8 months and another year for 16 months. If that is a common-sense proposition, why very well, but according to my idea of common sense it would be to make the appropriations for 12 months each year.

Mr. SHERLEY. If the gentleman will permit. The gentleman talks about an appropriation for 16 months. You appropriate so much money as can be expended prior to the 4th of March and then you may appropriate so much money as may be expended in three or four months only because you are in the summer months when there is much building, and it is not simply appropriating for 16 months but it is appropriating all the money that can be used toward the completion of the project prior to the time when the new money is available.

Mr. MANN. But here is the point. The gentleman states now in this bill estimates were submitted for the full fiscal year of 12 months and that they have reduced those estimates by one-third so as to make only two-thirds of an appropriation of the estimates.

Mr. SHERLEY. Now, if the gentleman will permit, I will say that we simply had in each instance the Supervising Architect tell us how much money could be used prior to the 4th of March. In some instances it did not amount to three-fourths of the estimates; in other instances it did not amount to one-

tenth of the estimates; in other instances it amounted to more than three-fourths, according to the stage of the work the building was in. In other words, we simply adopted the common-sense rule of providing money toward the completion of a building for a time sufficient to reach a point when new money would be available.

Mr. MANN. Will the gentleman answer me one other question?

Mr. SHERLEY. I will try.

Mr. MANN. Under what authority of law do these appropriations become available at once?

Mr. SHERLEY. The covering-in act of 1874, I am informed.

Mr. MANN. Of course that act does not provide anything of the kind, but it may be so construed.

Mr. FITZGERALD. The gentleman is mistaken, I think, about it.

Mr. MANN. I am not mistaken, because I have just taken the trouble to read it, and I can give the gentleman a better reference to it than he has in the bill, because he has the date wrong there. I had to go and look it up, because it is in the bill as "June 24," 1874, but as Congress adjourned before that date, that could not have occurred, and I finally located it. I give the gentleman the benefit of that, so that he can amend it when that part is reached.

Mr. FITZGERALD. Possibly that is a clerical error.

Mr. MANN. Possibly it is a clerical error.

Mr. FITZGERALD. The act of June 20, 1874, is the act to which I referred.

Mr. OLMSTED. Mr. Chairman, I have been a member of the Committee on Appropriations but a short time and am not familiar with the practice in former years. But I am familiar with the fact that this particular item under discussion has been inserted in the bill upon the same basis as all other appropriations for similar purposes, namely, according to the amount which will be needed before March 4. In the meantime another bill will have been passed to provide the balance necessary.

Now, take a case in my own district. On page 56 of the hearings, taken from the statement submitted by the Supervising Architect concerning the public building for courthouse and post office at Harrisburg, it will appear that the total authorization is $125,000. Forty thousand dollars have already been appropriated. The estimates in the bill are $85,000 more, and the Supervising Architect says:

This work is an extension to an old building. Drawings are under way and a contract will probably be in force by May. As this will allow 14 months of actual construction work prior to July 1, 1913, the full amount estimated will be required.

That is, the full sum of $85,000. We have put in the bill but $35,000.

Mr. FITZGERALD. What is the gentleman speaking about now?

Mr. OLMSTED. The Harrisburg (Pa.) post office. I say this item is on the same basis as all the others. I am instancing a case in my own district.

Mr. FITZGERALD. The gentleman has not looked quite far enough.

Mr. OLMSTED. I think the gentleman has not listened quite far enough.

Mr. FITZGERALD. I may have misunderstood.

Mr. OLMSTED. What I am saying is that although $85,000 will be required by the 1st of July, we have only put $30,000 in the bill, because that is all that will be required before the 4th of March, and that is on the same basis as all the other appropriations of the same kind.

Mr. FITZGERALD. I misunderstood the gentleman.

Mr. OLMSTED. And if this particular item is to be amended as desired by the gentleman from Tennessee, then there are 40, 50, or 100 items in here that would have to be amended to put all upon the same basis.

Mr. HULL. Suppose this department exercises the absolute control over this system of building and construction and does not want to expend any money on your building until July, next year, would you be here acquiescing in that course?

Mr. OLMSTED. I suppose I could not help myself. I have a building in my district authorized four years ago and they are just beginning its construction.

Mr. HULL. The point I desire to get before the gentleman is this: The department is swamped in its management of the system as it now exists. Suppose they had partially completed the construction of this building under former appropriations, and if in this bill they should decide not to make a request for any more appropriations, and that they should not do any work until after the 4th of March next year, and then would ask an additional appropriation in that year, and then resume work according to their own idea——

Mr. OLMSTED. They do not do business in that way. When they commence construction they go right through with it. They do not commence it until they have the plans ready. I have had the same difficulty the gentleman has. It arises in large part because we never have appropriated enough money to pay for the necessary assistance in the office of the Supervising Architect to rush these matters through as fast as the gentleman from Tennessee and myself would like to have them.

Mr. HULL. That depends upon whether they desire to construct 10 buildings or 12 buildings or 15 buildings per month, does it not?

Mr. OLMSTED. It depends upon the number of assistants they have in the office to prepare the plans.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. GARNER. The gentleman from Pennsylvania is mistaken. The hearings taken before the Committee on Expenditures on Public Buildings and Grounds showed that with an identical appropriation, under the direction of the Secretary of the Treasury, they decreased the construction of buildings from 15 to 10 per month.

Mr. OLMSTED. That is because they did not have sufficient assistants.

Mr. GARNER. No. It was done during one fiscal year when they could have constructed 15 buildings per month, and yet they decreased it on account of a deficiency in the Treasury.

Mr. OLMSTED. Of course, if they did not have the money, they could not build the buildings.

Mr. GARNER. They decreased it intentionally in order to relieve the Treasury from the expense.

Mr. OLMSTED. Well, if there was a deficiency in the Treasury, that is a sufficient reason; there would certainly be no wisdom in appropriating the money when there was no money to be appropriated.

I merely wish to say, Mr. Chairman, that this item is on the same basis as all other similar items, and if you are going to amend one, you ought also to amend 40 or 50 similar items in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEALL of Texas. Mr. Chairman, I sympathize very much with the gentleman from Tennessee [Mr. HULL] in his desire to see completed the building which has been authorized to be constructed at Lebanon, Tenn. That is one of the centers of thought and culture in that historic State. But I do not think it is very material whether this bill carries $1,000 or $50,000, because, judging the future by the past, no part of that money, whether it is $1,000 or $50,000, will be expended during the next year. The Treasury Department constructs buildings for future generations, never for the present one. The policy seems to be to construct buildings only upon authorizations hoary with age.

As I understand it, the authorization for this building was secured only about two years ago.

Mr. HULL. Mr. Chairman, will the gentleman permit me in that connection?

Mr. BEALL of Texas. Yes.

Mr. HULL. As I understand the system over there—that is, so far as I can understand it, for I have never been able, even after investigation, to understand it fully, and I think very few Members do understand it—the order in which buildings are listed for construction is determined by the order in which the sites are obtained. The site for this building was authorized four or five years ago; at least four years ago.

Mr. PAGE. Mr. Chairman, if the gentleman will allow me——

Mr. BEALL of Texas. I yield——

Mr. PAGE. That is not necessarily true, because a site may be acquired and no appropriation secured for 10 years. An interval of 10 years might elapse between the two.

Mr. HULL. And under this system the site authorized in the bill of 1908 might be secured and the building following in the natural course would not be touched, whereas a building authorized, or a site authorized, in 1910 might be under way and perhaps constructed, because the agent of the Treasury Department or the district attorney's office or some other intervening agency beyond the power of a Member of Congress to control has operated in the first instance to delay it.

Mr. BEALL of Texas. Mr. Chairman, I was about to remark that it was immaterial when this building was authorized, whether in 1910 or in 1908. I understand that it has just now reached the point where they are considering plans and specifications. I think about the same thing is true with respect to the building authorized for the beautiful city of Ardmore, that is so well represented by my distinguished friend [Mr. CARTER] on my left. My experience has been that when they begin working on the plans and specifications of a building the trouble has just begun. It takes more than a Cæsarian opera-

tion to extract a set of plans and specifications from the Supervising Architect's office. They have to be made, altered, amended, changed, substituted, modified, rejected, reconsidered, approved, suspended, and finally adopted before bids are called for. In the usual course of affairs this stage will be reached in about 1915 with the Lebanon building. The situation will just begin to be interesting then. Although Tennessee is well supplied with building material, in all probability the specifications will require stone to be brought from Maine and the cement from over on the Pacific coast; and after the bids come in it will be discovered that the appropriation is not sufficient and that it will require an increase. About the year 1919 the formal letting of the contract will occur. A year or two after that the contractor will seem almost ready to begin the constructing of the building, but some unforeseen occurrence will develop. About 1921 the contractor, for some reason or another, will make default on his contract, and it will be necessary for the Supervising Architect's office to begin all over again. In 1925, on the 4th day of July, the cornerstone of the post-office building at Lebanon, Tenn., will be laid with imposing ceremonies. It is to be hoped that the distinguished gentleman [Mr. HULL] will still be serving as the faithful Representative of that district in this House, and that on the interesting occasion just suggested it will fall to him to deliver the customary oration and to revive the memory of the conditions under which the original authorization was secured. [Laughter.]

Mr. SHARP. May I ask the gentleman a question?

Mr. BEALL of Texas. Yes.

Mr. SHARP. To what does the gentleman attribute this delay in these buildings?

Mr. BEALL of Texas. I think the gentleman misunderstands me. I am not denominating the lapse of only 15 years a delay.

Mr. SHARP. The last suggestion of the gentleman, in which I heartily join, opens up a field of inquiry that is quite interesting. It has been suggested to me at different times that often this very delay is a good reason for the Representative in this House to appeal to his constituents that in order to have the building completed he must still continue to represent them.

Mr. BEALL of Texas. That is true. If the gentleman from Tennessee [Mr. HULL] were a wicked Republican, I would say that this public building would be a substantial basis to be used by him in campaigns for the next 15 or 20 years. [Laughter.] Of course, though, the gentleman from Tennessee [Mr. HULL] has a record here justifying the judgment of his people in electing him, and he is not compelled to resort to such means of securing public favor.

After the corner stone is laid the work will progress with the same proportionate rapidity. The gentleman from Tennessee is now a young man——

Mr. HULL. Will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. HULL. I notice the gentleman has an item in this bill, or the remnants of an item, pertaining to a building in his State. Does not the gentleman think that the failure of this bill to carry a larger appropriation for his own building in his own district would suggest that some attention be devoted to that in the course of his remarks?

Mr. BEALL of Texas. I have been devoting much attention to that, Mr. Chairman, for a number of years. That authorization was made four years ago. For two or three years I indulged the hope that during the course of my life, if I was permitted to live out the allotted span, I might see a public building at Hillsboro, Tex. The gentleman from Tennessee [Mr. HULL] is a young man, while I am more advanced in years. I really think there is some probability that the gentleman from Tennessee will live long enough to see his building completed at Lebanon. I have almost abandoned all hope of that in my Texas town. I imagine that when ripe, old age comes to the gentleman from Tennessee [Mr. HULL], when he is stooped and bent beneath the burden of his years but still in the service of a grateful constituency, he may be able to participate in the celebration that will occur at Lebanon, Tenn., over the completion of the building the authorization for which he secured so many years before. [Laughter and applause.]

Mr. HULL. Four or five years ago.

Mr. FITZGERALD. Mr. Chairman, gentlemen on the other side seemed astounded, as if something unusual had been done in this bill in providing for river and harbor work and public-building work until the 4th of March next. I made the statement upon information that that has been the practice of the committee and is not unusual.

Mr. BUTLER. May I ask the gentleman how usual is that practice?

Mr. FITZGERALD. Gentlemen challenged my statement and said that while they did not doubt that I meant to be accurate, they were quite convinced that I was in error. Now, I intend to prove by the RECORD that I knew what I was talking about, even if it is a matter of recent discovery to other gentlemen.

On the 18th of March, 1908, Mr. Taylor, the Supervising Architect, was before the Committee on Appropriations:

The CHAIRMAN (Mr. Tawney). Your estimates for public buildings begin on page 1 of the bill before you and are printed in the bill as they appear in the annual Book of Estimates. Since submitting the annual estimates have you revised them in order to determine the exact amount that you will require to continue the work now authorized until your next appropriation becomes available?

Mr. TAYLOR. I have.

We were then in the long session of Congress in 1908, as we are now in 1912, and that meant that the appropriation or estimates were until March 4, 1909.

On March 30, 1908, in considering the estimates for river and harbor work:

The CHAIRMAN (Mr. Tawney) to Gen. McKenzie, who was the chief engineer. Do the amounts suggested in your revised estimates cover the amounts that you would expend between the 1st of July and the time your next appropriation will become available?

Gen. MCKENZIE. There are two statements, one to July 1, 1909, and the other to March 1, 1909.

Mr. TAWNEY. Your appropriations become immediately available when made, and continue available until expended?

Gen. MCKENZIE. Yes.

The CHAIRMAN. So if the amounts estimated as necessary to carry you to the 4th of March next were provided, then the appropriation passed at the next session for river and harbor improvements would become available on the 4th of March and would enable you to continue the work throughout the remainder of this fiscal year, and also during the next fiscal year?

Gen. MCKENZIE. Yes, sir; it would.

In 1910, two years later, we were in the long session of Congress, and on February 22, 1910, Mr. Taylor, the Supervising Architect, being then before the committee:

The CHAIRMAN (Mr. Tawney). Will you please take the document beginning on page 31, and state just what the status of the present appropriation is and what is the least amount that will be required that will be necessary to meet the requirements in each case during the fiscal year 1911, taking into consideration the fact that Congress will be in session next December?

Mr. TAYLOR. I have that prepared in a statement, which I will give you.

An examination of the testimony shows that he indicates the sums that would be required for the various buildings until the 1st of March, 1911. For instance, Denver, Colo.: "In view of the fact that there will be only 10 months to March, 1911, it is believed that this estimate," which was for $250,000, "can be safely reduced by $100,000." And in the same year when the river and harbor bill was under consideration in the sundry civil bill, on February 28, 1910, the chairman, Mr. Tawney, said:

Maj. Kavanaugh, in view of the fact that these appropriations become immediately available and remain available until expended without any reference to the fiscal year for which they are made, and also in view of the fact that the next sundry civil appropriation bill will carry the appropriation which will become immediately available before the 4th of March, will you take with you the reduced estimates and go over your testimony, reduce your estimates on the theory of the amount necessary in each case until March 4, or until the next appropriation becomes available?

I do not suppose it is necessary to go back beyond 1908. I know what the practice of this committee has been, although other gentleman may not.

Mr. BUTLER. Was the revision made?

Mr. FITZGERALD. The revision was made and the appropriations were made in accordance with the reduced estimates. I have reviewed the appropriations made by the Republican Congresses on several occasions. I have not attempted to make a case against the Republican Party because of that method of appropriation, knowing that this was not only a sound and proper but the only wise practice that could be followed. I have never criticized the Republican Party for pursuing a proper practice.

This bill follows a practice that has been in force—I will not say for more than four years, because I have only produced the records since 1908, but I can produce them further back—for at least four years. The clerk of the committee, who is well informed and whose memory on these matters is better than mine, informs me that so far as the river and harbor appropriations are concerned, this is the settled, accepted policy of the committee. I was under the impression that we had initiated this policy in regard to public buildings in 1910, but I find upon examination that it was put into force two years earlier, and it may be if I had an opportunity to go back further I should have found that it had been put in force at the very beginning of Mr. Tawney's services as chairman of the Committee on Appropriations.

These appropriations are made for the purpose of enabling the public service to be carried on in a proper manner. We have not attempted to exercise any discretion over the amounts. Ten million dollars heretofore appropriated for the construction of public buildings, because the estimates were so very

liberal, can not possibly be expended during the next fiscal year. That is one of the reasons that has led to the adoption of a policy to make it possible for appropriations to correspond with work that could be done. Nobody is harmed by not making the appropriation larger and nobody is benefited by increasing the appropriation, but to those who have for some reason or other the necessity to examine and discuss and analyze the expenditures of the Government it is disconcerting to find the appropriations out of all proportion to the amounts that are expended. It is very difficult to reconcile appropriations with statements of expenditures prepared by the Treasury Department and most difficult to understand or to have an intelligent comprehension of the fiscal operations of the Government. In reporting this bill to the House I stated frankly what had been done about these matters. I hope that this amendment will not prevail.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I do not desire to take up the time of the committee, but in view of the eloquent address made by the distinguished gentleman from Texas [Mr. BEALL] I became somewhat anxious about the allowance in this bill for a post office in my district, and I desire to ask the chairman, who has given so much study and time to this bill, if he will be kind enough to answer what is meant on page 55 of the hearings with reference to that appropriation of $20,000 for Harrisburg, Ill., being at the bottom of the page, where this language is found:

This building is No. 52 on the active list. Drawings will be taken up in May, and the contract will probably be in force by September, 1912.

I understand that the drawings have not yet been made. I have not that information from the department to-day nor within the last few days, but I have had the information from a member of the committee to-day.

Mr. FITZGERALD. This statement to which the gentleman refers means that some time in the month of May of this year work will be commenced on the plans, and that it would take from that time until September to prepare the plans, to advertise for bids, and to consider the bids and to make the contracts.

Mr. FOWLER. May I safely rely upon the statement that the contract will be let during this fall or some time during this year? The word "probably" is used there. It says that probably the contract will be in force by September, 1912.

Mr. FITZGERALD. Mr. Chairman, as I understand this explanation, unless some unforeseen thing happens, the contract will be in force. Frequently a situation like this develops, and it might develop in the gentleman's district. Plans would be prepared and bids invited and the bids would be in excess of the limit of cost.

The department would attempt to eliminate certain items, and the gentleman or his constituents, or the Senator from his State, would protest against the elimination of certain items and request that the matter be held in abeyance until Congress could act again upon the matter. There are several instances in which contracts would have been let for public buildings a year or more in advance were it not for the fact that the Representative from the district, because of the desire of his constituents, preferred that no action be taken until he could have an opportunity to obtain legislation which would increase the limit of cost and thereby permit a more ornamental building than could be constructed within the appropriation. Ordinarily, unless some unforeseen occurrence takes place, I believe these statements can be relied upon. I call the gentleman's attention to the fact that this bill carries $20,000, which is the amount of money that is expected will be used for the construction of the building up to the 4th of March next.

Mr. FOWLER. It is not intended to be taken as a limitation upon the amount of money that is to be used?

Mr. FITZGERALD. Oh, no; it is all of the money that the department will be able to expend between now and the 4th of March.

Mr. FOWLER. And the amount which was originally sought to be appropriated was sixty or sixty-five thousand dollars, as I recollect.

Mr. FITZGERALD. Forty thousand dollars, which would carry the work until the 30th of June.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Lewes, Del., post office: For commencement of building under present limit, $20,000.

Mr. MONDELL. Mr. Chairman, I do not believe it has even been my pleasure——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MONDELL. I move to strike out the last word—to hear so much pure sophistry in the same length of time as we have heard from the gentleman from Kentucky and the gentleman from New York with regard to the manner in which these appropriations are submitted.

Mr. BARTLETT. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. I make the point of order the gentleman is not speaking to the amendment that has reference to this particular item.

Mr. BUTLER. The gentleman moved to strike out the last word.

Mr. BARTLETT. I understand he moved to strike out the last word of this paragraph, but this paragraph does not relate to what the gentleman is discussing.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to amend by increasing the amount $5,000.

Mr. BARTLETT. Mr. Chairman, I did not make the point of order on the gentleman's amendment, but I made the point of order that he was not speaking to his amendment.

Mr. MONDELL. And I want to call attention of the Chair to the fact that my time has been largely consumed by the gentleman from Georgia. [Laughter.] The gentleman from New York says that no private firm or individual would set aside or appropriate money for a payment beyond the term for which it was appropriated or set aside. Why, certainly not. What we are complaining of is that this committee has not set aside or appropriated or made available enough money to cover the term named in the appropriation. In other words, it is a fraud; it is an appropriation for 8 months, masquerading as an appropriation for 12 months, and the inevitable result will be in the next bill we must appropriate for 16 months.

Mr. SHERLEY. Will the gentleman yield right there?

Mr. MONDELL. Now, if it is not good business to set aside money for a full fiscal year, what sort of a business is it to set aside money for a fiscal year and four months more?

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. SHERLEY. Suppose a building can be completed by the 1st of August, 1913. We appropriate now money enough to supply the work up to the 4th of March. In the next bill we only have to appropriate from March until August instead of 16 months, which illustrates what I said, that there can be no fiscal-year proposition applied to this.

Mr. MONDELL. Mr. Chairman, on the contrary, the estimate is made for the amount of money to be used in the 12 months covered by the bill. That is the estimate which the committee cuts down on the theory that when the short session comes there will be a bill on the 4th of March. Well, that bill, before the 4th of March next, must appropriate from the 4th of March to the 1st of July and from the 1st of July to the next July.

Mr. SHERLEY. If the gentleman will permit. The fact is the building or project will be completed in less time.

Mr. MONDELL. It makes not a particle of difference when some particular building is going to be completed. The question is how long the appropriation is to be available—when it is to be used. There is not a Member on either side who can justify a system under which one year we appropriate for 8 months before election and the next year after the election we are expected to appropriate for 16 months. If the facts are as the gentleman has stated with regard to past appropriations, then the last appropriation bill provided for 16 months, this one will be for 8 months, and the next will be for 16 months. I will say to the gentleman from Kentucky [Mr. SHERLEY] that my withers are not wrung by anything in the bill. Every public building in which I am directly interested as a Representative is, I think, amply provided for. I am objecting to a policy which has no justification from any standpoint. Neither am I worried because he advertises the beautiful little city of Sundance, in my State. If the gentleman will come with me some day to the summit of the beautiful Sundance Mountain, where the Sioux used to dance the sun dance, he will get a broad view that will clear his ideas in regard to these matters.

Mr. SHERLEY. I suggest to the gentleman I would be at least instructed by the number of inhabitants there.

Mr. MONDELL. We may not have as many as they have in some places, but in quality we have the best on the face of the earth.

Mr. SHERLEY. I suggest it lacks nothing to the advertisement of the gentleman.

Mr. MARTIN of South Dakota. How about fishing?

Mr. MONDELL. The fishing is fairly good, but we have secured no more fish hatcheries than the gentleman from Kentucky has.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I do not think the gentleman from Wyoming should feel so grieved because I assumed, when he made his criticism, he was not familiar with what had happened in the past. I produced the records in the hope that when he had the cold record before him he might see the light. But he seems not even to accept the record or the statements of former chairmen of the committee. I have taken occasion to look up these matters a little bit, and I think, perhaps, a criticism of this bill might properly be made. Unfortunately, the committee had no power to remedy the situation which would seem to require action.

The gentleman has three buildings in this bill. In one of them the full estimate—$15,000—is given; in the other one the estimate for the entire year was $48,000, and only $30,000 was appropriated; in the third one the estimate for the entire year was $61,000, and only $40,000 was given. It is unfortunate that the practice has not been established heretofore, that the Committee on Appropriations could exercise some discrimination as to whether appropriations should be made for buildings authorized in former bills. For instance, take Rock Springs, Wyo.

The post office is to cost $75,000. The population is 5,778, and the postal revenues $11,487. Maintenance cost, $3,743 when it is finished, while we are now obtaining adequate accommodations there for $700 a year. So that in addition to the interest on the investment of $75,000 a year we make a permanent annual charge on the Government of $3,000 additional for the purpose of having this ornament contributed for the benefit of the people of Rock Springs.

Another building is at Caspar, Wyo. The limit of cost is $55,000. The population is 2,639. Postal revenues, $7,883. The permanent annual charge for maintenance when this building is finished will be $2,836.95. Ample accommodations for the public service are now being obtained in Caspar, Wyo., for the munificent sum of $210. [Laughter.] Then there is Douglas, Wyo. The limit of cost is $65,000 and the population 2,246. The postal revenue is $8,000, and the permanent annual charge in addition to the interest on the investment will be $2,836.95, while we are now obtaining ample accommodations at Douglas, Wyo., for $840.

If anybody has ever been in Wyoming and can recall the picture and the impression upon the mind made by these populous communities, and then can picture buildings thrust right into the landscape, public buildings costing from $55,000 to $75,000, lonesome and out of place, an outrage upon the æsthetic sensibilities of the people of Wyoming, he would realize what a great public service would have been performed by the Committee on Appropriations if, instead of reporting appropriations to continue these three buildings aggregating about $85,000, they had had the temerity to recommend the repeal of the law authorizing them.

Mr. PAYNE. Will the gentleman yield?

Mr. FITZGERALD. I will yield to my colleague.

Mr. PAYNE. The gentleman, I suppose, is now quoting statistics concerning buildings that have already been authorized?

Mr. FITZGERALD. Yes.

Mr. PAYNE. Has the gentleman in his possession the bill that has now been prepared, or all that has been prepared of it, for the next session of Congress, for erection of public buildings?

Mr. FITZGERALD. I have no information about the bill or that it will be prepared.

Mr. PAYNE. I have. I have been solicited for the bill.

Mr. FITZGERALD. I will undertake to say that a Democratic House will not report any bill containing recommendations from $10,000 to $50,000 or $75,000 for public buildings in any community the population of which is less than 300. [Applause.]

I have no doubt it must have been overlooked that the House was no longer Republican when such bills passed in another place.

Mr. GARNER. Will the gentleman yield to a question in that connection? I would like to know, as a matter of information, as to what the basis of this permanent annual expense of the conduct of these buildings is. The gentleman gives a certain amount as being a certain annual charge against the Government. On what is that based?

Mr. FITZGERALD. The Supervising Architect has charge of these buildings, having 652 in commission. Based on the experience of the past, he is able to estimate quite correctly the amount that will be required for heat, light, and personal services. The Secretary states that the figures I have read, given in the statement heretofore placed in the RECORD, were based upon averages ascertained by the division of buildings into 16 different classes and prorating the measure of expense, including all the items referred to, in an inquiry submitted by myself, for a period of five years.

Mr. GARNER. Does the gentleman estimate as to what the expense will be?

Mr. FITZGERALD. The estimate, if anything, I am inclined to think is not exaggerated.

Mr. MADDEN. Mr. Chairman, I have always been of the opinion that no public building should be erected anywhere except where the public business justifies it, and I am still of that opinion. I believe that there ought to be some system adopted under which sufficient information can be obtained upon which to base proper action before public-building bills are enacted into law. If we can rent a building for the transaction of the public business in a given town for $500 a year, we are not justified in spending $100,000 for the construction of a building in that town, or $50,000.

As to the question of the method of appropriation, I believe the committee is right in recommending the appropriation only of the money that can be used. There is no use to appropriate money for the construction of a building the contract for which can not be let for a year or two after the appropriation is made, and if the committee recommends money to be expended in the construction of buildings that can be constructed during the period for which the appropriation is made, then I believe the committee has performed its duty. Whether the appropriation covers a period of 8 months or 16 months, it does not matter. If this committee appropriates for the construction of buildings money that can actually be used during the time between now and the 4th of next March no harm is done, because if there is more money needed for the construction of a particular building after the 4th of March we can make the appropriation before the 4th of March to cover that deficiency.

As a matter of fact, it is not a question of appropriating for 8 months or 16 months. It is a question of appropriating for each particular building, whether it be for 1 month or for 20 months, for 8 months or for 16 months. There is no doubt about that. What is the use and what is the business sense of asking the committee to recommend the appropriation of moneys which the executive branch of the Government says it can not use? The committee ought to be commended for the good sense it displays in accepting the advice of the men who are thoroughly familiar with what use can be made of the money.

If the Supervising Architect says to the Committee on Appropriations that he can use only a thousand dollars at Lebanon, Tenn., for example, why should the committee insist upon letting him have $10,000? If the Supervising Architect says he can use before the 4th of March only $30,000 on a building which requires an ultimate expenditure of $85,000, why should the committee insist upon appropriating more than $30,000? I congratulate the committee upon the wisdom of its action. It is acting in a sensible and businesslike way.

There ought to be no politics in this. This is a business proposition, and whether the Democratic committee is doing what it is doing for the purpose of making political capital, or for whatever purpose it may be doing it, I do not care. For one Member of the House, I believe that all this business ought to be done on a businesslike and nonpartisan basis. I am not standing here as a Republican or a Democrat, trying to make political capital out of a thing that ought to be done for purely business purposes. [Applause.] I am opposed, first, to the appropriation of any money for any building in any town in the United States where the population of that town and the receipts of the public service there do not justify an appropriation for the construction of a public building. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

McAlester (Okla.) post office and courthouse: For completion of building under present limit, $70,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 12, line 22, strike out the word "completion" and insert in lieu thereof the word "continuation."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

New Haven (Conn.) post office: For continuation of building under present limit, $125,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill for certain information in regard to the hearings contained in Part VI. I notice that the expense of maintenance of the proposed building at New Haven is $38,441.98. The annual rental and other expenses is $600. What does that mean? It is found on page 16 of Part VI of the hearings.

Mr. PAGE. What town?

Mr. TILSON. New Haven, Conn. In giving some information to the gentleman from Wyoming [Mr. MONDELL] a few minutes ago the chairman of the committee used the figures contained in this table, giving the amount of rental which was already being paid by the Government, and comparing it with the maintenance of the new building when completed. Does this same thing apply to the building with reference to New Haven?

Mr. FITZGERALD. The estimate is based on the experience of the department, and a compilation of data.

Mr. TILSON. It is very patent that the expenses of maintaining a building suitable for a post office at such a place as New Haven would be more than $600. The rental would be very much more than that, of course. I was wondering what that information meant.

Mr. SHERLEY. That may be inaccurate, but it is presumably the estimated cost of rentals and other expenses. There may have been a figure dropped in the printing. I can not answer as to that.

Mr. TILSON. There is an old post-office building in New Haven, and as a matter of fact the Government has not been paying any rental for the post office.

Mr. SHERLEY. It may be, then, that the $600 represents the cost of maintenance of that building now as compared with the estimated cost of maintenance when the new building is completed.

Mr. TILSON. That could not be, because the maintenance of the building, including heat, light, and watchmen, would certainly be a great deal more than that. I wondered if it did not refer to outside quarters. The Government has had to rent quarters outside of the post-office building for some purposes.

Mr. SHERLEY. That may be.

Mr. FITZGERALD. That contains a statement of annual rental and other expenses. In the event that there is a public building there at present, there would be no statement of annual rent, unless there were some place rented outside of the present public building. I think we all appreciate that the cost of maintaining a public building at New Haven, a city of some 130,000 population, is considerably in excess of $600.

Mr. TILSON. It occurred to me that it made a very bad showing if that was what it was intended to represent, because sufficient quarters for a post office in New Haven could not be obtained for $600. As the matter stands, explanation is necessary to save it from being meaningless or actually misleading.

Mr. FITZGERALD. When this document was sent to me, appreciating its importance and the value of the information contained in it, I took the precaution to send it back to the Treasury Department to check up the figures, so that if there be a mistake, due to an oversight, it might be corrected. I think it is explained by the fact that there was no attempt to place in that column of annual rental and other expenses the present cost of maintaining the public building which is in existence, and in that respect it may be somewhat misleading.

Mr. TILSON. I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is getting late in the afternoon, and gentlemen will soon be going away. I want to ask the gentleman from New York a question. I suppose he would like to run through the public-building items to-night if he can. What is the purpose of the gentleman in regard to to-morrow?

Mr. FITZGERALD. Mr. Chairman, I intend to request that when the House adjourn to-night it adjourn to meet at 10 o'clock to-morrow morning. It is the expectation that the committee will sit until about 2 o'clock and then rise, and then the House will adjourn.

The Clerk read as follows:

Shelbyville, Tenn., post office: For commencement of building under present limit, $1,000.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, line 10, amend by striking out the words "one thousand dollars" and inserting in lieu thereof the words "ten thousand dollars."

Mr. PAGE. If the gentleman will let me call his attention to the fact that instead of striking out "$1,000" in the item for Shelbyville, Tenn., he is striking it out in the item of Searcy, Ark.

Mr. HOUSTON. Mr. Chairman, my amendment should apply to page 19, line 12.

The CHAIRMAN. The amendment will be modified in accordance therewith.

Mr. HOUSTON. Now, Mr. Chairman, I do not care to say anything further in regard to this matter. I have already set forth the reasons why I think it ought to be adopted, and I do not wish to take up further time of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the enlargement of the power plant, including additional boilers, settings, connections and appliances, tunnels, and ducts, complete, to equip the same for supplying heat and steam to the present buildings and to the new building heretofore authorized to be constructed for said bureau, $50,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This seems to be an appropriation for a power plant in the new Bureau of Engraving and Printing. I want to ask the gentleman from New York if this appropriation is made without regard to the question of a central heating plant, about which the committee had an investigation?

Mr. FITZGERALD. This is needed in any event.

Mr. CANNON. Whether the central heating plant is agreed upon or not?

Mr. FITZGERALD. If a central heating plant is agreed upon, this money will be expended for boilers that will be utilized in that plant. If it be not agreed upon, the boilers are needed in any event. Mr. Chairman, I ask unanimous consent that the committee have the right later, if it so desires, to offer an amendment in relation to the proposed plant mentioned by the gentleman from Illinois. The Treasury Department submitted a plan for the construction of a central heating plant designed to take care of certain public buildings.

All of the information desired was not in the possession of the committee at the time this bill was reported, and therefore it had not been able to determine what would be the most desirable thing to do, but before the bill is concluded it is possible that the committee will reach some definite agreement. I ask unanimous consent that we have the right to offer it at this point if the amendment should be thought desirable.

Mr. MANN. The gentleman means to ask unanimous consent to have the right to recur for the purpose of offering an amendment.

Mr. FITZGERALD. Yes; I do not mean that the point of order should be waived.

Mr. CANNON. In that same connection, at the end of line 2, page 22, the central heating plant would be in order, and I take it the gentleman desires leave to return to that point.

Mr. FITZGERALD. Line 21, page 21, would be a more proper place, I think, directly after the enlargement of the present power plant.

Mr. CANNON. I think the gentleman is correct. I want to say in passing that I am inclined to think, from what little knowledge I have about it, that the central heating plant ought to be provided for from a standpoint of economy and safety.

Mr. FITZGERALD. I want to say, and I think everybody is in accord with this statement, that the matter is one of great importance, and, like a number of other very important matters that should be considered at this time, the tremendous amount of work that devolved upon the committee made it impossible to reach an intelligent conclusion on several matters. We hope before the bill is concluded that the committee may be able to present a plan for the action of the House. I ask unanimous consent that we may return to the paragraph beginning with line 17, page 21, for the purpose of offering an amendment for a central heating plant.

The CHAIRMAN. Without objection, the consent will be granted.

There was no objection.

The Clerk read as follows:

So much of the urgent deficiency act approved August 5, 1909, as authorizes the Secretary of the Treasury to procure from certain engineers plans and specifications for the mechanical and electrical equipment of the new Bureau of Engraving and Printing Building is repealed.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. Has the power proposed to be repealed been exercised at all?

Mr. FITZGERALD. To what does the gentleman refer?

Mr. MANN. The bottom paragraph on page 21.

Mr. FITZGERALD. It was. A contract was made with certain engineers——

Mr. MANN. All I wanted to know is, whether this affects in any way any outstanding contract or arrangement.

Mr. FITZGERALD. No. I will state briefly the facts, because I think they ought to be in the RECORD. A contract was made with a firm of engineers to plan and design the mechanical equipment for this building. The compensation was fixed, my recollection is, at 3½ per cent upon the cost, with a provision that the compensation would not be in excess of $12,000. After the plans were about 85 or 90 per cent completed, because of some rearrangement of the building, the engineers were requested to suspend work, and then certain modifications were requested. They submitted plans based upon this contract, aggregating in cost $22,000 or $23,000. They were actually paid $19,000 for the incomplete plans, while under their contract they should not be paid in excess of $12,000. They have submitted in addition claims aggregating $6,000 more. The department is having the plans prepared in the Supervising Architect's Office, and it requested that the law be repealed, so as to end that situation and not make it possible to have any recurrence under it. This provision is put in at the request of the department, and in the belief of everybody who has looked into it the provision should be repealed. The same is true with regard to the provision in regard to vaults.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For rent of temporary quarters for the accommodation of Government officials and moving expenses incident thereto at Winston Salem, N. C., $7,000.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I desire to make an inquiry about the paragraph on page 22, line 3, being the appropriation for the continuation of the work on the Washington Post Office Building. I wish to ask the gentleman in charge of the bill if it is not a fact that the construction of the Post Office Building in Washington is being carried on during Sunday?

Mr. FITZGERALD. I have no information about the matter.

Mr. AUSTIN. I have passed by there several times on Sunday and have seen the laboring men engaged on that building on Sunday, and I do not know of any other instance in the United States where a contractor is using his force on the Sabbath day in the construction of a Government building. If there is any way to prevent it, I think we ought to do it.

Mr. FITZGERALD. Mr. Chairman, I do not think a contractor would work on a building on Sunday unless it was because of some extraordinary conditions. Work that is done on Sunday costs very much more than a contractor cares to pay. He pays either time and a half or double time to the men employed on Sunday. It might be because of some extraordinary and peculiar condition. I think that would be the only reason that would induce him to do it.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. COOPER. I do not know whether my information is authentic or not, but I was told that they had to overcome some very difficult features about the foundation, something in the way of quicksand, or something of that kind, which necessitated an extra amount of work.

Mr. FITZGERALD. Mr. Chairman, I am informed that at present they are engaged on the excavation work, and the conditions are such that it makes it very important that that part of the work be completed as quickly as possible.

Mr. AUSTIN. I have passed there on several Sundays and, of course, that place is inclosed with a high fence, and you can not tell what the workingmen are doing. Of course, one knows they are working there.

Mr. FITZGERALD. I think the reason is because of the hazardous conditions that result during this period of excavation. It is very expensive for a contractor to do work on Sunday, and unless there is a very peculiar condition there is great difficulty in getting one to do work on Sunday.

Mr. AUSTIN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs and preservation of customhouses, courthouses, and post offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Alaska, buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings, and other public buildings and the grounds thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $625,000: *Provided*, That of this amount not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder Buildings, at Washington, D. C.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 23, line 18, strike out the figures "$625" and insert in lieu thereof "$650."

Mr. CANNON. Mr. Chairman, the estimate is for $650. The reason assigned for an increase of the estimate over the appropriation for the current year is that there are 50 or 60 more buildings to be cared for. It seems to me the increase ought to be given.

Mr. FITZGERALD. I simply desire to call attention to the fact that for the current fiscal year there was no increase over the appropriation for this item whatever. The appropriation was $600,000 for 1911 and $600,000 for 1912.

Mr. CANNON. Yes; but the gentleman is aware that there is an increase of many buildings for this current year and an increase of over 100 buildings to be finished for the coming year.

Mr. FITZGERALD. That is very true. The Supervising Architect asked $50,000 additional for repairs to public buildings, but because they are new buildings and are coming into commission the committee reached the conclusion that in view of the character of these buildings—that they were new—that it would be practically impossible to spend any money on repairs in that first year if they were properly constructed, and that an increase of $25,000 instead of $50,000 in the appropriation would probably be adequate.

In the estimates for 1911 the Supervising Architect asked for $700,000, although the appropriations for 1900 were $550,000. The committee that year increased the appropriation only $50,000 and refused to give $100,000 of the amount requested. I think that this time the committee has been fairly considerate, in view of the experience we have had, in increasing this appropriation $25,000.

Mr. CANNON. Now, the gentleman will notice it is not only the buildings, but the grounds, for the preservation of all the buildings, both the new and old. I simply desired to call the attention of the gentleman to it. We either appropriated too much heretofore or are appropriating too little now.

Mr. FITZGERALD. The committee endeavored to give that sum which would enable the Supervising Architect's Office to exercise some care in keeping these buildings in proper repair.

Mr. MADDEN. I suppose the gentleman should be aware, if he is not, that it frequently happens that the first year's building services requires more repairs than it does five years after, because of the fact the material in the building, doors, window sills, and so forth, shrink and have to be fitted up.

Mr. FITZGERALD. Yes; and there is another element to be considered. It is very seldom that when a public building is completed the appropriation is entirely exhausted, and those things that are paid the first year are usually charged to the construction account.

Mr. MADDEN. If they are, that is all right.

Mr. FITZGERALD. And paid for out of the original appropriation.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Mechanical equipment for public buildings: For heating, hoisting, plumbing, gas piping, ventilating and refrigerating apparatus, electric-light plants, vacuum-cleaning systems, interior pneumatic-tube, conduit, wiring, call-bell, and signal systems and repairs to the same, for all public buildings, including buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, and including not exceeding $40,000 for marine hospitals and quarantine stations, and not exceeding $9,000 for the Treasury, Butler, and Winder Buildings, at Washington, D. C., and including not exceeding $10,000 for maintenance, changes in and repairs of pneumatic-tube system between the appraiser's warehouse at Greenwich, Christopher, Washington, and Barrow Streets and the new customhouse in Bowling Green, Borough of Manhattan, in the city of New York, including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance, changes, or repairs, $440,000.

Mr. MADDEN. Mr. Chairman, I reserve the point of order on the language in line 16, page 24:

Including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance and repairs, $440,000.

Mr. FITZGERALD. Mr. Chairman, I think I can explain to the gentleman why that language is put in. It is not new. Under the law of the State of New York the city of New York can not grant franchises in perpetuity in the city streets for any

purpose. Some years ago the Federal Government desired to construct a pneumatic-tube service between the customhouse in the city of New York——

Mr. MADDEN. And this is to repair that?

Mr. FITZGERALD (continuing). To the appraisers' stores. This is to repair the street paving when disturbed to repair the tube.

Mr. MADDEN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537, pt. 1): For additional salary of $1,000 for the Supervising Architect of the Treasury for the fiscal year 1913, for the specific salaries for the personal services in the office of the Supervising Architect of the Treasury, set forth under said office in the legislative, executive, and judicial appropriation act for the fiscal year 1913 (not exceeding $142,920), and for compensation of principal draftsman, foremen draftsmen, architectural draftsmen, and apprentice draftsmen, at rates of pay from $480 to $2,500 per annum; for compensation of structural engineers and draftsmen, at rates of pay from $840 to $2,200 per annum; for compensation of mechanical, sanitary, electrical, heating and ventilating, and illuminating engineers, and draftsmen, at rates of pay from $1,200 to $2,400 per annum; for compensation of computers and estimators, at rates of pay from $1,600 to $2,200 per annum: *Provided*, That the expenditures for compensation under all the foregoing classes for the fiscal year ending June 30, 1913, shall not exceed $317,920; for compensation of supervising superintendents, superintendents, and junior superintendents of construction, at rates of pay from $1,600 to $2,900 per annum, but in no case exceeding $8 per day, Sundays included: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1913, shall not exceed $245,000; for expenses of superintendence, including expenses of all inspectors and other officers and employees on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof under orders from the Treasury Department; office rent and expenses of superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property, etc.; for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and exchange of same, furniture, carpets, and office equipment, stationery telephone service, and such other articles and supplies as the Secretary of the Treasury may deem necessary and specially order or approve for the use of the office of the Supervising Architect, exclusive of heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, but including not exceeding $1,000 for books of reference, technical periodicals, and journals, subscriptions to which may be paid in advance, and also for contingencies of every kind and description, traveling expenses of site agents, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other minor and incidental expenses not enumerated, connected solely with work on public buildings and the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's office, as the Secretary of the Treasury may deem necessary and specially order or approve, not including surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections; in all, for the foregoing objects for general expenses of public buildings, $656,920.

Mr. MANN. Mr. Chairman, I move to strike out the last word. First I ask unanimous consent to change the spelling of the word "engineers," at the bottom of page 25, line 25.

The CHAIRMAN. Without objection, the change will be made.

There was no objection.

Mr. MANN. I would like to ask what about this language, on page 25, line 15, and so forth, in reference to the specific salaries for personal services carried in the legislative bill. How do you make an appropriation in this bill for services carried in the legislative bill?

Mr. FITZGERALD. We have picked up in the legislative bill salaries which had heretofore been paid out of the lump appropriation aggregating $142,920, and in the preparation of the legislative bill we picked them up; because of certain contemplated rearrangements which it was desired for the improvement of the office the bill did not carry the money to pay them, but it was left to pay them out of the appropriations carried in this bill. Of the appropriation of $659,920, $142,920 is to pay the compensation of places which have now been put upon the statutory rolls in the legislative bill.

Mr. MANN. Why should not the item be carried in the legislative bill? It is a very cumbersome way to carry part of the salaries in one bill and carry part of the salaries in another bill.

Mr. FITZGERALD. My understanding is, as I recall it, not having the detail information as to the legislative bill as of this one, but, as the legislative subcommittee understood, a certain scheme of reorganization was submitted to the committee in the sundry civil bill. The two bills had to be considered together to determine whether all the recommendations would be adopted before this amount was transferred out of this bill into the other.

Mr. MANN. I do not remember the particular item in the legislative bill. It did not attract my attention. But did we provide in the legislative bill for certain officials, and that that was an appropriation for these items?

Mr. FITZGERALD. There was a provision, I am informed, that the compensation of these officials that were taken up in the legislative bill should be paid out of the amount in this bill.

Mr. MANN. I have no doubt the gentleman is correct. I think there was an item in the legislative bill making salaries to be paid out of a percentage to be taken out of appropriations for public-building bills.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. MANN. I thought there was an item in the legislative bill to make appropriations for places to be taken out of appropriations for public buildings.

Mr. FITZGERALD. Let me state to the gentleman what the fact is. The Treasury Department submitted a plan for the segregation of personal services from other work, and a large number of employees who are practically permanent employees are being carried in this lump appropriation. The Treasury Department worked out a scheme that everybody thought was desirable, but that could not be determined until this bill was made up.

Mr. MANN. Is it my understanding that this item carries the appropriation for the Supervising Architect's office?

Mr. FITZGERALD. Not all of it. The legislative bill——

Mr. MANN. I am not speaking now of that item, but in the main this item in the bill carries the appropriation under which plans for public buildings are prepared and public buildings are erected.

Mr. FITZGERALD. That is true.

Mr. MANN. I notice the item is decreased $150,000 from the current law.

Mr. FITZGERALD. The net increase is $31,920. The appropriation for 1912 in this item is $800,000. This carries $656,000, $514,000 to be expended under this language and $142,000 to pay the salaries in the legislative bill; and $175,000, which makes a reduction, is transferred into other items, because it more properly belongs to them.

Mr. MANN. That is what I wanted to know—whether you are reducing the amount of appropriation for the maintenance of the Supervising Architect's Office.

Mr. FITZGERALD. We have in these items given the estimate, and the net increase in this item for the purposes for which this appropriation is made is $31,920.

Mr. MANN. I have no doubt the gentleman is right, but he would have to make a chart for reading this paragraph.

Mr. FITZGERALD. Let me call attention to this fact: The following item contains the appropriation for the payment of compensation under the Tarsney Act. In fact, formerly it had been included in this particular item, and the department itself believed it ought to be taken out because it was utterly impossible for them to make an intelligent statement of the expenditures under this item.

Mr. MANN. I will be frank with the gentleman. What I want to ascertain is this: Congress wants to construct some public buildings. The Secretary of the Treasury is not quite as enthusiastic upon the subject as Members of Congress, and I do not know but that I largely agree with the Secretary. The Supervising Architect's Office, which is under the Secretary of the Treasury, has not been very overly enthusiastic, probably because it is controlled by the Secretary. Now, I understand you have given the amount of the estimate practically for this item, but did they reduce the estimate in order to cut down the number of public buildings that can be constructed?

Mr. FITZGERALD. No; we carry more money this year than last.

Mr. MANN. It has been stated here several times that the Secretary of the Treasury arbitrarily directed the Supervising Architect's Office, without any reduction in force, to reduce the number of buildings from 15 a month, as theretofore, to 10 a month hereafter.

Now, I would like to know whether in connection with any such proposition, if that be correct, they have for years proposed to cut off the appropriations for services in the Supervising Architect's Office, so that they could more easily claim hereafter a reduction in the number of buildings? I ask the question because I understand that the Secretary of the Treasury is not in favor of constructing buildings so fast, and that the Supervising Architect's Office has to yield to the Secretary of the Treasury; and I know that the Committee on Appropriations is not in favor of constructing buildings so fast; and hence I would like to know whether, through those forms of legislation that are followed, they have really endeavored to cut off the number of buildings that can be constructed.

Mr. FITZGERALD. I will state to the gentleman that in view of the temper of the House, the House would not tolerate any reduction in the estimate necessary for the conduct of the business of the Supervising Architect's Office at this time, and the committee recommended the appropriation which the Treasury Department submitted for the purpose of conducting the

business of the Supervising Architect's Office. Out of this particular appropriation heretofore there have been paid the fees accruing under the Tarsney Act, and the Treasury Department requested us to separate those fees from the other appropriation, so that they could not take money intended to be used when the estimate was made for services in the Supervising Architect's Office and apply it to the payment of fees earned under the Tarsney Act and thus reduce the amount available for use in the Supervising Architect's Office.

Mr. AUSTIN. You did a very wise thing in doing that.

Mr. MANN. My impression was that under the Tarsney Act the fees of the architects were included in the appropriation for the building. I know that was the case when they constructed our building in Chicago.

Mr. FITZGERALD. Complaint was made that where it was believed that a certain amount of money was available for a building sometimes large sums were taken out of that fund and paid to the architects. The Committee on Public Buildings and Grounds, I believe, reported a bill a few years ago providing that such fees must be appropriated for specifically.

Mr. FOSTER. Do I understand, then, that to this appropriation of $656,920 there is also to be added this sum of $175,000, making a little more than $800,000?

Mr. FITZGERALD. Yes. It makes $831,920, more than for the current year.

Mr. AUSTIN. And an increase of $31,000 and something on the outside for these buildings scattered all over the country?

Mr. FITZGERALD. Yes.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. COOPER. I have been somewhat interested in the statement made by the gentleman from New York [Mr. FITZGERALD] and that by the gentleman from Illinois [Mr. MANN], about which they both seemed to agree, that the Secretary of the Treasury was opposed to the construction of certain buildings.

Mr. FITZGERALD. I do not agree to that statement.

Mr. MANN. I beg the gentleman's pardon. I said that the statement was made a number of times on the floor that the Secretary had issued an order.

Mr. FITZGERALD. The Secretary of the Treasury decided on a building program that would take about $13,000,000 a year. When inquiries were made regarding it by the Committee on Public Buildings and Grounds the Secretary stated that he had arranged the work of the Supervising Architect's Office on that basis, because, in his opinion, the condition of the Government finances would not have justified a larger expenditure in any one year for construction purposes.

Mr. COOPER. Then his opposition did not relate to any particular building?

Mr. FITZGERALD. No; he has never expressed his opposition to any particular building, I believe, although I could pick out particular buildings which he would be compelled, I think, to admit were perhaps ill advised.

Mr. COOPER. Now that the gentleman is intimating something, I would like to have him continue along that line. What building or buildings does he refer to?

Mr. FITZGERALD. Let me suggest to the gentleman from Wisconsin that he obtain a copy of this document which I printed in the RECORD, which was in reply to several letters from me addressed to the Secretary of the Treasury in January, this year, asking for certain information about various public buildings. He submitted a statement which shows the names of the city, the title of the building, the limit of cost, the population, the postal revenues, the services of the United States which would be accommodated in the building, the annual cost of maintenance of the building when completed, and the present cost of obtaining accommodations in the various communities where the buildings are to be located.

That is a matter upon which each gentleman can draw his own conclusions.

Mr. COOPER. Is that the document from which the information was derived about Sundance?

Mr. FITZGERALD. No; it is not. There is no building authorized at Sundance, unless it has been done while I have not been about.

Mr. MANN. The building at Sundance is a dream.

The Clerk, resuming the reading of the bill, read to and including page 28, line 14.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On June 4, 1912:

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder; and

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814.

On June 5, 1912:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 21290. An act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

On June 6, 1912:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

INTERNATIONAL EXPOSITION AT TURIN, ITALY, IN 1911 (H. DOC. NO. 821).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, ordered to be printed and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State of expenditures on account of the International Exposition at Turin, Italy, in 1911, as required by law.

WM. H. TAFT.

THE WHITE HOUSE, *June 7, 1912.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SLAYDEN, for five days, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Saturday, June 8, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5882) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co., reported the same without amendment, accompanied by a report (No. 852), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22526) to

amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported the same with amendment, accompanied by a report (No. 850), which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, reported the same with amendment, accompanied by a report (No. 851), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, reported the same without amendment, accompanied by a report (No. 853), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America, reported the same without amendment, accompanied by a report (No. 854), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ESCH: A bill (H. R. 25192) to amend an act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, as amended in section 4 by the act approved June 25, 1910; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: A bill (H. R. 25193) to provide for the perpetuation of Memorial Day; to the Committee on Military Affairs.

By Mr. FERGUSSON: A bill (H. R. 25194) to amend section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two judicial districts in New Mexico; to the Committee on the Judiciary.

By Mr. GRIEST: A bill (H. R. 25195) to amend section 801 of an act entitled "An act to establish a code of laws for the District of Columbia," with reference to punishment for murder; to the Committee on the District of Columbia.

By Mr. NELSON: A bill (H. R. 25196) to provide for the erection of a Federal building at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25197) providing for the purchase of a site and erection of a suitable public building at Chandler, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 25198) to provide for the preservation of the Tumacacori Mission in Santa Cruz County, Ariz., and appropriating $25,000 in pursuance thereof; to the Committee on Appropriations.

By Mr. OLMSTED: A bill (H. R. 25199) to incorporate the Giesboro Railway Co.; to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 25200) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898;" to the Committee on the Judiciary.

By Mr. MOTT: Memorial of the Senate and House of Representatives of the State of New Mexico, favoring the creation of two new judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Senate and House of Representatives of the State of New Mexico, to allot and open the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

Also, memorial of the Senate and House of Representatives of the State of New Mexico, favoring the amendment of Schedule K of the tariff bill; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25201) for the adjudication and determination of the claims arising under the joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: A bill (H. R. 25202) for the relief of Augustus Poole; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 25203) granting a pension to Charles E. Ingels; to the Committee on Pensions.

By Mr. CATLIN: A bill (H. R. 25204) for the relief of Edward Dodsworth; to the Committee on Military Affairs.

By Mr. CURLEY: A bill (H. R. 25205) providing compensation to Alfred Winsor & Son for injury to schooner *Lotus* caused by revenue-cutter *Gresham;* to the Committee on Claims.

By Mr. GRAY: A bill (H. R. 25206) granting a pension to Nancy C. Brooks; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25207) granting a pension to James Aitken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25208) granting an increase of pension to Abram A. Engel; to the Committee on Pensions.

Also, a bill (H. R. 25209) to correct the military record of Alonzo Lewis; to the Committee on Military Affairs.

Also, a bill (H. R. 25210) for camp grounds for the Order of Owls; to the Committee on the Public Lands.

Also, a bill (H. R. 25211) to establish a mining experiment station at Grants Pass, in the State of Oregon; to the Committee on Mines and Mining.

By Mr. LINTHICUM: A bill (H. R. 25212) granting a pension to Mary E. O'Hare; to the Committee on Pensions.

Also, a bill (H. R. 25213) authorizing the Secretary of War to donate to the city of Baltimore, Md., one small bronze cannon with its carriage and six cannon balls; to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 25214) for the relief of Lillie B. Randell; to the Committee on Claims.

Also, a bill (H. R. 25215) for the relief of Letitia W. Garrison; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 25216) granting a pension to Addie McGinnis; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25217) granting an increase of pension to John K. Longnecker; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25218) granting a pension to Charles L. Welteroth; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 25219) to remove the charge of desertion from the military record of James B. Partin; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 25220) granting a pension to Sallie Arlington; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 25221) for the relief of Charles H. Potter; to the Committee on Military Affairs.

By Mr. BERGER: Resolution (H. Res. 576) relative to the alleged official misconduct of Cornelius H. Hanford; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Joseph Society, No. 290, Chicago, Ill.; St. Joseph Society, No. 504, Cleveland, Ohio; and St. Hedrige Society, No. 501, Lakeville, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Amalgamated Association of Iron, Steel, and Tin Workers of North America, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also (by request), petition of the delegation representing the Creek, Choctaw, Chickasaw, and Cherokee Indians, of Hanna, Okla., relative to protection for their oil and coal lands, etc.; to the Committee on Indian Affairs.

Also (by request), petitions of societies of the Polish Roman Catholic Union of America of the States of New York, Indiana, Illinois, Ohio, Michigan, and of the Amalgamated Ladies' Garment Cutters Association, Local No. 10, of New York City, and the Polish United Societies and Political Clubs, of South Philadelphia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the provincial government of Pampanga, San Fernando, P. I., against passage of the free-sugar bill; to the Committee on Ways and Means.

By Mr. AKIN of New York: Petition of the Southern Shoe Retailers' Association, of Memphis, Tenn., against passage of the Campbell bill to compel manufacturers to mark goods with own name; to the Committee on the Judiciary.

Also, petition of St. Joseph Society, No. 59, of Amsterdam, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Petition of Sts. Peter and Paul's Society, No. 234, South Bend, Ind., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting a pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

Also, petition of Mineral Point (Wis.) Branch of the Woman's Auxiliary to the Board of Missions of the Protestant Episcopal Church, asking for the passage of a bill for the relief of the Alaska Indians; to the Committee on Indian Affairs.

By Mr. ESCH: Petition of the Southern Shoe Retailers' Association of Memphis, Tenn., against passage of the Campbell bill, which compels all goods to be marked with the manufacturer's name; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Resolutions of the Manila Merchants' Association of Manila, P. I., favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, relative to pure drugs, etc.; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Shoe Retailers' Association, against passage of the Campbell bill, to compel manufacturers to place own name on their goods; to the Committee on the Judiciary.

Also, petition of the National Civil Service Reform League of New York City, against clause in House bill 24023, for five-year tenure of office for civil-service employees; to the Committee on Appropriations.

Also, petition of the High School Teachers' Association of New York City, favoring passage of the Page bill for Federal aid to vocational education, known as Senate bill 3; to the Committee on Agriculture.

By Mr. FULLER: Petitions of John English, of Galion, Ohio, and of E. T. Clark, of Chicago, Ill., favoring passage of House bill 1339, to grant increase of pension to certain soldiers of Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of 16,783 residents of Maine, Massachusetts, and Rhode Island, favoring the passage of House bill 16457, forbidding the landing of fish caught in otter or beam trawlers; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of Loyalty Council, No. 52, Daughters of Liberty, of Somers, Conn., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of citizens of Shenandoah, Pa., against the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Pittsburgh, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Southern Shoe Retailers' Association, of Memphis, Tenn., against passage of the Campbell bill, which is to compel all manufacturers to mark goods with own name; to the Committee on the Judiciary.

Also, petition of Maximillian Nands, of New York City, against passage of bills amending the patent laws; to the Committee on Patents.

By Mr. MOTT: Petition of the Southern Shoe Retailers' Association, Atlanta, Ga., protesting against bill requiring manufacturer's brand on all goods; to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of citizens of California favoring giving the Interstate Commerce Commission further power toward controlling the regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of California, protesting against the passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Resolutions of the Southern Shoe Retailers' Convention at Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to mark goods with own name; to the Committee on the Judiciary.

Also, petition of citizens of Nawgatuck, Conn., against appropriation to celebrate 100 years of peace with England; to the Committee on Appropriations.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against passage of the Owen bill, to create a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Peter M. Reilly, of New York City, against use of the trading coupon; to the Committee on Ways and Means.

Also, petition of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of bill providing for building of a bridge over the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Erie, Pa., favoring passage of bill providing suitable homes for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petition of the Wireless Association of Pennsylvania, of Philadelphia, Pa., against passage of House bill 15357, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

By Mr. TALCOTT of New York: Petitions of Baruch Spurga Lodge, No. 208, Independent Order B'rith Abraham, Utica, N. Y.; United Hebrew Trades of New York; and United Polish Societies, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Brown University Teachers' Association, favoring national aid for vocational education; to the Committee on Agriculture.

By Mr. VREELAND: Petition of retail merchants of Andover, N. Y., protesting against bills to abolish fixed resale prices on patent goods; to the Committee on Patents.

SENATE.

SATURDAY, *June 8, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, we gratefully acknowledge the Providence which brings us to this day when we commemorate the discovery of this continent. We thank Thee that Thou hast put it into the heart of this people to remember in enduring stone him who, like one of old, went out not knowing whither he went. Our fathers have told us what works Thou didst in the days of old, when they were but few in number and strangers in the land. And now Thou hast increased Thy people mightily and hast strengthened us on every side. Thou hast given us to sow beside many waters in a land that reacheth afar and Thou hast made the desolate spots to be inhabited.

Bless, we pray Thee, the land which Thou hast given unto us. Grant that Salvation may be its walls and bulwarks and that its gates may be Praise. Make Thou our officers Peace and our rulers Righteousness. Extend unto us the peace that floweth as a river, enriching all our borders with honest industry and with honorable toil. Deliver us from invasion from without and from oppression from within. Defend our liberties and uphold our free institutions. Upon the altar of the hearts of this people kindle into living flame the fire of patriotic devotion, that this country may indeed be the land of the free, the home of the brave.

So bless us, we pray Thee, our heavenly Father, and keep us in Thy love and in Thy fear now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LANDING GUNS IN THE NAVY (S. DOC. NO. 784).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 5th instant, certain information relative to the purchase, test, and use of landing guns in the Navy since March 1, 1909, which was ordered to lie on the table and be printed.

HUDSON RIVER IMPROVEMENTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of May 29, 1912, certain information relative to the attitude and action of the State of New York re-

garding conditions imposed upon the appropriation under the act of June 25, 1910, for the improvement of the Hudson River.

If there be no objection, the communication and accompanying papers will be referred to the Committee on Printing for such action as the committee sees fit to recommend. The Chair hears no objection.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 13, 21, 23, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, and 44, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. H. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 18, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered, 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 17, 20, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. H. LANGHAM,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the People's Forum of New York City, praying that an investigation be made into the conditions of the natives of Alaska, which was referred to the Committee on Territories.

He also presented a memorial of the People's Forum of New York City, remonstrating against the adoption of the proposed so-called deportation clause to the immigration law, which was ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of Polish-American citizens at Chicago, Ill., remonstrating against the adoption of certain proposed restrictions in the immigration law, which were ordered to lie on the table.

He also presented a resolution adopted by members of the National Amalgamated Association of Iron, Steel, and Tin Workers, remonstrating against the passage of the so-called

employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. FLETCHER presented resolutions in the nature of a petition adopted by the Florida State Association of Post Office Clerks, in convention at Ocala, Fla., favoring the enactment of legislation providing for an 8-hour day to be worked within 10 hours for post-office clerks and mail carriers, which were referred to the Committee on Post Offices and Post Roads.

Mr. MARTINE of New Jersey presented a memorial of sundry citizens of Dover, N. J., remonstrating against an appropriation to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. SUTHERLAND presented a petition of members of the Davis County Medical Society, of Utah, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of members of the Woman's Auxiliary, of Newport, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BRISTOW presented petitions of sundry citizens of Wichita, Kans., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. TOWNSEND. I ask to have printed in the RECORD resolutions adopted by the National Association of Manufacturers of the United States of America in convention assembled May 22, 1912, affecting a subject in the appropriation bill now under consideration.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, N. Y., June 5, 1912.

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

SIR: I have the honor to hand you herewith a copy of the resolution unanimously adopted at the annual meeting of the members of the National Association of Manufacturers of the United States of America, May 22, 1912.

Very respectfully, your obedient servant,
GEO. S. BOUDINOT, *Secretary.*

Resolutions adopted by the National Association of Manufacturers of the United States of America in convention assembled May 22, 1912.

Whereas the Department of State and the Department of Commerce and Labor have organized departments for the advancement and promotion of foreign and domestic commerce, and especially for the advancement and promotion of the commerce of the United States in all foreign countries; and

Whereas said departments have been and are of great assistance to the manufacturing and commercial interests of this country in the promotion of foreign relations as well as the strengthening of all commercial and business relations with foreign countries; and

Whereas the necessary appropriations for said departments have heretofore been made by Congress and the organization of said departments continually increased and improved by the use of said appropriations; and

Whereas the House of Representatives has at this time left out of the legislative, executive, and judicial appropriation bills the necessary appropriations for the carrying on and advancement of the work heretofore instituted and being carried on by these departments; and

Whereas without such appropriations the said departments will of necessity be discontinued and abolished and the commercial interests of the United States and the advancement of its foreign relations greatly injured and crippled: Therefore be it

Resolved by the National Association of Manufacturers in convention assembled, That the Congress of the United States be respectfully requested and urged to include in its appropriation bills the necessary amounts for the continuation of the work begun by said Departments of State and Commerce and Labor, and that a sufficient sum be appropriated not only to carry on the work as at present being done, but to increase the amount thereof, as well as its efficiency, by such further measures as may be determined as necessary by the departments in charge.

Resolved, That the officers, directors, and members of this association be urged to use their influence with Congress to secure such necessary appropriations, to the end that the foreign commercial interests of the United States be extended and upheld and the interests of the members of this association, as well as other manufacturers and commercial interests in this country, be assisted, extended, and conserved by the Government of the United States, and that its prestige as a commercial Nation be increased and maintained throughout the world, that it may take its proper place among other commercial nations.

A true copy.

[SEAL.] GEO. S. BOUDINOT, *Secretary.*

M'CLELLAN PARK.

Mr. MARTINE of New Jersey, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park, reported it with an amendment and submitted a report (No. 865) thereon.

PORT OF BAY CITY, MICH.

Mr. SMITH of Michigan. From the Committee on Commerce I report back favorably the bill (H. R. 17679) to make Bay City, Mich., a subport of entry, and I submit a report (No. 863) thereon. It is a unanimous report, and I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALIFORNIA REDWOOD PARK.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 19476) granting certain lands to the State of California to form a part of California Redwood Park, in said State, and I submit a report (No. 864) thereon. It is a very short bill and of local interest. I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAUSATION AND PREVENTION OF TYPHOID FEVER.

Mr. SMOOT. From the Committee on Printing I report back House concurrent resolution 43 with an amendment in the nature of a substitute, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was to strike out all after the resolving clause and insert:

That there be printed 50,000 copies of Public Health Bulletin No. 51, with illustrations, entitled "The Causation and Prevention of Typhoid Fever"; 35,000 for the use of the House of Representatives and 15,000 for the use of the Senate.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 7071) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 7072) for the relief of Elsie McDowell Bunting (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 7073) authorizing the Secretary of the Interior to sell certain Indian allotments, and for other purposes; and

A bill (S. 7074) authorizing the Secretary of the Interior to make per capita payments to certain tribes of Indians, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE. I submit an amendment proposing to appropriate $100,000 for a fish hatchery at Woods Hole, Mass., which I intend to offer to the sundry civil appropriation bill (H. R. 25069).

I ask that it be referred with the accompanying letter to the Committee on Appropriations. The letter need not be printed.

The VICE PRESIDENT. The letter will not be printed, but will be referred with the amendment to the Committee on Appropriations.

Mr. POINDEXTER submitted an amendment proposing to appropriate $40,000 for overhauling and making necessary repairs to the steamer *Albatross*, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment authorizing the setting aside of a homestead of 80 acres or more from the homestead allotment or surplus allotment of citizens of the Chickasaw and Choctaw Indians whose quantum of Indian blood is three-quarters or more, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 26728), which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the Secretary of the Interior to make per capita payments of such sums as he may deem advisable to the tribal fund of the Seminole, Chero-

kee, Choctaw, and Chickasaw Tribes of Indians to the enrolled members entitled thereto, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed, and, with the accompanying papers, to lie on the table.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed, and, with the accompanying papers, to lie on the table.

DEVELOPMENT OF WATER POWER.

Mr. BURTON submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 6795) to control the development of water power and the use of public lands in relation thereto, and for other purposes, which was referred to the Committee on Public Lands and ordered to be printed.

UNITED STATES DISTRICT COURTS.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—ESTHER E. STUCKY.

On motion of Mr. KERN, it was

Ordered, That the papers accompanying the bill (S. 6260) granting a pension to Esther E. Stucky be withdrawn from the files of the Senate, no adverse report having been made thereon.

HALL-GARRISON & CO. V. THE REPUBLIC OF NICARAGUA.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 336), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to transmit to the Senate all documents and correspondence or copies of documents on file in his office or in or under his possession relating to the claim of Hall-Garrison & Co. *v.* The Republic of Nicaragua.

WOOLSEY TELLER V. THE REPUBLIC OF NICARAGUA.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 337), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to transmit to the Senate all documents and correspondence or copies of documents on file in his office or in or under his possession relating to the claim of the late Woolsey Teller *v.* The Republic of Nicaragua.

USE OF ARMY AND NAVY IN FOREIGN TERRITORY.

Mr. BACON. I offer a resolution, which I ask may be read.

The resolution (S. Res. 334) was read, as follows:

Resolved, That in the opinion of the Senate, except in the case of sudden emergency requiring prompt and immediate action for the protection of the lives and property of citizens of the United States, there is no authority for the use of the Army or Navy of the United States in any military operations within the territory of any foreign nation unless the same is expressly authorized and directed by act of Congress.

Resolved further, That the Committee on Foreign Relations be directed to examine and report to the Senate what conditions or circumstances will constitute such conditions of emergency as will justify the use of the Army or Navy of the United States in the prosecution of military operations within the territory of a foreign nation in the absence of such express authority from Congress, and to report what legislation, if any, is required to definitely provide and prescribe when such military operations may be lawfully thus prosecuted in foreign territory without express authorization by Congress.

Resolved further, That the committee be directed to examine and report what law, if any, now exists authorizing the use of the Army or Navy of the United States in military operations in the territory of any foreign nation.

Mr. BACON. Mr. President, before moving the reference of the resolution I simply desire to say, in order that the introduction of it may not be misunderstood, that I am not opposed to the use of the Army and Navy for any legitimate purpose or for any required purpose. I am not opposed to granting whatever authority or power there may be in order that the Army and Navy may be so used whenever circumstances or the public interest requires it.

The introduction of this resolution simply indicates, so far as my personal attitude is concerned, my unalterable opposition to the assumption of the authority of any officer to the use of the Army and Navy except where authorized by law. This is, or should be, a government of laws and not of men. Whatever law is required should be passed to meet the requirement, but nothing should be done unless authorized by law.

It is not necessary to be more explicit than that. The papers are filled to-day with reports of fleets and armies about to be moved to a foreign country, and no word said to Congress regarding it. We now have some portion of the Army and Navy in foreign territory without any authorization of Congress, some of it in China and elsewhere. A year or two ago we saw two transports loaded with troops and sent to Central America without authority of law. It is a matter which requires, in my opinion, action on the part of Congress clearly to define under what circumstances the Army and Navy of the United States can be used in foreign territory and under what circumstances it can not be properly and lawfully so used, and to clearly vest with authority, wherever it is important that it be done, the proper officer to use it in the cases where it may be required.

Mr. CULLOM. Mr. President, I understood the Senator from Georgia to intend——

Mr. BACON. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. CULLOM. I understood that the Senator intended to have the resolution referred to the Committee on Foreign Relations.

Mr. BACON. I said when I began that I intended to ask that the resolution be so referred.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

INCITEMENT OF INSURRECTION IN CUBA AND MEXICO.

Mr. NELSON. Mr. President, I offer the resolution which I send to the desk, and ask that it may be read. I shall move that the resolution be referred to the Committee on Foreign Relations after making a very brief statement in regard to it.

The VICE PRESIDENT. The resolution submitted by the Senator from Minnesota will be read.

The Secretary read the resolution (S. Res. 335), as follows:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, corporations, or other interests in the United States have heretofore been or are now engaged in fomenting, inciting, encouraging, or financing rebellion, insurrection, or other flagrant disorder in Cuba and Mexico, against the lawful organized governments of those countries;

Resolved further, That said committee, or a subcommittee thereof, is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit and act as well when Congress is not in session as when in session:

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. NELSON. Mr. President, I desire to make a brief statement before moving to refer the resolution to the Committee on Foreign Relations.

For some years I have been impressed with the idea that the recurring troubles in Cuba and in Mexico had their origin in this country. I believe, to speak plainly, that the people who are interested in sugar plantations and who have other great interests in Cuba are to a large extent instrumental in stirring up the frequent troubles in that country. Their evident purpose is to create such a condition there that they can move for the annexation of Cuba to the United States, and thus get rid of the 80 per cent of the sugar duty which they are now paying on the product of their sugar plantations.

You will remember, Mr. President, that in the Spanish treaty of Paris provision was made for the liquidation and adjustment of a large number of claims. It turned out that the commission appointed for that purpose had passed upon those claims and allowed a small portion of them; but, if Senators will recall the facts, they will remember that most of those claims were preferred by Cubans naturalized, men who owned sugar plantations and other property in Cuba, who had moved to this country and become naturalized so as to claim the immunities and privileges of American citizenship in respect to their property in Cuba. I repeat, most of those claims were preferred by such men, and it is a matter of history that to a large extent those

same gentlemen financed the insurrection that prevailed for many years in Cuba.

The same thing, Mr. President, to my mind, has heretofore happened and is now occurring in Mexico. The mining interests of that country, the great mining corporations and the mining promoters, have found, in many instances, valuable mineral resources in northwestern Mexico, in the country bordering on New Mexico, Arizona, and California. Copper, oil, silver, gold, and other minerals are there in abundance. The people interested in these properties are very anxious to have that territory annexed to the United States. In fact, I know this from my own knowledge, for some of those gentlemen have expressed the idea to me, that there are portions of Mexico that ought to be a part of the United States.

I have been impressed with the idea that, both in the case of Mexico and in the case of Cuba, these disturbances, insurrections, and rebellions are inspired and to a large extent financed in the United States. How easy it is among some of the leaders in eastern Cuba, where the population is of a mixed character, to furnish a little money for those leaders among the mulattoes—the colored people—to finance them to some extent so as to enable them to gather a crowd of men around them, to burn a few cane mills, to destroy a few plantations, and then to raise a hue and cry that peace and order can not be maintained in Cuba and therefore it is necessary to annex it to the United States.

I remember an incident that occurred some years ago during a disturbance which had arisen prior to the time when we last took charge of the Cuban Government. The editor of a large western paper sent me a telegram before we sent our troops down there, asking whether I did not think the only solution was to annex Cuba. I replied that I did not think that was the solution, but that the solution was to stop our own people from creating, building up, and financing disturbances. That paper never published my answer; and from that day to this it has treated me with a frigidity that would indicate the proximity of an iceberg. [Laughter.]

Mr. BACON. Will the Senator from Minnesota pardon me for a moment?

Mr. NELSON. Gladly.

Mr. BACON. The Senator will remember that I called the attention of the Senate a week or two ago to the matter by the introduction of a resolution in reference to Cuba. Since then I have had a dozen letters from people who have property in Cuba urging that the only thing to do is to annex the island.

Mr. NELSON. Now we are asked to send troops down there. To get at the root of this whole matter, let us ascertain who is at the bottom of these disturbances, where they have their origin, who finance them, and who bring them about? Then we shall know how to deal with the situation. For that reason I have introduced this resolution. I trust the Committee on Foreign Relations will approve of the idea and that the resolution may be reported favorably and then go to the Committee on the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

THE COMMERCE COURT.

Mr. POINDEXTER. Mr. President, I desire to call up the motion, notice of which was given yesterday, to discharge the Committee on Interstate Commerce from the further consideration of Senate bill 3297, which has as its aim and purpose the abolishment of the Commerce Court by way of an amendment to the act to create the Commerce Court, approved June 18, 1910.

Mr. President, I make this motion at this time because the consideration of the question necessarily will be involved in the legislative, executive, and judicial appropriation bill, which is now before the Senate. The House of Representatives in passing that bill failed to make any appropriation for the Commerce Court. The Senate committee in considering the bill amended it by making an appropriation for the Commerce Court.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I yield to the Senator from Texas.

Mr. CULBERSON. The House went further than stated by the Senator. It abolished the court absolutely in express terms, in addition to failing to make an appropriation for it.

Mr. POINDEXTER. Will the Senator turn to the portion of the bill containing that provision? My recollection is that it only recommended the abolishment of the court.

Mr. OVERMAN. I will say to the Senator that section 10 of the legislative, executive, and judicial appropriation bill reads as follows:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case; or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

The Senator will find that on page 157 of the bill. There are several provisions. The House failed in one place to make the appropriation, and then they put a clause in the bill that hereafter no circuit judge shall be appointed until the number is reduced to 29, and then there shall not be more than 29 circuit judges; and then section 10 abolishes the Commerce Court entirely.

Mr. POINDEXTER. I am very glad the Senator has called my attention to that fact; but it makes all the more evident the advisability of discharging the Senate Committee on Interstate Commerce from the consideration of the very matter which the Senate will have to consider in connection with the pending appropriation bill. Many Senators object to considering a matter of substantive legislation on an appropriation bill, especially when that substantive matter has been referred to a committee which has not reported upon it. The bill was referred to the Committee on Interstate Commerce more than six months ago. It is a matter of current and pressing importance, and the Senate is entitled to action upon it. What the particular conditions were in the committee which have brought about the failure of the committee to act, I do not know; but it is perfectly evident that the committee will not make a report upon this bill.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. POINDEXTER. I do.

Mr. OVERMAN. Mr. President, I was one of the minority of the committee who favored the House provision abolishing the Commerce Court. While, as a general rule, I am not in favor of legislating upon an appropriation bill, it seems to me that the time has now come when this matter should be disposed of in connection with the appropriation bill. If the bill now in the hands of the Committee on Interstate Commerce is reported, it will have to run the gamut of the Senate, then go to the House of Representatives, and there be discussed. In the pending appropriation bill this very question has been discussed in the House of Representatives and is here for discussion now. It seems to me, after the decision made by the Supreme Court yesterday, in which they say this is nothing but a quasi court anyway, we had better abolish the court here and now in the appropriation bill.

Mr. POINDEXTER. I agree with the Senator; and it is in order to clear the way so that it will not be involved by extraneous issues that I make the motion to discharge the committee from the consideration of this subject, so that it may be before the Senate without hindrance for consideration when this portion of the appropriation bill will be reached, which will be in a very short time. It may be the intention to go on with it to-day.

The Commerce Court was created notwithstanding the predictions that it would blanket the work of the Interstate Commerce Commission, and the record of the court since its creation has verified all of those predictions.

Mr. OVERMAN. Will the Senator yield to me a moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. OVERMAN. In referring to the Commerce Court as a quasi court, I will say that I got my information merely from the newspapers. I have gone to the Supreme Court to get a copy of the decision which I had in mind, but have not been able to get it, as it is not yet printed. Therefore, I do not know exactly the terms of the decision, and only gathered my information from reading the newspapers. So that my statement to the effect that the Supreme Court had decided that the Commerce Court was a quasi court was not quoted from the decision of the court itself, for I do not know whether or not the court used that language.

Mr. POINDEXTER. The decision will not be printed until some time next week, but I am reliably informed that every case that has been appealed from the Commerce Court to the Supreme Court has been reversed. Heretofore one decision reversing the Commerce Court by the Supreme Court has been rendered, and on yesterday a number of other cases coming up

from the Commerce Court were decided, every one of them adversely to the Commerce Court.

Whether or not the Supreme Court says that the Commerce Court is a quasi court, it remains that it is only an experimental court; and that it is a dangerous experiment is proved by the results. I think that the record of the court is a matter of secondary importance to the general conditions involved by the existence of such a court. The decisions that have been rendered by this court, which are so bad that every one of them has been reversed by the Supreme Court, have created an intense feeling on the subject throughout the country, and are evidence that the existence of a special tribunal created to deal especially with matters of railroad transportation and interstate commerce has necessarily, and in the nature of things, tended to bring about that condition of affairs.

I do not care, Mr. President, to speak at length upon this subject at the present time, but I want to state briefly what the conditions are. My contention is that it is perfectly useless, in the first place, to say nothing of the positive injury to the public regulation of interstate commerce, to have two specially created tribunals to deal with that subject. One is necessarily bound to blanket the other. The Commerce Court, as was predicted in the debates when the bill providing for it was before the Senate, having no other jurisdiction except over interstate commerce and having ample time and being in the nature of things disposed to justify its existence, would naturally tend toward expanding its jurisdiction. It naturally would be jealous of the powers of the Interstate Commerce Commission. In the very nature of things a situation is created in which there is rivalry between these two tribunals. The Commerce Court, of course, being the appellate tribunal, claims a superiority over the Interstate Commerce Commission. It tends to enlarge its jurisdiction, and has actually enlarged it in the practice before it and in the decisions which it has rendered.

The consequence is that the usefulness, the power, and the effectiveness of the Interstate Commerce Commission are to a corresponding degree lessened. If the Commerce Court is to continue in the course on which the present court has started, the usefulness of the Interstate Commerce Commission will be destroyed. We might as well abolish the Interstate Commerce Commission if we are going to retain the Commerce Court.

Not only has the Commerce Court undertaken to review judicial matters which were decided by the Interstate Commerce Commission, but it has undertaken to review and has reviewed legislative matters which were decided or administered by the Interstate Commerce Commission.

I believe the decisions which have been rendered by this court are a perfectly natural outcome of the situation created by the existence of these two rival tribunals. That situation brings about the absolute destruction of any effective results from the Interstate Commerce Commission.

This experiment has been tried. It is but a brief time since the tribunal was established, and see the trouble and the dissatisfaction that have been created in that brief time. Public resentment has been aroused by the decisions of the court. Every decision it has rendered that has been taken up to the Supreme Court has been reversed. Attacks have been made upon the integrity of the judges of the court, and one of them is now threatened with impeachment.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. I yield.

Mr. WORKS. The Senator says this court has undertaken to review not only legal but legislative questions. Has it not also assumed to determine the very questions of fact that have been decided by the Interstate Commerce Commission?

Mr. POINDEXTER. It has.

Mr. WORKS. Thus constituting itself practically a trial court de novo of all of the things that were tried in the lower tribunal?

Mr. POINDEXTER. It has. It has done so notwithstanding the limitations that were placed by law upon the power of review of the court over the Interstate Commerce Commission.

I make the assertion that the Commerce Court has stricken down every limitation upon its power of review, has claimed to have and has exercised an unlimited right of review, both as to law and as to fact, both as to judicial questions and as to legislative questions, which have been passed upon by the Interstate Commerce Commission.

The law, as it was construed by the Supreme Court of the United States prior to the creation of the Commerce Court, limited the appellate powers of the courts to cases in which there had been an abuse of discretion or an excess of authority on the part of the Interstate Commerce Commission.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. I yield.

Mr. CRAWFORD. As I remember, when that court was established it was predicted that it would expedite matters, and that there would be a more speedy disposition of questions arising in relation to differences between shippers and railroads. As a matter of fact, has it not had the opposite effect and hung up in litigation matters that could have been decided more speedily without it, because of the fact that an appeal lies from its decisions to the Supreme Court of the United States and it is an intermediary court that may stand as an instrument of delay rather than tending to expedite decisions?

Mr. POINDEXTER. It undoubtedly has, Mr. President. There have been a number of tables published, notably those presented by the Attorney General in the hearings before the House committee which was considering the bill to abolish the Commerce Court, which tables purported to show that business had been expedited. They did show that the Commerce Court had acted expeditiously, perhaps more expeditiously than the circuit courts had acted before the Commerce Court was created. But the result of this action was not to conclude the litigation, but to continue it, to tie it up in the courts.

A remarkable condition exists, and I say that it is not only due to the personnel of the court, to the unfortunate apparent leanings of the judges of the court in favor of the railroads, but due to the conditions and to the rivalry between the court and the commission. Out of 13 applications for temporary injunctions of the orders of the Interstate Commerce Commission, temporary injunctions were granted in 8 cases; and of the remaining cases in which application had been made and temporary injunctions were not granted only 1 was a case in which the railroad company applied for a restraining order. The other cases in which the Commerce Court refused to grant temporary orders to restrain the orders of the Interstate Commerce Commission were applications by the shippers, in which the Interstate Commerce Commission had decided against the shippers and in favor of the railroad companies. This illustrates the tendency of the Commerce Court, whatever it may be due to—whether it is due to improper motives, or whatever it may be due to—to decide in favor of the railroad companies the cases that are before it.

I want briefly, now, to call attention to the revolution in the law that has been made by the Commerce Court limiting the right of appeal and the right of review from the decisions of the Interstate Commerce Commission. Referring to what are called the water-carrier cases, the Interstate Commerce Commission, in its report, at page 55, said:

> The matter is called to the attention of Congress, because if the Supreme Court of the United States, to which the case has been taken by appeal, should sustain the holding of the Commerce Court additional legislation would be required if the authority of this commission over the accounts of common carriers is to be of the same value in the future as in the past.

There was a case in which the Commerce Court undertook to change the law, reducing the powers of the Interstate Commerce Commission, denying them powers which had previously existed. And I am very glad to say that when the case went before the Supreme Court it did reverse the court's decision, and sustained the law as it had existed before the creation of the Commerce Court.

But the fact that the shippers have a remedy by appeal to the Supreme Court, and that they are so fortunate that the Supreme Court has upheld the law, furnishes no adequate reason for the continuance of the Commerce Court. People ought not to be put to the expense, litigation ought not to be subjected to the delay, that is involved in trying these cases through an unnecessary tribunal and then taking an appeal from the erroneous, partial decisions of that tribunal, through the long course to the final judgment of the Supreme Court of the United States.

The question of expense which is involved in the appropriation bill, leaving out an appropriation for this court, is a mere bagatelle compared with the principles involved. But in considering the question of expense, what justification or what sense could there be in creating a court requiring the expenditure of money by the Government unless there were some good results that, at least, could be probably or possibly obtained by the creation of that tribunal?

We do not need it. In the year prior to the creation of this court not a single order of the Interstate Commerce Commission had been interfered with by the circuit courts. The Interstate Commerce Commission has established its reputation and gained the confidence which it now has in public opinion and in the opinion of the Government, and of everybody who has

given any attention to the matter, by the care which it has exercised in disposing of the questions which have come before it. It has devoted years of patient investigation to particular questions of rates involved in the litigation—if it may be called litigation—which was brought before it.

In one case that I have in mind, for some six or seven years the case was pending in the Interstate Commerce Commission. They were so careful, when objections were made by the railroads to the final decision which they had reached, that they ordered that the plan they proposed should be tentatively put into effect, to determine by actual trial in the business of the railroads whether the railroads would be subject to the loss that they claimed they would be subject to if the order of the Interstate Commerce Commission went into effect.

This was in the intermountain cases. It was found, as was predicted by the Interstate Commerce Commission, that they would not be subject to such loss; that while the course proposed would do justice to communities that were suffering from rank discriminations by the railroads, the railroads would not suffer the loss they claimed they would sustain if deprived of what I consider the monstrous power of determining what cities shall have business and what cities shall not have business; of dividing the country up into zones, which the railroads say no government ought to have the power to do, and yet which they assume power to do, giving to one zone certain advantages and denying them to others. The commission found that depriving the railroads of that arbitrary and monstrous power would not subject the railroads to the loss which they claimed they would be subjected to, and they found it by actual trial of the schedules which they proposed as adapted to the actual business of the railroads.

What did the Commerce Court do? After all of that careful investigation and consideration by the Interstate Commerce Commission the court entered an order, without investigation and without expert knowledge, restraining the order of the Interstate Commerce Commission and tying it up for an indefinite period. When a decision will be reached no man can tell. The people who are interested may be dead and in their graves before this question, which has been fought out for years before the Interstate Commerce Commission, will finally reach a decision in the Supreme Court of the United States, after going its long intermediate course through the Commerce Court.

The existence of this special court, holding its sessions in the city of Washington, trying its cases in the city of Washington, instead of trying them as they had been tried before—in the localities where the parties, particularly the shippers, resided—tends to invite the railroad companies to litigate the issues in which they are interested. It tends to invite the railroad companies to take appeals from the Interstate Commerce Commission to the Commerce Court which previously they were not disposed to take. A special court, devoted exclusively to that class of litigation, gives the railroad companies the opportunity—which we all know they exercise, and it is perfectly natural that they should—to use their great and powerful influence to affect the character of judges who are appointed to that court. That is one of the vices of a special court of this kind. Of course, if it were necessary we would have to subject ourselves to that condition. But, not being necessary, it seems to me to be the utmost folly to create a court which simply invites and gives an opportunity to the great interests that are involved to concentrate their attention upon this particular spot where the exclusive jurisdiction over commerce questions is vested.

I want to call attention to another instance in which the Commerce Court has set aside the law and established a power which did not exist before it was created, and which the Senate and the House tried to limit by saying expressly that it should have no more power than the circuit courts had before the Commerce Court was created.

In regard to what are called the Pacific coast switching cases, the Interstate Commerce Commission, after having carefully reviewed the cases and pointed out the circumstances involved, make this statement—and it is very pertinent in view of the question asked a moment ago by the Senator from California [Mr. WORKS]:

> If the Commerce Court is correct in stating that where the facts are admitted, it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one-hundredths of the orders of this commission can be reviewed upon the question of fact by the courts.

That is the view which the Interstate Commerce Commission takes of the authority exercised by the Commerce Court—that if the position they have taken is sustained ninety-nine one-hundredths of the orders of the commission can be reviewed upon questions of fact by the courts.

The Interstate Commerce Commission in their report also call special attention to what I adverted to a moment ago—the remarkable circumstance that in the cases in which the Commerce Court sustained the commission the decisions were also in favor of the railroads, just as their decisions were in favor of the railroads when they reversed the commission. They found in favor of the railroads practically all the time, although part of the time they reversed the commission and part of the time they sustained the commission. Whichever was necessary in order to decide in favor of the railroad companies the record shows they did.

The Interstate Commerce Commission says:

> We call especial attention to these last two cases for the purpose of showing the manner in which the orders of the commission are being reviewed. The Supreme Court has declared that the making of a transportation rate for the future is a legislative and not a judicial function. It has further apparently declared that this function may be exercised by Congress through the appointment of a commission acting under rules prescribed by it. The rate when fixed is just as much legislative when made by a commission as when made directly by the legislature itself.
>
> That being so, the discretionary power involved in reaching the conclusion that a particular rate is or is not reasonable for the future, or that a particular discrimination is or is not undue, is a legislative discretion which can not be reviewed by the courts.
>
> How is the exercise of this judgment in prescribing the future rate any the less legislative because there happens to be no dispute about the facts to which it is applied? Or how, if the conclusion of fact reached by this commission can not be reviewed through judicial process, can a court look into the mind of the commission for the purpose of determining whether that conclusion has been influenced by any improper motive or consideration?

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield.

Mr. CLAPP. Will the Senator allow me to interrupt him for the purpose of making a statement as to the attitude of the committee, or at least my personal attitude, toward the Senator's motion?

Mr. POINDEXTER. I will.

Mr. CLAPP. Mr. President, in regard to the Interstate Commerce Committee, on the 15th of November it took up hearings upon the question of possible trust legislation. It has taken a great deal of testimony and has not yet perfected a report. Later I shall present to the Senate some observations with reference to the work of the committee in regard to that subject. That is one of the reasons why this and other pending legislation has not yet received the action of the Committee.

Now, in regard to the motion of the Senator from Washington, when the bill was before the Senate to establish the Commerce Court I opposed it as strongly as I knew how and urged fundamental objections to it, which, of course, at that time were necessarily somewhat speculative as to experience, because we had not yet tried the court; but the experience with the court has demonstrated the absolute soundness of every objection that was urged to the establishment of the court.

The House in the pending bill, known as the legislative, and so forth, appropriation bill, has inserted a clause to abolish the court, and I of course would vote to sustain the House in that action. If the action of the House was sustained and the court was abolished, that, of course, would automatically divest the committee of any further jurisdiction of the subject. Consequently being prepared personally to vote to sustain the House action, which would of necessity divest the committee of any jurisdiction, I have no objection personally to the motion of the Senator to discharge the committee, and bring the matter before the Senate, that the whole matter may be before the Senate both in the Senator's bill and in the action of the House. I not only have no objection to it, but I would vote to produce that result.

Mr. POINDEXTER. Mr. President, I am very much obliged to the chairman of the committee for stating his position. In view of the fact that a number of notices, I believe, are pending of speeches to-day, I will conclude what I have to say at this time on this motion and finish any further remarks that I may have at the time that the section in the legislative appropriation bill which involves this question is reached.

I want to call attention to the statement which, upon a careful examination of the records of the Commerce Court, is made by the Interstate Commerce Commission:

> Out of 27 cases passed on by the Commerce Court, preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases—

That is, but seven that they did not decide in favor of the railroads—

> and of these only three are of any magnitude. In saying that the court has ruled in favor of the railroads we do not mean that the

ruling has been always adverse to the commission, but it has been adverse to the shippers' contention. For instance, the court decided in favor of the commission in the two Cincinnati rate cases. These were proceedings in which the shippers of Cincinnati sought to have the commission ordered to reopen a case and fix a lower scale of rates to Chattanooga than had been ordered, on the ground that the rates fixed by the commission were unreasonably high and had been based upon considerations which the commission should not have regarded, namely, competition from the East and the West. In these cases the court held that it had no right to review the findings of the commission.

Again, in the Procter & Gamble case, involving the right of a carrier to impose demurrage on a private car standing on a private track, the commission was sustained, its view being that for which the railroad also contended.

In but three cases of any consequence where the commission and the shippers have been opposed to the railroads have the orders of the commission been sustained even temporarily by the refusal to grant a temporary restraining order. These cases were the Meeker case, the Salt Lake case, and the Omaha lumber case.

I want to call attention also to a paragraph from the debate in this body at the time this court was created in order to show the exact parallel between the results actually obtained and the results which were predicted by those who had given attention to the subject at that time.

The Senator from Nevada [Mr. NEWLANDS] made this statement:

That court under existing conditions will not have sufficient business, unless it entertains cases that would not now be entertained by the circuit courts of the United States. It is true that the bill as originally introduced gave the Commerce Court a jurisdiction in matters of merger, etc., with reference to stock and bond issues, which might have absorbed a portion of its time, but all those provisions being eliminated from the bill, the court is now simply called upon to exercise the jurisdiction hitherto exercised by the circuit courts of the United States. Only a few cases have arisen within the last three or four years, I believe, that would come within the jurisdiction of the court, and it can not be claimed that that court can have business unless it welcomes and harbors suits which would not be entertained by the United States circuit courts.

That prediction is absolutely verified by the consideration that for a year previous to the creation of this court not an order of the Interstate Commerce Commission had been interfered with by any court, and that within six months after it began to operate it interfered with 20 out of 27 orders made by the Interstate Commerce Commission.

The Senator from Nevada proceeded to say:

The aim of our legislation should be to make the commission an administrative tribunal of great character, dignity, and power, and not to establish near it an overshadowing judicial tribunal whose only function is to review its orders and restrain their enforcement, and whose only hope of sufficient work to justify the continuation and maintenance of its life will depend on welcoming the suits to restrain the enforcement of the commission's orders.

Now, Mr. President, with that citation I will postpone the further consideration of this motion with the simple statement that it involves the entire question of rate regulation in the United States, than which there is no more important subject. The statement is made upon reliable authority that the taxes, if we may call them that, collected by the railroad companies for services which they render amount to more than the expense of conducting the Federal Government, of all the State governments, and of all the municipal governments in this country.

This Commerce Court was created as a portion of a reactionary railroad measure as it was originally framed and introduced. I say that, for one reason, because it contained a clause in direct contravention of the public policy which was in favor at the time, that railroad mergers should not be allowed.

The bill as it was introduced, containing in one of its clauses the Commerce Court, made a provision for railroad mergers, which, though nominally limited, in effect would have been unlimited, and created a tribunal which would provide the means for competing lines to merge. The argument in favor of it was that we had not been able, notwithstanding the law, to prevent mergers, and the astonishing conclusion was drawn that because the law had not been enforced we should surrender the law, and the railroads might have legal provision to make mergers—in order to put them on a legal basis.

The most astonishing monopoly which confronts us to-day is the monopoly of transportation. It has been in my observation in different parts of the country that there is no competition too small to escape its attention; and where in a small way a little competitive company attempts to establish itself by putting on a boat or building a trolley line, to do even the local business in competition with a great railroad system, at once all the power of the great railroad system is used to put its small rival out of business. And its methods are not by any means always lawful. It is known that in many cases boats have been destroyed, and charges were made at least that they were intentionally destroyed. This monopoly and its methods are involved vitally in the question whether or not we are to continue in effect this unnecessary tribunal—not only unnecessary, as shown by this record, but absolutely destructive of the means which we have developed through 20 long years of effort, largely exercised through the Interstate Commerce Commission—to bring the power of the Government into operation to prevent these discriminations and injustices.

Mr. CUMMINS. Mr. President, although I am a member of the committee to which this bill was referred and which now has it in charge I am heartily in favor of the motion and hope it will prevail.

I was opposed to the creation of the Commerce Court for the reasons which I gave the Senate at the time the bill was under debate. I am in favor of the abolition of the court for the same reasons. I deeply regret that the question will reach the Senate in an appropriation bill. I do not believe in legislation of that character in appropriation bills. I do not say that I will not vote for this part of the appropriation bill, but I should infinitely rather vote for the abolition of the court upon an independent measure such as has been presented by the Senator from Washington [Mr. POINDEXTER].

I want therefore the bill which he has introduced to be before the Senate at the time we will consider this part of the legislative, executive, and judicial appropriation bill in order to see whether there is not some way in which we can legislate upon the subject without incurring the criticism of imposing such legislation upon an appropriation bill.

Therefore, it seems to me that every consideration favors the adoption of the motion and the bringing of the subject before the Senate in the way in which it ought to be brought before the Senate.

Mr. NELSON. Mr. President, I only want to say one or two words that I think are pertinent to this matter at present.

Under the recent decision of the Supreme Court, as I interpret it, practically all that is left of the courts to decide are two questions. The first is whether the Interstate Commerce Commission has kept within the pale of the law of its creation—in other words, whether it had the legislative power to do what it has done. The other question, which is the important one, is whether it has violated any principle of the Constitution. Has it in the constitutional sense invaded private rights? Under the act of 1891 establishing the Court of Appeals questions relating to constitutional law can be brought directly to the Supreme Court; other questions go to the Court of Appeals.

This Court of Commerce, as it exists to-day, under the recent decisions of the Supreme Court can try a case de novo upon the facts. It is really an appellate court upon pure questions of statutory law and constitutional law.

It seems to me that there is no warrant for the existence of such a court; that an appeal from the Interstate Commerce Commission ought to go directly to the court of appeals, and where it is a matter of constitutional law the case ought to go directly to the Supreme Court. Therefore, it appears to me, aside from all other questions, that there is no warrant for the existence of this tribunal in the light of the decisions of the Supreme Court, limited as the court has properly limited it.

In this connection it is curious to note that out of the seven cases in which they granted temporary or preliminary injunctions one case was reversed by the Supreme Court some time ago, I do not recall just how long, and I believe five cases yesterday, making six in all out of the seven cases in which they granted a temporary injunction.

In fact, Mr. President, and I say this in a Christian spirit, the record is such that instead of calling this a Commerce Court you could call it an injunction court.

For the reasons I have stated I think there is no warrant for the existence of this court. I was not favorable to the idea of the court in the first instance, but the proposition was involved among other provisions of the act that we passed to increase the power of the Interstate Commerce Commission. We all know that in matters of legislation it is a matter of compromise, a matter of give and take, and in order to get through important legislation placed in that bill, against my own better judgment and for the time being, I acquiesced in the creation of this court. But I felt then, and that feeling has recently been emphasized, that it ought never to have been created, and that whatever jurisdiction we have given to that court, instead of being given to the district courts, ought now to be delegated, in the first instance, to the court of appeals to pass upon questions of law, and in constitutional questions directly to the Supreme Court. That would make it in harmony with the court of appeals act of 1891.

Mr. BACON. Mr. President, I can not refrain from saying that I have no change of mind in regard to this court. When it was proposed I opposed it with all the vigor and power that I possessed. I am sorry to say it was not sufficient to accom-

plish its defeat at that time. I was utterly and unqualifiedly opposed to it then, and I am in favor of its utter and unqualified repeal now. I will vote for its repeal in the first shape in which it comes before us, whether it is in an appropriation bill or in an independent bill.

Mr. BAILEY. Mr. President, I had grave doubt about the constitutionality of the act which established this court. That doubt, however, did not arise out of any question as to the power of Congress to create a special court of this kind, but was due to the peculiar provisions of that act. It seemed to me very questionable if Congress could require a judge appointed to one judicial office to perform the duties of another and a different office, and therefore I did not vote on the passage of the bill.

Mr. BACON. And the Senator from Texas will also remember that I based it on that specific ground.

Mr. BAILEY. It was the argument of the Senator from Georgia which first raised in my mind the doubt. When he first began to talk with me on the subject I did not agree with him, but upon an examination of the peculiar provisions of it I thought its constitutionality so doubtful that I refrained from voting on the bill containing it. But this court has now been in existence for some time, and, as I understand, its constitutionality has not been challenged. It has proceeded, without question, to discharge the duties imposed upon it, and I take it that my doubts in that regard were not well founded. Except for that doubt I should have favored the organization of this court in the beginning, and as I intend to vote, or would vote, except for the pair which prevents my voting at all, against repealing the law which created it, perhaps I ought to state briefly my reasons for favoring it.

Generally I am averse to special tribunals, because a judge who is a specialist is seldom a great judge; and he is often not even a good judge, because the inevitable tendency of devoting a man's mind to one question is to narrow it and to lose that broader culture which many and varied questions cultivate; but, Mr. President, there are particular questions, so intricate and so peculiar in their nature, that no man whose time is given over to a consideration of many and general subjects will ever be able to completely master. When the Government itself assumes to compel the performance of a specific duty, I am rather inclined to believe that a special court is a competent and desirable instrument for that purpose. For instance, I supported a bill creating a special customs court, because I know, as does every other Senator who has ever had anything to do with the construction of a tariff bill, that it is almost impossible for a judge, who is performing various other duties, to decide those questions speedily and correctly. I would cheerfully vote to create a patent court, because any lawyer who has ever undertaken to try a patent case or to advise a client upon a patent case knows that it is almost like putting a professor of mathematics to teaching Latin or Greek. I do not care how excellent his general scholarship may be, he can only do a special work by a special equipment for it. I would in the old time undoubtedly have supported the bill to create a court of private land claims, because, like the Customs Court or the patent court, it deals with a concession by the Government or a particular relation to the Government. That exact relation, I grant you, does not exist with reference to the Commerce Court, but I am safe in saying that when we assume that it takes a large number of very capable men, devoting themselves exclusively to the subject of regulating the railroads, we are not very far afield when we say that a judge, with a hundred other cases on his docket to try in a single term, will not be very well able to try this case involving the intricacies of a thousand related railroad charges. I am of the opinion that the best way to secure a prompt, as well as a wise, settlement of these controversies is to commit them to a tribunal which has nothing else to do.

Mr. President, they tell me, and that is true, that under the law if they come into the court with one of these cases it must be advanced on the docket, and the judge must give it precedence over all other business in his court. That undoubtedly provides in a way for an expeditious settlement of the controversy; but while the court is occupying itself for days or even for weeks, and, in some cases, it might be for an entire term, with the settlement of this lawsuit, all other litigants in that court must wait. The delay which thus inevitably ensues to the individual suitor in these courts is a matter of grave concern to him. No man ought to be compelled to wait beyond a reasonable time for the disposition of his case, unless some great public interest renders it unavoidable.

But, Mr. President, if there were no other reasons I could not vote for this proposition, because it is a sort of legislative recall of this court. That is precisely what it is, and that is precisely what it is intended to be. Some Senators, and others who have not taken the trouble to examine these decisions, are not satisfied with them, and they proceed to recall the court. If, when the court does not please the Senate, we can repeal the law which created it, we shall have precious little right to complain of those gospelers of riot and disorder who now are proposing not only to recall the courts, but to overrule the decisions of courts by plebiscite. We shall make the proposition of an ex-President eminently respectable and conservative if we go to the extent of repealing the law which created this court, because, forsooth, we do not happen to like some of its decisions.

Mr. President, the Senator from Minnesota complains that this court has granted six preliminary injunctions. To my mind, that is a just criticism against it; but there is a way to obviate that criticism without repealing the law which created the court. Some six years ago I had the honor to propose in this Chamber an amendment to the interstate-commerce bill, which then was pending here. I proposed in that amendment to prohibit by express terms the issuance of a preliminary injunction; but on that vote more than two-thirds of the Senate rejected my proposition. After having rejected a conservative proposal under which the judges of the Commerce Court and no other judges in this country could restrain an order of the Interstate Commerce Commission until they inquired into the wisdom and justice of it, now the very much more radical proposition is made that because the court issued injunctions we will abolish it.

I believed then, Mr. President, and I believe now, that nothing could be more absurd than that this Government should create a tribunal, clothe it with certain faculties, impose upon it great and important duties, fill that tribunal with men of high character and great ability, fix a tenure in that office longer than that which Senators enjoy, and then, after such tribunal had devoted itself for days and weeks, or even for months, as it has done in more than one case, to a faithful consideration of a question and embody its conclusion in a formal order—nothing, I say, was ever more absurd than that this Government should permit another one of its tribunals, without an hour's investigation or consideration, to set that order aside. It was under that conviction, sir, that I proposed the amendment in the Senate which forbade any court of the United States to set aside such an order except after a full hearing of the case; and if the Senator from Minnesota and other Senators who believe as he does and as I do, that there have been gross abuses of this injunctive process, will unite with me, we will forever eliminate that cause of complaint.

My amendment was rejected because many Senators thought it unconstitutional, but in a succeeding Congress the Senator from North Carolina [Mr. OVERMAN] proposed and secured the adoption of an amendment which embodied the same principle. That amendment was afterwards assailed in the courts upon the very ground that it was unconstitutional, because it impaired the faculties of the court; but the Supreme Court of the United States, without dignifying it by an elaborate argument, unanimously held it constitutional, and thus affirmed the power of Congress to do what I think it ought to have done 10 years ago, and what, if we would take advantage of the present situation, we would do now.

I would offer the amendment, but so many of our friends in the other argument averred the unconstitutionality of the proposal that I do not feel justified in again introducing it and thus compelling them to reassert that opinion. If, however, that were done and the Commerce Court and all other courts were denied the power to suspend an order of the Interstate Commerce Commission until they had given it due and full consideration, all just complaint on that ground would disappear.

Mark you, Mr. President, I do not say all complaint, because the time will never come when there will not be men to complain whenever the courts decide any controversy contrary to their wishes; but there would be no just complaint if that court were compelled to hear every case before it interferred with an order of the commission.

Mr. President, there is one more view of this matter which we must not overlook. If we abolish this court, we will restore the old practice under which the attorneys for the railroads always applied for their injunctions to those judges who were supposed to be most favorable to their view of these questions; and in this way they obtained an injunction just as often as they can ever obtain them through the Commerce Court.

If the President made any mistakes in the appointment of the judges who now constitute this court—and I do not say he has done so—it will not be long until that mistake will be com-

pletely remedied. Within a certain time each one of the present judges must pass out of this court and into the general judiciary system of the country, and their successors are to be selected by the great Chief Justice, whom, I presume, it will not be flattery to say all men are willing to trust.

Mr. BACON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. BACON. Does the Senator construe the law creating this court as making no provision for the appointment of successors by the President and their confirmation by the Senate? Or does the Senator think that as these judges are passed into the other circuits their places will be filled exclusively by details of existing judges now on the Federal bench?

Mr. BAILEY. Mr. President, the law undoubtedly provides for their designation by the Chief Justice, and that is one feature of the law which raised in my mind a doubt of its constitutionality.

Mr. BACON. The Senator does not catch my point. I myself think that the law fails to make provision for the appointment of any new judges as these judges pass into the service of the circuit courts. I have no doubt it was intended the other way. But, while I have not looked at the law for a year or more, my recollection is very clear that when I did examine it I came to that conclusion—that the law makes no provision for the appointment of other judges to this particular court as vacancies may occur. It seems to me that when the original judges were appointed that exhausted the power given by the law; that thereafter there could be no appointments made to fill vacancies caused by their death or resignation, and that they must be filled altogether by judges being brought from the circuit courts.

Mr. BAILEY. Mr. President, a peculiarity of the law was that it provided for the appointment of men to an office that did not exist. It provided for the appointment of five circuit judges of the United States—I believe that was the number. There was no such office as that known to our law. A man must be a circuit judge of the first or the second or the fourth or the ninth district. The office of a circuit judge is a definite one, with his geographical jurisdiction defined as well as his legal jurisdiction. I know it may be said that the very provision for the appointment of these judges in effect created the office, and that may answer that objection.

But, Mr. President, it is not so easy to answer the suggestion that the circuit judge of a particular circuit can not be required to absent himself from his circuit, abandon the performance of the duties of the office to which he was appointed, and be compelled to perform the duties of another and a different office. To my mind, that is a very grave question.

Mr. BACON. Not only that, but he s denied the right to perform the duties of the office to which he was appointed. You not only give him duties that do not belong to him, but the law takes away from the judge the duties that do belong to him.

Mr. BAILEY. That is true, and I have just emphasized it.

Another difficulty, to my mind, Mr. President, is this: After the first five have been appointed by the President and confirmed by the Senate, all the judges who shall hereafter discharge the duties of that court will discharge them without receiving an appointment from the President to that particular office or being confirmed by the Senate. But it seems that those questions have not perplexed those whose duty it is to decide them. I take it that if there had been in the minds of those in charge of the Government's cases or those in charge of the railroads' cases any doubt about the constitutionality of this act, the question would have been raised, and it would have been decided. The fact that it has not been raised, so far as I am informed, compels me to conclude that my doubts were not well founded.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. Certainly.

Mr. SHIVELY. On the phase of the question which the Senator has been discussing, can the question be sharply raised until after the terms of the present judges, appointed by the President and confirmed by the Senate, expire, and cases then come before the court the judges of which shall have been assigned to their functions under the statute by the Chief Justice of the United States Supreme Court?

Mr. BAILEY. I think, Mr. President, if the bill provided machinery without the warrant of the Constitution the question could have been raised at any time. It could have been raised in the very first case.

Mr. SHIVELY. Would it have been available to the extent and in the sense that it would be available when the court shall be constituted by assignment by the Chief Justice? At present the court could reply, "We have been appointed by the President of the United States under an act of Congress. Our appointments were made by and with the advice and consent of the Senate. We are exercising our jurisdiction under the appointments thus made and the powers thus conferred."

A court composed of judges assigned to it by the Chief Justice and not appointed to it by the President nor confirmed by the Senate could not answer in this way.

Mr. BAILEY. But Mr. President, if that answer had been made to my plea assailing the constitutionality of the court, I would have answered, whether it be as you say or otherwise, this law provides for the unconstitutional designation of your successors, and the whole act falls, or, at least, the whole part of the act that relates to this subject.

Another thing I would say, in answer to a suggestion like that, is that you can not appoint a circuit judge of the United States for five years. You can not appoint a judge of any court of the United States for less than life.

By the way, Mr. President, that is not accurate. I do not agree that a judge holds his office for life. He holds it merely during his good behavior. I have never believed that in order to remove a judge it is necessary to prove against him the same things it would be necessary to prove against an officer holding for a fixed term, who can not be impeached except for high crimes or misdemeanors.

But, at any rate, whether I am wrong or right about that, the circuit judges of the United States must be appointed and can only be appointed to hold office during good behavior. Therefore, if they were appointed merely for the five years during which they must sit in this court, the appointment was clearly without the warrant of the Constitution.

Of course those who framed the act sought to obviate that difficulty by providing for the appointment of circuit judges, and then limiting the duties of this particular office in point of time. But I surrender my doubts, because nobody else who has investigated the subject seems to share them.

But, leaving that matter aside, Mr. President, with the right kind of a court, limited by a prohibition against the issuance of preliminary injunctions, I do not believe it possible for the wisdom of men to devise a better method than this of speedily and justly settling these great questions. If we leave these questions to be decided by such courts as the railroad lawyers may from time to time select, we shall have vexatious delays, and we, perhaps, may have a repetition of some of the scandals that have heretofore discredited our judiciary.

I therefore believe the creation of this court was a wise provision. Furthermore, I venture the prediction that if it is left to stand it will so completely vindicate itself within the next 20 years that no Senator with any experience in the practice of the law would vote for its abolition.

Mr. POINDEXTER. Mr. President, I think the argument which the Senator from Texas has just made is a very conclusive argument in favor of a special tribunal to deal with these questions. My objection to the Commerce Court, however, is that as a result of its creation we have two special tribunals to deal with the same question.

If we had no great tribunal like the Interstate Commerce Commission, which has been established for a number of years, and which by its operation has justified its existence, undoubtedly the argument of the Senator from Texas would be unanswerable in favor of the creation of such a tribunal. The objection to the Commerce Court is that it undoes the work of the very kind of a tribunal which the Senator has described.

I think the remedy which the Senator from Texas suggests to what he justly says have been abuses in the way of issuing preliminary injunctions, viz, to abolish to all intents and purposes preliminary injunctions, is far more radical than the abolishment of this court.

The Senator from Texas, because the remedy has been abused, would abolish the remedy altogether. Preliminary injunction is a remedy that has grown up out of necessity through centuries of experience and need. Should the Congress undertake to pass a law absolutely prohibiting the issuance of a preliminary injunction in any case, that law will come up some day as an instrument of oppression, or a means of protecting oppression.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I do.

Mr. BAILEY. If the Senator will permit me, I want to be understood. I would not go to the extent of prohibiting the issuance of a preliminary injunction, except in a case where there had been an ascertainment and a determination by another Government tribunal.

Mr. POINDEXTER. I understand that is the limitation which the Senator would impose upon it; but even with that limitation it would be a very radical measure. It is perfectly easy to conceive the abuse by that tribunal of its powers. The Interstate Commerce Commission, in my judgment, has not abused its powers, but it might do so. In view of the conflict of interests in this country over questions of this kind, in which the interests are so tremendous and the effect upon the property of people is so acute, we can not say that no case will arise in which the Interstate Commerce Commission will abuse its powers, in which event a preliminary injunction may be essential to protecting somebody's rights.

It is not proposed by the abolishment of the Commerce Court to deprive any interested party of the benefit of legitimate review. The suggestion was made here this morning—and it is perfectly feasible—that appeals be taken directly to the circuit court of appeals, or, on constitutional questions, to the Supreme Court of the United States. Those features may be dealt with hereafter.

Mr. BAILEY. If the Senator will permit me, he does not mean to suggest that it would go to the Supreme Court of the United States before there was judgment in any other court. That could hardly be, because the appellate jurisdiction of the Supreme Court ought not to be exercised except on appeal from some judicial tribunal, which the Interstate Commerce Commission is not. If it were possible to vest that court with jurisdiction over an appeal from a nonjudicial tribunal, and still compel it to go into the facts, how would you have your trial?

Mr. POINDEXTER. Only questions of law would be involved. There would be no questions of fact.

Mr. BAILEY. But those questions of law depend upon questions of fact.

THE CHEMICAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived the resolution goes to the calendar. The Chair lays before the Senate the unfinished business, which is House bill 20182.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1911.

Mr. SIMMONS. Mr. President, I am very anxious to make some headway with this tariff bill, but the Senator from Indiana [Mr. KERN] wishes to finish his speech, begun several days ago, and which is a question of the highest privilege, and the Senator from Wyoming [Mr. WARREN] is so insistent about going on with the appropriation bill now before the Senate that I will not press the tariff bill to-day. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. WARREN. I understand that to be for the remainder of the day.

The VICE PRESIDENT. The Chair understands that that was the request of the Senator from North Carolina.

Mr. SIMMONS. Yes. While the Senator from Wyoming is on his feet, let me ask him if he hopes to finish the appropriation bill to-day.

Mr. WARREN. Mr. President, it is the height of my ambition to close the appropriation bill to-day. We have been all through this week considering it and have made slow progress. I certainly shall occupy no unnecessary time in debate, and I hope we may finish it to-day. I am very desirous of finishing it, because there is to follow necessarily a long and exhaustive consideration with those from another place in conference. I am anxious to see the appropriation bills, if possible, enacted before the 1st of July, when otherwise we would be without funds to conduct the Government.

Mr. SIMMONS. I should like to inquire of the Senator from Wyoming whether, after the appropriation bill is disposed of, either to-day or Monday, there will be any other appropriation bill that is urgent to be immediately brought before the Senate.

Mr. WARREN. We have a conference report which, of course, must be disposed of without any further delay, and there are bills coming from other than the regular Committee on Appropriations upon the calendar. So far as the Committee on Appropriations, of which I am chairman, is concerned, there will be some days after the pending appropriation bill is disposed of, if we are fortunate enough to dispose of it to-day, before I shall move to take up any other bill from that committee. However, there are two or three appropriation bills reported from other committees on the calendar. As the Senator knows, the Indian appropriation bill, the naval appropriation bill, and the Military Academy appropriation bill are on the calendar. I do not think of any others, but those three are on the calendar. None of them will be in my charge.

Mr. SIMMONS. Mr. President, I wish to say that after the pending appropriation bill is disposed of I shall insist upon the Senate taking up the unfinished business before any other appropriation bill is taken up.

Mr. WARREN. Mr. President, although not in charge of those bills, I will say to the Senator that I shall be glad to conform to his wish if it can be accomplished in any reasonable time. If we are going to get into very prolonged debate on the tariff bill, I should feel like going to the rescue of those who have the other appropriation bills in charge and try to obtain consideration in order to get them through, but I hope the Senator will succeed in obtaining what he desires in the consideration of the unfinished business.

Mr. SIMMONS. So far as the chemical schedule bill is concerned, I do not think it will occupy more than a day or two at the furthest.

SENATOR FROM ILLINOIS.

Mr. KERN. I ask that Senate resolution 315 be laid before the Senate.

The VICE PRESIDENT. Without objection the resolution is laid before the Senate for the purpose of discussion.

The Secretary read the resolution, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, on yesterday shortly before the conclusion of my remarks I was discussing the testimony of one Charles McGowan as illustrating the character and conduct of Edward Hines and as further showing how little credibility was to be attached to his testimony. It will be remembered the witness McGowan testified to the very incredible statement related on yesterday. I should also have stated that after he had testified in Washington he very soon made a request on Mr. C. F. Wiehe, Mr. Hines's brother-in-law, for a loan of $5,000, although he had been acquainted with Mr. Wiehe only a few weeks. But a little later on he made a demand on Mr. Wiehe or the Edward Hines Lumber Co., through Mr. Wiehe, with whom he transacted business, for a considerable sum of money on account of the damages he had sustained by a loss of business while he was present in Washington testifying in the trial.

The evidence shows that Mr. Wiehe compromised that demand with $300, after which Mr. McGowan wrote the letter spoken of yesterday and which I could not at that moment find in the record, but which I have now found and desire to read. It shows something of the character of McGowan and of his relations with Edward Hines and Christian F. Wiehe. Writing to the detective, A. C. Bailey, he said:

ELORA, ONT., *November 19, 1911.*

A. C. BAILEY, Esq.,
1607 Fifth Avenue, Pittsburgh, Pa.

MY DEAR ART.: Your very kind letter received some days ago, and I note you say you are all business. For myself, eating, sleeping, and smoking comprise my daily duties at present. A day or so after my return home the Hines people sent me a telegram asking me to meet one of them in Toronto. I presume they wanted some more affidavits or something, so I wired them they had better come to Elora. By God, they would have been shown what forced hospitality was! The old shotgun would have been loaded with a couple of Peters No. 2. I made them come across, at that—not all I expected, though—and I had a hell of a time getting it, too. Had to threaten him with all kinds of exposure.

I was so sorry I did not see you the afternoon I left, but hope we will meet again in the near future. I do not know just now what my plans will be for next year. Father is talking very seriously of buying a flour mill for my brother and myself. What kind of a miller would I make, do you think?

Let me hear from you as often as you can spare the time to write, and if you are in this vicinity any time, run up; I will always be glad to see you.

Yours, etc.,
CHAS. MCGOWAN.

P. S.—Give my best to your brother.

McG.

It will be interesting to know what kind of exposure this witness threatened the Hines people with in order to make them

"come across" with money respecting his testimony. The letter itself and the other testimony surrounding it is very eloquent in explanation, not only of the character of man McGowan is, not only of the fact that McGowan committed perjury in this hearing, but also of the character of the men who sent for him and brought him here and who afterwards settled with him because of the false testimony which he gave—testimony which, as I said yesterday, was so false on its face as to need no rebuttal.

As further illustrating the connection between the Senator from Illinois and Lee O'Neil Browne, I call attention to the testimony of Senator LORIMER, in which he states (p. 7506) that he contributed—or, as he expressed it, "loaned"; or, as he still further expressed it, "loaned and contributed"—to Lee O'Neil Browne $10,000, or in the neighborhood of $10,000, not only for the defense of Lee O'Neil Browne, but also for the defense of the man Robert E. Wilson, who, as Lee O'Neil Browne's agent or subagent, paid out the second installment of corruption money at St. Louis. It is but fair to give in this connection Senator LORIMER's version of the transaction, and I read:

Senator LORIMER. Why, yes. I will tell you how that came about, Judge. He came to see me at the bank, and was talking about the White matter.

Mr. HANECY. The matter of Charles A. White?

Senator LORIMER. Yes. I asked him about his financial condition, and he said that he had a good practice and made all the money he needed, but that he had no money saved up, and he said that he did not have money enough to employ the lawyers he thought necessary to conduct his case, and I told him I would let him have some money; but he said that he did not know when I would get it back, and if he died soon I would never get it back. I told him that was all right; that this fight was really a fight on me and not on him; that they did not care anything about him; what they were trying to do was to get me out of my seat in the Senate. So I loaned him money from time to time as he asked for it, and I think somewhere in the neighborhood of $10,000.

Notwithstanding the fact that the witnesses testified as they did as to receiving this money in St. Louis from Browne and from Wilson, and the fact that there is only a half-hearted denial that these legislators did receive that money at their hands, the Senator insists that the prosecution against these men was not in good faith, and that the grand-jury indictment against them was really an attack on him and not on the miscreants who had thus flagrantly violated the law of the land. A little further along:

Senator KERN. Did you take his note for this money?

Senator LORIMER. I did not.

Senator KERN. What account did you keep of it?

Senator LORIMER. I do not know whether I have checks for it or not, Senator.

Senator KERN. In what form was it paid?

Senator LORIMER. I say I do not know. He always came to the bank, and I do not know whether I drew checks to my own order and got the money for him or gave him checks and he got the money himself. I do not recall.

Senator KERN. Did you make a charge of it?

Senator LORIMER. It is not very much of an account at that. I have always considered that if Lee O'Neil Browne was never able to pay me that money, it was money which I ought to have contributed to help him in the contest. It was my fight and not his.

Senator KERN. You kept no account of it at all?

Senator LORIMER. I think I could tell how much it was by looking over my affairs at home.

Senator KERN. No; that is not it. I am asking you whether you kept any account of it.

Senator LORIMER. Do you mean that I kept books of it? I did not.

Senator KERN. You made no entry on any book of the amount you advanced him?

Senator LORIMER. No; I did not.

Senator KERN. And you can not at present tell the amount any more nearly than that it was eight or ten thousand dollars?

Senator LORIMER. Yes; some——

Senator KERN. Would you say it was not more than $10,000?

Senator LORIMER. I am sure it was not over $10,000. It may have been two or three hundred dollars over $10,000, and it may have been a little less than that.

Senator KERN. On how many occasions did he come to you for money?

Senator LORIMER. I do not know. It may have been four or six or seven times. I know I gave it to him in amounts ranging from a thousand dollars to two or three thousand dollars.

It is well enough in this connection, Mr. President, in dealing with the credibility of the testimony here to state that when Lee O'Neil Browne testified he gave the committee to understand that the amount of this contribution was in the neighborhood of only about $1,500. I am not going to comment on that testimony or the testimony of Senator LORIMER on that subject; I am simply putting it in here as the closing chapter in the evidence which draws these men together and which has held them together from a day about a week before the senatorial election in May, 1909, down to the present time.

It has been said here, and it was repeated over and over again in the hearings, that Browne was acquitted of the charge against him in the courts at Chicago on the second trial.

Mr. President, after there was shown to the committee the existence of a bipartisan machine in Chicago, where there was a partnership in the county offices and where men of different parties worked together in the accomplishment of their common purposes, when the underoffices of the county and of the courts were farmed out as political jobs and given indiscriminately to Democrats and Republicans in such way as to best promote the fortunes of the machine, it would seem strange if it were not difficult to convict politicians of either party of any crime which might be charged against them. If you will read the testimony of the distinguished and able and honest prosecuting attorney of Cook County I think you will understand what his opinion is as to the character of the jury that acquitted Lee O'Neil Browne of that charge in the face of the cloud of witnesses that appeared against him and the mountain of evidence that was adduced.

Mr. President, I have given to the Senate comparatively few of the evidences of corruption in this election as disclosed by the circumstances shown at the hearings. The pages of this voluminous record absolutely teem with such instances.

It is set forth in the report of the majority here that there is no new evidence that is material to the issue here. Mr. President, there are 8,000 pages of new testimony. Hundreds of such pages contain material evidence not adduced at the former hearing, and a mere cursory examination of this record will attest the truth of that proposition which I lay down.

I have already taxed the patience of the Senate, and I will not occupy more time in a further review of the disgusting details of the corrupt methods which brought the fair name of Illinois temporarily into disrepute. I use the word "temporarily" advisedly, for that grand old State of Lincoln and Douglas has already righted herself, and an aroused and indignant people have but recently spoken on this question and placed the seal of their condemnation on the practices which prevailed in Springfield in 1909 and which resulted in the election now in question.

Briefly to recapitulate, Mr. President, commencing back in April and May, 1909, it appears that the great interests of this country—and everybody now understands what we mean here when the words "great interests" are used—the great interests of the country desired the election of Mr. LORIMER because his one vote was needed in the Senate for the enactment of legislation in the interest of special privilege. The great interests of this country, in their desire for favorable legislation, have never lacked for money when money was needed. It has not been so many years, sir, since these great interests that were interested in the enactment of the several schedules of the Payne-Aldrich tariff bill were able to contribute millions and millions of dollars for the purchase of the office of President of the United States. It was only by accident that the source of those funds was discovered. It was only by accident, sir, that years afterwards it was discovered that the officers of the great insurance companies of the land had embezzled the money of their policy holders in order to enrich the campaign fund of the interests; that the directors of national banks had embezzled the money of their stockholders in order to augment the campaign fund necessary for the advancement of the cause of special privilege.

We have not forgotten how these same special interests boasted of their ability to "fry the fat" out of the beneficiaries of the protective tariff a few years before. These interests were represented in Washington by Edward Hines. He was one of their richest, one of their most powerful and successful representatives. A perusal of his testimony here discloses his business in Washington. He was interested in certain schedules. He remained here away from his business in Chicago for months and months. He was one of the commanders of their forces here. He tells in his testimony how when Congressmen were presumably opposed to the special privileges conferred by the Payne-Aldrich bill they were taken to the Willard Hotel in Washington and given great dinners and wined and dined in the interest of honest legislation, to the end that they might be stimulated to the proper discharge of their duties under their oaths. The testimony shows that he was a fair representative of those great interests which in the past have used money to accomplish their purposes. He was the man selected by the high priests of privilege to carry out their will.

According to his testimony, Mr. Aldrich sent him to Illinois to bring about the election of Mr. LORIMER to the Senate. His story as to the circumstances attending his trip from Washington to Illinois is full of meaning when properly analyzed. He says, and would have the committee and have the Senate be-

lieve, that his only purpose in going to Springfield was to carry a message from Mr. Aldrich to Gov. Deneen, informing him that it was the desire of Aldrich and of the President that LORIMER be elected. That is his story. Is it entitled to credit? Let Senator LORIMER's testimony speak on that subject. The precise question now under discussion is as to whether Edward Hines's story that he was sent by Senator Aldrich to Springfield to bear a message of that kind to Gov. Deneen is true or not. Senator LORIMER testified positively that Gov. Deneen had that information 10 days before Edward Hines made that trip. I read from page 7465:

Senator KERN. Did you and Gov. Deneen, before you ceased communication with him, talk over the fact that the President and Senator PENROSE and Senator Aldrich and others were anxious for your election?

Senator LORIMER. Yes.

Senator KERN. Did he tell you that he had received that information—that all those parties were anxious for your election? He had not been in Washington.

Senator LORIMER. I think it was a matter of common knowledge in Springfield about that time.

Senator KERN. If it was a matter of common knowledge in Springfield, why was it necessary for Mr. Hines to carry the message he did all the way from Washington to Springfield?

Senator LORIMER. Why Mr. Hines carried the message, or why somebody directed him to do those things, I do not know. I was not in control of them.

There is the fact, which must be undisputed, that the message which Mr. Hines said he was carrying to Gov. Deneen was of a fact that for 10 days had not only been in the possession of Gov. Deneen, but was a matter of common knowledge in Springfield. Of course the proposition that he was sent from Washington with that kind of a message and nothing more is too absurd to receive a moment's notice, it being a matter of common knowledge in Springfield.

There was some other reason why such a man as Edward Hines should be sent by the representatives of these interests out there. He does not go to Springfield at all. Early on the morning of the election he arrives in Chicago, and where does he go? To his own office, where he has a private telephone exchange, where the Western Union Telegraph Co. has a branch office? Oh, no; he does not go there. He wants to telephone, he says. Does he go to the Union League Club or the other club of which he is a member, where all the accessories are convenient for telegraphing or telephoning? No, no; he goes to a bank. He does his telephoning there, and his own word is all we have for what occurred there. Cook says that in the telephone conversation which occurred a little later at the Grand Pacific Hotel he said, "Go ahead; leave no stone unturned; all the money is at hand that is necessary to put him over." The assurance was given there, and the election occurred within two hours of that time. He says he did not there speak of money; he simply said, "Leave no stone unturned."

In other words, according to Mr. Hines it was a harmless and colorless telephone conversation that Cook and O'Brien heard, and yet when the White story was exposed and when the grand jury was suddenly summoned together, when Mr. Hines learned that his friends Cook and O'Brien, who had heard this innocent conversation, were stopping at the Grand Pacific Hotel, he called his brother-in-law, Wiehe, out of bed at midnight by telephone, sent him down there in posthaste to see Cook and O'Brien; and, according to the testimony of these two men, corroborated by the testimony of Wiehe, he urged them to leave the city that night, that there was a grand-jury subpœna out for them and it was necessary that they flee the confines of Cook County lest they be made to tell the truth about that conversation. That circumstance is powerfully corroborative of the testimony of Cook that there was something improper in that conversation; it is a strong refutation of the testimony of Hines, of Wiehe, and of the miserable Baker, that there was nothing wrong in the conversation, nothing of which any man need be afraid.

Where did the money come from in the first instance? The accountants certified that the books of Hines and the books of Tilden showed nothing as to any corruption fund; there was no evidence of a corruption fund written out on any book kept by Edward Hines or any book kept by Edward Tilden. Edward Tilden testified that, although he engaged in transactions frequently involving hundreds of thousands of dollars or more, as to his own personal transactions he kept no books at all, except upon loose sheets of paper that were afterwards destroyed. That circumstance gives color to the testimony of Mr. Funk that Hines said to him, "Just send the money to Ed. Tilden." Perhaps he was the only man in Chicago who kept the accounts of his financial affairs in that way. Mr. President, did any member of this committee or any Member of this Senate suppose that when those accountants were sent to examine the books of Edward Hines they would find written there in a bold, free hand a full account of his connection with bribery or corruption? There was no such thought anywhere. These men, as I said yesterday, who furnish and engage in the first handling of these large sums of money, keep no books. Bribe money is never represented in checks; it is never represented by bank drafts, but it is represented by cold money; and the men engaged in this business hire, because of their rare ability in this line of work, the shrewdest and smartest men to be found in the country, men willing—of course willing—to commit perjury in case of detection. They leave no traces; they write down nothing; so it was not expected that any accountant would find written down on any book the evidence of the original source of any part of this fund.

It is a matter of no consequence, Mr. President, whether the money came from New York or from New England, from California or from the South; it makes no difference whether the money came from the lumber interest or from any other special interest, the vital question is, Did these members of the legislature receive money? Did Lee O'Neil Browne and Robert E. Wilson and John Broderick pay money? If they paid the money, and if those members of the legislature received the money, if that money was being exhibited in every part of Illinois in the form of hundred-dollar bills about the time of this distribution, which was connected with this senatorial election, and which was in pursuance of a corrupt arrangement made with reference to that election, then, sir, this case is settled regardless of the question as to what men or corporations in the first place furnished the money.

The money was in the hands of Browne and Wilson and Broderick. With it they corrupted the Legislature of Illinois—not all of them, Mr. President; I would not have had it understood the other day, and I do not want it understood to-day, that every one of the 53 Democrats who voted for WILLIAM LORIMER was necessarily corrupted. Some of them ignorant men, some of them blind followers of a corrupt leadership, voted as they did because they had no mind of their own and probably were denied the share of the money which they might have claimed to the end that the others might receive more. Luke, Holstlaw, Blair, and the others heretofore designated were corrupted; that they were corrupted has been established beyond the possibility of a doubt, so the problem as to who furnished the original money is not vital to this investigation.

THE SYSTEM.

Mr. President, the Senator from Illinois, whose right to a seat here is challenged, in his speech to the Senate last February told the story of his early life with great dramatic effect, and has repeated that story in detail in his testimony before this committee.

It was to the effect that his father, who was a minister, died when he was 10 years old, leaving a widow and several small children, of which he was the eldest; that the circumstances of the family were such that he was obliged to and did sell newspapers and black boots to aid in the support of his mother and her younger children; that he so continued for some years, when he worked in a store, a laundry, a coal yard, and the packing houses, becoming a car conductor when 20 years old and continuing in that business for five years, after which he held positions under the city administration, took teaming contracts, engaged in the real-estate business, and was elected to Congress in 1894.

This is an interesting human-interest story, and reflects great credit upon the Senator from Illinois. Substantially the same story can be truthfully told of many men who have occupied public positions in this country, for hundreds of men who have attained eminence in this country have come up through great tribulation, knowing by bitter experience of the privations of poverty, the biting of hunger, and the lack of the pleasures that ought to belong to childhood.

Too much credit can not be given to these men who from their childhood have fought against adversity, and who, by their sublime courage and tireless industry, have won the victory and in the end won eminence.

But, Mr. President, it would seem that this story of these incidents of life are rather beside the serious question to be determined here. The history of our jurisprudence is full of instances where men who as children had hard lives, and who possessed great courage and industry, had been guilty of wrongdoing. Such a story may touch our hearts, but can not, if we are true to ourselves, control our judgments.

Let us look at the other side of the Senator's life. He entered the field of politics when a young man in 1884 in Chicago—the most unpromising, the most corrupt field, in the Middle West. He was elected constable two years later, and about the same time became a member of the county committee, which position he has held during all these years.

He testifies (p. 7853) that on account of these activities he became thoroughly familiar with the details of Chicago politics and with the men of both parties who managed politics in that city. He testifies that up to the advent of civil service, which was only a few years ago, there were from 12,000 to 15,000 public offices and appointments to be distributed among the ward organizations of the successful party; that he was an important figure in this vicious system, being in fact a part of it, having the patronage of several wards to distribute among the workers. He testified on that subject as follows:

I got that patronage from the sheriff, the county clerk, the county treasurer, all the clerks of the different courts, the park commissioners, the mayor, the city clerk, the city attorney, and all the different elected officials; and as time rolled on of course there were many changes made, and it rarely happened, until Gov. Deneen was elected governor, that any appointment, big or little, was made in the section of the city in which I lived without my recommendation (p. 7854).

His testimony shows that by reason of this system of machine politics he was thrown in contact with the most vicious political elements of that city; that the spoils were distributed not only to Republicans, but that official favors were granted to Democrats who would serve him and the interests of his party; that he maintained friendly, and in some cases intimate, relationships, personal as well as political, with such notorious characters as "Hinky Dink" Kenna, the now discredited John Broderick, Manny Abrahams, Cyril Jandus, and many others; that he obtained a position in the Republican county clerk's office for John Walsh, a Democratic member of the legislature, who voted for him for Senator (pp. 7635–7636), and performed a similar service for Representative Hilton with a like result (p. 7619).

A more perfect-working bipartisan machine has never been in existence, and the circumstances developed by the evidence show that Senator LORIMER became the most powerful of all the leaders and directors of that system. This fact was so notorious that the system itself came to be known as "Lorimerism." This kindly disposed man, with his good heart, his humane impulses, his domestic happiness, thus, by reason of his environment in early life, was drawn into this form of political life. Like a true man, he desired to stand by those who had been his friends in times of stress and storm, and followed them into the current of political wrongdoing.

O Mr. President, it would have been better if this kindly man had been born and reared elsewhere. It would have been better had he been brought up on the prairie, in the forest, or amongst the mountains, that he might have been closer to nature, that he might have known more of the people of this land, that he might have known more of their hopes, their ambitions, and their aspirations, and that he might have profited thereby. One reason I say that is because in his testimony, in explaining why various members of the legislature voted for him, he would say, "That member voted for me because So-and-so, the leader in that district, was for me; and this man voted for me because the leader, the boss, in that neighborhood was for me; and so of the others." So, finally, when the question was asked him as to whether or not the people were not entitled to representation, rather than the machine leaders and bosses, his answer disclosed his estimate of popular government and his mistaken notion as to the source of power in this Republic. This is the question asked:

The voters were the ones to whom they were under obligations for support?

Senator LORIMER replied:

Senator LORIMER. Oh, yes. That is the way men talk who reach the clouds, you know, when they are making that kind of a speech—that the voters are the men that they are responsible to. Of course they are, but voters are human beings.

If you will look through this testimony in which Senator LORIMER explains the reasons why the various members of the legislature voted for him, you will find in a very large number of instances that he put it upon the ground not that the people were for him, but that the bosses—the leaders in the various districts and in the counties—were for him. In one instance, where the sentiment of the ward was one way and the representative voted another way, he justified the conduct of the member in following the boss rather than the people.

Mr. President, it is not to WILLIAM LORIMER, the self-made man, the devoted head of an interesting family, that objection is made. That WILLIAM LORIMER will have the approval of every man of generous impulses; but the system of which WILLIAM LORIMER is a part, the system which undertakes by corrupt methods to thwart the popular will, must be condemned. It is the WILLIAM LORIMER who represents these methods, who carries them out through the Lee O'Neil Brownes and the Brodericks, that is on trial here, and who must stand or fall not because of his personal or domestic qualities, but by the record he has made in this senatorial contest and the acts of his accredited agents. We may regard the man with admiration because of good personal qualities; but the vicious system of politics, which stifles patriotic sentiment, belittles popular rights, and corrupts the very fountainhead of American liberty, must receive condemnation at the hands of the American Senate.

INCREASE OF THE NAVY.

Mr. SWANSON. Mr. President, to my mind there is no question pending before Congress of more vital importance, of more far-reaching consequence, to this Nation than that of the increase of our Navy. A mistake made in this matter now would be most difficult to correct in the future and would be fraught with great danger and might in the coming years culminate in national disaster.

Recognizing this fully, I have determined, as a member of the Naval Committee, to present to the Senate the reasons which compel me to the conviction that the best interest of this Nation demands that we should without hesitation, without interruption, continue our policy of progressively increasing our naval strength. All of the first-class powers of the world are continuously pursuing this policy. One of the marked characteristics of modern times is the tremendous increase in naval strength in all countries in comparison to military strength. This phenomena is strikingly witnessed alike in Great Britain, Germany, France, Russia, and Japan. Each of these countries is rapidly increasing its navy for the purpose of acquiring naval power.

The inquiry naturally presents itself, Why do nations, for the purposes of offensive or defensive warfare, depend now more upon navies than upon armies? The reason is evident. The oceans, which were formerly considered barriers of separation between nations, have, since the introduction and use of steam, become the easiest and best means of communication. Water now closely joins nations. It no longer severs them. New York for all purposes of commerce or war is closer to London than to San Francisco.

During the recent war between Japan and Russia, Japan, by her command of the seas, was enabled to mass more rapidly a superior force in Manchuria than was Russia by her system of railroads. By commanding the seas the western coast of Asia for all purposes of war was as suitable and convenient as if it had been a part of Japan. Besides, the time has passed in the history of the world when any nation can successfully lead an isolated life. All parts of the habitable globe are closely connected now by fast steamers. These exchange the product of one country with another. Even in remote villages can now be obtained the products of almost all foreign countries. The development and prosperity of every nation is largely dependent upon its foreign commerce. For any civilized nation to be denied access to the seas for the sale and purchase of commodities would mean its financial bankruptcy and ruin. Especially is this true of the United States, whose exports exceed that of any nation. Our great crops of tobacco, cotton, wheat, and corn would find no profitable sale unless we had access to the seas to sell them in foreign markets. Our vast meat products would spoil on our hands but for foreign trade. Our immense manufacturing and mining industries would languish except for the great outlet found in foreign countries for our surplus. Thus the prosperity of farm, forest, and factory are inseparably interwoven with our foreign commerce. The conditions that prevail here exist in other nations. Thus, all the first-class powers of the world, fully recognizing that their future development, prosperity, and greatness are dependent upon their having free access to the seas and free exchange of commodities, are endeavoring to acquire navies of sufficient strength to guarantee this. They desire to be strong enough to obtain this as a matter of right and not receive it as an act of favor. In modern commerce, with its varied trade complexities, the nation that is helpless upon the seas is the prey of all marauders and has its future destiny directed by others. On account of the mutual jealousies of nations it may for years be unmolested and be permitted to prosper, but if it is rich the

day of its despoilment will inevitably come. The national and individual weak, when rich, have ever been the prey of the strong.

The history of the world teaches one sure lesson, that naval supremacy ultimately means national preeminence and triumph. More than ever before sea power is the best and strongest military power. The rise and fall of nations and empires teach the same lesson, that national safety and national success are inseparable from naval strength and power. The destruction of the Spanish Armada in the English Channel was the first and controlling cause in the bloody drama which ended a few years ago when the flag of crimson and gold was banished from the western world and Spain closed her glittering career. Trafalgar was but the prelude of Waterloo. All the vast power, the amazing genius and energy of Napoleon could not escape the doom inflicted by Lord Nelson's fleet. The heroic valor, the superb military genius, the splendid victories of the Confederacy during the late Civil War all faded before Federal naval supremacy. The shadows of Southern doom rose slowly but surely from the pitiless sea. The stupendous superstructure of Russian power and military strength all crumbled at the triumph of Admiral Togo's fleet. Dewey's guns at Manila proclaimed alike the liberation of the Philippines, Cuba, and Porto Rico. The Italian Navy is the strong hand to-day which seizes Tripoli from the feeble grasp of Turkey. It was the great navy of Great Britain that enabled her to carry her rule, civilization, and commerce to every continent, in every clime, and among every people. It enabled her to wrest from France the territory of Canada, with vast possessions stretching to the North Pole. It has given her colonies in the far waters of the Pacific, exceeding in territory and richness any domain ever ruled by the Cæsars. It enabled her to conquer and rule the mighty Empire of India, which had resisted the arms and thwarted the triumphs of Alexander. It has given her Egypt, the most ancient of nations, and brought to her the greater part of Africa, with its immense territory and vast riches. The naval supremacy of Great Britain has given her one-fifth of the habitable globe, which receives as law her will.

Mr. President, each year will witness the increase of national safety, power, and prosperity from the possession of naval strength. The world is on the eve of a material development, far exceeding anything which the imagination of the past has thought possible. The Tropics are destined in the near future to have a prodigality of production and an increase of wealth almost unspeakable. Modern medical science is fast making the Tropics as much suited for the health and energy of man as any part of the globe. The day is not far distant when medicine will triumph over the enervating and destroying diseases incident to the Tropics. When this day arrives, the Tropics, with their great agricultural productiveness and richness, with their vast mineral and forest wealth, with their great water power and opportunities for manufacturing establishments, will become the centers of great wealth and commercial advantages which can not be overestimated. Nations must be prepared to participate in the wealth which will accrue from the vast commerce that the future holds in store for these parts of the world. Nations unpossessed of naval strength will be either excluded or discriminated against in this great trade.

The unrest and revolutions in China indicate that that mighty Empire, containing almost one-fifth of the population of the world, is being stirred by modern thought and will soon enter upon a career of material development with an immense commerce. Nations will only acquire a fair and equal opportunity in this great and profitable trade which possess naval strength sufficient to demand it. Everywhere we witness aggression on the part of the first-class powers of the world, possessed of naval strength. All of the continent of Africa has been partitioned among the European powers and is subject to European direction and domination. All of Asia, except Japan, is practically under control of European powers. Each year we witness the further increase of European influence and domination. The ancient monarchy of Persia was but last year partitioned between Great Britain and Russia. Turkey, helpless without a navy, but awaits the hour of her despoilers to reach an agreement as to a proper division of her territory. Japan has maintained her independence and her wishes are respected only because of her naval and military power. Nearly all the islands of the seas are under control of European influences. The Central and South American States have not been the subject of spoliation by European powers only because the United States has maintained as its declared foreign policy the great Monroe doctrine, which protects these from European aggression, and because the United States has naval power sufficient to enforce this doctrine if challenged. The political affairs of the world are now practically regulated by the first-class powers possessed of military and naval strength. However much we may dislike it, however unjust and improper it may be, the six great powers, consisting of the United States, Great Britain, Germany, Russia, France, and Japan, when they act in accord, determine the destiny of nations and the future progress of the world. The future of China will be determined by these powers, either by peaceful agreement or by war. The assent of these powers will fix the terms of peace between Italy and Turkey. However much we may deplore it, it is impossible to disguise the fact that the world to-day is being policed and regulated by the six great naval powers. The smaller nations are being told by the larger ones what they must do. A nation to-day is only safe from foreign policing and can only direct its own destiny when it is possessed of sufficient naval strength and power to have it respected and feared. Never before in the history of the world has there been a greater necessity for naval power to insure national safety and independence. The great European powers have for the last decades acted in harmony, because they have been finding sufficient spoils in weaker nations for division. While in the last 20 years the world has been loudly preaching peace and organizing tribunals for arbitration, yet political aggression and despoilment have been proceeding to a greater degree than ever before. During these years, as previously stated, the great continent of Africa and, for all practical purposes, nearly all of the continent of Asia have been partitioned among the European powers. It has been conclusively demonstrated that national safety can not depend upon treaties of peace and arbitration. The ink was scarcely dry which fixed the signatures of Russia and Japan to The Hague arbitration treaty before they were in a terrific war to determine which should be the successful despoiler of large provinces belonging to the Chinese Empire. Italy was not restrained by her solemn pledge of peace and arbitration made to Turkey from seeking to enrich herself by the acquisition of Tripoli. No pledge made by Russia and Great Britain to Persia as a part of this treaty restrained them from dividing among themselves this helpless nation.

No, Mr. President, that nation is foolish to-day which trusts its national safety and independence to paper parchments. I hope the day will come when peace will dominate the world and national disputes will be determined by principles of equity and justice, promulgated by a properly constituted tribunal. But, sirs, that day is far distant.

Why, sirs, are all the first-class powers of the world rapidly and greatly increasing their naval armaments? Do these portend an era of peace and good will? Are battleships and *Dreadnoughts* the necessary concomitants of peace treaties? Can we be deluded into believing that these great battleships are being builded for the mere purpose of complimentary escorts to peace commissioners? Is Japan doubling her naval strength in a few years to emphasize her peace purposes and to give assurance that her ambitious designs are satisfied? Is the German Empire making prodigious expenditures for a great navy, with an immense naval policy of expansion, extending to 1917, for the mere purpose of show and parade and as a harmless plaything for the mailed hands of her imperial ruler?

Is Great Britain following a naval program, which gives her naval strength 10 per cent greater than that of two of the world's greatest naval powers, as a preliminary to the announcement of the universal policy of world's peace and arbitration? Has either of these three nations ever failed to acquire territory, extend their influence, or obtain commercial advantage when they could do so with safety and success? Is there anything in their past history to justify us in believing that if they are permitted to obtain naval supremacy unchallenged by other nations that they will unselfishly exercise this power for the betterment of the world? Are we foolish enough to believe that this Nation, which, with its vast wealth and unsurpassed possibilities, is the object of envy and jealousy of other nations, can be safe if we permit ourselves to become a fourth or fifth rate naval power? Are we simple-minded enough to risk our national safety to the chances of their mutual jealousies and enmities? Could this restrain each of them, when the destruction of our Navy would mean the overthrow of the Monroe doctrine and the opening up to them of Central and South America for the purpose of exploitation and spoliation? Has not one of these nations disputed the Monroe doctrine, and only needed a sufficient navy to challenge it? Do not we know that another of these has

covetous eyes upon our Philippine possessions? Are we weak-minded enough to imagine that we can control the Panama Canal when completed for our own advantage and profit unless we possess naval strength sufficient to enforce our wishes? Are the benefits to be derived from our expenditure of $300,000,000 in this great enterprise to be weakly surrendered to the decision of arbitration tribunals or the direction of other nations of greater naval strength?

No, Mr. President, the time has not arrived for this Nation to abandon her policy of yearly increasing the naval power. The necessity for an adequate Navy is greater to-day to us than ever before in our history. It has been aptly said that the Monroe doctrine, the maintenance of which is indispensable to our national honor, prestige, and safety, is no stronger than is the American Navy. The Panama Canal, bringing to this Nation unequaled opportunities for commerce and trade, even if fortified, will remain under our control only so long as our Navy is sufficient to insure us its possession. Our vast foreign commerce, exceeding to-day that of any nation, is only secure when sustained by a sufficient Navy. The best protection to our colonial possessions and our long coast lines skirting the Atlantic and the Pacific Oceans is our Navy. The future wars of this Nation will be either upon the seas or in foreign countries. Thus for the purpose of offensive or defensive warfare our surest safety lies in naval power. The future of this mighty Republic lies upon the seas. Failure there means national decadence and decay. Success there means national supremacy, power, and progress. The best guaranty for our peace and the peace of the world is a strong American Navy. It is the best insurance that we can provide against future loss or disaster. For this great Nation, rich in all material wealth, and far richer in future possibilities, to risk all to the hazards of wars and to become the prey of weaker nations merely for the lack of a sufficient naval strength is, to my mind, the supreme of national folly.

Mr. President, I would hail with pleasure an agreement among the first-class powers of the world to limit the expenditures for naval and military purposes. The advent of that day would bring untold blessings to all nations. The great sums of money now expended in armaments could then be utilized for other purposes far more beneficial. The burdens of taxes could then be lessened and industry and enterprise greatly relieved. I would be glad to see this Nation take a leading part for the successful consummation of this noble undertaking. But, sir, I am unwilling for this Nation to sit supinely idle while all the great nations of the world, our natural competitors, are rapidly and greatly increasing their naval armaments, and thus become helpless before their great naval power. Safety and self-interest alike demand that we should yearly increase our Navy sufficient to hold our present position as the second naval power of the world.

To-day our Navy is second only to that of Great Britain. I apprehend no differences with her. Great Britain has on this continent hostages which will prevent her from making aggressions upon us. Besides, ties of blood and the still stronger ties of self-interest involved in mutual profitable trade and commerce and uniformity of foreign policies almost insure the future peace of this Nation and Great Britain. But we should establish a policy, firmly to be adhered to, that no nation other than Great Britain shall possess naval strength superior to ours. This has been our declared policy in recent years. Our safety and success in the late Spanish War were largely due to this fact. No consideration of public policy now can justify us in abandoning this wise and farsighted purpose. We must recognize the fact that we are no longer an isolated and provincial Nation. We have become a great power of the world, with our rights and responsibilities. We should neither surrender the one nor shirk the other. To be prepared for each we must possess an adequate navy.

Mr. President, wars do not come now, as formerly, after years of protracted differences and ill will, but they come suddenly like summer storms, unheralded and unexpected. The advantages of quick, decisive action are now so great that in the future wars will come like lightning bolts from almost clear skies. Nations must be prepared in naval armaments if they are to have success upon the seas.

It takes practically three years to plan, construct, man, and commission a modern battleship. Hence it is impossible to create a navy after an emergency arises. Naval supremacy must be possessed at the beginning of a war, as it can never be acquired during its continuance. Japan's naval preparation enabled her to deliver the swift blows which prostrated Russia's great power. No protraction of the war would have enabled Russia to obtain supremacy in the oriental seas. No continuation of the war between Italy and Turkey will enable Turkey to construct a navy sufficient to dispute the seas with Italy. On the seas more than elsewhere is the old adage true, "In time of peace prepare for war."

Thus, Mr. President, it seems to me every consideration of national interest demands that we should have a well-mapped-out naval program to provide a Navy adequate for our purposes. Its policy should be fixed and adhered to. It should not be one year followed and another year abandoned. Affecting as it does our foreign policies and our national safety, it should not be the subject of partisan politics. It should be a broad, national policy, anchored in the patriotism of our people. To-day, as I have previously stated, we are the second naval power of the world, and we should continue firmly and without hesitation to occupy that position. Our national honor, prestige, and safety will not permit of less. If those nations who are competing with us for this position increase their navies we must equally increase ours. With our vast and varied interests, with our great responsibilities, with the present political complications in the world, we can not with safety afford to become a third or fourth rate naval power. When this occurs our vast foreign commercial interests, inseparable from national progress and prosperity, will be jeopardized. Our Philippine possessions will be the prey of superior naval power. Our foreign policies and intercourse will necessarily become timid and vacillating. The great affairs of the world, deeply affecting our interests, will be regulated without consultation with us. We will then become suppliants, pleading for rights instead of boldly and courageously demanding them. It will mean a surrender of the great prestige we have acquired in recent years. It will mean a distinct loss to the world of the great power at present possessed by this Nation for peace, justice, and liberty. It will mean that this Nation and our citizens will only obtain tolerance where they now receive the utmost respect.

The Monroe doctrine would possibly be challenged and our policy of controlling the Panama Canal disputed. It would mean that this mighty young Republic had retreated and ceased to advance along the pathway which was leading her to a higher and nobler destiny.

Mr. President, I shall support the naval program heretofore adopted, of constructing two battleships a year. This is absolutely necessary unless we purpose to surrender our present desirable position as the world's second naval power. The ships provided for at this time will not be available as a part of our Navy until 1915. If we provide for no battleships now, as proposed by many, in that year our Navy will be inferior to that of Germany. At that time Germany will have 41 battleships and be building 8, making a total of 49. We would only have 34 battleships and be building none, which would place our Navy practically at the mercy of the German Navy. At present we have 29 battleships and Germany has 29, but as a whole our ships are superior to those of Germany, thus making our Navy much stronger. Germany is at present building 12 battleships and we are building 6. The two navies will be practically equal in 1913, but in 1914, on account of the excess of battleships Germany is at present building, her navy will become superior to ours. That year Germany will have 37 battleships and we but 32. Thus, instead of reducing our Navy, it seems to me the better part of wisdom would be for us to do as Germany has done, and increase our general naval program to the extent that she has increased hers. Germany's naval program at present consists of building either two battleships or one battleship and one battle cruiser each year. We should make this our annual program. We should also add to our annual program such additional ships as Germany adds to hers. We will be compelled to do this if we are to maintain our present superior naval position. If we build no battleships for several years, our Navy will soon become inferior to that of Japan. This would be a great menace to us.

But, Mr. President, the present and annual increase of our Navy is most imperative from another consideration. Many of our present battleships will soon be useless for the purposes of naval warfare. The life of a battleship is limited to 20 years. This is occasioned not so much on account of the decay of the ship, but on account of the marked improvement of later battleships. The construction by Great Britain of a battleship of the *Dreadnought* type practically revolutionized the navies of the world. The conflict between Russia and Japan clearly demonstrated that the decisive factor in a naval engagement was not, as had been supposed, the 6-inch guns of a battleship, but it was the larger or 12-inch guns. The long range and effectiveness of the larger guns practically

made the smaller ones useless. As soon as this truth was recognized Great Britain designed a new type of battleship, carrying the maximum number of 12-inch or larger guns to bear upon the broadside. This made one battleship of this type, on account of the long range of its guns and the weight and effectiveness of its shots, superior to several battleships of the old type. The superior advantages of larger guns having been fully recognized, battleships nowadays have as their principal armament guns 12, 13½, or 14 inches in caliber. The superiority of the larger guns can be fully appreciated when it is realized that a shell from a 12-inch gun weighs about 870 pounds, while a shell fired from a 13½ or 14 inch gun weighs 1,400 pounds, which makes a notable increase in weight and adds materially to the penetrating or smashing effect of a hit. The burster carried by a 12-inch shell weighs only 20 pounds, while that carried by a 14-inch shell weighs 30 pounds. That is to say, a 14-inch shell carries one-half more burster than a 12-inch shell, therefore its superiority of explosive effect is enormous. A 12-inch gun will penetrate 15-inch armor at 4,400 yards. A 14-inch gun will penetrate 18-inch armor at the same distance. A 12-inch gun will penetrate 12-inch armor at 7,700 yards, and a 14-inch gun will penetrate 15-inch armor at the same distance.

We thus see that a 14-inch gun will penetrate 15-inch armor at 7,700 yards which a 12-inch gun can only penetrate at a distance of 4,400 yards. Thus we can see how almost helpless a battleship armed with 12-inch guns would be in a conflict with a battleship armed with 14-inch guns. The one with smaller guns could be destroyed before it could get in effective shooting distance of the other. The great superiority of the new type of battleships over the older ones armed with 6-inch guns can be readily recognized when it is estimated that 1 explosive shell from even a 12-inch gun will do more damage than 100 shells from a 6-inch gun. The superiority of larger guns is further enhanced by the fact that they can shoot more accurately and effectively than the smaller ones. The superiority of this *Dreadnought* type of battleship over the former type is so great that naval strength to-day is practically measured by the possession of this character of capital battleships alone. The old type of battleship is now practically abandoned except as the reserve or second line of ships. The *Dreadnought* type of battleship, in addition, mounted the guns higher from the water, thereby giving a better command, better speed, and greater coal supply, thus enabling her to operate longer upon the sea and at a greater distance from home.

Another fact clearly demonstrated in the naval warfare between Russia and Japan was the great advantage which would accrue from high speed in a battleship. To obtain the advantage of this speed and also the larger guns, Great Britain constructed the battle cruiser of the *Invincible* type. This type far exceeds in speed the old type of battle cruiser, which, in addition to its larger guns, gives it an advantage over the old cruiser which can not be overestimated. Great Britain, Germany, France, Russia, Japan, Italy, and other nations are rapidly increasing their navies with these two types of battleships, recognizing that the old types are practically helpless before them. If we are to retain naval strength and power we must increase our Navy by building and adding to it these types of battleships. Unless we do this, in a few years a large part of our Navy will be useless and we will become powerless upon the seas. We should build each year one of these capital battleships and one of these battle cruisers, as recommended by the Navy Department. It is only by continuously pursuing this course that we can possess an adequate Navy and retain our naval prestige and power.

Mr. President, the best defense we can have for our immense line of coasts is a Navy. It is impossible to build forts or fortifications that can give adequate protection to our great stretch of coasts. Forts can only give protection to a very limited area. Besides, fortifications and forts are stationary and must await the attack of the enemy. If they are strong the enemy never approaches them. Forts and fortifications have never yet been decisive in warfare. A battleship, as effective in destructive power as a fort, can be carried where needed. It seeks and does not await the enemy. It goes where defense and protection are needed. America's safety from attack lies far more in an adequate Navy than in fortifications.

Thus, Mr. President, from whatever standpoint viewed, I am satisfied that the best interest of this Nation demands a continuance of our naval policy and the voting at this session of Congress of appropriations sufficient to construct two capital battleships or cruisers. Besides, both of the great political parties of this country are committed in their last national platforms to provide a strong and sufficient Navy. The Democratic Party, in its platform at Denver, made the following declaration:

> The constitutional provision that a Navy should be provided and maintained means an adequate Navy, and we believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

Any thoughtful and informed person must be satisfied that in order to carry out the purposes so clearly specified in this platform it is absolutely necessary to continue our present naval policy. I believe in fulfilling platform promises and in carrying out the pledges made to the people in order to secure position and power; hence I purpose to vote for appropriations sufficient to give us a Navy adequate under all circumstances to defend and assert American rights.

In addition, Mr. President, our wealth, far exceeding that of any other nation, will fully justify this appropriation to furnish insurance for national safety. There are many wasteful expenditures of public money which can be safely stopped, and which will furnish more than ample funds necessary for this purpose.

Sirs, the American Navy has ever been the pride of our people. They have ever felt that it was their surest and safest defense. We gratefully remember how many difficulties and disasters we have averted in the past by our naval successes. Our debt of national gratitude to the Navy is great and lasting. In times of peace it surveys and charts the trackless sea; discovers and marks the dangers in the routes of commerce; makes researches for science and learning; stands as sentinels on the outposts of civilization; opens up for commerce new and hostile countries; and in every part of the world, by its activity and courage, it redresses American wrongs and asserts American rights. It is the best guardian of the interests of this great commercial people. In every country, in every clime, amid the frozen fields and ices of the North, under the blazing suns of the Tropics, naval officers and men have served and many died, unselfishly contributing to the prestige of this Nation and the glory and renown of its flag. In America's galaxy of greatness no names shine with more sparkling splendor than those of her naval heroes. It can be rightly said that the history of our Navy from the beginning has been "one blaze of glory, without a single blot of shame." Sirs, if this Nation is to attain the summit of her possible usefulness and greatness, it must come through her Navy—its power, its triumph, and its success. Prudence and wisdom demand that this Nation should have a great Navy properly to perform its responsible duties and successfully to achieve its great work. I rejoice at this Nation's proud and glorious past, but I rejoice still more at the cloudless future which beckons us on to a still greater greatness and a richer and deeper glory. With strong arms and brave hearts let us fearlessly face our great and responsible future. Let us not be deterred from our duty and destiny by those of our brethren who are frightened by their own prodigious shadow, projecting in the world's affairs, and who hesitate and shudder "through craven fear of being great."

Mr. President, I have here several tables prepared by the Office of Naval Intelligence of the Navy Department, showing the relative strength of the navies of the various nations of the world and the authorized increases of those navies for the next several years, which I ask to have printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. CURTIS in the chair). In the absence of objection, permission to do so is granted.

The tables referred to are as follows:

Supplementary table including both "Dreadnought" and "pre-Dreadnought" battleships.

[NOTE.—This table is included in order that the data requested may be complete. It should be noted, however, that nowadays comparisons of naval strength are generally based exclusively on Dreadnoughts; and every year this statement increases in force, as the pre-Dreadnought ships become obsolescent. Two or three years hence pre-Dreadnought ships will be entirely excluded from such comparisons.

Countries.	1911			1912		
	Built.	Building.	Total.	Built.	Building.	Total.
England	59	17	76	56	18	74
Germany	29	12	41	30	12	42
United States (2)	29	6	35	31	6	37
France	16	8	24	20	4	24
Japan	12	3	15	13	4	17
United States (1)						
United States (0)						

Supplementary table including both "Dreadnought" and "pre-Dreadnought" battleships—Continued.

Countries.	1913			1914		
	Built.	Building.	Total.	Built.	Building.	Total.
England	62	15	77	67	15	82
Germany	33	10	43	37	9	46
United States (2)	33	6	39	32	6	38
France	20	7	27	20	7	27
Japan	15	5	20	16	8	24
United States (1)	33	5	38	32	4	36
United States (0)	33	4	37	32	2	34

Countries.	1915			1916		
	Built.	Building.	Total.	Built.	Building.	Total.
England	71	15	86	72	15	87
Germany	41	8	49	43	9	52
United States (2)	34	6	40	36	6	42
France	21	7	28	22	8	30
Japan	17	10	27	19	12	31
United States (1)	34	3	37	35	3	38
United States (0)	34	.....	34	34	.....	34

Countries.	1917		
	Built.	Building.	Total.
England	73	15	88
Germany	45	8	53
United States (2)	37	6	43
France	21	7	28
Japan	22	12	34
United States (1)	35	3	38
United States (0)	33	.....	33

Dreadnought (battleships and battle cruisers.)

NOTE.—Strength of the United States in capital ships built, building, and authorized, compared with other naval powers on January 1 of each year, from 1911 to 1917, inclusive, assuming the United States to lay down two, one, or no battleships per year from 1912 on and assuming foreign powers to carry out their present building programs.

Countries.	1911			1912		
	Built.	Building.	Total.	Built.	Building.	Total.
England	10	17	27	14	18	32
Germany	5	12	17	9	12	21
United States (2)	4	6	10	6	6	12
France	0	8	8	6	4	10
Japan	1	3	4	2	4	6
United States (1)	.....	.....	.....	.....	.....	.....
United States (0)	.....	.....	.....	.....	.....	.....

Countries.	1913			1914		
	Built.	Building.	Total.	Built.	Building.	Total.
England	22	15	37	27	15	42
Germany	13	10	23	17	9	26
United States (2)	8	6	14	10	6	16
France	6	7	13	8	7	15
Japan	4	5	9	5	8	13
United States (1)	8	5	13	10	4	14
United States (0)	8	4	12	10	2	12

Countries.	1915			1916		
	Built.	Building.	Total.	Built.	Building.	Total.
England	32	15	47	37	15	52
Germany	21	8	29	23	9	32
United States (2)	12	6	18	14	6	20
France	10	7	17	13	8	21
Japan	7	10	17	9	12	21
United States (1)	12	3	15	13	3	16
United States (0)	12	.....	12	12	.....	12

Dreadnoughts (battleships and battle cruisers)—Continued.

Countries.	1917		
	Built.	Building.	Total.
England	42	15	57
Germany	26	8	34
United States (2)	16	6	22
France	15	7	22
Japan	13	12	25
United States (1)	14	3	17
United States (0)	12	.....	12

United States (2), United States (1), United States (0), assuming United States to lay down two, one, or no ships per year from 1912.

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS.

Number and displacement of warships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons, Dec. 1, 1911.

NOTE.—Vessels undergoing trials are considered as completed. The following vessels are *not* included in the tables: Those over 20 years old, unless they have been reconstructed and rearmed since 1905; those not actually begun or ordered, although authorized; transports, colliers, repair ships, torpedo depot ship, converted merchant vessels, or yachts; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.

Type of vessel.	Great Britain.				Germany.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]	12	236,350	10	247,000	7	141,720	9	217,400
Battleships, first class[2]	42	617,500	.....	.....	21	252,712	.....	.....
Coast-defense vessels[3]	.....	.....	.....	.....	5	20,273	.....	.....
Armored cruisers (Invincible type)[4]	5	96,850	[5]4	90,800	2	41,637	3	72,650
Armored cruisers	34	406,800	.....	.....	9	94,245	.....	.....
Cruisers above 6,000 tons[6]	[5]14	146,500	.....	.....	.....	.....	.....	.....
Cruisers 6,000 to 3,000 tons[6]	42	200,460	[5]10	50,040	24	98,180	6	32,650
Cruisers 3,000 to 1,000 tons[6]	23	49,540	.....	.....	15	34,528	.....	.....
Torpedo-boat destroyers	[5]192	108,703	[5]31	26,980	109	58,474	12	9,000
Torpedo boats	59	12,710	.....	.....	22	3,790	.....	.....
Submarines	65	20,736	[5]17	13,610	14	4,140	10	6,000
Total tons built and total tons building	.....	1,896,149	.....	428,430	.....	749,699	.....	337,700
Total tons built and building	2,324,579				1,087,399			

Type of vessel.	United States.				France.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]	6	115,650	4	106,000	.....	.....	4	92,363
Battleships, first class[2]	25	334,146	.....	.....	20	286,005	.....	.....
Coast-defense vessels[3]	4	12,900	.....	.....	2	15,400	.....	.....
Armored cruisers (Invincible type)[4]	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	12	157,445	.....	.....	22	211,070	.....	.....
Cruisers above 6,000 tons[6]	5	43,800	.....	.....	3	24,022	.....	.....
Cruisers 6,000 to 3,000 tons[6]	14	49,541	.....	.....	5	21,250	.....	.....
Cruisers 3,000 to 1,000 tons[6]	11	13,631	.....	.....	2	4,706	.....	.....
Torpedo-boat destroyers	36	21,306	14	12,550	72	26,782	13	9,170
Torpedo boats	28	4,802	.....	.....	200	19,166	.....	.....
Submarines	20	4,490	18	8,805	66	22,304	15	9,182
Total tons built and total tons building	.....	757,711	.....	127,355	.....	630,705	.....	110,720
Total tons built and building	885,066				741,425			

[1] Battleships having a main battery of all big guns (11 inches or more caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] Colonial vessels included.
[6] All unarmored war ships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS—continued.

Number and displacement of warships, built and building, of 1,000 or more tons, etc.—Continued.

Type of vessel.	Japan.				Russia.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]			2	41,600			7	158,000
Battleships, first class[2]	13	191,698			9	122,250		
Coast-defense vessels[3]	2	9,086			2	10,380		
Armored cruisers (Invincible type)[4]	2	29,200	4	110,000				
Armored cruisers	11	108,900			6	63,500		
Cruisers above 6,000 tons[5]	2	13,130			7	46,460		
Cruisers 6,000 to 3,000 tons[5]	8	30,303	3	15,000	2	6,385		
Cruisers 3,000 to 1,000 tons[5]	5	9,158			2	2,680		
Torpedo-boat destroyers	58	22,608	2	1,200	95	35,794	13	13,200
Torpedo boats	59	5,560			29	3,722		
Submarines	10	1,726	3	950	31	6,648	8	4,800
Total tons built and total tons building		421,369		168,750		297,819		176,000
Total tons built and building		590,119				473,879		

Type of vessel.	Italy.				Austria.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]			4	85,620			4	80,000
Battleships, first class[2]	8	95,700			6	74,613		
Coast-defense vessels[3]					6	41,700		
Armored cruisers (Invincible type)[4]								
Armored cruisers	10	78,520			3	18,800		
Cruisers above 6,000 tons[5]								
Cruisers 6,000 to 3,000 tons[5]			3	9,670	3	11,483	3	10,449
Cruisers 3,000 to 1,000 tons[5]	6	12,470			3	7,050		
Torpedo-boat destroyers	22	7,587	10	6,130	14	5,762	6	4,800
Torpedo boats	46	7,713	28	3,390	43	6,899	12	2,400
Submarines	9	1,822	11	3,500	6	1,686	6	1,800
Total tons built and total tons building		203,812		108,310		167,993		99,449
Total tons built and building		312,122				267,442		

[1] Battleships having a main battery of all big guns (11 inches or more caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] All unarmored warships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

Relative order of warship tonnage.

Present order (tonnage completed).		The case were vessels building now completed.	
Nation.	Tonnage.	Nation.	Tonnage.
Great Britain	1,896,149	Great Britain	2,324,579
United States	757,711	Germany	1,087,399
Germany	749,609	United States	885,066
France	630,705	France	741,425
Japan	421,369	Japan	590,119
Russia	297,819	Russia	473,879
Italy	203,812	Italy	312,122
Austria	167,993	Austria	267,442

SEA STRENGTH DECEMBER 1, 1911.

In order to answer the frequent inquiries of societies and persons throughout the country interested in the maintenance of the Navy and its relative strength and importance in comparison with foreign navies, the following information has been compiled:

Vessels built.

NOTE.—Vessels undergoing trials are considered as completed. The following vessels are *not* included in the tables: Those over 20 years old unless they have been reconstructed and rearmed since 1905; transports, colliers, repair ships, converted merchant vessels, or any other auxiliaries; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.

	Battleships, Dreadnought type.[1]	Battleships.[2]	Armored cruisers, Invincible type.[3]	Armored cruisers.	Cruisers.[4]	Destroyers.	Torpedo boats.	Submarines.	Coast defense vessels.[5]
England	12	42	5	34	[6] 79	[6] 192	59	65	0
Germany	7	21	2	9	39	109	22	14	5
United States	6	25	0	12	30	36	28	20	4
France	0	20	0	22	10	72	200	66	2
Japan	0	13	2	11	15	58	59	10	2
Russia	0	9	0	6	11	95	29	31	2
Italy	0	8	0	10	6	22	46	9	0
Austria	0	6	0	3	6	14	43	6	6

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 tons or more displacement.
[3] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection; also called battleship cruisers.
[4] Includes all unarmored cruising vessels above 1,000 tons displacement.
[5] Includes smaller battleships and monitors. No more vessels of this class are being proposed or built by the great powers.
[6] Includes vessels of colonies.

Vessels building or authorized.

[Includes vessels authorized but not yet laid down, as well as those actually under construction.]

	Battleships, Dreadnought type.	Battleships.	Armored cruisers, Invincible type.	Armored cruisers.	Cruisers.	Destroyers.	Torpedo boats.	Submarines.
England[1]	10	0	[2] 5	0	[2] 10	[2] 31	0	[2] 17
Germany[3]	9	0	3	0	6	12	0	[4] 10
United States	6	0	0	0	1	14	0	18
France	4	0	0	0	0	13	0	15
Japan[5]	3	0	4	0	3	2	0	3
Russia	7	0	0	0	0	13	0	8
Italy	4	0	0	0	3	10	46	11
Austria	4	0	0	0	3	6	12	6

[1] England has no continuing shipbuilding policy, but usually lays down each year 5 armored ships, with a proportional number of smaller vessels.
[2] Includes vessels of colonies.
[3] Germany has a continuing shipbuilding program, governed by a fleet law authorized by the Reichstag. For 1912 there are authorized 1 battleship, 1 armored cruiser, 2 cruisers, 12 destroyers. Eventual strength to consist of 38 battleships, 20 armored cruisers, 38 cruisers, 144 destroyers.
[4] $3,570,000 authorized for experiments and further construction.
[5] $78,837,591 authorized to be expended from 1911 to 1917 for the construction of war vessels.

Personnel.

Rank.	England.	France.	Germany.	Japan.	United States.
Admirals of the fleet	4		2	1	(1)
Admirals	12		5	7	
Vice admirals	22	15	12	20	
Rear admirals	55	30	22	38	[2] 30
Captains and commanders	636	340	302	296	212
Other line officers	2,274	1,509	1,596	1,710	1,114
Midshipmen at sea	606	61	398	154	287
Engineer officers	940	505	433	696	
Medical officers	593	[3] 413	286	[4] 358	348
Pay officers	697	216	236	324	202
Chaplains	138				24
Warrant officers	2,494	[5] 2,350	2,512	1,520	645
Enlisted men	105,434	53,316	50,389	42,043	47,500
Marine officers	425		109		334
Enlisted men (marines)	[6] 19,635		[7] 4,672		9,521
Total	133,965	58,755	60,974	47,167	60,217

[1] The Admiral of the Navy.
[2] The United States now has, temporarily, as extra numbers, due to promotion for war service, and to officers restricted by law to engineering duty on shore only, 12 flag officers, 26 captains, 4 commanders, 11 lieutenant commanders, and 1 lieutenant.
[3] Includes pharmacists and apothecaries.
[4] Includes pharmaceutical officers.
[5] Includes adjutants, premier maîtres, and maîtres of all branches.
[6] Includes 3,100 men of the coast guard.
[7] Marine infantry and seaman artillery.

PORT OF INDIANA HARBOR, IND.

Mr. WARREN obtained the floor.

Mr. SHIVELY. Will the Senator yield to me for a moment?

Mr. WARREN. I yield to the Senator from Indiana for consideration of a very short bill.

Mr. SHIVELY. I ask unanimous consent for the present consideration of the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, will the Senator from Wyoming yield for a notice?

Mr. WARREN. I yield to the Senator from Vermont for that purpose.

Mr. PAGE. I wish to give notice that on Tuesday next, at the conclusion of the regular routine morning business, I shall move to take up for consideration the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, and so forth. I expect, in doing that, that I shall have to yield to the Senator from Wyoming.

Mr. WARREN. The Senator should not confine it "to the Senator from Wyoming." He should say, "subject to consideration of appropriation bills," because there are other appropriation bills that will be in charge of other Senators.

Mr. PAGE. Certainly.

PUBLIC BUILDING AT HILLSBORO, TEX.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. For what purpose?

Mr. CULBERSON. For the present consideration of a small bill.

Mr. WARREN. I do, unless it leads to some debate.

Mr. CULBERSON. If it should lead to debate, I will withdraw it.

Mr. WARREN. Very well.

Mr. CULBERSON. With the indulgence of the Senator from Wyoming, I ask unanimous consent for the present consideration of the bill (S. 6918) increasing the cost of erecting a United States post-office building at Hillsboro, Tex.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the limit of cost of $60,000 heretofore fixed for the erection of a United States post-office building at Hillsboro, Tex., be increased to $70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that House bill 24023 be now proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The reading of the bill was resumed at the top of page 53.

The next amendment of the Committee on Appropriations was, on page 53, line 1, after the word "chief," to strike out "$3,600" and insert "$4,000," and in line 4, after the words "in all," to strike out $15,720" and insert "$16,120," so as to make the clause read:

Secret Service Division: Chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—one of class four, one of class three, two of class two, one of class one, one at $1,000; assistant messenger; in all, $16,120.

The amendment was agreed to.

The next amendment was, on page 53, line 8, after the word "assayer," to strike out $2,200" and insert "$2,400"; in line 9, before the words "of class one," to strike out "one" and insert "two"; and in line 11, after the words "in all," to strike out "$25,580" and insert "$26,980," so as to make the clause read:

Office of the Director of the Mint: Director, $5,000; examiner, $3,000; computer and adjuster of accounts, $2,500; assayer, $2,400; clerks—two of class four, two of class three, two of class one; private secretary, $1,400; messenger; assistant in laboratory, $1,200; assistant messenger; skilled laborer, $720; in all, $26,980.

The amendment was agreed to.

The next amendment was, on page 53, line 14, after the word "offices," to strike out "$5,000" and insert "$25,000," so as to make the clause read:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $25,000.

Mr. CULBERSON. I will ask the Senator in charge of the bill why it is necessary to increase that appropriation by $20,000?

Mr. WARREN. That is an appropriation which has usually been somewhere between $35,000 and $100,000. The department claims that a reduction to $5,000 for the freight, registered mail, and otherwise, would paralyze the movement of coin.

Mr. CULBERSON. What was the estimate?

Mr. WARREN. The estimate was, I think, $35,000.

Mr. CULBERSON. The House gave only $5,000, and in the bill as reported it is proposed to increase it by $20,000.

Mr. WARREN. Yes. I will say to the Senator that I presume they need $35,000 to $50,000, but $25,000 would, in the opinion of the committee, carry them over until we can see later in the year.

The amendment was agreed to.

The next amendment was, on page 53, line 18, after the word "including," to strike out "text books on metallurgical processes" and insert "books, pamphlets, periodicals, specimens of coins, ores, and incidentals," and in line 20, after the word "incidentals," to strike out "$600" and insert "$800," so as to make the clause read:

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director, namely: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, pamphlets, periodicals, specimens of coins, ores, and incidentals, $800.

The amendment was agreed to.

The next amendment was, on page 53, line 23, after the word "examinations," to insert "and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States"; and on page 54, line 1, after the words "United States," to strike out "$3,500" and insert "$4,000," so as to make the clause read:

For examinations of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations, and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $4,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to strike out:

For books, pamphlets, periodicals, specimens of coins, ores, and incidentals, $100.

The amendment was agreed to.

The next amendment was, on page 54, after line 4, to strike out:

For the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $500.

The amendment was agreed to.

The next amendment was, on page 55, line 22, after the word "newspapers," to insert "newspaper clippings," and in line 24, after the word "department," to strike out "$750" and insert "$1,000," so as to make the clause read:

For newspapers, newspaper clippings, law books, city directories, and other books of reference relating to the business of the department, $1,000.

The amendment was agreed to.

The next amendment was, on page 56, line 7, to increase the appropriation for investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, etc., from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 10, to strike out:

For purchase and exchange of horses and wagons, for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, $3,500.

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to insert:

For purchase, maintenance, and repair of motor trucks, and maintenance of horses and carriages, to be used for official purposes only, $8,000.

Mr. GALLINGER. I will suggest to the chairman that I think it would be well to insert the word "exchange" after the word "purchase," so as to read: "For purchase, exchange, maintenance, and repair of motor trucks." In the District of Columbia we have found that to be very desirable.

Mr. WARREN. The suggestion is a good one, and I move to amend the amendment by inserting the word "exchange" after the word "purchase."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 56, line 18, after the word "cases," to strike out "$4,000" and insert "$6,000," so as to make the clause read:

For purchase of file holders and file cases, $6,000.

The amendment was agreed to.

The next amendment was, on page 57, line 12, after the word "exceeding," to strike out "$100" and insert "$250," so as to read:

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street-car tickets not exceeding $250.

The amendment was agreed to.

The next amendment was, on page 58, line 12, after the word "fire-alarm," to strike out "system" and insert "systems"; and in line 13, before the word "in," to strike out "now," so as to make the clause read:

For maintenance of the automatic fire-alarm systems in the Treasury and Winder Buildings, $2,166.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 59, line 21, after the words "internal-revenue offices," to strike out "$2,075,000" and insert "$2,200,000," so as to read:

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices, $2,200,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to strike out:

On and after July 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 62.

The amendment was agreed to.

Mr. CULBERSON. I was called out of the Chamber a moment ago. Will the Senator in charge of the bill turn back to page 56? I do not recall why that item for purchase, maintenance, and repair of motor trucks and maintenance of horses and carriages to be used for official purposes only, was increased by $4,500, from $3,500 to $8,000.

Mr. WARREN. What was the observation of the Senator?

Mr. CULBERSON. I do not recall why that sum on page 56, lines 15, 16, and 17, was increased over the House appropriation of $3,500 by $4,500, totaling $8,000. It seems to me that is an unusual increase for horse hire.

Mr. WARREN. The Senator will notice that in cutting out the horses there is installed in place, "for purchase, exchange, maintenance, and repair of motor trucks, and maintenance of horses and wagons, to be used for official purposes only, $8,000." Naturally, the buying of new motor trucks would increase the cost for one year.

Mr. OVERMAN. The Treasury Department say that it will be a saving in the end.

Mr. WARREN. I have a letter here from the Secretary of the Treasury, Mr. MacVeagh, if the Senator would like to have it read at the desk. It explains another feature of the matter.

Mr. CULBERSON. Is it a short letter?

Mr. WARREN. It covers a couple of pages.

Mr. CULBERSON. I should like to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, May 24, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

SIR: I wish to present for the consideration of your committee an estimate for motor trucks for freight hauling for the Treasury Department.

The legislative, executive, and judicial appropriation bill now before your committee carries an item of $3,500 under "Contingent expenses, Treasury Department, horses, wagons, etc." This is the usual appropriation made for the purpose of maintaining the Treasury stable.

Since the estimates went in an epidemic disease amongst horses has prevailed, and 3 of the 10 Treasury horses have died and 3 others are now sick with the disease. This fact makes it necessary for the department to ask Congress either to increase the regular appropriation for the stable, in order to purchase additional horses, or to change the system of freight handling by making an appropriation for the purchase of motor trucks.

It requires three freight wagons and a mail wagon, operated by horses, to handle the freight business of the Treasury Department. Careful investigation indicates that two motor trucks, one with a capacity of 1½ tons and one with a capacity of 1,500 pounds, and a light motor delivery wagon for mail service, will do the work.

These three motor trucks will cost, approximately, $5,700. This estimate is made after a careful inquiry as to prices. The repairs, oil, and fuel to operate the trucks will require $1,200 for the year, making the total appropriation required for these three motors $6,900.

If this plan is adopted, the appropriation now in the bill of $3,500 under "Contingent expenses, Treasury Department, horses, wagons, etc.," should be reduced to $1,200, which amount will be required for the maintenance of the horses and carriages provided for the use of the Secretary of the Treasury.

The annual appropriation for succeeding years for the Treasury stable, if the plan proposed should be adopted, would amount to $2,400 instead of $3,500. This amount would provide for the operation of the motor trucks and for the maintenance of the horses and carriage for the Secretary.

Should Congress not see fit to make the appropriation for the motor trucks, the death of the horses since the submission of the estimates makes it necessary for the submission of an additional estimate of $1,000 to replace the horses which have died, making the appropriation under this heading $4,500 instead of $3,500.

If the motor trucks are provided as suggested, the appropriation should read "Contingent expenses, Treasury Department; for purchase, maintenance, and repair of motor trucks and maintenance of horses and carriages, $8,100."

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. WARREN. I will say to the Senator that this epidemic in horses has become evident in other places and we have had to meet it, but it is a plain case of economy to change from horses to these motor trucks. For this one year the expense will be higher, but after this year the expense will be less than ever before.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill will be continued.

The Secretary resumed the reading of the bill.

The next amendment was, on page 60, line 25, after the date "1909," to strike out "$150,000" and insert "$175,000," so as to make the clause read:

For expenses of collecting the corporation tax authorized by the tariff act approved August 5, 1909, $175,000.

The amendment was agreed to.

The reading of the bill was continued to line 18, page 61, "Office of assistant treasurer at Boston."

Mr. LODGE. I wish to ask the chairman of the committee why the paying teller, clerk, and vault clerk in the office of the subtreasury at Boston have been cut down from their existing salaries. I have been looking through all the salaries, and they are of different amounts in different places. Those are men occupying responsible positions, and I happen to know that they are men who have been there many years. I do not know why their salaries should have been cut down.

Mr. WARREN. The Treasury Department, as the Senator perhaps knows, has for the last two or three years—in fact, since Mr. MacVeagh took charge of it—had committees of investigation, and so forth, with the idea of reducing the expenses of the department and increasing the efficiency. Last year the Secretary of the Treasury was able to give us a reduction of something like $200,000 to $250,000, as my memory goes, and this year there is another large cut in the expenses of the Treasury Department. He has gone over in his estimates all the independent treasuries and has graded the salaries as the Senator sees them in the estimates. The committee in looking over the matter of the Boston subtreasury made three or four amendments, as the Senator will see.

Mr. LODGE. I see.

Mr. WARREN. But we could not raise the salaries of the officers the Senator alludes to without exceeding the estimates.

Mr. LODGE. I observe, however, with some interest, that the decreases have all been indicated at places other than Chicago.

Mr. CULBERSON. I wish to ask if that has any personal significance?

Mr. LODGE. I notice that some of them are changed—Cincinnati is changed, New York is changed—but I notice that persons in the office at Chicago have their salaries unchanged, which I think is very appropriate. I do not quarrel with that at all.

Mr. CULLOM. I agree with that. I have a special communication. I should like to see the salaries at Chicago raised to more than they are receiving.

Mr. WARREN. There is possibly not a single independent treasury where some Senator does not want a raise.

Mr. LODGE. I do not ask that the salaries be raised; I simply ask that the existing salaries be retained.

Mr. WORKS. Mr. President——

Mr. CULBERSON. I notice some increases at Boston.

Mr. LODGE. Those increases I do not know anything about. They are not asked for as far as I know. The reductions are

in the salary of the paying teller, from $2,500 to $2,250; the clerk, from $2,250 to $2,000; the vault clerk, from $2,000 to $1,800. They cut down the most important, the most responsible, people and they seem to have raised the salary of one teller, and they have added somewhat. They have raised some of the clerks $100 who occupy a less responsible position. It seems to me that it is rather hard to pick out the most responsible men who have been there many years and seize this time to cut down their salaries.

At the proper time I shall offer amendments to restore the salaries.

Mr. WARREN. I will ask if there has been any change in the business of the subtreasury there. Is it less than it formerly was or more?

Mr. LODGE. It is more. I have not compared it with the others, but the business certainly has not fallen off.

Mr. WARREN. The inquiry made by the committee of the Treasury Department elicited the information that all of these have been carefully weighed as to the business they were doing and the salary arranged accordingly. That is the information we got from the department.

Mr. LODGE. The population has increased chiefly in the neighborhood of Boston last year from twenty-eight hundred thousand to three million and nearly six hundred thousand, and the increase in population suggests that the business of the Treasury has increased, as all other business has increased.

Mr. WARREN. I understand the Senator does not wish to offer an amendment now.

Mr. LODGE. No; I shall not offer it now.

Mr. CULBERSON. I invite the attention of the Senator from Massachusetts to the fact that there is nothing in the bill to indicate a lowering of the salary. I presume, therefore, he speaks from personal information.

Mr. LODGE. I speak from personal information, having compared the figures with last year. The reductions were made in the House and, of course, do not appear on the face of their bill.

Mr. WARREN. I will say that I have here a copy of the bill on which those changes are marked, and at any time any Senator can be informed by inquiry.

Mr. LODGE. These are Treasury changes, as the chairman says.

Mr. CULBERSON. These were changes made in the House on the recommendation of the Treasury Department, I understand.

Mr. LODGE. They were.

Mr. WARREN. As to some of them, and wherever the House has changed it it has been lowered. The committee of the Senate, I think, has pretty generally, where they were lower, taken them up to the estimates; but they have been rather careful about exceeding the estimates.

Mr. CULBERSON. But in the particular referred to by the Senator from Massachusetts they are under the estimates.

Mr. LODGE. They are suggested by the Treasury Department.

Mr. CULBERSON. Yes.

Mr. WORKS. Mr. President, it seems to be difficult to get a hearing here unless one violates the rules of the Senate. The Senator from Wyoming made the statement that in all the States the request has been made for the raising of the salaries of the clerks and other employees in the assistant treasurer's office. Has that kind of a request been made by the California Senators?

Mr. WARREN. Perhaps I spoke rather generally when I said all, but if not California it would be an exception. I should be only too glad to know it, if that is the case, because I thought we had heard from all.

Mr. WORKS. My colleague may have said something about it, but I am sure I have not.

Mr. WARREN. The Senator's colleague took up the matter with me about the subtreasury and the mint and assay office. We have reduced quite a little as to one or two of those institutions, because after the Treasury Department had made up its estimate and after the House had acted upon the bill in committee the House itself in session overruled the committee and reinserted the assay offices, and so we had to divide again and deduct from the mint and take it back to the assay office.

Mr. WORKS. I only want it understood that I have not asked for any increase in these matters. I do not want San Francisco to be discriminated against, however; I want the employees there to have their fair salaries.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, under the subhead "Independent Treasury," on page 61, line 21, after the words "redemption teller," to strike out "$1,700" and insert "$1,800"; in line 22, before the word "clerks," to strike out "three" and insert "four"; in line 23, after the word "each," to strike out "one clerk" and insert "three clerks"; in line 24, before the word "clerks," to strike out "eight" and insert "five"; in the same line, after the word "clerk," to strike out "$800" and insert "$900"; in the same line, after the words "chief guard," to strike out "$1,060" and insert "$1,100"; and in line 26, after the words "in all," to strike out "$45,950" and insert "$46,590," so as to make the clause read:

Office of assistant treasurer at Boston: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,250; clerk, $2,000; vault clerk, $1,800; receiving teller, $2,000; redemption teller, $1,800; five clerks, at $1,600 each; clerk, $1,500; one clerk, $1,400; four clerks, at $1,200 each; three clerks, $1,100; five clerks, at $1,000 each; clerk, $900; chief guard, $1,100; three watchmen, at $840 each; laborer and guard, $720; in all, $46,590.

The amendment was agreed to.

Mr. LODGE. Just in this connection I had not looked at the precise recommendations of the Treasury. I observe that at Chicago—I suppose it is a mere accident—nothing but increases are recommended. The House did not adopt them, but they are recommended and all the decreases are recommended in other subtreasuries.

Mr. CULLOM. By whom recommended?

Mr. LODGE. Recommended by the Secretary of the Treasury. I simply call attention to it.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 62, line 12, after the words "paying teller," to strike out "$1,800" and insert "$2,000"; in line 13, after the words "receiving teller," to strike out "$1,500" and insert "$1,800"; in line 16, after the word "stenographer," to strike out "$720" and insert "$1,000"; and in line 17, after the words "in all," to strike out "$27,010" and insert "$27,790," so as to make the clause read:

Office of assistant treasurer at Cincinnati: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $1,800; four clerks, at $1,200 each; two clerks, at $1,300 each; vault clerk, $1,800; bookkeeper, $1,800; clerk, $1,200; two clerks, at $1,000 each; clerk and stenographer, $1,000; chief watchman, $840; two watchmen, at $600 each; in all, $27,790.

The amendment was agreed to.

The next amendment was, on page 62, line 21, after the words "receiving teller," to strike out "$1,800" and insert "$2,000"; in line 22, after the word "clerk," to strike out "$1,400" and insert "$1,500"; and in line 25, after the words "in all," to strike out "$28,590" and insert "$28,890," so as to make the clause read:

Office of assistant treasurer at New Orleans: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; bookkeeper, $1,500; clerk, $1,500; assorting teller, $1,200; 6 clerks, at $1,200 each; 2 clerks, at $1,000 each; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $500; in all, $28,890

The amendment was agreed to.

The next amendment was, on page 63, line 3, after the word "cashier," to strike out "$4,000" and insert "$4,200"; in line 8, after the word "division," to strike out "$2,700" and insert "$2,800"; in line 11, after the word "division," to strike out "$2,400" and insert "$2,500"; in line 13, after the word "division," to strike out "$2,500" and insert "$2,700"; in line 16, after the word "teller," to strike out "$2,100" and insert "$2,250"; in line 17, after the word "teller," to strike out "$2,000" and insert "$2,250"; in line 18, after the word "teller," to strike out "$2,000" and insert "$2,100"; and in line 24, after the word "teller," to strike out "$1,500" and insert "$1,800," so as to read:

Office of assistant treasurer at New York: Assistant treasurer, $8,000; cashier (formerly deputy assistant treasurer and cashier), $4,200; assistant cashier (formerly assistant cashier and chief clerk), $3,600; chief of check pay division (formerly assistant cashier and vault clerk), $3,000; bond clerk and assistant vault clerk (formerly chief of division), $2,800; paying teller (formerly chief of division), $3,000; receiving teller (formerly chief of division), $2,800; chief of redemption division (formerly chief of division), $2,700; vault and authorities clerk (formerly chief of division), $2,500; chief clerk (formerly chief paying teller), $3,000; chief of coin division (formerly chief of division), $2,700; chief bookkeeper, $2,400; assistant chief of canceled check division (formerly assistant teller), $2,250; assistant chief of redemption division (formerly assistant teller), $2,250; assistant paying teller (formerly assistant teller), $2,250; paying teller, coin division (formerly assistant teller), $2,100; assistant chief, check pay division (formerly assistant teller), $2,000; assistant chief, coin division (formerly assistant teller), $2,000; chief of minor coin division (formerly assistant teller), $2,000; 4 bookkeepers (formerly assistant tellers), at $2,000 each; paying teller, minor coin division (formerly assistant teller), $1,800; assistant receiving teller (formerly assistant teller), $1,800.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the assistant treasurer at New

York, on page 64, line 1, after the word "clerks," to strike out "two (formerly one assistant teller and one chief of division), at $2,100 each" and insert "one at $2,300, one at $2,100, three at $2,000 each"; in line 4, before the word "formerly," to strike out "two" and insert "three"; in line 6, after the sum "$1,700," to strike out "eight" and insert "six"; in line 7, before the words "at $1,600 each," to strike out "(formerly seven assistant tellers and one clerk)"; in line 7, after the word "each," to strike out "six" and insert "nine"; in line 8, before the words "at $1,500 each," to strike out "(formerly four assistant tellers and two clerks)"; in line 8, after the word "each," to strike out "sixteen" and insert "thirteen"; in line 9, before the words "at $1,400 each," to strike out "(formerly thirteen assistant tellers and three clerks)"; in line 10, after the word "each," to strike out "three" and insert "eight"; in line 11, before the words "at $1,300 each," to strike out "(formerly two assistant tellers and one clerk)"; in line 11, after the word "each," to strike out "eleven" and insert "fourteen"; in line 12, before the words "at $1,200 each," to strike out "(formerly eight assistant tellers and three clerks)"; in line 12, after the word "each," to strike out "nine" and insert "five"; in line 13, before the words "at $1,100 each," to strike out "(formerly eight assistant tellers and one clerk)"; in the same line, after the word "each," to strike out "ten" and insert "five"; in line 15, before the words "at $1,000 each," to strike out "(formerly eight assistant tellers and two clerks)"; in line 20, before the words "two engineers," to strike out "$1,050" and insert "$1,200"; and in line 21, after the words "in all," to strike out "$185,260" and insert "$192,610," so as to read:

Clerks—1 at $2,300, 1 at $2,100, 3 at $2,000 each, 1 (formerly assistant teller), $1,900, 3 (formerly assistant tellers), at $1,800 each, 1 (formerly assistant teller), $1,700, 6 at $1,600 each, 9 at $1,500 each; 13 at $1,400 each; 8 at $1,300 each; 14 at $1,200 each; 5 at $1,100 each; 5 at $1,000 each; messengers—2 at $1,200 each, 5 at $900 each, 2 at $800 each; chief guard (formerly chief detective), $1,500; guard (formerly assistant detective), $1,200; 2 guards (formerly 2 hall men), at $1,000 each; superintendent of building, $1,800; chief engineer (formerly engineer), $1,200; 2 engineers, at $1,050 each; 8 watchmen, at $720 each; in all, $192,610.

Mr. CULBERSON. I will ask if the changes proposed there by the committee are recommended by the Treasury Department.

Mr. WARREN. It seems that in the early estimates that were called for by the House they did not complete as they intended the New York estimate, and when completed it showed a difference. I do not have the figures at this moment, but the difference amounted to several thousand dollars, which we were asked to add to the estimate, and we did so.

Mr. CULBERSON. This is a subsequent estimate by the Treasury Department?

Mr. WARREN. It is subsequent information and it makes a difference of a few thousand dollars.

Mr. CULBERSON. I notice that generally speaking I believe the chairman has stated that the bill as passed by the House follows the recommendation of the Treasury Department.

Mr. WARREN. I think the House intended to follow it.

Mr. CULBERSON. But these increases in the office of the assistant treasurer at New York amount to about $7,500.

Mr. WARREN. The Senator will remember I said that the House endeavored to follow pretty generally the estimates, but in some cases fell below.

The amendment was agreed to.

The next amendment was, on page 65, line 25, after the word "others," to strike out "$9,000" and insert "$10,000," so as to make the clause read:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Mints and assay offices," on page 66, line 18, after the word "assayer," to strike out "melter and refiner" and insert "superintendent melting and refining department," and in line 19, after the word "and," to strike out "coiner" and insert "superintendent coining department," so as to read:

Mint at San Francisco, Cal.: Superintendent, $4,500; assayer, superintendent melting and refining department, and superintendent coining department, at $3,000 each.

The amendment was agreed to.

The next amendment was, on page 67, line 3, after the word "employees," to strike out "$155,000" and insert "$122,500," so as to make the clause read:

For wages of workmen and other employees, $122,500.

The amendment was agreed to.

The next amendment was, on page 67, line 18, after the word "melter," to strike out "$1,400" and insert "$1,500," so as to make the clause read:

Assay office at Charlotte, N. C.: Assayer and melter, $1,500.

The amendment was agreed to.

The next amendment was, on page 67, line 19, after the word "employees," to strike out "$750" and insert "$900," so as to make the clause read:

For wages of workmen and other clerks and employees, $900.

The amendment was agreed to.

The next amendment was, on page 67, line 21, after the word "expenses," to strike out "$400" and insert "$500," so as to make the clause read:

For incidental and contingent expenses, $500.

The amendment was agreed to.

The next amendment was, on page 67, line 23, after the word "melter," to strike out "$2,000" and insert "$2,250," and in line 25, after words "in all," to strike out "$6,200" and insert "$6,450," so as to make the clause read:

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,250; clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,450.

The amendment was agreed to.

The next amendment was, on page 68, after line 10, to insert:

Assay office at St. Louis, Mo.: Assayer in charge, $1,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 12, to insert:

For wages of workmen (including janitor), $900.

The amendment was agreed to.

The next amendment was, on page 68, after line 13, to insert:

For incidental and contingent expenses, $500.

The amendment was agreed to.

The next amendment was, on page 70, line 5, after the word "employees," to strike out "$112,000" and insert "$94,000."

For wages of workmen and other employees, $94,000.

The amendment was agreed to.

The next amendment was, on page 70, line 11, after the word "coin," to strike out "$37,500" and insert "$35,000," so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $35,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of line 24, on page 71, as follows:

District of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

Mr. CUMMINS. Mr. President, I ask the chairman of the committee, purely for information, why it is that there is a secretary to the governor in Hawaii and none to the governor in Alaska and why it is that the judges in Hawaii are paid so much less than are the judges in Alaska?

Mr. WARREN. As to the secretary in Alaska, I will say that the surveyor general and the secretary are one; that is, the surveyor general is ex officio secretary, and performs the duty of secretary in that district, that not being a Territory proper. That covers one point raised.

As to the difference in salary between the judges and governor, the Senator from Iowa could well go further, and ask why the salary of the governors of New Mexico and Arizona should be $3,000, while the salary of the governors of Alaska and Hawaii is $7,000. Those inequalities have crept in through legislation which has been had from time to time. Where there is legislation outside of an appropriation bill which provides the office and the salary, the committee, of course, follow the law. It has been thought, I presume, that Alaska was a more difficult country to handle and not so pleasant, and a more expensive country to live in than Hawaii.

Mr. McCUMBER. If the Senator will allow me, is there not another reason? Are not the expenses of living at least two or three or four times higher in Alaska than they are in any place in the United States proper?

Mr. WARREN. I think they are much higher.

Mr. McCUMBER. Unless there is a great change, the expenses would be at least double what they would be in the States.

Mr. WARREN. I do not think that would apply to Hawaii probably.

Mr. McCUMBER. I was speaking of Alaska.

Mr. CUMMINS. My inquiry arose because we pay the governor of Alaska the same salary that we pay the governor of Hawaii, and we pay the chief justice of Hawaii $6,000,

while we pay each one of the judges in Alaska $7,500. The matter of the high cost of living can not account for both these things.

Mr. WARREN. I think on reflection the Senator from Iowa will see the difference. Alaska is an immense country in area, and the districts these judges have to cover require an immense amount of travel and expense going to and coming from. I do not think the difference in salary there is at all out of the way, because, while the governor may live at one point, the judges are compelled to be at different points in the interior of the Territory; and when we remember that the exact center of the United States from east to west is out in the Pacific Ocean opposite Portland, it will give a little idea of the extent in area of Alaska.

Mr. CUMMINS. Do the judges under the general law receive traveling expenses when away from home and subsistence also?

Mr. WARREN. No; they have no traveling expenses to go from here to Alaska and to their place of holding court.

Mr. CUMMINS. It is not as far from here to Alaska as it is to Hawaii.

Mr. WARREN. They are not judges who are traveling from place to place to hold court; but whenever they get into the country and get out they have to cover immense distances with only primitive means and modes of transportation.

Mr. CUMMINS. It is farther to Hawaii than it is to Alaska.

Mr. WARREN. That may be true; but when you get to Hawaii there is a very different state of affairs, and, besides, the route is provided with cheap and comfortable transportation.

Mr. CUMMINS. I only wanted to know whether the committee had given consideration to that disparity.

Mr. WARREN. The committee was fully advised. These matters are largely governed by existing law. For instance, the law under which the Territory of Hawaii was organized controls the salaries of officers in that Territory. When we passed the law creating the Department of Commerce and Labor I made the complaint at the time that we were placing the salaries in the Department of Commerce and Labor away out of line as compared with the salaries in other departments. Some of them have been since lowered, but it is true that there is this inequality as a matter of statute law now.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Government in the Territories," on page 72, line 2, after the word "exceed," to strike out "$2,250" and insert "$4,050," and in line 6, after the word "governor," to strike out "$7,150" and insert "$8,950," so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $4,050; janitor service, not to exceed $900; traveling expenses of the governor while absent from Juneau on official business; rent of offices and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, $8,950.

The amendment was agreed to.

The next amendment was, on page 72, line 16, after the sum "$2,000," to insert "for traveling expenses of the governor while absent from the capital on official business, $500," and in line 17, after the words "in all," to strike out "$3,000" and insert "$3,500," so as to make the clause read:

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, $1,000, and for private secretary to the governor, $2,000; for traveling expenses of the governor while absent from the capital on official business, $500; in all, $3,500.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 73, after line 5, to strike out:

On or before the 30th day of June, 1912, the Secretary of War shall cause a reorganization to be made of the clerical and other office force of the War Department, herein provided for, so as to reduce the whole number of said force not less than 10 per cent, and the salaries or compensation of all places herein provided for in said department that may be embraced within such reduction shall not be available for expenditure, but shall lapse and be covered into the Treasury.

The amendment was agreed to.

The next amendment was, on page 73, line 17, after the word "Secretary," to strike out "$2,250" and insert "$2,000"; in line 18, after the word "Secretary," to strike out "$1,800" and insert "$2,000"; in line 21, before the words "disbursing clerk," to strike out "clerk to the assistant and chief clerk, $2,100," and insert "assistant chief clerk, $2,400"; on page 74, line 1, before the words "of class 3," to strike out "four" and insert "five"; in line 3, before the words "chief messenger," to strike out "carpenter, $1,000," and insert "foreman carpenter, $1,200"; and in line 12, after the words "in all," to strike out "$147,970" and insert "$150,020," so as to make the clause read:

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, $4,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $2,000; clerk to the Assistant Secretary, $2,400; assistant chief clerk, $2,400; disbursing clerk, $2,750; appointment clerk, $2,250; 4 chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, $500; chief telegrapher, $1,800; clerks—4 of class 4, 5 of class 3, 15 of class 2, 19 of class 1, 6 at $1,000 each, 1 at $900; foreman, $1,200; foreman carpenter, $1,200; chief messenger, $1,000; carpenter, $900; skilled laborer, $900; 6 messengers; 7 assistant messengers; telephone switchboard operator, assistant telephone switchboard operator; 2 messenger boys, at $360 each; engineer, $900; assistant engineer, $720; fireman; 4 watchmen; 5 watchmen, at $660 each; 8 laborers; 2 laborers, at $540 each; hostler, $600; 2 hostlers and 1 watchman, at $540 each; elevator conductors—1 at $600, 1 at $540; 4 charwomen; in all, $150,020.

The amendment was agreed to.

The next amendment was, on page 74, line 21, after the sum "$781,950," to strike out "all employees provided for by this paragraph for the Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1913," so as to make the clause read:

Adjutant General's Office: Chief clerk, $2,000; 10 chiefs of division, at $2,000 each; clerks—48 of class 4, 64 of class 3, 94 of class 2, 232 of class 1, 88 at $1,000 each; engineer, $1,400; assistant engineer, $900; 2 firemen; skilled mechanic, $1,000; 10 messengers; 58 assistant messengers; messenger boy, $360; 8 watchmen; superintendent of building, $250; and 18 laborers; in all, $781,950.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "solicitor," to strike out "$2,500" and insert "$2,750"; in line 7, before the word "clerks," to insert "law clerks—one at $2,400, one at $2,000"; in line 8, before the words "of class 2," to strike out "two" and insert "three"; and in line 9, after the words "in all," to strike out "$20,800" and insert "$26,850," so as to make the clause read:

Office of the Judge Advocate General: Chief clerk and solicitor, $2,750; law clerks—1 at $2,400, 1 at $2,000; clerks—1 of class 4, 2 of class 3, 3 of class 2, 6 of class 1; copyist; 2 messengers; assistant messenger; in all, $26,850.

The amendment was agreed to.

The next amendment was, at the top of page 76, to insert:

The services of one wireless engineer and one wireless assistant, as the Secretary of War may deem necessary, may be employed only in the Signal Office to carry into effect the appropriation for the Signal Service of the Army, to be paid from such appropriation, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $3,600, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 76, line 14, after the word "clerk," to strike out "$2,000" and insert "$2,500"; and on page 77, line 3, after the words "in all," to strike out "$275,110" and insert "$275,610," so as to make the clause read:

Office of the Quartermaster General: Chief clerk, $2,500; 2 chiefs of division, at $2,000 each; clerks—9 of class 4, 14 of class 3, 27 of class 2, 58 of class 1, 40 at $1,000 each, 13 at $900 each; advisory architect, $4,000; experienced builder and mechanic, $2,500; inspector of supplies, $2,500; draftsmen—3 at $1,800 each, 7 at $1,600 each, 5 at $1,400 each, 1 at $1,200; supervising engineer, $2,750; 2 civil engineers, at $1,800 each; assistant civil engineer, $1,200; electrical engineer, $2,000; electrical and mechanical engineer, $2,000; marine engineer, $3,500; assistant marine engineer, $1,800; sanitary and heating engineer, $1,800; blue-print operator, $900; 4 messengers; 11 assistant messengers; 2 assistant messengers, at $600 each; female messenger, $480; 7 laborers; laborer, $480; in all, $275,610.

The amendment was agreed to.

The Secretary continued the reading of the bill, as follows:

Office of the Commissary General: Chief clerk, $2,000; clerks—6 of class 4, 8 of class 3, 8 of class 2, 18 of class 1, 13 at $1,000 each, 4 at $900 each; messenger; 2 assistant messengers; laborer; in all, $77,940.

Mr. OVERMAN. I understand that if the Army bill should pass, these two departments would be consolidated, in which case there would be a change there and there would be probably some reduction in the number of those clerks.

Mr. WARREN. There would undoubtedly be an elimination of some of them.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 77, line 12, before the words "of class one," to strike out "thirty-two" and insert "thirty-four"; and in line 19, after the words "in all," to strike out "$166,108" and insert "$168,508," so as to make the clause read:

Office of the Surgeon General: Chief clerk, $2,000; law clerk, $2,000; clerks—13 of class 4, 11 of class 3, 26 of class 2, 34 of class 1, 10 at $1,000 each, 3 at $900 each; anatomist, $1,600; engineer, $1,400; 3 firemen; skilled mechanic, $1,000; 2 messengers; 10 assistant messengers; 3 watchmen; superintendent of building (Army Medical Museum and Library), $250; 6 laborers; chemist, $2,088; assistant chemist, $1,500; principal assistant librarian, $2,250; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; 4 charwomen; in all, $168,508.

The amendment was agreed to.

The next amendment was, on page 77, line 21, after the words "Chief clerk," to strike out "$2,000" and insert "$2,250"; and

in line 25, after the words "in all," to strike out "$71,900" and insert "$72,150," so as to make the clause read:

Office of the Paymaster General: Chief clerk, $2,250; clerks—6 of class 4, 7 of class 3, 12 of class 2, 11 of class 1, 5 at $1,000 each, 9 at $900 each; messenger; assistant messenger; four laborers; laborer, $600; in all, $72,150.

The amendment was agreed to.

The next amendment was, on page 78, line 24, before the words "of class 2," to strike out "twelve" and insert "fourteen"; in the same line, before the words "of class 1," to strike out "fifteen" and insert "seventeen"; in the same line, before the words "at $1,000 each," to strike out "nine" and insert "eleven"; and on page 79, line 1, after the words "in all," to strike out "$100,220" and insert "$107,420," so as to make the clause read:

Office of the Chief of Engineers: Chief clerk, $2,000; two chiefs of divisions, at $2,000 each; clerks—8 of class 4, 11 of class 3, 14 of class 2, 17 of class 1, 11 at $1,000 each, 11 at $900 each; 6 messengers; 3 assistant messengers; and 2 laborers; in all, $107,420.

The amendment was agreed to.

The next amendment was, on page 79, line 10, after the word "exceed," to strike out "$40,000" and insert "$42,000," so as to make the clause read:

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $42,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 79, line 16, before the words "of class three," to strike out "three" and insert "four"; in line 17, before the words "at $1,000 each," to strike out "eighteen" and insert "seventeen"; in the same line, before the word "messengers," to strike out "two" and insert "three"; in line 18, before the word "messengers," to strike out "two" and insert "three"; and in line 19, after the words "in all," to strike out "$91,000" and insert "$93,160," so as to make the clause read:

Office of the Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,000; clerks—10 of class 4, 4 of class 3, 10 of class 2, 19 of class 1, 17 at $1,000 each; 3 messengers; 3 assistant messengers; five laborers; two charwomen; in all, $93,160.

The amendment was agreed to.

The next amendment was, on page 79, line 25, before the words "of class 4," to strike out "two" and insert "three," and on page 80, line 3, after the words "in all," to strike out "$34,160" and insert "$35,960," so as to make the clause read:

Division of Militia Affairs, Office of the Chief of Staff: For the following now authorized by section 20 of the act approved January 21, 1903, as amended by the act approved May 27, 1908, namely: Chief clerk, $2,000; clerks—3 of class 4, 2 of class 3, 3 of class 2, 9 of class 1, 7 at $1,000 each; messenger; 1 assistant messenger; 2 laborers; 2 charwomen; in all, $35,960.

The amendment was agreed to.

The next amendment was, in the appropriations for "Contingent expenses of the War Department," on page 81, line 4, after the word "exceeding," to strike out "$100" and insert "$300," so as to read:

Street car tickets, not exceeding $300.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings and grounds," on page 83, after line 16, to insert:

For purchase of steel cases for old records in Office of Public Buildings and Grounds, $800.

The amendment was agreed to.

The next amendment was, on page 83, line 20, after the words "sum of," to strike out "$32,875" and insert "$33,275," so as to make the clause read:

Of the foregoing amounts appropriated under Public Buildings and Grounds, the sum of $33,275 shall be paid out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "State, War, and Navy Department Building," on page 83, line 23, after the words "of class three," to strike out "stenographer and typewriter, $900," and insert "two stenographers and typewriters, at $900 each."

Mr. WARREN. On behalf of the committee, I ask that that amendment be disagreed to.

The VICE PRESIDENT. In the absence of objection, the amendment is rejected.

Mr. WARREN. Now, after "$900," in line 24, I move to insert the words "one typewriter, $900."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, line 4, before the word "watchmen," to strike out "forty" and insert "forty-nine."

Mr. CULBERSON. I notice the amendment in line 4, on page 84, increases the number of watchmen in the State, War, and Navy Department Building. Is that the old question we have had up about the number of watchmen necessary on account of the old soldiers being employed, and so forth?

Mr. WARREN. Yes.

Mr. CULBERSON. If it is, I have nothing further to say.

Mr. WARREN. I imagine all of those cases grew more or less out of the reduction made in the case of the Capitol police.

The House, rather consistently, have reduced the number of watchmen in nearly all the departments. The evidence we have from those in charge is that it is impossible properly to guard the property, to prevent people carrying away things, to keep improper parties from getting in, and to afford protection from fire, without an adequate force, and we thought it unsafe to reduce the number lower than the figure we have inserted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amenment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, line 7, before the word "foreman," to strike out "messenger," and in line 11, after the words "in all," to strike out "$105,960" and insert "$112,500," so as to make the clause read:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: Clerk of class 3; stenographer and typewriter, $900; 1 typewriter, $900; chief engineer, $1,400; 5 assistant engineers, at $1,000 each; electrical machinist, $1,200; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 49 watchmen; carpenter, $1,000; electrician, $1,200; machinist, painter, and plumber, at $1,000 each; 3 dynamo tenders, at $900 each; 7 skilled laborers or mechanics, at $840 each; foreman of laborers, $840; 10 firemen; 11 conductors of elevators, at $720 each; 17 laborers; 3 second-class firemen, at $660 each; 4 forewomen of charwomen, at $300 each; 77 charwomen; gardener, $720; in all, $112,500.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 85, line 7, before the words "of class 3," to strike out "one" and insert "three"; in the same line, before the words "of class 2," to strike out "four" and insert "five"; in line 8, before the word "four," to strike out "one at $1,100"; in line 9, after the words "telegraph operator," to strike out "$1,100" and insert "$1,300"; and in line 14, after the words "in all," to strike out "$73,460" and insert "$77,160," so as to make the clause read:

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 3 of class 3, 5 of class 2, 5 of class 1, 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,300; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; 3 messenger boys, at $600 each; messenger boy, $420; messenger boy, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $77,160.

The amendment was agreed to.

The next amendment was, on page 86, line 3, after the sum "$17,640," to strike out "all employees provided for by this paragraph shall be exclusively engaged on the work of this office during the fiscal year 1913," so as to make the clause read:

Office of Naval Records of the Rebellion: Chief clerk, $2,000; agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, $1,800; clerks—1 of class 3 (indexer), 3 of class 2, 3 of class 1, 2 at $1,000 each; copyist; copyist, $720; assistant messenger; necessary traveling expenses for collection of records, $100; in all, $17,640.

The amendment was agreed to.

The next amendment was, on page 86, line 18, after the words "Chief clerk," to strike out "$2,000" and insert "$2,100," so as to read:

Bureau of Navigation: Chief clerk, $2,100.

Mr. JOHNSTON of Alabama. Mr. President, I desire to ask the chairman of the committee why the salary of the chief clerk of the Bureau of Navigation is put at $2,100, while the salary of the chief clerk of the Bureau of Steam Engineering is put at $2,200, the salary of the chief clerk of the Bureau of Construction and Repair is put at $2,200, and the salary of the chief clerk of the Bureau of Yards and Docks is put at $2,200? The chief clerk of the Bureau of Navigation has 80 employees under him, while they, with one exception, have less than 58. I want to ask the Senator if he can not make that salary correspond with the others.

Mr. WARREN. Mr. President, the duties of a chief clerk are not always measured by the number of employees under him. I desire to say that this is one of the problems that the

committee has to meet. There is not a chief clerk that I know of in any department who is not recommended to have $2,500. In the line of economy we have tried, especially in the War and Navy Departments, where some of the duties that usually fall to chief clerks in civil departments are cared for by commissioned officers, to keep them at $2,000; but the amount of the business done in some of the bureaus has caused the committee to increase one or two of the chief clerks by $100 and one or two by $200. I can say, however, to the Senator that the estimates were for $2,500 each for all of them.

Mr. JOHNSTON of Alabama. I understand that; but the committee did raise the salary of some of the chief clerks to $2,200, as, for instance, in the case of the chief clerk of the Bureau of Yards and Docks.

Mr. WARREN. Those salaries were raised after careful consideration by the subcommittee, after looking the work of the department over very carefully. They may have erred in judgment, but they were very careful in their investigation.

Mr. OVERMAN. The things considered were length of service, the character of the work to be performed, and the skill and scientific knowledge required in the various bureaus.

Mr. JOHNSTON of Alabama. I move, on page 86, line 18, to amend the amendment by striking out "$2,100" and inserting "$2,200."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

Mr. CULBERSON. I notice that the salary of the chief clerk, Office of the Quartermaster General, War Department, is increased from $2,000 to $2,500, as found on page 76.

Mr. WARREN. That is a very different matter. This is simply a small bureau. When I say "small," I do not mean to minimize it; but it is certainly small in comparison with a whole department.

Mr. CULBERSON. Yes; but the House left it at $2,000. The Senate committee increased the salary of the chief clerk of the Bureau of Navigation to $2,100 and the chief clerk of the Quartermaster General's Office to $2,500.

Mr. WARREN. That proves nothing. Proposed legislation now before the House and the Senate makes the chief clerk of the Quartermaster's Department really the chief clerk of a new supply division, taking in the Pay Department, the Quartermaster's Department, and the Subsistence Department of the entire Army, while this is merely the chief clerkship of a not large bureau.

Mr. CULBERSON. The Senator says it proves nothing. It proves that the House of Representatives regarded them as on an equality, and placed them at $2,000 each, whereas the Senate committee makes a difference of $400 a year in the two.

Mr. WARREN. The House simply took the current law in both cases.

Mr. CULBERSON. The current law is entitled to some consideration, I think, in the appropriations for salaries.

Mr. WARREN. Certainly; and the changes that have taken place are also entitled to some consideration.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama [Mr. JOHNSTON] will be stated.

The SECRETARY. On page 86, line 18, it is proposed to amend the amendment of the committee by striking out "$2,100" and inserting "$2,200."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause, in line 22, before the word "copyists," to strike out "eight" and insert "ten," and in line 23, after the words "in all," to strike out "$77,760" and insert "$79,740," so as to make the clause read:

Bureau of Navigation: Chief clerk, $2,200; clerks—1 at $2,000, 4 of class 4, 5 of class 3, 5 of class 2, 8 of class 1, 3 at $1,100 each, 14 at $1,000 each; 14 copyists; 10 copyists, at $840 each; 2 assistant messengers; messenger boy, $600; 5 laborers; in all, $79,740.

The amendment was agreed to.

Mr. WARREN. Mr. President, I might as well suggest at this point that the clerks should be instructed to change all totals to correspond with amendments when we are through with the bill. I ask that such an order be made.

The VICE PRESIDENT. Without objection, the order will be entered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, one page 87, line 22, after the word "exceed," to strike out "$7,400" and insert "$9,500," so as to make the clause read:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Equipment, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Equipment of vessels," to be paid from the appropriation "Equipment of vessels": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $9,500. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

The amendment was agreed to.

The next amendment was, on page 88, line 3, before the words "at $1,200 each," to strike out "three" and insert "four"; in line 7, after the words "Notice to Mariners," to strike out "$1,600" and insert "$1,800"; and in line 21, after the words "in all," to strike out "$102,500" and insert "$103,900," so as to make the clause read:

Hydrographic Office: Hydrographic engineer, $3,000; assistant, $2,200; assistant, $2,000; nautical experts—1 at $1,800, 2 at $1,600 each, 1 at $1,400, 4 at $1,200 each, 3 at $1,000 each; clerks—1 of class 2, 1 of class 1; custodian of archives, $1,200; copyists—3 at $900 each, 1 at $840, 2 at $720 each; compiler, $1,400; editor of Notice to Mariners, $1,800; computer, $1,400; draftsmen—3 at $1,800 each, 4 at $1,600 each; 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each, 1 at $900; 3 apprentice draftsmen, at $700 each; chief engraver, $2,000; engravers—2 at $1,800 each, 3 at $1,600 each, 1 at $1,400, 6 at $1,200 each, 2 at $1,000 each, 1 at $720; apprentice engraver, $800; apprentice engraver, $700; plate printers—chief, $1,400, 1 at $1,200, 1 at $1,000, 2 at $900 each, 1 at $800; apprentice plate printers—1 at $700, 1 at $600; chief lithographer, $1,800; 2 lithographers, at $1,000 each; apprentice lithographer, $700; electrotyper and chart plate maker, $1,200; assistant messenger; 4 laborers; helpers—2 at $720 each, 2 at $660 each, 1 at $600, 1 at $500, 1 at $480; in all, $103,900.

The amendment was agreed to.

The next amendment was, on page 89, line 23, after the name "Sault Ste. Marie," to insert "Panama," so as to read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Ste. Marie, Panama, and Galveston.

The amendment was agreed to.

The next amendment was, on page 91, line 3, after the words "Hydrographic Office," to strike out "$19,000" and insert "$8,000," so as to make the clause read:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios; electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference, and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $8,000.

The amendment was agreed to.

The next amendment was, on page 91, line 6, after the word "equipment," to strike out "$820" and insert "$500," so as to make the clause read:

Additional drafting equipment, $500.

The amendment was agreed to.

The next amendment was, on page 91, line 7, after the word "equipment," to strike out "$3,120" and insert "$2,000," so as to make the clause read:

Additional photographic equipment, $2,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of the following clauses, on page 93:

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely: One at $2,000, two at $1,600 each, two at $1,400 each, three at $1,200 each, two at $1,000 each; copyist and typewriter, $900; assistant messenger; and one messenger boy, $420; in all, $15,640.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Wyoming if he expects to have the bill read again for the purpose of taking up matters not involved in Senate committee amendments? There is a matter in the paragraph which has just been read about which I want to get some information.

Mr. WARREN. The bill will not be read again; but when the reading for committee amendments shall have been concluded, the committee will have certain other amendments to offer, and then the bill will be open to general amendment.

Mr. POINDEXTER. I should like to ask the Senator the purpose of this appropriation of $7,000 for piecework in the preparation of the American Ephemeris and Nautical Almanac? I notice that there are a large number of regular skilled assistants in that office, and I am informed from the records of the office that the American Ephemeris and Nautical Almanac can

be prepared by the regular employees of the office without the employment of extra assistance.

Mr. WARREN. Does the Senator wish to strike that out?

Mr. POINDEXTER. Yes; I move to strike it out.

Mr. WARREN. This is not the time to do it; but unless I have further information in regard to it when the proper time comes I shall not oppose the Senator's motion.

Mr. POINDEXTER. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 93, line 12, after the words "Chief clerk," to strike out "$2,000" and insert "$2,200," and in line 19, after the words "in all," to strike out "$26,380" and insert "$26,580," so as to make the clause read:

Bureau of Steam Engineering: Chief clerk, $2,200; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 3 at $1,000 each, 1 at $840; assistant messenger; 2 laborers; 2 laborers, at $600 each; messenger boy, $600; draftsman, $1,400; assistant draftsman, $1,200; stenographers and typewriters—1 at $1,000, 1 at $900; in all, $26,580.

The amendment was agreed to.

The next amendment was, on page 94, line 8, after the words "Chief clerk," to strike out "$2,000" and insert "$2,200"; in line 9, before the words "of class three," to strike out "two" and insert "three"; in line 11, before the words "at $1,000 each," to strike out "fifteen" and insert "fourteen"; and in line 13, after the words "in all," to strike out "$57,800" and insert "$58,600," so as to make the clause read:

Bureau of Construction and Repair: Chief clerk, $2,200; clerks—2 of class 4, 3 of class 3, 3 of class 2, 3 at $1,300 each, 3 of class 1, 9 at $1,100 each, 14 at $1,000 each; 5 copyists; 2 assistant messengers; laborer; messenger boys—9 at $600 each, 1 at $400; in all, $58,600.

The amendment was agreed to.

The next amendment was, on page 94, line 24, after the word "exceed," to strike out "$78,300" and insert "$88,300," so as to make the clause read:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Construction and Repair and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Construction and Repair," to be paid from the appropriation "Construction and Repair": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $88,300. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

The amendment was agreed to.

The Secretary continued the reading of the bill on page 95 to the end of the following clause:

Bureau of Ordnance: Chief clerk, $2,000; ordnance engineer, mechanical draftsman, and computer, $3,000; draftsman, $1,800; assistant draftsman, $1,400; clerks—2 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 5 at $1,000 each; 3 copyists; 2 copyists at $840 each; assistant messenger; messenger boys—2 at $600 each, 2 at $400 each; laborer; in all, $32,960.

Mr. POINDEXTER. Mr. President, in view of the action that was taken with reference to the salary of the chief clerk of the Bureau of Navigation to put him on a par with chief clerks of other bureaus, I think the same change ought to be made—there is more reason, in fact, for making it—in the case of the chief clerk of the Bureau of Ordnance. If the motion can be entertained at this time, I move that "$2,200" be substituted for "$2,000."

Mr. WARREN. Does the Senator allude to the chief clerk of the Bureau of Construction and Repair?

Mr. POINDEXTER. No; the chief clerk of the Bureau of Ordnance; in line 3, on page 95.

The VICE PRESIDENT. That motion would not now be in order; but the Secretary will make a note of it, and when the committee amendments are disposed of it will then be in order for the Senator to move the amendment. No committee amendment has been made there as in the other case.

Mr. POINDEXTER. I noticed the difference, but supposed that possibly the amendment could be offered by unanimous consent.

The VICE PRESIDENT. It can be offered by unanimous consent.

Mr. WARREN. Mr. President, I think we had better proceed under the first unanimous-consent agreement as to the consideration of committee amendments.

Mr. POINDEXTER. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 25, before the words "of class 3," to strike out "seven" and insert "eight"; in the same line, before the words "of class 2," to strike out "six" and insert "seven"; and on page 96, line 5, after the words "in all," to strike out "$110,040" and insert "$113,040," so as to make the clause read:

Bureau of Supplies and Accounts: Civilian assistant, $2,500; two chief bookkeepers, at $2,000 each; clerks—4 of class 4, 8 of class 3, 7 of class 2, 15 of class 1, 10 at $1,100 each, 28 at $1,000 each, 12 at $900 each; two copyists, at $840 each; five assistant messengers; messenger boys—1 at $600, 3 at $400 each; laborer; 2 laborers, at $600 each; in all, $113,040.

The amendment was agreed to.

The next amendment was, on page 96, line 12, after the words "Chief clerk," to strike out "$2,000" and insert "$2,200," and in line 16, after the words "in all," to strike out "$20,140" and insert "$20,340," so as to make the clause read:

Bureau of Yards and Docks: Chief clerk, $2,200; draftsman and clerk, $1,800; clerks—1 of class 3, 1 of class 2, 2 of class 1, 1 at $1,100, 6 at $1,000 each; assistant messenger; 3 messenger boys, at $600 each; and 2 laborers; in all, $20,340.

The amendment was agreed to.

The next amendment was, on page 96, line 21, before the word "thereunder," to insert "and allotments"; in the same line, after the word "appropriations," to insert "and allotments"; and in line 24, after the word "exceed," to strike out "$40,000" and insert "$50,000," so as to make the clause read:

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations and allotments thereunder and be paid from such appropriations and allotments: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $50,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each, shall be made to Congress each year in the annual estimates.

The amendment was agreed to.

The next amendment was, on page 97, line 23, after the word "exceeding," to strike out "$100" and insert "$250," so as to read:

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, street car tickets not exceeding $250.

The amendment was agreed to.

The next amendment was under the head of "Department of the Interior," on page 99, line 9, after the sum "$2,500," to insert "confidential clerk to the Secretary of the Interior, to be appointed by the Secretary of the Interior, $1,800" in line 11, before the words "of class 4," to strike out "thirteen" and insert "fourteen"; in line 12, before the words "of class two," to strike out "twenty-one" and insert "twenty-two," so as to read:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; confidential clerk to the Secretary of the Interior, to be appointed by the Secretary of the Interior, $1,800; clerks—4 at $2,000 each, 14 of class 4, 18 of class 3, 22 of class 2.

The amendment was agreed to.

The next amendment was, in the same clause, on page 99, line 13, before the words "at $1,000 each," to strike out "three" and insert "two," so as to read:

Twenty-four of class 1, 2 at $1,000 each.

Mr. WARREN. Mr. President, I ask that that amendment on page 99, line 13, may be disagreed to, leaving the number "three" instead of "two."

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 99, in line 17, before the word "typewriter," to insert "assistant multigraph operator, $720"; in line 18, before the word "nine," to strike out "switchboard telephone operator" and insert "two telephone switchboard operators"; in line 21, after the word "plumber," to strike out "$900" and insert "$1,100"; in the same line, after the word "electrician," to strike out "$1,000" and insert "$1,200"; in line 25, before the word "watchmen," to strike out "thirty," and insert "forty," so as to read:

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; confidential clerk to the Secretary of the Interior, to be appointed

by the Secretary of the Interior, $1,800; clerks—4 at $2,000 each, 14 of class 4, 18 of class 3, 22 of class 2, 24 of class 1, 3 at $1,000 each; returns office clerk, $1,600; female clerk, to be designated by the President, to sign land patents, $1,200; 8 copyists; multigraph operator, $900; assistant multigraph operator, $720; typewriter repairer, $900; 2 telephone switchboard operators; 9 messengers; 7 assistant messengers; 21 laborers; skilled mechanics—1 at $900 and 1 at $720; 2 carpenters, at $900 each; plumber, $1,100; electrician, $1,200; laborer, $600; 6 laborers, at $480 each; packer, $660; 2 conductors of elevator, at $720 each; 8 charwomen; captain of the watch, $1,200; 40 watchmen.

Mr. WILLIAMS. Mr. President, there is an increase of 10 watchmen. Is that owing to the fact that the House reduced the number?

Mr. WARREN. Yes, Mr. President; and we have only restored it to conform to the current law.

Mr. WILLIAMS. Did the committee have pretty full hearings about these reductions which the House made?

Mr. WARREN. We had very full hearings about them. In this particular instance we summed up the number of watchmen in all the buildings in the Interior Department, and found that if these reductions were made they would be compelled to discharge young and active men, because under the service rules they could not discharge the old soldiers, and it would leave them without their best and most active young men. Furthermore, considering the fact that they work in eight-hour shifts, none of these watchmen could be spared. It seemed to the committee that the department could hardly get along and properly guard the building with fewer watchmen.

Mr. WILLIAMS. I notice that in the State, War, and Navy Department Building there are 39 watchmen; in the Interior Department there are 40 watchmen, in each case for one building——

Mr. WARREN. Oh, no.

Mr. WILLIAMS. Wait; I have not finished—with a scant allotment of ground about it. What grounds do the watchmen of the State, War, and Navy Department take care of, except that little plot of greenery around the State, War, and Navy Department Building?

Mr. WARREN. There is not very much ground around the State, War, and Navy Building, but——

Mr. WILLIAMS. What grounds are there in the case of the Interior Department for the 40 watchmen to look after?

Mr. WARREN. But there is the State, War, and Navy Building proper, and then there are several other buildings, some of them near by and some at a distance. All of them have to be taken care of.

Mr. WILLIAMS. There is nothing near by there, is there, except the White House grounds and the Treasury grounds?

Mr. WARREN. I am not referring so much to the grounds as to the buildings. The Senator knows there is the old Winder Building, right across the way; then there is the old Gen. Grant house, across the way; and there are several other buildings.

Mr. WILLIAMS. The Mills Building, too, I suppose?

Mr. WARREN. Yes.

Mr. GALLINGER. That goes with the Navy Department.

Mr. WILLIAMS. Has the Senator ever had a computation made to find out how many watchmen we have for the public buildings in the city outside of the Capitol and the Capitol grounds—the total number of watchmen of other public buildings in the city of Washington?

Mr. WARREN. I think the entire Interior Department takes about sixty-odd men, including the Pension Bureau and all the other bureaus of the department. The Senator has already stated the number in the State, War, and Navy Building. I would not be able to say offhand, but I should say——

Mr. WILLIAMS. The number is 99 for those two departments.

Mr. WARREN. It is in about the same proportion as to all the buildings.

Mr. WILLIAMS. Does the Senator remember how many watchmen there are in the Post Office Building?

Mr. WARREN. The watchmen in the Post Office Building number about 25. In the old Post Office Building I think there are 20 watchmen, but that is now part of the Interior Department.

Mr. WILLIAMS. I have asked the question because it has seemed to me for a long time that some reduction ought to be made in these offices, and the House of Representatives seems to have given the matter careful attention and to have had long hearings. But it seems to me that in nearly every case in the bill—it so appears, at any rate, cursorily—the Senate has just restored the current law.

Mr. WARREN. We have restored the current law, or nearly so, but not quite, I think, in every instance.

Mr. WILLIAMS. I said "in nearly every case." The action of the House and its examination and thorough search into the matter seems to have been treated with a good deal of contempt.

Mr. WARREN. I do not understand that they made an especially thorough search about that matter.

Mr. WILLIAMS. I understood that they had a very careful inquiry and came to the conclusion that these officers could be dispensed with.

Mr. WARREN. Let me say this to the Senator: Formerly there were fewer watchmen employed because they served 12 hours on and 12 hours off; but a law that has been enacted since then has added 50 per cent from time to time to the number required, because it has reduced the time of employment to an 8-hour basis.

Mr. WILLIAMS. That would be only an addition of 33⅓ per cent.

Mr. WARREN. Furthermore, the buildings have vastly increased in number and the work of the departments has greatly increased. Some years ago the appropriations for the Agriculture Department were four or five hundred thousand dollars; they are now $16,000,000. The appropriations for the War Department used to be twenty-five or twenty-eight million dollars annually; now the expenditures of that department reach $100,000,000. Of course, those departments occupy various new additional buildings. I would not be able to tell the Senator offhand just how many buildings the Interior Department occupies, but a great many.

Mr. WILLIAMS. I can understand, if the Senator will pardon me, how there might be an increase in the aggregate number of watchmen, because of new buildings to be guarded; but I do not understand why there should be any increase as to any particular buildings. The thing that struck me was this: If the Senate committee had made a careful examination, it is curious that it should have happened to arrive at the conclusion in nearly every case that the current law ought to be restored. It seems to me that in some cases it would have arrived at the conclusion the House was right, and in some cases that they had made a little bit too much reduction; but the expenditure of the current law might be reduced somewhere between current law and the House provision. It would appear, upon first blush, on the face of the bill, as if the Senate committee had just acted by wholesale and brought positions and salaries up to the standard of current law.

Mr. WARREN. The Senator has jumped at conclusions there.

Mr. WILLIAMS. I say it would appear so upon the face of the bill.

Mr. WARREN. The House did exactly that thing. They made a horizontal cut of an almost exact percentage. The Senate committee has considered each locality separately. In some cases they restored exactly what the terms of the law before provided, and in some cases not quite so. But knowing, of course, that the bill will go to conference and that there we will have a combination of the knowledge of both House and Senate, and as we can not go higher than the Senate provision and can not go lower than the House provision, we feel pretty safe in believing that we shall finally determine the matter correctly.

Mr. WILLIAMS. The Senator must pardon me if I made an error, because the error is due to the fact that I have thus far run across no item where the Senate committee has not simply restored the current law.

Mr. ROOT. Mr. President, I should like to make a suggestion to the Senator from Mississippi, coming from a long residence in the State, War, and Navy Department Building. That building, of course, is a very large one. There are three departments in it, and a great many entrances; I think there are 16 in all. There are the great main entrances on each face; then there are basement entrances and court-yard entrances, all of which are used. The principal function of the watchmen is to guard those entrances. They have to be there to give directions to people who come in and who would otherwise be lost in that vast building; to keep out drunken men and crazy men; and to perform the duties generally of watchmen. They have to be on 8-hour shifts only; so that there have to be three shifts. You can divide by three the total number.

Mr. WILLIAMS. I understand that; but after nighttime some of these entrances are locked up; are they not?

Mr. ROOT. Yes; they are locked up, and then the watchmen patrol the building as a regular fire patrol during the night.

The administration of the building has been directed especially toward cutting down expenses. In former years it was customary to have a retired officer in charge of that building, but some few years ago we made a change in that respect. I think I have been a member of that commission twice, and I think it was the first time I was on it when we put a bright young engineer officer in charge, who went to work reducing

expenses, and they have been reduced. I remember—I think several years ago—there was a reduction of nine in the number of watchmen. I know they talked to me about it then, and they cut the number down as much as they found it practicable to do safely. Since 1906 they have reduced the cost of running the building from $220,000 to $148,000, because they have been at work there themselves trying to cut down the expenses everywhere they could. I think this number of watchmen is as low as is practicable.

Mr. WILLIAMS. Mr. President, the Senator from New York has made out an excellent case for the State, War, and Navy Building. It is a great pity that example is not followed with regard to all these buildings.

Before I pass from that subject, however, of course you can not calculate the number of entrances and multiply it by three and get the necessary number of watchmen in that way, because at night most of the entrances, I suppose, are locked up. They are in most buildings, just two or three of them being left open. People are not allowed to enter, anyhow, unless they are Members of Congress or Senators, or upon business, after 2 o'clock in the afternoon. So that the full shift only runs eight hours. But it would be right interesting to know how many men we have in toto serving as watchmen of public buildings, even outside of the Capitol and the Capitol Grounds.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 100, line 7, to strike out "$266,930" and insert "$279,970" as the total of the appropriations under the heading "Office of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 100, line 13, before the word "watchmen," to strike out "fifteen" and insert "twenty"; and in line 16, after the words "in all," to strike out "$35,780" and insert "$39,380," so as to make the clause read:

For employees, for the proper protection, heating, care, and preservation of the old Post Office Department building, occupied by the Department of the Interior, namely: Engineer and electrician, $1,600; assistant engineer, $1,000; 4 firemen; 3 watchmen, acting as lieutenants, at $840 each; 20 watchmen; conductor of elevator, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,380.

The amendment was agreed to.

The next amendment was, on page 100, line 18, after the words "one at," to strike out "$3,000" and insert "$3,500"; in the same line, before the words "at $2,750 each," to strike out "two" and insert "three"; in line 19, before the words "at $2,500 each," to strike out "four" and insert "three"; and in line 23, after the words "in all," to strike out "$65,850" and insert "$66,600," so as to make the clause read:

Office of Assistant Attorney General: Assistant attorneys—1 at $3,500, 3 at $2,750 each, 3 at $2,500 each, 7 at $2,250 each, 11 at $2,000 each; medical expert, $2,000; 4 clerks of class 3, 1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter; clerk of class 1; in all, $66,600.

The amendment was agreed to.

The next amendment was, on page 101, line 2, after the word "exceeding," to strike out "$3" and insert "$4," and in line 7, after the words "Secretary of the Interior," to strike out "$4,000" and insert "$4,500," so as to make the clause read:

For per diem in lieu of subsistence of two special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $4 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,500.

The amendment was agreed to.

The next amendment was, on page 101, line 20, after the words "chief clerk," to strike out "$2,500" and insert "$2,750"; in line 23, before the word "chiefs," to insert "Chief of Division of Surveys, $2,750"; in the same line, after the word "division," to strike out "two at $2,400 each" and insert "one at $2,400"; on page 102, line 5, after the word "messengers," to insert "messenger boys—10 at $600 each, 6 at $480 each"; and in line 11, after the words "in all," to strike out "$621,520" and insert "$631,000," so as to make the clause read:

General Land Office: Commissioner of the General Land Office, $5,000; assistant commissioner, $3,500; chief clerk, $2,750; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; Chief of Division of Surveys, $2,750; chiefs of division—1 at $2,400, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 51 of class 3, 74 of class 2, 77 of class 1, 65 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $631,000.

The amendment was agreed to.

The next amendment was, on page 103, line 17, after the words "assistant commissioner," to strike out "$3,500" and insert "$3,750"; in line 18, after the words "chief clerk," to strike out "$2,250" and insert "$2,750," so as to make the clause read:

Indian Office: Commissioner of Indian Affairs, $5,000; assistant commissioner, $3,750; second assistant commissioner, who shall also perform the duties of chief clerk, $2,750.

The amendment was agreed to.

The next amendment was, in line 22, before the words "of class 3," to strike out "twenty-five" and insert "twenty-four"; in line 24, before the words "of class 1," to strike out "forty-three" and insert "thirty-five," so as to make the clause read:

Financial clerk, $2,250; chiefs of division—1 at $2,250, 1 at $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; clerks—14 of class 4, 24 of class 3, 24 of class 2, 2 at $1,500 each; 35 of class 1.

Mr. WARREN. Mr. President, through a little error we shall have to modify the amendment. I ask that the amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was, on page 104, line 1, after the words "in all," to strike out "$231,710" and insert "$221,260," so as to read: "in all, $221,260."

Mr. WARREN. I move to amend the amendment by changing the total to "$232,460."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 104, line 14, before the words "chief clerk," where it occurs the first time, to insert "Second Deputy Commissioner, $3,600"; on page 105, line 3, after the word "each," to insert "and for the following for care of buildings under the chief clerk of the Interior Department, namely"; in line 5, after the sum "$1,400," to insert "engineer, $1,200; two firemen"; in line 10, before the word "watchmen," to strike out "twelve" and insert "twenty"; and in the same line, before the words "in all," to strike out "$1,469,700" and insert "$1,481,700," so as to make the clause read:

Pension Office: Commissioner of Pensions, $5,000; Deputy Commissioner, $3,600; Second Deputy Commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 15 medical examiners, at $1,800 each; 8 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 57 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 16 assistant chiefs of division, at $1,800 each; 3 stenographers, at $1,600 each; clerks—95 of class 4, 100 of class 3, 275 of class 2, 295 of class 1, 65, at $1,000 each; 30 copyists; 27 messengers; 12 assistant messengers; 17 skilled laborers, at $660 each; 20 messenger boys, at $400 each; and for the following for care of buildings under the chief clerk of the Interior Department, namely, superintendent of building, $1,400; engineer, $1,200; 2 firemen; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; 1 painter, and 1 cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; in all, $1,481,700.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after the sum "$2,700," to insert "assistant examiner of trade-marks and designs, $2,400"; in line 19, before the words "third assistant examiners," to strike out "eighty-eight" and insert "ninety-three"; on page 107, line 2, before the words "of class 4," to strike out "nine" and insert "fourteen"; and in line 9, after the words "in all," to strike out "$1,311,010" and insert "$1,331,410," so as to make the clause read:

Patent Office: Commissioner of Patents, $5,000; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,500; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $3,500; chief clerk, who shall be qualified to act as principal examiner, $3,000; 2 law examiners, at $2,750 each; 3 examiners in chief, at $3,500 each; examiner of interferences, $2,700; examiner of trade-marks and designs, $2,700; assistant examiner of trade-marks and designs, $2,400; 6 assistant examiners of trade-marks and designs, at $1,500 each; examiner of classification, $3,600; 43 principal examiners, at $2,700 each; 63 first assistant examiners, at $2,400 each; 73 second assistant examiners, at $2,100 each; 93 third assistant examiners, at $1,800 each; 110 fourth assistant examiners, at $1,500 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; 3 assistant chiefs of division, at $1,800 each; private secretary, to be selected and appointed by the Commissioner of Patents, $1,800; translator of languages, $1,800; clerks—14 of class 4, 9 of class 3, 17 of class 2, 130 of class 1, 90 at $1,000 each; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; messenger and property clerk, $1,000; 90 copyists; 50 copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 45 laborers, at $480 each; 40 messenger boys, at $360 each; in all, $1,331,410.

The amendment was agreed to.

The next amendment was, on page 107, line 21, after the word "patents," to insert "and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents," so as to make the clause read:

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents; and for expense attending defense of suits instituted against the Commissioner of Patents, $500.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 108, items under the Bureau of Education.

Mr. GALLINGER. Mr. President, I should like to inquire of the chairman of the Appropriations Committee whether the aggregate for the Bureau of Education is the same as current law? I have received a deluge of letters from all over the country begging that Congress might give this very important bureau more consideration than it has received in the past, and be more liberal in the matter of appropriations. I have not looked it up at all; but I should like to ask the Senator from Wyoming whether the amount is the same as has been heretofore appropriated?

Mr. WARREN. Mr. President, I will see about that in a moment. But I desire to say that the demands, if I may term them such, or the wants of this bureau were considerably more than double the amount of the appropriation set out here. They seemed to propose new work, among which they proposed to classify all the colleges in the United States as No. 1, No. 2, No. 3, et cetera, and go into all State school matters.

I may say that the subcommittee and the committee itself were so bewildered with the startling amount that was asked for, and the privileges and powers that they indicated they desired to put into effect, that we did not feel like entering into the proposed increase to any great extent in an annual supply bill.

Mr. ROOT. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I yield to the Senator.

Mr. ROOT. I have received some letters in regard to the activities of the Bureau of Education which have led me to feel that there ought to be pretty careful consideration of the scope of the work of that bureau before we undertake to increase the appropriation. There is always a tendency on the part of an officer who is enthusiastic in his work, as he ought to be, to enlarge the scope of the work; and there is a good deal of possibility of this bureau simply duplicating work that is being done perfectly well—done better than the bureau could do it, probably—by other agencies in the country.

Of course we can spend many millions of dollars if we are going to have this bureau take charge of all the educational work of the country; and if we leave to themselves enthusiastic officers who are worth their salt, they certainly will keep on enlarging it. I think, however, that before we increase the appropriation we ought to know whether it is a needful enlargement and one for which we ought to spend the money of the Government.

Mr. GALLINGER. I quite agree with the Senator from New York——

Mr. POINDEXTER. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I yield.

Mr. POINDEXTER. I just wanted to ask the Senator from New York the general nature of the complaint against the Bureau of Education, to which he has referred.

Mr. ROOT. The general nature of the complaint was in regard to the activity of, I suppose, the officer who is styled here "specialist in higher education." He has been sending out classifications of institutions—and I presume this is the same matter the Senator from Wyoming referred to—apparently without having made the investigations which would furnish a proper basis for his classification. It was volunteer work, without the justification of real knowledge, and was regarded by the gentlemen who wrote to me upon the subject as a piece of pure impertinence.

Mr. SMITH of Georgia. If the Senator from New York will allow me, I do not think the criticism can be made too severe of the classification which has been published.

Mr. WARREN. If the Senator will allow me, I should like to complete my answer to the Senator from New Hampshire. I did not wish to take the Senator from Georgia off the floor, however.

Mr. SMITH of Georgia. I had said all I wished to say. I will simply add, in connection with what the Senator from New York has said, that I have examined that classification myself, together with men who are well informed on the subject, and it is utterly inexcusable.

Mr. WARREN. I will say to the Senator from New Hampshire that the House has increased the appropriation for the Bureau of Education by the sum of $15,000 over current law, or something like 20 per cent. What the bureau asked from our committee was about $114,000 additional; and included in that were certain matters about which I should be glad to have the attention of the Senator from Ohio [Mr. BURTON]. I do not wish to take the Senator from New Hampshire from the floor—of course, I could not—but when he has concluded I shall be glad if the Senator from Ohio will give the Senate some information on this subject.

Mr. GALLINGER. I will conclude by a single further observation. I was not well informed as to what this particular official had been doing. If he has been engaged in an exploitation that is not reasonable or wise, of course he ought to be ignored, but the letters that came to me were so numerous that I did not suppose it was a propaganda without a basis in reason.

I simply feel that we ought to be very liberal in taking care of the educational work of the Government, and I am glad to know that the House, reducing appropriations as a rule, has increased this appropriation $15,000. I am content to know that fact. I hope that this appropriation will enable the bureau to carry on all the proper work of the bureau, and I suppose it will.

Mr. WARREN. Mr. President, just a word. It has seemed to the committee, and I think it will suggest itself to the Senator from New Hampshire, that so large an appropriation and such an advance step along different lines ought to be considered outside of an annual appropriation bill.

Mr. GALLINGER. Oh, I quite agree with the Senator on that point. If the bureau, or somebody representing the bureau, asked for $114,000 additional, being much above the entire appropriation for the bureau, I can see that that was unreasonable, and it ought to be considered outside of an appropriation bill, if it is given consideration at all.

Mr. OVERMAN. Mr. President, I wish to say that Dr. Claxton, who is at the head of this bureau, is a young man who is very enthusiastic in his work.

Mr. GALLINGER. And very able.

Mr. OVERMAN. And he is a very able man. He is one of the most distinguished educators in this country. He has submitted an estimate here that I think ought not to be put on an appropriation bill, but it ought to be in separate legislation. I think probably if it would come here on another bill we might give him as much as he has asked, and in some lines we may increase the efficiency of his department.

I agree with the Senator from Georgia and the Senator from New York that the work which has been undertaken by this specialist ought not to be undertaken by the Government. I think the investigation he has made is superficial, taking some colleges and putting them down in the second or third class. The Government has no business to go into that sort of a thing, investigating this college and that college and saying that a college in Mississippi is a third-class institution or a college in North Carolina is a second-class institution and one in New York is a first-class institution. What business has the Government to go into the work of classifying the colleges and placing them in a first class, a second class, a third class, and a fourth class? That is what I condemn. I do not think Dr. Claxton is responsible for it, but this specialist, who also is an enthuiast, has gone beyond where it was intended he should go in creating the office which he fills.

Mr. SMITH of Georgia. It was called to the attention of Dr. Claxton and he did not suppress it.

Mr. OVERMAN. I do not think it was called to his attention until probably after it had been done. I am satisfied that Dr. Claxton in future will not have anything like that going on in his department. In fact, I think the Senator from Ohio [Mr. BURTON] will introduce an amendment to prohibit that kind of work, and I am heartily in favor of doing it.

Mr. ROOT. Mr. President, there are two entirely distinct fields to which a governmental department of education may address itself. One is the supervision of the education which is provided by the Government. We do under the Government of the United States provide certain education; we make grants to certain institutions; and we ought to have an agency to look after the expenditure of that money and to look after the institutions through which it is expended.

The other field is the general field of education, and in that field it is appropriate, and has been the case from time immemorial, that the Government should exercise visitorial powers; but the visitorial powers in this country rest with the

governments of the States and not with the Government of the United States.

I apprehend that the creation of a position of specialists in higher education in this bureau indicates an impression on the part of the gentlemen connected with the bureau that it is their function to exercise general visitorial powers over the educational institutions of the United States, and the attempt of this specialist in higher education to classify these institutions indicates that he understands that that is his function. If so, he misunderstands it, and we should not appropriate money for the purpose of duplicating outside of the true powers of the Government of the United States the visitation by Government of educational institutions.

Mr. POINDEXTER. Does the Senator from New York charge that the bureau or this special officer of the bureau have in any way extended their authority to visitorial powers? I understand that they have simply sought information and tabulated it and published it. I do not understand that the bureau or any official of the bureau have undertaken in any way to perform the duties of a board of visitors to any institutions.

Mr. SMITH of Georgia. I should like to ask the Senator if he does not think it dangerous for this specialist to undertake to classify the colleges and schools without any visitations?

Mr. POINDEXTER. I do not regard it as dangerous. I regard it as a little severe on the local pride of those colleges which happen to be classified as second and third class.

Mr. SMITH of Georgia. It is very hard to make an exact classification, and if it amounts to anything it will be harmful.

Mr. POINDEXTER. I think it is invidious. I do not think that they ought to undertake to do that. I agree with the Senator entirely in that regard. But I do not think that there is any objection to the extension of this bureau along lines, commensurate with the growth of the country, in the study of educational methods and a tabulation and publication of the results.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was continued to line 19, page 109, the last paragraph read being the following:

Office of the Superintendent of the Capitol Building and Grounds: Superintendent of the Capitol Building and Grounds, $6,000; chief clerk, $2,000; chief electrical engineer, $3,000; civil engineer, $2,400; 2 draftsmen, at $1,200 each; clerk, $1,600; stenographer and typewriter, $1,000; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $1,800; and 1 stenographer, at $720; in all, $30,480.

Mr. BRISTOW. I wish to inquire as to this item of compensation to the disbursing clerk, $1,000, in line 11, on page 109.

Mr. WARREN. I suppose it is for the purpose mentioned, "compensation to disbursing clerk."

Mr. BRISTOW. Is that the salary of the disbursing clerk?

Mr. WARREN. I think not. I will look it up in a moment. I think this is added to some salary on account of duties additional of a disbursing clerk.

Mr. BRISTOW. I should like to know who is going to get the $1,000.

Mr. WARREN. If the Senator will let it pass for a moment I will give him the information.

Mr. WILLIAMS. Mr. President, I want to call the attention of the Senator to the language which occurs, not only here but elsewhere, in all these appropriation bills, not only the one of this year, but in all of them:

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, including payment in advance for subscriptions to publications.

And then there follows the amount of money appropriated.

The habit is growing up in the city of Washington in a great many of the departments of collecting libraries, including all the current magazines, for the edification or amusement of the employees. These words are "current educational periodicals," which is all right. It is followed by the language "other current publications." I remember that about 8 or probably 10 years ago there used to be a clause like this in the old agricultural appropriation bill. I was then upon that committee in the House, and we concluded that we would look into that. We went down there and found that Harper's Weekly, and Puck, and various other things were being taken as a part of the scientific paraphernalia of the Agricultural Department library. I expect the same thing is going on right here in the Educational Bureau. I think wherever that sort of language occurs it ought to be stricken out.

The Educational Bureau, for example, ought to have educational periodicals, the Agricultural Department ought to have agricultural periodicals, the State, War, and Navy ought to have certain scientific periodicals and certain military and naval periodicals. Anything that would help in the work of the bureau or the department ought to go there.

Not only is this criticism true as regards periodicals, but it is true as regards books. Many of these departments have very nice little miscellaneous libraries for the delectation of those who draw Government salaries. I do not know just how the books are selected. I presume that when somebody wants a book he suggests it to the party in charge of the bureau or department library and he goes out and buys it at public expense. That I do not know about.

It seems to me that there ought to be a stop put to that in all these departments. I do not suppose we can do it right here. I think I will move—on page 108, line 19—to strike out the words "other current publications."

Mr. WARREN. That being in the House text, the Senator will have to wait until we go through with the bill and act on the other amendments of the committee.

Mr. WILLIAMS. Very well. I say, I think I shall move that amendment when we come to it.

Mr. OVERMAN. May I interrupt the Senator?

Mr. WILLIAMS. Wait a moment. Also, when the language "and completing valuable sets of periodicals" is reached, after the word "of" and before "periodicals," I will move to insert the word "educational." Of course every public official ought to have very near to him the information necessary for his particular business—if it is in the Department of Justice, the law books; if it is in the Patent Office, all sorts of patent decisions and a great many machinery journals and a great many journals that give accounts of new inventions and inventions in other countries. Everybody will understand exactly where the shadowy line of division should come. We have a great public library here, and we should not be building up a hundred separate libraries of various sorts.

I yield to the Senator from North Carolina.

Mr. OVERMAN. I want to suggest to the Senator that while I heartily agree with him, we ought not to stop at this one department when other departments are doing the same thing.

Mr. WILLIAMS. Of course, I say the same thing is done in all, except I think you will find that it is no longer done in the Agricultural Department. At least I know that years ago it was stricken out. It may have gotten back. I have found by long experience here that whatever is stricken out somehow or other gets back into the appropriation bill in the long run. If we strike it out, somehow or other it will be put back in time, and that may have gotten back in relation to the Agricultural Department library, but I do not think so.

Mr. CULBERSON. It has often been suggested from time to time in considering this bill that there seems to be a duplication. There has been just brought to my attention, at page 108, under the head of "Bureau of Education," the item "specialist in charge of land-grant college statistics, $1,800." Then "collector and compiler of statistics, $2,400," and then, in lines 22 and 23, "for collecting statistics for special reports and circulars of information, $4,000." It seems to me that is a good deal to pay annually for statistics to officials. Then there is a general lump sum of $4,000 for collecting statistics. I call the attention of the chairman of the committee to it.

Mr. WARREN. It is pretty much the work of the Bureau of Education to collect statistics. We have not changed the House language there.

Mr. CULBERSON. Possibly the House may have been in error in putting that in.

Mr. WARREN. I think it is sometimes. The Senator should be reminded that I was chastised only a few moments ago for differing with the House. On some of these items, when we differ from the House, I have changed them, and there are others where I have thought we should differ, but I was willing to take the judgment of the House. In this matter of education we have not changed the current law. The $15,000 that was added was a lump sum. The Senator may be right about it, but Mr. Claxton, when he was before us, laid particular stress upon the importance of those employees. I confess that I know less about those particular employees than about some of the others.

Mr. HEYBURN. Mr. President, during my absence——

Mr. OVERMAN. May I interrupt the Senator for one moment.

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I have just a word to say.

Mr. OVERMAN. Right here.

The VICE PRESIDENT. But the Senator from Idaho declines to yield.

Mr. HEYBURN. It relates to a matter which has just passed the Senate. I will yield with pleasure to the Senator in a moment. During my absence there was an item I had a check on, on page 55, in the contingent expenses of the Treasury Department, where $250 was added for newspaper clippings. That struck me as being rather an unusual appropriation for a department of the Government. I think they should be fined for taking newspaper clippings rather than be given $250 for buying them. I merely call attention to it.

Mr. WARREN. Let me ask what paragraph it is. I feel sure no such sum is appropriated.

Mr. HEYBURN. It is on page 55; it is a Senate committee amendment.

Mr. GALLINGER. In line 22.

Mr. HEYBURN. It ought to be stricken out, if we may recur to it. I had marked it for my attention, but it came up when I was out of the Chamber.

Mr. WARREN. We can leave it and go back to it later on. I will say that it is not an unusual thing for a business office or for any other office to wish to find out what the current literature may be upon scientific or other special subjects, and to subscribe for clippings.

Mr. HEYBURN. This is not on a scientific subject.

Mr. WARREN. Well, any subject, for that matter, upon which they wish to get a consensus of opinion. I do not regard it as anything that is at all outside of the regular expenditures.

Mr. HEYBURN. It will depend upon what papers the clippings come from as to whether they might be for their interest or of value. I merely call attention to it in passing. I think the committee should strike out that amendment.

Mr. OVERMAN. I understand that it is only a matter of $5, and the $250 is for law books.

Mr. HEYBURN. The item is for newspaper clippings. The amount was raised from $750 to $1,000. So I take it that that raise was for clippings.

Mr. OVERMAN. No; not at all:

For newspapers, newspaper clippings, law books, city directories, and other books of reference relating to the business of the department.

Mr. HEYBURN. Those were all in at $750.

Mr. OVERMAN. The department said it was not sufficient, and they also said they would like to have "clippings" put in there. The clippings amount to only $5 or $10.

Mr. HEYBURN. It does not so appear on the face of the bill.

Mr. CUMMINS. It seems to me the Senator from Idaho ought not to object to that because——

The VICE PRESIDENT. The amendment has been passed. It was agreed to some little time ago.

Mr. CUMMINS. Because the authority still remains to buy newspapers, and it certainly is better to buy a clipping rather than a newspaper.

Mr. HEYBURN. If I may interrupt the Senator, I did not speak of the newspapers because the House had put that in and an amendment to change the text would not be in order at this time. I only speak of the Senate amendment.

Mr. CUMMINS. I hope no discrimination will be made between newspapers and newspaper clippings. The latter are cheaper, and certainly we ought not to limit a library to newspapers. We ought to take the clipping rather than the whole newspaper.

Mr. WILLIAMS. What do these departments want with newspapers, anyhow? Of course, I understand everybody in a department wants a newspaper, but he is supposed to buy it.

Mr. CUMMINS. I am not in favor of either, but I could not understand why there should be objection to newspaper clippings——

Mr. WILLIAMS. No; I am not——

Mr. CUMMINS. And not take all the paper, and allow the newspaper itself to enter without any objection.

Mr. GALLINGER. The newspaper can be purchased for 1 cent, and the newspaper clipping costs 5 cents.

Mr. CUMMINS. That is not true of all newspapers.

Mr. WARREN. The trouble is, you would have to subscribe for the newspaper and then pay a clerk to look out for the particular items sought for, while these newspaper clippings are furnished upon a particular subject that is important to the office.

Mr. GALLINGER. At 5 cents apiece.

Mr. WARREN. At 5 cents apiece.

I laid aside for a few moments the matter which the Senator from Kansas [Mr. BRISTOW] spoke about.

The office of Superintendent of the Capitol Building and Grounds is one that belongs to the House and Senate together. It is like the Capitol police force. The House has as much authority as we have and no more, perhaps, except that they originate legislation. The disbursement that the Senator alludes to has been paid for a great many years to Mr. Evans, who is the chief disbursing clerk of the Interior Department. The Capitol comes under the Interior Department. This clerk gets a salary, I think, of $2,200, and this is the additional compensation that he gets by giving a large bond and disbursing not only the funds of the department proper, but for both the new buildings that have been built here for the House and the Senate, and for everything that comes up of that nature, including all funds handled by the Superintendent of the Capitol Building. It is not a new thing at all. It is quite usual to pay to the chief clerk or the disbursing officer in the department something for the care of the buildings—sometimes $250, sometimes $500—and in the same way an addition sometimes for disbursing But this has been done to compensate him rather than to raise his salary for disbursing these moneys.

Mr. BRISTOW. Those buildings are completed.

Mr. WARREN. Oh, well, their supervision forms no considerable part of his duties. He had this compensation before the House and Senate Office Buildings were built.

Mr. BRISTOW. But the appropriation is made for the "Superintendent of the Capitol Building and Grounds."

Mr. WARREN. Oh, no; this Capitol happens to be in charge of the Interior Department, and Mr. Evans is the disbursing clerk of the entire Interior Department.

Mr. BRISTOW. He ought to have a proper salary for that, of course.

Mr. WARREN. Added to that has been the outside work. As I have said, this is quite usual. It does not give him an unreasonable salary. It gives $3,250 for an officer who has to expend many million dollars, and who, of course, is under a heavy bond.

Mr. BRISTOW. He ought to have the same salary that other officers of equal responsibility in other departments have. The disbursing clerks of these departments all perform about the same duties. Now, according to this bill, there would be added to that the disbursement of the funds provided for in this paragraph. The disbursing clerk of the department, as I understand, simply pays the employees and officers of the department and takes care of the departmental expenditures. He does not handle the millions of dollars which the department expends in other lines; he is the disbursing officer who pays the employees of the department; and this officer is given a thousand dollars extra here for disbursing $30,480. That is the situation.

Mr. SMITH of Georgia. And, in addition to that, he is provided with a bookkeeper and an accountant at $1,800 a year.

Mr. BRISTOW. Yes.

Mr. WARREN. Well, the Senator from Kansas may rail against the salaries if he wishes, but this bill does not increase them and the accountant and bookkeeper are one.

Mr. BRISTOW. That does not justify paying a clerk $1,000 extra for disbursing $30,480.

Mr. WARREN. Oh, well——

Mr. LODGE. It is not to pay him for disbursing that amount.

Mr. WARREN. It has nothing whatever to do with that.

Mr. LODGE. This $1,000 is not compensation for disbursing the funds of the Interior Department.

Mr. WARREN. It is for disbursing extra funds.

Mr. LODGE. I think we ought to take the Capitol out of the hands of the Interior Department. I think we should take care of it with our own officers.

Mr. WARREN. If some of these observations which are made when we appropriate according to the terms of the law could impress the minds of those who make them so that they would propose legislation on the subject, then we should know what we were doing. We appropriate under the law as we find it.

Mr. BRISTOW. I move to strike out——

Mr. WARREN. The Senator can not do that in order now, because this is the language of the other House.

Mr. BRISTOW. Well, then, I will wait until the proper time arrives.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 110, in line 2, after the word "exceeding," to strike out "$100" and insert "$250"; in line 7, after the words "and other," to strike out "absolutely necessary expenses" and insert "necessary expenses not hereinbefore provided for"; in line 8, after the word "including," to insert "traveling expenses"; and in line 10, after the sum "$122,000," to insert:

Provided, That such portion of the appropriation for contingent expenses as may be allotted to the Bureau of Mines by the Secretary of the Interior shall be available for the purchase of furniture and such other supplies hereinbefore enumerated as may be required for the use of the Pittsburgh Experiment Station as well as the Washington office of said bureau.

So as to make the clause read:

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $7,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street-car tickets not exceeding $250, expressage, wagons and harness, motor trucks, motor cycles, and bicycles, maintenance and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and adding machines and exchange of same, $122,000: *Provided*, That such portion of the appropriation for contingent expenses as may be allotted to the Bureau of Mines by the Secretary of the Interior shall be available for the purchase of furniture and such other supplies hereinbefore enumerated as may be required for the use of the Pittsburgh Experiment Station as well as the Washington office of said bureau.

The amendment was agreed to.

The next amendment was, on page 111, line 10, after the date "nineteen hundred and thirteen," to insert:

The Secretary of the Interior may hereafter, in his discretion and in the interest of economy, use the funds provided in the appropriation for stationery and for contingent expenses of the Department of the Interior, for the purchase and distribution of supplies for the use of subordinate offices and Indian schools having appropriations available for the purchase of supplies: *Provided*, That the said appropriations of the department shall be reimbursed from the appropriations for the offices and schools so supplied by the medium of transfer vouchers which, when properly executed, shall be recognized and allowed by the accounting officers of the Treasury Department, and such vouchers, bearing the approval of the Secretary of the Interior or one of his assistants, shall be accepted by the accounting officers of the Treasury Department as sufficient evidence that the supplies charged for have been or will be paid for from the said department appropriations.

The amendment was agreed to.

The next amendment was, on page 112, line 6, after the word "department," to strike out "$1,000" and insert "$2,000," so as to make the clause read:

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, $2,000, of which sum $250 may be used for the Civil Service Commission.

The amendment was agreed to.

The next amendment was, on page 112, line 20, after the word "building," to strike out "northeast corner Eighth and G Streets NW.," and in line 21, after the words "Bureau of Mines," to strike out "$7,500" and insert "$10,000," so as to make the clause read:

For rent of building for the Bureau of Mines, $10,000.

Mr. BRISTOW. I should like to inquire why this increase in the rent of the building for the Bureau of Mines?

Mr. WARREN. The Bureau of Mines, as we were advised by the Department of Commerce and Labor, has not nearly enough room and must either seek a larger building or have an additional building erected alongside of it. We did not give them the amount that was estimated, the subcommittee believing that, instead of $12,500 they could possibly get along with $10,000. They seem to be hampered with their business now for want of room.

Mr. BRISTOW. It seems to me that $7,500 ought to rent a pretty good building.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Surveyors general and their clerks," on page 113, line 3, after the word "office," to strike out "$7,000" and insert "$9,000," and in line 4, after the words "in all," to strike out "$11,000" and insert "$13,000," so as to make the clause read:

For surveyor general and ex officio secretary of the District of Alaska, $4,000; clerks in his office, $9,000; in all, $13,000.

The amendment was agreed to.

The next amendment was, on page 113, line 10, after the name "Arizona," to strike out "$2,500" and insert "$3,000," and in line 11, after the words "in all," to strike out "$15,500" and insert "$16,000," so as to make the clause read:

For surveyor general of Arizona, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

The amendment was agreed to.

The next amendment was, on page 114, line 9, after the word "office," to strike out "$15,000" and insert "$16,200," and in the same line, after the words "in all," to strike out "$18,000" and insert "$19,200," so as to make the clause read:

For surveyor general of Idaho, $3,000; and for the clerks in his office, $16,200; in all, $19,200.

The amendment was agreed to.

The next amendment was, on page 114, line 22, after the word "office," to strike out "$7,000" and insert "$9,000," and in the same line, after the words "in all," to strike out "$10,000" and insert "$12,000," so as to make the clause read:

For surveyor general of Nevada, $3,000; and for the clerks in his office, $9,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 115, line 3, after the name "New Mexico," to strike out "$2,500" and insert "$3,000," and in line 4, after the words "in all," to strike out "$18,000" and insert "$18,500," so as to make the clause read:

For surveyor general of New Mexico, $3,000; and for clerks in his office, $15,500; in all, $18,500.

The amendment was agreed to.

The next amendment was, on page 115, after line 14, to insert:

For surveyor general of South Dakota, $2,000.
For the clerks in his office, $5,000.
For rent of office for the surveyor general, pay of messengers, stationery supplies, drafting instruments, fuel, ice, binding records, post-office box rent, telegrams, registration of letters, towels, furniture and typewriter repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $800.

The amendment was agreed to.

The next amendment was, on page 115, line 24, after the word "office," to strike out "$12,000" and insert "$16,000," and in the same line, after the words "in all," to strike out "$15,000" and insert "$19,000," so as to make the clause read:

For surveyor general of Utah, $3,000; and for the clerks in his office, $16,000; in all, $19,000.

The amendment was agreed to.

The next amendment was, on page 116, line 14, after the word "office," to strike out "$15,000" and insert "$18,000," and in the same line, after the words "in all," to strike out "$18,000" and insert "$21,000," so as to make the clause read:

For surveyor general of Wyoming, $3,000, and for the clerks in his office, $18,000; in all, $21,000.

The amendment was agreed to.

The next amendment was, on page 116, line 19, after the word "typewriters," to strike out "$1,000" and insert "$1,200," so as to make the clause read:

For pay of messenger, stationery, and supplies, lights, printing, binding, books, post-office box rent, drafting instruments, mounting maps, ice, towels, furniture and repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,200.

The amendment was agreed to.

The next amendment was, on page 123, line 6, after the word "exceeding," to strike out "$100" and insert "$200," so as to read:

For miscellaneous items, including the exchange of typewriters, adding machines, and other labor-saving devices; street car tickets not exceeding $200.

The reading of the bill was continued to the end of line 13, on page 124.

Mr. WARREN. Mr. President, some impatience is manifested on the part of Senators who have other matters to present. I will now ask, therefore, to lay aside the bill, with the notice that I wish to take it up on Monday, and, if possible, finish its consideration on that day.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. Mr. President, at a meeting held this afternoon of the full committee appointed to investigate whether in the election of Senator LORIMER there was any fraud used, I was requested by all the members of the committee present to present a request for unanimous consent, which I will send to the desk and ask the Secretary to read.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Secretary will read the request.

The Secretary read as follows:

It is agreed by unanimous consent that on Saturday, July 6, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of Senate resolution No. 315, declaring that corrupt practices were employed in the election of WILLIAM LORIMER as a Senator from Illinois, and that his election was invalid; and that before adjournment on that legislative day a vote be taken upon said resolution and all amendments to and substitutes therefor.

It is further agreed by unanimous consent that in the event a date for final adjournment of Congress be fixed prior to July 6, 1912, this order be vacated and an earlier legislative day for voting upon said resolution and amendments and substitutes be agreed upon.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the order is entered.

FISH-CULTURAL STATION IN TENNESSEE.

Mr. LEA. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 6612) for the establishment of a fish-cultural station in the State of Tennessee.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000, or so much thereof as may be necessary, for the establishment of a fish-cultural station in the State of Tennessee, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO ARCHIBALD W. BUTT AND F. D. MILLET.

Mr. ROOT. From the Committee on the Library, I report back favorably, without amendment, the joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet, and I submit a report (No. 866) thereon.

I ask unanimous consent for the present consideration of the joint resolution, and call the attention of the Senator from Georgia [Mr. BACON] to it.

The PRESIDING OFFICER. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form, to Maj. Archibald W. Butt, United States Army, and Mr. Francis Davis Millet, vice chairman of the Commission of Fine Arts, officers of the United States who perished in the Titanic disaster: *Provided*, That the site chosen and the design of the memorial shall be approved by the President of the United States upon the advice of the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. McCUMBER. Mr. President, I think the joint resolution should go over. When we select two persons out of all those who died in that tragedy and erect a monument or provide that grounds may be given on which to erect a monument for those particular persons, and to no one else, it seems to me as if we are doing more or less of an injustice to all the others. I would favor a proposition that a monument should be erected for all of those who perished in that great disaster; but I believe we ought to pause, and not put through a joint resolution of this kind without further consideration.

Mr. BACON. If the Senator will permit me, of course if he objects there is no remedy for that; but I desire to correct the impression, in order that it may not go out, that this memorial is intended to be a monument. It is simply a drinking fountain which it is proposed to erect.

Mr. McCUMBER. Whatever it is, it is designed to express a sentiment; and what I object to is that a sentiment of sympathy, admiration, or honor should be given to only two of those who suffered in that great tragedy.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. I hope the Senator will not take that position. If the joint resolution meant what he seems to think it means, he would be correct in taking the position; but it does not mean that; it does not mean to express this sentiment for these two men exclusively. There is nothing in this measure to prevent any other association of people hereafter who wish to raise a certain amount of money for the purpose of erecting a monument to any other victims of the *Titanic* disaster from having granted to them a site in precisely the same way.

Mr. McCUMBER. Why not provide, then, that it shall be for all of the victims of that disaster?

Mr. WILLIAMS. Permission will undoubtedly be granted to them whenever they shall request it. I understand, in fact I have seen it stated in the public prints, that there is an association formed, or, at any rate, one was to be formed, for the purpose of collecting money to erect a monument to the victims of the *Titanic* disaster.

Mr. McCUMBER. If we should give grounds for that purpose, I think we would be doing a laudable act.

Mr. WILLIAMS. These two happened to be officers of the United States. Their friends here in Washington, desiring to pay sweet reverence to their memory, are going to raise the money, or have raised it, and ask nothing from the public except a site upon which to erect the monument.

With all these grounds around here, if the children of the Senator from North Dakota, after his death, wanted to erect a monument to him somewhere, I should see no objection to it, so far as that is concerned. But to balk a movement of loyalty and friendship, of intimate friends, loving friends, who desire to erect a memorial to these two officers of the United States, simply because the people of the United States have not raised a fund to erect a monument to all the victims of the *Titanic*, does not seem to me to be the right thing to do.

I hope the Senator will not object to the joint resolution reported by the Senator from New York.

Mr. McCUMBER. Mr. President, answering the Senator, there are those from my own State to-day sleeping beneath the waves who were passengers upon that ill-fated ship. I should feel that I was more or less presumptuous if I should ask for a bill that granted me and my friends, mourners for those who were lost, a right to a piece of public ground in this city for the erection of a monument or a memorial of any kind to those from my own State, naming them, or anyone else.

Mr. WILLIAMS. If the Senator from North Dakota asked it, I should not have the slightest hesitation in the world in agreeing to it.

Mr. McCUMBER. I have no objection to these people being given permission to put up monuments to these particular persons upon that ground if the joint resolution is so worded that others may put up monuments to their friends. What I do object to is having two out of the number singled out as worthy of that consideration and the others as not worthy of it.

Mr. WILLIAMS. It is not a question of worthiness of our consideration. It is a question of worthiness of the devotion and sweet and tender affection of their own friends who desire to do this. As for the little land that is granted, it would hardly be enough in which to bury either the Senator or myself.

Mr. ROOT. Mr. President, permit me to make a little further explanation to the Senator from North Dakota. It is not really a case of granting any land. The idea is to put a drinking fountain in the shrubbery at the edge of the White Lot, something that the Commissioners of the District have been studying for a long time and are very anxious to have, and put a simple tablet upon it which shall commemorate these two officers, who happen to have been much concerned with that immediate locality in the performance of their duties for the United States.

If anyone else had had in his lifetime the associations with the place that Maj. Butt and Mr. Millet had, I should say it was equally appropriate that they should be commemorated there. But no one else had. Maj. Butt spent a large part of his mature years in the White House as aid to the President, and Mr. Millet devoted many years of faithful and unselfish service to the public in the beautification of Washington, serving upon the Art Commission. Their memory is necessarily connected with the very place where it is proposed to put this modest little tablet upon the drinking fountain.

A few of their friends have raised a small sum—only three or four thousand dollars—for this modest little memorial to them. If anyone else had associations with the place, the memorial to them might well go there. But this, for these two men, is like putting in their own homes memorials to any of the people that went down on the *Titanic*. This was their home. This was where we knew them in their lives, and this is where their friends would be glad to see some little thing to commemorate them.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. OVERMAN. I will say to the Senator that it seems to me the joint resolution ought to state what is to be erected. It says "a monument."

Mr. ROOT. I think the language is "a memorial." I will ask for the reading of the report. There is a little report with it that I will ask to have read.

Mr. OVERMAN. I want to say that there was a young boy, a hero, from my State, simply a mail clerk, who stayed at his post, as the evidence shows, carrying mail bags on his shoulders, when the *Titanic* went down. He did not try to get in any lifeboat. He did not try to leap off. He stayed at his post of duty. The heroine of that disaster was Mrs. Straus. Now, we are not going to let everybody erect monuments on the public grounds here.

Mr. WILLIAMS. It is not to be a monument.

Mr. OVERMAN. I have no objection to the erection of a fountain on public grounds, if that is what is proposed; but I gathered from the reading that it was a monument. Let it be read.

The PRESIDING OFFICER. The joint resolution will be again read.

The Secretary proceeded to read the joint resolution, and read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Wash-

ington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form—

Mr. OVERMAN. Mr. President, I would suggest right there that the joint resolution read:

A drinking fountain as a memorial.

Let us know what we are doing.

Mr. ROOT. Mr. President, may we have the very brief report read?

Mr. POINDEXTER. I should like to hear the reading of the resolution completed.

Mr. McCUMBER. Mr. President, I wish to complete what I desired to state in the beginning.

The PRESIDING OFFICER. The Senator from North Dakota is entitled to the floor.

Mr. McCUMBER. This matter comes from the Committee on the Library, and is reported here at almost 6 o'clock in the evening, when there are few in the Senate Chamber. The Senator who makes the report asks for a vote before the report has ever been printed. I really feel that probably there should be an amendment to the joint resolution as it comes in. I wish to draft an amendment. I should not wish to do it this evening. It may be possible that I shall conclude that I ought to offer no amendment whatever to it. But I think it ought to go over, so that we may consider its full intendment and its full effect.

If, after reading the report and after carefully reading over the joint resolution, I come to the conclusion that it should not be amended, I certainly shall not ask to have that done. But I think it ought to go over.

Mr. ROOT. Mr. President, without putting the Senator to the necessity of making an objection, I will ask that it go over.

Mr. BACON. I request that the report be read. The Senator says it is short.

Mr. ROOT. Yes; I will ask that that be done.

Mr. BACON. I make that request in order that the report may be in the RECORD, together with the joint resolution.

Mr. SMITH of Georgia. Mr. President, one minute, before that is done. I want to make one suggestion in reply to that of the Senator from New York.

There was on that ship, from Georgia, a brilliant story writer, Jacques Futrelle, a man whom I knew very well. His friends would not expect to come here to place a monument to him. They will place it in Atlanta. He had a number of friends there. They will place on some public grounds in Atlanta, his home, a memorial to him.

I take it for granted that the friends of Mr. and Mrs. Straus will place a memorial to them. They would not place it here; they would erect it in New York, where their field of activity was located. But these two men lived here, and we are acting not as the representatives so much of the National Government as the representatives and controllers of the property of the District. Their friends are here. There is no other public place in which to put a memorial for them except upon public ground here. Scattered over the country, friends of parties whose lives were sacrificed will erect memorials to them, but they will place them at a point where their loved ones lived and where their activities had taken place. For these two men the District of Columbia was the place, and it is not so much a national action on our part as it is the exercise of our authority in control of the public property of the District of Columbia.

Mr. McCUMBER. There were others also who perished from the District of Columbia, were there not?

Mr. SMITH of Georgia. I am not familiar with any who did.

Mr. McCUMBER. I think there were a number. One was Mr. Clarence Moore, who is not mentioned here. However, I wish the joint resolution would go over so that we can take it up at another time.

Mr. ROOT. Let the report be read.

The PRESIDING OFFICER. Without objection, the report will be read and the resolution will go to the calendar.

The Secretary proceeded to read the report.

Mr. OVERMAN. I suggest that the report be printed and let it go over. There is no haste about it.

Mr. ROOT. It is very brief.

The PRESIDING OFFICER. Objection being made, the report will be printed in the RECORD.

Mr. OVERMAN. I do not mean that I shall not support the resolution, but I want to see the report in print.

Mr. WILLIAMS. I thought the Senator from New York submitted it as a part of his remarks and had a right to have it read.

Mr. ROOT. I asked to have it read, but I do not want to have a controversy and a squabble here about a matter which is very near to my heart.

Mr. OVERMAN. If any one particularly desires to have it read, I do not object.

The PRESIDING OFFICER. The reading will continue.

The Secretary resumed and concluded the reading of the report, which is as follows:

Mr. ROOT, from the Committee on the Library, submitted the following report (No. 866) to accompany S. J. Res. 108:

The Committee on the Library, to whom was referred the resolution (S. J. Res. 108) entitled "Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet," have had the same under consideration and report it back without amendment.

Soon after the *Titanic* disaster it was suggested that an enduring memorial be erected on public grounds in the city of Washington to the memory of Maj. Archibald W. Butt and Mr. Francis D. Millet. They are believed to be the only commissioned officers of the United States who went down with the *Titanic*. In addition, they had been close personal friends for years, living in the same house in Washington, and were companions on their last voyage.

It was thought that a simple memorial, probably in the form of a tablet, connected possibly with a small fountain, would be particularly appropriate, if placed somewhere on the public grounds within a sight of the White House, the scene of much of Maj. Butt's public work, and in the vicinity of the Mall and its surrounding public buildings, in connection with which Mr. Millet rendered such valuable services as vice chairman of the National Commission of Fine Arts.

The suggestion was brought to the attention of the President, who approved it.

It was decided that the memorial should be erected entirely with funds contributed by personal friends of Maj. Butt and Mr. Millet. These friends have accordingly raised a fund now amounting to over $3,000, with which it is proposed to pay all expenses of every nature connected with the designing and erection of the memorial.

Mr. Daniel C. French and Mr. Thomas Hastings, of New York, two of the foremost artists of this country, are designing it.

Under the terms of the resolution both the location and design of the memorial must receive the approval of the President and of the Commission on Fine Arts.

Congress is asked to permit the erection on the public grounds of a memorial, simple and inconspicuous, but beautiful, as a tribute from their friends to the two men, bearing the commissions of the United States Government, who lost their lives on the *Titanic*. This memorial would be an added object of interest and beauty in the public grounds and will involve no expense of any kind to the Government.

The PRESIDING OFFICER. The joint resolution will go to the calendar.

SNAKE RIVER BRIDGE, WYOMING.

Mr. WARREN. There is a very short local bill that I would like to have disposed of. I ask the Senate to proceed to the consideration of the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo.

There being no objection, the Senate as in Committee of the Whole resumed the consideration of the bill.

The PRESIDING OFFICER. The bill has been read as in Committee of the Whole, and the first amendment of the Committee on Irrigation and Reclamation of Arid Lands has been agreed to. Unless a desire is expressed to have the bill read, the next amendment will be stated.

The remaining amendments were on line 4, after the word "of," to strike out the words "the reclamation fund" and insert "any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park"; in line 12, after the word "determined," to strike out "by the Reclamation Service"; in line 13, before the word "view," to strike out "the" and insert "a"; in the same line, after "the," to strike out "people of" and insert "public travel through"; in line 14, after "Wyoming," to insert "and Idaho"; and in line 15, at the end of the bill, to insert the following proviso:

Provided, That the local authorities shall cause the approaches to the proposed bridge to be constructed without expense to the United States: *And provided further*, That the local authorities shall provide for the maintenance and repair of the proposed bridge after it is constructed.

So as to make the bill read:

Be it enacted, etc., That the sum of $25,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park, for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined with a view of best serving the public travel through Jackson Hole and adjacent territory in Wyoming and Idaho: *Provided*, That the local authorities shall cause the approaches to the proposed bridge to be constructed without expense to the United States: *And provided further*, That the local authorities shall provide for the maintenance and repair of the proposed bridge after it is constructed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. WARREN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, June 10, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 8, 1912.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for all the strong, pure, noble, brave men who, by their heroic sacrifices and daring deeds, have contributed to the civilization of our day; that our Republic is ever ready to accord them a place in history and erect monuments to their memory as a testimonial of its gratitude; that to-day will be unveiled in our Capital a monument to the most daring and successful navigator of the unknown seas, who discovered in spite of every obstacle a new world, which he left to posterity. Grant that it may be not only a testimonial of our gratitude but an incentive to those who shall come after us to deeds of heroism and glory; that they may march on to a still higher civilization, to the honor and glory of Thy holy name. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

STRIKE OF MINERS IN WESTMORELAND COUNTY (PA.) COAL FIELD.

Mr. GREGG of Pennsylvania. Mr. Speaker, on the 24th of May I introduced a resolution requesting the Secretary of Commerce and Labor to transmit to the House any information in his possession, obtained through special agents or otherwise, concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa. That resolution was referred to the Committee on Labor on the 24th of May, 1912. I now move to discharge that committee from the further consideration of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 547.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to transmit forthwith to the House of Representatives, if not incompatible with the public interests, any information in his possession obtained, through special agents or otherwise, concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa., in the years 1910 and 1911.

The SPEAKER. The gentleman from Pennsylvania moves to discharge the Committee on Labor from the further consideration of the resolution just read.

Mr. FITZGERALD. When was the resolution referred to the Committee on Labor?

Mr. GREGG of Pennsylvania. On the 24th of May.

Mr. FITZGERALD. Has the matter been taken up by the Committee on Labor; I do not see any of the committee present.

Mr. GREGG of Pennsylvania. I spoke to the chairman of the committee some time ago about it.

Mr. BUCHANAN. The Committee on Labor, Mr. Speaker, has no objection to the motion.

The SPEAKER. The gentleman from Pennsylvania moves to discharge the Committee on Labor from the further consideration of the resolution.

The motion was agreed to.

The resolution was agreed to.

SUPPORT AND MAINTENANCE OF BASTARDS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the conference report on the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia. I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kentucky calls up the conference report on the bill H. R. 13041, and asks unanimous consent that the statement be read in lieu of the conference report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 802).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "upon such preliminary examination"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "who is quick with child"; and the Senate agree to the same.

That the Senate recede from its amendment numbered 4, and agree to an amendment as follows: In lieu of the matter inserted in said amendment insert the following: "after becoming quick with child"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the words stricken out after the word "examination," insert as follows: "If the woman be quick with child, or the child having been born and still under two years of age"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the word "pregnant" in said amendment of the Senate, insert the words "quick with child"; and the Senate agree to the same.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER,
Conferees on the part of the House.

WM. P. DILLINGHAM,
CHARLES CURTIS,
ATLEE POMERENE,
Conferees on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The Senate, in passing H. R. 13041, amended the same by adding, in line 5, page 1, after the word "repeal," the words "or modify," making the first section read:

That every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, but this shall not be deemed to repeal or modify section 957 of the Code of Law of the District of Columbia.

The Senate amended section 2 by adding, on line 7, after the word "woman," the words "who is pregnant with child"; and on line 9, after the word "Columbia," the word "or"; and on line 3, after the word "time," the words "during pregnancy"; and on line 5 by striking out the words "residing in said District," making the section read as follows:

That any unmarried woman who is pregnant with child may go before the clerk of the juvenile court of the District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time during pregnancy or within two years after the birth of the bastard, and accuse any person residing in said District of being the father of the child. Before issuing warrant, the clerk shall examine the mother of such bastard child, under oath, concerning her residence, and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child outside of the District, the reason thereof, and reduce her statement to writing, and sign same as clerk. If, however, the clerk shall fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant. Or such warrant may be applied for by the Board of Charities of the District or any person as next friend of the said bastard under 2 years of age.

The Senate also amended section 3 by striking out, on lines 18 and 19, after the word "examination" in line 18, the words "if the child be yet living and under 2 years old"; and on line 25 by striking out, after the word "for," the word "trial" and adding at the beginning of line 24 the words "preliminary examination"; and on line 1, page 3, following the word "who," the words "upon each preliminary examination"; and on line 6, page 3, after the word "next," the word "or"; and at the beginning of line 7 the words "any succeeding"; and on lines 8, 9, and 10, following the word "court" in line 8, the following: "but in the event that the woman be pregnant at the time of the arrest final trial shall not take place until after the birth of the child," so that the amended part of section 3 would read as follows:

That on such examination a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of the District of Columbia, requiring the person accused to be arrested and brought for preliminary examination before the judge of the juvenile court, District of Columbia, who, upon each preliminary examination, may require the accused to enter into a bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed $2,500, for his appearance and trial in the juvenile court, District of Columbia, on the first day of the next or any succeeding term thereof, and to perform the judgment of said court, but in the event that the woman be pregnant at the time of the arrest, final trial shall not take place until after the birth of the child.

The conferees on the part of the House accepted the amendments of the Senate with the following amendments: By striking out the word "pregnant," in lines 7 and 8, section 2, and

inserting in lieu thereof the word "quick," making it read "quick with child," and by striking out, on page 2, line 3, the words "during pregnancy" and inserting the words "after becoming quick with child," making it read "at any time after becoming quick with child," and by adding in section 3, line 18, after the word "examination," the following: "If the woman be quick with child, or the child having been born and still under 2 years of age," and by striking out the word "pregnant," on page 3, line 8, and inserting the words "quick with child," so that sections 1, 2, and 3, as agreed upon in conference, will read as follows:

SECTION 1. That every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, but this shall not be deemed to repeal or modify section 957 of the Code of Law of the District of Columbia.

SEC. 2. That any unmarried woman who is quick with child may go before the clerk of the juvenile court of the District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time after becoming quick with child or within two years after birth of the bastard, and accuse any person of being the father of the child. Before issuing a warrant, the clerk shall examine the mother of such bastard child, under oath, concerning her residence and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child outside of the District, the reason thereof, and reduce her statement to writing, and sign same as clerk. If, however, the clerk shall fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant. Or such warrant may be applied for by the Board of Charities of the District, or any person as next friend of the said bastard under 2 years of age.

SEC. 3. That on such examination, if the woman be quick with child or the child having been born and still under 2 years of age, a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of the District of Columbia, requiring the person accused to be arrested and brought for preliminary examination before the judge of the juvenile court, District of Columbia, who, upon each preliminary examination, may require the accused to enter into bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed $2,500, for his appearance and trial in the juvenile court, District of Columbia, on the first day of the next or any succeeding term thereof, and to perform the judgment of said court. But in the event that the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. If the person accused shall fail to give bond required of him, the judge shall forthwith commit him to the Washington Asylum and Jail, there to remain until he enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this act the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

There were no changes made in sections 4, 5, 6, 7, and 8 of the House bill.

BEN JOHNSON.
J. A. M. ADAIR.
L. C. DYER.

The conference report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

The bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the rate of $70 per month each for the No. 1 surfman in each station, and at the rate of $65 per month for each of the other surfmen during the period of actual employment, and $3 per day for each occasion of service at other times; rations or commutation thereof for keepers and surfmen; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; compensation of 12 clerks to district superintendents, 1 to each of the district superintendents except that of the eighth district, at such rate as the Secretary of the Treasury may determine, not to exceed $900 each; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $1,960,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 31, in line 2, strike out the words "one million nine hundred and sixty thousand dollars" and insert the words "two million thirty-one thousand six hundred and twenty dollars."

Mr. CANNON. Mr. Chairman, the provision for the current year for the paragraph just read is $35,420. The estimates for the coming year were $2,031,000. The reduction recommended by the committee is $75,420 below the amount for the current year and substantially the same amount less than the estimates for the current year.

There is a necessity for some leeway in the Life-Saving Service. I do not desire to take the time of the committee to do more than to refer to the cut that is made. There is nothing in the hearings, I may say, so far as I can discover, that justified this cut. This Life-Saving Service has never been subject to just criticism, and, so far as I know, to any criticism.

The head of that service has long occupied his present position, and has been efficient. We can not, in my judgment, afford to cut out this place for this service. Gentlemen may reply that it may not be needed. It is one of the branches of the public service where we should not take any risk.

The committee has also withheld from the appropriation an estimate for the establishment of two new stations. I believe there are three or four new stations authorized, some of them many years ago, but they have not been established. What further authorizations may be made before the close of this session of Congress I am not informed. I believe that is all I desire to say at this time.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken when he says there is nothing in the hearings which justifies the reduction in this appropriation. Estimates for the year 1911 were $2,037,040. That amount was appropriated by Congress. At the end of the fiscal year there was a surplus of $111,785.38. Work to the extent of $71,000 proposed to be performed during the fiscal year 1911 was carried over until the fiscal year 1912. For 1912, $2,035,420 were given for the service, and it appearing that during this fiscal year work in the neighborhood of $75,000 would be required to be done, which would not necessarily be done during the next fiscal year, the committee recommended a reduction of $75,000, which would leave a surplus of $36,000 upon the basis of the expenditure upon which the service was being conducted.

As to the elimination of appropriations for new stations, the stations have become a joke in the Committee on Appropriations. Even when the gentleman from Illinois [Mr. CANNON] was chairman of that committee, he declined to make the appropriations for the stations authorized for many, many years, and each year requested by the service. There were three stations so requested to be established year after year, one of them authorized as far back as 1874, dragging itself wearily along, and the committee year after year during all of those years when the gentleman from Illinois was chairman of the Committee on Appropriations refused to appropriate for it. Another one was authorized in 1882 and a third one in the year 1886. No committee of the House, in control of appropriations for the Life-Saving Service, has ever even tolerated a suggestion that provisions should be made for the three particular stations.

I hardly think there can be much criticism indulged against the committee this year for not providing money to build stations, all of which have been authorized for more than 26 years, and no one of which has ever met the favorable consideration of the Committee on Appropriations. The fact is that there is no necessity and has been no necessity for the stations at the three points mentioned, and the superintendent stated, in effect, that the estimate was submitted because the stations were authorized by law.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. The current law for this year carries $20,000 for building stations authorized by law. Will the gentleman tell what that has been or will be expended for?

Mr. FITZGERALD. For the current year?

Mr. MANN. In the current law there is an item of $20,000 for building stations authorized by law.

Mr. FITZGERALD. Oh, yes. One at Green Hill, near Kingston, R. I., and one at Eagle Harbor, on Keweenaw Point, Mich. Those are the only two. But as to those other stations it has been the universal opinion of the committee for more than 26 years that there is no necessity for them. The estimate is made every year and declined with the same regularity. The committee feels that, in view of the facts disclosed, it has given all of the money that could be used and there was no necessity

for appropriating money that could not be used in the conduct of the service.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I read from the hearings, at page 277:

PAY OF CREWS OF SURFMEN.

The CHAIRMAN. The next item is, "For pay of crews of surfmen employed at the life-saving and lifeboat stations," etc., and the estimate is $2,031,620. The appropriation for the current year is $2,035,420. What is the unexpended balance in this appropriation for the fiscal year 1911?

Mr. KIMBALL. I can not tell. There will be very little left from the appropriation for the fiscal year 1912.

The CHAIRMAN. The year 1911 is complete?

Mr. KIMBALL. The balances now will not be the same as when the outstanding claims and bills are paid. That will not be for six months; possibly a year, or even longer.

Mr. CANNON. That is, for 1911 there are outstanding bills?

Mr. KIMBALL. Yes, sir.

The CHAIRMAN. Put in a statement of the unexpended balance and also whatever outstanding accounts there are of which you are aware.

Mr. KIMBALL. Yes, sir. The outstanding claims and bills at this time will exceed $9,000, and it is thought that some $6,000 or $8,000 more will be required for disability claims and freight bills, etc., which have not been presented for payment. The appropriation will be more nearly exhausted during the current year than it has been for a good many years for the reason that the season of navigation on the Lakes was much longer this year than it has been before. The time has been extended.

Now, there is no complaint that any money that has been heretofore appropriated has been misused. There has to be a reasonable leeway.

Mr. SHERLEY. Mr. Chairman——

Mr. CANNON. They submitted appropriations substantially the same as 1911 and the same as for the current law, and the committee recommends a reduction of $75,000. I do not believe it is good legislation to withhold the appropriation.

Mr. SHERLEY. If the gentleman will look at page 297 of the hearings he will find in place of general talk by Mr. Kimball, in which he could not tell anything accurately about the balance, an exact statement of the balance, and there it shows that the balance on hand February 29, 1912, was $111,785.38. Then he will find a note in explanation of that balance. One explanation given is that the $71,000 of unusual character of work that could not be done during the fiscal year 1911 was carried over to be performed in the fiscal year 1912. Now, there is nothing in the hearings to indicate that that kind of unusual work which cost $71,000 will be needed for the coming year, 1913, and therefore the committee were very properly justified in making the reduction.

Mr. CANNON. Will the gentleman allow me at that point? The boats were not built for 1911 or 1912, but that appropriation lapsed. It is not a continuing appropriation. If it were a continuing appropriation there would be no necessity for this appropriation, but the money goes back, or rather the money did not go out of the Treasury, but it ceased to be available.

Mr. SHERLEY. But, if the gentleman will permit, that is just the point. In 1911 it is true that the money was not used, but he expects out of the 1912 money to expend $71,000 in doing these extraordinary things. If with the amount of money appropriated he can do $71,000 worth of work of extraordinary kind which will not be needed in 1913, then in the absence of other reasons being given the 1913 appropriation needs to be only $71,000 of what it was the year before.

Mr. CANNON. But 1912 expires on the 30th day of June——

Mr. SHERLEY. And these boats will be built.

Mr. CANNON. But that $71,000 will not be expended for boats at the time——

Mr. SHERLEY. Oh, yes; he has arranged——

Mr. CANNON. Oh, no; I do not so read it.

Mr. SHERLEY. Let me call the gentleman's attention to the words. Here are the words:

In explanation of this large balance of $111,785.38, it should be stated that more than $71,000 of this amount had been allotted for the construction of boats and the rebuilding of certain old and inadequate stations, but owing to delays beyond the control of this bureau the work could not be done or contracted for during the fiscal year 1911. Such work, therefore, had to go over into the current fiscal year and become chargeable to the appropriation for 1912, in consequence of which, and of the unusual length of the active season on the Lakes heretofore mentioned, the appropriation for this year will more nearly approach exhaustion than in any recent year.

Mr. CANNON. The gentleman places that construction upon it. I do not believe it bears that construction, but having called the attention of the committee to the cut of $75,000 in the appropriation the committee can assume the responsibility in the event trouble comes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Section 8 of the act of June 18, 1878 (20 Stats., 164), entitled "An act to organize the Life-Saving Service," authorizing the Secretary of the Treasury to detail officers of the Revenue-Marine Service to act as inspectors and assistant inspectors of life-saving stations in the Life-Saving Service, is repealed.

Mr. BUTLER. Mr. Chairman, I reserve the point of order.

Mr. ADAMSON. Mr. Chairman, I desire to reserve a point of order in order to remark that the members of the Committee on Appropriations will bear me out that I have never been captious about objecting to matters they sometimes find it necessary to put in their bills, but have generally followed them with absolute loyalty. This paragraph, however, which I called to the attention of the distinguished chairman of the committee, is new legislation, as is also the succeeding paragraph, as is one on page 32, about which I have talked with him, and I do not think he will resist the point of order upon either of the three paragraphs, because I have acquainted him with the fact that the committees having jurisdiction of these subjects have them under consideration, and in conference with the officials who are responsible for the administration of this service, with the approval of the department, they think they are on the road to a satisfactory adjustment of all these subjects with an economical administration of the service and satisfaction to the public.

Mr. FITZGERALD. Mr. Chairman, in justification of the action of the committee, I desire to say that this particular provision was based on the following facts:

The Life-Saving Service is divided into districts. In each district there is a superintendent of that service. Under the act creating the Life-Saving Service in 1878—if I recall the exact year—provision was made that a revenue-cutter officer should be detailed as inspector in each Life-Saving Service district, so that there is a superintendent in each life-saving district inspecting, and there is a revenue-cutter officer inspecting the district superintendents, and then in the city of Washington there is a chief inspector of the Revenue-Cutter Service who inspects the inspectors who inspect the district life-saving superintendents. The committee thought it was one instance in which there was a superabundance of inspection, and that the district superintendents in the Life-Saving Service should be abolished or the Revenue-Cutter Service officers should be prevented from exercising this supervision in the Life-Saving Service. If the district superintendents were competent, they should be able to discharge all the duties devolved upon them. If they are not competent, they should be abolished. It would mean a considerable saving and would relieve for duty in the Revenue-Cutter Service, where they belong, officers appointed and paid for the work in that service.

Mr. BUTLER. In justification of making a reservation of a point of order on this item, I do it in the way of precaution. Not living along the coast, but having had a good many years of observation of the value of this service, and being very anxious that its efficiency should not in any way be disturbed, but that it might be developed and promoted, I did reserve this point of order.

Mr. FITZGERALD. Let me say to the gentleman from Pennsylvania [Mr. BUTLER] that this would not impair the efficiency of the Life-Saving Service, although I think the gentleman from Georgia [Mr. ADAMSON], from the investigation he is making, will agree eventually that it will abolish a great many of what are termed "soft snaps" of revenue-cutter officers.

Mr. ADAMSON. That part of the statement of the gentleman from New York I want to refer to briefly.

Mr. FITZGERALD. I should add this. The gentleman from Georgia [Mr. ADAMSON] has informed me that since the time the Committee on Appropriations has taken this matter up his committee has commenced the preparation of a bill which he believes will result in readjustment of these services and that will not only tend to their improved efficiency but result in considerable economy.

Mr. BUTLER. Will you allow me to go ahead first?

Mr. ADAMSON. I understood from my conference with the chairman of the committee that the point of order would not be resisted in view of the fact of the people having jurisdiction of it——

Mr. FITZGERALD. I simply stated the reasons that justified the committee in making this recommendation.

Mr. ADAMSON. I did not understand that the gentleman resisted the point of order. As I understand, the people having it in hand are arranging it satisfactorily. I wanted to state to the chairman that an economy would be worked. This paragraph would frequently save a little money to the Life-Saving Bureau, but it would not save it to the Government, because these officers detailed are still officers of the Revenue-Cutter Service, and, as I am prepared to show here, if necessary, it would not reduce the cost or expense to the Government one cent. It is, however, true that under the arrangement we are making to adjust both the bureaus we will effect a saving by increasing the efficiency of both. Therefore I think this ought to go through

the proper channels and be left to the committees having jurisdiction of it.

Mr. BUTLER. Mr. Chairman, if the committee will give me two or three minutes' time, I will say that it seems to me this is clearly in violation of the rule well established and well known by us all.

Mr. SHERLEY. If the gentleman will permit, nobody questions the fact that the point of order will lie, although whether the point of order should be made is a question on which gentlemen may differ.

Mr. BUTLER. In view of the statement just made, I shall make this point of order and insist upon it, for the reason that I have already stated, and for the further reason that I have a protest here from the Philadelphia Maritime Exchange in which it is stated:

> In our opinion the efficiency of the Life-Saving Service will be greatly prejudiced by the discontinuance of the inspection of life-saving stations by duly detailed officers of the Revenue-Cutter Service. We view with favor an even closer relationship between these two services to still further promote greater efficiency in the protection of life and property.

Now, I do not wish to stand in the way of the committee. I will say, with candor, it is an honest effort to economize.

I do not wish to favor extravagance, but I do not see how this provision will in any way retrench expenditures. It is my fear that it might in some way decrease the efficiency of this valuable and splendid service that renders so much good and affords so much safety to everybody whose life is put in danger on the sea, and for that reason I insist upon this point of order.

Mr. ADAMSON. For the reason stated I make the point, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] makes the point of order. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

> Hereafter there may be detailed to the office of the Life-Saving Service at Washington, D. C., from among those employed under the Supervising Architect of the Treasury, one person skilled in superintendence of the work of construction, to superintend the construction, repair, and improvement of life-saving stations, and while so detailed the salary and expenses of such person shall be paid from the appropriations for the Life-Saving Service as the Secretary of the Treasury may direct.

Mr. ADAMSON. Mr. Chairman, I make a point of order on that paragraph. It is new legislation. The gentleman from New York will, I am sure, agree with me as to that.

Mr. FITZGERALD. Of course the gentleman understands the purpose of this. Under the law two captains of the Revenue-Cutter Service are detailed to be the superintendents of life-saving structures. The Treasury Department officials contend that the men who navigate boats are not the men best fitted to superintend building operations. The Treasury Department wishes this work to be done in the office of the Supervising Architect.

I was about to inquire whether the Chamber of Commerce of Philadelphia, in its anxiety that the Life-Saving Service should not be impaired in its efficiency, had made any protests against this provision?

Mr. ADAMSON. Mr. Chairman, there is some justice in the first remark the gentleman made. As to what he said about the Chamber of Commerce of Philadelphia, I am not concerned in that affair. It is true that the law requires two captains to superintend the construction of life-saving buildings, and that is a waste. This paragraph does not make that correction; but the parties having jurisdiction of it have in view that correction, and for that reason the country does not suffer by my making this point of order. It is new legislation.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. MANN. Mr. Chairman, I make a pro forma amendment, if one can be made, for the purpose of asking whether the item for the commutation for quarters for the revenue-cutter officers ought not to be inserted if the other provision goes out. We have heretofore carried a provision in the appropriating features of the bill for commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed to duty in the Life-Saving Service. If these officers are to continue there, I think that expense ought to be charged to the Life-Saving Service. It would not increase the appropriation any.

Mr. FOSTER. That was in the last year's bill.

Mr. FITZGERALD. I have been informed that the gentleman from Georgia [Mr. ADAMSON] is at work on a bill, and the belief is that it will be so arranged as to be satisfactory to all the services concerned.

Mr. ADAMSON. It can not be done in time, however, to meet the exigency mentioned by the gentleman from Illinois [Mr. MANN].

Mr. MANN. If the Revenue-Cutter Service officers are to do this work, the expense of commutation of quarters and allowances should be charged to the Life-Saving Service instead of the Revenue-Cutter Service, as has always been done in the past.

Mr. ADAMSON. It certainly would do no harm to insert those words, and I concur with the gentleman from Illinois in the suggestion that that should be done.

Mr. MANN. Where the item would come in, I will say to the gentleman, is on page 30, line 18, after the word "department": "Commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service."

Mr. FITZGERALD. If the gentleman has that provision, I will offer it as an amendment.

Mr. SHERLEY. I am sorry to learn that with the going out on a point of order of these other matters that would have tended immediately toward the reform, it may not come in soon enough to dispense with the need for putting in this provision.

Mr. ADAMSON. I suggest that borrowing from Peter to pay Paul is not a reform.

Mr. SHERLEY. No——

Mr. ADAMSON. Taking it out of one bureau and putting it into another in the same department is not a reform, but merely a shifting.

Mr. SHERLEY. But the very plain provision that would have done away with the appointments from the Revenue-Cutter Service of officers to do work that should be done by superintendents of the Life-Saving Service would have produced a situation in the Revenue-Cutter Service where we would not need to increase the number of officers and could have put these men to doing the work that they were originally intended to perform.

Mr. ADAMSON. I will put a statement in the RECORD in connection with my remarks which shows that, in part, that is erroneous and that the expense would simply be transferred to the Revenue-Cutter Service and not the other.

On page 105 of the annual report of the Life-Saving Service for 1911 it is shown that the amount expended for commutation of quarters and for heat and light for revenue-cutter officers detailed as inspectors and assistant inspectors in the Life-Saving Service for that year was $10,159.25—less than one-half of 1 per cent of the total expenditures for the maintenance of the service for that year.

Now, if these officers are relieved from that duty there will be a saving of that amount to the Life-Saving Service, but not to the Government, because these officers are by law entitled to these emoluments when on special duty, whether the same be performed in their own service, in the Life-Saving Service, or in any other special detail to which they may be assigned.

What, therefore, would be saved to the appropriation for the Life-Saving Service would be added to the expenditures for the Revenue-Cutter Service, and there would be no real saving to the Government. Besides, when you relieve these revenue-cutter officers from this duty, so essential to the efficiency of the Life-Saving Service, there will be no one to perform the work they are now doing of inspecting the stations, including all articles of equipment, furniture, supplies, and all public property of every description, comparing them carefully with the inventories and noting their condition; of taking measures for supplying any deficiency and of seeing that everything is always ready, in complete working order; of conducting the drills and giving instructions to the keepers and their men; of investigating the circumstances of all disasters attended with loss of life and of all charges of dereliction or misconduct on the part of the keepers and crews, and other matters occurring within their districts.

The district superintendents can not do this work. The general superintendent, in his testimony before the committee, stated—page 271 of the report—that the district superintendent has all he can do to perform his regular duties as fiscal agent for the service, and in addition has to have a clerk. And if the district superintendent has not time to do the work now being done by these revenue-cutter officers, who is to do it when they are detached, or is it to be left undone? Secretary Sherman, in a letter to the Speaker of the House of Representatives in 1888 (p. 54, Report of the Life-Saving Service, 1888) says of these revenue-cutter officers that—

> In fact, they are more directly than any other officers responsible for the morale and efficiency of the corps.

Secretary MacVeagh, under whose jurisdiction the two services come, is on record as saying that to disassociate them would be disastrous and that he has been working to secure a closer relationship between them, and this is in the line of progress and development.

Mr. GARNER. Will the gentleman yield for a question? I did not understand the gentleman to convey the idea that he

does not expect to put in a bill at this session of Congress in time to have Congress consider it.

Mr. MANN. We do not know how long the session will last. With some knowledge of the Life-Saving Service and of the Revenue-Cutter Service, I should like to suggest that the work performed by the officers of the Revenue-Cutter Service does not duplicate the work of the different divisions of the Life-Saving Service.

Mr. SHERLEY. Not entirely, but it checks up some of their work.

Mr. MANN. If you dispense with the Revenue-Cutter Service in the Life-Saving Service—and I do not say that it ought not to be dispensed with—you will have to increase the number of officers in the Life-Saving Service. I simply call attention to it.

Mr. FITZGERALD. The superintendents of the Life-Saving Service do not do their work now, because somebody else is doing it.

Mr. MANN. I desire to offer an amendment.

Mr. FITZGERALD. I wish to say this: These district superintendents do not do the work they should do. The Treasury Department proposed not to fill certain vacancies that existed in the offices of certain district superintendents in the Life-Saving Service, because there was no necessity for the two classes, but conditions arose that made it imperative that vacancies should be filled. If these Revenue-Cutter Service officers were on their vessels, where they ought to be, and not on shore duty, we would not be providing commutation for them.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 18, after the word "Department," insert the following: "Commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service."

The amendment was agreed to.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, two constructors, cadets, cadet engineers, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; not exceeding $5,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding $150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $2,260,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I notice that last year there was in the bill a provision for two contract surgeons and two civilian instructors. Can not the chairman of the committee tell us why that provision was left out this year?

Mr. FITZGERALD. My recollection is that the language was eliminated at the request of the service itself; that they are doing the work with regular employees, and they find no necessity for these civilians. They request that the surgeons be dropped.

Mr. FOSTER. There are two surgeons and two civilian instructors.

Mr. MANN. I may say to the gentleman that surgeons in the Revenue-Cutter Service are partly provided for by the Public Health and Marine-Hospital Service, and it is very likely that if these are cut out they will supply this additional number of surgeons in that way. On some of the revenue cutters, where they make long trips, especially in Pacific waters, where they go to Alaska, it is necessary to carry a surgeon. The Public-Health Service furnishes surgeons, and there have been at times carried two contract surgeons, in order to avoid taking them from the Public-Health Service. I think there is some increase in the bill for the surgeons in the Public-Health Service, and I take it that that is in part intended to replace these surgeons.

Mr. FOSTER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.

Mr. ADAMSON. Mr. Chairman, I think that is clearly subject to a point of order.

Mr. BUTLER. Does the gentleman make it?

Mr. ADAMSON. I will reserve it. The department is willing at the proper time to dispense with the school ship and cadet school as soon as we can provide for another method to fill vacancies. It will not probably decrease the expense very much, but at the same time it might be inconvenient to the administration. The paragraph is certainly new legislation, and it is under the jurisdiction of the committee that is now considering it and comes within the range of the remarks that I made about the other paragraph.

Mr. GARNER. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. GARNER. I want to ask the gentleman a question which I asked a while ago, whether he intends or thinks his committee will be able or unable to bring in legislation covering these points at this session of Congress?

Mr. MANN. I think only the Supreme Being could tell that.

Mr. GARNER. The gentleman from Georgia can tell us what he thinks about it.

Mr. ADAMSON. I do not know what our committee will do, nor when, nor do I know whether Congress will let us pass it or not. Personally I am ready to act when the time is ripe.

Mr. GARNER. About what time will the gentleman be ready to report the legislation?

Mr. ADAMSON. There has been a bill agreed upon, and it has been introduced in the Senate.

Mr. GARNER. Been agreed upon by the gentleman's committee?

Mr. ADAMSON. No; I did not say that it had been agreed upon in committee.

Mr. GARNER. Who has agreed upon it?

Mr. ADAMSON. The parties concerned, the two bureaus in the Treasury Department.

Mr. GARNER. Do the views of the bureaus in the Treasury Department meet with the ideas of the gentleman's committee?

Mr. ADAMSON. It meets with my approval. I do not know about the committee.

Mr. GARNER. In what way will this embarrass the President if it remains in the bill?

Mr. ADAMSON. I do not know anything about the President; I did not say that it would embarrass the President. I referred to the administration of the bureau; I was not referring to the President.

Mr. GARNER. In what way will it embarrass the administration of the bureau?

Mr. ADAMSON. I do not know how convenient it will be or inconvenient. I will read the gentleman the paragraph that has been agreed upon. Whether it is the best way or not, or whether we can adopt it, I do not know. The proper committee having jurisdiction should be allowed to consider that.

Hereafter vacancies in the grades of third lieutenant and third lieutenant of engineers in the Revenue-Cutter Service may be filled by the appointment of persons who have successfully completed the course of instruction at the United States Naval Academy: *Provided*, That no such appointment shall be made after the expiration of one year from the time of graduation of the applicant from the Naval Academy: *And provided further*, That such applicant shall pass a satisfactory physical examination prescribed by the Secretary of the Treasury.

Mr. MANN. If the gentleman will pardon me, I sincerely hope, as at present advised, that that will not become the law. The training at the school maintained by the Revenue-Cutter Service is so far superior to the training at Annapolis, as far as seamanship is concerned, that the Revenue-Cutter Service has to-day the best navigators and the best seamen on the ocean, and it ought not to be placed at the mercy of young men coming out of Annapolis and going into the Revenue-Cutter Service before they have learned how to manage a vessel.

Mr. ADAMSON. And it would not be any cheaper, either.

Mr. MANN. No; far more expensive.

Mr. FITZGERALD. Mr. Chairman, I do not concede that this is subject to a point of order; it is clearly within the rule providing for the retrenchment of expenses. At the end of the next year there will be no necessity for any additional appointments in the Revenue-Cutter Service until 1921. It costs $3,000 a year to maintain one of these students and about $11,000 to complete their education.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Are not the number of officers in the Revenue-Cutter Service, including the cadets, fixed by law absolutely, so that they can not add any cadets unless they come within the number provided by law?

Mr. FITZGERALD. I am not certain about it.

Mr. MANN. That is the fact.

Mr. FITZGERALD. I know that the service is always 14 or 15 officers short, because they do not need all that are authorized.

Mr. MANN. Oh, no.

Mr. FITZGERALD. I am making the statement upon good authority.

Mr. MANN. I put a provision in the law limiting the number of officers in the Revenue-Cutter Service, and that is still the law.

Mr. FITZGERALD. The number of officers, I am informed, is limited to the number of ships.

Mr. MANN. That used to be the law. The law originally fixed the number of officers by the number of ships, and that ran up until there were 37 captains, I believe, and 37 lieutenants, or something like that, and when we passed a law providing for retirement in the Revenue-Cutter Service I asked to have inserted in it, and the House did insert it, a provision fixing and limiting the number of officers in the Revenue-Cutter Service, regardless of the number of additional ships that might be provided for. Since then we have provided for a number of new revenue cutters, but have not increased the number of officers any. The number of officers being fixed, and these cadets being included in the number of officers, if the Revenue-Cutter Service does not need any new officers it would appoint cadets, because they are a part of the officers.

Mr. FITZGERALD. Mr. Chairman, the statement of the Assistant Secretary of the Treasury is very clear. Mr. Bailey said to the committee:

> My understanding is that when the present class graduates in 1913, if the school should be discontinued until 1920, the service will not be depleted more than 14 officers. That is, there will not be more than 14 vacancies in the service by 1920. I think the service has been running with about 14 vacancies.

The committee found this a very expensive school. It did not know whether it would be wise to recommend that it be discontinued at this time. Recalling the testimony upon other occasions of gentlemen connected with the Revenue-Cutter Service, who asserted that the training at the Naval Academy was of a character entirely different from that required for Revenue-Cutter Service, the committee had some doubt as to whether the graduates of the Naval Academy would have that training and equipment requisite for the Revenue-Cutter Service. Moreover, it is apparent that the only graduates from the Naval Academy who would enter the Revenue-Cutter Service would be those who for one reason or another could not enter the naval service. It is doubtful whether it is advisable to make the Revenue-Cutter Service a port of refuge for the Naval Academy, and the committee simply believed that in view of the situation it was desirable to stop appointing cadets in the service until such time as the conditions would justify additional appointments. Such appointments could then be made by authority of Congress. For the next seven years we will be educating a number of young gentlemen for this service at a cost of $3,600 each a year, without any possibility of utilizing them in the service.

Mr. MANN. If the gentleman will yield, my recollection is not as fresh as it might be, but it seems to me that all of these officers in the Revenue-Cutter Service under existing law have to come in as cadets.

Mr. FITZGERALD. That is true.

Mr. MANN. If the gentleman's proposition carried in the bill should prevail, you could not add any officers in the Revenue-Cutter Service without specific authorization of Congress hereafter, which could not be done in an appropriation bill.

Mr. FITZGERALD. No; but some system could be worked out. At the completion of the class of 1913 there will be a period of seven years, during which, based on experience, there would not be more than 14 vacancies in the service. That service continues with about 14 vacancies. There is very little justification for turning out 10 or whatever number would be turned out a year for eight years. That would be a very large number of graduates who could not possibly be utilized in the service.

Mr. ADAMSON. The gentleman is coming back, in making that suggestion, to my original proposition, that a system is being worked out by those having it in charge.

Mr. FITZGERALD. This would not prevent any reform being worked out by the gentleman, but it would stop the appointments being made while his committee is working out the reforms.

Mr. ADAMSON. I do not think that the Committee on Appropriations can, better than anybody else, pass upon those questions that are properly within the jurisdiction of other committees. Different committees have charge of different institutions, bureaus, and subjects, and while this Committee on Appropriations wisely and faithfully appropriates for estimates, there are others of us who have charge of these bureaus and the subjects of their administration and who ought to be consulted as to whether we should cut off an institution prematurely in anticipation of getting some other to take its place. There is many a slip beween the cup and the lip. If the gentleman will refer to the hearings before his own committee he will find that the same captain commandant who made the statement about prospective vacancies also protested against striking off at once this only method of supplying these vacancies before another is supplied.

Now, as to the economy feature of it. It is impossible for it to be an economical movement, except on the conditions, the ifs, the ases, and the whereases that the gentleman suggests about meeting future contingencies, but these propositions might alike be subject to a point of order as being new legislation.

Now, this school and ship, as suggested by the gentleman from Illinois [Mr. MANN], are more economical than any other thing that has been suggested. There may be very few vacancies in the next year or two, and I hope there may be. We do not know what casualty or accident may occur. It is not economical, it is not wise, to cripple the bureau by cutting off this only means whereby it can fill these vacancies and supply itself with the necessary officers to carry on its business. I did not mean for sure that we could secure these from Annapolis. I said it would be sometimes difficult and doubtful whether we can do it or not, and none of us insist it would ever be any cheaper to secure cadets from Annapolis to take these places. It is new legislation, it is not shown it is in the interest of economy or the reduction of expenditures, it may involve infinitely more expense in addition to dissatisfaction and inconvenience, besides crippling the service, and I insist this paragraph ought to go out on the point of order, and leave the matter of new legislation to the committees having jurisdiction of the subject.

Mr. BUTLER. Mr. Chairman, I desire to be heard on the point of order. Without assailing the attempt to restrain the usefulness of this model school——

Mr. SHERLEY. We can not hear the gentleman at all.

Mr. BUTLER. I am endeavoring to make myself heard, but gentlemen appreciate the fact that you have to speak with a voice almost in thunder tones to make one's self heard in the midst of the noise and confusion on the floor; indeed, it is almost impossible to be heard. It is one of the most unsatisfactory places to discuss a question or express a view I have ever known. Now, Mr. Chairman, the act of Congress provides that there shall be a certain number of officers in this service. I do not know whether the chairman of this committee has before him a copy of the hearings. If he has and will turn to page 275 he will find this report:

> The CHAIRMAN. Is the Revenue-Cutter Service a fixed service so far as the number of commissioned officers is concerned, or is it increased from time to time?
>
> Capt. BERTHOLF. It used to be.
>
> Capt. MCALLISTER. We formerly had an elastic law, so many officers for each vessel. At the time of the passage of the retirement bill there was an amendment inserted limiting the officers to the number in the service at that time.

Therefore, Mr. Chairman, this provision of the appropriation bill is a law, because its purpose is to establish and utilize in the future the services and the admission of young men to this school. Now, what is our parliamentary law upon the inclusion of such a provision in a measure of this kind? The latest exposition, Mr. Chairman, which we have had upon the celebrated Holman rule is the one delivered by the learned gentleman from Virginia [Mr. SAUNDERS] when presiding over the Committee of the Whole House on the state of the Union where the Army appropriation bill was being considered, and you will recall in that opinion the Chairman of the committee laid down many propositions which for all time to come will regulate the proceedings of this body upon a subject like this; among them there is this one. I do not quote him exactly. The effort at retrenchment must be a necessary result, not a conjectural result or a problematical result. This is a problematical result. The expenditure may or may not be reduced. Whether the expenditure is to be reduced will depend upon the wishes of future Congresses, and therefore there is no certainty of reduction; it is necessary that the amount of the reductions be stated in the bill——

Mr. SHERLEY. Will the gentleman permit a question?

Mr. BUTLER. In one moment. But from the language of the provision itself there is no necessary and certain reduction to be gained.

Mr. SHERLEY. Now, if the gentleman will permit, these cadets from the time they are appointed are paid a certain sum of money.

Mr. BUTLER. Yes.

Mr. SHERLEY. If this provision passes, those cadets can not be appointed; therefore this money can not be paid; therefore there must be a retrenchment in expenditures by a reduction of officers and pay.

Mr. BUTLER. Mr. Chairman, if the gentleman will reread the language of the bill which he assisted in reporting he will

discover in the reading of this item the following language, "unless hereafter authorized by Congress." Congress may authorize it to be done. If that language had been excluded and the provision had been to this effect, that in the future no cadet could be appointed, I would concede the gentleman's position to be correct, but inasmuch as the condition is added to this provision it brings it within the expression of the gentleman from Virginia who passed upon this rule, that the question of reduction of expenditures is purely problematical.

Mr. SHERLEY. Now, if the gentleman will permit. The committee will not be stopped by those words and if necessary will strike them out, and in point of fact even if it has the full meaning the gentleman gives to it it would come within the rule. No provision reported in this bill or in any other bill in any language conceivable could in the slightest degree prevent a subsequent Congress from providing something else, and the effect of a law is not to be determined by what a subsequent Congress may do, because as to that we have no power.

But this fact remains, that under this provision certain officers that can now be appointed and when appointed shall be entitled to certain compensation, can not be appointed if this provision is adopted. Therefore, the provision does result in lessening the number of officers and pay, and comes directly within the Holman rule.

Mr. ADAMSON. If the gentleman would permit right there, I suggest another fact also remains to which we can not shut our eyes. This system is established by law and has to be maintained, and whether he takes his suggestion out of the bill or not, provision has to be made to run it, and it can not be run cheaper than under this present system.

Mr. SHERLEY. If the gentleman will permit, the fact that the system exists under existing law does not prevent a provision being in order on an appropriation bill abolishing offices if thereby an economy is obtained. Now, the Chairman is not to deal in a parliamentary sense with the question of the wisdom of doing the thing, but simply with the question of whether it does show a reduction of officers and of salaries. In point of fact, we could have gone very much further and abolished even more of the service, and, in a parliamentary sense, been in order, and in point of fact it has been so recommended by a very high and distinguished officer of the Government.

Mr. ADAMSON. Mr. Chairman, the suggestion of the gentleman is that it will effect economy by reducing expenses. My reply is he is stared in the face by the fact the place will have to be supplied, and he knows it will have to be supplied, and he has not demonstrated it will not be supplied in any cheaper manner, and therefore he fails to show it will be any saving to the service.

The CHAIRMAN. The Chair wishes to state to the gentleman from Kentucky [Mr. SHERLEY] that while he has been addressing the committee the Chair has not been able to hear all that he has said. The Chair would like to hear as to clause 2, Rule XXI.

Mr. SHERLEY. In substance, the Holman rule provides it shall be in order on an appropriation bill to have provisions that otherwise would be subject to a point of order because changing existing laws if those provisions result in lessening the number of officers and the expense of the Government. Now, this provision makes impossible until a given date the appointment of a number of officers that now could be appointed, and to that extent reduces the number of officers, and, as the record shows, these cadets are paid a given sum from the time they are appointed; it also reduces the expense in connection with the service and is therefore in order under the rule. Now, the suggestion of the gentleman from Georgia [Mr. ADAMSON], that if this is done some other method will have to be provided for supplying these officers, is a suggestion based upon his opinion of what the need of the service may be, but the Chair, in considering a parliamentary proposition, is not concerned with the wisdom of the proposal, neither is he concerned with what may be the ultimate need of a particular service, but he is concerned with the one plain proposition of whether the effect of the provision is to reduce either the number of officers or the pay. If it does, it is in order under the Holman rule.

Mr. BUTLER. Mr. Chairman, I do not mean to repeat myself, but the act of Congress provides that there shall be so many officers in this service. I will concede that a positive enactment to the effect that there shall be no further cadets appointed would be a retrenchment of expenditures. Quoting the opinion further of the gentleman from Virginia [Mr. SAUNDERS], easily understood by all of us, that this retrenchment must be a necessary result, and if it did provide positively for the reduction of the number of officers or the number of cadets, I concede that it would come strictly within the Holman rule. But it depends not upon our action here whether or not there shall be a reduction, but upon the action of subsequent Congresses. This Congress may to-morrow enact a law providing for the appointment of cadets at this school. The next Congress may do so. And if such an event should occur, if Congress should so enact, there would be no retrenchment in expenditure.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say a word. The rule is—

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

This provision does change existing law. It does away with the right of appointment of cadets in the Revenue-Cutter Service which now exists. It is germane to the bill because the bill carries appropriations for the maintenance of the Revenue-Cutter Service, including the school and the cadets, with their pay. The provision retrenches expenditures, because it reduces the number of officers, as well as the salaries of officers of the United States, because it prohibits appointments which under the law can now be made.

It is not necessary to search for authorities. If this provision be not in order under the language of this rule, it is impossible to draw one that is in order.

The gentleman from Pennsylvania [Mr. BUTLER] makes a most extraordinary argument, and that is that because the Congress under its constitutional powers at some future time may legislate in a manner that would be inconsistent with some proposed legislation at this time, therefore even legislation which would wipe out an entire service could not be construed as abolishing or reducing the number of officers, because, forsooth, the next session of Congress might enact legislation reestablishing the entire service. His argument, of course, is not to be taken seriously by the Chair, but it is the best argument that could be made for an indefensible case.

Mr. ADAMSON. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] is a strict constructionist in some things. But he has admitted that this is new legislation. He seeks to justify it on the ground that it reduces expenses, which he has not shown. He has convinced me, however, that it is subject to a point of order on another ground, namely, that it is not germane to the bill.

If he wanted to draw a provision that would be germane to the bill, he would have had to limit the use of the appropriation by saying, in substance, that "no part of the appropriation shall be used," and so forth. He has gone into the domain of the legislative powers, and says, "No one shall be appointed." If he had said that this should not apply to certain persons, the provision would be germane. But he says "no such appointments shall be made," and I submit that he has failed to demonstrate that this bureau will be run with any reduction of expense if he abolishes the future appointment of cadets.

Mr. SHERLEY. If the gentleman will permit, the whole purpose of the rule was to make in order legislation on an appropriation bill if it did certain things. Now, the gentleman is arguing that any legislative provision on an appropriation bill, to be in order, must be in the form of a limitation.

Mr. ADAMSON. Mr. Chairman, I had simply directed my argument to the statement made by the gentleman from New York [Mr. FITZGERALD]. I had not referred to the gentleman from Kentucky [Mr. SHERLEY].

Mr. FITZGERALD. The gentleman from Georgia has not differentiated between limitations on appropriation bills and legislation that is in order under the Holman rule.

Mr. ADAMSON. I submit, Mr. Chairman, that they have not brought this under the operation of the Holman rule by demonstrating that this provision will reduce expenditures.

The CHAIRMAN. The Chair will now rule. We are dealing with that part of the bill relating to the Revenue-Cutter Service. Lines 23, 24, and 25, on page 32, relate to that service. The Chair therefore holds that it is germane; and, next, that the effect is to retrench expenditures and the number of officers, and therefore the Chair overrules the point of order.

Mr. ADAMSON. Mr. Chairman, I move to strike out the paragraph.

Mr. FITZGERALD. Pending that motion, Mr. Chairman, I hope the gentleman from Georgia will indulge me for a moment while I move that the committee rise in order to permit the gentleman from Alabama [Mr. UNDERWOOD] to present a report.

Mr. ADAMSON. Very well.

Mr. FITZGERALD. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means, reporting back the bill to revise the duties on metals, H. R. 18642, to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with Senate amendments (H. Rept. 857), with the recommendations of the committee, and to return the original papers to the House.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Alabama, Dr. UNDERWOOD, a question? [Applause.] Is it the intention of the Doctor to call up this bill or the cotton bill first for consideration in the House? Is he able to say?

Mr. UNDERWOOD. I will say to the gentleman that it has not been finally determined, but I think it is probable that the amendments to the iron and steel bill will be taken up first.

The SPEAKER. The bill with the Senate amendments will be printed and referred to the Committee of the Whole House on the state of the Union.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

Mr. ADAMSON. Mr. Chairman, I ask the Clerk to report my amendment.

The Clerk read as follows:

Page 32, strike out all of lines 23, 24, and 25.

The question being taken, on a division (demanded by Mr. ADAMSON) there were—ayes 36, noes 46.

Mr. ADAMSON. I ask for tellers, Mr. Chairman.

Tellers were refused, 19 Members, not a sufficient number, seconding the demand.

The Clerk read as follows:

For repairs to revenue cutters, $165,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, line 26, strike out "$165,000" and insert "$175,000."

Mr. CANNON. Mr. Chairman, this estimate is for $175,000. The law for the current year is $175,000. This is for the repair of revenue cutters. I do not recollect how many ships there are in the Revenue-Cutter Service. Does any gentleman know how many?

Mr. ESCH. Forty-three.

Mr. CANNON. Forty-three. This is an important branch of the service. The item which we have just passed appropriates $2,260,000. The estimate for that item was $2,280,000. The appropriation for the current year is $2,288,000, so that there is a cut below the estimate of $20,000 in the item just passed and $28,000 below the current law.

Now, this appropriation for repairs excludes the service from using any of the preceding items for repairs. I hold in my hand the hearing where Capt. Bertholf was before the committee. I believe Capt. Bertholf has come lately to the head of this service.

Mr. ADAMSON. He is the captain commandant.

Mr. CANNON. He says, in answer to a question of the chairman—

We have two appropriations, one the general appropriation, $2,280,000—

Which we have just passed—

and the other, $175,000, for repairs. We can not spend every cent of this even if we absolutely need it. We are obliged to leave a margin at the end of the fiscal year, for the law makes it a penal offense if we exceed an appropriation. Two appropriations mean that we must have two margins. We regularly are obliged to turn in an unexpended balance of each appropriation, when we absolutely need the money. If I had one appropriation, I would require only one margin. If you put the $175,000—

That is the appropriation in which I move to give the estimate—

into the general appropriation and cut off $10,000, we can get along.

The CHAIRMAN. Suppose we cut off $10,000 and try you out first?

Capt. BERTHOLF. All right. Then we will be short, because we would have $10,000 off, in addition to what we must have left over.

The CHAIRMAN. You had two separate items until 1911, and we made an appropriation of $75,000 for repairs?

Capt. BERTHOLF. Yes, sir.

The CHAIRMAN. Then, because of the condition of several of the vessels, you got an appropriation of $100,000 for special repairs to vessels?

Capt. BERTHOLF. Yes, sir.

There are other parts of the examination that I do not refer to because it does not bear upon the statement or lessen the force of the statement of the present captain if he be the captain commandant in charge of this service. Here are 43 ships, costing around about $5,000,000, where the annual wear and tear is 5 per cent. Many of them are old and some of them are of wood. If the wear and tear is 5 per cent, which has to be looked after, 5 per cent on $5,000,000 of the ships would be $250,000 alone. If this service ought to exist at all, we ought not to lie awake nights or stay awake in the daytime cutting off $10,000, and thereby crippling the service. That is all I desire to say. It may be that it is possible that this service might be abolished. I do not believe it. I quite agree with the statement of my colleague [Mr. MANN], the former chairman of the Committee on Interstate and Foreign Commerce, that for the size of it this perhaps is the most valuable service we have, practically, day in and day out, upon the seas, and therefore I think it ought not to be embarrassed by little reductions.

Mr. FITZGERALD. Mr. Chairman, some years ago the appropriation carried authority to expend annually $75,000 for the repair of vessels of the Revenue-Cutter Service, and about $75,000 was spent each year. Because of extraordinary repairs asserted to be required on some of the vessels, a specific appropriation of $100,000 additional was carried in the bill. After the appropriation was made on the first occasion, it seemed most peculiar that each year thereafter repairs of an extraordinary character still requiring this additional $100,000 were reported to Congress. It was asserted by those in charge of the Revenue-Cutter Service that if instead of separating the two items for repairs they were consolidated after a year or two very substantial reductions could be made in the amount required, and so Congress for the fiscal year 1911 placed the appropriation for repairs in one item and appropriated $175,000, and for the current fiscal year it appropriated $175,000. Two years having elapsed during which the Revenue-Cutter Service had the benefit of the increase of $100,000 the committee inquired as to the reductions that had been promised if the consolidation were made. The gentleman in charge of the Revenue-Cutter Service then made this statement: That if the repair item were consolidated with the general appropriation for the Revenue-Cutter Service it could be reduced by $10,000, and that the economy could be effected in that way. Having in mind the former attempt of the committee to accomplish the reduction by the consolidation, remembering that it had given the additional $100,000 for two years to enable the service to get its vessels into proper shape, and believing that it was not possible to so engage the attention of these gentlemen upon the necessity of endeavoring to economize in the expenditure of the public moneys, except in one way, the committee reduced the amount for the next fiscal year by $10,000. It was unable to ascertain why the service could do with $165,000 if the appropriation were made in one way and could not do with it if the same amount were made in a different way.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MADDEN. Does not the gentleman from New York know that the management can not economize in the matter of repairs in ships; that there is a certain amount of deterioration going on every year; and that while you can reduce the appropriation and let the repairs go unmade, you are simply creating a condition from which the ships themselves eventually suffer if the repairs are neglected? While I think the committee, generally speaking, is endeavoring to inaugurate a lot of economies that are justified, yet in this case any attempt to economize by refusing to appropriate for ship repairs is not an economy in point of fact, but an extravagance.

Mr. FITZGERALD. Mr. Chairman, I may recall some facts to the gentleman and to the committee which will perhaps induce them to believe that the Committee on Appropriations was justified in its action. I am somewhat familiar with what happens when a proposition is made to repair a ship. Permit anybody with somebody else's money to start to repair a ship, and

it is astounding just how far they will go in taking out old parts and putting in new. For a great many years the naval appropriation bill carried a provision that not more than 10 per cent, if I recall correctly, should be expended for repairs upon any wooden vessel of the Navy unless specifically authorized by Congress; and the practice of the Navy Department in the manner of overhauling modern naval vessels grew to such an extent that within the past few years a committee controlled by gentlemen on that side of the House fixed the limitation upon the amount that might be expended for steel vessels of the Navy, the limitation, as I recall, being 20 per cent.

And the experience of those who have had to do with gentlemen in the various services of the department has been that it is necessary to very carefully guard the expenditures made for repairs, or else they will be rebuilding or practically building new ships instead of keeping ships in ordinary repair.

Mr. WEEKS. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WEEKS. Is it not a fact that a much larger amount was expended repairing vessels of the same class in the Navy than in the Revenue-Cutter Service?

Mr. FITZGERALD. A much larger expenditure for repairs on naval vessels than on vessels in the Revenue-Cutter Service of the same class? Nobody but the Government of the United States would ever consider expending the same amount for the purpose of keeping vessels in repair.

Mr. WEEKS. Is it not true that the service performed by the revenue-cutter vessels is greater than that of naval vessels of the same class?

Mr. FITZGERALD. The revenue-cutter vessels spend more time at sea. They are used more for the purposes for which they were constructed than vessels in the Navy. If we should deduct the time the naval vessels are laid up for repairs and tied up or out of commission, it would be difficult to find much time that they were being navigated in the sea. Nobody would ever wish to establish as a standard that of the Navy Department as to the repair of vessels. The gentleman from Massachusetts, from his own intimate knowledge and experience in the naval service, is compelled to laugh as he remembers the gross extravagance indulged in in the repair of vessels.

Mr. WEEKS. I will admit that the gentleman from New York is an expert on the question of repairs of naval vessels.

Mr. FITZGERALD. I never denied it; in fact, I have proclaimed it myself, and it did not need the statement of the gentleman from Massachusetts to make that fact public.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. The gentleman made a statement in the course of his remarks to the effect that nobody could tell how much repairs would be made on any ship when the repairs were undertaken unless he placed a limit in advance on the authority of those who had jurisdiction over the ship. I want to say to the gentleman that there is nobody on earth who can tell how much repairs will be required on a ship, revenue cutter, or any other vessel of any kind until you commence to tear the planks off and find out how many rotten timbers there are and what other deterioration has taken place.

Mr. FITZGERALD. We have now substituted to a large extent steel vessels for wood. For instance, in the investigation in connection with the Coast and Geodetic Survey, we ascertained that a vessel built in 1899, 13 years of age, costing $175,000, had had expended on it for repairs $96,000.

Mr. MADDEN. That is not extraordinary.

Mr. FITZGERALD. It is extraordinary.

Mr. MADDEN. I do not think it is.

Mr. FITZGERALD. It is; and I know something about the ship-building business.

Mr. MADDEN. Does the gentleman set himself up as an expert ship constructor?

Mr. FITZGERALD. No; I base my opinion on conference with men whose business it is to repair ships, and who have made considerable fortunes out of it. Now, I would take the opinion of the gentleman from Illinois on the question of the amount that should properly be expended in maintaining and keeping up buildings of any kind, or the construction of buildings, or doing any work of that character, but when it comes to marine construction I seek my information from men who are specialists in that line.

Mr. MADDEN. I want to say to the gentleman that I am in the business of building ships, and running ships, and repairing ships, and owning ships.

Mr. FITZGERALD. Oh, those are fresh-water ships. [Laughter.]

Mr. MADDEN. I know what it costs to maintain and repair and operate ships, and I say to the gentleman from New York that he is mistaken in his attempted economies. The refusal to repair a ship may do more damage than anybody can estimate. It is not economy to try to save $10,000 from an appropriation for repairs of a boat or ship used in the Revenue-Cutter Service.

Mr. FITZGERALD. The committee did not do it with any desire to make a show for economy. If it had, we would not be picking up a little item of $10,000, but what we were endeavoring to do was to improve the administration of the service. We have given what we think is enough to keep the vessels in proper repair. There has never been a time that enough money has been appropriated to take care of the unforeseen catastrophes in the service. Whenever they do occur Congress has been ready to meet such emergencies. Having given $200,000 for ship repairs upon the theory that the vessels would be put in condition in which they would be serviceable, a much less sum being required to keep them in repair, it is not unreasonable to cut out only 10 per cent allowed for extraordinary conditions, which sometimes should cease, or else these boats, in the estimation of those who control them, would not be seaworthy at all.

Mr. ESCH. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. ESCH. In case of accident or injury to a revenue cutter is there any vessel in reserve or ready to take its place? I understand not long ago one of the revenue cutters in the Bering Sea had met with an accident. Now, can a vessel be sent to take the place of such a vessel that is disabled, or is there any reserve supply of vessels for such purpose?

Mr. FITZGERALD. I do not recall, but the gentleman should have that information more aptly than I, because he is a member of a committee which for years has been investigating the needs of the Revenue-Cutter Service and authorizing vessels as the needs of that service developed. I have not done that especially, and I would be more likely to call on him for such information than to expect him to call upon me.

Mr. ESCH. The only point is the estimates for repairs of $175,000 will not meet such an emergency.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, and I merely desire to say that this estimate, as made by Capt. Bertholf, the head of this service, who sent it to the Treasury Department, was $250,000. That would be about 5 per cent for the repairs of vessels—some wooden, some 30 years old, some 20 years old, some 10 years old, and very few new vessels when compared with the old ones. It further appears from the statement that 20 years is the practical life of a ship, because then it costs more to keep it in repair than to throw it away as old junk. Now the Treasury Department, no doubt desiring to make in the aggregate low estimates, cut that $250,000 to $175,000. Now, it further appears from Capt. Bertholf's estimates that there is quite a large number of repairs to be made. Why, if they put in a boiler, that means $40,000, according to his statement, and they have to be replaced once in 12 years. Now, I am satisfied, from this hearing, without regard to the question of accident by storm or otherwise—just for ordinary repairs—that $175,000 is not enough, and therefore I made the motion to increase it by $10,000.

Mr. SHERLEY. Mr. Chairman, the gentleman has brought out a fact which is illustrative of the difficulty which confronts a committee dealing with appropriations and desiring in good faith to bring about economies in the Government. He has stated that the original estimates sent to the Treasury Department were considerably in excess of the estimates they submitted. Now, that simply illustrates this proposition. If we take at its face value the estimates made by a man in the service, instead of appropriating what we are appropriating, we would be appropriating two or three times as much, and these demands were evidently so flagrantly extravagant that the Treasury Department itself cut them more than in half. It illustrates how little reliance you can place upon the estimates given. There is a theory that pervades all departments of the Government that Uncle Sam does not need to skimp money, and estimates are sent in by individuals that, if they were in the employ of a private concern, would never see the light of day, and no one knows better than the gentleman from Illinois——

Mr. CANNON. Will the gentleman yield?

Mr. SHERLEY. In a moment. That if it were not for the constant scrutiny of Appropriations Committees we would have our expenditures simply run riot. Now I yield.

Mr. CANNON. The estimate for these repairs was $250,000, made by a practical man in charge; the landsman cuts it to

$175,000 and the committee cuts it $10,000 more. I would rather follow the sailor——

Mr. SHERLEY. Well, of course——

Mr. CANNON (continuing). Than the committee, or to follow the Treasury, that is seeking to make as small estimates as possible, and there has been some pretty severe criticism on the Treasury in regard to the cut of estimates.

Mr. SHERLEY. That may be; but it is a criticism that is rather unique in America heretofore. We usually have not had to criticize the departments for any undue efforts in the way of economy. Now, it is a very pretty thing and it sounds well to say—I had rather follow the sailor than the landsman. Well, I would in some things, but when the sailor is talking about money that does not concern him directly, when the sailor is not put to the tests that a private concern is of economy or death, and when he goes on the assumption that you have got a Treasury without an end to it, then I think that it is the duty of Congress to come in and cut his estimates. But it is not simply a case of sailors and landsmen. Running all through the departments you will find district officers making a statement that they have to have certain sums of money, and that the service will go to the bow wows if you do not give it, but, in point of fact, when they are cut they manage to get along and the service does not go to the bow wows. When you do undertake to give all they want, you will find in the course of a dozen years that they have piled up, if they can under the terms of the appropriation, great surpluses——

Mr. WEEKS. Will the gentleman yield?

Mr. SHERLEY. In a moment—and if they do not they have used it for purposes not within the purview and intention of Congress, and it was necessary to supervise the estimates. I now yield to the sailor. [Laughter.]

Mr. WEEKS. What evidence has the gentleman that the $165,000 will be enough for this purpose?

Mr. SHERLEY. The statement of these gentlemen that if they had this in the general fund and so, according to their statement, would not need to hoard a balance so as not to be in danger of violating the law as to deficiency, that $165,000 would be sufficient.

Mr. WEEKS. Has any member of the committee ever seen any of these ships in order to make an estimate for himself?

Mr. FITZGERALD. We have not spent as much time on them as others have.

Mr. SHERLEY. I think not. I will say to the gentleman frankly that I believe the time has come when the Committee on Appropriations ought to have available a reasonable sum of money to be used in the employment of outside experts in order that we could get disinterested information upon matters on which we can not be expected to have technical knowledge. But if the gentleman is going to apply the rule that we are to accept the statement of every man as to his estimate unless we have personal technical knowledge of the facts, then we might as well dispense with hearings. We have the right, judging by the past history of the department, judging by the answers of the men, judging by that knowledge that comes to men as to the efficiency of departments and the economy exhibited, to use ordinary common sense in cutting estimates. That we have done here.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. CANNON. A division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 46.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENGRAVING AND PRINTING.

For labor and expenses of engraving and printing: For salaries of all necessary employees, other than plate printers and plate printers' assistants, $1,268,051, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of eliciting some information from the chairman of the committee. I should like to ask if this item includes the expenses of preparation of national bank notes?

Mr. FITZGERALD. The printing of them.

Mr. TILSON. It does not include the material?

Mr. FITZGERALD. No.

Mr. TILSON. It includes the labor on and the preparation of the plates?

Mr. SHERLEY. The language itself indicates it is for salaries of all necessary employees other than plate printers. The latter are in a separate item.

Mr. FITZGERALD. They are in the next item.

Mr. TILSON. Mr. Chairman, I withdraw the pro forma amendment and offer the following amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 33, at the end of line 14, add the following:

"*Provided further*, That no portion of this sum shall be expended for printing national bank currency bearing the name of any national bank or any other distinguishing mark indicating the bank on which such national bank currency is authorized to be issued, and after said date all national bank currency shall be uniform."

Mr. FITZGERALD. Mr. Chairman, I make a point of order, but I reserve it if the gentleman wishes to make a statement.

Mr. TILSON. Mr. Chairman, I wish to speak on the amendment just a moment. I do not think it is subject to a point of order, but I shall first address myself to the merits of the proposition.

For a long time it has seemed to me there has been a tremendous waste in the matter of the preparation of national-bank notes. The waste comes about in two ways. In the first place, by the enormous number of bank notes that have to be destroyed in case banks consolidate or go into liquidation. In the second place, by the large number of bank notes, including a very large amount of material, that has to be kept on hand to have a separate supply of every denomination of notes for every national bank in the United States. As I remember, there are something like 7,200 national banks. These banks have an average of five denominations of notes. Each denomination must have a separate plate engraved, and of each denomination there must be a supply of notes kept on hand. This makes 36,000 plates that must be engraved and 36,000 different kinds of national-bank notes that must be kept on hand.

And, as I said before, when a national bank goes out of existence or consolidates with another, or changes its name, all these must be destroyed, although it is valuable and costly material. There is an additional expense, and that is in the matter of accounting. With each bank there must be kept a separate account, so that the number of employees necessary to keep the accounts of each separate national bank makes the accounting quite expensive. On the other hand, if we had a uniform currency, which might be issued to every bank—the same kind to each bank—all this detailed accounting with each bank might be done away with and there would remain to the accounting simply the amount issued to each bank and the amount returned, without regard to the particular notes issued or returned.

That is all I care to say at this time as to the merits of the proposition, but if the gentleman from New York [Mr. FITZGERALD] is going to make a point of order, I would like to speak to that.

Mr. FITZGERALD. I intend to make a point of order, because it is legislation in violation of the rule.

The CHAIRMAN. The Chair would like to hear what the gentleman from New York [Mr. FITZGERALD] has to say.

Mr. FITZGERALD. These plates, Mr. Chairman, are paid for by the national banks and not by the Government.

Mr. TILSON. The printing is not paid for by the banks, and the labor and materials are not paid for by the banks, but that makes no material difference whether the Government or the banks pay for it. Both are entitled to the best possible legislation to prevent economic waste.

Mr. FITZGERALD. But it is immaterial who pays it directly. I think the matter has been discussed heretofore, that if a uniform bank note should be adopted, with perhaps some distinguishing mark or some other insignia which would indicate a particular bank issue, it would result in many advantages.

But it would be preposterous on this bill, Mr. Chairman, to make any such rule. This bill provides the money to print the national-bank notes, commencing on the 1st of July. The printing can not be delayed. There is no such surplus that would permit sufficient time to elapse to enable a new design to be adopted, a new scheme to be worked out, the plates to be prepared, and arrangements perfected with the banks for the issuance and redemption of the outstanding notes.

Mr. TILSON. My amendment provides for six months' time, making it effective on the 1st day of January, 1913.

Mr. FITZGERALD. I did not understand that from the way the amendment was reported.

Mr. TILSON. The amendment says that "after December 31, 1912, no part of this sum shall be so expended," and so forth.

Mr. FITZGERALD. The Assistant Secretary of the Treasury said it would probably cost a million dollars to reengrave all the plates of the existing national banks.

Mr. TILSON. May I interrupt the gentleman to say that it would take only five or six plates? There would not need to be

more than five or six plates engraved, and these would answer for all banks already in existence or hereafter established.

Mr. FITZGERALD. But my recollection is that, in the opinion of the Secretary of the Treasury, it would be necessary to have some distinguishing characteristic in order to keep track of redemptions.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. MANN. As I understood the amendment read, it provided for no distinguishing mark on the bills.

Mr. FITZGERALD. That is true.

Mr. FOSTER. How are you going to be able to tell what bank that is?

Mr. TILSON. It does not matter in the slightest degree what bank it is.

Mr. FITZGERALD. Seven thousand banks are issuing national-bank notes. It might be very desirable for some of them to have notes without any distinguishing characteristics.

Mr. TILSON. The gentleman understands that all of these notes are secured by bonds deposited with the Treasury?

Mr. FITZGERALD. Yes; I understand that. But the department also believes, according to my recollection, that it is very essential that there shall be some distinguishing characteristics for the purpose of redemption. At any rate, it would have such a pronounced and widespread effect upon our national currency that it is a matter to be seriously considered. For instance, let me call attention to this fact: We have $620,000,000 of reserve notes that were printed at a very considerable expense. Are they to be entirely destroyed, and before they have been issued?

Mr. MANN. Under existing bank laws is not a national bank required to redeem its own notes when presented at the counter?

Mr. FITZGERALD. Yes.

Mr. TILSON. And an account must be kept open for an indefinite time while these particular notes are coming in for redemption, and no good purpose is served by it.

Mr. MANN. But the gentleman's amendment would not change that law, and under his amendment no one knows the notes issued by a bank that are required to be redeemed on presentation.

Mr. TILSON. That is all useless work, anyway.

Mr. MANN. That may all be; but it is not covered by the gentleman's amendment.

Mr. WEEKS rose.

Mr. FITZGERALD. The gentleman from Massachusetts [Mr. WEEKS] may have some information about the practical workings of it.

Mr. WEEKS. If the gentleman will permit me, I want to say that if this Congress does its duty, before it expires it will pass such legislation as that there will not be any national-bank notes outstanding, and that will obviate the objections as to the character of the national-bank notes.

Mr. FITZGERALD. Mr. Chairman, I wish to say a word on this point of order. This amendment provides that after a certain date notes shall not be printed except of a uniform character. The law provides that notes shall be printed for each national bank. There is no retrenchment of expenditures that has been pointed out. These notes are paid for by the banks. I do not know how the gentleman brings the amendment within the rule so as to make it in order upon this bill.

The CHAIRMAN. The Chair will ask the gentleman from Connecticut to address himself, for the benefit of the Chair, to the latter part of his amendment. The first part would be a limitation, but, in the opinion of the Chair, there is affirmative legislation in the latter part of the amendment. The Chair therefore asks the gentleman to address himself to that.

Mr. TILSON. So far as retrenchment is concerned, it seems to be perfectly evident that this would reduce the expenditure, because instead of having to keep a redemption account with every bank in the country, all the accounting that would be necessary would be a simple clearing-house account showing simply so much of the uniform currency taken out and so much returned, regardless of whether it is of one particular bank or another. It is evident that this alone would save a considerable amount of accounting.

Mr. FITZGERALD. Suppose national-bank notes were presented to a subtreasury for redemption. Does the gentleman think the Treasury Department would not necessarily have to keep an account with each bank so as to determine which shall take up the notes? The notes are sent by the Treasury Department to the respective banks.

Mr. TILSON. Yes; but they never all come back for redemption.

Mr. FITZGERALD. They are sent to the bank to be taken up, because the Treasury has to redeem them, and then they are immediately sent to the bank of issue. What would the Treasury do—just keep paying out the legal tender?

Mr. TILSON. Keep an account with each bank as to the amount of this uniform currency that is issued.

Mr. FITZGERALD. I thought the gentleman said that such accounts would not be necessary.

Mr. TILSON. Not at all; but accounting only as to amounts. When the bank returns that amount of this currency or any other, the account of that bank will be closed, and it would not be necessary to wait for many years to redeem all the specific notes as they come back. As it is now, the account of each bank has to be kept open for many years. Whenever a bank goes into liquidation the account has to be kept open indefinitely, waiting for the bills of that particular bank to come back; whereas if this uniform currency was in use all that would be necessary for those who wound up the affairs of that bank would be to return the amount of currency—not the particular currency issued by the bank, but that amount of the uniform currency—and take up its securities.

As to the saving, if the gentleman will go to the Treasury Department and find the amount of stock that has to be kept there for each particular denomination of the bills of all these thousands of national banks, and if he will see from day to day the amount of this stock that is rendered obsolete on account of some minor change, and if he will realize that if this uniform currency was used none of this stock would have to be destroyed, he will be convinced that there would be a large saving.

Now, as to the affirmative provision, it is purely a limitation upon the expenditure of the appropriation contained in this paragraph.

Mr. MANN. Mr. Chairman, while I do not know but I would be in favor of the reform proposed if it were presented in a complete condition and brought before the House at the proper time, it seems to me that the amendment offered is subject to a point of order. The amendment offered is not a limitation upon the appropriation, but is a positive statement of what the law shall be hereafter. The first part of the amendment is a limitation upon the appropriation; but the latter part of the amendment is a change of law and is not covered by any one of the three provisions of the Holman rule, which, if it applied, would permit an amendment in proper form. Hence this amendment is clearly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For engravers' and printers' materials and other materials except distinctive paper, and for miscellaneous expenses, including purchase, maintenance, and driving of necessary horses and vehicles, and of horse and vehicle for official use of the director when, in writing, ordered by the Secretary of the Treasury, $464,227, to be expended under the direction of the Secretary of the Treasury.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the gentleman from New York to the fact that if the next paragraph should be agreed to, it might be necessary to return to this paragraph and increase the appropriation. I would suggest to the gentleman that he ask unanimous consent to return to this paragraph.

Mr. HUGHES of New Jersey. I will say to the gentleman from Illinois that I am going to reserve a point of order on the next paragraph and ask that it go over until some day later.

Mr. FITZGERALD. Mr. Chairman, I do not believe that this fund should be increased, whether the next paragraph remains in the bill or not.

Mr. CANNON. Very well; the gentleman is in charge of the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BARTLETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil

War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6899. An act increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Hereafter the proviso of the act of July 1, 1898 (30 Stat. L., p. 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the backs and tints of all United States bonds, and the backs and tints of all United States paper money: *Provided*, That should the Secretary of the Treasury decide to print on power plate-printing presses any of the classes of work herein permitted to be printed on such presses, not more than one-fifth of the total number of hand-roller presses required to produce the estimated quantity of such work in any fiscal year shall be displaced in such fiscal year: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that are now or may hereafter be operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this act.

Mr. HUGHES of New Jersey. Mr. Chairman, I reserve a point of order on the ground that this is new legislation, and I ask that the paragraph go over until a later stage in the consideration of the bill.

Mr. BUTLER. Until the conclusion of the reading of the bill?

Mr. HUGHES of New Jersey. Until some later time, to be agreed upon between myself and the gentleman in charge of the bill.

Mr. FITZGERALD. I will say to the gentleman from Pennsylvania that the matter will not be taken up on Monday, but we may take it up on Tuesday.

Mr. MANN. What is the object of passing it?

Mr. FITZGERALD. We are trying to reach some agreement.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order to this paragraph and asks unanimous consent that it go over until some later time in the consideration of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

During the fiscal year 1913 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the act of August 4, 1886 (24 Stat., p. 227), be credited when received to the appropriation for said bureau for the fiscal year 1913.

Mr. MANN. Mr. Chairman, I reserve a point of order to that paragraph. I would like to ask how much this has amounted to within the last year or two, what is the amount earned by the Bureau of Engraving and Printing mentioned in this paragraph?

Mr. FITZGERALD. I think in the neighborhood of a million dollars.

Mr. MANN. And it mainly came from the Post Office Department?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $140,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. CANNON. Mr. Chairman, I move to amend, page 36, line 1, by striking out the figures "$140,000" and inserting "$150,000."

The Clerk read as follows:

On page 36, line 1, amend by striking out the figures "$140,000" and inserting "$150,000."

Mr. CANNON. That is the estimate and the current law, and I know of no reason for cutting this appropriation.

Mr. FITZGERALD. In 1910 they had a balance of $35,000 and in 1911 they had a balance of $9,000. The committee saw that they were getting more money than they could possibly spend, and it fixed that sum which they thought was necessary to supply the needs of the service.

Mr. CANNON. Does not the gentleman think that for a revenue service that yields a very large amount, something like $300,000,000, that $150,000 is a very small sum? I have no desire to appropriate more money than is sufficient for the service.

Mr. FITZGERALD. The gentleman knows that about $4,000,000 is expended for this service, and this particular appropriation is for a sort of a special secret service. The bureau in 1910 had $150,000. It was increased from $125,000 in 1909 upon the representations of the bureau. It then had an unexpended balance of $35,000, having expended $10,000 less than it did in 1909. In 1911 it had an unexpended balance of $9,000. In view of the fact that it was receiving more money than it was utilizing—apparently it did not require it—the committee gave the highest amount that the bureau has ever expended in any fiscal year.

Mr. CANNON. Let me read from the hearings, and before I read let me call attention to the fact that it costs $12,000,000 to collect the customs revenue, while to collect this revenue it costs less than $4,000,000.

Now I read from the hearings:

The CHAIRMAN. What is this fund used for?

Mr. CABELL. Well, that fund is used chiefly in running down moonshine distilleries, moonshine oleomargarine factories, and illicit opium plants. We pay from that fund all guides, possemen, and informers, and then we employ special men for doing that class of work. We make those appointments for short periods. Under the civil-service regulations they can not be appointed to exceed 60 days. During the past year, which is about a normal year, in connection with that fund we had 80 of those special employees, and then we had 1,242 informers, 18 guides, and 3,348 possemen. This is one of the most valuable funds in the Internal-Revenue Service.

Mr. CANNON. Will you need all of it this year?

Mr. CABELL. Yes, sir. The reason why there was an unexpended balance last year—we also pay rewards out of that. Under the internal-revenue laws where information is furnished which leads to the recovery of a tax, a reward, not to exceed 10 per cent, can be paid, and we had several claims for rewards that appeared to be due; the judgments had been entered in favor of the Government, and we cut down some of our raiding in order to have enough money to pay those rewards that appeared to be due. However, appeals were taken in the cases, and they are still being litigated; and that was why we had that unexpended balance last year. If we had known there was to be this delay, we would have gotten after a few more illicit stills.

Mr. PAGE. That is, if you had known that the cases were going to be prolonged?

Mr. CABELL. Yes, sir. It is a rather serious matter to overstep an appropriation, and as the expenditures are always cut very closely we must be somewhat careful not to exceed our allowances. We always have a number of unliquidated claims toward the end of the year in the way of rewards, informers' fees, etc., and we always have to save a safe balance to take care of these.

It seems to me that with $300,000,000 to be collected, and the small amount paid for its collection, we had better not decrease the appropriation. Therefore, I offer the amendment.

Mr. FITZGERALD. Mr. Chairman, this money has been expended, very largely, 75 or 80 per cent of it, in the Southern States in suppressing moonshining. A great many of these States have adopted State-wide prohibition laws.

Mr. CANNON. Does prohibition prohibit in those States so far as the moonshiners are concerned?

Mr. FITZGERALD. The expense should not be as great as it hitherto has been. It is very difficult to determine how much should be appropriated for the maintenance of any particular service. One method of ascertaining just what the service may require is to ascertain whether or not any balance has been unexpended from an appropriation, and in that way get some information about the necessities of the service. When it is found that a service has been receiving a certain appropriation and has been expending less than that amount, it is a safe rule to assume that there was no possible way in which it could have been profitably expended, or it would have been. This bill carries the largest sum ever expended for this purpose. I do not believe there is any justification in giving more.

Mr. CANNON. Mr. Chairman, I will make the pro forma amendment in order to say that, with the exceedingly high tax upon high wines, alcohol, and the exceedingly large industry, it seems unwise to cut this appropriation. In my own State there is collected, if I recollect right, sixty to eighty millions of

dollars. I am not accurate in my statement, and it may be more than that. With this enormous tax it is important that the law should be enforced, not only for the protection of the revenues, but for the protection of the people who pay the tax. I do not believe that because we find there was $1,500 less one year——

Mr. FITZGERALD. Yes; but the gentleman must remember that the appropriation to which he refers was $25,000 less than he wishes to give this time, and that is an important fact that seems to have been overlooked.

Mr. CANNON. Let us see about that.

Mr. FITZGERALD. Yes; let us see about it. The appropriation was $125,000 in 1909, when there was an unexpended balance of $1,500. He proposes to give $150,000 when they have never expended in excess of $140,000.

Mr. CANNON. Oh, yes; they expended last year all but $1,500.

Mr. FITZGERALD. Oh, no. They had $9,000 left. The gentleman is again mistaken. They had a balance of $9,000 in 1911 and $35,000 in 1910 out of an appropriation of $150,000, and $1,500 left out of an appropriation of $125,000 in 1909.

Mr. WEEKS. Let me ask the gentleman from New York if the expenses for this purpose do not increase from year to year?

Mr. FITZGERALD. Not necessarily.

Mr. WEEKS. Are they not greater than they were five years ago?

Mr. FITZGERALD. Yes; they are; but from 1903 to 1908 the appropriation was $100,000. Then this appropriation was increased, if I recall correctly, for the purpose of placing certain denatured alcohol inspectors on the force. It was very quickly ascertained that there was very little excuse for the employment of those inspectors, but after having appointed all of these gentlemen and having got them on the rolls and not being able to utilize them in the denatured alcohol work, a number of them were added to the other work in the field; but in addition to this appropriation for the service, practically the same thing, there is a very large appropriation carried in the legislative bill. I am convinced that the amount recommended here is sufficient for the proper administration of the service.

Mr. CANNON. Very well. If the gentleman insists, and his side of the House stands with him, the estimate will be cut, notwithstanding the statement of the Commissioner of Internal Revenue that for the proper performance of his duties the estimate should be given. The gentleman has the power, if his side stands with him.

Mr. FITZGERALD. Mr. Chairman, if the logic of the gentleman from Illinois were followed $42,000,000 would be added to this bill, because that is the amount it carries under the estimate submitted by the departments. I recall that when the distinguished gentleman from Illinois happened to be chairman of the Committee on Appropriations he had less confidence in the judgment of those submitting estimates than any man I have ever known to have served in the House of Representatives.

Mr. CANNON. Mr. Chairman, I still have, I believe, two minutes remaining, and in those two minutes I want to say again that with a service in which $300,000,000 are collected at an expense of less than $4,000,000, where $150,000 for the prevention of moonshining and the detection of the evasion of excise taxes and of fraud is requested, the gentleman and his committee are not justified in reducing the amount from $150,000 to $140,000. It is a questionable reduction, in my judgment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. Yesterday I made a statement which was challenged by that side of the House, and in connection with it I shall read from the record that which substantiates my statement. I spoke of appropriations made for public buildings for a portion of the fiscal year up to the 4th day of March. I had records to show that in 1910 and 1908 that had been the practice. Now, I shall read from the record of 1900, 12 years ago, when the gentleman from Illinois himself was chairman of the Committee on Appropriations. March 30, 1900—this is reading from page 42 of the hearings on the sundry civil bill——

Mr. CANNON. What year; was it in the last century or this?

Mr. FITZGERALD. It was in 1900, when the gentleman from Illinois was chairman of the Committee on Appropriations and when he asked the Treasury Department to submit to him a statement showing the amount of money that would be desired for authorized public buildings until the 4th of March following.

Mr. CANNON. What has that to do with the prevention of moonshining?

Mr. FITZGERALD. It has this to do with the question of moonshining—gentlemen were moonshining here yesterday. [Applause on the Democratic side.] I made a statement as to what had been the practice and custom of the House. I did not make that carelessly; I did not make that without justification and foundation for such a statement; and I was ridiculed and treated with contempt for the assertions, which were treated by gentlemen here as ridiculous. I showed in 1908 and 1910 what the policy of the committee had been in those years. Now, to convince the gentlemen still further that I was correct, I have gone back to 1900, 12 years ago, to show that the gentleman from Illinois himself, as chairman of this committee, acted toward the head of this department in the identical manner that the committee this year has acted. As a matter of fact, let me say to the gentleman from Illinois, much that has been done by the committee at this time has been the result of information that it has acquired from watching the gentleman from Illinois in the discharge of his duties as chairman of that committee.

Mr. CANNON. Does the gentleman refer to public buildings or river and harbor work?

Mr. FITZGERALD. Public buildings.

Mr. CANNON. And river and harbor. Why, the gentleman ought to know there was no criticism from me touching the matter of appropriations to the 4th of March. For years that has been the practice.

Mr. FITZGERALD. I did not say the gentleman from Illinois, Mr. CANNON. I spoke of the gentleman from Illinois, and I assume that when anyone mentioned the gentleman from Illinois nobody would have the presumption to apply that title but to the gentleman from Illinois, Mr. MANN. [Laughter.]

Mr. MANN. The gentleman is just about as accurate as he usually is. He referred to the gentleman from Illinois in charge of the Committee on Appropriations, and when called to account shiftily endeavors to turn the term to the other gentleman from Illinois.

Mr. FITZGERALD. I think we will call it to the gentleman so that he will see the light.

PUBLIC BUILDING ESTIMATES WITHDRAWN.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 30, 1900.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives, United States.
(Through Division of Bookkeeping and Warrants.)

SIR: Referring to the estimates of appropriations for the fiscal year ending June 30, 1901, which I had the honor to transmit to Congress, it now appears that the following items included therein are not necessary to be provided during this session of Congress—

Then follows the list of items.

While it is the intention of the department to push the work on the above-mentioned buildings with all possible dispatch, yet in each case there being ample funds appropriated for all needs up to the 4th of March, 1901, prior to that date the next session of Congress will be requested to make provision for continuing the work.

This is a letter from Secretary Gage. Now, having demonstrated beyond any question that my position was accurate as to that, let me turn to the question of this appropriation. It is not an easy matter, as I have already stated, to determine how much should be appropriated for any given service, but after a head of a bureau has for several years persuaded Congress to appropriate a specific sum for the conduct of a specific service and Congress upon an investigation ascertains that he has never been able to expend the amount appropriated due to his solicitation, I maintain that Congress is clearly justified, having decided that it is not possible in the proper performance to expend such a sum, in refusing to continue the appropriation. Now, the committee recommended the largest sum expended in any year for this particular service, and upon the statement of the commissioner it is very doubtful whether a larger sum can be expended.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Not to oblige any public official nor to be terrorized by the fears that any service will not be adequately performed will the committee appropriate that which, in its judgment, is not required.

Mr. GARNER. This is not one of the lump appropriations, then, which, as appears from statements made at the other end of the Capitol, have been utilized for the purpose of increasing the salaries of its employees where Congress has refused to grant that increase. When we get to one of those appropriations I want to ask the gentleman something about the conduct of the department in reference to these lump appropriations. I understand, however, it has not been the custom of the Treasury Department to make use of the lump appropriations for the

purpose of increasing salaries of employees where Congress has refused to grant that increase itself, but it has been the custom of some other departments of the Government to ask for an increase of salary of employees, and failing to get that increase at the hands of Congress they get the lump appropriation, and out of that transfer the employees to a higher salary.

Mr. FITZGERALD. That has not happened in this service.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 14, noes 26.

So the amendment was rejected.

The Clerk read as follows:

For operating force for public buildings: For the pay of such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, and of sites for public buildings, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $2,450,000: *Provided*, That the foregoing appropriation shall be available for use in connection with all public buildings under the control of the Treasury Department, including the customhouse at Washington, D. C., but not including any other public building within the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices: *And provided further*, That hereafter, unless otherwise specifically provided by law, whenever the Secretary of the Treasury is authorized to secure temporary quarters for the use of the Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of, any public building belonging to the United States under the control of the Treasury Department, including the customhouse, Washington, D. C., but exclusive of any other buildings in the District of Columbia, the appropriation for "Operating force for public buildings" shall be available, if necessary, in connection with certain portions of the premises as may be rented for, or occupied by, such officials, in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 39, line 13, after the word "employed," by inserting: "But no janitor, watchman, or laborer shall be employed at a rate lower than $60 per month for any period of one month or more."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I do not desire the gentleman to reserve a point of order.

Mr. FITZGERALD. Then I make the point of order.

Mr. MANN. Very well. Mr. Chairman, if the paragraph itself were not subject to a point of order, I think probably the amendment would be. But the paragraph provides:

But in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

I simply add to that provision:

But no janitor, watchman, or laborer shall be employed at a rate lower than $60 per month.

It is quite germane to the provision in the bill, and if my amendment is subject to a point of order, then the provision in the bill was subject to a point of order; and if that be not the case, then my amendment is not now subject to a point of order.

Mr. FITZGERALD. I do not agree with the gentleman. The provision in the bill is a limitation on the amount that might be paid. The proposition of the gentleman is a legislative provision. The provision in the bill is a limitation upon the amount which may be paid. The gentleman takes away any discretion and fixes a minimum rate of pay.

Mr. MANN. The gentleman will not seriously make any such contention on the point of order, because he would not want his contention sustained. The provision in the bill is a limitation upon the discretion of the department.

Mr. FITZGERALD. It is upon the rate of compensation.

Mr. MANN. That is a limitation on the discretion of the department in making employment. It does not purport to be anything else. Here is a provision that the department may employ services at such a salary or on such a basis as it pleases in conformity with existing law. The gentleman interjects in the bill a provision that the rates of compensation shall not be in excess of the rates current at the time and in the place where such services are employed. It is not limited merely to this bill. I have added to that a provision only that the rates of compensation shall not be less than $60 per month. I do not believe the gentleman seriously is opposed to the proposition.

Mr. FITZGERALD. Well, I think I am. In fact, I know I am.

Mr. MANN. The gentleman ought not to be.

Mr. FITZGERALD. Let me illustrate. In a community of 1,500 or 2,000 or 3,000 persons we would pay a man occupying the position of janitor at the rate of $60 per month. It is out of all proportion.

Mr. GARNER. And you can get the best janitor in that community for $30 a month.

Mr. FITZGERALD. If the gentleman will permit me, this provision as framed is designed, I think, to establish the most equitable method of compensating for service in these public buildings. It is one of the most difficult things to fix a rule for compensation for services in the Federal service. But for work of that character, if we adopt a rule that we shall pay for such service and work in the Government the prevailing rate in the particular community where the person is employed, we come more nearly doing what is equitable than in any other way.

Mr. MANN. To be frank with the gentleman, I have no objection to that provision of the bill and its being carried out, but the trouble is they do not pay prevailing rates. The gentleman provides they shall not pay in excess of the prevailing rate. Or does not the gentleman wish that to be incorporated in the bill?

Mr. FITZGERALD. I think so.

Mr. MANN. I do not see any occasion in the large cities for endeavoring to employ janitors under the Treasury on the basis of $50 a month, when the same men, if they can get transferred in the same building to the jurisdiction of the Post Office Department, under the Post Office appropriation bill receive $60 a month.

Mr. GARNER. There ought to be a provision put on the Post Office appropriation bill.

Mr. MANN. This is not fair. We increased the amount in the last Post Office bill so as to provide surely that they would get the $60 a month. I do not insist that this should apply to every place, because it may not be necessary to apply it to every place; but I do not wish to receive letters from the custodian of the public building in Chicago transmitting and recommending applications from men doing janitor work at $50 a month who seek to get into the post office service in order to do the same work, or in some instances less work, at a higher rate of pay.

Mr. FITZGERALD. I agree with the gentleman that in some of the large cities, perhaps a large number of cities, the pay of janitors in the Treasury Department is not sufficient.

Mr. MANN. I suggest to the gentleman from New York that he let this item go over and see if he can not work out a plan in regard to it.

Mr. FITZGERALD. We can not agree to this amendment, because it will make the compensation of these people in public buildings at many places in the United States so attractive that in many of the smaller communities many men would prefer to be the janitor in the public building there on account of the compensation paid than the postmaster.

Mr. MANN. Oh, no; the gentleman is mistaken.

Mr. PAGE. The gentleman from Illinois does not contemplate that the bill that has passed the Senate making appropriation for a public building in a certain city in a western district will become a law?

Mr. MANN. Mr. Chairman, it certainly is not my intention to criticize the Senate. But there are some bills that always pass the House without controversy, and sometimes with no expectation of their becoming laws. Any gentleman here who desires can, I think, without any difficulty at all go to some distinguished gentleman representing his State in another official capacity and ask to have a public-building bill passed for a mud-roads crossing, and if it is presented to that distinguished body it is passed on the expectation that this House will, as it always has done, stop it.

Mr. PAGE. If the gentleman will permit, seriously, his amendment would make it impossible to employ a janitor in these smaller towns for the smaller public buildings at a compensation of less than $60 a month. Does the gentleman think that would meet the necessity of the various cases as they exist, if his amendment were adopted?

Mr. MANN. I do not know whether they employ janitors for much less than that in the public buildings throughout the country or not.

Mr. PAGE. I do know, Mr. Chairman, that in quite a number of places in my own State and in other Southern States, and I presume it is so in other sections of the Union where there are public buildings, a janitor can be employed and is

employed in other buildings, not public buildings, as the gentleman from Texas said, at $30 a month, and in some instances at even less than that. For the Government to fix a standard of wages in those communities of double the prevailing standard would not, in my judgment, be a just thing to do.

Mr. MANN. I do not think there is anyone on the rolls doing janitor service for the Government at $30 a month anywhere.

Mr. PAGE. I do not think so, but they might be so employed if they were put on at the prevailing rate of wages.

Mr. MANN. It might be that in some places the janitor service is performed on that basis. I do not know; but if so, the person doing the work is not on the rolls as a janitor.

The CHAIRMAN. The question now is on the point of order made by the gentleman from New York [Mr. FITZGERALD]. The Chair will hold to the precedent that in an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation. The Chair is of opinion that the amendment offered by the gentleman from Illinois [Mr. MANN] is additional legislation, and therefore sustains the point of order.

Mr. CANNON. Mr. Chairman, I move to amend, on page 39, line 13, by striking out the figures "450" and inserting the figures "570," so that the amount will be $2,570,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 39, line 13, by striking out the figures "450" and inserting in lieu thereof the figures "570," so that the amount will be $2,570,000.

Mr. CANNON. Mr. Chairman, this is one of two or three amendments that I propose to offer. On page 40 I propose to offer an amendment increasing the item for furniture and repairs of same, carpets, gas and electric light fixtures, and so forth, from $800,000 to $900,000.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that that has not been read yet.

Mr. CANNON. I understand; but there are two or three amendments here that are on all fours.

There are over a hundred buildings to come in next year, and I think there are a goodly number coming in this year. They must be furnished for service. That includes boxes and post-office furniture for post offices, and proper court-room furniture where there are courts. Yet, instead of increasing the amount, gentlemen recommend a decrease. Oh, I was amused to see our friends, especially on the majority side, agonize for hours yesterday for home consumption because they could not get money that could not be expended for the construction of their buildings before the 4th of March. They just tore passion to tatters. Now, there are a great many buildings in that section of the country, which are to come in this year, that had just as well not be built unless you furnish them for courts and post offices. And I suppose now, with less than a quorum—I should think about 20 Members on that side and 20 on this side—business is to halt while gentlemen interested in buildings that are to be utilized the coming year are getting ready to cuss the Secretary of the Treasury. Their place is here. These appropriations ought to be made according to the estimates. The estimates are not too high for the new buildings that are coming in.

Mr. FITZGERALD. Mr. Chairman, I desire to make only one observation. The present pay roll of the department is $2,117,128. At the end of the present fiscal year there will be a surplus in this appropriation of $175,000, so that, liberal as Congress has been heretofore, the department has been unable, by a very substantial amount, to utilize it all.

The committee took the figures and went carefully into them and gave the amount it thought would be required for the next fiscal year. The estimate of which the gentleman is speaking includes not only provisions for present or existing buildings and new buildings, but provisions for substantial increases of compensation throughout the service. It was with those facts in mind that the committee made the recommendations contained in the bill.

Mr. CANNON. Mr. Chairman, I only want to say that this is $50,000 less than the appropriation for the current year, in spite of the fact that 100 more buildings are coming in next year, as well as the fact that it is for the maintenance of buildings that have been furnished heretofore. I am content, so far as I am concerned, but the committee will not act ignorantly in the premises.

Mr. MONDELL. Mr. Chairman, what has been said in regard to this appropriation makes still clearer the fact that this bill, alleging to appropriate for sundry civil expenses for the next fiscal year, is a monumental fraud. It is not what it purports to be. It will not take care of the Government service even in a halting and hobble-skirted manner. The only possible way that janitors and caretakers of public buildings can be paid is by scaling down their salaries.

Gentlemen attempted yesterday to justify their having scaled down continuing appropriations to an eight-month basis on the ground that as they were continuing appropriations it made no difference. But here is an appropriation, ostensibly made to cover a fiscal year, which the gentlemen know will not cover the necessary demands on the Treasury for the fiscal year. The gentlemen in charge of the bill know that perfectly well. We have not had $50,000 more than was needed for this service the present year, and we are going to have 100 new buildings. Yet the appropriation is scaled down $50,000 below what is necessary this year. There is no way to bring the expenditures within that limit except by discharging the caretakers and letting the cobwebs gather and the dirt thicken on the floors and walls of public buildings or else reduce the salaries of these employees.

But I am not surprised that the Democratic side contemplates a reduction of the small salaries of caretakers, janitors, and custodians. They are hopeful that they will be successful in the coming presidential election; and if they are, everybody's income will be reduced except those fortunate enough to hold a Government job. I presume that they think the Government servants ought to suffer along with other people, under the circumstances. It contemplates serving out the same sort of dope to Government employees that the balance of the people would get under a Democratic administration.

As I have heretofore observed, this bill is a fraud; it is not what it purports to be. It does not, can not, and will not pay for the Government service for the fiscal year. The gentlemen responsible for the bill know that it will not. They hope to limp along with this appropriation until the 4th of March next, and then appropriate enough to limp along 16 months thereafter. Of course, the gentlemen expect to get some credit in the campaign for this alleged reduction of expenses. But gentlemen on this side that happen to know about it, and those in the country that happen to know about it, will see that the people understand what a fraud this alleged economy is.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend, on page 39, line 12, by inserting after the word "of" the words "or less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 39, line 12, by inserting after the word "of," at the beginning of the line, the words "or less than."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. It will operate to increase the expenditures. It is not a limitation upon the expenditures, but it limits the discretion of the Secretary as to the manner in which he shall employ this labor.

Mr. MANN. There is no doubt that the amendment limits the discretion of the Secretary of the Treasury and no doubt would be subject to a point of order if the paragraph itself were not subject to a point of order. The provision in the bill is not a limit on the appropriation. Here is the provision:

And for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

That is legislation. That is not a limit on the appropriation; it is a limitation upon the administrative authority of the executive officers. Now, if it is competent in the bill to provide that the rates of compensation shall not be in excess of the rates paid current labor, certainly an amendment proposing that the rates shall not be less than the current labor rates is germane to the provision of the bill; it is to fix by legislative authority the pay of these officials, where now without it it is left to the administrative authority.

I have frequently heard gentlemen on the floor of the House inveigh in very strong language against the practice, which they allege the Government followed, of paying less than current rates to mechanical laborers. I have a curiosity to see whether any of these gentlemen will be found at their place in the Hall of the House defending the proposition which they lately initiated on the floor of the House when no vote could be had.

Mr. FITZGERALD. Mr. Chairman, the provision in the bill is a limitation on the compensation of the officials, and under the Holman rule, granting the statement of the gentleman from Illinois that it is legislation, is in order. The gentleman's proposition by this legislation would provide increased compensation in many instances. His limitation is upon the minimum and not upon the maximum.

Mr. MANN. I know, but any germane provision is in order.

Mr. FITZGERALD. No; under the Holman rule legislation is in order which does certain things. Germane amendments which do not retrench expenditures or reduce salaries of officers would not be in order, even if germane. To be in order they must not only be germane, but must accomplish the purpose set out in the rule.

Mr. MANN. Under the Holman rule this provision is not in order. I did not make the point of order, nor did anybody else.

The CHAIRMAN. The Chair in deciding the point of order has this to say: Line 11 says the rates of compensation shall not be in "excess" of the present rates. That fixes the maximum. The proposition of the gentleman from Illinois is to amend line 12 immediately after the word "of" by inserting the words "or less than," in order to fix a minimum, so that it would read, if adopted:

That the compensation shall not be in excess of or less than the rates—

And so forth.

If that amendment were adopted, then the rates would be fixed by this amendment at exactly what they now are, which the Chair thinks is positive affirmative legislation. The Chair therefore sustains the point of order.

Mr. MANN. Does not the Chair think that the provision in the bill is permanent legislation? Of course, I have no right to cross-examine the Chair.

The CHAIRMAN. Yes; the Chair thinks it is, but that it is within the provisions of Rule XXI.

Mr. MANN. There is no provision in the bill which reduces the compensation of any person.

The CHAIRMAN. It leaves it optional with the one fixing the salary to make it less.

Mr. MANN. The existing law is the same thing. There is nothing in the bill which reduces the compensation. The only way the item could be called in order under the Holman rule is by reduction of the compensation of any person. This item in the bill does not reduce anybody's compensation as it stood in the bill.

The CHAIRMAN. But the effect of the amendment of the gentleman from Illinois would be to affirmatively fix the rate of compensation.

Mr. MANN. That is the question of argument. Suppose the provision in the bill had been that the rate shall not be less than the rates current. Then I should have offered an amendment that they should not be in excess of the rate. Of course the result of that is to provide that the current rate shall be the rate paid, but without naming what the current rate is.

The CHAIRMAN. The Chair is still of the opinion that the amendment amounts to affirmative legislation. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric fixtures for new buildings, exclusive of personal services, except for work done by contract, $800,000. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 40, line 16, by striking out "$800,000" and inserting in lieu thereof "$900,000."

Mr. CANNON. Mr. Chairman, for the fiscal year 1911 there were appropriated $700,000, with $180,000 of the deficiency, making $880,000. The appropriations for 1912 were $700,000, and the estimates for 1913 are $900,000. I read the following note explaining this estimate:

NOTE.—It is estimated that $300,000 will be required to provide furniture equipment for the three large buildings now approaching completion at New York, N. Y.; Denver, Colo.; and New Orleans, La. But an estimate of $200,000 only in addition is submitted, making a total for the year 1913 of $900,000.

That is, 3 of the 107 buildings that are to come in during the coming year. I believe that the full estimates should be given, and I do not believe that even the $900,000 will do the work required for the public service for the coming fiscal year. I again call the attention of Members who are absent from the House, who are specially interested in buildings and the utilizing of buildings that have been authorized, to the fact that I suspect that when this appropriation is administered the great buildings in New York and Denver and New Orleans will be cared for, probably not for $200,000, but for $300,000, and the rest of us may do what the young lawyers used to do when I was one of them on the country circuit, when we failed to win, namely, avail ourselves of the only remedy and cuss the court.

Mr. FITZGERALD. Mr. Chairman, the most indefensible thing ever done by the Treasury Department was its grossly extravagant expenditure for furniture in the New York customhouse. The furnishings of the New York customhouse are the most extravagant and indefensible ever made in any public building. I have been there and looked at them. The arrangement of the offices there can not be justified. A private secretary or a deputy collector has a room much larger, two or three times as large, as that occupied by the President of the United States, and the furniture in it, put there to keep him from being lonesome, has never been equaled in this country. We do not care to have the New York post office furnished in the same way. We are giving $100,000 more for next year than we gave for this year. The Supervising Architect tried to justify the appropriation of $900,000 for next year by stating that he was not permitted to ask for more than $700,000 for the present year, but he was doing the best he could, and under those circumstances the committee believed that if it declined to add $100,000 to what he was permitted to ask for last year, and with which he was doing the best he could, with no complaint from any part of the United States that any public building was suffering either from lack of furniture or from furniture of a character that is inadequate for the Government service, we perhaps might enforce the introduction of simplification and standardization of furniture which would result beneficially to the public.

Mr. AUSTIN. Will the gentleman tell us the cost of the New York customhouse?

Mr. FITZGERALD. The New York customhouse—I do not remember.

Mr. AUSTIN. How does it compare with the extravagance mentioned by the gentleman in connection with the contemplated improvement of the customhouse for Boston?

Mr. FITZGERALD. I did not quite catch the gentleman's question.

Mr. AUSTIN. I asked the gentleman how it compared in cost and expenditure in the contemplated customhouse for Boston, which the gentleman described the other day?

Mr. FITZGERALD. It is a more expensive customhouse than that at Boston.

Mr. AUSTIN. Expensive figures, statuary, and so forth, all around it?

Mr. FITZGERALD. I think it is so much more ornate than necessary that I have never been able to get over the resentment I experience whenever I enter that building. I think we ought to have public buildings of a character commensurate with the dignity and greatness of the United States, but I do not think we should attempt to rival the most luxurious palaces that the civilized world has ever known.

Mr. AUSTIN. Was there any opposition from any source upon the floor of the House at the time this appropriation was made for this expensive customhouse at New York City?

Mr. FITZGERALD. When the appropriation was made nobody, even those desiring the facilities for the transaction of the public service, either contemplated or desired the outrageously extravagant design and finish that was devised for this building by the architect under the Tarsney Act; and the gentleman understands the more extravagant and higher the cost of the building the more profitable it is to the architect. But nobody can see that building—the outside of it I do not think can be criticized, but the inside of it, private offices, other parts of it, in my opinion, are absolutely indefensible from any standpoint whatever.

Mr. CANNON. Will the gentleman yield for a question?

Mr. FITZGERALD. It is a more impressive building to view on the outside than the Congressional Library.

Mr. AUSTIN. I agree with what the gentleman says in regard to its appearance because I have been through it.

Mr. CANNON. Does the gentleman think that the extravagance, of which I know nothing except what the gentleman says, in furnishing the new New York customhouse in any excuse for withholding appropriations for plain furnishings for the new buildings that will come into commission?

Mr. FITZGERALD. But it does not say for plain furniture, unfortunately. If the gentleman had moved to amend this provision by inserting the word "plain" instead of increasing the amount, perhaps we might have gone with him into that limitation, but the Supervising Architect submitted an estimate last year for $700,000 to furnish the buildings coming into commission this year. He is doing very well with that sum. He thought then that he should have asked for more, but his superiors would not permit him to submit the estimates. Now, for the next year he asked $900,000, a very substantial increase, about 37 or 38 per cent, and the committee thought that if instead of giving $900,000 they would give $800,000, an increase of $100,000, it might result in preventing some unjusti-

fiable extravagances in the furnishings of these buildings that have been nortorious not only in the New York customhouse, but I think in the famous Cleveland post office and a building at San Francisco, and at some other places. We should do what is proper, but we should not squander the public money.

Mr. SHERLEY. Mr. Chairman, I agree with all that the gentleman from New York [Mr. FITZGERALD] has said, except I am not prepared to give my approval even to the outside appearance of the New York customhouse. It would be a very much handsomer building if it had less ornamentation, particularly the rail at the top, which cuts off half the windows, unless you are back nearly half a mile so as to get a perspective and see the mansard roof in its true proportions. I do not believe there has been anywhere in Government expenditures as much money badly expended as in the public buildings of the United States, both in the appearance of those buildings and the cost of them, and Government buildings are built of exceedingly costly material. They are built in the monumental type and on the theory they are to last indefinitely, and then having made an unusual cost for the building itself, the architect proceeds to make that cost the basis for an unusually large allowance for furnishings, and if we never hurt the Government of the United States any worse than when we curtail some of the expenditures of the Supervising Architect's Office, we will have done little harm in our day and generation.

Mr. MANN. Mr. Chairman, next winter I suppose we will have a good deal of talk from gentlemen on both sides of the aisle because their building has not been furnished or some other complaint against the Supervising Architect's office, and in order to help allay that trouble I shall ask, if my colleague does not, a division on this amendment, in order that the RECORD may show that the few faithful Members who are here expressed their opinion in the absence of a large number of grumblers who will be kicking next winter.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 22, noes 32.

So the amendment was rejected.

The Clerk read as follows:

CUSTOMS SERVICE.

To defray the expenses of collecting the revenue from customs, $4,650,000, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1913. And the provisions of the act of March 3, 1879 (20 Stats., p. 386), as amended by the act of April 27, 1904 (33 Stats., p. 396), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenue from customs such amount as he may deem necessary, not exceeding $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, are hereby further amended so as to increase the amount to be so expended for the fiscal year 1913 to $200,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This is to be followed by a provision to reorganize the customs service. There is a permanent appropriation for the customs service of $5,500,000. This proposes, in addition to that, or recommends, $4,650,000. I do not know why it should not recommend $5,000,000, and then it would be half a million under what it is costing. Gentlemen may say that they expect legislation reorganizing the customs service by which there will be a saving in this amount, but it is just as well, if it works as well in saving as they think it will, to omit the $4,650,000 altogether and let us stand upon the permanent appropriation of $5,500,000. Of course, I apprehend we can not hope for legislation, although I apprehend the House will pass this proposed legislation. But there has been much talk about repealing this permanent appropriation and abolishing a whole lot of customhouses, and all that kind of thing—ripping it up—and I do not know but that, in part, it ought to be ripped up, because it costs $3 to collect the customs revenue to where it costs $1 to collect the internal revenue.

And I want to compliment the gentleman from New York [Mr. FITZGERALD] for one provision, to be found on page 44, which we just passed—a reduction of the amount to detect frauds in the internal revenue of $140,000, notwithstanding the great temptation to avoid payment of revenues that are going to the high tax upon alcohol. But, lo and behold, here is a provision, amounting to $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, amended so as to increase the amount to be so expended for the fiscal year 1913 to $200,000.

I have no doubt most of those frauds that are committed are committed in the city of New York, where the great bulk of this revenue is collected and that come under the close notice of the gentleman who represents——

Mr. FITZGERALD. Mr. Chairman. I suppose the gentleman from Illinois is aware this is not an increase at all, although it would appear so. This provision has been carried for the last four or five years.

Mr. CANNON. At $150,000.

Mr. FITZGERALD. At $200,000 a year, but made available year by year by language similar to this. This is not an increase at all of this sum. It is making available the same amount that has been made available for the past four or five years.

Mr. CANNON. It has been $200,000 for the past four or five years?

Mr. FITZGERALD. Yes.

Mr. CANNON. And this is to continue the expending of the $200,000. That is to say, the gentleman proposes to authorize $150,000 more for the prevention of frauds in the collection of customs, substantially all of which are collected at New York, than for the whole service of the internal-revenue collections scattered over the country?

Mr. FITZGERALD. Does the gentleman object to this expenditure for this purpose?

Mr. CANNON. No; it is only for what happens under our noses that we care for.

Mr. FITZGERALD. The gentleman knows it is very necessary, considering the conditions disclosed in the public service under Republican officials in the port of New York during the last half dozen years.

Mr. CANNON. Oh, yes. There were great frauds there, and admittedly great frauds in the collection of the internal revenue. You cut one and let the other remain. So the wide world wags.

Now, I withdraw the pro forma amendment, and I will offer an amendment striking out, in line 14, page 43, "$4,650,000" and inserting "$5,500,000."

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 43, line 14, by striking out "$4,650,000" and inserting "$5,500,000."

Mr. CANNON. That is what it costs—namely, $5,500,000, annual appropriation—to reenforce the permanent appropriation of $5,500,000.

Mr. FITZGERALD. Mr. Chairman, the gentleman might have asked for the estimate of the department. They ask for $5,000,000 on their own responsibility; in addition to what the Treasury Department asks the gentleman is asking $500,000, and it is assuming a good deal, in view of his insistence that we should take the estimates of the department.

Mr. CANNON. Oh, for the present the five millions and the deficiency estimated for make it cost in round numbers $5,500,000.

Mr. FITZGERALD. But it is not certain that the deficiency will be granted.

Mr. CANNON. Oh, no; it is not certain, but while I am not a prophet or the son of a prophet, if I desired to become a prophet I would say that every dollar of it would be appropriated for.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs revenue laws, $50,000.

Mr. GARNER. Mr. Chairman, I desire to make some remarks in reference to this section, on page 45. I want to submit some observations upon this item.

Mr. FITZGERALD. If the gentleman will permit, I was going to move that the committee do now rise.

Mr. GARNER. Then I will defer.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, as follows:

To Mr. STEVENS of Minnesota, for 10 days, on account of illness in his family.

To Mr. POWERS, indefinitely, on account of important business.

LEAVE TO PRINT.

Mr. FITZGERALD. Mr. Speaker, yesterday I referred in debate to a document which I intended to print in my remarks, and I omitted to present a request for unanimous consent to that end. I now ask unanimous consent to print it in the RECORD.

Mr. MANN. How long is it?

Mr. FITZGERALD. Well, it is not very short. But it is a very instructive and valuable document.

Mr. MANN. The gentleman has referred to the document in his speech. Is not that sufficient?

Mr. FITZGERALD. If I had not intended to append it to my remarks I would have read it into the RECORD.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to insert a document in the RECORD. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIX, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds:

S. 6899. An act increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 9061. An act limiting hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes p. m.) the House adjourned until Monday, June 10, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior recommending that authority be granted to credit the account of the chief disbursing officer of the Interior Department with certain items paid by him (H. Doc. No. 822); to the Committee on Appropriations, and ordered to be printed.

2. A letter from the Secretary of War, transmitting claim for damages to the yacht *Dolphin* caused by United States dredge boat *Cumberland*, and recommending an appropriation therefor (H. Doc. No. 823); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SABATH, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, reported the same with amendment, accompanied by a report (No. 855), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24962) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, reported the same with amendment, accompanied by a report (No. 858), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SABATH, from the Committee on Immigration and Naturalization, to which was referred the joint resolution of the House (H. J. Res. 220) to grant American citizenship to Eugene Prince, reported the same without amendment, accompanied by a report (No. 856), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 25222) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near the mouth of Peter Creek; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: A bill (H. R. 25223) to purchase a painting of Lee and Grant; to the Committee on the Library.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25224) to provide certificate of merit badges and campaign badges for officers and enlisted men who served honorably in the Spanish, Philippine, or China campaigns and who were not in the United States service on January 11, 1905; to the Committee on Military Affairs.

By Mr. MILLER: Resolution (H. Res. 577) to investigate certain coal companies doing business in Two Harbors, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. DIFENDERFER: Resolution (H. Res. 578) directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Joint resolution (H. J. Res. 326) providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho; to the Committee on Indian Affairs.

By Mr. FULLER: Memorial of Legislature of the State of New Mexico, to allot and open the Navajo Indian and other Indian reservations to settlers; to the Committee on Indian Affairs.

Also, memorial of Legislature of State of New Mexico, to amend Schedule K of the tariff bill by inserting therein a specific duty on wool on the scoured shrinkage basis; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 25225) granting a pension to Ella Sherwood; to the Committee on Pensions.

Also, a bill (H. R. 25226) granting an increase of pension to Barbara Kittel; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 25227) granting a pension to Deedamy Findley; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 25228) granting an increase of pension to Rachel B. Denny; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 25229) granting a pension to Lucy A. Warner; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 25230) granting an increase of pension to Samuel B. Stuyvesant; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 25231) granting an increase of pension to Wilber C. Scott; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 25232) granting an increase of pension to John Doughty; to the Committee on Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25233) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25234) granting an increase of pension to Miles Spain; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Roman Catholic societies of Missouri and Michigan, protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of the Woman's Homestead Association, favoring passage of House bill 1588 relative to taxing bachelors over 35 years of age $5 per annum; to the Committee on the Judiciary.

Also (by request), petitions of Roman Catholic societies of Ohio, New York, Illinois, and Michigan, protesting against the passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ALLEN: Resolutions of Cincinnati Lodge, No. 4, Independent Order B'nai B'rith, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of merchants in the stationery business in Cincinnati, Ohio, against passage of Brown-Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. BENNETT: Resolution of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petitions of societies of the Polish Roman Catholic Union of America in State of Pennsylvania, and Chamber of Commerce of Pittsburgh, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of American Vigilance Association of New York City, and State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of business men of South Dakota, favoring giving the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of business men of South Dakota, protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, Society No. 457, Everson, Pa.; St. Joseph Society, No. 405, Ralphton, Pa.; board of directors of the Chamber of Commerce of Pittsburgh, Pa., all protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa.; Evening Star Council, No. 257, Junior Order United American Mechanics, Waltersburg, Pa.; and residents of Smock, Pa., all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dickerson Run Lodge, No. 632, Brotherhood of Railroad Trainmen, Dickerson Run, Pa., protesting against the enactment of the employers' compulsory compensation act; to the Committee on the Judiciary.

By Mr. CURLEY: Petition of Polish-American citizens, Chicago, Ill., and Workmen's Sick and Death Benefit Fund of the United States of America, both protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Mary's Episcopal Church, favoring relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of Southern Shoe Retailers' Association, protesting against passage of bill requiring the manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Tow. N. M. P. Krol. Kor. Pol., No. 63, of La Salle, Ill., in opposition to the passage of the Dillingham-Burnett immigration bill, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Shoe Retailers' Association, in convention at Atlanta, Ga., protesting against the passage of the Campbell bill, to stamp manufactured article with manufacturer's name, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER: Resolutions of Polish-American citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Cort Club, Chicago Order of Railroad Telegraphers' Club, of Chicago, Ill., favoring rigid examinations for wireless operators, and that each vessel carry at least three competent wireless operators, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER: Petition of Farmers' Union, Kingsbury, Tex., favoring the passage of a general parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of the High School Teachers' Association, favoring national aid for vocational education; to the Committee on Agriculture.

Also, petition of Lackawanna Steel Co., New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Manila Merchants' Association, favoring the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Queens-Nassau Medical Society, Mineola, N. Y., favoring the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Watchmakers and Jewelers' Benevolent Association, No. 1, New York, protesting against the abolishment of fixed retail price on patent goods; to the Committee on Patents.

Also, petition of committee on preliminary organization, New York, relative to a world's peace; to the Committee on Foreign Affairs.

Also, petition of Long Island City Aerie, Fraternal Order of Eagles, favoring the passage of House bill 24494; to the Committee on the Post Office and Post Roads.

Also, petition of Genesee County Fish and Game Protective Association, Batavia, N. Y., favoring protection of migratory game; to the Committee on Agriculture.

Mr. MANN: Petition of Millinery Jobbers' Association, of Chicago, Ill., favoring reduction of letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Polish-American citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Hebrew Criterion Association, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sarsfield Literary Association, of Woonsocket, R. I., against passage of bill providing for celebration of a hundred years of peace with England; to the Committee on Appropriations.

By Mr. PRAY: Petition of citizens of Anaconia, Mont., favoring amendment to the naval bill, providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Gilford, Mont., against passage of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ravalli County, Mont., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of Retail Merchants' Association, of Butte, Mont., favoring passage of House bill 22589, providing appropriation for the acquisition of embassy, legislative, and consular buildings abroad; to the Committee on Foreign Affairs.

By Mr. SABATH: Petition of Admiral Sampson Lodge, No. 255, United States Grand Lodge, Order B'rith Abraham, Chicago; Congregation Bnie Mashe, Chicago, Ill.; United States Lodge, O. K. O. J., Chicago, Ill.; Bnie Ezra Lodge, No. 318, Independent Order B'rith Abraham, Chicago, Ill.; Chicago Banner Lodge, Chicago, Ill., all protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of Los Angeles Chamber of Commerce, of Los Angeles, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *June 10, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crews of said transports.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of New Mexico, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint memorial 8.

Memorial to the Congress of the United States, requesting the passage of Senate bill No. 6501 and House bill No. 23775, amending section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial district in New Mexico.

Whereas there is now pending in the Congress of the United States a bill, introduced in the Senate by Hon. ALBERT B. FALL, Senator from New Mexico, and a bill introduced in the House of Representatives by Hon. GEORGE CURRY, Congressman from New Mexico, amending the act heretofore passed to enable the people of New Mexico to form a State government, so as to provide for two judicial districts instead of one; and

Whereas the speedy passage of said bill by the present Congress is very important for the following and other reasons:

1. Great distance between points of holding court: On account of lack of railroad connection between the city of Santa Fe and other parts of the State, the present arrangement involves great expense of time and money on the part of the United States as well as litigants in going to and returning from the place of holding such court and transporting witnesses and jurors to an extent greater than the cost of maintaining an additional district.

2. Government reclamation projects: The said State of New Mexico has developed very rapidly within the last 10 years, and in no part of it has the growth been greater than in that portion included within the proposed southern district, and the location therein of three great Government reclamation projects, to wit, the Rio Grande project, the Hondo project, and the Carlsbad project, being the only projects in the State of New Mexico, promises an era of growth in the near future well justifying the creation of this district.

3. Large areas of Government land: Aside from the great irrigation projects above referred to, the first of which will be in course of construction for several years to come, at the expense of the Government, the district includes immense bodies of Government lands, in fact, nearly all the Government land now open to settlement in the State is located in this district, and contests between the Government and private claimants, exclusive of cases coming within the jurisdiction of the United States land offices, would constitute a considerable amount of business for such court.

4. Forest reserves: It will appear upon investigation that thousands of acres of lands have been included within national forest reserves located principally in what would be the northern district, and the leasing, management, and control of the timber and grazing privileges thereon and controversies growing out of the same would come in such courts.

5. Mineral lands: The proposed amendment is necessary also on account of the great bodies of mineral lands in both of said districts, the operation of mines being one of the great industries of the State and rapidly increasing.

6. Indians and Indian property: New Mexico has perhaps more Indians and more Indian reserves than any other State in the Union, with the exception of Oklahoma, and over these and their property such courts would have jurisdiction.

7. Chinese-exclusion acts: The proposed southern district includes what is known as the "border counties"—that is, counties near the Mexico line—and violation of the Chinese-exclusion acts, and what is known as smuggling cases, has heretofore occupied the attention of the four United States courts which were held therein under Territorial government.

8. Conditions in Mexico: The present state of affairs in Mexico and the proximity of this State to the frontier thereof and the ease with which the neutrality and other laws applying to such conditions can be violated makes the constant supervision of a Federal court at Las Cruces almost imperative.

9. The great development in New Mexico during the past 10 years has brought investments by residents of other States in mining, agricultural, and live-stock properties of considerable magnitude, and an investigation of the dockets of the different State courts will show that about a fourth of the business in the Pecos Valley counties, and almost an equal amount in the counties of Dona Ana and Grant could be removed into the Federal court on the ground of diversity of citizenship, and probably would be so removed were it not for the expense of transporting witnesses, etc., therein.

10. Communication between Roswell and Santa Fe: It is about 500 miles from Roswell to Santa Fe by rail and about 600 from Carlsbad to Santa Fe; the round trip takes at least three days and often four or five when good connection is not made, and the minimum cost of taking a witness to Santa Fe is about $50.

Now therefore (if the house of representatives concur) be it

Resolved by the Legislature of the State of New Mexico, That the Congress of the United States be earnestly requested to pass Senate bill No. 6501 and House bill No. 23775, each entitled "A bill to amend section 13 of the act of June 20, 1910," being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial districts in New Mexico, at its present session;

Resolved, That a copy of this memorial be sent to the President of the Senate and the Speaker of the House of Representatives and to Hon. ALBERT B. FALL and Hon. THOMAS B. CATRON, Senators from New Mexico, and to Hon. GEORGE CURRY, Member of Congress from New Mexico, and to Hon. H. B. FERGUSSON, Member of Congress from New Mexico.

E. C. DE BACA,
President of the Senate.
JOHN JOERNS,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House.
FRANK STAPLIN,
Chief Clerk of the House.

The VICE PRESIDENT presented a petition of sundry citizens of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN. I present a telegram, in the nature of a resolution, adopted by the New York State Convention of Letter Carriers May 31, 1912, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegram was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

ELMIRA, N. Y., *June 4, 1912.*

Hon. JAMES A. O'GORMAN,
United States Senator, Washington, D. C.:

The following resolution was passed at the New York State Convention of Letter Carriers May 31, 1912:

Whereas we firmly believe that the establishment of an 8-hour workday within 10 consecutive hours will prove beneficial both to the Post Office Department and its employees, insuring as it does the greater efficiency that comes from a contented body of workers: Therefore be it

Resolved, That the New York State Association of Letter Carriers record its approval of section 5 of the Post Office appropriation bill, and expresses the hope that the Senate in consideration of this measure will make no material change there.

B. M. SHERMAN, *Secretary.*

Mr. O'GORMAN presented memorials of sundry citizens of Brooklyn, N. Y., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CATRON. I present a joint memorial of the Legislature of the State of New Mexico, recommending the creation of two judicial districts in that State, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

The VICE PRESIDENT. A duplicate of the memorial has been presented by the Vice President and ordered printed in the RECORD. Of course the memorial will be printed in the RECORD but once.

Mr. CATRON. Very well. I wish to have it referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorial will be referred to that committee.

Mr. TOWNSEND presented a petition of sundry citizens of Wallace, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wyandotte and Detroit, in the State of Michigan, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation providing reservations in Alaska for the Indians of that Territory, which was referred to the Committee on Territories.

He also presented a petition of members of the Pittsburgh Branch, National League of Commission Merchants of the United States, of Pennsylvania, praying for the enactment of legislation providing for the adoption of a uniform bill of lading, which was ordered to lie on the table.

He also presented a petition of members of the Manufacturers' Association of Erie, Pa., praying for the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of Erie, Pa., praying for the enactment of legislation to enable the Secretary of Commerce and Labor, acting through the Bureau of Corporations, to make a complete investigation of the business of foreign and domestic fire insurance corporations in the United States, which were referred to the Committee on Finance.

He also presented a memorial of the Merchants' Association of Manila, P. I., remonstrating against the enactment of legislation to restrict the sale of the friar lands in the Philippine Islands, which was referred to the Committee on the Philippines.

He also presented a petition of Penn Grange, No. 1485, Patrons of Husbandry, of Dickinson, Pa., praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry citizens of Virden, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented memorials of sundry citizens of Danbury and Naugatuck, in the State of Connecticut, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Plainville, Conn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Waterbury, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of members of the Sarsfield Literary Association, of Woonsocket, R. I., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. GUGGENHEIM presented a memorial of members of the South Park Ranchmen's Protective Association, of Colorado, remonstrating against the enactment of legislation permitting the cutting of timber from the Platte watershed by the Forest Service, which was referred to the Committee on Agriculture and Forestry.

Mr. GORE (for Mr. OWEN) presented a petition of members of the Davis County Medical Society, of Utah, praying for the passage of the so-called Owen health bill, which was ordered to lie on the table.

Mr. BRADLEY presented a petition of sundry citizens of Sonora, Ky., praying for the enactment of legislation to prohibit the transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Sonora, Ky., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of the Chamber of Commerce of New York, remonstrating against the proposed discontinuance of the appropriations for the Bureau of Trade Relations, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Canajoharie, Fishkill, Highland Falls, Hudson Falls, Ossining, Peekskill, Silver Creek, and Yonkers, all in the State of New York, remonstrating against the passage of the so-called Owen health bill, which were ordered to lie on the table.

STEAMER "DAMARA."

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 7015) to provide American registry for the steamer *Damara*, reported it without amendment and submitted a report (No. 867) thereon.

PICTURES OF PRIZE FIGHTS, ETC.

Mr. BACON. I am instructed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 7027) to prohibit the transportation of pictures of prize fights, and for other purposes, and I shall ask present consideration thereof. It is very short.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That it shall be unlawful to send or receive, by mail, railway, express, water service, or in any other manner, from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to bring into this country from any foreign country, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, or any record or account of betting on the same. Any person violating the provisions of this act shall be punished by imprisonment for not exceeding one year or a fine of not exceeding $1,000, at the discretion of the court.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. The word "receive" occurs. I should like to have the Senator in charge of the bill explain why we should penalize the person who receives it, because we receive a lot of things through the mails involuntarily.

Mr. BACON. If the Senator desires it, I will not now ask for the present consideration of the bill. I will state to the Senator that there is an urgent reason for the early action of Congress in this matter, but one day will not make much difference. There is an identical bill pending in the House, and for that, I understand, the House committee has offered a substitute which is probably better in its terms than this measure. The matter was brought to the attention of the Judiciary Committee, and the only purpose in presenting it now without amendment was to endeavor to expedite it, the anticipation being that probably the House substitute would be ultimately adopted.

Mr. HEYBURN. I am thoroughly in sympathy with the bill, except as to the word "receive," which might be used as a trap. That a man shall be penalized for receiving something through the mails is rather a dangerous proposition. I ask that the bill may go over.

Mr. GALLINGER. I trust that the Senator from Georgia may allow it to go over. I am not sure that it ought not to be somewhat enlarged. There are other things besides the exhibition of prize fights that are demoralizing in these picture shows.

Mr. BACON. I will state to the Senator that I shall not object to the bill going over, although I hope we may have early consideration of it. The Senator from North Carolina [Mr. SIMMONS] is the author of the bill.

I will state to the Senator that while what he says in regard to the propriety of enlarging it is true, still that is possibly not so urgent as this legislation. This is a special matter that has attracted the attention of the public, and there are some impending performances that it is intended, if possible, to reach.

Mr. GALLINGER. I was attracted by the suggestion the Senator made that another body has under consideration a similar bill. The Senate passed a bill months ago giving the Commissioners of the District of Columbia jurisdiction—or, at least, giving them authority to examine the films that were being used in these moving-picture shows. It is an utter abomination the way things are going on here in the District in that regard. Yet that bill has lain dormant or has been lost sight of in some way, and no action is taken on it. I think I will agree with the Senator——

Mr. BACON. I hope the bill the Senator refers to may be brought up and acted upon, but that it will not be complicated with this measure, because that would involve some delay.

Mr. GALLINGER. I promise the Senator——

Mr. BACON. It is suggested by the author of the bill and also by the Senator from Utah [Mr. SUTHERLAND], who is on the Judiciary Committee, that if the word "willfully" was put in as a prefix to the word "receive" it would relieve it from the just criticism offered by the Senator from Idaho.

Mr. GALLINGER. I promise the Senator that I will not complicate the bill at all. I think it is legislation in the proper direction.

Mr. HEYBURN. I have no desire to delay the consideration of the bill, but——

Mr. BACON. If the word "willfully" were put in——

Mr. GALLINGER. Knowingly.

Mr. BACON. Or knowingly.

Mr. HEYBURN. It is not in this bill.

Mr. BACON. If we could amend it to that extent, so as to read "knowingly or willfully receive," will the Senator still desire that it shall go over?

Mr. HEYBURN. I have not considered just how sufficient those words of limitation would be.

Mr. BACON. The Senator prefers to have the bill go over?

Mr. HEYBURN. It had better go over.

The VICE PRESIDENT. The bill will go to the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. JOHNSON of Maine:

A bill (S. 7076) granting an increase of pension to Roscoe B. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7077) authorizing the Secretary of War to award the congressional medal of honor to Second Lieut. Etienne de P. Bujac; to the Committee on Military Affairs.

A bill (S. 7078) for the payment of certain money to Albert H. Raynolds; to the Committee on Indian Affairs.

A bill (S. 7079) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca;

A bill (S. 7080) for the relief of Roman Moya, administrator of the estate of Pablo Moya, deceased;

A bill (S. 7081) for the relief of Nathan Bibo, sr.; and

A bill (S. 7082) for the relief of the heirs of Robert H. Stapleton; to the Committee on Claims.

A bill (S. 7083) granting a pension to Maggie E. Lasier; and

A bill (S. 7084) granting a pension to Mate Fulkerson; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 7085) granting an increase of pension to George Moffatt (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7086) granting a pension to John Hamilton (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7087) for the relief of Frank E. Garrett and others (with accompanying paper); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 7088) granting a pension to Charles L. Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7089) to remove the charge of desertion against Charlie Meyers (with accompanying papers); to the Committee on Military Affairs.

By Mr. RAYNER:

A bill (S. 7090) granting an increase of pension to Kate F. Sage; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7091) granting an increase of pension to J. N. Culton (with accompanying paper); to the Committee on Pensions.

By Mr. REED:

A joint resolution (S. J. Res. 115) to forfeit to the United States the Merchants' Bridge across the Mississippi River at St. Louis, to operate said bridge as a free public bridge, directing the Secretary of War to take possession of said bidge, and forfeiting the rights granted to the St. Louis Merchants' Bridge Co. by the acts of February 3, 1887, and September 10, 1888; to the Committee on Commerce.

INTERVENTION IN CUBAN AFFAIRS.

Mr. BACON. I introduce a bill, which I ask may be read.

The bill (S. 7075) authorizing the President of the United States to use the Army and Navy of the United States for the maintenance of Government in Cuba adequate for the protection of life, property, and individual liberty, and for other purposes, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whenever the duly constituted civil authorities of the Government of Cuba shall inform the President of the United States that there exists a rebellion or resistance to the authority of law in Cuba such as the Cuban Government is itself unable to subdue and control, and shall request the assistance of the United States for that purpose, the President of the United States is hereby authorized to use the Army and Navy of the United States, or so much thereof as in his discretion he may deem to be necessary, to subdue said rebellion and enforce obedience to the then existing Government and laws of Cuba.

SEC. 2. Whenever there shall exist in the island of Cuba a condition of rebellion and civil disorder, and it shall appear that the Government of Cuba is inadequate for the protection of life, property, and individual liberty, and for the maintenance of law and order, and the duly constituted authorities of Cuba shall fail and omit to request the assistance of the United States to suppress such rebellion and disorder, the President of the United States is hereby authorized, if Congress shall not then be in session, to use in his discretion, the Army and Navy of the United States, or so much thereof as he may deem to be necessary, to subdue said rebellion and restore order and obedience to the then existing civil Government and laws of Cuba.

SEC. 3. Whenever, under the authority hereinbefore granted, the military and naval forces of the United States are used for the suppression of rebellion and for the restoration and maintenance of order in Cuba, in no event shall the civil Government then existing in Cuba be subverted or the civil officers of the Government of Cuba removed or supplanted, nor shall any officer be appointed to perform the duties of a civil officer in Cuba without the authority of an act of Congress of the United States.

SEC. 4. That whenever the Army and Navy of the United States shall be used as aforesaid in said island of Cuba the military and naval operations conducted and executed in pursuance thereof shall be under the direction, management, and control of the President of the United States.

Mr. BACON. Mr. President, before moving the reference, I wish to say one word in regard to the provisions of the bill.

It is quite evident on account of the recurring disorders in Cuba that we are frequently to be met with the question as to what the United States shall do under the authority which they have by reason of the Platt amendment in order to maintain in Cuba permanent Government, and a Government which shall protect life, liberty, and property in that island. The purpose of the bill is, if possible, to enact legislation which will accomplish that end and in so doing do the greatest good which can be done to Cuba and at the same time do the least harm to the United States.

The first proposition contained in the bill is one which looks to what would be denominated only, I presume, a partial intervention, in that it does not authorize the overturning of an existing Cuban Government. It only provides for responding to a request from the Government of Cuba, whenever it is in a condition where it can not deal with a rebellion or with disorder, that the United States shall come to its assistance for the purpose only of suppressing rebellion and for restoring order, and in that way maintain the existing civil Government of Cuba. The first section of the bill provides that in that case the President of the United States may use the Army and Navy of the United States for that purpose, the purpose in so doing being asserted to be to maintain the then existing Government in Cuba, and not to subvert it and put another Government in the place of it.

Another provision in the bill is that in case such a condition of affairs exists and Cuba shall fail to ask for the assistance of the United States, when the Congress of the United States is not in session the President of the United States may proceed in a similar way, the object of the proceeding in such being, as in the former case, not to subvert a Government, but to maintain the Government which is then found in Cuba.

The provision goes further and provides that in neither of these cases shall the authority of the United States be used to subvert an existing Government or to supplant any civil officers who are found to be there, the object being to maintain the Government of Cuba, and not to subvert it.

I want to say, Mr. President, that there are several reasons why I think that limitation should be put upon whatever steps are taken for the use of the Army and Navy in Cuba in that view. I believe, in the first place, that whenever it is known in Cuba that the Army and Navy of the United States can be secured, upon the request of the Government of Cuba, for the purpose of suppressing rebellion and maintaining order it will operate as a very great deterrent upon those who might otherwise wish to foment and prosecute revolution. The revolutionists will not be eager to stir up a rebellion when it is known that the United States Army will in one week sweep them off the face of the earth. In the second place, if it is limited to the putting down of rebellion and the maintenance of the existing Government, the Cubans will not be so sensitive upon the question of the possibility of an intervention on the part of the United States. I do not think the Cubans will be sensitive to the fact that the United States comes to the assistance of a Cuban Government to support and maintain that Government, although they are sensitive as to an intervention which may lead to a subversion of their Government and not to its maintenance. They have the precedent already established by this Government of going there and practically subverting that Government and turning out its officers and establishing there an American autocracy, as was done, and naturally they are sensitive and apprehensive whenever intervention is suggested.

I think, Mr. President, that to subvert an existing Government in Cuba is a very great mistake, for two reasons. In the first place, it puts a premium upon rebellion and upon revolution when the idea can be presented that by so doing the assistance of the Government of the United States can be obtained for the purpose of overturning the Government to which they object—the very object which the revolutionists seek to accomplish.

A more serious objection, though—that is, more serious to us—is one growing out of the influence and, I might almost say the consequence, of the subversion of the Cuban Government and the supplanting of their officers with officers of the United States, as was done upon the former occasion. The necessary influence of that and almost the certain consequence of it, if it is repeated, will be the annexation of the island—a thing which I above all things deprecate. If they become accustomed to the sight of the civil officers of that island being displaced by the officers of the United States, as was done in the former case, there is very little doubt about what ultimately will result. For that reason, as well as for others, I think it is well to thus limit the function of the United States by law when sending troops into Cuba, except when hereafter the Congress might deem it wise to do otherwise—to limit it to the act of suppressing rebellion and assisting the civil authorities in that island to restore order and maintain their Government. That, in fact, I think, was the contemplation of the Platt amendment, because that is the language of it—to maintain a government for the protection of life, liberty, and property, and so on. I am not quoting accurately the words, but the words "the maintenance of the government" are in it.

I do not pretend, Mr. President, that this is all the legislation that is required on this subject. I think a great deal more is required, because there are some other features of the Platt amendment which look to other contingencies than the matter of rebellion and disorder. I think Congress has been very remiss—and I take my full share of the criticism—in not having legislated upon this subject before this time; it has been with us now for 12 years; and we have failed to do that which I think we ought to have done in enacting the required legislation.

I repeat, I do not pretend that this bill is complete by any means, but it meets that part of the question which is now most acute, and will, I hope, lead to a consideration of the question in all of its branches and features.

I only make this statement now, Mr. President, in order that the introduction of this bill may not be misunderstood nor its terms misconstrued. As I have heretofore said, I think the proper authority should be vested in the President of the United States. I do not think there is now any authority of law in him to take action. I think that it requires legislation by Congress. I think in vesting that authority we should properly limit it in such a way as to accomplish that which, as I said in the beginning, would be the greatest good to Cuba and the least harm to ourselves. We should so limit that authority as to make it impossible under it to overturn the civil government of Cuba.

I hope, Mr. President, in view of the fact that the Foreign Relations Committee has already been charged with the general consideration of this question, that the bill may be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. If there be no objection, the bill will be referred to the Committee on Foreign Relations.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to increase the salary of one messenger in the office of the major general commandant, Marine Corps, from $971.28 per annum to $1,200 per annum, intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was ordered to lie on the table and be printed.

UNITED STATES DISTRICT COURTS.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

DONATION OF CANNON.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

DECISIONS OF COMMERCE COURT.

Mr. BURTON. I present a resolution for which I ask immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 338), as follows:

Resolved, That the Attorney General be requested and directed to transmit to the Senate a list of cases decided by the United States Commerce Court, together with a summary of questions of law and of fact decided in each.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. CULBERSON. Mr. President, I suggest to the Senator from Ohio that he also include in the resolution an inquiry as to what disposition was made of those cases on appeal to the Supreme Court of the United States, if they were so appealed.

Mr. BURTON. I wish to modify the resolution by adding "together with a further list of cases appealed to the Supreme Court from the Commerce Court."

Mr. CULBERSON. And also what disposition was made of them by the Supreme Court.

Br. BURTON. And also "appealed to the Supreme Court and the disposition made thereof." I have no objection to adding that language.

The VICE PRESIDENT. The modification of the resolution proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed to add at the end of the resolution the following words:

Together with a list of cases appealed to the Supreme Court and the disposition thereof.

Mr. CULBERSON. The words "from the Commerce Court" should be inserted unless that language already appears.

Mr. BURTON. I think that would necessarily follow from the wording of the resolution. The word "also" might be inserted instead of "together."

The VICE PRESIDENT. Perhaps it would be better that the Secretary should read the resolution as proposed to be modified.

Mr. CUMMINS. May I make a suggestion before the resolution is read so that the Senator from Ohio will have it in mind? In each case decided by the Commerce Court there has been a printed opinion which shows exactly what the case is and upon what grounds it has been decided. I think, if the Attorney General attempts to state the case and the points in it, the grounds on which it has been decided, he ought to attach a copy of the opinion of the Commerce Court itself, so that any differences of opinion that may exist can be cleared up by a comparison of the opinion of the court with the statement of the Attorney General.

Mr. BURTON. Mr. President, I take it for granted that the list of cases and decisions will be transmitted with the reply. It will be noted that there is no syllabus with these reports, and the aim of this resolution is to have a brief summary of the points decided, so as to make it easier for one who desires to study the cases decided by the Commerce Court.

Mr. CUMMINS. While I do not intend to object, it seems to me that it is rather an unnecessary thing to impose on the Attorney General the duty of making syllabi for the opinions of the Commerce Court. We all have those opinions, and they show precisely the facts as well as the law as held by the Commerce Court. I have no objection to it; but I think that when Senators receive this information they ought to at once attach it to the opinions themselves, so that they can be informed with regard to what the court thinks.

Mr. BURTON. The object is to have a brief statement. Of course for a more elaborate study each Senator will give such time as he can to the published reports.

Mr. JONES. I should also like to suggest to the Senator from Ohio that this statement should contain the date of the commencement of each suit in the Commerce Court and the date of the final decision rendered by the court.

Mr. BURTON. I have no objection to that. I wish to modify the resolution by adding "also the date of the commencement of each case and of the decision."

Mr. CUMMINS. Of course the opinions show that in each case.

Mr. JONES. I thought while we were getting this information in compact form it would be well to have this also.

The SECRETARY. So that if amended the resolution would read:

Resolved, That the Attorney General be requested and directed to transmit to the Senate a list of cases decided by the United States Commerce Court, together with a summary of questions of law and of fact decided in each, giving the date of the commencement of each case and the decision thereon, and also a list of cases appealed from said Commerce Court to the Supreme Court of the United States and the disposition of each.

Mr. HEYBURN. Mr. President, I think the resolution should include a statement of the cases pending. After the word "decided," the words "and pending" should be inserted, so that we will have a comprehensive knowledge of the business of the court.

Mr. BURTON. I have no objection to that, Mr. President.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "United States Commerce Court," insert "and pending before said court."

The VICE PRESIDENT. In the absence of objection, the resolution will be so modified.

Mr. CULBERSON. Mr. President, one other suggestion. I notice that the resolution requests and directs. It is not customary for the Senate to request any information of a Cabinet officer, but to direct him to furnish it. I care nothing about it, because the word "directed" is used, but the word "requested" is also used. It seems to me that the word "requested" ought to be stricken out so as to conform to the usage of the Senate in such cases.

Mr. BURTON. Mr. President, I think that the usage is not uniform in that regard. Distinctive phraseology is usually employed in calls for information from the State Department. The resolutions usually read "be requested, if not inconsistent with the public interest," but resolutions directed to other departments have the word "requested" or "directed" alone, or sometimes the words "requested and directed." It seems to me that is a matter of phraseology that does not assume any special importance, and I hope the Senator from Texas will not insist upon it.

Mr. CULBERSON. Well, I do not insist upon it, but I still say that it is inconsistent with the usage of the Senate to re-

quest the Attorney General or any other officer of the Cabinet, outside of the Secretary of State. The Senate has the power to direct, and has seen proper to do so in all cases heretofore.

The VICE PRESIDENT. The Secretary will again state the resolution as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Attorney General be requested and directed to transmit to the Senate a list of cases decided by the United States Commerce Court, together with a summary of questions of law and of fact decided in each, giving the date of the commencement of each case and the decision of the court thereon; and also a list of cases now pending before said court; and also a list of the cases appealed from said Commerce Court to the Supreme Court of the United States, and the disposition of each.

The VICE PRESIDENT. Without objection, the resolution as modified is agreed to.

REGULATION OF IMMIGRATION (S. DOC. NO. 785).

Mr. O'GORMAN. I present a paper signed by Moe Lenkowsky and Anton Kaufman, chairman and secretary of the Citizens Committee of Orchard, Rivington, and East Houston Streets, New York City, relative to a statement contained in the annual report of the commissioner of immigration for the port of New York, as to the condition of the people residing on these streets. Accompanying the paper is a statement of the social centers, professions, industrial and mercantile establishments on East Houston Street between Broadway and East River, Rivington Street between Bowery and East River, and Orchard Street between Division and East Houston Streets. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

EQUALIZATION OF CREEK ALLOTMENTS (S. DOC. NO. 786).

Mr. GORE. I present a letter from the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, submitting a report on a proposed amendment to the bill (S. 4947) providing for the equalization of Creek allotments, together with a copy of the form of contract and power of attorney. I ask that the papers be referred to the Committee on Indian Affairs and be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. Mr. President, I give notice that on Wednesday, June 12, immediately after the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the bill (H. R. 24665) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

JOHN C. SCHOLTZ (H. DOC. NO. 824).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. John C. Scholtz, a citizen of Venezuela, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Venezuela.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Venezuela and that it would follow established precedents.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

GOVERNMENT HOSPITAL FOR THE INSANE (H. DOC. NO. 825).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Board of Commissioners of the District of Columbia, submitting a report by the auditor of the District of Columbia in relation to a charge of $769,536.09, which by the terms of the sundry civil bill as reported to the House of Representatives it is proposed to deduct from the revenues of the District of Columbia and reimburse to the United States on account of certain deficiencies in payments made by the District to the Government Hospital for the Insane.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On June 7, 1912:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

On June 10, 1912:

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes;

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

FORT HUACHUCA MILITARY RESERVATION, ARIZ.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to grant permission to C. L. Douglas, of Fairbank, Ariz., to build a hotel upon the lands of the United States at Fort Huachuca military post, Ariz., upon such site and with such plans and dimensions as may be approved by the Secretary of War, and to occupy for that purpose such portion of the military reservation at Fort Huachuca as may be prescribed by the Secretary of War; but the operation of the hotel shall be subject to such regulations as to police, good order, and sanitation as may from time to time be prescribed by the officer commanding at Fort Huachuca, and the building or buildings erected shall be removed at the expense of the owners whenever the Secretary of War shall so direct, and no claim for damages by reason of such removal shall be made upon the Government of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. DU PONT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of the conference report on the Army appropriation bill. Is there objection? The Chair hears none, and the report is before the Senate. The conference report has heretofore been read, as the Chair is advised.

Mr. DU PONT. Mr. President, I presume that every Member of this body is aware of the fact that there have been numerous and very serious differences of opinion between the Senate and the House of Representatives in regard to many of the provisions of the Army appropriation bill. Indeed, so radical were these differences that some had thought that it would be found impossible to reconcile them, with the result that the bill would fail.

I am glad to say, Mr. President, that after many conferences extending over several weeks an agreement has been reached on every point in dispute, as embodied in the conference report herewith submitted. So far as this report is concerned, necessarily it does not reflect, in many particulars, the individual and personal views of the managers on the part of the Senate, nor, I am bound to say, does it represent those of the managers on the part of the House. To reach an adjustment of the many points in dispute it was necessary to give as well as to take; but I believe that it can be confidently stated, so far as the Senate is concerned, that the very best obtainable terms have been secured.

Mr. LODGE. Mr. President, this conference report presents certain considerations which never have been presented by any

conference report that I have ever seen presented to the Senate. It is well known that attached to this Army appropriation bill as it came from the House was a complete statute reorganizing the Army. That portion of the bill the Committee on Military Affairs struck out and the Senate sustained their action. I had supposed at the time—and I know that that was the view of many other Senators—that this portion of the bill was stricken out because the Senate did not agree with the placing upon appropriation bills of general legislation of an extensive character which no emergency demanded. The Senate, without discussion, assented to the removal of that portion of the bill, and very generally, I believe, on that understanding.

The result has been, the conferees having discussed it and reframed it in conference, that this important legislation, covering a complete reorganization of the Army, or a very large reorganization of the Army, comes before the Senate at that stage where it can not be amended in any respect, and the Senate has never had an opportunity to discuss any feature of this reorganization statute or to modify it or pass upon it in any way whatsoever.

Mr. President, I do not believe, as a principle, in attaching legislation of this character to appropriation bills. The opposite principle has been followed by both Houses for many years, and I think it is a sound one. Our own rules provide against it, and the House rules provided against it until the present session.

I think on the principle there can be no debate that general legislation should not be yoked with appropriation bills for the present year. But if it is to be done, it certainly makes it far worse to have the legislation stricken out in the Senate in March and then reconstructed in conference and brought to the Senate at a time when the Senate can neither modify nor amend it in any respect whatsoever.

I, for one—and I do not express the slightest lack of confidence in the Senate conferees—I, for one, do not think that the Senate *ought to* be deprived of its right upon legislation of this character. I think the Senate has the same interest in a large question of this kind that the House has, and therefore I do not think it ought to abdicate its functions.

But we are now in the position where we can do nothing in the way of amending or modifying the bill reported from the conference. It is unamendable. There is contained in it, as I shall presently show, new legislation; that is, legislation that was not before either House and legislation not germane to any differences arising between the Houses.

In the House of Representatives the point of order has been frequently sustained by the Chair when made against new legislation in a conference report. The practice in the Senate has been somewhat different. Where the point of new legislation has been made—that is, legislation on a matter not submitted to the conference—the Senate has passed upon the question and dealt with it approvingly, by agreeing to the conference report; or, if it has disapproved and objected to the new legislation being inserted, by rejecting the report and returning it to conference.

At this stage it is almost impossible to argue this bill in detail as I should like to discuss it. There are many points in this legislation open to discussion which if I had known were to be dealt with in conference, much as I object to this manner of legislation, I should like to have discussed when it was in the Senate—such questions as the length of term of enlistment.

But I find in this bill absolutely new legislation. One provision which has attracted the most attention, and justly so, is the provision with regard to the Chief of Staff. There was nothing whatever in the bill submitted by the House changing the tenure of the Chief of Staff, as I understand, from that fixed by the terms of the present law, and I have read it with some care.

Mr. WARREN. That was not the view of the Chief of Staff, as I shall show presently. He considered that there was a proposition from the House to which he objected, and the new legislation proposed is entirely germane to the subject matter that came before us from the House, which was not satisfactory to the Secretary of War; was not satisfactory to the Chief of Staff, and the Chief of Staff gave some of the reasons why it was not, and one was because it left an indefinite term for the Chief of Staff.

Mr. LODGE. The present law, as I am informed, provides that at the end of four years the Chief of Staff shall return to his duties in the line, and that after two years he may be reappointed. I am unable to find—if I can put my fingers on it in this somewhat cumbrous bill——

Mr. BRISTOW. Page 67.

Mr. LODGE. Thank you.

Mr. BRISTOW. No; that is not it.

Mr. LODGE. I have the amendment, but I want to find the original bill.

Mr. WARREN. There are several pages of it.

Mr. LODGE. I know. I am trying to put my hand on it.

Mr. DU PONT. It is section 3.

Mr. LODGE. I want to find the provision in the House bill in regard to the Chief of Staff. No. 73 is the amendment, but surely it is not wholly new. There was something about the Chief of Staff in the original bill.

Mr. WARREN. A good deal about it.

Mr. LODGE. That is what I thought and that is what I am trying to put my hand on.

Mr. DU PONT. Page 67.

Mr. LODGE. Or page 57?

Mr. DU PONT. No; it is 67.

Mr. LODGE. Now, the bill as it came from the House provided this:

> And no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct.

That is the way the bill came from the House. That, I understand, is the present law.

Now, to that has been added this, which I take to be entirely new matter:

> SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army.

Now, this is new matter:

> Neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general.

That is wholly new matter; not, as I understand, a matter of difference.

What may have been the views of the Chief of Staff, or what he may have said, I do not know and I do not care, because I am discussing what I consider a question of order here. There was nothing in that bill putting a limitation upon the officers who should be capable of serving as Chief of Staff. It is open to all the officers of the Army.

Mr. WARREN. No, Mr. President, the Senator will not claim it is open to all the officers of the Army.

Mr. LODGE. Who are excluded?

Mr. WARREN. It is open to general officers only.

Mr. LODGE. Of course. I did not mean it was open to a private soldier.

Mr. WARREN. It is not open to colonels or lieutenant colonels.

Mr. LODGE. I understand that. I meant it was open to every officer who could reach the necessary grade.

Mr. WARREN. Will the Senator from Massachusetts permit me to interrupt him?

Mr. LODGE. Certainly. I am perfectly willing to have any interruption.

Mr. WARREN. I want the Senator and all Senators to remember that there is a situation now that has not heretofore confronted the Senator who has the floor during his service; nor has it confronted me in my service. We have a House with a very large party majority and a great many new Members, and that majority is not of the same party as the majority of the Senate. They have in their change of rules provided that they can attach legislation to appropriation bills. We have to meet that situation. If we were to say that we would not entertain in any way their propositions of legislation it ought to have been said here before the bill was sent to the conferees to compose the differences.

Mr. LODGE. It was said, for I said it.

Mr. WARREN. We have not only in this bill the same class of amendments and of legislation, but in all of the others. We have the same in the legislative, executive, and judicial appropriation bill now under consideration here.

Mr. BRISTOW rose.

Mr. WARREN. The Senator will wait a moment. I am speaking in the time of the Senator from Massachusetts, and I want to come to the point.

We were confronted in this legislation by the fact that every Secretary of War, dating back for some years, and every Chief of Staff, the present Secretary of War and the Chief of Staff included, have espoused legislation similar to that in this bill with regard to the service corps and the supply corps. In fact I have here before me in these hearings the early indorsement of the House legislation along that line.

We are confronted with a House that demands legislation; we are confronted with precedents that all the Chiefs of Staff

and Secretaries of War have proposed the same; and we not only have to contend here as the conferees of the Senate with the House, but with the War Department itself, and if we are to contend also with the Senate, then I beg the Senate to mark out some place where the conferees can stand and what the Senate expects them to do.

Now, as to the General Staff, I have here the statement of the Chief of Staff, made public in this pamphlet since the House passed on the bill, and here are his observations on the House bill. Speaking of the bill as it came from the House he says:

> It was expected that the General Staff Corps would consist of the ablest line officers of the Army, who would be able to give to the Secretary of War and the President the very best military advice based upon the highest type of military education and experience.
>
> SECTION 5—REMOVING THE FOUR-YEAR LIMIT IN THE TOUR OF THE CHIEF OF STAFF.
>
> The intent in this section is not at all clear to me, and a number of very peculiar situations would arise under it.
>
> Under the provisions of the proposed legislation certain officers become permanent members of the General Staff Corps. If such an officer is detailed as Chief of Staff, there is no existing law to limit the length of his tour except the length of his active service in the Army.
>
> The only limit placed by law, the limit on his tour as a member of the General Staff Corps, being removed, he can remain Chief of Staff indefinitely. On the other hand, it may be that the intent of the provision is only to provide that nothing in the proposed legislation shall be held or construed to prevent the selection as Chief of Staff of an officer not a member of the permanent General Staff Corps, but that if such an officer be selected, he shall not serve for more than four years. In either case the legislation is distinctly bad. No reason can exist for providing that a Chief of Staff selected from a small group of 13 permanent bureau officers may have an indefinite tenure of office, while a Chief of Staff selected from the Army at large is limited to a four-year detail.
>
> A number of other difficulties will arise in an effort to construe this legislation, the principal ones of which are pointed out in a memorandum and printed elsewhere in this report (see p. 40), from which it will be seen that upon the enactment of the proposed legislation the General Staff Corps would be divided into six different classes of officers, each of which would be subject to different laws and regulations with reference to tenure of office and replacement.
>
> The officers of the General Staff Corps should all be selected in the same manner; should have the same tenure of office; should be subject to the same rules and regulations with reference to detail, relief from detail, and redetail; and every possible step should be taken to prevent perpetuation in office or the growing up of a small coterie of officers to retain the control and to prevent favoritism among its personnel.
>
> Why is it necessary that the 13 permanent bureau officers should be made members of the General Staff Corps? What reason exists for putting them in a position different from that of the line officers of the Army and providing that they shall have positions on the General Staff which are denied to the great majority of officers of the line? Why, also, should the promotion and rank of these 13 permanent bureau officers be so carefully guarded while the same section throws back into the line to be absorbed 21 officers of the grades of colonel to captain, inclusive? The answer is clear. The permanent bureau officers, by the mere fact of their presence in Washington, have always a powerful influence over Army administration and military legislation. The General Staff as now organized consists principally of line officers and wholly of officers whose tenure of office in Washington is only for a limited time and stands as the real representative of the line of the Army. If the General Staff becomes a semipermanent bureau of the War Department, dominated by bureau officers with permanent commissions therein, where will the line get its representation?

And he goes on claiming that the bill as it came from the House provided that there should be permanent members of the Staff and the Chief of Staff was left so he could serve without limit.

Mr. LODGE. As to the condition of the Senate and the House politically, that is known to everybody. I do not regard the question of the Army or the Navy as political questions. I think they are questions in which we are all equally interested, and if we were to take the ground that the House having put on this new legislation we would be compelled to treat it in conference, that announcement ought to have been before the conference and not afterwards. That whole Army bill went out of here without discussion. There was no suggestion that we should take that into conference and there make a statute—at least no suggestion that I heard from any quarter.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. Certainly.

Mr. BRISTOW. I desire to say that when the full Committee on Military Affairs considered this bill it considered it from the same point of view. This whole paragraph of new legislation was cut out because the committee had decided that it was legislation reorganizing the Army, and that that feature of the bill was not even discussed in committee.

Mr. DU PONT. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. I yield.

Mr. DU PONT. I should like to say that the Senator from Kansas is laboring under a misapprehension as to the Military Affairs Committee. It is true the Military Committee rejected en bloc the whole legislative provisions of the House, for the reason that otherwise they would not have had control over all the points in dispute, but the statement was repeatedly made in committee that their full discussion in conference was unavoidable, and with this in view the subcommittee of the Military Committee which considered the Army appropriation bill had a number of lengthy hearings of various Army officers.

Mr. LODGE. May I ask who was going to have control over disputed points?

Mr. DU PONT. The conferees.

Mr. LODGE. What would become of the Senate in that arrangement?

Mr. WARREN. The Senate can settle it yes or no.

Mr. LODGE. Precisely.

Mr. DU PONT. During the hearings—and they have been printed—there will be found the statement that we could not avoid that in conference if all these questions were submitted to the conferees. Every member of the committee, I presume, was fully aware of that.

Mr. LODGE. Of course, I have no knowledge of what occurred in committee except the statement that has been made here.

Mr. WARREN. If the Senator will allow me, I do not know what the understanding of the Senator from Kansas was, but this is the first time I have heard from any member of the committee that they expected to exclude all legislation when we finished the bill. The Senator knows what has been repeated and never denied, what may be unfortunate but nevertheless is true, that about every appropriation bill which passes carries some legislation. Now, it was distinctly understood in the subcommittee, and, I believe, generally understood in the full committee, that we were to exclude all the legislation possible, and that we were to get the best possible results in the protection of the Army, which I think the conferees did get.

Mr. BRISTOW. It seems to me that when not only the committee of the Senate, but the Senate itself, decided to cut out these paragraphs of important legislation, and when the committee of conference concluded that it was necessary that it should go in in order to satisfy the other branch, that fact should have been submitted to the Senate for it to decide whether or not we should then take up and reconsider those paragraphs and consider them where they would have full consideration other than by the conferees.

Mr. LODGE. Mr. President——

Mr. WARREN. If the Senator will allow me, our conferees were not so instructed, and they have not been so instructed heretofore. This is not the first conference I have served on by a great many. When there are instructions for conferees the time for those instructions is, first, before the conferees go into conference, and if they come back with a disagreement to instruct them then.

Mr. LODGE. Mr. President, the point I make is that if the committee had felt that they were obliged to discuss this new legislation in conference they should have so informed the Senate and given the Senate an opportunity to discuss it here before it went to conference, so that the statute reorganizing the Army would have gone to conference as the work of the Senate.

Mr. WARREN. It was all here for the Senate to act upon.

Mr. LODGE. If the Senator will allow me to finish what I was about to say, it came in here all stricken out. I made some remarks of an entirely general character against putting such legislation on appropriation bills. I objected to it strongly. I spoke against it as a bad practice. I said I was glad that the committee had stricken it out. There was some little discussion here in regard to the House rules, and then without a dissenting voice, without the examination of one line of that statute by the Senate, the whole of it was committed to conference.

Mr. OVERMAN. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. OVERMAN. Does the Senator contend that after the House of Representatives adopted a rule by which they do place legislation on appropriation bills the Senate should ignore the House of Representatives and not consider that legislation?

Mr. LODGE. I am not contending anything of the kind. I am contending that it is a bad practice to put legislation on appropriation bills.

Mr. WARREN. All accept that.

Mr. LODGE. The House has seen fit to reverse the practice of many years. They have an absolute right to do it and we have an equal right to adhere to the old practice if we choose, and to endeavor to get the House to agree with us in dropping such legislation from appropriation bills; but if we are not going to make that effort in conference, if we are to take new

legislation into conference, then I say it should be made in the Senate and not in conference. If we are going to yield to the House to put their work in the bill, the Senate on that account should not be deprived of its right to consider the bill. I for one should never have voted to strike out all those clauses without one word of discussion if I had known that they were to be made over in conference.

Mr. WARREN. What did the Senator expect the conferees to do?

Mr. LODGE. I supposed the conferees would object to the whole thing in conference, and, if the House insisted, that they would come back here and ask further instructions from the Senate.

Mr. WARREN. Why did not the able Senator from Massachusetts suggest it, then?

Mr. LODGE. Because I never supposed for one moment that anything else would be done.

Mr. WARREN. The Senator had every reason to suppose——

Mr. LODGE. I asked one member of the committee, and that member of the committee said, "No; this was stricken out; we are against legislating in this way."

Mr. WARREN. We are, and we have been.

Mr. LODGE. He told me that the reason was it had not been discussed in committee at all.

Mr. WARREN. But it is the practice of the Senate, and always has been since I have been a Member of it, to submit these matters to conference for a full and free conference, and unless there is objection made and some instructions issued beforehand——

Mr. OVERMAN. May I interrupt the Senator?

Mr. WARREN. We followed the precedent and followed the custom. Where legislation was stricken out, we kept as much as possible of it out; and we were compelled, in order to compose differences and obtain concessions along other lines, to insert portions of the legislation, and, of course, we had to use different language, as we always do. When a Senator wishes for some reason to find fault with some part of a bill that does not suit him, it will always come that way because of the legislation stricken out. We are doing it right along. So with the current bill there has got to be some agreement between the language as it exists there and the very opposite, which, of course, is all in the way of legislation.

Mr. OVERMAN. Let me ask the Senator from Wyoming there——

Mr. LODGE. I should like to go on.

The VICE PRESIDENT. The Senator from Massachusetts has the floor.

Mr. OVERMAN. I wish to ask the Senator a question. I had the honor to serve on the Military Committee for six years. Has there been a single appropriation bill which came from the House of Representatives in the last six years that has not had some new legislation on it?

Mr. WARREN. If the Senator from Massachusetts will allow me to answer——

Mr. LODGE. Certainly.

Mr. WARREN. Not only is the Senator from North Carolina absolutely right, but we might send it back 16 years or for aught I know 60 years. Since I have been a Member of the Senate I think there has never been an Army appropriation bill that has not carried legislation.

Mr. LODGE. Yes; but I have served on the committee, too, and I never saw that bill carry a statute before that no Senator has had an opportunity to consider.

Mr. WARREN. The Senator will not deny that they carried legislation?

Mr. LODGE. Of course they carried legislation; we put legislation on here; but the fact remains that here is an entire statute on which the Senate never had a chance to offer an amendment or do a thing. Now, it comes back to us in an unamendable state and——

Mr. POINDEXTER. Mr. President——

Mr. LODGE. If the Senator will allow me to finish the sentence, whatever understanding or misunderstanding there may have been about the way in which it went into conference, nobody understood that there was to be new legislation put in in conference, and there is new legislation in this bill. I yield to the Senator from Washington.

Mr. POINDEXTER. I wish to ask the Senator to state at this point what is the effect of this new legislation as he views it?

Mr. LODGE. I was beginning to state it on one point when I was interrupted. The criticism which the Senator from Wyoming made as to the Chief of Staff related to the bill as it passed the House and as it came here. What I am going to point out is something that existed in no bill that was before either House, and that is putting a limitation on the person who can become Chief of Staff, I mean in due course of regular promotion. The limitation is put on that no man shall be capable of becoming Chief of Staff unless he has served 10 years as a commissioned officer of the line in grades below that of brigader general. Now, that is wholly new.

I want to call attention to the effect of legislation of that sort. Legislation of the kind that is in the bill would have rendered ineligible for service as Chief of Staff all but 4 of the 19 generals who have served as commander in chief of the American Army since Gen. Washington.

Mr. WARREN. Will the Senator allow me?

Mr. LODGE. I should like to finish the statement and then I will yield.

Mr. WARREN. All right, I will not interrupt the Senator.

Mr. LODGE. I will yield; it is a matter of indifference to me.

Mr. WARREN. No; go ahead.

Mr. LODGE. I only wanted to put it in compactly and together. It would have disqualified Gen. Winfield Scott, of the old Army. It would have disqualified Gens. Sheridan, McClellan, McPherson, Meade, Warren, Halleck, Schofield, O. O. Howard, James H. Wilson, and Horace Porter, among others, of the Union officers in the Civil War, and Robert E. Lee, Stonewall Jackson, Beauregard, Forrest, and Joe Wheeler, of the Confederacy. Gen. Grant would have barely escaped its restriction by one year's service and Gen. Sherman by two months.

Further, what it does to-day it makes it impossible for Gen. Wood ever to be Chief of Staff again; it makes it impossible for Gen. Funston ever to be Chief of Staff; it makes it impossible for Col. Goethals ever to be Chief of Staff. In fact, it disqualifies most of the Engineer Corps. It disqualifies Gen. Crozier, of the Ordnance Board.

Mr. DU PONT. If the Senator from Massachusetts will permit me for a moment, I will ask him if his remarks refer to Chief of Staff in time of peace, or does he apply them to generals of the Army in time of war?

Mr. LODGE. Oh, yes.

Mr. WARREN. It does not apply to time of war.

Mr. LODGE. I think you will find it there.

Mr. DU PONT. It does not.

Mr. LODGE. We will discuss that special point afterwards.

Mr. DU PONT. If the Senator will allow me, all those early generals, including Gen. Washington and Gen. Winfield Scott, were commanders in chief; they commanded armies.

Mr. LODGE. I know that. I said it repeatedly. This law would have disqualified them to be Chief of Staff.

Mr. DU PONT. I doubt if they aspired to the duties of Chief of Staff, who commands nothing.

Mr. LODGE. That may or may not be. I will not pretend to say. They might or might not have wanted it. I say it would have disqualified those men, just as it disqualifies Gen. Funston to-day from ever being Chief of Staff in time of peace. If the point is made on that, we will take that up later.

Mr. WARREN. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. WARREN. Those distinguished generals mentioned held their office as Gen. Funston holds his, and to-morrow, if the President saw fit to make Gen. Funston or Col. Goethals or any other officer of the Army commander in chief, this applies only to one particular place—the Chief of Staff. This particular officer is supposed to be the military adviser of the Secretary of War. He was supposed to be one who understood tactical situations and conditions and the movement of troops in the line of the Army.

Now, the Secretary of War wants an adviser. He has these staff officers around him in the building. He has only to step across the hall or to touch a bell and he calls in a chief of any one of these bureaus. But the Chief of Staff is supposed to be a man versed in the line of the Army, and he should by all means be always there. While this was no proposition on the part of the Senate, yet it was a proposition that I could not deny there was merit in. The Chief of Staff is simply the secretary of the Secretary of War, and to-morrow he or any other officer may be made commanding general of the Army in either war or peace.

Mr. LODGE. I did not say he could not be made a commanding general of the Army. I said he could not be made Chief of Staff, which to-day under the present organization is a most important office. I am not questioning about his being general of the Army, but this does exclude, as I said, men like Gen. Funston and men like Col. Goethals, who perhaps is more conspicuous in our Army to-day throughout the world than anyone else. It excludes Gen. Crozier, the distinguished member of the Ordnance Department. All those men would be excluded from being Chief of Staff.

Mr. SMITH of Georgia. Will the Senator from Massachusetts allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. To what extent does it exclude all the engineer officers?

Mr. ROOT. Practically all.

Mr. LODGE. Practically all.

Mr. SMITH of Georgia. Are they the first cadets?

Mr. LODGE. They are the honor men from West Point; they are men who graduated.

Mr. SMITH of Georgia. They are among the strongest officers.

Mr. LODGE. It is generally so considered.

Mr. SMITH of Georgia. And they would be excluded?

Mr. LODGE. They would be excluded.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. SMITH of Georgia. Does the Senator from Massachusetts see any reason why men of that character would be especially fitted for this service?

Mr. LODGE. It seems to me, Mr. President, that there ought to be no exclusion laws about an office in our Army. I do not think it is our place to exclude men. I think there was something in Napoleon's old saying that every soldier in his Army carried a marshal's baton in his knapsack.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. Col. Goethals is not to-day eligible to Chief of Staff; the shot at the engineers and at Col. Goethals is entirely wide of the mark. He can not under the present law be eligible.

Mr. ROOT. I ask why not?

Mr. LODGE. Why not?

Mr. ROOT. Why is not Col. Goethals eligible?

Mr. WARREN. Because he is not a general officer.

Mr. ROOT. Why can not he be made a general officer?

Mr. WARREN. But until that is done he can not be. Anybody can be made a general officer if there is a vacancy under the law, but Col. Goethals would have to first wait for a vacancy and then be promoted before he could become Chief of Staff.

Mr. LODGE. I am not proposing to make lieutenants Chief of Staff. I assume they have the necessary rank. I say this makes it impossible for Col. Goethals, if he was ten times a general here, to be Chief of Staff.

Mr. SMITH of Georgia. And if the Senator will allow me, I assume he will some day be first on the record.

Mr. LODGE. I hope for the sake of the country he will be.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Yes.

Mr. DU PONT. There is some misapprehension about these statements. There are only two who, under the law as it stands to-day, are eligible. Gen. Crozier and the Chief of Engineers are eligible to-day for appointment to the general staff. The Chief of Engineers or the Chief of Ordnance would be eligible under the present law. There is nothing to prevent the President from appointing Col. Goethals a brigadier general in the line, and as such he would be eligible.

Mr. LODGE. If he is appointed to a brigadier generalship in the line he is ineligible because of the fact that he has to serve 10 years in the line before he could be appointed under this bill.

Mr. DU PONT. I was going to add I doubt very much whether Col. Goethals would accept any position of that kind. He is a great engineer.

Mr. LODGE. I am not discussing what Goethals would or would not accept. I am taking the broad proposition that it is all wrong to pass legislation by which, when any man has risen by merit in the Army of the United States and attained to the necessary rank, he shall be excluded by an arbitrary provision of that sort from the opportunity to be Chief of Staff.

Mr. DU PONT. In time of peace.

Mr. SMITH of Georgia. If the Senator will allow me. I was simply illustrating by the colonel whose name was mentioned the want of wisdom in passing this piece of legislation.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. POMERENE. Can the Senator inform us what the immediate reason is for this suggested change?

Mr. LODGE. Mr. President, I do not pretend to enter upon motives.

Mr. POMERENE. I will, then, put it in this form: What is the peculiar situation which brings about this suggested change?

Mr. LODGE. I do not know what situation has arisen in the Army that makes it necessary to pass such legislation. I am not aware that there are any men there whom it is necessary to exclude by legislation of this kind, or who are unworthy men.

Mr. POMERENE. In what respect is it claimed that this would improve the reorganization of the Army?

Mr. LODGE. That I do not know.

Mr. WARREN. Will the Senator allow me to answer that question?

Mr. LODGE. Certainly. I would be delighted to hear how it improves the Army.

Mr. WARREN. We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line. We might have a few months hence another man from the Medical Corps, or we might have a Paymaster General selected as Chief of Staff. When it was submitted on the part of the House side and argued, it seemed to be that putting myself in the place, or putting any other man in the place, a civilian Secretary of War, who had to take up all these Army matters, would want to have as his adviser a man acquainted with the duties, performances, and responsibilities of the line of the Army, for it is the line of the Army that does the fighting.

There has sometimes been a tendency, Mr. President, to pretty much obliterate the line of the Army. In fact, the brigadier generals and the major generals appointed for some years back have been largely from officers who were here in Washington under the eye of the President, Secretary of War, and Chief of Staff, and I presume it will go on that way to the disadvantage of the men who are in the line of the Army who are away from Washington and consequently not under observation.

It did not seem to me to be an unreasonable restriction that hereafter in appointing new Chiefs of Staff they should have been of the line, so as to be able to give the Secretary of War the information of which he might be most in need. As I said before, the staff officers surround the Secretary of War—close at hand in the big building. It is an easy matter for him to get information from them, but take, for instance, the very able medical officer who now stands at the head of the Medical Department. If a new Chief of Staff was to be appointed, would it be, could it be, as good an appointment as it would be to take some able officer from the line? There are plenty of such line officers.

Mr. HITCHCOCK. Mr. President, may I interrupt the Senator from Wyoming for a moment?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. WARREN. Yes.

Mr. HITCHCOCK. I should like to ask the Senator from Wyoming why, if this precaution is deemed necessary in times of peace, it is to be discarded in the emergency times of war?

Mr. WARREN. Mr. President, war brings up new officers and new heroes, though they may come from the plow direct, the same as it has done in the past. There is no reason why in times of war the President should not be absolutely free as to all of his appointments. That has always been the case, and probably always will be the case.

Mr. LODGE. Mr. President——

Mr. WARREN. Will the Senator from Massachusetts yield to me further?

Mr. LODGE. I will yield in one moment. I do not think that there is any probability or any danger that the Paymaster General or the head of the Medical Corps will be made Chief of Staff. The officers who have been made Chiefs of Staff who have formerly been doctors were both subsequently in the line, and one of them has served with great distinction as a volunteer soldier in the Army. The Senator referred to the volunteer. Of course he would be eligible, though he came from the plow. This provision excludes Gen. Funston, who was a distinguished volunteer officer of great gallantry in the War with Spain and also in the Philippines. He never served 10 years as a commissioned officer of the line under the rank of brigadier general.

Mr. WARREN. Will the Senator from Massachusetts permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Yes.

Mr. WARREN. That is true; but that Senator and no other Senator can exceed me in admiration of Gen. Funston. Gen. Funston does not know the line of the Army, however, as do

some other officers. Furthermore, this is not the last word, I beg the Senate to remember. Here is a situation before the conferees where we may lose five regiments of Cavalry, and, when gone, it will be difficult to reinstate them. We are met with a proposition that reduces the salaries of about 2,000 of the officers of the Army; we are met with various other cuts and various other things to arrange, and we are compelled not to take into view this one person or that one person; but there is a hereafter to all these matters, when they can be taken up and handled accordingly. I should be very glad to introduce and very glad to follow up a resolution, if Gen. Funston was desired as Chief of Staff by the President, to make an exception in his case; but it does not follow that the office of Chief of Staff ought to be filled continually from those officers who are here in Washington instead of being in the field. Exceptions could be handled for others, including Gen. Wood, but the general principle I believe a good one.

Mr. LODGE. Mr. President, that shows the readiness to give it to Gen. Funston, and shows, I suppose, what is charged generally, that this provision is aimed at Gen. Wood. Why should he also not be excepted? He is a distinguished Volunteer officer.

Mr. WARREN. Right there I want to say a word. The Senator, I hope, will not venture into personal matters. Gen. Wood's time expires on the 4th or the 5th day of March. This provision will not take effect until after that. It is true, as the Senator says, if Gen. Wood was afterwards desired, his case could be handled singly, of course. This does not affect his present appointment.

Mr. LODGE. Certainly, it does not, Mr. President. Of course, everybody realizes that, and I did not suggest that it did. I said it disqualified him forever from again being Chief of Staff. It also disqualifies Gen. Funston, as I pointed out, but it appears they are ready to except Gen. Funston. I do not think that is a good form of legislation.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. I yield to the Senator from Delaware.

Mr. DU PONT. Mr. President, in view of all that has been said, I should like to make a statement at this point.

Mr. LODGE. If the Senator desires to ask me a question I will yield for that purpose, but if he desires to make a speech I prefer that he shall make it in his own time.

Mr. DU PONT. I desire to make a statement in regard to this matter, if the Senator will yield to me for that purpose, and I shall be brief.

Mr. LODGE. I will yield to the Senator if he wishes to make a statement.

Mr. DU PONT. Mr. President, the amendment No. 73, in the form first proposed by the majority of the managers of the House, provided that except in time of war or when war is imminent, no officer, hereafter, should be detailed or permitted to serve as Chief of Staff unless he should have served for at least 10 years as a commissioned officer in the line of the Army below the grade of colonel.

The Senate conferees refused to accept this amendment on the ground that it was personal legislation and would compel the present incumbent to immediately vacate the office of Chief of Staff; but when the amendment was modified by the House managers making the above provision take effect on and after the 5th day of March, 1913, the point at issue was greatly changed. As the Army Regulations require the appointment of the present Chief of Staff to cease and determine on the 4th day of March, 1913, a provision which becomes operative on the 5th day of March has no bearing on his actual term of office. It is true that having been appointed Chief of Staff April 22, 1910, he would, on March 4, have served very nearly three years, and could be reappointed Chief of Staff by the new President and serve as such some 13 months before he would be compelled by law to return, for at least two years, to duty with troops; and it is also true that after having served with troops for two years he could be reappointed for four years; but all this is in the future, which is always nebulous and uncertain.

In this connection it is to be observed that the General Staff was organized upon the general theory and plan that officers of the different grades, including the chief, should succeed each other in turn, so that as many as possible might have practical experience in the administration of General Staff duties. Attention is also called to the following extract from the President's special message to Congress in regard to the legislation under consideration, dated December 21, 1911:

I am opposed to any plan the result of which would be to break up or interfere with the essential principles of the detail system in the Staff Corps established by the act of February 2, 1901, and I am opposed to any plan the result of which would be to give the officer selected as Chief of Staff, or to any other member of the General Staff Corps, greater permanency of office than he now has.

As in the judgment of the Senate conferees the possibility of future personal advantage to one or two officers ought to be subordinated to the interests of the Army as a whole, the next point to be determined was whether the legislation in question promoted such interests and was wise in itself.

After careful consideration, the Senate conferees concluded that it was good legislation, and agreed to accept it for the following reasons:

First. As the Chief of Staff is required by law to be the general military adviser of both the President and Secretary of War, who are frequently not well informed in regard to military matters, and as he is further required to exercise a general supervision over every bureau of the War Department, it is evident that he should be a man of experience and knowledge of military details; and, usually, such experience and knowledge can only be obtained by actual service with troops extending over a period of years.

Second. As there is no limitation in regard to those who are eligible for appointment as general officers of the line, the President could at any time, by and with the advice and consent of the Senate, appoint a civilian who might be wholly ignorant of the military profession; and, further, if the President thinks proper, he could at once relieve the officer then serving as Chief of Staff and appoint the newcomer in his place. It is believed that such a possibility is fraught with danger, and that the effect of the legislation now under discussion would be to greatly improve the conditions now existing, inasmuch as the President, even if he did appoint an inexperienced person to be a general officer of the Regular Army, could not make him Chief of Staff.

The enactment of legislation is greatly to be deprecated when it is meant to strike at the appointment or official position at present held by any officer, but very much more to be deprecated is the rejection of legislation because it may affect, possibly but not certainly, the future interests of three or four officers, all of whom have already received special and most substantial promotion for services in the past, and this in face of the proposition that such legislation is good and sound in itself and intended to benefit the Army as a whole.

Mr. LODGE. Mr. President, I have listened to the explanation of the improvement to be obtained from this change, but it seems to me it makes the case rather worse than it was before. This is not legislation affecting now a few officers who are making this objection; it is legislation affecting a whole class of officers, now and in the future. There is no question of the Commander in Chief; it is an act of exclusion against certain officers and against certain classes of officers.

Mr. President, I have said as much on that branch of the subject as I care to say; but I should like to say a few words on another point of new legislation, which I do not mean to discuss, but merely to point out as new legislation. The House struck out the appropriation for a certain number of Army posts.

Mr. WARREN. No, Mr. President; the House did not strike out the appropriations for the Army posts.

Mr. LODGE. Well, it ordered that the appropriation should not be spent for a certain number of Army posts.

Mr. WARREN. Yes; that is right.

Mr. LODGE. I desire to be accurate. It seems to me to amount to much the same thing for our present purpose. They prevented the expenditure of certain appropriations for certain Army posts. On that the conferees have appointed a commission; and not only that, but they have selected the members of the commission, and, among others, they have selected three generals who have already reported on this subject.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Yes.

Mr. DU PONT. I should like to say that the commission appointed in 1901 did not report on this particular question, and what they said in reference to the subject was incidental. That commission was appointed for the purpose of selecting four general camps of instruction, and one or two of its members—for instance, Gen. Young—were members of the commission named in the present bill. In 1903, when the senior Senator from New York [Mr. ROOT] was Secretary of War, he referred to the War College the question of the proper distribution of appropriations for the different Army posts, and it so happened that Gen. Young was at that time a member of the War College. This body went into the subject at great length and considered the various posts and seacoast forts in the United

States, but I hardly think the statement of the Senator from Massachusetts is exactly fair.

Mr. LODGE. They reported on the question of the abandonment of certain posts, unless I am mistaken.

Mr. DU PONT. But even if they have already reported on this matter, we would have men of greater experience and knowledge of the subject.

Mr. LODGE. They are all retired officers, and three of them have made a report in which the question of the concentration of Army posts was considered. I am not questioning the value of their report; but the point I wish to make is that I think it travels beyond the province of a conference committee, not only to propose a commission to which a certain question shall be submitted, but to select the members of that commission. That seems to me to be legislation which ought to come within the action of the two Houses. I am making no objection to the men selected; but it seems to me that it is something in which the Senate, without undue eagerness to take power, might have a voice.

Mr. WARREN. Will the Senator permit me there?

Mr. LODGE. Certainly.

Mr. WARREN. The situation was this: The Chief of Staff had gone before the committee on the House side and recommended the abolition——

Mr. LODGE. Mr. President, allow me at that point to interrupt the Senator. If we are going to be accurate in our statements, let us be perfectly accurate. The House required from the War Department a report on the question of Army posts.

Mr. WARREN. Well, the Senator is jumping at conclusions. Before that time the Chief of Staff went before that committee and said they were going to propose the abandonment of a good number of the present posts and concentrate the troops in large posts at some uncertain points, and they were going to greatly reduce the expenses of the Army. He also stated that they were going to greatly reduce the number of clerkships and the expenses in that way of the Army, naming, I am informed, 30 per cent in the first place, and afterwards 35 per cent. Subsequently the House, by resolution, requested information as to the posts it was proposed to abandon. The Secretary of War hastened to reply. He gave a list of 25 posts, including some of the largest and newest in the country and covering half of the United States in area, and proposed to remove every post and every place where the United States flag floats over a representative of the Army from a tract of country nearly 2,000 miles one way by about 1,500 miles the other way, including a large number of States entire. The House, taking the Secretary of War at his word, inserted in three different places in the appropriation bill an inhibition against expending a dollar at any one of those posts, although they are occupied by troops and must be so occupied until other arrangements are made. The House also provided that there should be no new posts created and none enlarged without legislation by Congress. That is the situation we had to meet.

When the bill came to us in the Senate the Secretary of War and the Chief of Staff came before our committee and explained that they did not mean that; they expected to abandon certain posts at some time, but they wanted us to strike out the provisions of the House bill in this respect. The House conferees demanded that there should be something put in place of these provisions, that they could go back to the House and report upon, because the Army itself, having asked through its chief officers for the abandonment of these posts, and the House having provided for such abandonment, the conferees wanted some reason to show why, after their following the advice of the Secretary of War and the Chief of Staff for abandonment of posts, they had to surrender to the Senate. So they proposed a commission, and named that commission without any suggestion on the part of the Senate. They named able officers of the Army who are retired, as they explained, because they were able officers of long experience who were unprejudiced. They leave it to the presiding officer of this body to select two members of the commission and to the presiding officer of the other body also to select two members of the commission.

That report may mean nothing; but whatever it may be when it is made, it will lie alongside of the other reports and will be of some use, probably, to the committees of Congress in future legislation. There can possibly be no harm in that.

The members of the proposed commission are all under pay now, so that it will not be a matter of any great expense. It may amount to nothing, but by putting that provision in the report it permitted to be satisfactorily adjusted the matter which we were asked by the Secretary of War and the Chief of Staff to eliminate from the bill, notwithstanding the fact that they themselves were responsible for its being there.

Mr. LODGE. Mr. President, I have no desire to discuss the question of the merits of the various Army posts. I think there is something to be said for the view of the House and the view of the Army in favor of reducing the number of posts, but that is not what I was making my point on. My point was that it is entirely new legislation, and it now appears from the statement of the Senator from Wyoming that the Members of the House named this commission.

Mr. WARREN. It is not at all new legislation. Here is a proposition——

Mr. LODGE. I think it is new legislation to name the members of a commission.

Mr. WARREN. It has been done before, and will be done again, of course.

Mr. LODGE. It may have been done before where certain holders of certain offices were named.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Yes.

Mr. DU PONT. Four of the nine members of the proposed commission are to be appointed, two by the Speaker of the House and two by the Presiding Officer of the Senate.

Mr. LODGE. Of course, I know that.

Mr. DU PONT. The other five were suggested to us by the conferees on the part of the House.

Mr. LODGE. I did not suppose, Mr. President, that even so powerful a conference committee as this would select the Members of the House and Senate to serve on a commission, but I think it is new legislation for them to select officers of the Army.

Mr. WARREN. Yes; and men have been named.

Mr. LODGE. Possibly; but if it has been done it is bad practice. If commissions are to be appointed and their appointment is not to be given to the President, I think the two Houses ought to have something to say about it.

Now, Mr. President, there are other points. Because of interruption I have taken more time than I had intended. One other point. This was not new legislation. It was legitimately before the conference. I brought it to the attention of the Senator from Wyoming when I found the bill was up.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. Is there not a report from the Secretary of War and also from the organized forces making suggestions to Congress with reference to the plan of concentrating the troops?

Mr. LODGE. Yes.

Mr. SMITH of Georgia. And the opinion of the constituted authorities of the Army——

Mr. LODGE. That is the report the Senator from Wyoming referred to; at least I suppose so.

Mr. SMITH of Georgia. Is not that more valuable and more useful than to have a report from retired officers who will not have anything to do under it?

Mr. WARREN. It might be considered more valuable if it was not for this very lamentable fact. Every Chief of Staff and every Secretary of War changes his base of action from that of his predecessor. We might to-day have a location of posts under the present Chief of Staff and the present Secretary of War, and probably it would be something else six months or a year from now, when there is a liability of there being changes in those offices.

For instance, a Chief of Staff who has completed his tour, the one who preceded the present one, an able officer, a brave and brilliant fighter of renown in the line, labored all one session, in fact, two sessions, to bring the Army up to a systematic standard of pay, readjusting the salaries of the officers and the pay of the men. We took the view the Senator from Georgia takes, that the Army ought to know what it wanted—the then Secretary of War and the then Chief of Staff—and we carried out as nearly as possible and almost perfectly their views. We made the pay of a soldier for his first term a certain amount; we added a certain amount for his second term; and a certain amount for his third term; for his marksmanship, and so on, along the line. The argument then made was that these men in the rank and file, in the line of the Army, noncommissioned officers and privates, might want to make the service a career the same as a commissioned officer does. We followed this plan, and when the present Chief of Staff had taken his place it was found that his views were directly opposite. He states that he does not want a man who has enlisted in the

Army to reenlist, and suggests that we provide that no one shall be allowed to reenlist for a second term except the noncommissioned officers.

I realize that my friend the Senator from Massachusetts has been more than courteous to me, and I do not wish to go further in my interruption. So the committees of the Senate and the House, which have given years in that service, most of the members of which have had honorable service in the Army—in fact, in both armies—must depend somewhat upon their own judgment rather than depend entirely upon the changing views of those who happen to be Chief of Staff and Secretary of War at different dates.

Mr. SMITH of Georgia. If the Senator will allow me, if we must rely upon our own judgment, why do we need a board of retired officers? But if we are to rely upon the judgment of some officers, would it not be better to take the line officers than to take the retired officers? The retired officers lived under this same old régime of scattered troops, and they would probably adhere to it. The present officers tell us, I understand, that the troops should be concentrated.

Mr. WARREN. A few do, acting, probably, under instructions from head centers; but as against them the files are full of the views of officers who are against it. A very small proportion adopt the present views. The view has prevailed for some time that some of these scattered posts should be abandoned and they have been abandoned, and still more will be abandoned and ought to be abandoned. In my State, out of 20 or more original Army posts all have been abandoned except 2 and the one in the Yellowstone Park. There is no objection to the abandoment of useless posts, but to take one-half of the United States, and with one fell swoop take the flag of the United States out of it entirely and leave the militia there with no troops with which to cooperate and with which to go into these great meetings, raises a question into which I think the Senators and Members of the House have a right to examine and upon which to express their views.

As to this commission of retired officers, what the views of the House may be I do not know. It may not effect anything, but I tell the Senator it certainly can not harm anybody. It can not legislate on the question of abandoning posts. They are simply asked as to their opinion on matters about which they can have no personal interest, because they have passed through the time of life when they may be influenced by their superior officers or outside influences.

Mr. LODGE. Mr. President, I suggested that I did not intend to discuss the merits of this bill, but I am perfectly certain it will not harm anybody.

Mr. SMITH of Georgia. Surely the Senator from Wyoming does not want to create a board on the ground that it will not harm anybody? What they do, I think, will be harmless, but it seems to me perfectly clear we had better follow the organized recommendations of those who are to serve in the future rather than these retired officers. So I am opposed to this legislation on its merits: I do not wish to see the board appointed; and I shall vote to recommit the report.

Mr. WARREN. That is the Senator's privilege. I wish I had the sanguine feeling the Senator has, but after you have sent a bill to conference, it is not a nice position for a conferee, who has labored two solid weeks in a conference and got the best he could after a lot of contentions, and who is in honor bound to protect that report, to have Senators rise in their magnificent presence——

Mr. LODGE. Mr. President——

Mr. SMITH of Georgia. Mr. President——

Mr. WARREN. Allow me to finish my remarks. I wish I had the sanguine feeling and the hopefulness, but the Senator from Georgia will some day be placed upon these conference committees and he will then know it is sometimes necessary to concede unimportant points in order to receive the benefits of very important ones.

Mr. LODGE. Mr. President, I have been in the Senate almost as long as has the Senator from Wyoming, and I have served on conferences, not upon appropriation bills perhaps, but upon some hard-fought conferences, and I have seen a great many here from the Appropriations Committee, but I have never seen legislation that the Senate desired secured nor have I seen what was believed to be the best interest in any legislation secured by starting in on the proposition that we must yield to the other House. Our business is to do the best we can, and if there are things we must stand and stand for hard, let the House, which is to blame, take the responsibility of having the appropriation bills go over.

Mr. President, I had no expectation of occupying so much time, and I shall conclude. The point is entirely legitimate to the conferees, of course, but it, I think, will cause a great injustice to a number of very worthy officers. There is the consolidation of the Quartermaster's and the Commissary Departments; I dare say it is a very good thing. A year or two ago there was a large addition made to the Quartermaster's force, and quite properly, no doubt. There are three or four officers in the Commissary Department, who, when the consolidation takes place, under this bill will be put behind these officers in the Quartermaster's Department instead of being placed in the new, consolidated department in the regular line of promotion according to their present standing in the Army.

One of these officers, whom I happen to know, called my attention to it. This officer served in the War with Spain, was wounded in Cuba, served later in the Philippines, and has served faithfully and well ever since. He is now in the Commissary Department. If this consolidation takes place on its present terms he will have men put over his head for promotion—many numbers—who did not enter the Army until six or seven years ago.

Mr. WARREN. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. WARREN. We introduced in conference the exact language of the Commissary General on the hearings covering the point the Senator is now speaking of.

Mr. LODGE. And the House did not accept it?

Mr. WARREN. And the House did accept it, and it is in the conference report now.

Mr. LODGE. The Commissary General, whom I asked for information in regard to it, tells me it has not been changed, and I can not find here what I want.

Mr. WARREN. We took the language precisely, word for word, of the hearing, just as it was given by the Commissary General, because we did not wish to do injustice.

Mr. LODGE. It does not correspond to the amendment which he sent me and which he says he asked for.

Mr. WARREN. That may be true; but it was stated in the hearing, and that is exactly what we added. I do not think the conferees ought to be lambasted——

Mr. LODGE. I do not want to get the general into trouble. The amendment he gives is totally different.

Mr. WARREN. We have every wish to cover the point for the general as well as we could.

Mr. LODGE. As a matter of fact, it was not covered. These officers are left in that way. They are now left so that they are deprived of the ordinary promotion which they would get if the corps were not consolidated. My proposition is that if the corps are to be consolidated, to which I make no objection, the officers who have a greater length of service should not arbitrarily be put back.

Mr. WARREN. There never has been a combination which has not seemed to do injustice to some officers.

Mr. LODGE. I know.

Mr. WARREN. And let me say that legislation has followed, when it was determined whom it would affect and how it would affect them, and it was legislation put in the appropriation bill two years ago that undertook to clean up the entire matter.

Mr. LODGE. I know about that. There is not any question that this can be done by a simple provision. There is not any question that it would not hurt anybody improperly. It is simply putting the men in those two departments—the Commissary and the Quartermaster's—upon exactly the same footing. It is an injustice to have a consolidation which takes men of one corps, who have seen no service in the field, over the heads of three or four officers who have seen service in the field, and depriving them of promotion for three or four years to come.

In the case of one officer, who would be promoted on the 5th day of next September, under this bill he will not be promoted until 1917. That bears hardly on a young officer, and I certainly hope that such a slight modification may be had. I believe if I had had an opportunity when the matter was before the Senate to lay these considerations before it, I could have got the Senate to make the necessary amendments, and it could have gone into conference. Now I can do nothing. I am helpless.

Mr. WARREN. The difficulty is that in different corps the promotion varies; in some faster than in others; and taking the Regular Army rules and law, there could be no other way than as we put it. Just as it was when we did away with the regimental organization and took up the lineal, it did injustice to a number of men, and still there seemed no way then that would not have done greater injustice. But, as I said, those matters have been fixed, and I hope this will be.

Mr. LODGE. It can be fixed only if it goes back to conference.

Mr. WARREN. I will say to the Senator that I do not think we shall have as successful a time in being able to fix it in conference as by taking it up alone.

Mr. LODGE. I think the Senate has some rights, and I think if the Senate sees fit to send this back to conference it has a right to expect due consideration from the House, and I do not understand this tone that we must not send it back to conference because the House will not like it.

Mr. WARREN. Nobody is assuming that tone. The Senate has a perfect right to send it back to the House. It takes its chances. Are the feelings of one or two or three men to be of more concern than the maintenance of, say, the four or five regiments of Cavalry? We may be able, if it goes back, to accomplish everything the Senator wants, but I have never been able in conference to secure everything I wanted.

I want to call attention to the fact that Senators Hoar and Edmunds and Sherman lectured the Senate at different times, and I do not know but that the Senator from Massachusetts has done so, to the effect that the Senate must not carry too far its purpose in amending these money bills of the House, and, finally, if the House insists, the Senate must recede.

Mr. LODGE. That proposition came on adding new legislation. Neither Mr. Edmunds nor Mr. Hoar ever suggested that we could not amend a bill.

Mr. WARREN. Mr. President——

Mr. LODGE. Please, one moment. I have been very patient in yielding. Let me finish one sentence.

This is a bill to reorganize the Army. Suppose it had come over here separately. Are we to be told we could not change one little clause in it; that we were exceeding the powers of the Senate to change one clause in an act of pure legislation? This is not an appropriation at all, and our power over the appropriation bills is unlimited with respect to amendment. The Constitution gives the House no power to originate appropriation bills. That is merely customary; a wise custom, I grant.

Mr. WILLIAMS. How did the custom happen to arise?

Mr. WARREN. The Senator from Massachusetts must not——

Mr. LODGE. I am not going to argue the constitutional question with the Senator from Mississippi. It is not in the Constitution. We originate appropriation bills here every day.

Mr. WILLIAMS. Not general supply bills.

Mr. LODGE. No. I am not quarreling with the custom, and it is purely an academic question, but no one denies the right of the Senate as to amendment.

Mr. WARREN. I can not let the observation of the Senator from Massachusetts pass without correcting him. I made no such statement—that it does not apply to amounts as well as to legislation. The Senators I have quoted said while we have the right to amend but finally being unable to sustain, it was the duty of the Senate to recede.

Mr. LODGE. The distinction is that this is not an appropriation. This is legislation we are discussing here—pure legislation. If it had come over as a separate bill we could have put in every word after the enacting clause; we could have put in a new bill. I am not talking about adding new legislation. I am not talking about the powers of the Senate. I am talking about a very simple amendment to legislative provisions.

We have been constantly hearing of these Cavalry regiments. The Senate voted them in by an overwhelming majority, and I do not believe for a moment that either the House or the Senate would take the responsibility, in face of the situation in Mexico and in Cuba, of cutting down the regiments in that way.

I am not in the least afraid of our going to lose five regiments of Cavalry, because we stand for what we believe to be right and against objectionable legislation in a purely legislative part of the bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I should like to inquire of the Senator from Wyoming if he desires to go on with the appropriation bills?

Mr. WARREN. The matter at issue should be settled. I am ready that it should come to a vote now if others are.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to lay aside the unfinished business temporarily. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROOT. Mr. President, I shall vote against the adoption of this conference report, and I hope that the Senate will send the bill back to conference. My view is based chiefly upon the provision regarding the Chief of Staff. I had hoped that we could have a stand here on these appropriation bills in clear-cut and definite assertion of our view as to the putting of controverted legislation on appropriation bills. I think it is a very bad practice. It is exercising a kind of compulsion out of which we are very apt to get bad legislation.

But if that is not to be the case, I want to say that I recognize the patient and painstaking service of the managers of the conference on the part of the Senate. I think, if we are to have any legislation, in many respects that the conferees have brought about very material improvements of the terms of the bill as it came from the House. I think, however, that this provision about the Chief of Staff stands on a different footing from the others. It seems so to me.

I was glad to have learned, both from the statement of the Senator from Wyoming and the statement read by the Senator from Delaware, and to have made a matter of record what I already knew, that the Senate conferees yielded to this when it was proposed in the conference and that they did not originate it. It is presented rather in the nature of a price which the Senate is called upon to pay for peace, for agreements upon all other things which were matters of difference in the bill. We have presented to us an agreement upon the matters which were in the bill, disposing of them in one way and another, I think a fair give and take. We must give as well as take in conference, as the Senator from Wyoming well says.

Upon the question as between leaving the old law of three years' enlistment and the House provision for a five years' enlistment they compromised on four years. That is a fair compromise. I prefer the three years of the present law, but you can not have everything to please you if you are going into conference.

Upon the question about the Army posts, the provision for a board is plainly a compromise. The whole subject is disposed of, shoved out of controversy, by means of the appointment of a board to pass upon it and report.

But it seems to me that as the price of a series of agreements the Senate is now called upon to consent to something which never was in difference, to consent to the sacrifice of the officer who is now at the head of the General Staff, and to consent to the adoption of a rule limiting the appointment as Chief of Staff, which I believe to be radically bad, and I do not think we should pay that price. That is not a part of the ordinary give and take and compromise of a conference.

Let me say, in the first place, about this provision that as I read it, it is not limited to time of peace at all; it applies to war as well as peace.

Mr. WARREN. I hope the Senator will explain upon what language he bases that contention. I may not know what the English language means, and of course I should like to defer to the superior legal knowledge of the Senator, but as I understand the English language it does refer directly to it. It starts in with the word "hereafter" and goes on to say "except in time of war or when war is imminent," and so forth.

Mr. ROOT. I do not think it is very material, but that is the way I read it.

Mr. WARREN. I beg the Senator to remember that not only in the commencement, but he will find again down later on in the paragraph referring to the staff the same language is used, differentiating a time of war or threatened war and a time of peace.

Mr. ROOT. Here are the terms of the provision:

That hereafter, except in time of war or when war is imminent—

That is an exception to the "hereafter"—

no officer who shall have served 4 years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least 2 years with the line of the Army, neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve, as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line.

There are two quite separate and distinct provisions, one of them taking effect immediately with an exception, the other taking effect the 5th day of March, 1913, with no exception. It seems to me quite plain that there is no exception applying to this provision.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from New York yield to the Senator from Delaware?

Mr. ROOT. Certainly.

Mr. DU PONT. I will simply say that in the report as presented to us on the part of the House conferees it was understood by the conferees that it applied only to time of peace, and if the language is not very clear it is unfortunate. It was not intended to apply to time of war.

Mr. WARREN. I think if the Senator will read the whole amendment he will see that it applies to a time of peace.

Mr. ROOT. It is very long.

Mr. WARREN. I know it is long, and it is well guarded, I think.

Mr. ROOT. I do not find anything elsewhere in the amendment which it seems to me affects it.

Mr. WARREN. There is another clause which alludes again to a time of peace and a time of war.

Mr. ROOT. But not with reference to this appointment.

Mr. WARREN. It refers to the entire staff.

Mr. ROOT. Where is it?

Mr. WARREN. I have not the bill before me, but I remember it.

Mr. DU PONT. It is on page 67, before the word "provided." If the Senator from New York will permit me, I will read the language to which the Senator from Wyoming refers.

Mr. ROOT. That strengthens the view that I have taken. I knew it would. You perceive this exception to the time of war is not the language that I read applied to the provision prohibiting an officer who has served four years as Chief of Staff to be eligible for futher service until after he shall have served for at least two years in the line of the Army.

There is the exception of the time of war or when war is imminent. Here on the next page there is the same exception relating to the same subject:

And no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps, shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Mr. WARREN. Now, Mr. President, if I understand the English language, there is a paragraph which commences as the Senator has said—

That hereafter, except in time of war.

The Chief of Staff is a member of the staff. The Senator will admit that he is on the staff?

Mr. ROOT. Of course, he is.

Mr. WARREN. Now, we read along:

All officers of the line of the Army now detailed for service in any Staff Corps, or department, or in the General Staff Corps, shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Mr. ROOT. Certainly; that is repeating, regarding all the officers of the same staff, the same rule regarding redetail and the same exception of time of war or imminence of war which is expressed regarding the Chief of Staff. When you come to the provision excluding any officer who has not served 10 years with troops, which is to take effect on the 5th of March, 1913, there is no such exception. But that is not a matter of such very great importance. The provision is a bad one and without just foundation. It is an injurious one when applied to time of peace, as well as when applied to time of war.

The Senator from Wyoming has spoken of the Chief of Staff as being a kind of military secretary to the Secretary of War. I must take leave to say that that involves an entire misconception of the function of the Chief of Staff. I do not think the Senator from Wyoming really meant that, because I am aware that he knows too well what the function is.

Mr. WARREN. I will say I get my ideas from reading the testimony in the hearings, the annual reports, and largely the reports of the Senator himself when he was Secretary of War.

Mr. ROOT. I will undertake to say that the Senator from Wyoming will not find a word in any report made by any Secretary of War prior to the 1st of February, 1904, which justifies any such view. The fact is that almost coincident with the creation of the General Staff there was a new arrangement made of bureaus in the War Department which consolidated the Office of Record and Pension and the office of The Adjutant General, and made that head of that office by name the Military Secretary. Subsequently the name of the Military Secretary established under that statute was changed back to Adjutant General, but it is The Adjutant General who is the Military Secretary of the Secretary of War. It is The Adjutant General who is to deal with the line of the Army. It is The Adjutant General who is to advise the Secretary of War upon all those matters of detail to which the Senator from Wyoming has referred.

Mr. WARREN. I will ask the Senator's permission to read into the RECORD exactly what he said on that point; then there will be no dispute.

Mr. ROOT. I should like to have an opportunity to see what the Senator is going to read in, because I may want to complete it by reading something else.

Mr. WARREN. The Senator probably remembers, as he was present when most of the discussions took place in the committee over the creation of this staff department, that, while I had some doubt——

Mr. ROOT. I remember the Senator was present and that he played a most important and useful part in bringing about that legislation.

Mr. WARREN. I thank the Senator for that; but I think I ought to say, notwithstanding that compliment, that I had some very serious objections in the first place, and they were not entirely removed; but the earnestness with which the honorable Secretary and others advanced the cause finally decided me that it was certainly worthy of trial. I have been a consistent and constant supporter of the staff as far as I could be when they were performing the duties that fell to them by law. We have been besieged at both ends of the Capitol and by different Congresses to repeal the General Staff law. The Senator knows that there has been on the floor of the Senate on the part of older Senators a great deal of opposition to it. I have said that it is time enough to abandon it after we had tried it out thoroughly. I am not prepared to abandon it now; but if the Chief of Staff and Staff Corps are to be placed as a juggernaut, to run over everybody else; if the Chief of Staff and the Staff Corps are to be placed where the Army is delivered helpless and handcuffed into their hands; if it is to be a dark alley, where everything that goes down there in the way of propositions or letters come out and we finally find it never has passed more than one person, I shall feel as if we at least ought to try to amend the law.

Now, the Senator may think that the staff is performing exactly the duties that he and I and others intend it should. I think quite generally it has, but I think on other occasions it has not; it has assumed duties it never was intended it should perform.

Mr. ROOT. Mr. President, of course it has been necessary that the process of adjustment should be passed through in the very great change from the old method of managing the Army to the new method of managing it with a General Staff. I do not doubt that in the course of that process there have been officers who have seized upon power which belonged to some one else. I think that that has happened in entirely different directions. Undoubtedly it requires a certain process of adjustment before the machinery will find itself.

But that has little bearing upon the present question. I think the Senator from Wyoming will agree with the proposition which I now make, and which I think I have always consistently made, that the object of the General Staff is not that it shall be an administrative bureau. The very feeling which the Senator from Wyoming has exhibited in regard to things which have been done by the General Staff or some of its officers runs in that very direction. The General Staff is not to be an administrative bureau. The General Staff is to perform the function of doing the thinking and the studying and the collection of information and to advise upon all the greater and more important questions which are involved in the management and the development of the Army, and the building up of a military system upon our American plan, which involves a simple, highly perfected nucleus which we call the Regular Army, with preparation to insure the efficiency of a greater Volunteer Army to be called into existence when need comes.

It was because there was nobody to do the thinking for the Army except the men who were borne down and overwhelmed by the burden of administration that it was considered necessary that we should have a General Staff, whose business it should be not to attend to the little chicken feed of the movement of officers here and there and viséing of routine papers, but who should be charged with the duty of studying and collecting information, of making plans, of considering how the Army should be organized, how the general problems of administration should be worked out, and how it should be put into effective operation when occasion arises.

Mr. President, this proposed piece of legislation looks in directly the contrary way. It makes necessary as a qualification for the Chief of Staff the possession of those very qualities which are the least important for the Chief of Staff. Your Adjutant General should have served with troops; the men who have to do with the details of the Army should have served with troops; but when you have to select the Chief of Staff, the man who is to advise the Commander in Chief of the Army upon all the military questions, the man who is to direct the military education of the Army, the man who is to direct the thinking and the studying and the planning of the Army, and then the proper use of the enormous sums that we are voting

from year to year against the time of need, it requires that brains should be sought for and the best and ablest man whom the President can find should be selected.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. WARREN. Does the Senator think the brains of the Army rest with the Staff Corps and not with the line?

Mr. DU PONT rose.

Mr. ROOT. I think that the brains of the Army rest sometimes in the staff, sometimes in the line, sometimes in the men who have served 10 years with troops, and sometimes with men who have not. I think it is of the highest importance for the welfare of our country and the effectiveness of this military force, upon which we are spending so many millions, that the President of the United States shall not be fettered and confined in his choice by any arbitrary rule like this. I yield to the Senator from Delaware.

Mr. DU PONT. I should like to ask the Senator from New York if, inasmuch as the law requires the Chief of Staff not only to perform the duties which he has so eloquently described, but also requires him to exercise general supervision over every bureau of the War Department, if the proper exercise of such supervision does not require the experience and the qualities which are determined by long professional service in the field?

Mr. ROOT. Mr. President, I think that the criterion which is set up in this proposed legislation is one of the very minor things necessary to enable the Chief of Staff to properly supervise the civil departments. The object of that supervision is to see that the civil departments do their part in the working of a great composite machine. What is necessary for the effective exercise of the supervision which is vested in the Chief of Staff is that we shall have a man of brains, a man of force, a big man and not a little man, who can see that the great machinery works smoothly and all the different parts are correlated and regulated so as to bring about an appropriate result.

Now, what does this provision do? In the first place, it puts a limit upon the President's right of choice, which will exclude from any possibility of ever being selected a half dozen of the best men in every class we have educated or are to educate at West Point. For more than a hundred years we have been educating young men to be officers of the Army. From 4 to 8 or 10 of the men who stand at the head of every class are put in the Engineering Corps, and we are now proposing to say by this legislation that the flower of the West Point education, that the first fruits of our military education shall be forever excluded from selection to the most important and responsible position in the American Army.

Mr. WARREN. Mr. President, we have so far, with perfect liberty to appoint anyone, refrained from selecting an officer of that corps for Chief of Staff.

Mr. ROOT. Yes; for 10 years. We are to say that the man who has shown the greatest executive capacity of any American in our generation, Col. Goethals, who is bringing credit upon all Americans at Panama, shall be ineligible for that place.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. WARREN. I do not believe that Col. Goethals would consider that it was any inhibition. I do not believe he desires that kind of a special place. Col. Goethals is more liable to be nominated President of the United States than he is to want to be Chief of Staff, and I am not certain but that I am one of those who would like to see him in that place. Higher places than that of a Chief of Staff are awaiting him. Unless I mistake the feeling of the American people he can be made Commander in Chief of the Army to-morrow, or he can be put at the head of the Corps of Engineers, which, in my judgment, is a much higher place than that of Chief of Staff. There is no extra pay attached to the Chief of Staff. The Chief of Staff should have ability; he should be an all-round man; he should not be a teacher of grammar only, where grammar and geography and everything else are to be studied and taught. He may be the most important man in his profession, but to a citizen Secretary of War it seems to me there should be an all-round officer, not one who has spent his entire service in engineering, not one who has spent his entire service in medicine or in the Paymaster General's office. He ought to be a man who has had some service and who possesses some acute knowledge of the ways and byways of the Army in the field, the fighting force.

Mr. ROOT. Mr. President, this is not a question of Col. Goethals. It is of no consequence whether Col. Goethals would want to be Chief of Staff or not. The question is whether we ought to adopt a rule by which we would arbitrarily exclude such officers from the selection of the President.

Mr. DU PONT. Would the Senator consider that rule to apply in time of war also? I do not so consider it.

Mr. ROOT. I will give my reasons for thinking so; but whether it applies in time of war or not, Mr. President, the function of Chief of Staff is to so advise the President and the Secretary of War that we will be prepared for war.

Heaven forbid that we shall go back to a plan under which we are to have a lot of officers who are good enough for time of peace, and then, the moment we get into war, dispose of them and get a lot of others, who come in fresh, without having had any opportunity for preparation for the work which they have to do. We are trying as best we can to make preparations, so that when war comes we shall be reasonably ready.

Mr. WARREN. Does the Senator entertain the same idea that he expressed when the staff was formed and since, that it ought to be passed around; that there ought to be different generals serve for three or four years, and then go to the line; or does he believe that we ought to put one man at the head and keep him there, reappointing him after every two-year interval?

Mr. ROOT. No, Mr. President; I fully agree with the provision which prevents the redetail of anyone to be Chief of Staff until after he has gone back and had two years of service with the line. I fully agree to that. I do not want to have a man go there and stay there. I want to get as many men as possible trained in this kind of staff work, which tends to make men competent to command armies, but that is quite a different thing from limiting the President's choice so that you are likely to eliminate the biggest and ablest men in the Army from the possibility of selection.

Mr. WARREN. Mr. President, I do not believe the Senator from New York wants to go on record that the biggest and ablest men in the Army are all in the staff.

Mr. ROOT. I certainly have never said anything to that effect.

Mr. WARREN. I was sure that the Senator would not, and I am sure he will say that it is a better policy if we can find capable generals enough to have many of them serve as Chief of Staff; and, by the way, all are excluded but generals. We want to keep that in view; there is no general proposition here. As the Senator has said, we can make officers brigadiers, but you can not make a brigadier general until there is an opening; you can not make a major general until there is a place for him. Therefore, if a colonel might be desired for the staff he could not be put on the staff now, nor could a lieutenant colonel. Col. Goethals accomplished his greatest feat while a major and lieutenant colonel. Officers below the grade of brigadier general have to wait, then, until there is a vacancy before they can become general officers. So the restrictions proposed were thought to be proper restrictions.

It seems to me—and I know the Senator agrees—that it is better, all things being equal, with sufficient material to mold into shape in the office of Chief of Staff, to train these men so that we may prepare them for war. Therefore, when a man has once served on the staff it is better for the Army that he should not serve again—unless in case of war, in which event it is open to all—so long as there are other men who can serve in the place to receive the benefit of the knowledge to be gained in that position, and also that the staff may receive fresh knowledge from the man who comes in from the outside.

Mr. ROOT. Mr. President, of course I did not mean to say that all the brains of the Army are in the staff, but I mean to say that a very considerable part of the men who presumptively are among the best in the Army would be excluded from the President's field of choice by this provision. I will say we ought not to make that exclusion without some good and sufficient cause.

Mr. WARREN. I should like to ask the Senator another question. It may be elementary. I was not satisfied with the staff law when it was passed as to one particular. When a general is appointed, or when any other officer is promoted or appointed, the nomination comes before the Senate for confirmation. The President can not promote a second lieutenant to be a first lieutenant until there is a vacancy, and he can not make a captain a major until there is a vacancy; it is restricted all the way up. It is restricted as to thousands of officers. It is idle to talk about unfairness in excluding half a dozen or three or four people from some certain position. They are all now excluded except general officers. The President of the United States could appoint one of the young men who stand at these doors, if he were of proper age, a brigadier general or a major general. That would come before the Senate, and if we should say "yes," he becomes such general officer. A

man might be appointed who was fitted for certain duties, who it was expected would perform those particular duties, and he would be confirmed. On the very next day, as it is now, he could be made Chief of Staff. We should, in my judgment, have provided that when an officer is made Chief of Staff his nomination should come in here as such and receive the confirmation of the Senate.

Mr. ROOT. Mr. President, I do not know that I should object to that, but that is not this question; that is not the subject that is here now.

Mr. WARREN. I allude to it because it is sought to leave the oue most important door wide open while we are closing every other one.

Mr. ROOT. The question here is whether we shall exclude from the President's field of selection in the Army for this important office this great number of men, among whom he is likely to find the man of force and character and brains who is most needed for the place. I have mentioned Col. Goethals as an illustration of that proposition. I could mention others, for example, of the very ablest minds and strongest characters in the American Army to-day, outside of the Engineer Corps, men who would be included in this restriction.

Mr. WARREN. Will the Senator allow me to interrupt him there?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. WARREN. The Senator is alluding now to men who are fast passing away, who are permanent staff officers under the legislation which he so ably champions, and which I so obediently followed, lamblike, as I always do. We discontinued the permanent staff and provided instead details into these staff places and a return to the line; and hereafter when they go to the staff for a Chief of Staff they will have a man who has served in the line, as he should have served.

It has been stated in high places, and reiterated in the newspapers, in the interest of two or three individuals, that this is personal legislation. If you will study it a moment, it will be seen that it is general legislation in the sense that it does not apply to persons as such, except that it may tread on the toes of a few now whom we shall be glad to take care of hereafter; but, so far as the future is concerned, these staff officers are all to be officers who will come within the restrictions proposed, because all will have served in the line and most of them in the staff also.

Mr. ROOT. They might and they might not.

Mr. President, it is but a short time, and a very few years, since my friend the Senator from Wyoming was distinguished here as a shepherd. I am glad to find that he has changed his character and become a lamb.

Mr. WARREN. Well, that was said much to my credit, but it was a compliment that I did not deserve. I retreated, lamblike, and I stand here now being bastinadoed, if I may use that word, as usual, and as the poor lamb usually does.

Mr. ROOT. Mr. President, I am afraid that the lamb met a wolf in conference. [Laughter.]

Mr. WARREN. It might be so. I only wish from the bottom of my heart that the Senator from New York had been one of the conferees in that long-drawn-out contest.

Mr. WILLIAMS. You think you are meeting wolves now, do you not?

Mr. WARREN. Not at all, except in the distance. Of course it is an ungracious and uncomfortable thing for a man to have to serve, supposedly with the confidence of a body of which he is a member, in long-drawn-out contests, where he has the House from its corner with its gloves on and sponges ready, and with the heads of the War Department from another corner, when they had originally been seemingly partners with the House, having cooperated with it in what, in substance, came in the House bill, and then to be dissected on this floor, as we are, by men of eminent qualities of law. I am reminded when I think of the many doctors in the Army, and so forth, that doctors and lawyers seldom ever agree. I think the Senator from New York will find very few lawyers in this body, illustrious a lawyer as he is, who will agree with his proposition that this is applicable, as the language here reads, in time of peace and not in time of war.

Mr. ROOT. I have tried to express my very high appreciation of the great part of the work which the managers on the part of the Senate did in the conference, and I hope the Senator from Wyoming will believe in the sincerity of my remarks.

Mr. WARREN. I do entirely, although the situation is very much plainer to the man who has been under the hobnailed shoes of conference for two or three weeks than it is to the Senator who simply looks over the result. I think there ought to be some consideration given to that. Sometimes we are lucky to be alive and to get out of a scrap in that way. Now, if the Senate believes that I am in the habit of allowing the other House to bulldoze me in conference, I hope that they may never again put the responsibility on me of going into such conferences, but I believe I have not that reputation, or I certainly do not have it upon the House side, whatever may be thought here.

Mr. ROOT. Well, Mr. President, I think that this piece of legislation is a price that we ought not to pay, and I put to the Senate the proposition that the history of the United States shows that the criterion which it is proposed to accept as a limit upon the President's right of selection is not a wise and a sound one, for it would have excluded Gen. George B. McClellan both on the score of service and——

Mr. WARREN. We had no such office then.

Mr. ROOT. I know; but if there had been he would have been excluded.

Mr. WARREN. The officers of that day are dead and gone. They held the offices to which they were eligible.

Mr. ROOT. Who would say that Gen. McClellan would not have made a good Chief of Staff? This restriction would have excluded Gen. Robert E. Lee. Will anyone say he would not have made a good Chief of Staff? It would have excluded Gen. Sheridan; it would have excluded Gen. Meade; it would have excluded Stonewall Jackson; it would have excluded Gen. Schofield, and a dozen others.

Mr. WARREN. All of whom had valiant service in wars and were eminently fitted therefor, and all of whom had the honors that came to them, and which, we hope, will come to officers in the future. There is no occasion to speak of them in connection with the present office of the Chief of Staff.

Mr. DU PONT. Mr. President, I think the statement about Gen. Schofield is erroneous. He was an Artillery officer, to my certain knowledge, for a great many years. I do not see how he could possibly have been excluded.

Mr. ROOT. I am so advised.

Mr. DU PONT. I have also been advised that this would not have excluded Gen. Sheridan.

Mr. WILLIAMS. Nor Gen. Lee.

Mr. WARREN. The Senator has been misadvised; that is all. I did not care to take up that point, but it is true, as my colleague on the committee [Mr. DU PONT] has stated, that there are several who are included in that list who would not have been excluded. Such statements make good newspaper reading, but they are not true.

Mr. ROOT. That may be. I asked for a memorandum as to the officers who did not comply with this criterion, and I read from the list which was furnished me from the War Department; and I read these names for the purpose of showing that the criterion proposed is not a just criterion, and that that limitation ought not to be put upon the President's selection, because the very men whom everyone will say would have been admirable chiefs of staff do not comply with it. It is imposing, instead of the criterion of brains, and character, and ability, the criterion of detailed service, which would be excellent as applied to the men who have to do with details, but of comparatively little use when applied to the men who have to deal with larger things.

Mr. President, that is the substance of what I have to say, except this: Why is this criterion proposed? The Senator from Wyoming and the Senator from Delaware have made a loyal fight for the conference report, including this provision which they did not propose, but to which they have yielded. Why is it proposed, when all of us now know, Mr. President, that it arose from personal considerations, and that you might as well adopt a provision saying that after the 5th day of March no man whose initials are L. W. should ever be detailed as Chief of Staff?

Mr. WARREN. Mr. President, I wish to say that the Senator may have information which I do not have, but I think the conferees on both sides will bear me out in the statement that not a disrespectful word was said in any of the meetings of the conferees, nor was there anything said there which could have given offense to the officer whose initials the Senator has stated. There was no feeling shown, to my knowledge, on the part of the conferees, but, on the contrary, the records of this Senate will show where my friendships have been and where my efforts have been in upholding the officer referred to on many occasions, and on at least two occasions when severe contention followed proposed promotion. There was, as I have stated, not a disrespectful word; there was no reference whatever to the differences that may have occurred heretofore, and they were not considered and had no place in conference.

Mr. JOHNSTON of Alabama. Mr. President, the Senator from New York and the Senator from Massachusetts seem to have objections to legislation on an appropriation bill. That does not appeal to me if it is good legislation and has been considered by the Senate; but the provision that has been adopted here was never considered either by the Senate or by its Committee on Military Affairs, and was never discussed by either. The question now comes up, and without any consideration whatever as to its details by the Senate or the committee it is proposed now to act upon it. If it were a good provision, I should not object, but I do not think it a good one. I prefer the House provision to that of the conferees, I think the House provision is very much better than the one agreed to by the conferees. That provision adopted the old law in this respect entirely, and made no change; it prescribed no qualifications for the Chief of Staff that had not heretofore prevailed; and it required no number of years' service in the line below the rank of colonel, as does this report.

I do not think, Mr. President, such a radical departure from the old law should be made by the conferees without taking the sense either of the Committee on Military Affairs or of the Senate. I object to it because it seems to be personal legislation. There are only two or three officers who would now be eligible for appointment who are eliminated from possible appointment forever. If we are to surrender the many provisions that have been surrendered by the committee in conference for the single purpose of saving the Cavalry, I think we have surrendered more than we got; it seems to me that the Senate saved the Cavalry and the House rode off on the horses.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. JOHNSTON of Alabama. I yield.

Mr. WARREN. The Senator ought to know that it is not true that a trade of that kind was made.

Mr. JOHNSTON of Alabama. I say the Senate saved the Cavalry and the House rode off on the horses.

Mr. WARREN. I am alluding to the Senator's expression just before that, that we had traded for the Cavalry about everything else.

Mr. JOHNSTON of Alabama. I did not say "trade" at all.

Mr. WARREN. Then, I misunderstood the Senator.

Mr. JOHNSTON of Alabama. I said we surrendered more valuable things than we received.

Mr. WARREN. That is a matter of opinion; but the Senate, of course, will express its opinion as to that.

Mr. JOHNSTON of Alabama. Yes; and I am expressing my opinion now. I object to this conference report in regard to the supply department, because it does a great injustice to many good officers who have served long and faithfully, who ought to be considered. I think preferences have been given that should not have been given. I believe, Mr. President, that the Senate has a right to consider all these matters that have been agreed to in conference, and, if it does not approve of them, it ought to send the bill back to conference.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. JOHNSTON of Alabama. Certainly.

Mr. WARREN. I will say to the Senator that I take no issue with him about whether the Senate sends it back or not; but it so happens that as to the amalgamation of certain departments of the Army, and the relation of those offices one with another, we succumbed to the entreaties of the department and put them in the way proposed, rather than to undertake to equalize them in any other way. That was done not only according to the law but according to the expressions that we received from the department.

Mr. JOHNSTON of Alabama. Yes; but I think the conferees overlooked many matters in that connection in the haste of the conference. I have no doubt the Senator would have been glad to have provided that no injustice be done anywhere; but legislation can not be had in conference as it can in the open Senate, and what I object to is that this legislation has never been considered by the Senate and never considered by the Committee on Military Affairs, who had charge of the bill. I shall therefore vote to send the bill back to conference.

Mr. CULBERSON. Mr. President, I simply want to ask a question of the Senator from Wyoming. So far the conference report has been discussed apparently from the standpoint of one officer. I will ask the Senator what this bill does in the way of reducing the Army expenses to the people of the United States below the bill of last year?

Mr. WARREN. As I remember, this bill is something like two or three million dollars, and perhaps $4,000,000, less than the bill of last year.

Mr. DU PONT. Mr. President, the chairman of the Military Affairs Committee of the House has said in his report to the House that this bill reduces expenditures about $10,000,000. That is his estimate.

Mr. BRISTOW. Mr. President, speaking of the reduction of expenses, the Senator from Wyoming offered as one of the reasons why the provision that has been under discussion was accepted, that it was necessary in order to save a decrease in the number of salaries. If it is a question of increasing or decreasing salaries, that ought to be settled on its merits. If the salaries ought to be decreased, they ought to be decreased; if they should not be decreased, then they should not be decreased; but we should not incorporate into a conference report legislation that was neither in the bill as it passed the House nor in the bill as it passed the Senate in order to save either an increase or a decrease of salaries.

The Senator also said that it was necessary to accept this report in order to save the five regiments of Cavalry. Well, as to whether or not the five regiments should be saved or lost is a question that ought to be decided on its own merits.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. BRISTOW. I do.

Mr. WARREN. The Senator puts it rather pointedly. I will say that, in order to compose the differences, there had to be a general understanding all along the line, each matter being taken up tentatively, and nothing of importance could be settled until all were settled. That is all I intended to imply, but I do say that, in my judgment, the essential points valuable to the service were retained a great deal more largely by the Senate than by the House. That is my opinion.

Mr. BRISTOW. I simply rose to say that all the disputed questions which the Senator says have been yielded ought to have been settled upon the merits of each particular question. To bring into the bill a legislative provision which neither the Senate nor the committee had any opportunity to consider and then require us to take it or not, without any opportunity for amendment, it seems to me is unfair and unjust.

Mr. WILLIAMS. Mr. President, undoubtedly the Senator from Kansas is right when he says that the question of salaries is a question to be considered upon its merits; that the question of the consolidation of the quartermaster service and the commissary service is a question to be considered upon its merits; and that the question of the five regiments of Cavalry is a question to be considered upon its merits; but, undoubtedly, the Senator is absolutely wrong in his omissions or pretermissions. It is true that these questions are to be considered upon their merits; but by whom? Not by the Senate alone. The House is an equal and coordinate body with us; they have a right to consider these questions upon their merits, and they did so consider them, or, at least, it is our duty to assume that they did. They sent a bill here. A conference is held and the contending parties meet, each having considered each question upon its merits and each having come to a conclusion, each conclusion being worthy of equal consideration.

Mr. President, it would make the gods themselves upon Olympus roar with laughter to hear the Senator from Massachusetts this morning when he dramatically and rhetorically exclaimed, "The Senate of the United States has some rights!" For a man who has served here for years in either of these two bodies it is a well-known and a notorious fact that, as a rule, the House in conference surrenders. Thomas Jefferson long ago predicted that that would be the case, because, he said, the Senators, with their longer tenure of office, most of them living in the city of Washington in their own houses, would never be impatient about going home, while Members of the House, living elsewhere, would be impatient about going home, and that in an extended struggle between the two Houses the Senate would generally prevail.

This country never has been injured thus far by the House prevailing in conference, because it has seldom prevailed. It has been injured in a very great many cases by the fact that the Members of the House, anxious to go home, would give up principles well worthy contention in order that they might go home, especially in years when a campaign was on hand; and, of course, they have to run every other year.

Whatever may be the merits of this particular clause of the conference report, taking it all in all, I confess that I have some doubt about it. I have at least this extent of doubt about it: If I thought this clause of the conference report—section 5—was a

blow aimed at Gen. Leonard Wood—and there is no reason why his name should not be mentioned, if gentlemen have it in their minds—I for one would not strike the blow. I think the man is pretty nearly a genius. I think he is a man with an immense lot of brain, and that he is very well fitted for just exactly the sort of work he is doing right now.

Moreover, if I thought this clause would hamper or fetter the President in time of war, when a man always wants to prove his worthiness for action upon the battle field or in a campaign, I should not vote for it at all. I do not think it will do so, however; and I will tell you why in a moment.

But before I say that I want to say this, Mr. President: I never heard of but one war or campaign being won by a staff; and it happened in that case that the chief of staff was also the general in command of the army. That was when Von Moltke invaded France.

Take our late War between the States. The generals on both sides would have been infinitely better off in a great many cases if their staffs at Washington and Richmond had let them alone. The most ridiculous thing in the history of the world was the old Aulic Council of the Austrian Empire, sitting down in Vienna, drawing plans, and expecting Napoleon Bonaparte to pay some attention to them, which he did not do.

I am thoroughly of the opinion that a segregated staff is a misfortune. I am thoroughly of the opinion that the men who serve upon the staff and the men who serve in the line ought to be going backward and forward all the time; and that every man in the Army, of the requisite rank, ought to have an opportunity to master the staff function and an equal opportunity to master the line function.

In time of war all rules and regulations are abrogated. If, in time of war, a man made himself known, as Stonewall Jackson did in the valley campaign, or as Napoleon Bonaparte did in his first Italian campaign, or as Bedford Forrest did—a man who had never had a day's training in soldiery—a wise Executive would advance him and promote him. The life of an army in time of war is the principle Napoleon laid down when he said he wanted each private soldier to believe he carried a marshal's baton in his knapsack.

But that does not hold good at all in time of peace. You can not go around guessing at who has military genius. There is no opportunity in time of peace to show whether a man has or has not military genius. Napoleon Bonaparte would have been a very bad soldier in a peace establishment—crabbed, irritable, impatient, insubordinate. Many another great soldier would have been exactly in the same shoes.

Coming now to the question whether this language applies to war or not; the Senator from New York has said it does. I very much dislike to differ from one of such clear and lucid powers of expression, and who, therefore, is to be presumed to be equally capable of deciphering another man's expressions. But there is no doubt about the meaning of this language. Let us see what it is:

That hereafter, except in time of war or when war is imminent, no officer who, etc.

What have you in what I have read? You have, first, the condition of time. You have, second, the condition of exception. You have, third, the subject of the sentence. That subject continues to be the subject of the sentence until the sentence concludes.

Now, let us go along a little bit further:

Hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible—

And so on, until you get to the comma.

Neither shall any officer—

You have there the words "no" and "neither." The "neither" refers back to the "no," of course; and both of them refer to the condition of time, the condition of exception, and the subject of the sentence.

If this had read, "neither shall he, after the 5th of March, 1913, be," and so forth, nobody would have raised the point. But the conferees have repeated the subject in words, "no officer," "neither shall any officer." If they had happened to say "neither shall he," there would not have been any doubt at all in the mind of the Senator from New York.

There is not the slightest doubt about the fact that this language does not apply to a time when war is either on or imminent. Therefore it would not prevent the President of the United States from recognizing the capacity and genius of some man who, in the throes of war, had shown himself fit to contend with circumstances and who, in the very tumult of war, had shown himself fit to face it with a master's eye, a master's foresight, and a master's hand.

Military genius is a very peculiar thing. In few wars have accomplished engineers made great generals. Perhaps the greatest engineer upon the Confederate side in the war between the States was P. G. T. Beauregard, who never was a success in the field. Gen. Lee was an exception—a great engineer and a great general in the field as well. Grant did not belong to the Engineer Corps; Phil Sheridan did not.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. WILLIAMS. I do.

Mr. DU PONT. I should like to call the attention of the Senator from Mississippi to the fact that Gen. Lee served for five years in the line.

Mr. WILLIAMS. I know it. Gen. Lee served for 10 or 12 years in the line altogether.

Mr. DU PONT. My point was that his service was not exclusively as an engineer.

Mr. WILLIAMS. I say he was one of the few men who was great in both capacities. The engineering work that he did at Charleston, right at the beginning of the war, was so absolutely complete that although Charleston was one of the places eagerly sought by the Federal Army for political as well as for strategical purposes it was one of the last to give way. Yet in the field Gen. Lee was the equal of almost anybody as a strategist and a tactician.

Napoleon Bonaparte was a very good engineer and a very great general. Stonewall Jackson was not a great engineer; Grant was not; Sheridan was not; and while I do not remember about Sherman, I do not think he was. I do not think he ever went into the Engineer Corps.

Mr. DU PONT. He was an Artillery officer.

Mr. WILLIAMS. He was in the Artillery, and did not graduate at West Point into the Engineer Corps, did he?

Mr. DU PONT. No; he did not.

Mr. WILLIAMS. I thought not.

The point I am trying to make is that a peace establishment and a war establishment necessarily must be different. They ought not to be different if you could find out the men in time of peace; but you can not. They have had no opportunity to prove themselves.

The Senator from New York says he would hate to have things in such a condition that when a war came we would have to displace incompetent men in the staff and replace them with competent men. So would I. But it is one of the chances you must take, because you have no way of absolutely finding out what men are competent upon the field of battle except when you give them the field of battle, nor what men are competent as tacticians and strategists in a campaign unless you face them with a campaign.

As I said a moment ago, Von Moltke was the only great chief of staff I ever heard of who at the same time was a general in command of an army. His was the only campaign in history that I recall now that was ever won by a staff officer's plan. In that case he was great in both capacities, and that was probably the reason of his success.

Mr. BRISTOW. The Senator from Mississippi has referred to the remarks I made in regard to the settlement of the question of salaries upon its merits, and the settlement of the question of the five regiments of Cavalry upon its merits.

I did not desire to convey the idea that the House has not its rights, just as the Senate has. Of course that is recognized. But when there is a difference between the House and the Senate as to the size of the Cavalry branch of the service, as to the number of regiments of Cavalry the Army ought to have, the question is one for the House and the Senate to decide. Certainly it is not justifiable to yield a point as to the Cavalry we need in order to secure some other provision as to who shall be eligible to the office of Chief of Staff. And the same may be true of the salaries to be paid.

I am in hearty accord with what the Senator said in discussing the promotion that officers receive in time of war for gallantry and meritorious service. But here is a provision in the bill that would prevent the President from appointing to the highest and most responsible office in the Army, that of Chief of Staff, a man who, by meritorious service in the line in time of war, has rendered valuable service to the country. Why should Congress incorporate in this bill a provision that would make it impossible for the President to appoint Gen. Funston Chief of Staff if, in his judgment, it should be desirable to do so?

The Senator from Wyoming says he is perfectly willing to make an exception in behalf of Gen. Funston. I think that is a recognition of the merits of a very worthy and efficient man. But this is general legislation; and in the future other men will distinguish themselves as Gen. Funston has. We ought not to have a provision in the bill that will render them ineligible to high promotion in time of peace. The fact

that a man renders conspicuous service in time of war is a reason, of course, why he should be promoted in time of war, but that does not justify us in passing a law that will prevent a proper recognition of that man in time of peace.

Mr. HITCHCOCK. Mr. President, I want to say a word in opposition to the conference report.

As a member of the Committee on Military Affairs I had some little interest in the makeup of the bill. If I had followed my own disposition it would have been to sustain some, possibly all, of the legislation proposed by the House of Representatives. It was decided in committee, and it was decided on the floor of the Senate, that we would take a position against legislating in this appropriation bill, and practically speaking, the legislation was cut out upon that understanding.

The bill went into conference, and it now comes back to the Senate. Instead of containing legislation proposed by the House of Representatives, discussed in public, weighed in public, and voted on in public, it now contains legislation agreed upon by the conferees, who certainly ought to have no power to present such new legislation to the Senate in the absence of any opportunity to consider it, in the absence of any opportunity to amend it, and without any information as to how the Senate stands upon that legislation.

I agree with what has been said against the proposition contained in the conference report, which practically can be construed as nothing more nor less than an attack upon Gen. Wood. I have no particularly strong partisan feeling for Gen. Wood; but I think it is a misuse of legislation, particularly of legislation by a conference committee, to single out an officer of the Army and disqualify him from further continuance in his office or for reappointment to his office.

But that is not all that I find fault with in the conference committee report. The conference committee not only usurps the functions of the House and the Senate in creating new legislation, but it assumes executive functions. It names and appoints a board of retired officers to constitute, with two Senators and two Members of the House of Representatives, a commission to take into consideration the military posts of the United States.

If it had been found proper by the conference committee to make that radical change in the House and Senate bill by the creation of a commission, it at least might have left the selection of the members of the commission to the War Department or to the President. But the conference committee has specifically named the officers of the Army who shall constitute that commission.

Mr. BRISTOW. If the Senator will yield——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. HITCHCOCK. Certainly.

Mr. BRISTOW. Let me suggest, also, that it might have been left to the President of the Senate and the Speaker of the House to name the persons who shall represent the Senate and the House. I thoroughly agree with the Senator from Nebraska that the report simply incorporates in the bill the names of the officers that the conferees want appointed on the commission.

Mr. HITCHCOCK. Certainly the conference committee went outside of its proper functions when it undertook to select the officers of the Army who shall constitute this commission.

The same conferees provide that there shall be selected two Senators from the Military Affairs Committee of the Senate and two Representatives from the Military Affairs Committee of the House to act with the military officers. I am rather surprised that they did not also name the Senators. They are certainly more qualified to judge as to the fitness of Senators to sit upon the commission than they are to judge of the fitness of military officers to represent the War Department upon the commission.

So, Mr. President, I object to this conference report, in the first place, because the Military Affairs Committee took such action as to indicate that it was against legislation; and I, for one, if I were up against the necessity of accepting legislation, would much prefer to accept the legislation proposed by the House of Representatives rather than the legislation proposed by the conference committee.

I want to say to the Senator from Texas, who raised the point here a few moments ago, that the conference report does work some economy in the expenditures of the War Department, to the extent, I think, of some $2,000,000. Yet the fact is that the House bill, if it had been accepted in the form in which it came to the Senate, would have saved some $10,000,000. So, if there is any argument of economy, in my opinion, the House bill, with its legislation, would have been infinitely preferable to the bill which has come from the committee of conference.

I also agree with what the Senator from Alabama says, that in the midst of this legislation, which is evidently designed to strike down some officers and promote other officers, an attempt apparently has been made to discriminate against the departments to be consolidated into the supply department; and the strange anomaly in legislation is proposed that the first head of the Supply Department shall be a major general, whereas upon his retirement only a brigadier general shall be named to succeed him. Upon its face, in the absence of any explanation, that looks like an attempt to legislate in favor of one particular officer of the Army. I do not know that it is. I do not charge that it is.

Mr. WARREN. Mr. President, I wish the Senator would be consistent with himself. A moment ago he accused the committee of naming men. He now accuses it of naming men when they are not named.

I have no more idea than has the Senator whom the President may appoint as chief of this department. The House bill, as it came to us, provided that the office should be held by a major general continually. We believed that the first man, whoever he may be—and we had confidence that the President will select a man who has had experience in some of those staffs—deserves better than those that may follow him, in that he will have the first organization of the great bulk of the work, and will have to exercise the great skill that will be necessary to amalgamate those departments.

We of the Senate demanded that this officer should be a brigadier general only. But as between a brigadier general only, for all time, and the House proposition to have a major general for all time, the Senator will see that we did not transcend any bounds of proper conference when we compromised and said it should be a major general during the period of construction and afterwards a brigadier general.

Mr. HITCHCOCK. I hope when the matter again goes to conference the Senator from Wyoming, on behalf of the Senate, will insist that the office shall be held by a brigadier general. If that insistence is made effective I believe it will be a sufficient answer to the rumors, which have been universal, that the major generalship is intended for a particular individual who is favored by certain parties in important position. I have not charged that the Senator from Wyoming nor any member of the Senate committee——

Mr. WARREN. I will say to the Senator that I have been a constant reader of the newspapers, and I have knocked about quite a good deal among Senators and others, but the Senator is alluding to what I have never heard alluded to by anybody else—that some particular man is selected for that position. I do not believe that to be accurate.

Mr. HITCHCOCK. I think it will be sufficient assurance that that will not occur if the opportunity for promotion is not offered—if the head of the department is required to be a brigadier general at first as well as at any subsequent time.

Mr. WARREN. In fact, I do not know now to whom the Senator is alluding. I have not the faintest idea.

Mr. HITCHCOCK. I do not propose to tell the Senator, although it is a matter which has been talked of so generally, that I am very much surprised that it has not reached his ears; but, in any event, there is no reason that the Senator from Wyoming can advance—and I understand from the position he takes that he does not believe there is any defense for it—why the first head of that new department should be a major general, except for the purpose of giving a promotion to a certain individual.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BRISTOW. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is paired with the senior Senator from Missouri [Mr. STONE]. I understand that both those Senators would, if present, vote for the adoption of the conference report.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE]. I will therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I will withhold my vote.

Mr. MARTIN of Virginia (when Mr. LEA's name was called). The Senator from Tennessee [Mr. LEA] is unavoidably absent owing to affliction in his family. He is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BRANDEGEE]. In his absence, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], and I therefore withhold my vote.

Mr. POMERENE (when his name was called). On this question I am paired with the junior Senator from Tennessee [Mr. SAUNDERS] and withhold my vote.

Mr. RAYNER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. SUTHERLAND]. The senior Senator from Massachusetts [Mr. LODGE] informs me that the junior Senator from Utah would vote "nay" if present. So I will vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is necessarily absent. If present, he would vote "yea." I understand that he is paired with the junior Senator from South Carolina [Mr. SMITH], who would also vote "yea" if present.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am advised that if he were present he would vote as I should vote. I will therefore vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. If he were present, I should vote "yea."

Mr. TOWNSEND (when his name was called). I am paired on this vote with the junior Senator from Indiana [Mr. KERN]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arkansas [Mr. DAVIS], and I desire to vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I wish to inquire if he has voted.

The VICE PRESIDENT. He has not.

Mr. BURNHAM. Then I withhold my vote, as I am paired with that Senator.

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate.

The result was announced—yeas 27, nays 24, as follows:

YEAS—27.

Bourne	Fletcher	Martine, N. J.	Simmons
Catron	Foster	Myers	Swanson
Chamberlain	Gronna	Oliver	Tillman
Crawford	Lorimer	Overman	Warren
Culberson	McCumber	Page	Wetmore
Cullom	McLean	Perkins	Williams
Dillingham	Martin, Va.	Shively	

NAYS—24.

Ashurst	Chilton	Jones	Root
Bacon	Cummins	Lodge	Smith, Ga.
Bradley	Gore	Percy	Smoot
Bristow	Hitchcock	Poindexter	Stephenson
Bryan	Johnson, Me.	Rayner	Thornton
Burton	Johnston, Ala.	Reed	Works

NOT VOTING—43.

Bailey	Curtis	Kern	Richardson
Bankhead	Davis	La Follette	Sanders
Borah	Dixon	Lea	Smith, Ariz.
Brandegee	du Pont	Lippitt	Smith, Md.
Briggs	Fall	Nelson	Smith, Mich.
Brown	Gallinger	Newlands	Smith, S. C.
Burnham	Gamble	O'Gorman	Stone
Clapp	Gardner	Owen	Sutherland
Clark, Wyo.	Guggenheim	Paynter	Townsend
Clarke, Ark.	Heyburn	Penrose	Watson
Crane	Kenyon	Pomerene	

So the report of the committee of conference was agreed to.

Mr. DU PONT. I understand that I am not recorded on the vote just taken. I desire to inquire if that is correct.

The VICE PRESIDENT. The Senator from Delaware is not recorded.

Mr. DU PONT. I ask unanimous consent to record my vote.

The VICE PRESIDENT. That can not now be done.

Mr. DU PONT. I will say that if my name had been called I would have voted in the affirmative.

The VICE PRESIDENT. The Senator's name was called.

Mr. DU PONT. I was present in the Chamber. Then I could not have heard it.

PUBLIC BUILDING AT LAS CRUCES, N. MEX.

Mr. WARREN. Before I ask the Senate to proceed with the legislative appropriation bill I yield to the Senator from New Mexico [Mr. CATRON], who has a bill he wishes to call up.

Mr. CATRON. I ask unanimous consent to call up the bill (S. 6745) to provide for the erection of a Federal building in Las Cruces, N. Mex.

The VICE PRESIDENT. The bill will be read for information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 9, before the word "thousand," to strike out "seventy-five" and insert "ten," and in line 10, after the word "dollars," to strike out the remainder of the bill in the following words, "and there is hereby appropriated the amount of one hundred and seventy-five thousand dollars for such construction," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable building for the use and accommodation of the United States post office, United States court and land office, and other Government offices in Las Cruces, Dona Ana County, N. Mex., upon the site heretofore authorized, at a total cost of not more than $110,000.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that House bill 24023 be now proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will begin the reading at the point where it was discontinued.

The reading of the bill was resumed at page 124, line 14.

The next amendment of the Committee on Appropriations was, under the head of "Department of Justice," on page 124, line 17, before the words "Assistant Attorneys General," to strike out "six" and insert "seven"; in line 21, before the word "attorneys," to strike out "three" and insert "four"; in line 22, after the word "arising," to strike out "therefrom" and insert "from such condemnation proceedings"; on page 125, line 4, after the word "attorneys," to insert "one at $4,000"; in line 5, after the word "each," to strike out "one at $2,500" and insert "two, at $2,500 each"; in line 13, after the word "law clerks," to insert "one at $2,500"; in line 18, before the words "disbursing clerk," to insert "assistant superintendent of prisons, $2,000"; in line 19, after the words "Chief of," to strike out "division" and insert "Bureau"; in line 21, after the sum "$1,800," to insert "clerk to also act as disbursing clerk during absence of the disbursing clerk, $2,000; clerk in charge, Division of Mail and Files, $2,000; clerk in charge, Division of Supplies, $2,000"; on page 126, line 1, before the words "of class 4," to strike out "eight" and insert "four"; in the same line, before the words "of class 2," to strike out "six," and insert "seven"; in line 2, before the words "of class 1," to strike out "fifteen" and insert "sixteen"; in the same line, before the words "at $1,000 each," to strike out "thirteen" and insert "fifteen"; in line 3, before the words "at $900 each," to strike out "twenty" and insert "twenty-two"; in the same line, after the word "each," to insert "clerk in charge stenographic division, $1,600"; in line 5, before the word "messengers," to strike out "five" and insert "seven"; and in line 13, after the words "in all," to strike out "$407,610" and insert "$437,090," so as to make the clause read:

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $7,000; 7 Assistant Attorneys General, at $5,000 each; Assistant Attorney General of the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 4 attorneys, at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 at $4,000, 1 at $3,750, 3 at $3,500 each, 1 at $3,250, 12 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 at $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 at $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $2,000; clerk to the Attorney General, $1,600; stenographer to the Solicitor General, $1,600; law clerks—1 at $2,500, 3 at $2,000 each, 2 of class 4, clerk in

office of the Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; assistant superintendent of prisons, $2,000; disbursing clerk, $2,750; appointment clerk, $2,000; Chief of Bureau of Investigation, $3,500; examiners—3 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, 3 at $1,800 each; librarian, $1,800; clerk, to also act as disbursing clerk during the absence of the disbursing clerk, $2,000; clerk in charge, Division of Mail and Files, $2,000; clerk in charge, Division of Supplies, $2,000; clerks—4 of class 4, 12 of class 3, 7 of class 2, 16 of class 1, 15 at $1,000 each, 22 at $900 each; clerk in charge, stenographic division, $1,600; chief messenger, $1,000; packer, $900; messenger, $960; 7 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $840; 22 charwomen. Division of Accounts; Chief of Division of Accounts, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4, 4 of class 3, 6 of class 2, 5 of class 1, 2 at $900 each; in all, $437,090.

The amendment was agreed to.

The next amendment was, on page 126, after line 13, to strike out:

The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that Department.

The amendment was agreed to.

The next amendment was, on page 127, line 5, after the word "exceeding," to strike out "$50" and insert "$200," so as to make the clause read:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car tickets not exceeding $200, and other necessaries, directly ordered by the Attorney General, $25,000.

The amendment was agreed to.

The next amendment was, on page 127, line 9, after the words "repairs of," to strike out "wagons" and insert "vehicles," so as to make the clause read:

For official transportation, including purchase and exchange, keep, and shoeing of animals, and purchase, exchange, and repairs of vehicles and harness, $2,500.

The amendment was agreed to.

The next amendment was, on page 127, line 11, after the words "Department of Justice," to strike out "$31,580.40" and insert "$32,200," so as to make the clause read:

For the rent of buildings and parts of buildings in the District of Columbia used by the Department of Justice, $32,200.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 128, line 6, after the word "superintendent," to strike out "$3,000" and insert "$3,500"; in line 7, after the sum "$3,000," to insert "deputy disbursing clerk, $2,000"; in line 10, before the words "of class 4," to strike out "ten" and insert "nine"; in line 11, before the words "of class 2," to strike out "twelve" and insert "thirteen"; in the same line, before the words "of class 1," to strike out "eleven" and insert "twelve"; in the same line, before the words "at $1,000 each," to strike out "ten" and insert "eleven"; in line 15, after the sum "$1,000," to insert "forewoman of char force, $840"; in line 18, before the word "laborers," to strike out "eighteen" and insert "seventeen"; in line 19, after the words "chief watchman," to strike out "$900" and insert "$1,000"; and in line 20, after the words "in all," to strike out "$170,300" and insert "$174,880," so as to make the clause read:

Office of the Secretary: Secretary of Commerce and Labor, $12,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,800; private secretary to Assistant Secretary, $2,100; chief clerk and superintendent, $3,500; disbursing clerk, $3,000; deputy disbursing clerk, $2,000; Chief of Appointment Division, $2,500; Chief, Division of Publications, $2,500; Chief, Division of Supplies, $2,100; clerks—9 of class 4, 11 of class 3, 13 of class 2, 12 of class 1, 11 at $1,000 each, 6 at $900 each; 2 telephone operators, at $720 each; messenger to the Secretary, $1,000; 5 messengers; 10 assistant messengers; 7 messenger boys, at $480 each; engineer, $1,000; forewoman of char force, $840; 3 skilled laborers, at $840 each; 2 conductors of elevators, at $720 each; 2 firemen, at $660 each; 17 laborers; 5 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $1,000; 11 watchmen; 18 charwomen; in all, $174,880.

The amendment was agreed to.

The next amendment was, on page 129, after line 18, to strike out:

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, on page 129, line 23, after the words "chief clerk," to strike out "$3,000" and insert "$3,250," and, on page 130, line 4, after the words "in all," to strike out "$102,160" and insert "$102,410," so as to make the clause read:

Bureau of Labor: Commissioner of Labor, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,250; 4 statistical experts, at $2,000 each; clerks—5 of class 4, 5 of class 3, 6 of class 2, 12 of class 1, 9 at $1,000 each; 2 copyists; 2 assistant messengers; 2 laborers; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; in all, $102,410.

The amendment was agreed to.

The next amendment was, in the items under the subhead "Bureau of Labor," on page 130, line 9, after the word "assistance," to insert "to be paid at the rate of not exceeding $6 per day," so as to make the clause read:

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $6 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein, $64,090.

Mr. WARREN. I move to amend the amendment by increasing the amount from $6 to $7.50.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 10, before the word "dollars," strike out "$6" and insert "$7.50," so as to read:

To be paid at the rate of not exceeding $7.50 per day.

Mr. OVERMAN. Being on the committee and being the author of the amendment, I will state that I have no objection to the amendment to the amendment. I understand the chairman of the committee agrees that I shall introduce an amendment to come in at the end of the bill providing that hereafter no salary shall be increased by a lump sum.

Mr. WARREN. I shall not object to that.

Mr. OVERMAN. I have found, on an examination, that the salary of one man there has been increased from $1,800 to $2,780, of another from $2,000 to $2,780, of another from $2,000 to $2,525, of another from $2,000 to $2,280, and of another from $1,800 to $2,000, besides others ranging from $1,600 up. If we fix this rate, it will give them about the salary they are now receiving, and I propose at the end of the bill to offer an amendment providing that no salary shall be increased from a lump sum.

Mr. CUMMINS. The amendment proposed by the committee as printed fixes the limit at $6 a day. I think it ought to be $8 a day. I do not think it ought to be split between what is really desired and what the committee has reported. I do not think that the work which has been done and which is expected to be done by these experts can be procured for $7 a day.

Mr. OVERMAN. We figured it out that at $7.50 a day it is just about the salary they are now getting.

Mr. CUMMINS. I believe the commissioner ought to have the power to go to $8 per day. I move to strike out "$7.50" and insert "$8." That is the law now.

The VICE PRESIDENT. As there is an amendment to the amendment now pending, it would be necessary first to vote upon the amendment to the amendment.

Mr. WARREN. The Senator from Iowa says it is the law now. Where does he find that law?

Mr. CUMMINS. I am advised that it is in the law now. I can not give the book and the page of the law.

Mr. WARREN. I do not understand that there is any law about it. I understand it could be $20 or any other sum.

Mr. OVERMAN. He can make it $400 a day if he wants to.

Mr. CUMMINS. I am not so advised. I will not assert it positvely, because I do not know.

Mr. OVERMAN. I think the Senator is mistaken about there being any provision fixing the amount of per diem.

Mr. CUMMINS. I may be. I do not assert it on my own examination of the question, but only upon information.

Mr. OVERMAN. It is unlimited, as it is now.

Mr. CRAWFORD. May I inquire if this sum of $7.50 or $8, as the Senator from Iowa proposes, will leave the compensation of the experts in this bureau about as they are now or will it amount to a reduction?

Mr. OVERMAN. What is proposed by the Senator from Wyoming is about the same as the amount they now receive, as I calculate it.

Mr. CRAWFORD. I make the inquiry because I think it would be poor economy, indeed, to reduce the compensation of the class of men upon whose reports we must rely in many, many very important matters of legislation. I doubt the wisdom of the economy that would reduce the compensation of that class of men.

Mr. WARREN. It was not the idea of the committee, I think, to make a reduction. The Senator from Utah [Mr. SMOOT] has the figures.

Mr. SMOOT. The change of amount from $6 to $7.50 per day will affect only two men, and I will admit that they are the two principal men in this department. They are Mr. Verrell and Mr. Croxton.

Mr. CRAWFORD. To what extent will it affect them?

Mr. SMOOT. Three hundred and sixty-five days, at $7.50, would be $2,737.50, and their compensation to-day is $2,760. It would affect the salaries only $22.50 a year.

Mr. CRAWFORD. Why should a small change like that be made at all? I know something about these men. We had occasion to use them, as the Senator knows. I know something about the value of their services and their faithfulness and their competency. That is a small compensation for that class of men. Why should we nibble away $35 or $40 from their salaries?

Mr. OVERMAN. It is not to affect these men, but other men who might hereafter be appointed. We do not criticize these men or make any reduction, except in arriving at a certain figure. Seven dollars and fifty cents a day will give them about the same salary they are now getting.

Mr. CRAWFORD. I would rather see men of that class get three or four thousand dollars rather than put them on starvation wages. I do not believe we will make anything by doing it.

Mr. SMOOT. Nobody knows the value of their services more than the Senator from Utah, because I have come in contact with them a great many times.

Mr. CRAWFORD. I know something of their faithfulness and reliability.

Mr. CUMMINS. What is the objection to allowing the maximum to be fixed at $8 a day?

Mr. OVERMAN. I think that that is probably too much.

Mr. CUMMINS. The Senator thinks that is half a dollar too mich?

Mr. OVERMAN. It does not apply to these men alone, but to other men who do that kind of work.

Mr. SMOOT. I call the Senator's attention to the fact that it is a difference of only $22.50, and I suggest that we let it go.

Mr. OVERMAN. It is too small a difference to have an argument over it.

Mr. SMOOT. It is. I hope the Senator will not object to it.

Mr. OVERMAN. I do not object. The only thing I want to do is to stop the salaries from being increased, so that when we fix the salary at $1,800 they are not to be given $2,700, or when we fix the salary at $2,000 they are not to be given $2,500. I do not care whether you make this $8 or $9, I want some rule established by which the salary when fixed shall continue, so that the Secretary can not take a lump sum and make the salary larger than we make it.

Mr. WARREN. Let the question be taken on the amendment of the Senator from Iowa to the amendment. I do not object to it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee, making the rate $8 per day.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CUMMINS. I do not want this to pass, however, without referring to an amendment which I think the Senator from North Carolina will offer, but which can not be offered now, namely, the salary of the four statistical experts. I assume that two of them are the men referred to by the Senator from Utah. At the proper time, if some one else does not do it, I propose to raise their compensation from $2,000 each to $2,760 and $2,520. As this is not the proper time to offer the amendment, I will wait.

The reading of the bill was continued.

The next amendment was, on page 131, after line 22, to strike out:

> In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work.

The amendment was agreed to.

The next amendment was, on page 132, after line 3, to insert:

> In making appointments of clerkships in the Census Office, hereinbefore provided for, at salaries of $1,200 or less, the Secretary of Commerce and Labor shall first select for appointment from those persons who may apply for such positions and who have had at least two years' experience in the Thirteenth Census work of the character required, and whose efficiency shall be certified by the Director of Census. And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable. If a sufficient number of those having such service and certification of efficiency is not obtainable, such further number as may be necessary shall be appointed from the civil-service registers, and those having had at least one year's service in the Thirteenth Census work shall have a preference right of appointment.

Mr. HEYBURN. I move to amend the amendment in line 8, page 132, by striking out "2 years" and inserting "18 months." This bill as passed by the House provided for one year. The Senate committee amendment makes it two years. That would eliminate some of the States entirely from participating in this patronage.

Mr. OVERMAN. Why not make it one year, as the House did?

Mr. WARREN. I think we should accept the amendment providing for 18 months.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Just a moment, allow me to finish my statement.

To make the time two years, as I have said, would eliminate some of the States entirely from participating in this patronage. It was stated that it was the intention that the apportionment should be maintained, and now some other State probably might require it to be reduced to one year; but the State of Idaho would be entirely eliminated from participating in this if it is retained at two years. None of their apportionment has served two years.

Mr. McCUMBER. If that amendment is——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield the floor?

Mr. HEYBURN. Yes; I yield the floor, but I will return to it if necessary.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I wish to say that if that amendment or any amendment reducing the time below two years is adopted, I would then ask that a further amendment be inserted at the end of line 10, which would read:

> *Provided*, That preference shall be given to those having the longest service.

The reason for that amendment is, that by doing this you are opening a roll of about four hundred. If you would get it down to 18 months, there will be called for, as I understand, about 75 clerks. If length of service is to be a merit, as it should be, in this case, then, at least, you ought not to compel the director in recalling those clerks to go over an entire list of four or five or six hundred, but should make it his duty to give preference to those who had the longest service. Some of them have had from two years to two years and nine months' service, or more than double the length of service that would be required under the amendment proposed by the Senator from Idaho.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. SMOOT. If the Senator's amendment were adopted, however, it would exclude representatives from some of the States that have just had a chance of getting somebody into the Census Office.

Mr. HEYBURN. The Senator does not mean that if my amendment is adopted it will do that?

Mr. SMOOT. No; I mean the amendment proposed by the Senator from North Dakota—not that proposed by the Senator from Idaho. If the amendment of the Senator from North Dakota is adopted, as suggested by him, as to some of the States which have only had a very few appointees in the Census Office and have had them of late, they would be excluded.

Mr. McCUMBER. No, Mr. President; the Senator is mistaken in that, because, if he will look at the other amendment, he will find that this would recognize the States as nearly as may be and their apportionment.

Mr. SMOOT. If the Senator will allow it to apply to the length of service as to the representatives of the States, then I would have no objection at all to the amendment.

Mr. McCUMBER. That is the way it will have to be applied. Now, let me make this clear to Senators.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. Just in one moment, if the Senator please.

Mr. President, you will remember that on January 10, 1912, because of a lack of appropriation, a very large number of our census clerks were discharged. They were clerks who had been in the office from one year to nearly three years. Subsequently, on February 29, 1912, for the same cause another large number were dismissed. Those were among the very best clerks in the Census Bureau. They were discharged because there was no money with which to pay them. Many of them had had from one year to two years' prior service in clerical work of the same character in the departments, so that their work had become very efficient, and the department would like to retain at least those clerks who have had the longest service in the departments and in the Census Bureau. Were it not for the fact that we did not have the appropriation all of those clerks

would be serving at the present time. As the bill passed the other House here was the defect, and that was the reason why the committee made the change. The House provided that these clerks should be upon the civil-service register, but that the Director of the Census should select those having one year's service. It will be seen just how this would work. Under the present law no one from a State who was in the employ of the Government at the same time in one of the departments in Washington could have taken that examination, because under the law such persons would have had to go back to their own State and resided there a year before they could have taken the examination, while those who are within the District of Columbia, being right here at home, could take a day off, take their examination, and be placed upon the civil-service register. So, under the bill as it passed the other House, all who would probably be selected would be residents of the District of Columbia, and none of those out of the great number who are residents of the States could be selected, because they could not have taken the examination.

If you take the population of the city of Washington or of the District of Columbia, say, at about 300,000, or a little over, and compare it with the 90,000,000 population of the United States, you can thereby get the real proportion to which the District of Columbia would be entitled. That would be about 1 out of 250 or out of 300, while, as a matter of fact, they have in these departments actually about 85 per cent of all the positions.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I do.

Mr. GALLINGER. I rose simply to state what the Senator has just now stated, that, notwithstanding this remarkable civil-service law, which requires an apportionment between the States, the District of Columbia has, I think, about seven times its proportion.

Mr. McCUMBER. Mr. President, it has seven times its proportion on paper, but actually it has seventy times its proportion. As a matter of fact, if we could have a commission to examine that question, we would find that about 80 per cent of all the employees in the Government service are actually residents of the District of Columbia.

In order that the States might be recognized and that we might get those clerks who have had a prior service this amendment was offered. This amendment fixing the service at 2 years, or 20 months, will allow the Director of the Census to make the selections from his very best clerks, and he would make the selections according to the provision in that amendment, which is:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable.

Take that in connection with the amendment I have offered—

Provided, That the preference—

And we can make that "as nearly as practicable"—

shall be given to those having the longest service.

In that way the States would be recognized, and those having the longest service would also be recognized. That is all I am asking for.

Mr. HEYBURN. The pending amendment is the one that I have offered, and there is no use incorporating in it the provision with reference to apportionment between the States. If we fix the basis above the number that any State has, we would necessarily eliminate one or many States from participating at all. These clerks came to Washington to take these positions; they are not necessarily residents of Washington; they have become residents of Washington by reason of having been here in office; but it is not fair to consider that every person who resides in the District of Columbia is not a resident of a State as well. I merely cite as an instance of the operation of this amendment as it is presented to the Senate, that in one State, at least, and perhaps in many others, it would result in leaving the States without any representation whatever.

It is not the intention under the civil-service law that any State shall be eliminated from participating in this class of work, and I only sought to bring it within the period of time that would not eliminate one State or perhaps a dozen States. It so happens that if this provision remains at two years, the State of Idaho would have no one upon this roll. It only has one upon the roll, and the service there is, I think, about 18½ months.

I myself think that the provision might, as suggested by the Senator from North Carolina [Mr. OVERMAN], have remained as the House sent it to us; but for the purpose of protecting a State in participation at all I have moved to make it 18 months. That would at least save one State from elimination.

If any other Senator has inquired into the question, he may find that it should remain at one year, as the House fixed it. The probabilities are that the House did make inquiry into this matter, and fixed it at a year, so as to drop out no State.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa.

Mr. McCUMBER. If it had been left as the House fixed it, the party to whom the Senator refers could not possibly get into the service at all, because such a person must have been upon the civil-service register, and if such a person were here in the District of Columbia and a citizen of the State of Idaho, he could not have taken the examination here. Therefore he could not have been placed upon the civil-service register.

Mr. HEYBURN. The Senator is not advised that this party is not already on the civil-service roll. I am only asking that the time be placed at 18 months. If any Senator wants to fix it at some other time, it is for that Senator to say so.

Mr. McCUMBER. If the party was on the civil-service roll, he would not be off the roll now.

Mr. HEYBURN. Just a moment and I shall be through.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. I was recognized to ask a question of the Senator from Idaho, but the Senator from North Dakota, unintentionally, of course, displaced me in the Chair's recognition.

I want to ask the Senator whether he believes this amendment will be a continuing power on the part of the Director of the Census; that is—and I am asking for information, because I have taken a very decided position in regard to this question—does he believe that after the 1st of July, 1913, the Director of the Census could fill vacancies from the list of those who have served on the temporary force in the Thirteenth Decennial Census, but who are not upon the civil-service register?

Mr. HEYBURN. It is intended to cover that.

Mr. CUMMINS. If, Mr. President, it bears that construction—and I very much fear it does—I shall resist it to the uttermost as a very serious and dangerous invasion upon the civil service of the United States.

Mr. HEYBURN. Now, may I interrupt the Senator to call his attention to the civil-service law? The amendment is intended to conform this provision to the provisions in existing law. It says:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable.

It can not be adhered to at all if you eliminate those who have not served——

Mr. CUMMINS. I think it could be adhered to in a degree, but what I should like to bring to the attention of the Senate and the Senator from Idaho is this: When we passed the law providing for the last census we provided that those who came upon the force temporarily, as distinguished from those who were part of the permanent force, need not take the examination required by law to entitle them to a place upon the civil-service register, but we provided expressly that that part of the force should not thereafter be eligible to appointment.

Mr. HEYBURN. But they have taken an examination.

Mr. CUMMINS. Mr. President, they took an examination, but not the examination provided for in the civil-service law and the rules and regulations of the Civil Service Commission. I think that the hardship mentioned by the Senator from North Dakota is so great that we ought to do what we can toward appointing upon the force those who were discharged without much notice during the winter, but I am not willing that this power shall continue with the Director of the Census for a longer period than one year. After that time I think everyone who believes in the civil service will agree that the appointees shall come from the civil-service register in the way in which all appointments are made.

This does not apply, of course, to the temporary force who are to be employed under the next paragraph. They ought to have nothing to do with the civil service, to be in harmony with the law under which the census was taken, but I intend to offer an amendment—I do not know whether or not it is pertinent to the amendment offered by the Senator from Idaho, because I have not his amendment in mind—but, after the word "less," at the end of line 5, I intend to suggest an amendment as follows:

During the fiscal year 1913.

Mr. HEYBURN. I would not oppose that amendment, because it would carry the provisions contained in the amendment which I have offered until the next appropriation bill came up, and we can probably meet the question then just as well as now. I am sure it is not the intention of the Senator from

Iowa that any State shall be eliminated from that participation contemplated by the provisions of the civil-service law.

Mr. CUMMINS. No, Mr. President; on the contrary I should like to see the law more faithfully observed.

Mr. HEYBURN. Well, that law provides——

Mr. CUMMINS. I should like to see each State receive its proper quota.

Mr. HEYBURN. I refer to the provision of that law relating to apportionment among the States.

Mr. CUMMINS. That is part of the civil-service law.

Mr. HEYBURN. Yes.

Mr. CUMMINS. And I think this provision ought to take to itself that same idea.

Mr. HEYBURN. That is the purpose of the amendment——

Mr. CUMMINS. I am not objecting to the Senator's amendment.

Mr. HEYBURN. That the spirit of the civil-service law shall be preserved and carried into the amendment proposed by the committee. To recognize the principle of an equitable apportionment among the States and then deliberately fix a time that would deprive them of the benefit of that law would not be fair.

Mr. CUMMINS. Of course, Mr. President, the time I was referring to was the time during which the Director of the Census would have power to make appointments outside of the civil service; it was not the time of service of the temporary force of the Thirteenth Decennial Census.

Mr. HEYBURN. That is what I was referring to.

Mr. CUMMINS. I have no objection to, in fact I rather favor, the amendment of the Senator from Idaho.

Mr. HEYBURN. I was referring to the very principle suggested by the Senator from Iowa; and I hope that the amendment will be adopted, in order that the existing law and the spirit of that law may be retained and that we may not indirectly legislate some one out of a right which he has under the permanent law. Of course, these parties would have to go back to their States, to California, Idaho, or New Mexico, or wherever it might be, in order to take the civil-service examination; they could not take it in Washington, being bona fide citizens of States far distant.

Mr. FLETCHER. I would suggest, in order that the Senator from Idaho may be absolutely certain, that he make it 12 months instead of 18.

Mr. HEYBURN. The House made it 12 months.

Mr. FLETCHER. The House made it 12 months and the Senate made it 24. Now, the Senator proposes to make it 18. I see no reason why it should not be made 12. The objection to that by the Senator from North Dakota was met by the amendment striking out the preceding lines at the bottom of page 131 and the top of page 132. When the House provision as to requiring certification to be made from the eligible list is stricken out of the bill, then the objection of the Senator from North Dakota, it seems to me, falls. It is answered by the striking out of that requirement.

Mr. HEYBURN. Mr. President, I would say to the Senator that if we were to recur to the provision in the House bill it might cut out some of these very people. The safest provision is 18 months.

Mr. FLETCHER. I am in favor of striking out the House provision as to the civil-service list; and that, I understand, has been agreed to in the Senate. That having been stricken out, I can see no objection to making the limit 12 months instead of 18.

Mr. HEYBURN. Mr. President, I prefer that it should be 18. If we retain the provisions of the amendment and continue to eliminate the House provision, it would answer; but I would prefer that it be 18 months, so far as I am concerned; and that is my amendment.

Mr. WILLIAMS. Mr. President, I hope the amendment offered by the Senator from Idaho, as amended by the Senator from North Dakota, will meet with the favor of the Senate. If there be any doubt in the mind of anybody as to the application of the provision requiring that appointments shall be apportioned to each State, I have no doubt about that because the general provision "And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable" covers it. If anybody has any doubt about it, of course the Senator from North Dakota might word his amendment in this way:

Provided, That the preference in each State, Territory, or the District of Columbia shall be given to those having the longest service.

It seems to me, though, that that is in the provision already. If you make the period 18 months, the reason grows stronger and stronger with the lessening of the period—if you make it still less, there is more reason for it—that the amendment offered by the Senator from North Dakota ought to pass, so that the Director of the Census should not be left free out of a great number of people arbitrarily to select merely favorites, but should select those with the longest service.

It seems to me if we cut the period down and make it one year we are carrying it too far. So far as I have heard, no State would be excluded from any of its quota upon the 18-month basis. I have received no complaint that would tend to show that there was anybody who was excluded; and certainly, if preference is given, those in a State having the longest service should be entitled to employment.

Mr. HEYBURN. Mr. President, the Senator from North Dakota does not desire to press his amendment until after the amendment I have offered has been disposed of.

The PRESIDING OFFICER. The Chair so understands. The question is upon the amendment offered by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. McCUMBER. Mr. President, I move further to amend by inserting after the word "practicable," in line 13, the words:

Provided, That preference shall be given to those having the longest service in such State.

Mr. WILLIAMS. Mr. President, I am afraid the Senator from North Dakota is getting the amendment in the wrong place. It seems to me it ought to come in after the word "census," in line 10, because if you put it in after the word "practicable," in line 13, you are modifying the present requirement of the law as to quotas of the States. It would then read:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable: *Provided*, That the preference shall be given to those having the longest service.

Mr. McCUMBER. In such States.

Mr. WILLIAMS. Then you would have to put in "within such State."

Mr. McCUMBER. The Senator did not hear. The words "in such State" are a part of my amendment.

Mr. WILLIAMS. Very well; I did not understand the Senator.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HEYBURN. I should like to make a suggestion to the Senator from North Dakota. That eliminates the question of efficiency.

Mr. McCUMBER. No; it does not; the Senator is mistaken; because, first, there is a provision for certifying those whose service shows their efficiency; secondly, the certification must be made in accordance with the apportionment of the States as nearly as practicable; and, thirdly, in selecting from the State where there are several candidates the director is to select those of the longest service. That is what it means.

Mr. HEYBURN. I shall not object to it.

Mr. BURTON. Mr. President, I should like to ask the Senator from North Dakota a question—the same question, practically, as that referred to by the Senator from Idaho. If his amendment is inserted does it not make length of service, subject to the general qualification that efficiency shall be certified to by the Director of the Census, the criterion of appointment, and eliminate competency, efficiency, and fitness for the work, so that one who is certified as efficient—and in that list there may be very considerable degrees of efficiency—has the preference over those best qualified for the work?

Mr. McCUMBER. Now, if the Senator will read the amendment I have suggested, I think he will see that it is not open by any possibility to the construction that he suspects it might be open to. Let us read it carefully:

In making appointments of clerkships in the Census Office, hereinbefore provided for, at salaries of $1,200 or less, the Secretary of Commerce and Labor shall first select for appointment from those persons who may apply for such positions and who have had at least 18 months' experience in the Thirteenth Census work of the character required, and whose efficiency shall be certified by the Director of Census.

That is the first thing to be taken into consideration. The next thing to be taken into consideration is the recognition of the State apportionments:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable: *Provided*, That preference shall be given to those having the longest service in such State.

I can change that and make it certain by inserting the words "and whose efficiency is certified to."

Mr. BURTON. That is already provided for; but there might be, say, 300 certified as efficient, from whom 25 would stand out very prominently as best qualified; and it seems to me that the Director of the Census should have discretion and not be governed exclusively by the time of service.

I am perfectly aware of the argument on the other side that favoritism might be employed, but I do not think much attention ought to be given to that. If the one who has the appointing power is governed by favoritism, we can not avoid it. We must take it for granted that he will be governed by consideration for the promotion of the public service.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. It occurs to me, in connection with what the Senator from Ohio has just said, that if, for example, 50 people were to be retained and the 300 were all certified as efficient, and you did not have the rule as to priority of employment in proportion to seniority of service, you would throw the door wide open for the appointing officer to show toward those 300 every form of personal favoritism. Of course, he could say it was because he regarded John as more efficient than Peter, or Mary as more efficient than Sally. But, just the same, the door would be thrown wide open for him to do just what the Senator wants to avoid.

Mr. BURTON. Mr. President, if the Senator from Mississippi will yield, it seems to me we are not adopting the proper criterion for legislation if we frame our laws on the suspicion that some appointing officer will exercise favoritism. If he does that, he is unfit for the place and ought to be removed. The best way is to give him a free hand, and to take it for granted that he will exercise his discretion in such a way as will lead to the selection of the best subordinates.

Mr. WILLIAMS. Why, Mr. President, every law in every free country since the beginning of time has been predicated upon the idea that the incumbent of the office will abuse his power, and that he will not do just what he ought to do.

Mr. McCUMBER. That is why we have the civil-service law.

Mr. WILLIAMS. There is never a supposition of any other sort; and in passing laws you always provide not that the good man may act well but to keep the other man from acting badly.

The good man is going to give you efficient administration anyhow; so you always legislate with suspicion. Any legislator in a free country that does not proceed upon that basis is proceeding upon a basis that may be apples to the sight but may also be ashes to the taste.

The whole civil-service law is framed upon the idea that, unless restrained, the appointing officer will abuse the power of appointment. There is no other excuse for its existence. Undoubtedly, if the appointing officer would always try to select the best man, regardless of favoritism of his own or of legislators or Congressmen or bosses behind him in the State, or other people, the opportunity to get good service would be much better than if we just have a general schoolmaster's examination. The only object of the whole system is to prevent favoritism; and the only reason why you try to pass laws to prevent favoritism is because you take it for granted that if you do not pass such laws favoritism will exist.

Mr. CUMMINS. Mr. President, it seems to me the proposition of the Senator from North Dakota destroys the whole idea of the civil service—that is, the idea of fitness ascertained by either examination or experience. I will put the matter to him now in this way:

Suppose, under this law, the Director of the Census should find that North Dakota was entitled to one appointment; that North Dakota had two men who were eligible to the appointment; that both of them had been certified as efficient, but one of them was very efficient and the other moderately efficient; that the former had served in the census work 19 months and the latter 20 months. Then, upon the proposition of the Senator from North Dakota, the Director of the Census would be compelled to appoint the poorer man because he had served half a month longer than the better man.

I can not believe the Senator wants to accomplish any object of that sort. In fact, I know he does not. As I understand, what he desires is to secure the equitable distribution of these places among the States, so that each State may have its fair share. But I can not think it would be wise to take the share of the State and then to distribute the place or the places, as the case may be, according to the rule of seniority. The place or places ought to be given according to the rule of higher efficiency.

Mr. McCUMBER. Mr. President, I can hardly take the State of North Dakota as an example, because no one from my State would be certified under this provision at all. For that reason I am perfectly free to discuss this matter from the standpoint of a person who is absolutly disinterested so far as any constituent is concerned.

The Senator will remember that even under the civil-service law as it now stands three persons are certified for each position. The appointing officer does not, under the present law, have to take the one who is certified as having the highest standing. He has three from whom to select. He can take any one of the three highest, and he may take the lowest of the three highest.

Let us remember, in this instance, that if we put this limitation down to 18 months, there will be at least 400 eligibles from whom 75 persons are to be selected. Under this provision no one will be certified, of course, unless he is certified for his particular fitness for this particular work. He will be certified because he has shown qualifications for this particular work. Therefore there is no great danger of getting a clerk that is not usable, or one that is not particularly fitted for the work, by giving the one an advantage who has had the extra number of days or months of service. I believe there would be more of an injustice done if the director were allowed to select any one from among the 200 or 300 persons than if he were limited to those having the longer service and those whom he has certified to be efficient in their line of work.

Mr. President, those persons are efficient by the best test that ever can be applied. Under the civil service those who stand highest in their examinations do not always make the best clerks. In a few months you will find possibly those who stood lowest in their examinations will become the most efficient clerks; and there is no method of examination so sure, so certain as the actual test of work in the department. And having had from one year to three years' work, when we say this list shall be made up of those who have had 18 months' service, I think the chances are you will get a greater efficiency if you hold the director down to just what the record shows to be efficiency and length of service and recognize the States in accordance with the amendment that has been suggested by the Senator from Idaho.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I do.

Mr. HEYBURN. I should like to suggest to the Senator from North Dakota the consideration of the classification of these clerks. Some of them are expert accountants. Some of them are statisticians. Some of them perform services at $600 or $700 a year and some at $1,700 or $1,800 a year. It would not do to compel the director to select those of longest service without taking into consideration the character of the duties they were to perform. I refer particularly to "one expert accountant."

Mr. McCUMBER. He will attend to that.

Mr. HEYBURN. Yes. But if we put in a drastic provision that he shall take only the one of longest service it may be that the one of longest service would not be available for the duties to be performed. I merely make that suggestion.

Mr. BRISTOW. I should like to know what is the objection to the House provision. I just want to read it:

> In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment—

Which recognizes the very point that the Senator from North Dakota wants to preserve—

> certify those who have had at least one year's experience in census work.

That gives the preference to all of the eligibles who have served one year.

Mr. HEYBURN. That does not include these special appointments at all. These are all civil-service employees.

Mr. CUMMINS. The difficulty is that a great many of the temporary clerks are not on the civil-service registers, and can not take the examination.

Mr. McCUMBER. And could not take it for at least a year.

I simply want to explain once more to the Senator that if he will read the House provision he will see that it takes only those in the civil service and those who are on the civil-service register. Now, let us recall that we have had those taken from different commissions and otherwise that have had two or three years' service in clerical work of this kind, and then have had from 18 months to over two years' service in the Census Bureau, doing this same kind of work. The Census Bureau requires about 75 additional clerks at this time. They would like very much now to complete their work to get those clerks who have had this experience in the Census Office; and as the provision was originally drawn it was "two years," but the House provided that only those should be eligible who had taken the examination and gotten on the civil-service roll. The Senator remembers the law. As it stands now no one can

be examined and be certified from the State of Kansas unless he has been actually and bodily within the State of Kansas for one year prior to the time he takes the examination. That law was passed for the very purpose of cutting out the fraudulent certification on the civil-service register of people in the District of Columbia who would have themselves certified to the several States and counted as residents of those States.

Now, when they were at work and it became necessary to discharge those who were not on the civil-service roll, those in the District of Columbia, when they saw that a great many would have to go out, could take the examination here and be ready to go right on again, because they live in the District of Columbia and could be certified from the District of Columbia. On the other hand, not a single one from the States could be certified for that place, because he could not go home and take the examination. The result of the House provision, if passed, would be that all of those who took the examination in the District of Columbia, there having been no one in the States now, or scarcely any of them now, who is on the list waiting for positions of this kind—the positions would be filled entirely from the District of Columbia.

To avoid that and to allow each State to have its recognition, and there being several hundred clerks that are as efficient as any kind that could be secured through any kind of an examination by reason of their prior service in the Thirteenth Census, we give each State its recognition and do justice by the department by allowing these to be taken according to the length of service.

Mr. BRISTOW. What I had in mind was to prevent this scramble of 700 or 800 clerks for 75 positions. They will all start to get political indorsements and bring pressure to bear here and there to secure the appointments; and anything that will avoid that and make it come about regularly and orderly and according to merit I would be very glad to favor.

Mr. McCUMBER. Under the State provision made here, where you must recognize the State apportionment, that will be avoided.

The PRESIDING OFFICER. The question is upon the amendment, which will be stated by the Secretary.

The SECRETARY. In the committee amendment, on page 132, line 13, after the word "practicable," insert:

Provided, That preference shall be given to those having the longest service in such State.

The amendment to the amendment was agreed to.

Mr. CUMMINS. I offer the following amendment: Insert, at the end of line 5, page 132, the following words: "during the fiscal year ending June 30, 1913."

I offer the amendment, Mr. President, because I fear that the construction of the amendment proposed by the committee would be that after this emergency had passed—that is, two years hence, or three years hence—if the Director of the Census were called upon to fill a vacancy, he could fill it under the provision of this amendment, and not take the appointee from the civil-service register. I do not believe it is intended to supplant the general civil service in the Census Office with any temporary arrangement of this sort. I am perfectly willing that it shall continue for a year, because of the rather extraordinary condition which was created by the dismissal of the force last winter.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I yield to the Senator.

Mr. WARREN. May I say that that is guarded in two places. In the first place, the opening paragraph of the bill provides only for 1913. Furthermore, if the Senator notices it, on the same page, below where the amendment comes in, they provide for only one year.

Mr. CUMMINS. But the appropriations apply for only one year.

Mr. WARREN. I am not making an objection. I do not believe it is necessary, but I do not object to it.

Mr. CUMMINS. But this is general legislation, of which this bill is so full. It is changing the law of the United States entirely; and I want the change to run only for one year, and then let us resume our appointments under the civil-service law.

Mr. McCUMBER. I should like to have this read now as amended. I do not know whether or not it will bear the construction for which the Senator contends.

The PRESIDING OFFICER. The Secretary will report the pending amendment.

The SECRETARY. Page 132 of the committee amendment, at the end of line 5, after the words "or less," insert the words "during the fiscal year ending June 30, 1913," so that if amended it will read:

In making appointments of clerkships in the Census Office, hereinbefore provided for, at salaries of $1,200 or less, during the fiscal year ending June 30, 1913, the Secretary of Commerce and Labor shall first select for appointment——

Mr. McCUMBER. That is enough. I am a little bit afraid of that construction. The purpose of the Senator is not that those who are appointed shall not become permanent?

Mr. CUMMINS. No; not at all.

Mr. McCUMBER. But that the authority shall continue only during the year?

Mr. CUMMINS. Yes.

Mr. McCUMBER. I am afraid that language might be construed to mean that the appointment was to last only during the year.

Mr. HEYBURN. And thus affect the tenure of office?

Mr. McCUMBER. Yes. I think if the Senator would put—at the bottom here—at the end something like this: "This provision shall be applicable only to appointments made during the fiscal year ending June 30, 1913," there could be no question about the construction.

Mr. CUMMINS. I think it is possible that the fear expressed by the Senator from North Dakota has some foundation, but if we will transfer the language that I have proposed to line 4, so that it would read "in making appointments during the fiscal year ending June 30, 1913, of clerkships in the Census Office"——

Mr. McCUMBER. That would make it all right.

Mr. CUMMINS. I would prefer that it be done in that way.

Mr. HEYBURN. I should like to see that done, so that there will be no such difficulty as we had when the appropriation was exhausted. The Senator's idea, I take it, is not to affect the tenure of those appointed during this year.

Mr. CUMMINS. No.

Mr. HEYBURN. But only to provide that after the end of this fiscal year such appointments may not be made. Now, as I understood the language read—I do not carry it perfectly in my mind—I am afraid it might be open to the construction that it would affect the tenure of office of those appointed.

Mr. CUMMINS. Oh, no. It would read—

in making appointments during the fiscal year ending June 30, 1913, of clerkships in the Census Office [he] shall first, etc.

Mr. HEYBURN. Just so it does not affect the tenure of office I am satisfied.

Mr. CUMMINS. It does not affect the tenure of office. The words I formerly offered I ask to be transferred and inserted after the word "appointments," in line 4.

The VICE PRESIDENT. The question is on the amendment, which the Secretary will report.

The SECRETARY. After the word "appointments," in line 4, insert the words "during the fiscal year ending June 30, 1913," so that, if amended, it will read:

In making appointments during the fiscal year ending June 30, 1913, of clerkships in the Census Office.

The amendment to the amendment was agreed to.

Mr. CUMMINS. Mr. President, it is not in order at the present time, but I desire to call the attention of the chairman of the committee as well as of the Senate to the extraordinary classification of the clerks in this office, and to give notice that at the proper time I shall offer an amendment that will bring this classification into something like harmony with the other departments or bureaus of the Government.

Mr. WARREN. Will the Senator kindly wait until the committee itself shall offer an amendment when the times comes? The time is not yet here. The Senator means in the House text of the bill?

Mr. CUMMINS. I mean this: That we are to have 8 expert chiefs of division, at $2,000 each. Then, of the clerks, we have 4 of class 4, 7 of class 3, 25 of class 2, 340 of class 1, and so on.

Mr. WARREN. If the Senator will wait a moment I think I can give him an idea of what the committee will propose.

Mr. CUMMINS. I thought the committee had passed on that.

Mr. WARREN. Not at all. The committee passed on it in its earlier meetings, but there was a confusion about this which we were unable to dispel, and it has been looked over since, and the subcommittee which had this matter under consideration expects to cover, I think, the faults of which the Senator speaks.

Mr. CUMMINS. I do not want to anticipate the work of the committee.

Mr. WARREN. Perhaps it will be unnecessary to read it now, then.

Mr. CUMMINS. I am perfectly content to wait.

Mr. WARREN. I should prefer that the Senator wait until we offer this amendment.

Mr. CUMMINS. If the committee reclassifies these clerks I shall be entirely satisfied.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. McCUMBER. Mr. President, in the hurried drafting of this amendment I think I did not make it read exactly as I would wish it. Therefore I move a further amendment by placing the words "in such State" after the word "preference," so that it would read:

Mr. WARREN. In what line?

Mr. McCUMBER. In line 12, where I put in the amendment:

Provided, That preference in such State shall be given to those having the longest service.

I should like to have it read that way, instead of reading as it does now:

Provided, That preference shall be given to those having the longest service in such State.

So that there can be no possibility of misconstruction.

Mr. WARREN. That is all right.

The SECRETARY. It is proposed to amend the amendment so as to read:

Provided, That preference in such State shall be given to those having the longest service.

The VICE PRESIDENT. Without objection, the amendment to the amendment will be modified as suggested, and the question is on the committee amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 132, line 24, after the word "clerks," to strike out "to be certified for appointment from the civil-service registers" and insert "from among the employees of the Thirteenth Census force," so as to make the clause read:

Temporary clerks: In addition to the employees hereinbefore provided for, the Secretary of Commerce and Labor may appoint, on the recommendation of the Director of the Census, for such time as may be necessary, but not beyond June 30, 1913, not exceeding 175 temporary clerks from among the employees of the Thirteenth Census force, such clerks to be paid salaries not greater than $900 per annum, or to be paid on a piece-price basis, and for the payment of the compensation of said temporary clerks there is appropriated the sum of $120,000.

The amendment was agreed to.

The next amendment was, on page 134, line 1, after the word "exceeding," to strike out "$50" and insert "$200"; and in line 5, after the word "returns," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraph and telephone service, photographic work and supplies, transportation and preparing articles for shipment, horses, wagons, electric truck, and maintenance thereof, diagrams, maps, blue prints, awnings, shelving, filing apparatus, fuel, light, office fixtures, street-car tickets not exceeding $200, and other absolutely necessary expenses, including the purchase, rental, construction, repair, and exchange of mechanical appliances, repairs to the Census Building, and necessary expenses in connection with the prosecution of fraudulent census returns, $20,000.

The amendment was agreed to.

The next amendment was, on page 134, after line 14, to strike out:

That from and after July 1, 1912, the Bureau of Manufactures of the Department of Commerce and Labor shall be known as the Bureau of Foreign and Domestic Commerce.

The Bureau of Statistics of the Department of Commerce and Labor is hereby consolidated with the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

And insert:

The Bureau of Manufactures and the Bureau of Statistics, both of the Department of Commerce and Labor, are hereby consolidated into one bureau to be known as the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Manufactures and the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

The amendment was agreed to.

The reading of the bill was continued, as follows:

Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

Mr. CUMMINS. I do not know whether I ought to do it or not, but I can not allow this paragraph to pass——

Mr. WARREN. Let me say to the Senator that the committee have an amendment to offer, and we will take that up later. We will come back to it, and I will call the Senator's attention to it.

Mr. CUMMINS. I was about to say that I could not allow it to pass without saying that some of the duties of the Department of Labor transferred to the Bureau of Foreign and Domestic Commerce——

Mr. WARREN. We propose to correct that. That was overlooked when we went through the bill. I will propose an amendment later on and will call the Senator's attention to it.

Mr. CUMMINS. Very well.

The reading of the bill was resumed.

The next amendment was, on page 136, line 10, after the word "bureau," to insert "to be appointed by the President, by and with the advice and consent of the Senate"; in line 14, before the word "stenographer," to insert "chief clerk, $2,250"; and in line 18, after the words "in all," to strike out "$102,610" and insert "$104,860," so as to make the clause read:

Bureau of Foreign and Domestic Commerce: Chief of bureau, to be appointed by the President, by and with the advice and consent of the Senate, $4,000; assistant chiefs of bureau, one at $3,000, one at $2,750; Chief of Division of Consular Reports, $2,500; chief clerk, $2,250; stenographer to chief of the bureau, $1,600; clerks—7 of class 4, 5 of class 3, 1 at $1,500, 11 of class 2, 14 of class 1, 17 at $1,000 each, 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $104,860.

The amendment was agreed to.

The next amendment was, at the top of page 137, to insert:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $4,000.

The amendment was agreed to.

The next amendment was, on page 137, after line 4, to insert:

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, on page 138, line 15, after the word "stationery," to insert "janitor service," so as to read:

Contingent expenses: For the payment of fees to witnesses; for traveling and other expenses when on official business of the Supervising Inspector General, supervising inspectors, local and assistant inspectors, and clerks; for instruments, furniture, stationery, janitor service, and every other thing necessary to carry into effect the provisions of Title 52, Revised Statutes, of the act of April 4, 1888.

The amendment was agreed to.

The next amendment was, on page 139, line 2, before the words "of class one," to strike out "four" and insert "five"; in line 3, before the words "at $900 each," to strike out "six" and insert "five"; and in line 4, after the words "in all," to strike out "$33,280" and insert "$33,580," so as to make the clause read:

Bureau of Navigation: Commissioner of Navigation, $4,000; Deputy Commissioner, $2,400; chief clerk, $2,000; clerk to commissioner, $1,600; clerks—2 of class 4, 1 of class 3, 3 of class 2, 5 of class 1, 2 at $1,000 each, 5 at $900 each; 2 messengers; in all, $33,580.

The amendment was agreed to.

The next amendment was, on page 139, after line 4, to strike out: "Shipping Service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Boston, $3,000; at New Bedford, $1,000; at New Orleans, $1,500; at New York, $4,000; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,700; at San Francisco, $6,300; in all, $23,200," and insert:

Shipping service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Bath, $1,000; at Boston, $3,000; at Gloucester, $600; at Honolulu, $1,200; at Mobile, $1,200; at New Bedford, $1,200; at New Orleans, $1,500; at New York, $5,000; at Norfolk, $1,500; at Pascagoula, $300; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,800; at Rockland, $1,200; at San Francisco, $4,000; in all, $31,900.

The amendment was agreed to.

The next amendment was, on page 139, line 24, after the word "commissioners," to strike out "$35,000" and insert "$37,000," so as to make the clause read:

Clerk hire: For the compensation to be fixed by the Secretary of Commerce and Labor not to exceed $1,600 per annum to each person, of clerks in the offices of the shipping commissioners, $37,000.

The amendment was agreed to.

The next amendment was, on page 140, line 6, after the word "passengers," to strike out "$500" and insert "$1,000," so as to make the clause read;

For tools, appliances, and instruments for the admeasurement of vessels and the counting of passengers, $1,000

The amendment was agreed to.

The next amendment was, on page 141, line 1, after the word "messengers," to strike out "assistant messenger" and insert "two assistant messengers," and in line 2, after the words "in all," to strike out "$59,500" and insert "$60,220," so as to make the clause read:

Bureau of Immigration and Naturalization: Commissioner General of Immigration, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—3 of class 4, 5 of class 3, 6 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each; 2 messengers; 2 assistant messengers; in all, $60,220.

The amendment was agreed to.

The next amendment was, on page 141, line 10, before the words "of class three," to strike out "six" and insert "seven"; in the same line, before the words "of class one," to strike out "eleven" and insert "twelve"; and in line 12, after the words "in all," to strike out $60,260" and insert "$63,060," so as to make the caluse read:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $3,000; clerks—4 of class 4, 7 of class 3, 8 of class 2, 12 of class 1, 8 at $1,000 each, 2 at $900 each; messenger; 2 assistant messengers; messenger boy, $480; in all, $63,060.

The amendment was agreed to.

The next amendment was, on page 143, line 12, after the word "exceeding," to strike out "$50" and insert "$100," so as to make the clause read:

For fuel for heat, light, and power; office expenses, stationery, books and periodicals (subscriptions to periodicals may be paid in advance); traveling expenses; street-car tickets not exceeding $100; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; and contingencies of all kinds, $25,000.

The amendment was agreed to.

The next amendment was, on page 144, after line 11, to insert:

Children's Bureau: For the following as authorized by the act entitled "An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau," approved April 9, 1912, namely: Chief of bureau, $5,000; assistant chief of bureau, $2,400; statistical expert, $2,000; private secretary to the chief of bureau, $1,500; clerks—2 of class 4, 2 of class 3, 1 of class 2, 1 of class 1, 1 at $1,000; special agents—1 at $1,400, 1 at $1,200; copyist; messenger; in all, $25,640.

The amendment was agreed to.

The next amendment was, in the item of appropriation for contingent expenses, Department of Commerce and Labor, on page 145, line 16, after the word "exceeding," to strike out "$100" and insert "$300"; and in line 18, after the sum "$60,000," to insert "and in addition thereto sums amounting to $66,500 shall be deducted from other appropriations made for the fiscal year 1913 and added to the appropriation 'Contingent expenses, Department of Commerce and Labor,' in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (36 Stat. L., p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: General expenses, Light-House Service, $8,000; stationery, Bureau of the Census, $10,000; miscellaneous expenses, Bureau of the Census, $15,000; books and periodicals, Bureau of the Census, $500; contingent expenses, Steamboat-Inspection Service, $3,000; contingent expenses, shipping service, $500; instruments for measuring vessels and counting passengers, $500; expenses of regulating immigration, $13,500; equipment, Bureau of Standards, $1,000; general expenses, Bureau of Standards, $1,800; general expenses, Coast and Geodetic Survey, $4,200; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $126,500 shall be and constitute the appropriation for contingent expenses, Department of Commerce and Labor, to be expended through the central purchasing office (Division of Supplies), Department of Commerce and Labor, and shall also be available for objects and purposes of the several appropriations mentioned under the title 'Contingent expenses, Department of Commerce and Labor' in this act," so as to make the clause read:

Contingent expenses, Department of Commerce and Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters and adding machines, including their exchange; repairs to the building occupied by the offices of the Secretary of Commerce and Labor; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500, and for storage of documents belonging to the Bureau of Labor, not to exceed $750, street car tickets not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $60,000, and in addition thereto sums amounting to $66,500, etc.

The amendment was agreed to.

The next amendment was, on page 146, line 24, after the words "Commerce and Labor," to strike out "$50,000" and insert "$55,000," so as to make the clause read:

For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Commerce and Labor, $55,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 147, after line 10, to strike out:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. WARREN. There are Senators who are not present now who wish to discuss the matter of the Commerce Court. These four lines refer to that court, and I ask that the amendment may be laid aside for the present.

The VICE PRESIDENT. Without objection the amendment in lines 11 to 14, on page 147, will be temporarily passed over.

Mr. GALLINGER. Mr. President, I desire to call the attention of the chairman of the committee to the fact that we have a departure suggested in the District of Columbia appropriation bill, and which will probably have to be agreed to, whereby it is provided that—

Hereafter one-half of the fees collected on account of permits, certificates, and transcripts of records issued by the inspector of buildings of the District of Columbia shall be paid into the Treasury to the credit of the United States.

Again, on a subsequent page, it is provided that—

SEC. 11. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing beach fees; fees from public-convenience stations; fees for tax certificates; fees for motor and horse-drawn vehicle tags; fees of the municipal court; and the surplus fees of the recorder of deeds and register of wills; together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles.

All those fees heretofore have gone into the treasury of the District of Columbia without any division, without one-half going into the Treasury of the United States. That has prevailed from 1879 to the present time.

I want to call attention to a memorandum sent me by the Auditor of the District of Columbia, if the Senator pleases.

Mr. WARREN. One moment. I do not understand what bill the Senator is reading.

Mr. GALLINGER. I read from the District of Columbia appropriation bill, showing that they have departed from the custom which has prevailed since the organic act of 1879 was adopted, and they propose now to divide the fees between the District of Columbia and the Government of the United States in those various offices, which fees have heretofore gone into the treasury of the District of Columbia exclusively.

Mr. WARREN. Has the Senator the pending bill before him?

Mr. GALLINGER. Yes.

Mr. WARREN. Will the Senator look on page 148, line 10? I will ask if it is that to which the Senator refers? The language there reads: "One-half of which shall be paid from the revenues of the District of Columbia."

Mr. GALLINGER. That is what the auditor objects to. The auditor of the District of Columbia sends me this memorandum:

OFFICE OF THE
AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, June 4, 1912.

Memorandum for Senator GALLINGER.

Respectfully referring to the possible action of Congress in requiring all fees collected by the District of Columbia to be deposited to the credit equally of the United States and the District of Columbia, I wish to invite your attention to a matter that arises in connection with this subject, and which, to do the District justice, should be taken into consideration as a part of the matter mentioned. I refer to the fees collected by the clerk of the court of appeals and the fees collected by the clerk of the Supreme Court of the District of Columbia. In the case of the first-mentioned court all the expenses are paid by specific appropriations authorized by Congress, one-half of which the District is chargeable with, while all the fees collected in this court are paid into the Treasury wholly to the credit of the United States. In respect to the fees collected by the clerk of the Supreme Court of the District of Columbia, the surplus fees remaining after the payment of salaries are covered into the Treasury wholly to the credit of the United States. The appropriations for the salaries of the justices of the Supreme Court of the District of Columbia, for the payment of witness fees and jurors, and for the expenses of that court are paid one-half from the revenues of the District of Columbia.

If it is the proposed intention of Congress to require fees collected by the District of Columbia to be credited equally between the United States and the District, every equitable consideration demands that the District should receive like treatment in the matter of fees collected by the clerks of the court of appeals and the Supreme Court of the District of Columbia, in the case of the former the District to be credited with one-half of all fees collected and in the case of the latter with one-half of surplus fees.

This seems to be a matter of simply equity. Perhaps I ought not to state what the result of our conference on the District of Columbia will be, but I will venture to say the probabilities are that the conferees will have to agree to those provisions of the bill.

Mr. President, I have two amendments which I desire to offer to the pending bill which will remedy the matter complained of by the Auditor, and which may go to conference and be considered in connection with the District of Columbia bill.

Mr. WARREN. Let me say to the Senator, it is my desire to serve the wishes of my colleague on the committee so that we may have the matter before us. Of course now we are acting on the amendments of the committee and not otherwise on the text of the bill as passed by the House. The Senator will reserve his amendments or give them to the Clerk here. We shall put them in at the proper place.

Mr. GALLINGER. I will reserve them until the proper time.

The Secretary continued the reading of the bill to line 23, page 147, the last paragraph read being as follows:

Retired judges: To pay the salaries of the United States judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1913, is hereby appropriated.

Mr. HEYBURN. While it is not strictly a committee amendment, yet there should be after the word "Retired," in line 19, the words "justices and" before "judges." They have an official designation, and the bill makes no provision for retired justices of the Supreme Court of the United States.

Mr. WARREN. Has the Senator investigated to see what the current law is? I think it exactly as the text is here in the bill.

Mr. HEYBURN. I know what the law must be. You must provide for the salary of retired justices.

Mr. WARREN. When we review the bill for amendment, if the Senator will have his amendment ready, it can be then considered.

Mr. HEYBURN. I have several amendments to offer to conform to the necessities of the occasion.

Mr. WARREN. If the Senator will put them in shape, when the time comes I will call his attention to the item.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 148, line 10, before the word "each," to strike out "$1,200" and insert "$1,500," and, in the same line, after the words "in all," to strike out "$36,510" and insert "$37,410," so as to make the clause read:

Court of Appeals, District of Columbia: Chief justice, $7,500; two associate justices, at $7,000 each; clerk, $3,250, and $250 additional as custodian of the Court of Appeals Building; assistant or deputy clerk, $2,250; reporter, $1,500: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, $1,000; three messengers, at $720 each; necessary expenditures in the conduct of the clerk's office, $1,000; three stenographers, one for the chief justice and one for each associate justice, at $1,500 each; in all, $37,410, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 148, after line 17, to insert:

Clerk of District Court, Northern District of Illinois: For clerk of the District Court for the Northern District of Illinois, authorized by the act of July 31, 1894, $3,000.

The amendment was agreed to.

The next amendment was, on page 149, line 21, after the word "stationery," to insert "supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing," so as to make the clause read:

For rent of necessary quarters in Washington, D. C., and elsewhere, $7,000; for necessary traveling expenses of members of the court and clerk, $330; for books, periodicals, and stationery, supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing; for pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $8,000; in all, $15,330.

The amendment was agreed to.

The next amendment was, at the top of page 150, to insert:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

Mr. REED addressed the Chair.

Mr. WARREN. Now, Mr. President——

Mr. REED. Mr. President, I wish to inquire——

Mr. WARREN. Mr. President, that amendment is at the top of page 150 and relates to the Commerce Court. If the Senator from Missouri will allow me a moment, I will say that it is my desire to lay aside for the present the provisions affecting the United States Commerce Court and to go on with the remainder of the bill.

Mr. REED and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wyoming yield, and to whom?

Mr. REED. I had the floor and yielded to the Senator from Wyoming.

The VICE PRESIDENT. The Senator from Wyoming had the floor.

Mr. REED. I had addressed the Chair, and the Senator from Wyoming rose to ask that the bill be laid aside.

Mr. WARREN. If I have the floor, I yield to the Senator from Missouri.

Mr. REED. I wish to inquire of the chairman of the committee why it is not entirely practicable to house the Court of Customs Appeals in some public building in Washington. Why is it necessary to be paying rent for quarters for that court?

Mr. WARREN. Mr. President, the Department of Justice is without buildings, and, for that matter, so are nearly all of the courts. The Court of Appeals of the District of Columbia has a building, and I believe the Supreme Court of the District of Columbia has also; but the other courts have to rent quarters.

Mr. OVERMAN. I notice there is a great difference in the amount paid for the rental of quarters by the Court of Customs Appeals and the Commerce Court. The Court of Customs Appeals pays $7,000 for their quarters, while the Commerce Court pays $12,000.

Mr. REED. I simply made the inquiry. I do not suppose there is any remedy for it in this bill.

The VICE PRESIDENT. Without objection, the amendment at the top of page 150 will be temporarily passed over.

Mr. POINDEXTER. Mr. President, I desire to address myself to that particular provision.

The VICE PRESIDENT. Does the Senator object to its being passed over without action?

Mr. POINDEXTER. I reserve the right to object.

The VICE PRESIDENT. The Chair did not intend to prevent the Senator from speaking now, but only wanted to know if the Senator objected to its being passed over without action.

Mr. POINDEXTER. I have no desire to speak on it at this time, but I want to make an inquiry of the Senator from Wyoming, and for that reason reserve the right to object. I do not think that I will object to its going over, but I wanted to inquire what plan the Senator from Wyoming has as to taking up the various portions of the appropriation bill relating to the Commerce Court?

There is another provision later on in addition to this, and one other which probably will be discussed somewhat in the Senate, and it is doubtful whether they can be concluded this afternoon. I understand there are a large number of other amendments to be offered to the bill on going over it again which will not involve any discussion. I desire to ask the Senator if he will agree to let the Commerce Court matter go over until to-morrow?

Mr. WARREN. My intention is to let the three different paragraphs relating to the Commerce Court go over until we have otherwise finished the bill, and at this hour of the evening I feel sure that we shall not any more than finish, and perhaps can not finish, the remainder of the bill; so I think the Senator is safe in assuming that everything relating to the Commerce Court will go over until to-morrow; in fact, I shall agree to that now.

Mr. POINDEXTER. To be taken up at the conclusion of other matters in the bill, or to be taken up at a certain time to-morrow?

Mr. WARREN. I am sure that we shall not be able to take it up to-day at all, but I shall endeavor to get this bill up to-morrow as early as possible, and the provisions which the Senator has in mind, I presume, will be among the first matters to be considered.

The VICE PRESIDENT. Without objection the provisions referred to will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 150, line 13, after the word "bailiff," to strike out "$1,500" and insert "$1,800"; before the word "two," to insert "one at $1,500"; in line 15, before the words "at $1,200 each," to strike out "three" and insert "two"; and in line 18, after

the words "in all," to strike out "$56,480" and insert "$57,080," so as to make the clause read:

Court of Claims: Chief justice, $6,500; four judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,800; clerks—one at $1,600, one at $1,500, two at $1,400 each, two at $1,200 each; stenographer, $1,200; chief messenger, $1,000; three firemen; three watchmen; elevator conductor, $720; two assistant messengers; two laborers; two charwomen; in all, $57,080.

The amendment was agreed to.

The next amendment was, on page 150, line 23, after the word "repairs," to insert "including bicycles," so as to make the clause read:

For stationery, court library, repairs, including bicycles, fuel, electric light, electric elevator, and other miscellaneous expenses, $3,900.

Mr. WILLIAMS. I notice the language "repairs, including bicycles." Is that intended to mean including repairs to bicycles, or is it intended to mean including bicycles?

Mr. WARREN. It occurs immediately after the word "repairs," and I should construe it to mean the repairs of bicycles. I may say to the Senator that the bicycle question and the street car question are very closely intermingled. Without bicycles, which the messengers usually furnish themselves, it is necessary, in sending them on long-distance trips, to give them street car tickets; and we thought this a reasonable request.

Mr. WILLIAMS. It is all right if some man will not conclude that this will give the right to go and buy a bicycle.

Mr. OVERMAN. We could say "including repairs to bicycles."

Mr. WILLIAMS. But the bill says "including bicycles." It reads:

For stationery, court library, repairs, including bicycles.

Mr. WARREN. If the Senator has any misgivings about that, he can insert between the word "including" and the word "bicycles" the words "repairs to."

Mr. WILLIAMS. I would not consider that necessary if the Senator himself were dealing with the appropriation, or if most people were; but when a bureau is dealing with an appropriation I think it well to make it specific.

Mr. WARREN. This, however, is a court, and not a bureau.

Mr. WILLIAMS. Well, courts are infinitely worse than bureaus when it comes to construing the manner in which they may spend money.

Mr. WARREN. Let the provision be amended to read "including the repairs to bicycles."

Mr. GALLINGER. By inserting the words "including repairs to."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "including" the words "repairs to," so as to read "including repairs to bicycles."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 152, after line 3, to strike out section 4, as follows:

SEC. 4. That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia, except forecasters in the Weather Bureau, shall be filled except by promotion or demotion from among persons employed within the District of Columbia in such departments or establishment: *Provided*, That if in the judgment of the President the exigencies of the service require, and he shall so order, transfers may be made during the fiscal year 1913 from among persons employed within the District of Columbia in one executive department or other Government establishment to fill vacancies that may occur in the classified service of another executive department or other Government establishment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment was, on page 152, after line 18, to strike out section 5, as follows:

SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service, on the 30th day of June, 1917: *Provided*, That all persons separated hereunder from the classified service shall be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a fair standard of efficiency and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department.

Mr. WILLIAMS. Mr. President, we are going so rapidly one can not find what is stricken out. What is the subject matter of this part of the House bill stricken out?

Mr. WARREN. Shall I give it in concrete form to the Senator?

Mr. WILLIAMS. Yes.

Mr. WARREN. Section 4 provides that during the next fiscal year no vacancies occurring in the classified service shall be filled in any of the departments; and section 5 provides for the five-year tenure of office for civil-service employees—that is, that their terms shall all expire at the end of five years, and only those who then pass an examination shall be reappointed. In place of section 5, which occupies more than a page, we have inserted another section, known as section 4, which I ask the Secretary to read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 153, after line 21, the committee propose to insert:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such systems shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a maximum rating below which no employee may fall without being demoted; it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that all that matter may be passed over for the present without prejudice and be taken up later.

Mr. WARREN. If the Senator wishes to pass it over, I have no objection.

Mr. WILLIAMS. I think we had better look into it.

The VICE PRESIDENT. Without objection, the provision will be passed over temporarily.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 154, line 18, to change the number of the section from "6" to "5."

The amendment was agreed to.

The next amendment was, on page 155, line 1, to change the number of the section from "7" to "6."

The amendment was agreed to.

The next amendment was, on page 155, line 19, to change the number of the section from "8" to "7," and in line 23, after the word "apartments," to insert "except for telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed," so as to make the section read:

SEC. 7. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.

The amendment was agreed to.

The next amendment was, on page 156, after line 2, to strike out:

SEC. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries

or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations.

Mr. OVERMAN. Let the amendments striking out section 9 and section 10 be reserved.

Mr. WARREN. Section 10 is already reserved, because it relates to the Commerce Court.

The VICE PRESIDENT. Section 10 is reserved. Section 9 will also be passed over. The Secretary will state the amendment striking out section 10.

The SECRETARY. On page 157, after line 20, it is proposed to strike out section 10, as follows:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

The VICE PRESIDENT. The amendments will be temporarily passed over.

The reading of the bill was concluded.

Mr. WARREN. The committee has certain amendments to offer. I offer the amendment I send to the desk.

The VICE PRESIDENT. On behalf of the committee the Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 2, line 22, before the word "assistant," it is proposed to insert the word "first."

The amendment was agreed to.

Mr. WARREN. I also offer an amendment, to come in on lines 10 and 11, page 11. I will say to the Senator from Mississippi that this amendment proposes to strike out the word "newspapers," as the Senator heretofore suggested.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, lines 10 and 11, it is proposed to strike out the words "and newspapers."

The amendment was agreed to.

Mr. WARREN. I also offer an amendment to come in on page 13, line 19.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 19, it is proposed to strike out the heading "Congressional Directory" and insert the heading "Joint Committee on Printing," and on page 13, after line 22, to insert a new paragraph, as follows:

For inspector for the Joint Committee on Printing, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000.

The amendment was agreed to.

Mr. WARREN. Mr. President, by request of the chairman of the House committee, I move to amend a little House matter according to the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 15, it is proposed to strike out "$720" and insert in lieu thereof "$900," and in line 20 to make the total read "$92,150."

The amendment was agreed to.

Mr. WARREN. On page 29 there is a total to be corrected because of an error in the original print.

The VICE PRESIDENT. There has already been unanimous consent given for the Secretary to correct all totals.

Mr. WARREN. Yes; but this is an error in the original print.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 29, line 14, it is proposed to strike out "$100,000" and to insert in lieu thereof "$105,000."

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk, to come in on page 41.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 41, line 5, it is proposed to strike out "$2,000" and to insert in lieu thereof "$2,500"; and in line 6, before the word "document," to insert "1, at $1,000."

Mr. REED. What is the reason of the change from $2,000 to $2,500?

Mr. WARREN. It gives the salary provided in the current law, and I am informed by an officer of the Treasury Department that there was an error in sending up the papers. This merely leaves the man at the same salary he is now drawing.

The amendment was agreed to.

The SECRETARY. It is further proposed to amend the bill by striking out, in line 7, the words "assistant messenger" and inserting in lieu thereof the words "two assistant messengers," and, in line 8, to make the total read "$13,100."

The amendment was agreed to.

Mr. WARREN. I offer the following amendment, which brings the amount of rent to cover what has been formerly given in two places.

The SECRETARY. On page 56, line 10, strike out "$48,850," and insert in lieu thereof "$52,000."

Mr. WILLIAMS. Why is that?

Mr. WARREN. There was a division of rent before, and the rent for the Supply Department had appeared in another place; but it was left out of the other place, and so we put it in here.

The amendment was agreed to.

Mr. WARREN. The amendment I now offer is to restore to the Baltimore Subtreasury the amount of the estimates. The reason it was overlooked when the bill was under consideration by the subcommittee is that the member of the Committee on Appropriations from Maryland was expected to visit the committee and correct us up, but illness prevented his coming. I will ask that the amendment be accepted.

The SECRETARY. On page 61, lines 13 and 14, strike out the words "three clerks, at $1,800 each," and insert in lieu thereof "paying teller, $2,250; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800."

The amendment was agreed to.

The VICE PRESIDENT. The other amendments offered by the Senator from Wyoming will be stated.

The SECRETARY. It is proposed, on page 61, in line 14, to strike out the word "four" and insert in lieu thereof the word "three," and to strike out "$34,000" and to insert in lieu thereof "$34,950."

The amendment was agreed to.

Mr. WARREN. Mr. President, on page 61, line 23, there is some ambiguous language in reference to the Boston office; and the amendment I send to the desk is simply to make the language effective.

The SECRETARY. On page 61, line 23, after "$1,100" insert "each," so as to read "three clerks, at $1,100 each."

The amendment was agreed to.

Mr. WARREN. Mr. President, on page 68, line 1, I move to strike out "$2,300" and insert "$4,100," to make it conform to the estimates.

The amendment was agreed to.

Mr. WARREN. In the provision for the hydrographic office we provided for a new station at Panama, but did not insert any funds. I therefore wish, in the amendment I send to the desk, to raise the amount from $11,000 to $13,500.

The SECRETARY. On page 90, line 7, it is proposed to strike out "$11,000" and insert in lieu thereof "$13,500."

The amendment was agreed to.

Mr. WARREN. I also send to the desk the following amendment.

The SECRETARY. On page 103, line 12, after the word "maps," it is proposed to insert:

Including maps, showing areas designated by the Secretary of the Interior under the enlarged homestead act.

The amendment was agreed to.

The SECRETARY. And on the same page, in line 13, it is proposed to strike out "$2,000" and insert in lieu thereof "$3,300."

The amendment was agreed to.

Mr. WARREN. I now offer the following as to the Census Office.

The SECRETARY. On page 131, line 14, it is proposed to strike out the word "four," where it first occurs, and insert "eleven"; in line 15 it is proposed to strike out the word "seven" and insert "twenty"; in line 15 strike out the word "twenty-five" and insert "thirty-two"; in line 16 strike out the words "and forty"; in line 16 strike out "one hundred and forty-three" and insert "eighty-three"; and in line 17 strike out "fifteen" and insert "eighty-seven."

The amendment was agreed to.

Mr. WARREN. Following next is an amendment relating to the Bureau of Labor, to which I call the attention of the Senator from Iowa.

The SECRETARY. It is proposed, on page 135, lines 23 and 24, to strike out the following words:

And the comparative cost of living, and the kind of living.

Mr. WARREN. That leaves it with the department as it now is.

The amendment was agreed to.

Mr. WARREN. I have an amendment on page 136, which I send to the desk.

The SECRETARY. On page 136, line 15, it is proposed to strike out "five" and insert "seven"; in line 15, it is proposed to strike out "eleven" and insert "twelve"; in line 16, it is proposed to strike out "fourteen" and insert "fifteen"; in line 18, to strike out "$102,610" and insert "$110,660."

The amendment was agreed to.

Mr. WARREN. I may say, in extenuation of the fact, that the committee offers amendments of this kind, that the jointure of different bureaus under the departments required a review, which has been made.

Mr. WILLIAMS. It is just a reclassification, it is not?

Mr. WARREN. Yes.

Mr. WILLIAMS. The total is the same?

Mr. WARREN. The total in this case is a little more, because we had inadvertently left out some of the employees.

The following amendment is in relation to the employment in the Bureau of Standards of what both the Department of Commerce and Labor and the Treasury Department regarded as a very necessary officer.

The SECRETARY. On page 141, line 22, after the figures "$4,800," it is proposed to insert the following:

Physicist qualified in optics, $4,000.

Mr. HEYBURN. Mr. President, it had been my intention to scan rather closely any amendment to that class of appropriation. In about 9 or 10 years the appropriation for this bureau has grown from $25,000 to $286,000. I desire to inquire of the chairman of the committee, in charge of the bill, in regard to this appropriation for the Bureau of Standards.

Mr. WARREN. Mr. President, the Bureau of Standards had an estimate in here of a very large amount.

Mr. OVERMAN. They wanted $500,000.

Mr. WARREN. As I remember, it was an increase of something like thirty-five or thirty-eight thousand dollars.

Mr. OVERMAN. Thirty thousand dollars more than at present.

Mr. WARREN. Thirty thousand or more dollars than the bill carries. We were not able to agree to allow that, and except in one or two unimportant matters we took the current law. But this one matter has been very sharply brought to the attention of the committee since the subcommittee considered the matter through a letter from the Treasury Department to a member of the committee. I will say that I do not believe much in these late subestimates. Department officials ought not to address different Senators, even though they may be members of the committee. They ought to come directly to the committee itself. But I am informed that this is a very important matter and have been willing to insert it. I think it ought to go in and pass.

Mr. HEYBURN. Mr. President, I do not know what there is about it that is important. The bureau is not an important one. It has been growing at a wonderful rate. We started to have a small bureau to perform small duties. We started with $25,500 in the appropriation bill of 1901, and have now grown to $426,000.

Mr. OVERMAN. I agree that in this case we appropriate a great deal more than we ought to. We put up this building out here, and there has been a great amount of hauling backward and forward. They have put up a building away out here near Chevy Chase.

Mr. HEYBURN. There is such a slight need of this bureau as to justify a close investigation in regard to these very large appropriations. We should give some attention to the functions performed by this bureau, and it is high time we did. Here is an addition of $400,000 in 10 years to the annual cost of this bureau, which has no very responsible or extensive duties to perform.

Of course, it was supposed during consideration of the pure-food bill that this bureau would be invested with the duty of establishing standards, and in anticipation of that event, which never transpired, they laid out a great system of elaborate buildings and bureaus and divisions and expensive employees.

But the pure-food law did not call for any services at the hands of the Bureau of Standards. The courts by the bill as it passed the Senate were made the judges of the standards and of infractions of the law. When the bill came over from the House it did provide for a Bureau of Standards, but the Senate passed a bill upon different lines, and in conference the Senate method and provision were adopted and became the law.

This bureau has curious items. The Senator from New Hampshire has directed my attention to one:

Expenses of the visiting committee: Expenses of attendance of American member at the meeting of the International Committee of Weights and Measures—

Now, listen to this—

and contingencies of all kinds, $25,000.

That language in an appropriation bill is so indefinite and reckless as to attract attention. That item is $25,000. The bill is full of items of that kind. I do not expect at this time to be able to accomplish very much more than to direct the attention of Senators to this bureau. But I have carried my copy of the bill marked for some suggestions that may be taken under consideration.

The bureau was created by the act of March 3, 1901, volume 31 of the Statutes at Large, page 1449. There has been no legislation since that original act which would justify any such growth or exaggeration of this item of appropriation. It is purely the building up by a bureau of an establishment based upon a very small foundation. I hope Senators will look into it. I will call attention to the original provision in reference to the officers of this bureau:

One director, $5,000.

Mr. GALLINGER. I will ask the Senator from Wyoming if he is willing that this item should go over.

Mr. OVERMAN. Mr. President, I shall object to this item. It never has been brought before the subcommittee. I cross-examined the man who appeared before us about this very office. He has two physicists here. He has got an assistant physicist and he wants an increase. I should like to have inserted in the RECORD what this man desires out there. We declined to increase his appropriation a solitary cent, and here this amendment is offered on the floor without having had consideration by the committee, and I object to it.

The chairman has been very fair to me on every item he has offered here; but this item has never been submitted to me as one of the subcommittee, and I protest against it. I want to say it is not a committee amendment, because it never has been before the committee. I am not criticizing the chairman, because I think he understood it had been brought to my attention.

Mr. WARREN. I did; yes.

Mr. OVERMAN. I want to say that it has not been, and it never has been brought to the attention of the committee at all. We rejected the proposition in the committee.

Mr. WARREN. I will say, however, if the Senators who are now on the floor will permit me, that I am very tired, and so are other Senators; and I would be glad if the bill might go over with this matter pending. I will ask to have the bill come up to-morrow morning immediately after the morning business.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 11, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 10, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we come to Thee with unbounded faith and confidence in Thine infinite wisdom, power, and goodness. Realizing our dependence on Thee, we pray for light to guide us in the way of truth, for strength that we may resist evil, for energy that we may push forward unto the measure of the stature of the fullness of Christ. In His spirit. Amen.

The Journal of the proceedings of Saturday, June 8, 1912, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State;

H. R. 17679. An act to make Bay City, Mich., a subport of entry; and

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana.

The message also announced that the Senate had passed with amendment the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 43.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives, to be distributed through the folding room, 100,000 copies of Public Health Bulletin No. 51, being a report on the cause and prevention of typhoid fever, with special reference to conditions observed in Yakima County, in the State of Washington, by L. L. Lunsden.

LIFEBOATS ON ARMY TRANSPORTS.

The SPEAKER laid before the House the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for whom transportation facilities are now provided on said transports and the crews of said transports, with a Senate amendment.

The Senate amendment was read.

Mr. HAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 18642, to revise the metal schedule, with Senate amendments; and pending that motion I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. MANN. Mr. Speaker, reserving the right to object, I have no objection to that; but I think we ought to have a larger number of Members present, and I therefore make the point of no quorum present.

Mr. UNDERWOOD. I will ask the gentleman to withhold the point for a moment so that the request may be submitted that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. I have no objection to that.

Mr. UNDERWOOD. Then, I ask the Chair to put the request.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. MANN] raises the point that there is no quorum present. Evidently there is not.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

Accordingly a call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Anthony	Borland	Burleson
Aiken, S. C.	Ashbrook	Bowman	Byrnes, S. C.
Akin, N. Y.	Barchfeld	Broussard	Calder
Ames	Barnhart	Bulkley	Cantrill
Anderson, Minn.	Bartholdt	Burgess	Carlin
Anderson, Ohio	Bates	Burke, Pa.	Carter
Andrus	Berger	Burke, Wis.	Catlin
Connell	Graham	Lindsay	Roberts, Mass.
Covington	Greene, Mass.	Littleton	Roberts, Nev.
Cox, Ind.	Griest	Lloyd	Robinson
Cox, Ohio	Guernsey	Longworth	Rodenberg
Cravens	Hamilton, W. Va.	McCreary	Rubey
Currier	Hammond	McDermott	Rucker, Colo.
Curry	Hanna	McHenry	Rucker, Mo.
Dalzell	Harris	McKenzie	Saunders
Daugherty	Haugen	McKinley	Sells
Davidson	Hayes	McMorran	Sheppard
Denver	Heflin	Macon	Slayden
Dickson, Miss.	Helgesen	Maher	Slemp
Dies	Helm	Malby	Smith, Cal.
Difenderfer	Hinds	Martin, S. Dak.	Smith, N. Y.
Doughton	Hobson	Mondell	Sparkman
Draper	Howell	Moon, Pa.	Stack
Driscoll, D. A.	Hughes, N. J.	Moore, Tex.	Stanley
Dyer	Hughes, W. Va.	Murray	Sulzer
Fairchild	Humphrey, Wash.	Nye	Switzer
Fields	Humphreys, Miss.	Olmsted	Taylor, Ala.
Focht	Jacoway	Padgett	Taylor, Ohio
Fordney	Kennedy	Parran	Tilson
Fornes	Kent	Pickett	Tuttle
Francis	Kindred	Plumley	Utter
French	Kinkead, N. J.	Porter	Vare
Fuller	Konig	Pou	Vreeland
Gardner, Mass.	Kopp	Powers	Warburton
Gardner, N. J.	Lafean	Prince	Watkins
Garrett	Lamb	Pujo	Wilder
Gillett	Langham	Raker	Wilson, Ill.
Glass	Langley	Randell, Tex.	Wilson, N. Y.
Godwin, N. C.	Lawrence	Ransdell, La.	Wilson, Pa.
Goldfogle	Lee, Ga.	Redfield	Wood, N. J.
Goodwin, Ark.	Legare	Reyburn	Woods, Iowa
Gould	Levy	Riordan	Young, Mich.

The SPEAKER. The roll call shows 223 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to, and the doors were ordered to be opened.

Mr. UNDERWOOD. Mr. Speaker, the bill before the House represents the metal schedule, and has three amendments that were placed on it by the Senate; one reduces the duty on pig iron from 8 per cent to 6 per cent; the second amendment reduces the duty on the ferro alloys from 15 per cent to 10 per cent; and the third amendment is a repeal of the law known as the Canadian reciprocity act.

I move, Mr. Speaker, to concur in the first Senate amendment, the amendment reducing the rate of duty on pig iron from 8 per cent to 6 per cent.

The SPEAKER. The gentleman from Alabama moves to concur in the Senate amendment reducing the tariff on pig iron from 8 to 6 per cent, and the Clerk will read the amendment.

The Clerk read the Senate amendment, as follows:

Page 2, line 6, strike out the word "eight" and insert in lieu thereof the word "six."

Mr. UNDERWOOD. Mr. Speaker, the duty on pig iron has been fully discussed in this bill before. I do not believe that this reduction will work serious injury to the people engaged in the business. It will entail a loss of revenue of about $49,000. I believe that the rate fixed in the original bill was a fair rate, but as the Senate has only added two amendments to the bill itself, and the only objection we have to the two amendments from our standpoint is the loss of revenue, which I believe we can stand, I think the House should concur in the two Senate amendments. The first, the one now before the House reducing the rates on pig iron, will produce a loss of revenue of $49,000. The amendment reducing the rate on ferro alloys from 15 to 10 per cent will amount to a loss of revenue of $252,000. I believe myself that the former rate on the ferro alloys was a fair revenue rate. Ferro alloys are not used by people generally, but are used by the manufacturers. I do not think the amount of tax placed on the manufacturer was unfair, but as the total amount of revenue that will be lost in this bill by reason of these two amendments amounts to only $301,000, and by agreeing to the two Senate amendments it brings the two Houses together on the bill, so far as these two amendments are concerned, and the iron and steel bill is concerned, I believe that the House should concur in both amendments.

Mr. PAYNE. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. I would like to ask the gentleman, before he takes his seat, if he reported this bill back to the House with the recommendation that the House nonconcur in all the amendments?

Mr. UNDERWOOD. I did not.

Mr. PAYNE. Was that the direction of the committee?

Mr. UNDERWOOD. It was not.

Mr. PAYNE. Was a motion made in committee to nonconcur to all the amendments?

Mr. UNDERWOOD. It was not.

Mr. PAYNE. Was a separate vote demanded on the amendment repealing the reciprocity act?

Mr. UNDERWOOD. A motion in committee was made to concur in two amendments and to disagree to the amendment No. 3, and a separate vote was demanded in committee on that motion. The bill is reported to the House in conformity with the action of the committee.

Mr. PAYNE. I would like to ask the gentleman what the total loss of revenue would be by the bill if the Senate amendments were accepted. I did not know that the report was coming up this morning, and so I have not my papers here.

Mr. UNDERWOOD. I think the estimate, when the bill was reported to the House last winter, was that the loss of revenue would be about $800,000. I am stating it from my recollection.

Mr. PAYNE. And this is an additional loss of revenue to the amount of $300,000?

Mr. UNDERWOOD. Yes; it will make a loss of revenue on the iron and steel schedule of about a million dollars. But if the Senate desires to pass the excise-tax bill that we sent to them, it will more than make up for the loss of revenue in this bill.

Mr. PAYNE. I gather from what the gentleman says that he will move to nonconcur in the third amendment, in relation to reciprocity, and the bill will have to go to conference.

Mr. UNDERWOOD. The Senate may yield, and it may be unnecessary for it to go to conference.

Mr. PAYNE. I suppose the gentleman will ask for a conference if the House nonconcurs.

Mr. UNDERWOOD. I did not intend to do so.

Mr. PAYNE. Is there an understanding that if we nonconcur in the third Senate amendment that they will yield?

Mr. UNDERWOOD. No understanding whatever; but my purpose is to concur in the amendments of the Senate as put upon this bill itself, the amendments that relate to the iron and steel bill. The other amendment is not germane to the bill, and when we reach that amendment I will state to the House why I think the House should disagree to it.

Mr. PAYNE. It is germane to the bill under the Senate rules and under all rules of the House previous to this House.

Mr. UNDERWOOD. I think I can take the gentleman's own record upon that question and satisfy him that this amendment is not germane, but we will discuss that when we come to it.

Mr. PAYNE. There is one further question I desire to ask. I am at a disadvantage, because I did not know that this was to come up this morning. What was the equivalent ad valorem on pig iron under the present law?

Mr. UNDERWOOD. My recollection is that the equivalent ad valorem on pig iron under the present law was about 15 per cent.

Mr. PAYNE. And under the present law there has been an increase of importations of pig iron.

Mr. UNDERWOOD. I will state to the gentleman from New York that under the present law ferromanganese is included in the estimate with pig iron and, of course, lowered the ad valorem rate; but, with ferromanganese included, the rate was about 10 per cent, and excluding ferromanganese, leaving it to pig iron proper, the rate was 15 per cent on pig iron. As to the importations of pig iron, the pig iron imported during the fiscal year 1911 amounted to 54,000 tons in the United States as a whole. Of that amount about 40,000 were imported on the Pacific slope, leaving only about 14,000 tons that were imported on the Atlantic coast line. Considering the fact that last year the production of pig iron in the United States amounted to something like 26,000,000 tons, I do not think, with an importation of 54,000 tons in the United States, but 14,000 tons on the Atlantic seaboard, where the real competition takes place, that a reduction of this rate would jeopardize the industry.

Mr. PAYNE. I do not know. You can get down to the revenue rate, and when you get there you encourage importations. The more you get below it the more you encourage importations proportionately, and it would look as though the gentleman were guessing on this important industry.

Mr. UNDERWOOD. I would answer that by saying that I am stating the facts. I have stated the facts to the gentleman.

Mr. PAYNE. The gentleman is guessing on the rate of 6 per cent.

Mr. UNDERWOOD. As I have stated to the gentleman from New York many times before, and as the gentleman knows, the railroad rate upon pig iron going into the interior, after you have traveled a few miles from the seaboard, amounts to a prohibition of importation. The only place where there can be any importation is immediately on the seaboard, and that is the point where you can raise the revenue. I do not hesitate for a moment to say that if you put pig iron on the free list it would not affect the price when you cross the Allegheny Mountains, or even for some distance this side of the Allegheny Mountains, because the railroad rate going west—this being a heavy commodity, and the freight rates being high proportionately—would exclude competition when you get a few hundred miles away from the Atlantic seaboard, even with free trade. It is possible to raise a reasonable amount of revenue right along the coast line, and I do not think that anyone can say that 8 or even 6 per cent is an unusual or unreasonable tax or a prohibitive tax. So low a rate as 6 per cent, the rate we propose to concur in, is certainly a revenue tax and will produce some revenue at the seaboard. If the Senate had not made this reduction and had left the amount at 8 per cent, there would have been produced a revenue of half a million dollars. As it is, there will be a loss of revenue as estimated by the experts of some $49,000 under this item.

Mr. PAYNE. Of course the gentleman is aware that a large proportion of the pig iron used in manufactures is used on the immediate seacoast.

Mr. UNDERWOOD. Oh, no.

Mr. PAYNE. A large portion of it, practically, on the seacoast.

Mr. UNDERWOOD. Of the pig iron manufactured?

Mr. PAYNE. Of pig iron.

Mr. UNDERWOOD. Manufactured?

Mr. PAYNE. Yes; a large percentage of it is used on the seacoast or near it.

Mr. UNDERWOOD. Oh, the gentleman is not informed. The gentleman does not understand the iron and steel industry.

Mr. PAYNE. I am well enough informed to make that assertion, and make it good from information I could present to the gentleman from Alabama, and, further than that, there is a point on which you can take pig iron into the interior and not cross the continent.

Mr. UNDERWOOD. The gentleman from New York should not be so reckless in his statements. He must know that more than half, or at least half, of the production of pig iron in the United States is in the Mississippi Valley, and it rarely ever crosses the Allegheny Mountains for sale.

Mr. PAYNE. Well, I say a large proportion is manufactured and used not far from the Atlantic coast and there is a point of duty or free pig iron that can be taken into the interior.

Mr. UNDERWOOD. But the gentleman must know there is a very small proportion of the manufacture of pig iron or its use that lies east of Pittsburgh and Bethlehem; that it does not amount to 5 per cent.

Mr. PAYNE. That is true; a small proportion is manufactured, but a larger proportion is used in manufacture east of the Allegheny Mountains than that, a much larger proportion. But as far as I can understand the gentleman, he has no data by which he can say whether 6 per cent will largely increase importations or not.

Mr. UNDERWOOD. I say to the gentleman candidly I do not think it will increase importations. It might increase importation to some 20,000 tons on the Atlantic seaboard, but not over that.

Mr. SHARP. As I gather from what the gentleman from Alabama [Mr. UNDERWOOD] says, he bases his supposition of the loss of revenue upon last year's business—that is, on the business of 1911—taking into consideration a reasonable increase of importations by reason of the reduction of rates. The reason I asked that question is because, having been at one time for several years engaged in the manufacture of pig iron myself, I have been greatly interested in this discussion, and I never hear the talk about the loss of revenue without my memory going back to a time when we imported into this country in a single year about 1,000,000 tons, or 20 times as much, according to the gentleman's statement, as we did last year. Now, the importation of pig iron into this country depends very largely upon the home market price, and the price upon the demand and supply. During the last few years some of our pig-iron manufacturers have been running along at almost no profit at all. I speak from absolute knowledge when I say some of the furnaces have not made one dollar for another covering a portion of that time. Just as soon as the business revival comes, then the price will commence to pick up, and just as soon as the price of that commodity exceeds a certain level, then we will have importations from England and from Germany, so that it seems to me that there is no real apprehension on the part of the gentleman from Alabama that we are going to lose any of our revenue by this modest reduction, because as soon as the revival comes our prices will increase from $3 to $5 a ton. I will appeal to the record of any iron-trade journal, and if you will turn back to its pages of five years ago you will find within

this very month the price of pig iron ranged from $5 to $8 more than to-day, or more than it has been at any time during the past four years. I do not, however, want the gentleman from New York [Mr. PAYNE] to gather encouragement from the fact that it is in view of a Democratic Congress, because all of this depression came under a Republican Congress and under a high tariff, but it does seem to me that the gentleman from Alabama is unduly apprehensive in stating that there is going to be any loss of revenue at all.

Mr. UNDERWOOD. I am not apprehensive. The gentleman misunderstood me. I stated the loss of revenue would only be $49,000, which is not a great amount. I am not the one who has the apprehension.

Mr. SHARP. I believe the revenue will be very much larger than it was during the past year as soon as the business revival comes, which we are bound to have again. I think the importance of this tariff question in its various phases is apt to be overestimated in so far as a high tariff is considered a panacea for all industrial ills or a low tariff a portent of disaster. We have cycles of business depression, and the present one has lasted four or five years. We are due soon to get a business revival, independent of whether we have a Democratic or a Republican Congress, and when that time comes, and when the level of prices goes up higher than it is now, we will have naturally increased importations from other countries. It is bound to follow as it has followed for the last 20 or 30 years. When business was booming in the pig-iron industry, at least, we had heavy importations, because they could afford to ship it from England and Germany and undersell us, and so they did to the extent, as I have said, of nearly a million tons in one year, if my memory is correct.

In my judgment, such a duty as shall be low enough to prevent a monopoly by enabling fair competition and at the same time high enough to afford sufficient revenues to run our Government, with the incidental protection resulting therefrom, will in the long run give the most stability to our industries and the greatest prosperity to our people.

Mr. UNDERWOOD. Mr. Speaker, as I understand, under the order of the House, the bill is being considered in the House as in the Committee of the Whole under the five-minute rule?

The SPEAKER. That is correct.

Mr. HILL rose.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] is recognized.

Mr. HILL. Mr. Speaker, I do not wish to discuss the effect of this amendment upon the manufacture or price or importation of pig iron. I desire now only to call the attention of the Members of the House to the statement which has just been made by the chairman of the Ways and Means Committee that he recognizes the fact that this reduction from 8 to 6 per cent on pig iron involves a reduction of revenue of $49,000 and on ferroalloys involves a reduction of $250,000. From the 4th day of April down to now there has not been a report made by that committee, or by its chairman, that has not been directly the reverse of that proposition, namely, that the result of the reduction of duties would be that the importations would increase accordingly and the revenues would not fall off in proportion. Now, he comes before the House and admits that the revenues will fall off. I read from the report of the committee on the wool bill, as follows:

> It is apparent that the reduction of the rates will tend to increase importations, other things being equal, but in estimating the probable extent or proportion of the increase in importations many difficulties are encountered and many factors have to be considered.

And in that very report the committee itself estimated for the increase of importations to the amount of about sixty millions of woolen products, and so argued to this House that they would not lose but a million and a half dollars of revenue all told. Now he comes and says that the effect of the reduction will be a total loss represented actually by the reduction, when his whole argument has been heretofore that it would involve an increase of importation that would counteract the effect of the reduction of rates.

Mr. UNDERWOOD. The gentleman is misstating what I said. I did not say there would be a total loss of this revenue.

Mr. HILL. I understood the gentleman to say it would amount to $49,000 loss of revenue on pig iron and $250,000 loss of revenue on the ferroalloy.

Mr. UNDERWOOD. That is not a total loss of revenue.

Mr. HILL. I think the House so understood it. If the gentleman will look at the facts, he will see it is a very pronounced loss of revenue. It seems there is only one conclusion we can reach. Eight is low enough. I shall vote against the amendment, for the effect of reducing the rate still further is simply to make a bid for further importations to supplant American products, take labor away from American workmen and transfer it to Europe. [Applause on the Republican side.]

Mr. CULLOP. Mr. Speaker, I would like to ask the chairman of the Ways and Means Committee a question.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized for five minutes.

Mr. CULLOP. Do I understand the gentleman from Alabama to say that if this reduction from 8 to 6 per cent is made that that will make a reduction of revenues of $49,000?

Mr. UNDERWOOD. Over what it would have been if it remained as it is to-day.

Mr. CULLOP. But that does not take into consideration that importations may be increased, and instead of making the reduction of 2 per cent, or of $49,000, the increased importations will in all probabilty increase the revenue more than $49,000?

Mr. UNDERWOOD. The gentleman is misfaken.

Mr. CULLOP. I am asking for information on that subject.

Mr. UNDERWOOD. The increases given were not made by me. They were made by the experts of the Ways and Means Committee. In making their estimate on this item they took into consideration that there would be some slight increase of importation by reason of a reduction of rates, and then estimated the revenue at 6 per cent instead of 8 per cent. So the whole problem was taken into their calculation. I only stated the loss of revenue to the House, in order to be perfectly candid with it, from the information I have had. The loss of $49,000 on this particular item is not very material.

Mr. CULLOP. I should think not, in view of the fact, Mr. Speaker, of the benefit which would be derived by the 93,000,000 of people who consume this material in the United States, and it seems that in all probability a larger reduction upon this item might have been made to very great advantage to the 93,000,000 of consumers in this Republic.

The loss of revenue is a mere bagatelle compared with the benefits to be derived. Any reduction covered by the estimate given is problematical. It may increase the revenue by the more extensive use of the products.

Mr. PALMER. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Pennsylvania?

Mr. CULLOP. I will yield to the gentleman.

Mr. PALMER. I understood the gentleman had concluded. I rose for recognition.

Mr. CULLOP. The loss of revenue, I say, is a mere bagatelle compared with the direct benefits, and if the people can not get along under this reduction, it seems to me that the American people are in a very bad plight. The truth is, as I understand it, that we can produce this article not only more cheaply than any other country in the world, but we are actually doing it. We are doing it in the State of Alabama to-day—producing pig iron more cheaply than any other people in the world—and we need fear no competition from any quarter of the world.

Now, how could this reduction shut down an industry, turning a single laboring man out of employment? On the contrary, it would employ more men, it would operate more industries, from the simple fact that more product would be consumed and a greater demand would thereby be made for the consumption of the product on account of the reduction of the price. For one, I am most heartily in favor of the Senate amendment, and would vote to make the reduction more than it has made it. And I believe that the country would prosper the better if a greater reduction were made.

Recent disclosures concerning the tariff in certain lines of manufacturing have so clearly demonstrated the unreliability of claims made by those engaged in operating protected industries, that it has shaken the faith of the people in any contention they make. So exaggerated have been their statements, and so unfounded their contentions, that one can not persuade himself that they emanate from any other purpose than greed and avarice. It is a well-known fact that we can in this country, and are daily doing it, produce cheaper than in any country in the world. This fact is so clearly established by statistics, by the trade, and by the daily experiences of the people, that it is beyond the cavil and doubt of the most skeptical. Let us then here legislate in favor of the ultimate consumers of this country and not for the beneficiaries of special privilege. It is now time we legislate in favor of suffering humanity, to improve their conditions, that they, the many, shall enjoy the benefits of government and special interests suffer the surrender of some of its unfair legislative advantages. In agreeing to this amendment we are doing for the people the right thing and injure none.

Mr. WARBURTON. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, just a moment. I would like to ask unanimous consent that the debate on this amendment close in 10 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection? The Chair hears none, and it is so ordered.

Mr. PALMER rose.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. PALMER. Mr. Speaker, I want to say a word in answer to the suggestion of the gentleman from Connecticut [Mr. HILL], who criticizes the committee and the majority because we are now agreeing to a further reduction in the revenue under this schedule of the tariff law. The fact is that, even admitting the loss of revenue by reason of the Senate amendments numbered 1 and 2 to this bill, unless the experts who have estimated the revenues under the new rates with the estimated imports are entirely and grossly wrong, this bill, if it shall become a law, will raise at least a million dollars more revenue than the present schedule under the Payne law.

The reason for that is this: It is true that when the bill was brought in, the estimate was made that there would be a loss in revenue of about $800,000. That happened because it was a comparison of the estimated revenue with the revenues received at the customhouse under the Payne law during the past year. Under the Payne law there are included revenues to the amount of nearly $2,000,000 which were received at the customhouse but came back under the rebate clause in the bill.

Take, for instance, tin plate, which yields a matter of $1,800,000 of revenue per annum. Every particle of that tin plate which is brought into the country is brought in for reexport, and 99 per cent of that duty is paid back. The rate which we write into this bill upon tin plate is such as will permit tin plate to come into the country not for reexport but for domestic consumption, so that the revenue on tin plate, amounting to at least a million dollars under this proposed law, will actually come into the Treasury and stay in the Treasury, so that there will be a gain of a million dollars right there.

Mr. HILL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. PALMER. Yes.

Mr. HILL. I would like to ask the gentleman from Pennsylvania, who comes from a very large iron district, whether he thinks this reduction in the rate of duty will have the effect of reducing the selling price of pig iron in this country?

Mr. PALMER. It may slightly, in some quarters, reduce the price of pig iron.

Mr. HILL. If it will reduce it in some quarters, why not in all quarters?

Mr. PALMER. Because the competition which will result in increased importations by reason of the reduced rate will not go all over the country by reason of the freight tariffs.

Mr. HILL. Conceding that it will reduce the price, will it reduce the domestic production?

Mr. PALMER. It will widen the zone of competition, bringing it a little farther inland by reason of the lower rate, and, of course, the increased competition will in some instances result in lower prices.

The SPEAKER. The time of the gentleman has expired.

[Mr. WARBURTON addressed the House. See Appendix.]

The question being taken, the Senate amendment was concurred in.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "fifteen" and insert in lieu thereof the word "ten."

Mr. UNDERWOOD. Mr. Speaker, I move to concur in Senate amendment No. 2. As I stated before, this amendment reduces the rate fixed in the bill from 15 per cent to 10 per cent on the ferroalloys. The ferroalloys are ferromanganese, ferrosilicon, and the other iron alloys that are used by the manufacturers of steel as a mix to perfect their steel. For instance, ferrosilicon is put into the steel during its manufacture for the purpose of liquefying the molten mass and preventing blowholes in that steel. A very small proportion of ferroalloy is used in a ton of steel. The entire tax would fall upon the manufacturer and not on the consumer.

Mr. GARNER. If I understood the gentleman's first statement correctly, concurrence in these two amendments would result in a loss of revenue of about $300,000?

Mr. UNDERWOOD. Yes.

Mr. GARNER. And the manufacturers will get the benefit of that reduction?

Mr. UNDERWOOD. Of this reduction.

Mr. GARNER. And the people—that is, the consumers—will get no benefit from this reduction?

Mr. UNDERWOOD. I think not.

Mr. GARNER. In other words, it is in keeping with the action of another body in reducing the tariff for the benefit of the manufacturers while not considering the ultimate consumer?

Mr. UNDERWOOD. I think myself the rate of 15 per cent was a fair revenue rate. I see no reason for reducing the rate on ferroalloys for the benefit of the manufacturer, but by concurring in the two amendments we bring the two Houses together on this bill. The bill carries a great many items that are of interest to the American people and the American consumer, and I do not think the House can afford to stand up and fight the Senate on these two items when by passing the bill there will be great benefits result to the people generally.

Mr. GARNER. The gentleman is willing to accept this situation for the great good that will come out of the entire schedule, rather than to nonconcur?

Mr. UNDERWOOD. Yes; in other words, I desire to get the two Houses together and send the bill to the President.

The SPEAKER. The question is on agreeing to the amendment which the Clerk has reported.

The question was taken, and the amendment was concurred in.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 22, after line 14, insert the following:

"SEC. 2. That the act entitled 'An Act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act."

Mr. UNDERWOOD. Mr. Speaker, I move that the House disagree to the Senate amendment No. 3, in relation to the Canadian reciprocity act.

Mr. LENROOT. Mr. Speaker, I move that the House agree to the Senate amendment. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to concur in or agree to the Senate amendment at this stage of the proceedings would not have precedence of a motion to disagree. If the bill was in conference the gentleman's motion would have precedence, but the bill not being in conference I do not think it takes precedence over the motion I have already named.

Mr. LENROOT. If the Chair has any doubt about that, I would like to be heard upon it.

The SPEAKER. The Chair has not any doubt. The motion of the gentleman from Wisconsin is a preferential motion. Does any Member wish to be heard on the amendment?

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Wisconsin desires to be heard on his motion, I will yield the floor.

Mr. LENROOT. Mr. Speaker, in the first place, the report of the committee upon this amendment is very interesting. It says:

This amendment is not germane to the metal schedule, having no connection with the revision of the tariff duties in that schedule.

Mr. Speaker, if this amendment is not germane to the metal schedule then I would like to have the gentleman from Alabama tell this House what possible schedule this amendment could be germane to and what possible method there could be for this House to ever bring up that question in any amendment to any tariff measure that is ever reported. I want to take Members of the House back for a moment. When they say that it is not germane to this schedule, I want to remind them that this reciprocity law covers a very large part of the metal schedule. For instance, it covers all kinds of agricultural machinery, portable engines and boilers, cutlery, automobiles, iron ore, brass, rolled iron or steel sheets, galvanized iron or steel wire, barbed wire, rolled iron in rods, and so on.

Certainly it deals with this schedule to a very marked degree, and having said that let us see how consistent the Democratic majority has been with reference to germaneness. Go back with me to the special session when the cotton bill was passed by this House and there came back from the Senate two amendments to that cotton bill, namely, the chemical schedule and the steel schedule. Was either schedule germane to the cotton schedule? But, Mr. Speaker, that is not what I desired to address myself to principally.

It is the question of who shall now take the responsibility of keeping this reciprocity law upon the statute books of the United States. [Applause on the Republican side.] A short time ago when the gentleman from Illinois [Mr. PRINCE] was making a speech, some questions were asked upon that side of the aisle as to who was responsible for this law in the first instance, and it was said a number of times by a number of gentlemen that the President of the United States was responsible for it, and the gentleman from Georgia [Mr. HARDWICK] during that debate used this language:

The fact remains that his party—the Republican Party—and his party's chieftain, with whose nomination he claimed he would be entirely satisfied, are responsible for the legislation the gentleman now seeks to denounce because he believes it is unpopular with the farmers of this country.

Mr. Speaker, it is true that the President of the United States and the Democratic Party in this House and in the Senate must share the responsibility for writing this Canadian reciprocity act upon the statute books, but Mr. Speaker, the responsibility for keeping it there lies alone with you on the other side of the aisle in the vote we will soon take. [Applause on the Republican side.] You can not escape that responsibility. You can not say that if this amendment is concurred in the President will be more likely to veto the bill, because the President of the United States in his campaign speeches has said over and over again that this Canadian reciprocity law was a dead issue.

[The time of Mr. LENROOT having expired, by unanimous consent he was permitted to proceed for five minutes more.]

He has said over and over again that this was a dead issue, and I have no doubt, and neither have you, that if the repeal of this law were sent to the President of the United States as an independent proposition he would sign the bill, because, aside from the merits of the proposition, we have a different situation presented now than when this law was passed. Since that time Canada has rejected it, and shall this great Nation of ours continue to hold out an invitation to Canada, saying that in all the years to come, if the conditions shall some time arise where you believe it will be to your advantage to accept this law you may do it, but we on this side of the line shall have nothing to say about negotiations looking to conditions as they may then exist. Is that statesmanship? Take the case of a treaty with a foreign nation which had been rejected by that nation, would anyone say that the United States should continue to hold out that treaty and bind itself with it in the future whenever that other nation chose to accept it and that they should have the right to accept it at any time and our hands should be tied?

Mr. Speaker, whatever views may have been held upon this side of the aisle in the past with reference to this Canadian reciprocity law, I do say that since Canada has acted the repeal of this law ought to receive the support of every Republican. [Applause on the Republican side.] It was never supported by a Republican majority either in the House or the Senate, and I know and many of you gentlemen on the other side of the aisle know, that the vote that you shall cast here to-day upon this amendment, if you shall follow the Committee on Ways and Means, means your defeat in the next House. I know Members upon that side of the aisle who sweat blood every time they think of Canadian reciprocity. In fact, Mr. Speaker, I am inclined to think that the President of the United States himself wishes that he had never heard of the term. [Laughter.]

I am going to ask for the yeas and nays upon this amendment shortly and we are going to get them. We are going to put you gentlemen on record. You are going upon record at this time. I am going to be interested in seeing how many of you on that side of the aisle are brave enough to stand up in the call for the yeas and nays saying that you are not cowards, but that you are willing to go upon record upon this bill. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I was surprised that the gentleman from Wisconsin [Mr. LENROOT] should challenge this side of the House to show their courage on a tariff bill. If there is any proposition that has ever come before the American people in my time and the time of the gentleman from Wisconsin, upon which there can be no doubt where the Democratic Party stands, it is on its position with reference to a revision of the tariff downward in the interest of the consuming masses of the country. [Applause on the Democratic side.] And I have this to say to the gentleman from Wisconsin: I believe in relieving the men who work in the factories and in the foundries and who have to purchase their daily bread as well as the men who work in the field or who stand behind the plow.

The gentlemen on that side of the House would revise the tariff in the interest of their own constituents and then maintain a high protective tariff wall for the benefit of their own constituencies, even if it made the hungry people in the cities starve. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. The gentleman must base that statement on the fact that I have voted for nearly all of his bills.

Mr. UNDERWOOD. Yes; but the gentleman has not voted to reduce the price of agricultural implements. The difference with the gentleman from Wisconsin and myself is there is not a bill that has come before this House that retains a high tariff on the products of my constituents that I have not voted to reduce it first. [Applause on the Democratic side.] And then, Mr. Speaker, when that is done I have a right to demand of the gentleman from Wisconsin and his colleagues, when they get free wire and free ties and agricultural implements for the benefit of his constituency, that he will give free bread and free meat to the toiling masses of this country. [Applause on the Democratic side.]

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. UNDERWOOD. I can not right now. I want to say this: I voted for the Canadian reciprocity pact at the instance of your President and our President—the President of the United States. I thought he was right. I did not believe then that that bill would injure the great agricultural interests of the Northwest; I do not believe it would to-day if it became a law. But I want to say to the gentlemen who answer the roll on that side of the House when they vote for the motion of the gentleman from Wisconsin to concur in this amendment, that I challenge the gentleman's statement when he says the President of the United States has taken the back track and is ready to repeal the Canadian reciprocity treaty. I deny that fact and I challenge him to produce any proof of it. More than that, I have reason to know that that is not so. I have had those who are interested in desiring to have this pact repealed come to me as chairman of the Ways and Means Committee from which this legislation started, and I have told them if they wanted to discuss that question with me they must first go to the President of the United States and ask him to send a message to Congress saying that he had changed his position in the matter. [Applause on the Democratic side.] I know they went to your President and I know that no message has yet come from the White House saying that the President of the United States has changed his position or would sign a bill repealing the Canadian pact. Now, what do we do? We have brought a bill before this House reducing the duty on iron and wool products half in two. We have got a bill pending here that proposes to give your constituents free fencing wire and to our constituents on this side of the House free ties for their cotton, a bill in which we propose to give to the toiling women of America free sewing machines, a bill that reduces more than half in two the iron and steel commodities that go into the homes of our farmers. We have concurred in the only amendments that are germane to this bill put there by the Senate that stand in the way of it becoming a law.

You know and I know that if we should concur in this amendment repealing the Canadian reciprocity pact, that is not germane to the bill, that has nothing to do with this bill, and we send the bill to the President, we invite his veto to this iron and steel bill with an absolute certainty. [Applause on the Democratic side.] When the gentleman from Wisconsin and his colleagues on that side of the House cast their votes to concur in this amendment they know as well as I do that they cast their votes to defeat revision of the iron and steel schedule. [Applause on the Democratic side.] They know that they make an impossibility of enacting this legislation into law. They know that they deny to our farmers a reduction of their taxes on those iron and steel items in which they are interested that are in this bill. Now, why should we repeal it? The gentleman from Wisconsin and the gentlemen on that side of the House say it is dead. Well, now, if it is dead and means nothing and can not hurt the farmers, why should you seek to put it on this bill except that you desire in an indirect way to defeat this legislation? [Applause on the Democratic side.] I want to say to you that there has never been any final action by the Canadian Government against Canadian reciprocity. There has been no vote in the Canadian Parliament. It may be true that it was an issue in the campaign. It may be true that it is supposed that a majority unfavorable to this legislation has been elected, but it is also true that at the last election in

Canada they sent back liberal majorities favorable to this legislation. [Loud and continued applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. PAYNE. Mr. Speaker, I suppose it is well known in the House as a matter of record that while I was not able to be present because of sickness during the consideration of this reciprocity bill at an earlier time that I was paired in favor of the bill for Canadian reciprocity. [Applause on the Republican side.] I was in favor of it then because I believed that the bill applied only to 8,000,000 people living on our borders; that it was not a threat or a menace, and would do no injury to the American farmer.

I believe that to-day. And if Canada had accepted the reciprocity I believe now there would be no word of dissent in the United States. But they did not accept it. It is pettifogging to say that they never have repudiated it by vote. They did repudiate it. It was necessary for them to accept it before it became the law between the two countries. It is a dead issue. We can not have reciprocity on those lines. If we get rid of that and cut it off the statute books, we may in the future have some reciprocity, perhaps more reciprocal than it would be under the bill as it passed the House.

Mr. UNDERWOOD. Will the gentleman from New York yield to me right there?

Mr. PAYNE. I will if I can get more time.

Mr. UNDERWOOD. I have no objection to the gentleman extending his time. I wish to call his attention to the fact that the only law on the statute books that authorizes the President of the United States to make reciprocal trade relations with Canada is section 3 of this very act you are seeking to repeal, that has a special provision in this law to-day, authorizing the President of the United States to make further reciprocal trade agreements with Canada.

Mr. PAYNE. The President of the United States found law enabling him to present this agreement to Congress, and he can always do it. There is no difficulty about that.

Mr. Speaker, there was another provision of that law. It put print paper on the free list. This proposed repeal puts the duty of $2 a ton upon print paper. Nobody could argue against the justice of that duty, if we are to have any duty at all under the whole line of duties. And therefore, Mr. Speaker, I shall vote for this motion to concur. It is no answer to that for the gentleman to say that this amendment is not germane to the metal bill. When we had the metal bill before the committee, and when we had a bill coming over here covering the whole chemical schedule, that did not hinder the gentleman from Alabama from concurring in the amendments. It is no answer to say that any man can hide his vote behind the rule of the House that this is not germane. A question comes up here and it is for all of you to decide by your vote whether you are in favor of keeping this reciprocity act upon the statute book or not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. The gentleman says he is in favor of free meats. His proposition for free meats was for free meats from all the world—from Argentina, from Australia, from the ends of the earth. That was a threat to the American farmer. That did affect him, because it opened up the markets to the whole world. Whether it would reduce the price of meats to the man in the city I have grave doubt, because I notice when a little duty of 5 or 10 per cent is taken off of an article the middlemen manage to absorb the duty, and they collect the amount that did go into the Treasury of the United States, and the consumer, and especially the ultimate consumer, pays as big a price as he did before. The farmer's price for meat would not have been so great under that bill in all human probability. The "farmers free-list bill" was introduced, and you tried to fool the people by its name, while striking a blow at farm produce. The farmers would never have agreed to that. They did not want that any more than they wanted Canadian reciprocity, and a large majority of them did not want that. They are afraid of this law now. It is nothing but a menace. It does no good. Therefore, I am in favor of voting to accept the amendment. The gentleman assumes that the President of the United States, if you can get this off, will sign this metal schedule. The President of the United States believes in protection, and you strip many of the articles of the metal schedule entirely of protection. You bring it in, not as a protective bill, but as a revenue bill, pure and simple. That is your profession. That is what you have succeeded in making, except where you jump at some of the duties, or all of the duties in the bill. And while one paragraph of the bill may be protective, the next is simply for revenue, and the next is simply a free-trade paragraph that you insert in the bill.

What warranted the gentlemen to assume that William H. Taft will ever sign such a mongrel tariff-for-revenue bill as this metal schedule, whether there is such an amendment on it as that repealing Canadian reciprocity or not? No, Mr. Speaker; I am in favor of this amendment. I am in favor of this motion. I am in favor of repealing that reciprocity agreement, and I am in favor of getting $2 a ton on print paper, too. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. Mr. Speaker, I voted in favor of Canadian reciprocity a year ago, believing it to be a wise and beneficent act of statesmanship, and I do not propose to vote to repeal it now. [Applause.]

It is true that they have had an election in Canada, but the Canadian Government and its Parliament have not officially passed upon this question. Canada is a great country, extending over vast regions, with a sparse population, and it is difficult in so short a time to get a coherent and definite expression of national opinion among so scattered a people.

I believe the people of Canada were misled at that election. They had altogether too much assistance from the great interests of our country, acting in concert with their own, and they pronounced judgment upon a fictitious issue. I am therefore in favor of giving Canada a distinct chance to recall her purely provincial utterance and to speak, if she can do so, with the voice of a nation.

I do not propose to attempt to reargue the benefits of reciprocity, which I have more than once presented to the House. Reciprocity was pressed upon the attention of Canada as involving annexation to this country. If I were to give an opinion upon that point, I should say that those political ties are most apt to be permanent which coincide with the material interests of a people, and that such ties are subjected to a severe strain when they are maintained at the sacrifice of natural advantages. If I am correct, then reciprocity would certainly not weaken the present political relations of Canada. Political relations are in greater danger from laws which stand in the path of commerce than they are in from laws which recognize commercial rights. The Tories of Lord North's breed on both sides of the Atlantic should remember that taxation laws framed to divert trade from its natural channels will be more fraught with danger to the continued possession by Great Britain of her colonies than the more enlightened policy which she has recently been pursuing. If the great Provinces of Alberta and Saskatchewan and Manitoba are prevented from trading with their neighbors across the border, in Minnesota and other States, and if the price of their continued allegiance to the British Crown is to compel them to send their produce 2,000 miles to the seaboard and then across the ocean, and to pay preferential duties of 33 per cent in order to force them to consume British goods, then I think no better way could be devised to lead those great Provinces to drift away from Great Britain and to cause the dismemberment of the Empire.

But this is no concern of ours. Canada must work out her own destiny. It is for her to say whether the obstruction of the pathway to her natural markets, whether, indeed, complete nonintercourse with the United States will be the tie to bind her more firmly to the motherland. Even in that event I imagine we shall be able to survive. This arrangement will benefit us, but Canada relatively much more.

I believe it will keep our friendly relations with Canada on a more secure basis. It will open up to our consumers a wider area of supply, and will tend to check the fast-mounting prices of foodstuffs without doing harm to a single interest in our country. And while I agree that if this agreement is to be repealed, it should be repealed root and branch, and should not except print paper or anything else contained in it, still I am in favor of giving to Canada a chance to reconsider her action and to pronounce, as I believe she will, in favor of the policy which has been uniformly favored by Canadian statesmen for 50 years. [Applause.]

I believe it is of vital importance to that country. Upon one side Canada loses herself in the frozen recesses of the Arctic and can trade with no nation to the north; to the east and to the west she has a narrow frontage upon the navigable ocean; her important ports are locked up for half the year with ice, and for a considerable time great icebergs lie across the track of her commerce; but to the south, for nearly 4,000 miles, and separated from her by no natural frontier, there

extends an almost illimitable market. With all her vast stretches of territory, if you separate her from us by a high-tariff wall, her points of contact with the outside trading world will be very few. If she is to force the currents of her commerce through the long and artificial channels east and west, if she is to carry on her trade with the world by means of the ocean alone and be prohibited from trading with us and from our seaports in the winter time, she can never expect to be more than the mere shadow of a nation, and she will have a contracted, a withered, and a deformed growth.

In the Canadian campaign last summer there was a great show of indignation because the President had said in a speech that Canada was at the parting of the ways, and yet you will find in his message of the 26th of January of last year that he said of the Canadian people, "They are coming to the parting of the ways." No one then charged that he meant annexation.

Sir Wilfred Laurier, in a speech made a few days ago, is quoted as saying to President Taft:

> I have to tell him that Canada will never be an adjunct, and I say to Mr. Taft that the consent of the Canadian people to become an adjunct can not be obtained by all the wealth and profits of the United States.

Sir Wilfred need give himself no anxiety. The wealth of the United States will never be employed to make Canada the terrible thing Sir Wilfred imagines an adjunct to be, although some of it, I believe, was employed last summer to lead her to maintain her icy, if not splendid, isolation. If President Taft had meant annexation he could easily have said it in that private letter, but the fact that he did not say it, and coupled the expression with a statement of commercial advantages likely to accrue to his own country, shows beyond question what his meaning was. It was only after imaginations had become superheated by appeals to prejudice, and annexation had been developed as a bogy to frighten the Canadian people into a decision against their own best interests, that this expression of the President and the term "adjunct," clearly used in a commercial sense, could be given a sinister meaning.

Mr. CANNON rose.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Speaker, in five minutes I can do nothing more than to state that I am going to vote to concur in the Senate amendment. [Applause.] I voted against validating the so-called reciprocity agreement with Canada about 12 months ago. It did not meet with my approval. I think it was a great mistake that that agreement was made, secretly made, without notice to the country and sent to Congress for ratification. My objection to validating the agreement was stated then at length. The House was kind enough to listen to me for two hours at that time. The strongest objection I had to it was that it gave a premium to people of the United States to go into northwestern Canada and develop the large undeveloped areas there. It encouraged the loss of our good citizens—multiplied thousands of the best that we have.

A majority of the Republicans in the House voted against validating that agreement, but almost a united Democracy voted for it. You said it was your kind of a revenue law, and the only objection you had to it was that it did not go far enough. And then, hotfoot, you passed what you called your farmers' free-list bill, which you proclaimed to be a great boon to the farmer, by which you placed meats from the Argentine, from Australia, from everywhere in the world, upon the free list, and placed cereals upon the free list for the benefit of the farmer. Oh, God save the farmer and the country from such legislation as you would give them, and only He could save them if you had full power. [Applause on the Republican side.]

I say again, I shall vote to repeal this act of Congress. It may be that Canada never would agree to it. That is for Canada to say; but to give Canada the opportunity through the coming years to agree to validate this treaty at her sweet will, or to continue to reject it, is giving Canada an advantage that I am not willing to give her, because I believe the agreement is vicious.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like just a few minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. CANNON. It is bad enough that during the remaining months of this Congress the country should be subject to legislation, or attempted legislation, at the hands of a Democratic House, but it is worse that 96,000,000 people should sit still touching this legislation and leave it to the sweet will of Canada to legislate for us. I should like to hear you answer that proposition when you go upon the stump this fall.

Touching the $2 a ton upon print paper, I am for it. I voted for it in the Payne bill as it passed the House. We had an investigation of that subject. The bill went to the Senate and an amendment was made there fixing the duty, I believe, at $4.

Mr. PAYNE. Three dollars and seventy-five cents.

Mr. CANNON. The compromise was at $3.75. The report of the Tariff Board shows that if you want to make up the difference between the cost of production of print paper as between Canada and the United States, the duty ought to be $5.50.

Mr. MALBY. Five dollars and thirty-five cents.

Mr. CANNON. Five dollars and thirty-five cents a ton, to be accurate. Now, my friends, you say you are for a revenue duty. You hunger and thirst for revenue. A protective duty would be $5.35. Two dollars would give you revenue. Well, I am going to vote for $2, because it is better than nothing, and would give us revenue, which we will sadly need if you remain much longer in partial power in the country. [Applause on the Republican side.]

I think that is all the time I want to take. Looking at this side of the House, it seems to me that gentlemen who voted to validate this agreement could follow the example and the counsel of the former chairman of the Ways and Means Committee [Mr. PAYNE], and I am not sure but in a short time the future chairman of the Ways and Means Committee [Mr. PAYNE]. [Applause on the Republican side.] I need not say that those with whom I agreed, who voted against this legislation, will, I believe to a man, vote for its repeal.

But the gentleman from Alabama says that the President will not sign this bill if this repeal of the Canadian reciprocity act is incorporated in it. I wonder when my friend became the spokesman for the President.

Mr. UNDERWOOD. When the President of the United States asked me to pass the Canadian reciprocity pact. [Applause on the Democratic side.]

Mr. CANNON. Precisely. Have you had the word that he will not sign this bill if it contains this provision?

Mr. UNDERWOOD. I will say to the gentleman that I have.

Mr. CANNON. Do you say to me that if this Senate amendment goes upon this bill, on that account he will not sign it?

Mr. UNDERWOOD. I do not care to go into personal——

Mr. CANNON. I want to know.

Mr. UNDERWOOD. If the gentleman will allow me to answer——

Mr. CANNON. The reason I want to know is that gentlemen about me claim that the gentleman from Alabama has stated in substance that if this bill passed without this amendment of the Senate the gentleman had assurances that the President would approve it, and that if this amendment placed on it by the Senate was agreed to the President would therefore veto it. I want to know if the gentleman has the authority to say that?

Mr. UNDERWOOD. I know that the President of the United States has not changed his position, and knowing that, personally I am satisfied that he will veto this bill if you put this provision on it.

Mr. CANNON. Does the gentleman want the House and the country to believe and understand that he knows that such would be the action of the President?

Mr. UNDERWOOD. I have stated to the gentleman that I know that the President, both by his public utterances and private utterances, has not changed his position on the Canadian reciprocity act. I take it that the gentleman who is President of the United States is not going to sign a bill to repeal a law when he is against that repeal, and that if he was for it he would say so to the House.

Mr. CANNON. That is argument, that is deduction, which the gentleman makes. The gentleman gave the impression to some of us that if this Senate amendment was defeated and this bill was sent to the President without the Senate amendment the President would approve it.

Mr. UNDERWOOD. I did not want to give the impression; I wanted to state it as a fact. It is a fact, and nobody can deny it. I challenge the gentleman from Illinois to deny the proposition or say himself that he believes the President of the United States will sign this bill if you put this amendment on it. I challenge the gentleman to say it. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. I would like a little more time.

The SPEAKER. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. So far as I am concerned, if this amendment is agreed to, I will vote against it whatever becomes of the bill. [Applause on the Republican side.] It will not become a law by my vote with this amendment on it or without this amendment on it, but I am in favor of this amendment. I am in favor of the repeal of the law validating the so-called Canadian reciprocity act at any and all times.

Mr. BUTLER. Do I understand that if this amendment is defeated the President of the United States will approve this bill?

Mr. CANNON. That is what I have been trying to get from the gentleman from Alabama by a direct question, as he professes to speak for the President of the United States. Has the gentleman assurance that the President of the United States will approve this bill if it is sent to him without the third amendment of the Senate, which provides for the repeal of Canadian reciprocity?

Mr. UNDERWOOD. I will state to the gentleman that I can not answer that question. The President of the United States, though, has had this matter investigated by one of his departments and has referred the investigation to the Ways and Means Committee. We have legislated with that information before us, and I assume that as he promised the American people that he would revise the tariff downward, he will take advantage of the opportunity and sign this bill. [Applause on the Democratic side.]

Mr. CANNON. At last the gentleman is delivered, but it took the force of a corkscrew to get it out of him. [Laughter and applause on the Republican side.]

Mr. SHERLEY. Will the gentleman yield?

Mr. CANNON. I have but a few minutes.

Mr. SHERLEY. I will get the gentleman additional time.

Mr. CANNON. I will yield.

Mr. SHERLEY. I want to know if the gentleman from Illinois or any other Republican can speak for the President and say what he will do?

Mr. CANNON. I can not as one Republican speak, but as God gives me power to see the right I will perform my duty and let the President perform his duty. [Applause on the Republican side.] The assumption as to what the President would do was on that side and not on this. I do not know. I am not advised. I think that everybody understands these popgun tariff bills that were passed during the special session and were vetoed by the President when they went to him, save alone the Canadian reciprocity act. They will understand also the bill that you are passing to-day with a hop, skip, and a jump, without much knowledge, and the little knowledge you have you ignore.

Now, for one I am perfectly willing—as one individual and one Republican—to go to the country during the coming campaign, standing by the Republican doctrine of protection as I have stood by it in the years that are passed and gone. [Applause on the Republican side.] I believe in it as a policy. I am for it, and, as I shall answer at the last day, I had rather go down to defeat being responsible for that policy than to apologize and run in the light of the attack of the enemy who puts up to us in broken doses, frequently repeated, the proposition to write on the statute books your policy, which is not for the benefit, in my judgment, of the country. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Speaker, there is not an intelligent man in this House or in this Capitol who does not know—yes, absolutely know—that this reciprocity amendment was put on the iron and steel schedule bill for the express purpose of killing it. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I have not the time. I decline to yield unless I can have my time extended.

Mr. PAYNE. I ask unanimous consent that the gentleman may proceed for 10 minutes.

Mr. KITCHIN. Oh, let me have 15 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that he may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. KITCHIN. I now yield to the gentleman from Wisconsin for a question.

Mr. LENROOT. I want to ask the gentleman from North Carolina if he does not know that the mover in the Senate of this amendment voted for the Democratic bill.

Mr. KITCHIN. I do not know and I do not care, but I assert to the House and the country that that amendment was voted on by the stand-pat protectionists in the Senate for the express purpose of giving the President an excuse to veto the bill revising the iron and steel schedule downward. [Applause on the Democratic side.] They do not and will not deny it. Immediately after its passage in the Senate the Republican press heralded it as a triumph of the Republican regulars and a defeat of the bill, declaring that the President could sign no bill containing an amendment repealing reciprocity, the one pet accomplishment of the administration. The Washington Post, the organ of the Taft administration, the organ of the standpatters in the Senate and in the House, the very next day after this reciprocity amendment was put on, boasted to the country of the clever trick the stand-pat Republicans had played on the real friends of the revision bill in voting the reciprocity amendment into the bill in order to insure the defeat of the bill by making it easier for the President to veto it. [Applause on the Democratic side.] Let me read it:

The standpatters—

of which the distinguished gentleman from New York [Mr. PAYNE] and the distinguished gentleman from Illinois [Mr. CANNON], the ex-Speaker of the House, who have preceded me in this debate, are types—

The standpatters hope thereby to tie the steel bill up in conference and let it remain there until the session ends. That was a part of the Republican program when the repeal of the Canadian reciprocity amendment was put into the bill as an amendment.

Mr. NORRIS. Mr. Speaker, will the gentleman yield for a question?

Mr. KITCHIN. One minute. Let me finish reading:

It is understood that the same amendment will be voted into every House tariff bill that reaches a final vote in the Senate, thereby giving the President a better reason than he otherwise might have for exercising the veto power with respect to these bills.

[Applause on the Democratic side.]

And yet you gentlemen are getting up here in this House and trying to make a false issue out of reciprocity. Let no good Democrat who represents an agricultural district, or any honest insurgent who really wants to represent the farmers of the West, be deceived by any such program as this transparent standpat program, which is schemed not to repeal reciprocity, but to defeat in the interest of the Steel Trust any reduction of the iron and steel revision.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Just for a question.

Mr. PAYNE. Of course the gentleman understands that the reciprocity measure is the revenue measure; that a bill to repeal it must originate in the House or come from the Senate as an amendment to a revenue measure.

Mr. KITCHIN. Certainly.

Mr. PAYNE. So that any man in the Senate in favor of repealing it would only get an opportunity to vote anywhere upon that question by moving it as an amendment in the Senate.

Mr. KITCHIN. I am talking about the purpose for which it was put on the bill and the effect of it. I know that revenue measures must originate in the House, and I admit that the gentleman from New York is intelligent enough to know it, too, but this amendment was put on not to affect revenue, not to repeal the reciprocity act, but to defeat the iron and steel schedule bill, which means an annual saving to the American people, and especially the American farmers, of more than $100,000,000. [Applause on the Democratic side.] And here are the Republicans, standpatters and progressives, under cover of the reciprocity repeal amendment, which they know can not secure the sanction of the President, combining together in the name of the farmer to prevent us from granting by this bill relief to him from the extortions of the Steel Trust. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Not now. The standpatters do not want any reduction of the iron and steel schedule. They know that if this bill becomes a law the protection system will receive a deathblow; and they know, too, that under the present political conditions of the administration, if the iron and steel schedule bill could be put up to the President alone and without the reciprocity amendment, every instinct of manhood, every impulse of integrity, every sense of right would compel him to now sign it, and why? Mr. Speaker, we have had the most exciting, the most remarkable, the most unique, and the most bitter campaign between the ex-President and the President that has ever occurred between candidates in this country. The contest between Mr. Taft and Mr. Roosevelt has thrown into mad turmoil the whole Republican Party—insurgents and standpatters. What has been one of the issues? Mr. Taft has accused Theodore Roosevelt of being the candidate of the Steel Trust. [Applause on the Democratic side.] He and his friends have produced the evidence.

Mr. Taft has been up and down the country denouncing as a criminal monopoly and trust the steel corporation, declaring time and again that this corporation, with its vast interests and

influence, is fighting him because he has ordered prosecution against it for violating the antitrust act. He and his friends throughout the country have been denouncing the Steel Trust as corrupting the primaries and convention in the interest of Mr. Roosevelt, putting up the money for Roosevelt's campaign. They charge that Mr. Perkins, a leading director of the Steel Trust, is openly backing Roosevelt's candidacy with the money and influence of the steel corporation, that he is now in Chicago assisting in the Roosevelt management. With this situation confronting the President, with this attitude toward the Steel Trust made bare and unmistakable by his frequent utterances, we know and every Republican knows that if this iron and steel revision bill can be presented to Mr. Taft without the reciprocity amendment not an instinct of manhood would be left in him, not an instinct of justice to the American people would be left in him, not an instinct of truth would be left in him if he dared veto it. [Applause on the Democratic side.]

That is the reason the standpatters do not want this revision bill put up to him. They know that he must sign it if it reaches him, without amendment, so they manipulated in the Senate to tack on to it the amendment repealing reciprocity, as the standpat Republican press has boasted, for the purpose of insuring his veto of the iron and steel bill.

They know that President Taft could not sign any bill that contained the repeal of the reciprocity act. They know that he could not repudiate his own measure, the one measure above all others which a hundred times over he has proclaimed as the great act of his administration. It is his pet measure.

But the gentleman from Wisconsin [Mr. LENROOT] says that the President has changed his opinion on reciprocity. When and where did he ever give utterance to such a change? Why has not the President revealed this change of opinion to some Republican in this House or Capitol, and why can not some Member here tell us that he has even intimated such a change to him? Why does he not send a message to us asking for its repeal? We know and you know that the President has not reversed his position, that he is as strong now for reciprocity as when he sent his first message to Congress urging it. In frequent interviews and in nearly every speech he has made since its passage, he has defended and commended it to the American people as the one great act of statesmanship of his administration. Even in the campaign with Roosevelt he defended it and showed and forced an admission from him that before presenting the measure to Congress he conferred with Roosevelt about it, that Roosevelt heartily indorsed it and advised him to go ahead and push it through. [Applause on the Democratic side.]

Now, why do these insurgents insist on the amendment? Simply to play politics for Roosevelt. They know that the intelligent public believes that Mr. Taft's charge that the Steel Trust is behind Theodore Roosevelt's candidacy is true; that, through Perkins, the Steel Trust interests are financing it. They do not want this steel and iron schedule to go up to the President alone, because they know that he would sign it, and this would be some evidence that he was a friend of the people and an enemy of the trust. [Applause.] They want to put the reciprocity amendment in it, knowing President Taft can not sign the bill, can not sign any bill, however righteous, containing such an amendment, requiring him to repudiate his own administrative measure, and thereby force him to veto it, so they then can go up and down the country hallooing "Taft vetoed the iron and steel revision bill in the interest of the trust. He belongs to the Steel Trust as much as Roosevelt does." [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. KITCHIN. Just for a question; not for a speech.

Mr. LENROOT. I desire to ask the gentleman if he will not explain how he intends to get this bill to the President if you disagree to the Senate amendment after you have accepted the other two?

Mr. KITCHIN. I will tell you how we will get it to him. If he is in favor of repealing this reciprocity act let him send a message here and ask this Congress to repeal it, and we will consider it——

Mr. LENROOT. But the gentleman does not answer my question. How do you propose to get the metal bill to the President when you disagree to this amendment?

Mr. KITCHIN. If you gentlemen will vote for this bill, which will save the American people—the American farmer—over $100,000,000 annually, which is now being wrung out of them by the Steel Trust, and stop insisting on an amendment which you know will kill it, and then go to the Senate and make your insurgent Senators vote the same way and stop trying to play politics between Roosevelt and Taft, we will send it up to him and he will sign it. [Applause on the Democratic side.] And then if the President has undergone any change of opinion on reciprocity, let him send a message to Congress saying so and asking for its repeal. This House will then consider the question straight and square on its merits. Now, the gentleman from Illinois [Mr. CANNON] asked Mr. UNDERWOOD:

> Do you know he will not sign this bill with this reciprocity amendment in it?

I ask him, Do you know or do you believe that he will sign it with it in? You talk about the farmers. There is not an intelligent Republican farmer in the United States who does not know or will not know that the reciprocity amendment was put in for politics only, who does not know that President Taft is bound to veto the bill if it is sent to him with the reciprocity amendment in, who does not know that if you insist on this amendment you will lose both the revision bill and the amendment and the farmer will be deprived of over $100,000,000 relief annually. Why insist on the amendment going in the bill when it is admitted that the President will veto any bill with such an amendment in it? Why not do the right and just thing by the farmer and the people and eliminate the reciprocity amendment and send up to the President a bill which saves to them annually from the exactions of the Steel Trust over $100,000,000? [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HILL rose.

The SPEAKER. The gentleman from Connecticut is recognized for five minutes.

Mr. HILL. But, Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from Connecticut yield until some arrangement can be made as to time? I ask unanimous consent that further debate on this amendment be closed in 20 minutes.

Mr. MANN. I hope that the gentleman will not make the request at this time.

The SPEAKER. The Chair will state to the gentleman from Alabama that he promised to recognize the gentleman from Illinois [Mr. MANN] after the gentleman from Connecticut had finished.

Mr. UNDERWOOD. Then I withdraw the request at this time.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] is recognized for 10 minutes.

Mr. HILL. Mr. Speaker, I would state, furthermore, I shall probably not use the entire 10 minutes and will yield the unused portion to the gentleman from Illinois [Mr. MANN].

Mr. MANN. The gentleman can not yield the time.

Mr. HILL. Very well, then.

Mr. Speaker, I voted for Canadian reciprocity a year ago. I shall vote against its repeal now. I think I differed a year ago with the gentleman from Illinois [Mr. CANNON] who has just spoken. He now very kindly advises me to follow the advice of the chairman of the then Ways and Means Committee. I will ask him if he followed it then?

Mr. CANNON. No. But the gentleman is right now and was wrong then.

Mr. HILL. Ah, I have heard of other people in this country who condemned as wrong everybody that did not agree with them. [Applause.] I followed the advice of my judgment and conscience——

Mr. CANNON. Then, God save you. [Laughter.]

Mr. HILL (continuing). A year ago, and I am trying to follow it now. And the gentleman can take his medicine from whom he pleases.

Now, Mr. Chairman, I recognize the fact that times change and men change with the times, and it is their right to do that. I believed the Canadian reciprocity was right then and I believe it is right now, but whether it is or not this amendment ought not to be concurred in, and I am going to try to tell you why. Under the law as it stands to-day there is a controversy between this and other countries as to what is known as the favored-nation clause of our treaties. They are claiming admission of free print paper to the United States from Sweden and other countries as well as from Canada under the terms of section 2 of this bill. This proposition does not relieve the situation. I hold in my hand the amendment. This amendment ought not to be concurred in because of its uncertain meaning, but should go to a conference committee and be redrawn and made to state just exactly what it is intended to do and that it does not do now. It provides that print paper prescribed in section 2 of said act, shall be dutiable at $2 a ton

It simply covers the paper that is the product of Canada, and the same question that exists now as to what shall be the duty on the print paper coming from other countries in the world will exist after this is repealed.

Mr. MONDELL. Will the gentleman from Connecticut yield to a question?

Mr. HILL. Certainly.

Mr. MONDELL. Has not the question as to the favored-nation clause in this connection risen entirely by reason of the existence of the Canadian reciprocity law? And does not the question disappear with the disappearance of the reciprocity law?

Mr. HILL. Not at all. It simply aggravates that. We had a message from the President of the United States a few weeks ago in response to the request of the gentleman from New York [Mr. HARRISON]——

Mr. MANN. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. MANN. Will not the question of the favored-nation clause disappear entirely if this amendment should be agreed to? In other words, would not this amendment clearly admit of paper valued at less than 4 cents a pound, the duty on some of which now is $7 a ton and $2 a ton, coming from any other place in the world?

Mr. HILL. Absolutely no; because it is limited to paper from Canada, described in section 2 of the reciprocity act. If I am wrong, I would like to have the gentleman state wherein.

Mr. PAYNE. Will the gentleman yield?

Mr. HILL. I will.

Mr. PAYNE. Suppose this $2 duty applied only to the paper mentioned in that act. We would charge a duty of $2 to Canada. And these other nations coming in would obtain the benefit of the favored-nation clause, would they not?

Mr. HILL. You are reducing it from $7 to $2 to the whole world by simply repealing the reciprocity act and leaving the full duties on pulp. I believe it ought to go to a conference committee and have a clear understanding of what it means. As it is now it is not intelligently drawn. The proviso says that from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act. What is that paper? It is paper coming from unrestricted wood, the product of Canada, so that this amendment does not reduce the duty on paper to $2 a ton from the whole world unless under a treaty others claim the right of the favored nation. Then the question would come up, Would it be from unrestricted wood from other nations? There is a complication here that ought to be straightened out before this amendment is concurred in.

Now, one statement more, Mr. Speaker, and then I am done. I said that I voted a year ago for reciprocity with Canada, and I heard the arguments against it. Men here said they were in favor of the reciprocity of Blaine and McKinley, but they were not for the one-sided reciprocity that was advocated at that time. I want to read to this House in my time the reciprocity of James G. Blaine—a resolution which he sent, while Secretary of State, to the House of Representatives, to Mr. McKinley, and the passage of which he advocated. Here it is:

> And the President of the United States is hereby authorized, without further legislation, to declare the ports of the United States free and open to all products of any nation of the American Hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports, free of all national, provincial (State), municipal, and other taxes, flour, corn meal, and other breadstuffs; preserved meats, fish, vegetables, and fruits; cottonseed oil, rice, and other provisions, including all articles of food; lumber, furniture, and other articles of wood; agricultural implements, and machinery, mining and mechanical machinery; and structural iron, steel rails, locomotives, railway cars and supplies, street cars, refined petroleum, or such other products of the United States as may be agreed upon.

That was the reciprocity of James G. Blaine. That was the reciprocity of William McKinley. And when you people tell me that you are for the reciprocity of James G. Blaine and William McKinley, as against a restricted reciprocity between Canada and the United States alone, my advice to you is to go back to the record and read what those men stood for.

Mr. LA FOLLETTE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Washington?

Mr. HILL. I do.

Mr. LA FOLLETTE. As I listened to the gentleman and heard him read, I understood him to read "flour, corn meal, and other breadstuffs." Did the gentleman find there "wheat, corn, oats, and rye"? In the Canadian reciprocity I remember it put wheat, corn, oats, and rye on the free list, but kept a duty on flour and all manufactures of grain.

Mr. HILL. Oh, I know that. But what I want to call attention to is that it opened the ports of the United States to the products of the entire Western Hemisphere, including Canada.

Now, I am willing to admit that circumstances and conditions have changed since then, and probably I would not vote for the reciprocity of James G. Blaine and William McKinley to-day. I stand on the Chicago platform. I stand not only on the reciprocity resolution, but I stand on it as to revenue legislation from beginning to end. I voted for Canadian reciprocity in the full belief that it would do no harm to any man, and I was confirmed in it a few nights ago when I was told by the highest agricultural authority in this country that within the last five years prior to Canadian reciprocity agricultural products to the amount of $95,000,000 went from the United States to Canada, as against $12,000,000 coming from Canada to the United States. We are no children to yield to a nation of 7,000,000, our next-door neighbors, in anything. I stood for reciprocity then; I stand for it now, and I will stand for it whenever the issue is raised by the Republican Party. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. I ask unanimous consent, Mr. Speaker, to proceed for 10 minutes, and then I may desire a little more time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, if it be not inappropriate, I would like to consider the Senate amendment itself instead of something else. The Senate amendment, under consideration, first provides for the repeal of the reciprocity act, and then it contains this proviso:

> *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act—

Meaning the Canadian reciprocity act.

Mr. Speaker, the matter of the duty on paper has been the storm center around which has revolved much of the agitation and some of the legislation of the country during the last few years, and it seems to me that we should be careful and understand what is proposed when we vote upon the proposition.

The proposition in the Senate amendment now is that there shall be a duty of $2 per ton levied upon the "paper described" in the Canadian reciprocity act. What is the paper described in the Canadian reciprocity act? Section 2 of the reciprocity act provides that pulp wood and paper valued at not to exceed 4 cents per pound shall be admitted free on certain conditions. The language of the section is:

> Pulp of wood, mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper and other paper and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States shall be admitted free of duty—

on certain conditions.

I have read all of the description of the paper, so that the description of the paper involved in section 2 is paper valued at not more than 4 cents per pound, made from wood pulp or of which wood pulp is the component material of chief value. The words "being the product of Canada" may be considered a part of the description. That is the entire description.

The provision in the pending amendment, while it proposes to change the duty on paper, does not propose to change the existing duty, if the reciprocity act be repealed, on wood pulp or on paper board.

Now, what is the present duty on paper? Many gentlemen assume that paper coming from Canada comes in free of duty, and that this proposition is in the interest of the paper manufacturer, and that it will assist in the preservation of the industry in the United States by putting a duty of $2 a ton on paper that now comes in free, but the fact is that half of the paper imported from Canada now comes in free and the other half pays a duty of $5.75 a ton.

This Senate amendment would reduce the duty on paper now paying $5.75 a ton to $2 a ton, while it would levy a duty of $2 a ton on the paper that comes in free. Under the existing law paper or pulp which is made from pulp wood in Canada, where the pulp wood itself might be exported from Canada, comes in free. We usually refer to that as private land pulp wood, private land wood pulp, or private land paper. But half the paper that comes from Canada comes from pulp wood cut upon Crown land, which can not be exported to the United States,

and hence that pays, under the Payne law, a duty of $3.75 a ton, the ordinary rate of duty, plus an additional retaliatory duty of $2 a ton because of the restriction, making a total of $5.75 a ton. Now, if the Canadian act be repealed the Payne law takes effect as to the duty on pulp wood and wood pulp. The rate of duty on ground wood pulp is $1.67 a ton when made from restricted wood, it is $3.33 a ton on unbleached sulphite made from restricted wood, and it is $5 a ton on bleached sulphite made from restricted wood. If this should pass we would be in the anomalous position that we would be charging $2 a ton on paper when we were charging $1.67 a ton on the ground wood from which it is made, or $3.33 a ton on the sulphite pulp from which it is made, making the rate of duty on the paper less than the rate of duty per ton on the material from which it is made.

Mr. PAYNE. I want to ask the gentleman if any paper comes in from Canada under the reciprocity law except paper described in section 2 of said act?

Mr. MANN. That is all.

Mr. PAYNE. This places a duty of $2 a ton on the paper described in section 2 of that act.

Mr. MANN. Oh, but the conditions in section 2 of the Canadian reciprocity act are not a part of the description of the paper. In section 2 of the act it describes certain paper; that is a complete description of it, and says, as the Payne law says, on certain conditions that paper may come in free. But the conditions are no part of the description of the paper. I have had experience enough to learn that in passing laws and construing them you must be very careful about the language you use. The conditions in the Canadian reciprocity act are no part of the description of the paper.

Mr. PAYNE. No paper comes in free under the law except that mentioned in section 2.

Mr. MANN. There is nothing in the Senate amendment about paper coming in free. It says that the paper described in section 2 of the act shall come in at the rate of duty of $2 a ton. Section 2 describes all paper under 4 cents a pound.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. I would like five minutes more.

The SPEAKER. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I come to the proposition as to the favored-nation clause. There is doubt now as to whether the favored-nation clause can be invoked in favor of paper coming from Norway, Germany, or any other country outside of Canada. But our Government has taken the position so far, although that has not been confirmed by the courts or assumed as a policy of the State Department, that section 2 of the Canadian act, being a part of a reciprocity act, it would not extend the favored-nation clause to other nations of the world.

But what is this proposition? To repeal the reciprocity act, and to admit paper coming from Canada free of duty at $2 a ton. Does anyone contend, or will anyone contend, that we could pass an act directly putting a rate of $2 a ton on paper coming from Canada and not be held to give the same rate of duty on paper coming from any nation that had a favored-nation clause in its treaty? I went over that when I introduced the original bill on the subject. It is perfectly patent that if you repeal the Canadian reciprocity act and say that you will grant a duty of $2 a ton on paper coming from Canada, being the product of Canada, any nation that seeks to export paper to us under the favored-nation clause is entitled to the same rate of duty, it being the product of its own country.

Mr. HILL. And, if the gentleman will pardon me, they still retain a duty of $5 on pulp, the material out of which the $2 paper is made.

Mr. MANN. Now, what are the tariff rates on paper? The tariff rate without the retaliatory duty is $3.75 on print paper valued at not more than 2¼ cents a pound. It is $6 a ton on paper between that and 2½ cents a pound. It is $10 a ton on paper valued between 2½ and 4 cents a pound. But this Senate amendment would admit paper coming from anywhere in the world, from a nation that had a favored-nation clause, at $2 a ton, and if it should be agreed to and become a law there would not be enough left of the paper industry of the United States to make a grease spot on a clean floor. [Applause on the Republican side.] I am not in favor of breaking down the industries of the country.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. Will the high-price paper the gentleman refers to come within the description as papers made from mechanical or chemical wood pulp?

Mr. MANN. Under 4 cents a pound a large share of the paper is made from ground wood or sulphite or soda pulp. Much book paper is under 4 cents a pound and is made from soda wood pulp. We have great industries all around us making wood pulp—soda pulp—which would be driven out of business by this amendment; nor could they recoup themselves by importing the pulp, because the rate of $5 a ton has remained on soda pulp and $2 a ton on the paper made from it.

Mr. MONDELL. The gentleman's view of it is that the Senate amendment would apply only to Canadian paper, and that the favored-nation clause in our treaties would probably then apply to other nations if enforced?

Mr. MANN. My view is not that probably they would apply, but that certainly they would.

Mr. MONDELL. But that the amendment itself was intended only to cover the Canadian paper?

Mr. MANN. I will not say that that was what the amendment was intended to cover, because, without referring to what took place in the Senate, I learned in reading some of the various documents we have that it was intended to cover every country.

Mr. MONDELL. As a matter of fact, does not its language limit it to Canada?

Mr. MANN. I think the language of the Senate amendment would only apply the rate of $2 a ton to paper coming from Canada, but that the favored-nation clause in treaties would make it applicable to other nations.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will permit, I notice in the debate in the Senate that the gentleman from Iowa who offered the amendment stated that the paper would come in at $2 a ton from all the world.

Mr. MANN. I do not wish to advert to what took place in the Senate, but without referring to that there were several erroneous opinions that I have read relating to this in a document that we find at least on six days in the week.

Mr. PAYNE. Mr. Speaker, I agree with the gentleman, that the paper from the world would come in at $2 a ton—that paper described in section 2 of the Canadian reciprocity act—and that is exactly in accordance with the bill introduced by the gentleman.

Mr. MANN. Oh, not at all. The bill I introduced, and the report which my committee made, provided for a rate of $2 a ton on news-print paper valued at not more than 2½ cents a pound, made from wood which was unrestricted in its exportations, and coming from a Province which levied no restrictions upon exportations of any pulp wood in that Province, and levying a rate of duty of $6 a ton on any paper where there were any restrictions.

Mr. PAYNE. That meant a duty of $2 a ton on all paper from all the world except where there were these restrictions in Canada.

Mr. MANN. I beg the gentleman's pardon. If that had been enacted into law, as it ought to have been, and the Canadian people had taken the position which they have since taken, we would now be paying $6 a ton on every ton of paper that came from Canada. That was an offer of favors which was not accepted by the subsequent action of Canada.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER. Is the gentleman holding that the proper interpretation of this Senate amendment would leave out as a part of the description of the paper this language, in section 2 of the reciprocity act:

On the condition precedent that no export duty, etc.

Mr. MANN. Yes; I am holding that is not a part of the description of the paper at all.

Mr. COOPER. Would it not be possible to make a very reasonable interpretation to this effect, that the language of section 2 of the reciprocity act relating to "news-print paper and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the bulk or not colored, and valued at not more than 4 cents a pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States," as to which the language "on the condition precedent" is used, is paper of such description on which there is no export duty?

Mr. MANN. That is not the language of the law.

Mr. COOPER. That is, in my judgment, in effect the language of the law under a fair interpretation of it.

Mr. MANN. The gentleman does not mean that that is the language of the law. The gentleman means he thinks that is what it means.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. The gentleman will also notice that the language of the law covers both paper board, chemical pulp and ground wood, while the language of the amendment refers only to paper.

Mr. COOPER. Mr. Speaker, I want to ask the gentleman one question. Leave out all the phraseology, which is simply an amplification of the description, and make it as simple as possible: Do not the words "condition precedent" mean or are they not the equivalent of this expression, "On which there is no export duty"? In other words, would not section 2 of the reciprocity act in effect read in this way:

News-print paper valued at not more than 4 cents a pound, products of Canada, on which there is no export duty, imported directly into the United States, shall enter free of duty.

Mr. MANN. It would not make any difference; there is no duty on paper exported from any country in the world. Although I drew the language that is in the Canadian bill, I drew it carefully, and that is not part of the description of the paper, in my judgment.

Mr. Speaker, the adoption of this Senate amendment would be jumping out of the frying pan into the fire, so far as the paper industry of the United States is concerned. I have been in favor of obtaining for use in the United States the pulp wood of Canada and at the same time uphold the industry of paper making in the United States. I do not believe in destroying that industry here or transporting the paper-making industry from the United States to Canada. I am in favor of protecting all American industries. I believe that every dollar that is paid out in this country for the manufacturing of an article in this country is that much better for the country than to have the dollar paid in a foreign land for the manufacture there of goods brought here, and I stand upon that principle. [Applause on the Republican side.] There has been some conversation here as to whether the President would veto this bill if this amendment were in or if it were out. Mr. Speaker, I can not speak with authority from the President, but I feel that I know that the President will be true to the principles of the Republican Party, true to the principles of protection for American industries, and that, whether this amendment be in or out of the bill, the bill, if it goes to him, will receive speedy and unequivocal veto in the interest of American industries. [Loud applause on the Republican side.]

Mr. McCALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, a year ago I opposed the passage of the Canadian reciprocity agreement, and I am in favor to-day of repealing it by concurring in the Senate amendment, in line with the motion made by the gentleman from Wisconsin [Mr. LENROOT]. I opposed the reciprocity agreement a year ago because I believed the farmers of this country were not given equal consideration with those who had for sale the manufactured or finished product, and I believe so to-day. There are those who say to-day we need not have concern over the reciprocity agreement, because it is a dead letter. If it is dead, why not humor those of us who are opposed to it by permitting it to be repealed? On the other hand, there are those who oppose the repeal of the law because they hope that ultimately its terms may be approved by Canada. So far as I am concerned, I am opposed to it because of the fact that it may ultimately be approved and ratified by Canada. Last fall it failed of ratification not upon the economic merits of the proposition as submitted to the Canadian people, but rather it failed of ratification from the standpoint of sentiment that was aroused in that country touching their nationality, touching their relationship to the mother country and their ultimate relationship to the United States. There is no doubt in my mind that the question that appealed so strongly to the people of Canada at that time has been largely removed. They consider the question of their loss of nationality as an illusion, and they are now concerned with the economic features of the problem. I have no doubt that the report that is constantly coming from Canada is true that sentiment in that country is turning in favor of the reciprocal agreement that was proposed by our country.

There are those who say that the responsibility must rest upon the President for the law in the first place. There are Democrats who would shirk their responsibility. Let me say that the responsibility for passing it through the House rested with them a year ago. The approval of the measure passed on the urgent advice of the President rests with him. That question is not involved here. We are to-day face to face with the proposition of whether or not we shall continue it upon the statute books or repeal it. The President will accept his responsibility whenever he may be called upon to do so, and let this House not avoid the responsibility that rests upon it now to say whether or not it will continue to hold out to Canada a reciprocal agreement that was offered and passed here a year ago, or whether we shall repeal it at this time and let future negotiations looking to reciprocal agreements be for future Congresses to consider. [Applause.]

Mr. FITZGERALD. Mr. Speaker, this should be a very satisfactory situation to Republican Members in the House. The gentleman from Wisconsin [Mr. LENROOT], who was opposed to reciprocity with Canada, favors concurring in this amendment in order to prevent reciprocity. The gentleman from New York favors concurring in this amendment in order to make feasible reciprocity at some future time. It should not be difficult for gentlemen upon that side of the House, in one situation or the other, to find sufficient excuse, if they desire the defeat of this bill, to vote for this amendment. The motion of the gentleman from Wisconsin demonstrated the insincerity and hypocrisy of the Republicans upon the tariff question. [Applause on the Democratic side.] On last Thursday the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from New York [Mr. PAYNE] made aggressive speeches in favor of the continuance of the Tariff Board and the necessity of having reports of the Tariff Board, and following their recommendations in order to carry out the Republican platform of equalizing the difference between the cost of production here and in other countries, and yet the gentleman from Wisconsin moved to concur in the Senate amendment, which proposes to put a duty of $2 a ton upon print paper.

The gentleman from Wisconsin knows that the highest motion in point of privilege is the motion to concur with an amendment. The report of the Tariff Board indicated that $5.35 a ton was the differential in the cost of production of print paper here and in Canada. If he believed in the principles of the Republican platform, if he was sincere in his advocacy of the Tariff Board in order to ascertain the difference in the cost of production here and in other places, his motion would more properly have been to have concurred with an amendment placing a duty of $5.35 a ton upon print paper instead of $2 a ton upon print paper. But this action illustrates the accuracy of the statement of the gentleman from North Carolina [Mr. KITCHIN] that this proposed action is to make easy the vetoing of this bill by the President. The President in his various veto messages of tariff bills passed by Democrats in Congress based his action upon the ground that he did not have sufficient information with which to determine whether any industry in the United States would be affected by the rates of duty proposed in those bills. He has information which demonstrates that from his standpoint this particular industry would be injured by a duty of $2 a ton on print paper. In his speech at Winona—that famous Winona speech, delivered in September, 1909—he said, speaking of paper:

An examination of the evidence—

Referring to the evidence collected by the special committee appointed by the House which unanimously recommended a duty of $2 a ton—

An examination of the evidence satisfied Mr. PAYNE—I believe it satisfied some of the Republican dissenters—that $2, unless some change was made in the Canadian restrictions upon the exports of wood to this country, was much too low, and that $4 was only a fair measure of the difference between the cost of production here and in Canada.

What more is needed to demonstrate that the purpose of this motion of the gentleman from Wisconsin is not, as some pretend, to repeal this reciprocity pact and to place a proper duty upon print paper, but it is to make easy the veto of this bill by the President, because without going further than to assert that this duty would be insufficient to give that protection guaranteed by the Republican platform to this industry he would justify himself in vetoing it. How many Republicans upon that side of the House, with the opportunity now presented to them, propose to vote for a duty upon print paper, which, according to the Tariff Board and according to the statement of the President and according to the former chairman of the Ways and Means Committee [Mr. PAYNE] is inadequate to furnish the protection guaranteed by the Republican platform. [Applause.]

The SPEAKER. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. UNDERWOOD. Mr. Speaker, I would like to reach an agreement about closing debate.

Mr. JACKSON. I would like to have five minutes.

Mr. UNDERWOOD. I understand there are two gentlemen on the other side of the House who desire to be recognized for five minutes each, and two gentlemen on this side of the House.

Mr. MOORE of Pennsylvania. Can I have about two minutes?

Mr. UNDERWOOD. That would make 22 minutes, if the gentleman desires to be recognized for two minutes.

Mr. NORRIS. I would like to say to the gentleman that I would like to offer a preferential motion, and I desire time on it.

Mr. UNDERWOOD. I would like to ask the gentleman what his preferential motion is.

Mr. NORRIS. I would like to offer it now, if the gentleman will permit, and have it read by the Clerk.

The SPEAKER. Is it simply offered for information or is it to be pending?

Mr. UNDERWOOD. It is offered for information, Mr. Speaker. I have the floor.

Mr. NORRIS. The gentleman does not yield the floor for the purpose of allowing me to offer it, so it will have to be read for information.

The SPEAKER. The gentleman from Nebraska offers a preferential motion, which the Clerk will report.

The Clerk read as follows:

I move to concur in the Senate amendment with an amendment, as follows:

After the word "that," in line 15, page 22, insert the following:

"Sections 2 and 3 of," strike out the proviso so that the amendments shall read as follows:

"SEC. 2. That sections 1 and 3 of the act entitled 'An act to permit reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, be, and the same are hereby, repealed."

Mr. UNDERWOOD. Now I will ask the gentleman from Nebraska if the purpose of his amendment is to repeal all the Canadian reciprocity pact except that relating to paper?

Mr. NORRIS. Yes; except section 2. It repeals everything except section 2.

Mr. UNDERWOOD. I have no objection to the House voting on the question. I am not for it, of course, but I am willing to consent that the amendment may be pending.

Mr. NORRIS. It does not make any difference to me. I am perfectly willing to offer it now.

The SPEAKER. The reason the Chair propounded the question was that there is sometimes much doubt as to whether an amendment was simply read or read and pending.

Mr. NORRIS. I did not have the floor.

The SPEAKER. The gentleman from Alabama consents, as the Chair understands, to the pendency of this amendment?

Mr. UNDERWOOD. All right.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to have five minutes, the gentleman from Alabama [Mr. HEFLIN] five, the gentleman from Kansas [Mr. JACKSON] five, and the gentleman from Tennessee [Mr. HULL] five minutes, and the gentleman from Oklahoma [Mr. MORGAN] five minutes, and the gentleman from Pennsylvania [Mr. MOORE] two minutes.

Mr. DE FOREST. Mr. Speaker, I would like to have two minutes.

The SPEAKER. If the gentlemen from Alabama [Mr. UNDERWOOD] wants to modify his motion, well and good.

Mr. UNDERWOOD. The gentleman from New York [Mr. DE FOREST] wants two minutes. The gentleman from Nebraska [Mr. NORRIS] wants five minutes. That would add seven minutes, and I desire to reserve five minutes for myself, Mr. Speaker, in case I wish to use it, although probably I shall not.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this proposition close in 34 minutes. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. Speaker, I feel very much gratified that the gentleman from North Carolina [Mr. KITCHIN] has introduced into the RECORD the Washington Post as Democratic authority. That, Mr. Speaker, is about all that the gentleman from North Carolina said that has any substance to it. But the authority of the Washington Post, a newspaper owned by a man who has been a prominent Democrat all his life and who of late years has become an authority for the ultraprotectionists of the country, should be given considerable consideration.

It happens, Mr. Speaker, that I took some notice of something that the Washington Post published a few days after the quotation that the gentleman from North Carolina quoted. It is too long to introduce into the RECORD at this place, but I wish to call to the attention of the gentlemen present a few remarks the Washington Post made.

Mr. KITCHIN. Will the gentleman permit me one moment?

Mr. JACKSON. I can not yield. I have only five minutes.

Mr. KITCHIN. I did not quote the Washington Post as a Democratic paper.

Mr. JACKSON. This editorial is entitled "Holy alliance on the tariff." Here is the way it begins:

The Senate, by a rare display of teamwork in handling the steel bill, ratifies the do-nothing tariff program as outlined by the Post several days ago.

* * * * * * *

The object of this "holy alliance" is the worthy one of a truce to tariff tinkering until the country has registered its verdict on what has already been done toward downward revision.

* * * * * * *

For the Senate Democrats to load down the steel bill with amendments known to be anathema to their colleagues in the House is playing it low down—another instance of the spear that knows no brother—still the "holy alliance" has claims to justification that the "unholy alliance" a year ago was a stranger to.

In other words, the "unholy alliance," according to this paper, was an alliance to secure lower duties for the people of the country, while the "holy alliance" between the Senate Democrats and the ultraprotectionists in the Senate is an alliance to stop any tariff legislation. And now come the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from North Carolina [Mr. KITCHIN] and admit that these amendments were put on in the Senate to stop tariff legislation.

They confined their remarks to the reciprocity clause, but it must be, Mr. Speaker, that these other amendments were put in for the same reason. It can not be true that the gentleman from Alabama, who is so free to fling his arrows at men for favoring industries in their own districts, would report a bill containing a duty of 8 per cent on pig iron, represented in his own district, and now admit that 6 per cent is entirely high enough, an admission that the duty contained in his bill was 33⅓ per cent higher than it ought to have been; but when it is proposed to reduce that duty 25 per cent it is made a condition of that reduction that the manufacturers of pig iron in his own district receive a reduction of 5 cents per pound on ferromanganese, which they buy, or a reduction of 33⅓ per cent.

The ultraprotectionists of the Senate want no tariff revision because they want to retain the benefits of the Aldrich tariff law as long as they can. The Democrats of the Senate want no revision because they prefer to go before the country on the issue of the tariff as written in the present law. They are perfectly willing to allow the country to pay the present duties in order to secure better campaign issues. So it seems these interests have agreed to make it as easy as possible for the President to veto the bill.

It makes no difference what we do here, the die is cast and the bill is to go to the President imperfect and rank as possible, so he will be sure to veto it. The bill has been sent back here for us to fight out a sham battle over a dead issue, that of reciprocity.

If the Democrats of the Senate had wanted to pass a bill at this session, they would have joined the Progressive Republicans in the Senate in passing the Cummins amendments, similar to the course they pursued last summer on other bills, and there would have been some reasonable expectancy of the President's approval of the bill. And if he had failed to do so, we could have passed it over his veto. As it is, he is expected, even invited, to veto the bill. Having voted against reciprocity before, I shall do so again.

So I say that we are warranted in assuming that all of these amendments were put on in the Senate by the teamwork of the Democrats and the high protectionists. [Applause.]

The SPEAKER pro tempore (Mr. ANSBERRY). The time of the gentleman has expired.

Mr. JACKSON. Mr. Speaker, I ask leave to extend my remarks by including this editorial.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The editorial is as follows:

"HOLY ALLIANCE" ON THE TARIFF.

The Senate, by a rare display of teamwork in handling the steel bill, ratifies the do-nothing tariff program as outlined by the Post several days ago. The only deviation from the Republican-Democratic agreement as forecast is the sending the bill back to the House instead of to the President in such a shape that a deadlock is inevitable, thereby sidestepping final action and a veto message. No hitch in the agreement having developed in disposing of steel, it is now admitted on both sides of the Senate that all the tariff measures will be "expedited" over the same route.

The object of this "holy alliance" is the worthy one of a truce to tariff tinkering until the country has registered its verdict on what has already been done toward downward revision. This arrangement is a

decided gain for the cause of protection to American industry and a great boon to the business world, lifting, as it does, the major proposition to the incubus which frenzied politics puts on finance and trade. Although the Democrats promise to renew the fight for legislation next winter, the short session will scarcely suffice to carry out their purpose, thus making it practically certain that the tariff issue, except as a campaign slogan, will not again darken the prospect for a year and a half to come. Of course the protection party stands ready to revise the schedules along the lines indicated by President Taft, and if the revisionists modify their demands there is no reason why any inequalities may not be promptly legislated out; but nothing radical.

Oddly the Canadian reciprocity bill has been chosen as the instrument to block the House tariff program—to strangle the bills of which the rejected pact was regarded by the Democrats as the forerunner.

For the Senate Democrats to load down the steel bill with amendments known to be anathema to their colleagues in the House is playing it low down—another instance of the spear that knows no brother—still the "holy alliance" has claims to justification that the "unholy alliance" a year ago was a stranger to. As for the insurgents, they look to be deeper than ever in the hole they digged for Taft. Has the tariff ever failed to have its revenges, swift and sweet?

Mr. MORGAN. Mr. Speaker, I am aware that what I shall say will probably not change a single vote on this amendment to repeal the act of Congress which approved the Canadian reciprocity treaty. The leaders on the Democratic side of this House have by their speeches indicated that there will be practically a solid Democratic vote against the repeal of this law. Nevertheless, I want to express my sentiments on the proposition. I voted against the Canadian reciprocity in the Sixty-first Congress. Again I voted against it in the Sixty-second Congress. I not only voted against the measure, but my voice was heard against the proposition. I am still against it and shall vote to repeal it. The Senate has passed this amendment, and if this House will concur in the action of the Senate it will no doubt be many years, at least, before the matter will be revived. But as long as this law stands on our national statutes Canada may at any time approve the measure, and the treaty would then go into effect. I am satisfied that if this measure was submitted to a vote of the American people to-day it would be defeated by an overwhelming majority.

If this measure is not repealed at this time the responsibility will rest with the Democratic majority in this House. The Republican Senate has voted to repeal the measure. A Democratic House will soon pass on the question. If the motion to concur in the action of the Senate shall fail to prevail, from this time on the Canadian reciprocity pact and the provisions therein contained become a Democratic policy.

Nearly 50 per cent of all the people in the United States reside on our farms. Agriculture is the one great fundamental industry of this country. We have 6,300,000 farmers in the United States. These men believe that the proposed Canadian reciprocity would work to their injury. In this they are correct. The policy of our National Government should be to aid, encourage, and promote agriculture in every possible way. It is not for the farmers alone that I speak. I feel that when I stand by the great industry of agriculture I am acting for the welfare of the entire country and in the interest of all the 92,000,000 people of the United States. If agriculture declines all other industries will suffer. When agriculture prospers every other industry will reap advantages. I supposed the so-called Canadian reciprocity treaty was dead. But the action of the Democratic side of this House in opposing its repeal puts the farmers of this country on their guard. The great majority of our farmers were opposed to this measure, they are opposed to it to-day, and will continue to be opposed to it. They, in my judgment, will continue to fight this measure until there shall be elected to the House of Representatives of the United States a membership that will see that this law shall be repealed. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Speaker, there is very little to this proposition except that it gives great concern to our friends on the other side and is gradually bringing the Republicans together. It would please the gentlemen over there, I think, if this bill should so pass that a Republican President has to veto it. The wish is father to the thought. You have the responsibility of governing. It is up to you to raise the revenue, and you do not know how to do it. You do not want the revenue cut down, so you will pass this bill in order that a Republican President may veto it. The Republicans are coming together on this reciprocity question. Grant that a mistake of policy was made, a majority of the Republicans of this House voted against Canadian reciprocity.

It meant a closer alliance with Great Britain on free-trade lines, and you took it up as a Democratic measure. A majority of the Republicans of the House, believing reciprocity would affect the industries of the United States, voted against it. The Republican vote was 65 for reciprocity and 80 against reciprocity. The Democratic vote was 203 for reciprocity and 9 against it. So that if it injures the farmer you were more responsible for it than we were. A majority of the Republicans of the Senate also voted against reciprocity with Canada and the British trade entanglements that would necessarily follow. The Republican vote in the Senate was 20 for reciprocity and 24 against. Of the Democratic Senators, 33 voted for reciprocity and only 3 against. Now, if Canada has repudiated reciprocity, and it is seen that a mistake was made upon this side of the border, we are correcting it. The farmer and the industrialist, whom you attempted to separate on the reciprocity issue, are now coming together where they rightfully belong, under the banner of protection. The farmer is beginning to understand your pretenses and the burdens you would impose upon him, and will be pleased to have us recall an unfair agreement with Canada that would tend to prevent the workmen of the United States from earning an American wage in American mills. As the Representative of a city district I voted against this Canadian reciprocity agreement, because I believed we should give to the farmer the same measure of protection that we give to the man that works in the mills. You would take that protection from him. [Applause on the Republican side.] The farmer and the mill worker evidently understand the situation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL. Mr. Speaker, the gentleman from Pennsylvania [Mr. MOORE] has stated that the Republicans are getting together on this question of reciprocity. I noticed that on the 25th of April last the President of the United States in his speech at Columbus, Ohio, proceeded in his usual way to defend his course with respect to reciprocity, and he stated in that speech that he believed he was right on that question during the last year, and that he believes he is right upon it now.

Up at Boston a few days prior to that time the President proceeded to make a similar defense, both of his past and present position, on this question. There are but two leading candidates for President in the gentleman's party at this time. During the pendency of the Canadian reciprocity in the House and Senate another of their leading candidates for President, Mr. Roosevelt, through the columns of the Outlook, a magazine published in the city of New York, which has a wide circulation in this country, proceeded in editorial after editorial to give his hearty approval to the doctrine of reciprocity as embodied in the bill which passed Congress and was signed by the President. After that time this same gentleman in a speech before the Republican Club of New York, and in another speech on another occasion after reciprocity had passed Congress and became a law, proceeded to give it his further indorsement and to enter into an elaborate argument giving the reasons why the President of the United States and Congress were eminently correct in the position they had taken.

Now, Mr. Speaker, there is not a swollen combination, there is not a trust, there is not any aggregation in the nature of a monopoly, deriving its existence from our protective policy that is not heartily in favor of the motion of the gentleman from Wisconsin [Mr. LENROOT]. I did not hear the amendment of the gentleman from Nebraska [Mr. NORRIS], and I will not speak as to that. But this is another step in the progress of our friends who have stood here and by one device and subterfuge after another have prevented an honest reduction of taxation in this country.

The prime minister of Canada a few days ago in a speech gave the reasons for the temporary defeat of reciprocity in Canade. Here is his language:

> Moreover, it is an open secret to us, so open that everybody knows it, that during the last election, in the heat of the contest, when every nerve was straining to win the fight, the special interests of the United States joined hands with the special interests in Canada to defeat reciprocity, both by singing lustily and loudly "God save the King," but also murmuring to themselves, "God save our monopolies and our trusts."

[Applause on the Democratic side.]

Mr. MALBY. Mr. Speaker, will the gentleman give way for a question?

Mr. HULL. Yes.

Mr. MALBY. Does the gentleman mean to say that the speech from which he quoted just now was a speech of Premier Borden?

Mr. HULL. I quoted from a speech of the former prime minister of Canada, Mr. Laurier, who headed the movement for reciprocity.

Mr. MALBY. But I believe his party was defeated.

Mr. HULL. His party was temporarily defeated, but is rapidly regaining its lost ground.

Mr. MALBY. He is not the present premier of Canada?

Mr. HULL. Not the present premier.

Mr. WARBURTON. How does the gentleman know that the former minister is rapidly regaining his lost ground?

Mr. HULL. I know from the election returns as published in the press of the country.

Mr. WARBURTON. What election returns?

Mr. HULL. Oh, I can not stop to be catechized upon a minor matter.

Mr. WARBURTON. The gentleman can not show any such election returns.

Mr. HULL. I was proceeding to say, Mr. Speaker, that this reciprocity movement marks the first breach in the wall of protection at the hands of a Republican administration, and I am not surprised that every trust——

The SPEAKER. The time of the gentleman has expired.

Mr. HULL. I ask unanimous consent to extend my remarks in the RECORD by inserting the speeches of ex-President Roosevelt and President Taft with respect to reciprocity.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HULL. Mr. Speaker, the matter I refer to is as follows:

President Taft, speaking at Springfield, Ohio, May 19, 1912, said:

Let me show you what Theodore Roosevelt's attitude was in regard to the reciprocity agreement. I wrote to him about it and gave him the arguments pro and con, and he agreed with me and commended me highly, and said he hoped it would go through. Afterwards he made two speeches in favor of it. Then he went to Illinois after the agreement had been beaten and after the Canadians had said, "This is too good a contract for the United States and therefore not good enough for us," and had voted it down.

Mr. Roosevelt found that it was working against me with the farmers and he said: "I was in favor of this, but I made a mistake. I made a mistake because "—now, mark me, and God save the mark—"because I wanted to help Taft's administration."

And now he says, "Now I see the error of my ways; I see the mistake I made. I see that it was directed against the farmers and did not give them a square deal and so I will take it all back."

Now, my friends, is that a square deal to me? I believe I was right. I would not change my opinion when I have that belief. I am conscientious in it. I have told you why I believed it was in the interest of all of us, and though I lose votes of the farmers and though I lose an office.

Ex-President Roosevelt is reported in the press to have spoken as follows at Grand Rapids, Mich., on February 12, 1911:

Here, friends in Michigan, right on the northern frontier, I have the peculiar right to say a word of congratulation to you and to all of us upon the likelihood that we shall soon have closer reciprocal tariff and trade relations with the great nation to the north of us. And I feel so pleased primarily because I wish to see the two peoples—the Canadian and the American peoples—drawn together by the closest ties on a footing of complete equality of interest and mutual respect. I feel that it should be one of the cardinal policies of this Republic to establish the very closest relations of good will and friendship with the Dominion of Canada.

Later, in a speech before the Republican Club of New York, ex-President Roosevelt spoke as follows:

I want to say how glad I am at the way in which the members of the club here to-night responded to the two appeals made to them to uphold the hands of President Taft, both in his effort to secure reciprocity with Canada and his effort to secure the fortification of the Panama Canal. And in addition to what has been said about reciprocity with Canada, I would like to make this point: It should always be a cardinal point in our foreign policy to establish the closest and most friendly relations of equal respect and advantage with our great neighbor on the north. And I hail the reciprocity arrangement because it represents an effort to bring about a closer, a more intimate, a more friendly relationship of mutual advantage on equal terms between Canada and the United States.

In his Boston speech, on April 25 last, President Taft spoke as follows:

CHANGE OF FRONT ON RECIPROCITY.

Fourth. Mr. Roosevelt now seeks to take advantage of the supposed feeling among the farmers of the country against the reciprocity agreement with Canada which I made and induced Congress to adopt, but which Canada finally rejected. I would not object to this as a legitimate argument in a political controversy against me and in his favor if the fact were not that I consulted him 10 days before I made the agreement, explained to him in full its probable terms, stated the arguments pro and con, especially the effect of it on agricultural products, and asked him to confer with his colleagues of the Outlook as to its wisdom and public benefit and let me know his and their judgment. He replied approving the agreement in the most enthusiastic terms and complimenting me for having brought it forward.

I submit below our correspondence on the subject of reciprocity:

[Confidential.]

THE WHITE HOUSE,
Washington, January 10, 1911.

Hon. THEODORE ROOSEVELT,
The Outlook, New York.

MY DEAR THEODORE: Just at present I am in the midst of reciprocity matters, and it would gratify me a great deal to talk over with you this issue. I have, as you have known, always been a low tariff and downward revision man, and the reason why I favored the last tariff bill and praised it as the best one we had ever had was: That the consideration of it on its passage and the efforts of those who defended it afterwards to show that it was a downward revision were all a concession by the Republican Party that downward revision was necessary, and that the rule upheld by Shaw and CANNON and other standpatters of the orthodox type that no tariff could be too high, because what you needed was a Chinese wall, had been departed from. Now, the probability is that we shall reach an agreement with our Canadian friends by which all natural products—cereals, lumber, dairy products, fruits, meats and cattle—shall enter both countries free, and that we shall get a revision—not as heavy a one as I would like, but a substantial one, and equivalent certainly to the French reciprocity treaty and probably more—on manufactures.

The truth is that the minute that we adopt in convention the proposal that our tariff should be measured by the difference in the cost of production we necessarily adopt a rule which would lead us straight to reciprocity in natural products with Canada, because the conditions in the two countries are so similar that there is substantially no difference in the cost of production. Possibly labor is slightly lower in some parts of Canada than in the United States, but it is also higher in some parts, and the adoption of free trade would rapidly increase the cost of labor in those parts where it is cheaper in Canada, so that the conditions would be the same.

MIGHT REDUCE FOOD PRICES.

It might at first have a tendency to reduce the cost of food products somewhat; it would certainly make the reservoir much greater and prevent fluctuations. Meantime the amount of Canadian products we would take would produce a current of business between western Canada and the United States that would make Canada only an adjunct of the United States. It would transfer all their important business to Chicago and New York, with their bank credits and everything else, and it would increase greatly the demand of Canada for our manufactures. I see this is an argument against reciprocity, made in Canada, and I think it is a good one.

The proposition is to make an arrangement by which we shall present to both Houses of Congress an identical bill, and pass it as an agreement for joint legislation. In this way we would avoid the necessity for two-thirds in the Senate, and would secure at once the consent of the House, which in tariff matters is generally regarded as necessary, at any rate. This will cause a great commotion, I presume. It will be unpopular in New York because of certain lumber manufacturing interests and the dairy interests. It will be unpopular in Minnesota because of wheat; but on the other hand, free lumber will be popular in some places, and as it includes free paper and free wood pulp we may count on the fairly good support of the press.

CONFIDENTIAL.

This letter, of course, I must ask you to regard as confidential, though I would be glad to have you discuss with your colleagues on the Outlook such a proposition, and should be glad to hear from you as to your judgment of it. I think it may break the Republican Party for a while. As Elihu Root said, when I talked with him yesterday, it may be an entering wedge against protection, although it is not inconsistent with the principle of protection as we laid it down in Chicago. Of course it will be said against it that we are taking agriculture and making it suffer first before we tackle wool and cotton. The bill is not likely to pass the present Congress, and before the new Congress comes together I think I shall be able to make some recommendations as to the wool and cotton schedules and present a problem to the Democrats which they are not likely to find an easy one. At least it will show the hyprocrisy of some people. Of course this is no ground whatever for introducing and pressing such a measure. I believe it to be right, and if it leads, on the other hand, to a reduction in wool and cotton manufactures to the lowest figures and to what is a real measure of the difference in the cost of production, so much the better.

I shall be glad to hear from you as soon as you conveniently can write on this subject, because the matter is just at hand, and it is quite likely that within 10 days we shall reach an agreement.

Sincerely, yours,

WM. H. TAFT.

ROOSEVELT FIRMLY BELIEVED IN FREE TRADE WITH CANADA.

OFFICE OF THEODORE ROOSEVELT,
THE OUTLOOK, No. 287 FOURTH AVENUE,
New York, January 12, 1911.

The Hon. WILLIAM H. TAFT,
President of the United States,
The White House, Washington.

DEAR MR. PRESIDENT: I at once took in your letter and went over it with the Outlook editors. * * *

It seems to me that what you propose to do with Canada is admirable from every standpoint. I firmly believe in free trade with Canada for both economic and political reasons. As you say, labor cost is substantially the same in the two countries, so that you are amply justified by the platform. Whether Canada will accept such reciprocity I do not know, but it is greatly to your credit to make the effort. It may damage the Republican Party for a while, but it will surely benefit the party in the end, especially if you tackle wool, cotton, etc., as you propose.

Ever yours, THEODORE ROOSEVELT.

After the reciprocity agreement was published Mr. Roosevelt delivered two public addresses in which he expressed his warm commendation of the agreement and a hope that it might be adopted. Now, in the exigency of his contest for the nomination, and with the purpose of accentuating the supposed feeling of the farmers against me, he recants his approval of the agreement on the ground that it would not have been a square deal for the farmers, a circumstance which, he intimates, escaped him when he, in a desire to support my administration, had approved the agreement. I submit that Mr. Roosevelt's course on reciprocity is not in accord with the square deal.

[Mr. MONDELL addressed the House. See Appendix.]

Mr. NORRIS. Mr. Speaker, the Canadian reciprocity bill, so-called, contained three sections. Section 2 was confined entirely to the paper and pulp proposition, and is the only part of the Canadian reciprocy bill that went into effect. It was the only part that could go into effect without the consent of Canada, and hence section 2 is the only part of the reciprocity bill that is now alive and in effect and operation.

The preferential motion which I have offered, if agreed to, will keep section 2 on the statute books just as it is now. It will repeal the balance of the Canadian reciprocity bill. Every argument that has been made on either side of this House in this discussion, dependent for its force or its logic upon the actual operation, making objections to the approval of the Senate amendment in toto, falls to the ground, if you will take into

consideration the motion I have made and the opportunity it will give you to vote for this preferential motion. It will, in other words, repeal that part of the Canadian reciprocity act that is of no legal effect at the present time and can not be until Canada acts. It will leave on the statute books the law that you gentlemen passed, hence you should have no objection at least to that part of it.

So that it seems to me, from the standpoint of the men who have been arguing against the so-called Lenroot amendment, your very logic will lead you to vote for the particular motion which I have offered. My motion will have the effect of repealing Canadian reciprocity, but it will give us free print paper, free wood pulp, and free pulp wood. It will give effect to the only good part of the law and repeal all of the balance. It will relieve the newspapers from the domination of the Paper Trust and relieve the American farmer from the dangers of the obnoxious Canadian reciprocity. We ought to have free pulp wood and free wood pulp and free print paper for two reasons: First, to strike a blow at the American Paper Trust, and, second, to conserve the wood of our own forests that is fit for paper making. Our paper wood is fast disappearing, and we will soon be at the mercy of foreign importers if we do not conserve our own forests. We should admit all wood and all lumber free. Every time we bring in lumber or wood from a foreign country we save just so much of our own forests. I voted against Canadian reciprocity when it was passed and I will vote to repeal it now. My motion will do this. It is true it is not operative now, but it is on the statute book, and at any time Canada may accept it, and then it will at once be in operation in all its evil and iniquity. We have an opportunity to relieve the American farmer from any danger of its future operation, and we ought to do it and do it now.

Mr. Speaker, much has been said as to what position the President of the United States will take, or who is responsible for Canadian reciprocity, and who is behind it now. As far as I am concerned, I believe that each individual ought to vote his conscientious convictions upon this proposition. I know there are many men who are in favor of it who conscientiously believe in it. I am not criticizing them. They have a right to their opinions the same as those of us who oppose it have to ours, and I am not questioning any man's motive, no matter which side of this question he may be on. But I do question the assertions of men here who have said several times in the course of this debate that men who are in favor of agreeing to the Senate amendment or who are in favor of doing anything contrary to the motion made by the gentleman from Alabama [Mr. UNDERWOOD] are not sincere and are not acting in good faith. If the President wants to veto this bill, whether this amendment is on or off, he has the right to do it, and as far as I am concerned, whether it is on or off, if he vetoes it I am ready to pass it over his veto, if the opportunity is presented. I am just as earnest and just as honest in my conviction that reciprocity is a snare, is a fraud, and an injustice to the great American people as are the men who think it ought to be and will become eventually the salvation of all our people. Suppose this amendment is voted down. Suppose the motion of the gentleman from Alabama prevails, and this bill goes to the President without that amendment. Is there any man here who can assure us on the part of the President that he will approve it? If there is he ought to speak, and he ought to let us know he would approve without this amendment and that he would disapprove the bill with it. Let us do our duty now as we see it and let the President act on his own responsibility and be responsible for his own acts.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. BURKE of South Dakota. Mr. Speaker, when the reciprocity measure was considered in the House in the Sixty-first Congress I voted against it. In the special session of this, the Sixty-second Congress, I not only voted against it, but opposed it in debate, and I shall vote to-day for the motion of the gentleman from Wisconsin, to concur in the amendment of the Senate to the metal bill for its repeal. I shall continue to vote for the repeal of Canadian reciprocity not only to-day, but whenever I can get an opportunity, and if this Congress refuses to repeal it, I venture the prediction that the American farmer will see to it that the next Congress is so constituted that it will.

I am opposed to the so-called Canadian reciprocity because it is un-Republican and because it is a discrimination against the farmers and the agricultural interests of the country. I have the honor to represent a Republican State, and a State that believes in the principles of the Republican Party and the doctrine of protection. In 1908 South Dakota returned a Republican majority for the Republican candidate for the Presidency of over 27,000; in the election of 1910, and after the passage of the Payne tariff law, we increased our Republican majority over 1908 by about 5,000; and no better evidence can be had of our position toward supporting the Republican Party and protection than the vote of 1910. We do not expect to only have protection for the things that we produce, but we are, and have been, willing to give and take, and so long as we are permitted to enjoy the benefits of protection we are willing that you in the East and in other parts of the country shall also have your industries protected; but, Mr. Speaker, as I stated on this floor in April, 1911, in opposing the passage of the reciprocity measure, if you Republicans in the East think that you can put everything that we of the West produce on the free list and that we will continue to permit you to have protected your manufactured interests you will find you are mistaken, and it is only a matter of time when the Republicans of the West, as some have already done, will retaliate, and if it is going to be free trade on our products it will be free trade on what you manufacture. I believe most of you now acknowledge that you were in error in voting as you did for Canadian reciprocity and that you will welcome this opportunity to vote for its repeal, and I appeal to you to do so and let us once more get together and stand shoulder to shoulder as we did for so many years in upholding the principle of protection, recognizing that if we would succeed that we must be fair and treat every industry and every part of the country alike, and if we will only do this I make the prediction that in the coming campaign, with an issue of free trade or tariff for revenue only by our Democratic opponents, that we will not only succeed in the election of a Republican President, but we will again obtain control of this House. We can not hope to win so long as one part of the country is demanding protection for what it produces and free trade upon what it consumes. We of the West will stand with you of the East, but we shall demand a square deal and fair treatment.

Mr. HEFLIN. Mr. Speaker, I am hungry to hear coming from that side of this House a genuine appeal in the interest of the common masses of the common people of this country. I am tired of hearing gentlemen over there talk so much about protecting industries when the head of the industry has already gathered in his hundreds of millions of dollars—dollars that you have wrung from the pockets of the American people. [Applause on the Democratic side.] The gentleman from Connecticut [Mr. HILL] said here to-day that we would allow goods to come in from foreign countries encouraging the laborer there and injuring the laborer here. I wish that the gentleman could have heard the testimony before the Rules Committee when little children came here from Lawrence, Mass., telling of poor wages and want among the workers there. Men testified that their condition was better in Europe than here under your high-protective tariff system. [Applause on the Democratic side.] Not only that, Mr. Speaker, but some of them said that they fared better even under conditions in Europe than here under this awful tariff system, and that they would like to go back to Europe. They said that they had been deceived by these captains of industry, who had pictures of the laboring man in America carrying his money to the bank and depositing it there, and they said when they came they found that they had been deceived; that nothing they saw justified such a picture..

Mr. WEEKS. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I can not yield, as my time is limited. You deceived them and brought them here and reduced them to such a state of poverty that they are unable to go back to Europe, where they came from. [Applause on Democratic side.] The gentleman from Illinois [Mr. CANNON], the ex-Speaker of this House, accused this side of demagoguery. "You are playing politics," he said. That has been the story from the foundation of the world. Whenever a man dared to stand up and fight privilege and oppression in the name of those in the common walks of life, who had but little influence with the powers that be, he was accused of being a demagogue. [Applause on the Democratic side.]

It was the maxim of the tyrants of old that the people must be kept in ignorance. Thank God, more than a hundred years ago a man came into this world who said, "Preach a crusade against ignorance," and that man was Thomas Jefferson, the father of the Democratic Party. [Applause on the Democratic side.] We have been preaching that crusade against ignorance. The people of the United States are being educated on the awful evils of high protection. I can prove to any farmer in the United States now that every time you give him a dollar through your high protective tariff system you take $5 out of his pocket through the same system in what he has to buy. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Alabama has expired. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

Mr. HEFLIN. Mr. Speaker, the gentleman yields me two minutes.

The SPEAKER. The gentleman can not yield.

Mr. HEFLIN. If he has five minutes remaining he can yield two.

The SPEAKER. If the gentleman has five minutes he can use the time if he wishes, but he can not yield to anyone else. [Cries of "Vote!"] The question recurs on the motion of the gentleman from Nebraska [Mr. NORRIS] to concur with an amendment.

Mr. CANNON. Is not the motion to amend the motion to concur?

The SPEAKER. No; the gentleman's motion is to concur with an amendment.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that my motion may be again reported by the Clerk.

The SPEAKER. Without objection, the Clerk will again report the motion.

There was no objection.

The motion was again reported.

Mr. CANNON. Mr. Speaker, I demand a division; there are two propositions. One is to concur, and an amendment is offered. Now, there are two propositions——

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to concur with an amendment is not divisible.

Mr. NORRIS. I would like to call the attention of the Chair to the fact that a motion simply to concur is a preferential motion, and my motion to concur and amend is a preferential motion.

The SPEAKER. Oh, there is no doubt about the motion of the gentleman from Nebraska being preferential.

Mr. NORRIS. I understand; but the gentleman's proposition to divide it simply makes it the other motion to concur.

Mr. UNDERWOOD. The point of order I make is that a motion to concur with an amendment is not divisible.

The SPEAKER. The Chair thinks that view of this matter is correct.

Mr. CANNON. There are two separate propositions, and you can strike out either proposition——

The SPEAKER. No; the proposition is to concur with an amendment, which is the first proposition to be voted on.

Mr. UNDERWOOD. Mr. Speaker, I will state to the Chair this is the parliamentary situation. I have not the precedents in hand, but I am satisfied there are precedents to sustain the position I take. A motion comes up to concur. Now, the gentleman makes the motion to concur with an amendment. If you divide that question, why then you do not bring up before the House the distinctive question of concurring with the amendment, and it is one motion and it is not divisible.

The SPEAKER. Why, the Chair fully agrees with the gentleman from Alabama about it. The feature of the proposition of the gentleman from Nebraska that makes his motion preferential, and also the other motion, is the feature of concurring with an amendment. The Chair sustains the point of order made by the gentleman from Alabama. The question is on the motion of the gentleman from Nebraska to concur with an amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. NORRIS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 57, nays 189, answered "present" 7, not voting 138, as follows:

YEAS—57.

Akin, N. Y.	Focht	Longworth	Sweet
Anderson, Minn.	Fowler	McKinney	Taylor, Ohio
Bathrick	French	Madden	Thistlewood
Bradley	Good	Mondell	Towner
Burke, S. Dak.	Green, Iowa	Morgan	Volstead
Burke, Wis.	Hammond	Mott	Vreeland
Campbell	Helgesen	Neeley	Warburton
Cary	Howland	Nelson	Webb
Claypool	Jackson	Norris	Wedemeyer
Cooper	Kendall	Pickett	Whitacre
Curry	Kinkaid, Nebr.	Prince	Willis
Davidson	Lafferty	Rees	Young, Kans.
Davis, Minn.	La Follette	Rodenberg	
Esch	Lenroot	Sharp	
Farr	Lindbergh	Steenerson	

NAYS—189.

Aiken, S. C.	Austin	Bell, Ga.	Browning
Alexander	Ayres	Blackmon	Buchanan
Allen	Barchfeld	Booher	Burgess
Ansberry	Bartlett	Borland	Burleson
Anthony	Beall, Tex.	Brown	Burnett
Butler	Graham	Littlepage	Scully
Byrns, Tenn.	Gray	Loud	Shackleford
Callaway	Gregg, Pa.	McCall	Sherley
Candler	Gregg, Tex.	McCoy	Sherwood
Cannon	Gudger	McCreary	Sims
Carlin	Hamill	McDermott	Sisson
Clark, Fla.	Hamilton, Mich.	McKellar	Sloan
Clayton	Hamlin	McLaughlin	Small
Cline	Hardwick	Maguire, Nebr.	Smith, J. M. C.
Collier	Hardy	Malby	Smith, Saml. W.
Conry	Harrison, Miss.	Mann	Smith, Tex.
Copley	Harrison, N. Y.	Martin, Colo.	Sparkman
Crago	Hawley	Matthews	Speer
Cullop	Hay	Mays	Stanley
Curley	Hayden	Miller	Stedman
Danforth	Heald	Moon, Pa.	Stephens, Miss.
Davenport	Heflin	Moore, Pa.	Stephens, Nebr.
Davis, W. Va.	Henry, Conn.	Morrison	Stephens, Tex.
Dent	Henry, Tex.	Morse, Wis.	Sterling
Dickinson	Hensley	Moss, Ind.	Stone
Dickson, Miss.	Higgins	Murdock	Sulloway
Dies	Hill	Needham	Sulzer
Dixon, Ind.	Holland	Oldfield	Taggart
Dodds	Houston	O'Shaunessy	Talcott, N. Y.
Donohoe	Howard	Page	Taylor, Colo.
Doremus	Howell	Palmer	Thayer
Driscoll, M. E.	Hughes, Ga.	Patten, N. Y.	Thomas
Dwight	Hull	Payne	Townsend
Ellerbe	Humphrey, Wash.	Pepper	Tribble
Evans	Humphreys, Miss.	Peters	Turnbull
Faison	James	Post	Underhill
Fergusson	Johnson, Ky.	Pou	Underwood
Ferris	Johnson, S. C.	Pray	Weeks
Finley	Jones	Rainey	White
Fitzgerald	Kahn	Ransdell, La.	Wickliffe
Flood, Va.	Kitchin	Rauch	Wilder
Floyd, Ark.	Knowland	Reilly	Wilson, Ill.
Foss	Konop	Roddenbery	Witherspoon
Gallagher	Korbly	Rothermel	Young, Mich.
George	Lee, Pa.	Rouse	Young, Tex.
Gillett	Legare	Russell	
Goeke	Lever	Sabath	
Goodwin, Ark.	Linthicum	Saunders	

ANSWERED "PRESENT"—7.

Adamson	Fordney	Garner	Talbott, Md.
Crumpacker	Foster	Richardson	

NOT VOTING—138.

Adair	Dupré	Konig	Pujo
Ainey	Dyer	Kopp	Raker
Ames	Edwards	Lafean	Randell, Tex.
Anderson, Ohio	Estopinal	Lamb	Redfield
Andrus	Fairchild	Langham	Reyburn
Ashbrook	Fields	Langley	Riordan
Barnhart	Fornes	Lawrence	Roberts, Mass.
Bartholdt	Francis	Lee, Ga.	Roberts, Nev.
Bates	Fuller	Levy	Robinson
Berger	Gardner, Mass.	Lewis	Rubey
Boehne	Gardner, N. J.	Lindsay	Rucker, Colo.
Bowman	Garrett	Littleton	Rucker, Mo.
Brantley	Glass	Lloyd	Sells
Broussard	Godwin, N. C.	Lobeck	Sheppard
Bulkley	Goldfogle	McGillicuddy	Simmons
Burke, Pa.	Gould	McGuire, Okla.	Slayden
Byrnes, S. C.	Greene, Mass.	McHenry	Slemp
Calder	Griest	McKenzie	Smith, Cal.
Cantrill	Guernsey	McKinley	Smith, N. Y.
Carter	Hamilton, W. Va.	McMorran	Stack
Catlin	Hanna	Macon	Stephens, Cal.
Connell	Harris	Maher	Stevens, Minn.
Covington	Hartman	Martin, S. Dak.	Switzer
Cox, Ind.	Haugen	Moon, Tenn.	Taylor, Ala.
Cox, Ohio	Hayes	Moore, Tex.	Tilson
Cravens	Helm	Murray	Tuttle
Currier	Hinds	Nye	Utter
Dalzell	Hobson	Olmsted	Vare
Daugherty	Hughes, N. J.	Padgett	Watkins
De Forest	Hughes, W. Va.	Parran	Wilson, N. Y.
Denver	Jacoway	Patton, Pa.	Wilson, Pa.
Difenderfer	Kennedy	Plumley	Wood, N. J.
Doughton	Kent	Porter	Woods, Iowa
Draper	Kindred	Powers	
Driscoll, D. A.	Kinkead, N. J.	Prouty	

So the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. SLAYDEN with Mr. TILSON.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. ASHBROOK with Mr. HARTMAN.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. BOEHNE with Mr. BURKE of Pennsylvania.

Mr. BULKLEY with Mr. CATLIN.

Mr. BYRNES of South Carolina with Mr. DALZELL.

Mr. CANTRILL with Mr. DE FOREST.

Mr. CARTER with Mr. FULLER.

Mr. CONNELL with Mr. GRIEST.

Mr. COVINGTON with Mr. HANNA.

Mr. GARNER with Mr. HARRIS.

Mr. DAUGHERTY with Mr. HAYES.

Mr. DIFENDERFER with Mr. HUGHES of West Virginia.

Mr. DANIEL A. DRISCOLL with Mr. KENT.

Mr. DUPRÉ with Mr. LAFEAN.
Mr. EDWARDS with Mr. MCKENZIE.
Mr. ESTOPINAL with Mr. LAWRENCE.
Mr. FRANCIS with Mr. OLMSTED.
Mr. GOLDFOGLE with Mr. PATTON of Pennsylvania.
Mr. GOULD with Mr. PLUMLEY.
Mr. HELM with Mr. CARTER.
Mr. HUGHES of New Jersey with Mr. POWERS.
Mr. KINKEAD of New Jersey with Mr. PROUTY.
Mr. LAMB with Mr. ROBERTS of Massachusetts.
Mr. LEE of Georgia with Mr. SIMMONS.
Mr. LEVY with Mr. SELLS.
Mr. MCGILLICUDDY with Mr. STEPHENS of California.
Mr. MOON of Tennessee with Mr. SWITZER.
Mr. PADGETT with Mr. UTTER.
Mr. TUTTLE with Mr. REYBURN.
Mr. RUCKER of Colorado with Mr. VARE.
Mr. SMITH of New York with Mr. WOOD of New Jersey.
Mr. WILSON of New York with Mr. SMITH of California.
Mr. FOSTER with Mr. KOPP.
Mr. RANDELL of Texas with Mr. WOODS of Iowa.
Mr. JACOWAY with Mr. CURRIER.
Mr. FORNES with Mr. BOWMAN.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. FIELDS with Mr. LANGLEY.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. SHEPPARD with Mr. BATES.
Mr. BROUSSARD with Mr. NYE.
Mr. BARNHART with Mr. MCKINLEY.
Mr. GARRETT with Mr. FORDNEY.
Mr. PUJO with Mr. MCMORRAN.
Mr. DOUGHTON with Mr. DRAPER.
Mr. MURRAY with Mr. GREENE of Massachusetts.
Mr. DENVER with Mr. GARDNER of New Jersey.
Mr. ADAIR with Mr. HINDS.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. GODWIN of North Carolina with Mr. BARTHOLDT.
Mr. KINDRED with Mr. MCGUIRE of Oklahoma.
Mr. HAMILTON of West Virginia with Mr. ROBERTS of Nevada.
Mr. RAKER with Mr. LANGHAM.
Mr. LITTLETON with Mr. CALDER.
Mr. LLOYD with Mr. KENNEDY.
Mr. LOBECK with Mr. HAUGEN.

For the vote:

Mr. BRANTLEY with Mr. GUERNSEY.

Until June 12:

Mr. REDFIELD with Mr. AINEY.

Mr. FORDNEY. Mr. Speaker, I am paired with the gentleman from Tennessee, Mr. GARRETT. I wish to withdraw my vote of "nay." I do not know how he would have voted had he been present.

The name of the gentleman from Michigan, Mr. FORDNEY, was called and he voted "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. LENROOT] to concur in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. A negative vote on a motion to concur is equivalent to a motion to disagree, is it not?

The SPEAKER. Yes. The motion of the gentleman from Wisconsin [Mr. LENROOT] is to concur in the Senate amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. LENROOT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 145, answered "present" 5, not voting 140, as follows:

YEAS—101.

Akin, N. Y.	Davidson	Hayes	Loud
Anderson, Minn.	Davis, Minn.	Helgesen	McCreary
Anthony	De Forest	Henry, Conn.	McKinney
Austin	Dodds	Higgins	McLaughlin
Barchfeld	Driscoll, M. E.	Howell	Malby
Bradley	Dwight	Howland	Matthews
Burke, S. Dak.	Esch	Humphrey, Wash.	Miller
Butler	Farr	Jackson	Moore, Pa.
Campbell	Focht	Kahn	Morgan
Cannon	Foss	Kendall	Morse, Wis.
Cary	Fowler	Kinkaid, Nebr.	Mott
Claypool	French	Knowland	Murdock
Cooper	Good	Konop	Needham
Copley	Green, Iowa	Lafferty	Nelson
Crago	Hamilton, Mich.	La Follette	Norris
Crumpacker	Hammond	Lenroot	Page
Curry	Hartman	Lindbergh	Patton, Pa.
Danforth	Hawley	Longworth	Payne
Pickett	Sloan	Thistlewood	Whitacre
Pray	Smith, J. M. C.	Towner	Willis
Prince	Smith, Saml. W.	Volstead	Wilson, Ill.
Prouty	Speer	Vreeland	Young, Kans.
Rees	Steenerson	Warburton	Young, Mich.
Rodenberg	Sterling	Webb	
Sharp	Sweet	Wedemeyer	
Simmons	Taylor, Ohio	Weeks	

NAYS—145.

Aiken, S. C.	Doremus	Hughes, Ga.	Roddenbery
Alexander	Edwards	Hull	Rothermel
Allen	Ellerbe	Humphreys, Miss.	Rouse
Ansberry	Evans	James	Russell
Ayres	Faison	Johnson, Ky.	Sabath
Bartlett	Fergusson	Johnson, S. C.	Saunders
Bathrick	Ferris	Jones	Scully
Beall, Tex.	Finley	Kitchin	Shackleford
Bell, Ga.	Fitzgerald	Korbly	Sherley
Blackmon	Flood, Va.	Lee, Pa.	Sherwood
Booher	Floyd, Ark.	Legare	Sims
Borland	Gallagher	Lever	Sisson
Brown	George	Linthicum	Small
Browning	Gillett	Littlepage	Smith, Tex.
Buchanan	Goeke	McCall	Stedman
Burgess	Goodwin, Ark.	McCoy	Stephens, Miss.
Burke, Wis.	Graham	McKellar	Stephens, Nebr.
Burleson	Gray	Madden	Stephens, Tex.
Burnett	Gregg, Pa.	Maguire, Nebr.	Stone
Byrns, Tenn.	Gregg, Tex.	Mann	Sulloway
Callaway	Gudger	Martin, Colo.	Sulzer
Candler	Hamill	Mays	Talcott, N. Y.
Carlin	Hamlin	Moon, Pa.	Taylor, Colo.
Clark, Fla.	Hardwick	Moon, Tenn.	Thayer
Clayton	Hardy	Morrison	Thomas
Cline	Harrison, Miss.	Moss, Ind.	Townsend
Collier	Harrison, N. Y.	Neeley	Tribble
Conry	Hay	Oldfield	Turnbull
Cullop	Hayden	Palmer	Underhill
Curley	Heald	Patten, N. Y.	Underwood
Davenport	Heflin	Pepper	White
Davis, W. Va.	Henry, Tex.	Peters	Wilder
Dent	Hensley	Post	Witherspoon
Dickinson	Hill	Pou	Young, Tex.
Dies	Holland	Ralney	
Dixon, Ind.	Houston	Rauch	
Donohoe	Howard	Reilly	

ANSWERED "PRESENT"—5.

Adamson	Foster	Garner	Richardson
Fordney			

NOT VOTING—140.

Adair	Dupré	Lamb	Ransdell, La.
Ainey	Dyer	Langham	Redfield
Ames	Estopinal	Langley	Reyburn
Anderson, Ohio	Fairchild	Lawrence	Riordan
Andrus	Fields	Lee, Ga.	Roberts, Mass.
Ashbrook	Fornes	Levy	Roberts, Nev.
Barnhart	Francis	Lewis	Robinson
Bartholdt	Fuller	Lindsay	Rubey
Bates	Gardner, Mass.	Littleton	Rucker, Colo.
Berger	Gardner, N. J.	Lloyd	Rucker, Mo.
Boehne	Garrett	Lobeck	Sells
Bowman	Glass	McDermott	Sheppard
Brantley	Godwin, N. C.	McGillicuddy	Slayden
Broussard	Goldfogle	McGuire, Okla.	Slemp
Bulkley	Gould	McHenry	Smith, Cal.
Burke, Pa.	Greene, Mass.	McKenzie	Smith, N. Y.
Byrnes, S. C.	Griest	McKinley	Sparkman
Calder	Guernsey	McMorran	Stack
Cantrill	Hamilton, W. Va.	Macon	Stanley
Carter	Hanna	Maher	Stephens, Cal.
Catlin	Harris	Martin, S. Dak.	Stevens, Minn.
Connell	Haugen	Mondell	Switzer
Covington	Helm	Moore, Tex.	Taggart
Cox, Ind.	Hinds	Murray	Talbott, Md.
Cox, Ohio	Hobson	Nye	Taylor, Ala.
Cravens	Hughes, N. J.	Olmsted	Tilson
Currier	Hughes, W. Va.	O'Shaunessy	Tuttle
Dalzell	Jacoway	Padgett	Utter
Daugherty	Kennedy	Parran	Vare
Denver	Kent	Plumley	Watkins
Dickson, Miss.	Kindred	Porter	Wickliffe
Difenderfer	Kinkead, N. J.	Powers	Wilson, N. Y.
Doughton	Konig	Pujo	Wilson, Pa.
Draper	Kopp	Raker	Wood, N. J.
Driscoll, D. A.	Lafean	Randell, Tex.	Woods, Iowa

So the motion of Mr. LENROOT to concur in the Senate amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WICKLIFFE with Mr. HANNA.
Mr. LEE of Georgia with Mr. PORTER.
Mr. O'SHAUNESSY with Mr. MCKENZIE.
Mr. WILSON of Pennsylvania with Mr. SELLS.
Mr. COX of Indiana with Mr. VARE.
Mr. STANLEY with Mr. WOODS of Iowa.

On the vote:

Mr. BRANTLEY (against concurring) with Mr. GUERNSEY (in favor thereof).

Mr. FORDNEY. Mr. Speaker, I voted "yea." I wish to withdraw my vote and vote "present," because I was paired.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. FORDNEY, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the votes by which the three Senate amendments were disposed of was laid on the table.

Mr. UNDERWOOD. Mr. Speaker, there seems to be a fourth amendment to the bill, changing the number of section 4. I ask unanimous consent to disagree to the fourth amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

On motion of Mr. UNDERWOOD, a motion to reconsider the action last taken was laid on the table.

MAINTENANCE OF INDIGENT PATIENTS, DISTRICT OF COLUMBIA (H. DOC. NO. 825).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Board of Commissioners of the District of Columbia, submitting a report by the auditor for the District of Columbia in relation to a charge of $769,536.09 which by the terms of the sundry civil bill as reported to the House of Representatives it is proposed to deduct from the revenues of the District of Columbia and reimburse to the United States on account of certain deficiencies in payments made by the District to the Government Hospital for the Insane.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3947. An act to provide for a bridge across Snake River in Jackson Hole, Wyo.;

S. 6918. An act increasing the cost of erecting a United States post-office building at Hillsboro, Tex.;

S. 6612. An act for the establishment of a fish-cultural station in the State of Tennessee; and

S. 6798. An act authorizing the Secretary of War to grant permission for the erection of the Fort Huachuca Military Reservation in Arizona.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed a bill of the following title:

On June 10, 1912:

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6918. An act increasing the cost of erecting a United States post-office building at Hillsboro, Tex.; to the Committee on Public Buildings and Grounds.

S. 6612. An act for the establishment of a fish-cultural station in the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

S. 6798. An act authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona; to the Committee on Military Affairs.

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.; to the Committee on Irrigation of Arid Lands.

JOHN C. SCHOLTZ, OF VENEZUELA (H. DOC. NO. 824).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. John C. Scholtz, a citizen of Venezuela, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Venezuela.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Venezuela and that it would follow established precedents.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

CORRECTION IN AN ENROLLED BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of a concurrent resolution for a correction made necessary by an error in a conference report.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the resolution that the Clerk will report.

The Clerk read as follows:

House concurrent resolution 54.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed in the enrollment of the bill (H. R. 13041) entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," to insert on page 1, line 12, before the word "within" the word "or."

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

SPEAKER FERRARA OF THE CUBAN CONGRESS.

Mr. SULZER. Mr. Speaker, it affords me gratification to announce that we have with us to-day an eminent representative of our sister Republic of Cuba, the Hon. Orestes Ferrara, speaker of the Cuban Congress. In view of all the circumstances in connection with Cuba, I ask unanimous consent that the House take a recess for five minutes for the purpose of receiving and greeting this distinguished citizen of Cuba.

Mr. MANN. Mr. Speaker, reserving the right to object, I said some time ago that I should object to requests of this sort hereafter, but I shall not object to this request, on account of the fact that the gentleman whom we seek to honor is the speaker of the Congress or legislative body of Cuba.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The House is in recess for five minutes, and the gentleman from New York [Mr. SULZER] will please bring forward and introduce the speaker of the Cuban House.

Mr. Ferrara was escorted to the Speaker's desk by Mr. SULZER.

During the recess the following occurred:

The SPEAKER. The Chair presents to the House of Representatives Mr. Speaker Ferrara, of the Congress of the Cuban Republic. [Applause.]

Mr. FERRARA. Mr. Speaker and gentlemen, I can not express myself fluently in the English language. That is my fault, and it is not my only one.

I wish to express to the American Congress the greetings and salutations of the Cuban Congress and of the Cuban people, who will never forget the blood of American citizens which was shed on our hill of San Juan. [Applause.] Neither will they ever forget that the first declaration of the independence of Cuba was contained in a joint resolution of the American Congress. [Applause.]

At this moment we have a little trouble in Cuba, not very much, and I think the trouble is more in the columns of the press than in reality. Many stories coming from Cuba are exaggerated. [Applause.] The Cuban Government has already reduced this little insurrection or revolution—if that name can be given to the interruption of public order in Cuba—to a small territory in Guantanamo, near the naval station. It will not last much longer. The Cuban Government can finish alone, without any outside assistance, the work which it has begun. We Cubans hope there will be no intervention on the part of the United States. I want you gentlemen to remember the fact which you announced in that joint resolution 14 years ago, that Cuba is, and of right ought to be, free and independent. [Applause.] This is an act of simple justice, to which you are well accustomed, because justice and the United States are synonymous. [Applause.]

The SPEAKER. The House will come to order.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent that the honorable speaker of the Congress of Cuba be given leave to revise and extend his remarks for insertion in the RECORD.

The SPEAKER. The speech was made while the House was in recess.

Mr. MANN. I ask unanimous consent that the proceedings which occurred during the recess be printed in the RECORD.

The SPEAKER. The gentleman from Illinois amends the request of the gentleman from Kansas, and asks that the proceedings of the recess be printed in the CONGRESSIONAL RECORD. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read.

The Clerk read as follows:

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $245,000: *Provided*, That there may be admitted into said hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed 10 cases in any one hospital at one time.

Mr. STONE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 46, line 23, after the word "time":

"*And provided further*, That all honorably discharged volunteer soldiers and sailors of the Spanish-American War and the Philippine insurrection who are afflicted with tuberculosis shall be admitted to the United States Public Health and Marine-Hospital Service Sanatorium at Fort Stanton, N. Mex., under regulations of the Surgeon General of the said service, and that the sum of $10,000 be appropriated for the cost of their subsistence and care."

Mr. FITZGERALD. Mr. Chairman, I make a point of order to that.

Mr. STONE. Will the gentleman reserve it?

Mr. FITZGERALD. I will reserve it for five minutes.

Mr. STONE. Mr. Chairman, I recognize that this amendment is subject to a point of order, but inasmuch as other provisions also subject to a point of order have already been included in this bill, I thought that if this amendment was shown to be meritorious the point of order would not be insisted upon.

This amendment carries an appropriation of $10,000, but as a matter of fact it will not result in increased cost to the Government. At the present time the ex-volunteers of the War with Spain and of the Philippine insurrection are admitted to the United States homes for disabled volunteers, where they are usually compelled to go when disabled from tuberculosis or any other cause. These homes have no special facilities for the treatment of consumptives, and admission to Fort Stanton would be only in the nature of a substitute or transfer and at no greater cost to the Government. Under the present system the taint of the great white plague is carried by the afflicted soldiers into the homes for disabled volunteers and becomes a menace to their comrades. Every hygienic and humane consideration requires their immediate segregation in some such hospital as the one at Fort Stanton.

I submit that the protection to the public in the segregation of these unfortunates, the probable cure of the incipient cases, and the education of the patients in the matter of caring for themselves in the future would justify the expenditure of $10,000 by the Government both as a social and a sanitary measure, even if it were not true that the expenditure will be fully compensated for by the less amount required to maintain the homes.

The ex-regular soldier afflicted with tuberculosis is provided with a Government haven at Fort Bayard, N. Mex.; the United States sailor is sheltered in a national sanitorium at Las Animas, Colo.; but through some inexplicable omission the patriotic citizen who has served the colors as a volunteer, although stricken by consumption, is left to shift for himself.

Fort Stanton is selected and named in this amendment because at this institution 50 more patients can be accommodated without increasing the general equipment, and because it will not interfere with the plans for voluntary contributions, by which the institutions under the control of the War Department are largely supported.

Under the regulations of the Public Health and Marine-Hospital Service, employees of American vessels of the merchant marine and of the Government marine establishments who have served as such during any part of the 60 days previous may be admitted to the Fort Stanton Sanitarium when found to be afflicted with tuberculosis. This being the case, I feel that the same privilege should be extended to those who served our country in time of war.

I trust that the gentleman from New York will not insist upon his point of order.

Mr. FITZGERALD. Mr. Chairman, the Spanish War veterans are entitled to be taken to the soldiers' homes. One of the best and most desirable sanitoriums for tuberculosis is at Battle Creek, which is maintained exclusively for such cases. The soldiers' home at Johnson City, Tenn., is practically converted into a home for soldiers affected with tuberculosis. There are ample facilities in these two institutions. What the gentleman from Illinois proposes now, without any opportunity for Members who must assume the responsibility for such action, is to permit the sending of persons employed in one service of the Government into the institutions provided for a different service and a different class of persons. Whether it is desirable to do that, whether the accommodations are sufficient, just what would be necessary in order to make it possible, is not disclosed, and it is not possible to determine. Under the circumstances there is nothing left for me to do but to insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

In all, $1,656,745, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act of Congress approved February 20, 1907.

Mr. SHARP. Mr. Chairman, I want to ask the gentleman from New York a question for information. I have been trying to get a marine hospital established in one of the lake ports in my district, and, although the need seems to be very apparent, I have been met each time with the answer that the appropriations were insufficient, though there was a large demand for such appropriations and a very great need for additional facilities being extended to different towns which now have no such facilities. I wish to inquire whether this bill contemplates any material increase over what has existed in prior bills for this particular service of maintaining marine hospitals?

Mr. MANN. Mr. Chairman, while the gentleman from New York is getting some information upon this subject perhaps I can give some information to the gentleman from Ohio. The Committee on Interstate and Foreign Commerce is the committee which has legislative jurisdiction over the establishment of marine hospitals, and not the Committee on Appropriations. I was upon that committee for many years. There were at different times propositions before us for the establishment of new marine hospitals, and I think during my service we did establish one at Buffalo.

Mr. FITZGERALD. And one at Pittsburgh.

Mr. MANN. I think another was provided for at Pittsburgh. I do not know whether it has ever been established, but I am certain there is no need for it. We discovered after we had authorized, I think, one at Buffalo that so far from needing new hospitals in the main they had no use for some of those now in existence. A sailor can go into the Buffalo hospital just as easily as he can into one in Ohio, Michigan, Illinois, or Indiana, because they are on the boats that go back and forth.

Mr. SHARP. Would the gentleman want him sent two or three hundred miles to Buffalo from a lake port when he was suddenly injured?

Mr. MANN. If he is on a boat he may just as well go to Buffalo; but a large share of these sailors are taken care of under the Marine-Hospital Service in city hospitals, and that is paid for by the Government, and it is much cheaper to do it in that way.

Mr. FITZGERALD. We appropriate $126,000 to enable that to be done.

Mr. MANN. It is much cheaper to do that than to provide a marine hospital at every port. The gentleman would not want to have a marine hospital at every port on the Lakes, and yet if you do not have one at every port you may have to transport a sailor from one place to another. As a matter of fact, if a sailor is ill in a port there is provision made for taking care of him in the ordinary hospitals at the expense of the Government. If there is occasion for him to go into a Government hospital, he can go into one that is now maintained at Buffalo or some other place.

Mr. SHARP. Mr. Chairman, in answer to the gentleman's suggestion as to maintaining a marine hospital at every lake port, I would say no, unless there was urgent need for it. The place I have in mind does not ask for the establishment of a marine hospital. Those interested merely ask for the establishment of a ward in the hospital already built. The expense would be nominal.

To-day the patients have to be sent a considerable distance away. While I agree fully with the gentleman that it would be an unnecessary expense perhaps for the Government of the United States to build these hospitals at all lake ports, yet in the particular case to which I refer, the city of Lorain, there is a hospital there, a Catholic institution, doing a great amount of good, and it offers free of charge a portion of the hospital. It is planned and intended to occupy only a small portion of it, free of charge to the Government, for the establishment of a ward in that hospital.

Mr. MANN. Mr. Chairman, I can see no reason why the Government should establish a ward there, so far as that is concerned. The Government is under no obligation to take care of these sailors. As a matter of fact, Lorain, Chicago, and other ports on the Lakes, where these people in the main live who do the business connected with the lake navigation, ought to take care of them without asking the Federal Government to do it, but we do this because that was the custom when there was no provision for them in the ports.

Mr. FITZGERALD. We have given all that the Public Health and Marine-Hospital Department asked for this purpose, in any event.

The Clerk read as follows:

Quarantine Service: For the maintenance and ordinary expenses, exclusive of pay of officers and employees, of quarantine stations at Portland, Me.; Providence, R. I.; Perth Amboy, N. J.; Delaware Breakwater; Reedy Island; Alexandria, Va.; Cape Charles and supplemental station thereto; Cape Fear, Newbern, and Washington, N. C.; Georgetown, Charleston, Beaufort, and Port Royal, S. C.; Savannah; South Atlantic; Brunswick; Cumberland Sound; St. Johns River; Biscayne Bay; Key West; Boca Grande; Tampa Bay; Port Inglis; Cedar Key; Punta Rassa; St. Georges Sound (East and West Pass); St. Joseph, St. Andrews, and Pensacola, Fla.; Mobile; New Orleans and supplemental stations thereto; Pascagoula; Gulf; Laredo, Eagle Pass, and El Paso, Tex.; San Diego, San Pedro and adjoining ports, Santa Barbara, San Francisco, Monterey, and Port Harford, Cal.; Fort Bragg, Eureka, Columbia River, Florence, Newport, Coos Bay, and Gardner, Oreg.; Port Townsend and supplemental stations thereto; quarantine system of the Hawaiian Islands, including the leprosy hospital; and the quarantine system of Porto Rico, and including not exceeding $500 for printing on account of the quarantine service at times when the exigencies of that service require immediate action, $155,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice the leprosy hospital in Hawaii is carried in this general item, whereas last year and this year and for some time it has been carried in a special item. Is that the way the department wants that? Will we want the leprosy hospital there or is it intended to get rid of it?

Mr. FITZGERALD. The truth is the Marine-Hospital Service engaged in leprosy work upon the islands are not at the island of Molakai. They do their work at some other place. The change was made so as to permit a very small expenditure to be made at Molakai of this fund, and the officers are provided for as heretofore. We do not affect the hospital at all.

Mr. MANN. There is quite a rearrangement of the public-health service in the bill.

Mr. FITZGERALD. We have taken a number of physicians and assistant physicians who have been paid out of the epidemic fund practically who have become a permanent force and transferred them to the other appropriations so as to know what is being done.

Mr. MANN. You have taken a number of positions paid out of the quarantine fund, not the epidemic fund; you may have done that, too.

Mr. FITZGERALD. There are $245,000 out of the quarantine fund and $126,000 out of the epidemic fund.

Mr. MANN. Your quarantine fund in this bill is $155,000 and includes the leprosy hospital; that itself is $32,000, and last year the quarantine fund was $400,000. Now, I notice in your compensation of commissioned officers that is increased from two hundred and seventy thousand to four hundred and thirty-seven thousand and some dollars, so I suppose a considerable portion of the quarantine fund was and is now being paid out for salaries.

Mr. FITZGERALD. We put it with the salary item, and the provision for the leprosy work in the Hawaiian Islands is continued as heretofore.

Mr. HARRISON of Mississippi. Mr. Chairman, I want to ask the chairman of the committee, upon line 1, page 48, where the word "Gulf" is used ought it not to be "Gulfport"? I think it is merely a misprint. It is right after the word "Pascagoula," and reads "G-u-l-f."

Mr. FITZGERALD. That is the name of the station known as the Gulf Station. It is that particular station, and this paragraph refers to that particular station.

Mr. HARRISON of Mississippi. I thank the gentleman for the information.

Mr. MANN. That is the way it has been carried heretofore.

The Clerk read as follows:

Prevention of epidemics: To enable the President of the United States, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $100,000.

Mr. CANNON. Mr. Chairman, I move to amend by striking out the figures "$100,000," in line 19, and insert the figures "$500,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 19, strike out the figures "$100,000" and insert the figures "$500,000."

Mr. CANNON. Mr. Chairman, this Marine-Hospital Service, quarantine service, and the expenditure of the epidemic fund is very well organized and ought to have ample funds to meet any emergency that may arise. In my judgment there is no branch of the public service that is more efficiently administered than this. I could talk, and so could other men who would give a little consideration to it, about the extent of our organization of the great cities of the country subject to the outbreak of epidemics that come—yellow fever, smallpox, the plague, black death plague, and all the other ills that flesh is heir to that are very destructive to human life. An ounce of prevention is worth a pound of cure. Now, from time to time there have been liberal and continuing appropriations for the epidemic fund. In 1910 it was $750,000; in 1909, $500,000; in 1908, $400,000; in 1907, $200,000; in 1906, $100,000; in 1905, $100,000; in 1902, $500,000; in 1901, $500,000; in 1900, $100,000; in 1899, $200,000; in 1894, $200,000, and so on.

There is now, as shown by a special document containing an estimate for $500,000 submitted by the Treasury Department, unexpended $112,000. Gentlemen who have gone into a consideration of these matters know the ravages of the plague, especially in San Francisco and in some cases at Seattle, the effort to exterminate the rat, the effort to exterminate those difficulties in the principal cities in California, the ground squirrel that carries this plague, and with our many coasts, with many centers for the yellow fever south of us, no one can tell when the expenditure of this money will be necessary. It may be that we may be blessed with health; it may be that we may not have an invasion of cholera, as we did have at New York during this last season. It may not strike us at New Orleans; it may not strike us anywhere on our greatly extended coasts. I trust it will not, but I believe that this fund should always be sufficient to meet all emergencies that may arise. The committee recommend after consideration $100,000, with $112,000 coming over from a former year, 1910, and remaining unexpended.

The estimate is for $500,000. I believe the amendment ought to be agreed to.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. FITZGERALD. Mr. Chairman, this is an emergency fund. At the end of the present fiscal year there will be a balance of $50,000. The Public Health and Marine-Hospital Service is spending in California at the rate of about $14,000 a month, and anticipates that this fund will be utilized there until the 29th day of September. Congress will convene in December. This $100,000, in addition to the ordinary appropriation for the maintenance of the service, I think is ample to provide whatever assistance may be necessary. In 1905 $100,000 was appropriated; in 1906 $100,000 was appropriated. Then came the bubonic-plague scare, and in 1909 $500,000 was appropriated, and in 1910 $750,000. And the liberality with which Congress made these appropriations resulted in the State of California practically determining to permit the Federal Government to do all of the work of exterminating the rodents which carried the flea which was responsible for the bubonic plague.

At the request of the State board of health in California a bill was passed in the legislature appropriating $75,000 to continue this work. The governor vetoed the bill. With the utmost difficulty the State board of health has obtained consent of the governor to devote $10,000 to this work during the coming few months. San Francisco is soon to have a great exposition. It should do its part of this work. If it does not, it is likely to be quarantined by the Federal Government and visitors from all parts of the country denied the opportunity to visit the exposition. We have given such a sum as will prevent the danger from epidemic of any character during the time that Congress will not be in session, and perhaps may impress upon Cali-

fornia the necessity for doing something else than expecting the Federal Government to do everything essential to protect its citizens and the rest of the country from an affliction which may be occasioned by the conditions in that State.

There is no peculiar necessity for this sum. It was known when the regular estimates were transmitted to Congress what the condition of this fund would be at the end of the fiscal year. No estimate was submitted, and in submitting this estimate just a few days age the Secretary of the Treasury said it had been withheld until an opportunity should be given to thoroughly investigate and inquire into the matter with a view to promoting the economy in the public expenditures. The estimate is the second largest estimate ever submitted in the history of the Government. The committee, in view of the situation, in view of the service established, and the knowledge of what could be done during the recess of Congress in case of necessity with an appropriation of $100,000, believed that that would be ample to meet any emergency. And, I might say, too, Mr. Chairman, there has been transferred to another appropriation salaries which have been paid out of this fund aggregating $126,000. Out of the $750,000 which was appropriated in 1910, $260,000 was expended in compensation of officials who will hereafter be provided for out of the appropriation a few pages earlier in the bill. So the same necessity for this large appropriation, the making of which introduced and resulted in the building up, without action by Congress and without its knowledge and without its intentions, of a very large force will be obviated by the pursuance of this particular practice. In the absence of any threatened danger the committee did not feel it advisable to appropriate a larger sum, because it did not believe there would be any necessity for its use.

Mr. MANN. Mr. Chairman, may I ask the gentleman whether, in those recent years where only $100,000 was appropriated, the unexpended balance of previous years was made available also?

Mr. FITZGERALD. That has always been done.

Mr. MANN. So that, in those years where only $100,000 was appropriated, as the gentleman says, as a matter of fact there was available for expenditure a very considerable sum in excess of $100,000. I think there was available three or four hundred thousand dollars.

Mr. FITZGERALD. I have no knowledge that that is a fact.

Mr. MANN. My recollection is——

Mr. FITZGERALD. I say I do not know.

Mr. MANN. That is my recollection. In other words, this epidemic fund ought to be an epidemic fund. I agree with part of what the gentleman said in reference to California and in reference to some of the work done under this fund, but the Government ought to have an epidemic fund that can be used in case of epidemic emergencies.

If we are fortunate enough to get away from this Capitol ourselves by the middle or last of September there will then be a couple of months or so before Congress meets again. Possibly the danger of an epidemic will have been passed by that time. But we might have the good luck to get away by the middle of July. [Applause.] Now, I have been told by a gentleman whose knowledge and advice on the subject I consider of value that we are in some danger, although I hope not much, of the entrance of the bubonic plague, not merely from the Pacific side, but also from the Atlantic side. It certainly would be a catastrophe if, for the lack of a little money in the form of an emergency fund, we should not be able to handle that situation between the sessions of Congress. I think we ought to make an emergency epidemic fund which can be used only in case of an epidemic emergency, and which can not be used for the purpose of putting men permanently upon the pay rolls or doing permanent work.

I doubt very much whether the destruction of rodents in California ought to have been done out of this fund, if this fund has indeed been used for that purpose. But here we make a considerable reduction in the quarantine fund, and then in the epidemic fund——

Mr. FITZGERALD. I beg the gentleman's pardon. We have not reduced the quarantine fund except to make an apparent decrease only. The amount by which that fund has been decreased has been transferred to the other appropriations.

Mr. MANN. I am perfectly willing, if the gentleman says that, to accept his statement. I have not been able to find where the amount of the reduction in the quarantine fund has been transferred to any other fund or where a portion of it has been transferred to the fund for general compensation and another to the compensation of noncommissioned officers. The gentleman may be correct. I have been under the impression that the full amount heretofore carried for quarantine was not carried. But I am not criticizing that. We ought to have an emergency fund that could be used only in case of an epidemic, and it ought to be available.

Now, we expected the President to expend, and he did expend, a great deal of money out here in fighting forest fires—an amount which we afterwards made up. But I am not in favor of leaving the responsibility to the Executive of seizing money and spending it in case of an emergency, and then asking us to make it good. Where we know in advance that the emergency might arise, I do not believe the President ought to go beyond what we give him, no matter what the emergency is.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The gentleman from New York [Mr. FITZGERALD] suggests that heretofore a large part of this money has been expended in the payment of salaries. I would like to know how anybody could spend this money except for the employment of people. Of course something could be spent for medicine, but the bulk of it must be spent for nurses and physicians and watchmen, and so on. It will not spend itself. Why, of course it is expended very largely for the activities of physicians, laborers, and nurses, so that calling it a "salary fund" is not, it seems to me, a valid argument against it. I was somewhat interested——

Mr. FITZGERALD. Does the gentleman agree with his colleague [Mr. MANN] that this money, this emergency fund, should not be utilized for the purpose of killing these rodents out in California?

Mr. CANNON. I believe, in view of the statements of the experts who hope that they have largely disposed of the plague in San Francisco and in Seattle, and who believe it is necessary to continue their investigations, and who have demonstrated, or profess to have demonstrated, that the germs of this plague affect rodent life in a considerable part of California, and perhaps of Washington as well, that these activities should be kept up for the purpose of destroying the ground squirrels. After all, it is expensive just to chase little ground squirrels. But there are a great many of them. Likewise there are a great many people at San Francisco and a great many people along the coast. While I do not know but that the gentleman's remarks might ordinarily appeal to me with very great force, yet if the governor of California, who vetoed the appropriation to assist in this work, were the only individual in California, and if California were out in the sea, and there were no communication between California and the 93,000,000 people in the United States, I would say, Let the rats and the ground squirrels and the bubonic plague and the governor of California fight. [Laughter.]

But, unfortunately, we all live in this country, and therefore, the governor of California being lax in assisting in this work, by interposing his veto, I will not allow the governor of California to prevent an appropriation or be used as an argument to prevent an appropriation for the general health and protection of ninety-odd millions of people in the United States.

Mr. GARNER. The gentleman from Illinois does not agree with his colleague [Mr. MANN] that this money should not be used for the purpose of killing these rats and ground squirrels, but should be retained for the purpose indicated in the appropriation, to wit, an emergency fund, to be utilized in case of an epidemic.

Mr. CANNON. If the gentleman [Mr. MANN] took that position, I am not in harmony with that suggestion, because an emergency fund is to meet an unexpected invasion of cholera, yellow fever, plague, or whatnot; but if it becomes chronic, I do not think that in looking out for the security of all the people we can afford to fail to pay attention to that chronic condition.

Mr. GARNER. I call the attention of the gentleman from Illinois to the language of this appropriation:

> In case only of threatened or actual epidemic of cholera, typhus fever—

And so forth.

Mr. CANNON. Yes.

Mr. GARNER. That does not say anything about the killing of rats and ground squirrels.

Mr. FITZGERALD. They will construe the presence of these plague-infested rats and ground squirrels as a threatened epidemic.

Mr. MANN. They will construe it as an actual epidemic.

Mr. KAHN. It would immediately create an epidemic, if they were allowed to scatter unchecked.

Mr. CANNON. The law has been construed heretofore to cover expenditures incurred in the work of exterminating these rats and ground squirrels, and the accounts have been audited. The law is what it is construed to be.

Mr. KAHN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KAHN. Reference has been made on the floor a number of times recently to the action of the governor of California in vetoing a bill appropriating $75,000 for exterminating squirrels. My colleagues from my State have investigated the matter somewhat, and they find that at a special session of the legislature, held about a year or so ago, a general law was enacted which provided for the extermination of these rats and ground squirrels by the local health officers; that law provided that if the owner of the property failed to do the work of extermination himself the local health authorities were to do the work, the cost thereof to become a lien upon the realty. Therefore it was held that this special appropriation was not necessary.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. Does the gentleman from California agree with that conclusion?

Mr. KAHN. I have not studied the law. I simply tell the gentleman what my colleagues, who live in the counties where these squirrels are found, had learned as the result of their investigation of the subject.

Mr. GARNER. In view of the remarks made by the gentleman from Illinois [Mr. CANNON], with reference to the governor and Legislature of California, I did not know but what the gentleman from California might express himself as to what he would have done if he had been governor.

Mr. CANNON. What would the gentleman have done if he had been governor?

Mr. GARNER. I think I would have approved the appropriation.

Mr. KAHN. I want to say this about it: When the fact was brought to the knowledge of the people of San Francisco that there were several cases of alleged bubonic plague in that city, they immediately went into their own pockets and subscribed many thousands of dollars to accomplish the work of killing off the rats.

The local government voted money, and every dollar that the Federal Government expended in the matter was met with a dollar from the citizens of California. It cost the city and county of San Francisco and her citizens hundreds of thousands of dollars for their share of that work. There is no bubonic plague in San Francisco, and there has not been a case for over a year and a half—that is, a verified case. But it was found that ground squirrels in the adjoining counties were infested with the flea that carries the plague. Since by means of these squirrels the infected flea may be carried long distances, the danger of a positive outbreak of bubonic plague exists so long as any infested squirrels are found. The counties where these squirrels are found are helping to exterminate them. There are in California large areas of public lands that have not been taken up; some of this land is in forest reserves; some of it is in forest-ranger stations; some of it is even embraced in public monuments; and some of it has never been filed upon for homestead, mining, or any other entry.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. KAHN. Certainly.

Mr. BARTLETT. Will the gentleman tell us how much the State of California in its capacity as a State, by its legislature, has appropriated to exterminate these pests?

Mr. KAHN. As I stated at the outset, the State has not appropriated any money, so far as I know; but many of the counties have appropriated money, and the State legislature passed a general law making it a lien upon private property if the owner of the property refuses to exterminate the rats or squirrels on his land, and the local authorities do the work for him.

So in that way—indirectly, to be sure—the State is doing its share of the work.

Mr. BARTLETT. Does not the gentleman think that when the United States Government in a matter of this kind, of an epidemic or a plague or in case of infected animals, contributes any reasonable amount of money to cooperate with the State, that that is as far as the Government ought to go? Does not the gentleman think that as far as the internal health is concerned, for the reduction of disease in a State, that it is the duty of the State to do that and not depend upon the Federal Government? Is there anything more important for the State government, the local government, to attend to than to look after the health of its citizens?

Mr. KAHN. The local government in California is doing its work, not through the State organization, but through the county organizations.

Mr. BARTLETT. That covers the same purpose.

Mr. KAHN. Certainly, and the county organizations are doing the work; but a State law has been enacted which compels the individual who owns land to do his share of the work; when he fails to do it the local authorities go on his land and exterminate the rodents, and the cost of the extermination becomes a lien on that individual's property.

Mr. BARTLETT. What duty does the gentleman think devolves on the National Government under our form of government to take care of the health of localities within the States?

Mr. KAHN. The gentleman from Georgia loses sight of this fact—that it is an easy matter to carry the infection in our day, where a freight train can convey the infected rats hundreds or even thousands of miles beyond the confines of the State. Rats do get on board of freight cars, and an infected rat can carry the fleas into the gentleman's own State, into the District of Columbia, and all over the Union. It is therefore a part of the duty of the National Government to prevent any possibility of that kind.

Mr. BARTLETT. One more question, if the gentleman will yield.

Mr. KAHN. Certainly.

Mr. BARTLETT. From the record before the committee it appeared that the United States Government had been able to catch 600 of these animals—these ground squirrels and rats—and that they cost $1,000 apiece. Does the gentleman think that the Government ought to go to that extent in expenditure without the aid of the State?

Mr. KAHN. The State is aiding through the counties and also through its individual citizens. As I stated a few moments ago, when San Francisco had a number of cases of bubonic plague every dollar that was expended by the Federal Government found another dollar expended by the people of San Francisco.

Mr. BARTLETT. Then, according to the record, if it cost the United States Government $600,000 to catch and kill 600 rats, it has cost the Government and the State of California together $1,200,000 to kill 600 rats.

Mr. KAHN. It cost California as much as it cost the Federal Government, and if it cost $600,000 to the Federal Government, it cost $600,000 to the State of California.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GARNER. The Legislature of California appropriated $75,000 to assist in this work?

Mr. KAHN. I do not know; I have heard that statement on this floor, and I assume that it is so.

Mr. GARNER. The gentleman represents California, and he is asking the United States Congress to assist in this work. I asked the question what the State of California did. He has told what the counties did. Now, I want to ask if it is not a fact that the legislature appropriated $75,000 to help this work, and the very popular and distinguished governor placed his veto on that appropriation?

Mr. KAHN. I believe that is the fact.

Mr. GARNER. Does the gentleman indorse that action?

Mr. KAHN. But that very legislature, as I understand it, also passed this law of which I have spoken, making the cost of extermination a charge upon the property where the owner refuses to do his share of the work.

Mr. GARNER. I understand; but the governor of California did veto an appropriation for that purpose.

Mr. KAHN. True.

Mr. GARNER. What does the gentleman from California think about that action of the governor?

Mr. MANN. That has nothing to do with this question.

Mr. KAHN. True; that has nothing to do with this question.

Mr. GARNER. I want to know whether the gentleman from California is willing to put his State in the attitude of refusing to help in this matter and indorses that action?

Mr. KAHN. I assume the governor probably sent a message to the legislature saying that in his judgment there should be a general law passed compelling every owner of property to do his share of the work, and if that owner refused to do it, then it should be done——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. KAHN. I would like to finish my answer to the gentleman from Texas, but I will yield; yes.

Mr. MANN. I was going to ask the gentleman this: If he thinks it sufficient for California to pass a law requiring people to kill rats on their own premises and that it would relieve the State of California from making an appropriation, then whether it is not also sufficient to relieve the General Government *from* making an appropriation, because, if effective, the rats would be killed?

Mr. KAHN. The gentleman loses sight of this fact: That there are in California large areas of Government land that have not been taken up. Many of these squirrels are found on that land, and the local health authorities can not create a lien on the property of the General Government.

Mr. MANN. I do not understand that many of the squirrels have been caught there, or if there were many more there that they would do any damage at all.

Mr. SHERLEY. Does the gentleman think we ought to limit this appropriation so as to permit the money to be expended only in destroying the squirrels on Government land?

Mr. KAHN. Oh, I do not think that. I think this money should be expended to protect the health of the country. There was an epidemic of cholera in Europe last year. No one can tell but that the dread disease may be brought over here in some ship. This money ought to be used for purposes of that kind. One hundred thousand dollars would prove a mighty small amount if cases of genuine cholera should be brought over here from Europe.

Mr. SHERLEY. It seems to be at least more than the State of California is willing to put in the jack pot.

Mr. KAHN. The State of California, through its counties and citizens, has put over a million dollars into the jack pot.

Mr. SHERLEY. Does the gentleman know how much it put in last year?

Mr. KAHN. I do not.

Mr. SHERLEY. I will tell the gentleman. It put in about $13,000, as against $22,000 or $23,000 on the part of the Federal Government.

Mr. KAHN. That was in the counties outside of San Francisco.

Mr. SHERLEY. That is the average of all the counties in California.

Mr. KAHN. There is no bubonic plague in San Francisco. They are not spending any of the money there. They are spending the money, I believe, in Contra Costa County, San Benito County, San Luis Obispo County, and some of the other counties.

Mr. PAGE. The gentleman, in connection with this State law passed by the last legislature, under which a lien is placed upon the land of the resident who does not destroy the squirrels, has used the expression "his share." What is the share of the landlord?

Mr. KAHN. I presume if he owns three or four hundred acres of land, and there are a great many squirrels on his property, and he does not destroy them, thus compelling the local health authorities to go upon his land and kill them, he must pay in accordance with the area of land he owns, because the cost of extermination is larger on a large tract than it is on a small tract.

Mr. PAGE. Then does the law require that each landowner shall kill the rats on his own land——

Mr. KAHN. Yes; it requires him to do that; and where he fails to do it, the local health authorities do it for him and charge him for it.

Mr. PAGE. Then why should the National Government expend $14,000 in doing it?

Mr. KAHN. I have answered that half a dozen times. There are large areas of public lands in California that are not in any private ownership.

Mr. PAGE. Is the National Government only operating upon Government lands?

Mr. KAHN. I presume it is operating largely on Government lands, for my attention was called to this matter some months ago by the Secretary of Agriculture, who got his information from the foresters, and I presume that at the present time the foresters are operating on Government land.

Mr. PAGE. And being paid from the funds we are appropriating here through the Agricultural Department.

Mr. KAHN. Oh, the foresters are not engaged in killing these rats and squirrels, but the Public Health and Marine-Hospital Service is doing that. The foresters have reported the presence of infected squirrels on Government land.

Mr. PAGE. Oh, yes; that is true, but the testimony before the committee, given by the officers of the Marine-Hospital Service, is that this money is being expended in the counties of California.

Mr. KAHN. True; but the Government land is in the counties of California.

Mr. PAGE. Oh, no; not at all——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask that I may be allowed five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. KAHN. I yield to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Suppose all the land in private ownership in California was cleaned up of all the squirrels and those on the public lands were not destroyed, how long would it take for the privately owned lands to become restocked with these squirrels?

Mr. KAHN. It would not take any time at all; it would simply be a case of having put the money into a sieve. We would simply have been doing work to no purpose. These squirrels on these public lands would soon get back again on the privately owned lands if they be not exterminated on the public lands. The Pacific coast faces the Orient. Many of the diseases coming from the Orient are exceedingly infectious. They are brought over to our shores on ships. If they ever get beyond the confines of the Pacific Coast States it will cost the people of the United States many millions of dollars to exterminate them. There is probably no disease that is more terrible in its effect than bubonic plague. There is no disease that is harder to deal with, because it is carried in a peculiar way. It is carried by a flea which lives on rats and squirrels, and when the infected flea bites a human being that human being is in immiment danger of being taken with the bubonic plague. Now, under these circumstances we feel the extermination of these fleas essential to the health of all the people of the United States.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. KAHN. I will.

Mr. STEPHENS of Texas. I saw it stated recently in some newspapers of the coast that there has not been a case of bubonic plague on that coast for several years, four years, I believe they stated. Is that true?

Mr. KAHN. There has not been a verified case of bubonic plague in the city of San Francisco for about a year and a half, possibly two years, according to a report that I have seen.

Mr. STEPHENS of Texas. They stated four years.

Mr. KAHN. I believe there were some cases the doctors diagnosed as bubonic plague in Contra Costa County and possibly some other counties some distance away from San Francisco, and it was through the discovery of those cases that it was found that the ground squirrels had become infested with the fleas. It was as a result of those cases that this money was expended by the Government and by the county authorities in order to exterminate the squirrels.

Mr. STEPHENS of Texas. Will the gentleman yield again?

Mr. KAHN. Yes.

Mr. STEPHENS of Texas. It is well known in the entire western country, especially in my State, that there were many millions of prairie dogs or ground squirrels, something on the same species——

Mr. KAHN. Yes.

Mr. STEPHENS of Texas. Now, those have been exterminated on the land of private individuals by the private individuals and on the State lands by the State, and the Government has never been called upon to exterminate any of those rodents.

Mr. KAHN. But in the gentleman's State the Government never owned any land; the State always held its own lands; Texas never relinquished its public lands to the General Government, whereas in my State of California the Federal Government owns the public lands.

Mr. STEPHENS of Texas. But our State killed out the rodents on their own lands, and the individuals killed them on their lands.

Mr. KAHN. Would the gentleman have the people of California kill all the squirrels on the Federal Government's land as well as kill them on their own privately owned lands? Does the gentleman not know that there are millions of acres in the forest reserves that do not yield a cent of revenue to any county in California or to any county in those western States where these reserves are located?

Mr. STEPHENS of Texas. It is an entirely useless expenditure of public money.

Mr. KAHN. The case of Texas is not at all analogous.

Now, this item, in my judgement, ought to be increased. If there should be an outbreak of cholera or bubonic plague or any other infectious diseases, it would require many, many hundreds of thousands of dollars to wipe them out. I sincerely

hope the amendment offered by the gentleman from Illinois [Mr. CANNON] will be adopted.

Mr. FITZGERALD. Mr. Chairman, in view of all of the misleading statements the gentleman from California [Mr. KAHN] has made, at least the facts should be placed in the RECORD.

Last year the State board of health of California passed a resolution asking the legislature to appropriate $250,000 to enable the State board of health to cooperate with the Public Health and Marine-Hospital Service in exterminating the rodents affected with flea that carries the possibilities of bubonic plague. The legislature passed a bill appropriating $75,000, and that bill was vetoed by a "progressive" governor in the State of California. Since 1908 the Federal Government has expended in California $1,044,176.37. The gentleman from California [Mr. KAHN] repeated a number of times that the State and the counties and——

Mr. KAHN. And private individuals.

Mr. FITZGERALD (continuing). Had expended as much as the Federal Government.

Mr. KAHN. Yes; that is true.

Mr. FITZGERALD. I took occasion to request that a statement be filed with the committee showing how much had been expended by the State of California and by the various counties and by voluntary subscriptions, and the gentleman from California is so far away from the facts in this respect that it is necessary to show that California is not doing its share in this work. Whether this be important work or not, I should not be as well able to say as the governor of California. On the 18th of May the State board of health of California had a meeting, and they went to the governor and they besought——

Mr. KAHN. The 18th day of May of what year?

Mr. FITZGERALD. This year. And besought him for aid to enable them to cooperate in this work. In some manner or other he found some fund from which he allotted to the State board of health $10,000 to be expended between the 1st day of June and the 1st day of October. The Federal Government is spending at the rate of $65,000 during the same period. Since 1902—I gave the figures for the Federal Government since 1908——

Mr. KAHN. Will the gentleman yield right there for a question?

Mr. FITZGERALD. Yes.

Mr. KAHN. The gentleman now states what the Governor of California allowed to be appropriated from some fund. Has the gentleman also the figures of what was expended by the counties during that time and this time?

Mr. FITZGERALD. Since 1902 the State of California has expended approximately $100,000. The individual counties of California have expended approximately $50,000. The other bay cities have expended approximately $25,000; the Citizens' Health Committee, of San Francisco, approximately $140,000; and individual landholders in the rural districts approximately $10,000 in the work of the eradication and the prevention of bubonic plague. This totals $235,000 since the year 1902. It is estimated that in the city of San Francisco, in the methods of construction of buildings so as to prevent rats getting access to them, not in the extermination of rats at all, but I suppose as the result of changed building regulations, it has cost about $2,500,000. But that was not in the work of extermination. The contributions from the State of California and the cities of California and the counties of California and the voluntary subscriptions of the people of California in 10 years have amounted to $235,000 as against $1,044,000 expended by the Federal Government since 1908. It seems to me that the governor of that State ought to pay some attention to the conditions in the State. He is the responsible head of the government there.

The people of San Francisco have invited people from all parts of the world to come and participate in an exposition to celebrate a very memorable enterprise—the completion of the Panama Canal. The Federal Government is doing more than its share to make it safe for the people of the United States and of other countries to go to that State, and yet this governor refuses to permit $75,000 passed by the legislature to be placed at the disposal of the State board of health, and he shows how important he considers this work by setting aside between the 1st day of June and the 1st day of October, to enable the State board of health to cooperate in this work, the sum of $10,000. I know if the gentleman from California [Mr. KAHN] could have his way his State would contribute liberally to the work.

It is useless to talk about laws that require the individual owner of property to exterminate these rats, under which, in the event the owner does not exterminate them, the county officials will go on the property of the individual and exterminate them and charge the cost to the owner and make the cost a lien upon the property. Such laws are absolutely worthless unless the necessary money be placed at the disposal of the officials to enable them to do work and afterwards to collect from the property owner.

I hope the gentleman from California [Mr. KAHN] will himself join in this important agitation to bring home to the people of his State the necessity of compelling important State officials to wake up to the necessity for action by the State along those lines, and not to have any official thwarting the will of the legislature and defying the sober and serious judgment of the State board of health and denying it a mere pittance—to the State of California—$75,000 for this work, in the hope, indulged in by many of the men now belonging to a new school of politics, of devolving upon the Federal Government the entire expense of many things that properly belong to the State.

The Federal Government has done its full duty, and California should do its duty or else find out, as a result of such negligence, that the great enterprise in which it is interested will not be possible. If this situation continues in California and there should be an outbreak of bubonic plague I have been assured that California will be quarantined and nobody will be allowed either to enter or leave the State. In that event I hope the gentleman from California [Mr. KAHN] will not be so unfortunate as to be caught on the wrong side of the line when the quarantine is put into effect. [Laughter and applause.]

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from California.

Mr. KAHN. Did I understand the gentleman to say that the citizens of San Francisco had made an expenditure of approximately $2,500,000 to make their buildings rat proof?

Mr. FITZGERALD. Permanently rat proof, with other sanitary improvements.

Mr. KAHN. That was at the time the rats were exterminated by reason of the plague. I want to say for San Francisco that I believe it to be freer from rats than any other city in the United States.

Mr. FITZGERALD. Well, the rats to which other cities extend their hospitality are not the serious menace to the population that San Francisco's rats happen to be. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. KAHN. A division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $250,000, of which sum $5,500 may be used for necessary drawings and illustrations for publications.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making an inquiry of the chairman of the Committee on Appropriations. How much of this $250,000 will be expended on the work of our former President? Or can the gentleman inform us if any of this amount will be used for that purpose? Can the chairman enlighten us as to how much has been expended for that purpose—for his last trip?

Mr. FITZGERALD. Mr. Chairman, I am informed that no special amount has either been set aside or is contemplated to be set aside for the preparation or exhibition of the specimens and collections procured by Col. Roosevelt in his African expedition. It was never intended that they should constitute a separate exhibit. Various specimens are taken and mounted and put in the collections, so as to show the continuity of the development of the species. The other skins and trophies are preserved and put away in such shape that they can be utilized by students. That is done with the great majority of the collections in the National Museum. But the collection of Col. Roosevelt has not been treated and is not intended to be treated differently from any other collections that are obtained by the museum, and no special account has been taken of the expenditure on what may be termed the collection of one expedition or another. It is a part of the general work of the National Museum.

Mr. SABATH. Is there a way to ascertain how much this Roosevelt expedition cost the Nation at this time? I have been informed by some people that over $82,000 was allowed and paid.

Mr. FITZGERALD. How much?

Mr. SABATH. Eighty-two thousand dollars for the expedition.

Mr. FITZGERALD. I do not believe that was paid for by the Federal Government.

Mr. SABATH. I mean from the Smithsonian Institution.

Mr. FITZGERALD. Oh, nothing at all. The Smithsonian Institution has some private funds that could be devoted to some such purpose, but my information is that when it was known that Col. Roosevelt was about to make this expedition and offered to send to the Smithsonian Institution the various trophies that he would obtain in that expedition, the character of the expedition he desired to make appealed to some persons, and by private subscriptions from persons interested in such matters certain of the expenses of the expedition were paid. All that the Government did was to grant leave of absence to one man, who is a physician and quite eminent as a naturalist, if I recall correctly, and some other man who was to be of service in some other way; but the Government did not pay any part of the expenses of the expedition. Whatever was contributed by the Smithsonian Institution was either from funds that were not Government funds and that were available for such purposes, or were obtained because Mr. Walcott, the Secretary of the Smithsonian Institution, believing that valuable results could be obtained for the institution, presented the matter to some gentlemen who were interested in such things, and they voluntarily contributed money to enable the expedition to be conducted on a scale that would result in valuable returns to the museum.

Mr. GARNER. But the gentleman does not undertake to say positively that the expedition of Col. Roosevelt did not cost the Federal Treasury any money?

Mr. FITZGERALD. That is my information; that it cost the Government nothing outside of the fact that an Army officer—a physician, or something—while on leave, was under salary; but I do not consider that that was paying any part of the expenses of the expedition.

Mr. GARNER. But did not these same Government officials get their expenses paid by the Government?

Mr. FITZGERALD. I think not.

Mr. MANN. If the gentleman will permit, I was one of the regents of the Smithsonian Institution at that time.

Mr. FITZGERALD. Here is a distinguished regent of the Smithsonian Institution, who probably is somewhat familiar with what happened. I shall be very glad if the representative of that institution will give us the information we desire.

Mr. MANN. I was a Regent of the Smithsonian Institution at the time this work was done. When we learned that Col. Roosevelt was going to make his trip to Africa, we thought it would be extremely desirable to have him give to the Smithsonian the trophies which he secured there. The Smithsonian has an appropriation from the General Government. It also has the interest of an invested fund of in the neighborhood of $1,000,000, but it could not utilize either one of these funds for that purpose, because they were already taken up with the regular, ordinary work. We passed a resolution offering to contribute a portion of the expense of Col. Roosevelt's trip—but no part of his personal expenses—providing the secretary of the institution, Dr. Walcott, could raise the money through private subscription. That money was raised through private subscription.

I have seen some of the specimens which came to the Smithsonian Institution from that trip. We have secured the best collection of African specimens that are owned or controlled by any nation in the world. A great many of these are in duplicate. This appropriation will probably be used in part for the mounting of a portion of those specimens by the regular officials who do the mounting. Other specimens will be retained for the use of students. Other specimens are retained for the purpose of exchange, as Col. Roosevelt gave to the Smithsonian Institution practically all the specimens he secured, with the exception of a very few. Their number is wonderful, and the character of the specimens is exceptional. Gentlemen who go there when these specimens are mounted will be extremely thankful that this was done. The opportunity was a great one, which was seized by the authorities in charge of the Smithsonian. They paid no portion of the personal expenses of Col. Roosevelt or of his son, but did pay for gentlemen to go with him to help take care of the specimens, and the necessary people to carry them and carry the required equipment into the field.

Mr. CANNON. Mr. Chairman, does the gentleman from New York intend to offer an amendment increasing the amount of this appropriation?

Mr. FITZGERALD. I do not.

Mr. CANNON. Then I desire to offer an amendment. I move to amend, in line 13, page 50, by striking out the figures "250,000" and inserting the figures "320,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 13, strike out the figures "250,000" and insert in lieu thereof "320,000."

Mr. CANNON. I want to make a suggestion to the gentleman from New York, and it is now about half past 5 o'clock.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry; and

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park, in said State.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 11, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury requesting authority from Congress to make payment of certain bills arising in connection with various public buildings of the Government (H. Doc. No. 826), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Roman, State of Montana, for the purposes of a public park and public-school site, reported the same without amendment, accompanied by a report (No. 859), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 3203) to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg., reported the same with amendment, accompanied by a report (No. 866), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects, reported the same with amendment, accompanied by a report (No. 867), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6618) granting an increase of pension to Zachariah T. Woodward, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLETON: A bill (H. R. 25235) to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25236) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 25237) regulating trials by jury; to the Committee on the Judiciary.

By Mr. AUSTIN: A bill (H. R. 25238) authorizing and permitting M. C. McCanless, W. C. Hale, W. H. Mullins, John Loop, and E. M. Brant, their successors and assigns, to build and maintain dams and water-power development in and across Clinch River in Grainger, Claiborne, and Hancock Counties, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON of New York: A bill (H. R. 25239) imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs; to the Committee on Ways and Means.

Also, a bill (H. R. 25240) to amend the act of October 1, 1890 (26 Stats., 1567), regulating the manufacture of smoking opium within the United States; to the Committee on Ways and Means.

Also, a bill (H. R. 25241) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 25242) conferring upon tribes or bands of Indians the right of nomination of their agent or superintendent, to inspire them to interest themselves in their own affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. UNDERHILL: A bill (H. R. 25243) authorizing the Secretary of War to donate to the State of New York two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: Joint resolution (H. J. Res. 327) requesting the President to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene; to the Committee on Foreign Affairs.

By Mr. FULLER: Memorial of the Legislature of the State of New Mexico, for the creation by Congress of at least two additional judicial circuits, etc.; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Legislature of the State of New Mexico, that the Navajo Indian Reservation be thrown open to settlement; to the Committee on Indian Affairs.

By Mr. DRAPER: Memorial of the Legislature of the State of New Mexico, asking for additional judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking that the Navajo Indian Reservation be thrown open to settlement; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that a specific duty be levied on wool on scoured-shrinkage basis; to the Committee on Ways and Means.

By Mr. PATTEN of New York: Memorial of the Legislature of the State of New Mexico, praying that the Navajo Indian Reservation be opened to settlement; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that a specific duty be levied on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying for additional judicial circuits, one of which to include New Mexico; to the Committee on the Judiciary.

By Mr. CURRY: Memorial of the State Legislature of New Mexico, requesting Congress to amend Schedule K of the tariff bill by inserting therein the specific duty on wool on the scoured-shrinkage basis; to the Committee on Ways and Means.

Also, memorial of New Mexico State Legislature, memorializing the Senate and House of Representatives of the United States to allot and open the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

Also, memorial of the State Legislature of New Mexico, asking for additional judicial district; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 25244) for the relief of George E. Guthrie; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 25245) granting an increase of pension to Julius A. Hanover; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 25246) for the relief of Cornelius P. Vankirk; to the Committee on War Claims.

Also, a bill (H. R. 25247) for the relief of the heirs of Nancy Wilson, deceased; to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 25248) granting an increase of pension to David Steers; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 25249) granting an increase of pension to Ella E. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25250) granting an increase of pension to Van R. Eels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25251) granting an increase of pension to John S. Gilmore; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 25252) granting a pension to Anna Klushmann; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 25253) granting an increase of pension to Rachael Smith; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25254) to provide for appointment to certain positions without examination in the classified service of persons who served in the Civil War or the War with Spain or the Philippine insurrection and were honorably discharged; to the Committee on Reform in the Civil Service.

By Mr. LOBECK: A bill (H. R. 25255) to correct the military record of Hugh McCormick; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 25256) granting an increase of pension to Eli N. Evans; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25257) granting a pension to Augusta Sperry; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25258) granting a pension to Eliza Haines; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 25259) for the relief of Andrew Browning Atwell, alias Andrew Browning; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25260) granting an increase of pension to Andrew C. McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25261) granting an increase of pension to Isaac N. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25262) granting an increase of pension to William Rosbrugh; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25263) granting an increase of pension to Joseph D. Beaubien; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25264) for the relief of W. A. Kelly; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 25265) granting an increase of pension to Finetta Louise Wood; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25266) granting a pension to Thomas E. Hepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25267) granting a pension to Henry Kehl; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of members of societies of the Polish Roman Catholic Union of America, of the States of Illinois, New York, Indiana, Connecticut, and Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of citizens of New Mexico, favoring passage of Senate bill 6501 and House bill 23775, to enable people of New Mexico to form a State government and two judicial districts instead of one; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill,

to compel goods to be marked with manufacturers' names; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Chamber of Commerce of Pittsburgh, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the Hess & Culbertson Jewelry Co. and the William J. Kennedy Stationery Co., of St. Louis, Mo., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

Also, petition of the Rice-Stix Dry Goods Co., of St. Louis, Mo., against passage of House bill 16844, providing for marking of all manufactured articles; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Sick and Death Benefit Fund Association of the United States of America, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: Resolutions of the Southern Shoe Retailers' Association, of Atlanta Ga., against passage of the Campbell bill, to compel manufacturers to place their names on goods; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of Seventh Lodge of Lithuanian National Alliance of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Chamber of Commerce, favoring the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of citizens of the State of South Dakota, favoring passage of bill regulating express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, to amend the food and drugs act of 1906; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Retail Shoe Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place name on goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL: Petitions of citizens of the State of Kansas, favoring passage of bill (H. R. 9433) for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Petition of Finch & Hahn, of Schenectady, N. Y., against passage of the Oldfield bill, proposing change in patent law; to the Committee on Patents.

By Mr. DICKINSON: Papers to accompany bill for the relief of Cornelius P. Vankirk, of Cass County, Mo.; to the Committee on War Claims.

By Mr. DRAPER: Petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to mark goods with their name; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Petition of St. Josaphat Society, No. 61, Buffalo, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Polish-American citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of Cigar Makers' Union No. 40, of Biddeford, Me., favoring passage of a parcel-post bill, etc.; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of St. Mary's Guild, of St. Mary's Protestant Episcopal Church, of South Manchester, Conn., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the Woman's Auxiliary of the board of missions of the Protestant Episcopal Church of Plainville, Conn., favoring passage of bill for relief of the natives of Alaska; to the Committee on the Territories.

By Mr. HOWELL: Petition of Lodge No. 421, Independent Order B'nai B'rith, Salt Lake City, Utah, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Davis County Medical Society, of Layton, Utah, favoring passage of the Owen bill for establishment of a national health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Resolutions of State Council of Pennsylvania, Equity Council, No. 91, and Tamaqua Council, No. 547, of Tamaqua, Pa., Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Convention of the Diocese of Bethlehem, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOBECK: Resolutions of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place names on goods; to the Committee on the Judiciary.

Also, resolution of Washington Lodge, No. 15, Benevolent Protective Order Elks, against passage of the Jones-Works excise bill, relative to license in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petition of St. Stanislaus Kostka Parish; Dzwon Society; St. Michael's Society, No. 1; St. Joseph's Society; Koto Polskie; Archcon Fraternity of the Sacred Heart; St. Sanislaus Male Choir; Knights of St. George; St. Stanislaus Society; Biaty Ovzet Society; St. Hedwig's Congregation; St. Hedwig's Society; and Literary Society, all of Bay City, Mich., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of St. Mary's Perpetual Help Society, No. 156, Chicago, Ill., and of Polish-American citizens of Chicago, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Resolutions of the Farmers' Educational and Cooperative Union of America and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Southern Shoe Retailer's Association, of Atlanta, Ga., against passage of the Campbell bill to compel manufacturers to mark goods with their name; to the Committee on the Judiciary.

Also, resolution of Newark City Lodge, No. 109, Independent Order B'rith Abraham, against passage of the Dillingham bill providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Daughters of Liberty of Philadelphia, Pa., favoring passage of bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Convention of the Diocese of Bethlehem of Pennsylvania, and citizens of Mauch-Chunk, Pa., urging improvement of condition of natives of Alaska; to the Committee on the Territories.

Also, petition of citizens of Milford, Pa., urging passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of the Southern Shoe Retailers' Association, Memphis, Tenn., protesting against the passage of the Campbell bill requiring manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rochester Chamber of Commerce, favoring the passage of the 1-cent postage letter rate; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of Guna Sobieskiego Society, No. 404, Devery, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Petitions of members of United States Grand Lodge, Order B'rith Abraham, of Chicago, Ill., and United Lithuanian Societies of Chicago, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Chamber of Commerce of Los Angeles, Cal., favoring passage of House bill 2589 to provide suitable buildings for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petitions of citizens of Monrovia and Pomona, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of California, favoring the regulation of express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Chamber of Commerce of the State of New York, favoring passage of bill appropriating for establishment of marine schools in the State of New York; to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of the State of New York, favoring appropriation to protect the United States against feeble-minded immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of the State of New York, against bill to prohibit use of Panama Canal to owners of steamships in which any railroad is interested; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Texas: Petition of William H. Owen and other citizens of Smith County, Tex., against passage of the Owen bill to provide a national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. T. Doves and citizens of Henderson County, Tex., against the increase of postage on cheap journalism, etc.; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *June 11, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Lord, our heavenly Father, who didst send Thy Son into the world, not to condemn the world, but that the world might be saved, save us, we humbly pray Thee, from all doubt of Thy goodness and from all questioning of Thy providence. As Thou hast called another Member of this Congress from the labors of earth, deepen, we pray Thee, our trust in Thee and grant that while we have the light we may walk in the light, knowing that the night cometh when no man can work.

And unto Thee, with whom is no darkness at all, neither shadow that is cast by turning, be glory and praise now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (No. 43) of the House, providing for the printing of Public Health Bulletin No. 51, entitled "The causation and prevention of typhoid fever."

The message also announced that the House had passed a concurrent resolution authorizing and directing the Clerk of the House of Representatives in the enrollment of the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, to insert on page 1, line 12, after the word "within," the word "or," in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate Nos. 1 and 2 and disagreed to the amendments of the Senate Nos. 3 and 4 to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park, in said State; and

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Universalist Church of Milford and of the Union Evangelical Church, of Hopedale, and of the president of the Milford National Bank, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. BURTON presented a memorial of sundry citizens of Stillwater, Ohio, remonstrating against the enactment of legislation to encourage rifle practice and promote a spirit of patriotism among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Cheshire County, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the board of trustees of the Board of Trade of Paterson, N. J., praying that an appropriation of $200,000 be made for the continuance of the President's Economy Commission, which was referred to the Committee on Appropriations.

Mr. WORKS. I have here a telegram from the City Club of Los Angeles, Cal., composed of leading citizens and business men of that city, relating to pending legislation, that I should like to have printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LOS ANGELES, CAL., *June 8, 1912.*

Senator JOHN D. WORKS,
Washington, D. C.:

Whereas 28 years of experience with merit system in National Government has demonstrated its principles sound and absolutely essential to good government; and

Whereas retention in office during good behavior and efficiency is one of the most important of these principles; and

Whereas a limited tenure with discretionary power of reappointment in hands of head of department would open door to all of the political evils of the spoils system: Therefore be it

Resolved by the City Club of Los Angeles, That the Senate Committee on Appropriations be, and hereby is, respectfully urged to strike out section 5 of the legislative, executive, and judicial appropriation bill (H. R. 24023), which section provides for five-year tenure of office for Government employees; be it further

Resolved, That a copy of this resolution be transmitted to the Senate through Senators from California. Senator WORKS, kindly transmit to Senator PERKINS.

THOMAS E. GIBBON, *President.*
FRANK G. ANDERSON, *Secretary.*

Mr. OLIVER (for Mr. PENROSE) presented a petition of members of the Lohr's Memorial United Brethren Sunday School, of Hanover, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of sundry citizens of the United States, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CUMMINS. From the Committee on the Judiciary I report back favorably with an amendment the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., and I submit a report (No. 868) thereon. I also report back the bill S. 6587, with like title, with the recommendation that the latter bill be indefinitely postponed. It is identical with the former. I desire that the House bill on which the report is made be printed showing the amendment proposed by the committee, and also that the report of the committee, which is in writing, shall be printed with the bill.

The VICE PRESIDENT. That is done without special order. The House bill will be placed upon the calendar and the identical Senate bill will be postponed indefinitely.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 869) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WORKS:

A bill (S. 7092) granting a pension to Frederick D. Skinner (with accompanying papers); and

A bill (S. 7093) granting a pension to William V. Feltwell (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 7094) granting a pension to Louise W. Stegman; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 7095) granting an increase of pension to David F. Eutsler (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 7096) to increase the limit of cost of the public building at Narragansett Pier, R. I.; to the Committee on Public Buildings and Grounds.

A bill (S. 7097) granting an increase of pension to Emily W. Tilley; to the Committee on Pensions.

By Mr. JOHNSTON of Alabama:

A bill (S. 7098) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; to the Committee on Private Land Claims.

By Mr. BACON:

A bill (S. 7099) to provide for the purchase of 160 acres of land on the Kenesaw Mountain, in Cobb County, in the State of Georgia, and to establish a national park thereon; to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 7100) granting an increase of pension to Fred. D. Bryan (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7101) granting an increase of pension to William H. Packwood, sr.; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7102) for the relief of Henry States; to the Committee on Public Lands.

A bill (S. 7103) granting an increase of pension to Catherine Benson; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 7104) granting an increase of pension to Mary Taylor (with acocmpanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7105) for the relief of Bolognesi, Hartfield & Co. (with accompanying paper); to the Committee on Claims.

RELIEF OF SUFFERERS IN ALASKA.

Mr. JONES. I introduce a joint resolution, which I ask may be read, together with the papers which I send to the desk, and referred to the Committee on Appropriations.

The joint resolution (S. J. Res. 116) appropriating $50,000 for the relief of the inhabitants of Kodiak Island and vicinity from effects of explosion of the Katmai and other Alaska Peninsula volcanoes was read the first time by its title and the second time at length and referred to the Committee on Appropriations, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sum of money, or so much thereof as may be necessary, for the relief of sufferers of Kodiak Island or Alaska Peninsula, and that vicinity, from destruction of their homes and property and the loss of lives resulting from the explosion or explosions of the Redoubt, Illamna, and Katmai Volcanoes, on the Alaska Peninsula, namely: Treasury Department: To be expended by the Treasury Department through the Revenue-Cutter Service in purchasing supplies and providing provisions, tents, and other shelter for destitute persons, medical attendance, and other aid which the emergency may require, the sum of $50,000. The Revenue-Cutter Service in Alaskan waters is authorized to go to the relief of settlements in that neighborhood and provide rations and supplies and carry people from the danger zone to safety.

Mr. JONES. I should like to have the telegrams read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Rush via Seattle.]

SEWARD, ALASKA, *June 10, 1912.*

REVENUE-CUTTER SERVICE,
Washington, D. C.:

St. Paul and Wood Island villages, Kodiak, buried 1 foot. Volcanic eruption of 48 hours ashes, sand, and pumice stone. Other settlements doubtless in same or worse condition, and am sending all relief parties possible by drafting available craft. No lives lost here as yet. Water ashore polluted and great distress among natives. *Manning* provided refuge for all inhabitants throughout and should remain here indefinitely. Another cutter needed to take lighthouse supplies to westward, if practicable. Am compelled to use large amounts of ship's rations for refugees, and must continue this to the destitute unless other aid arrives. Furnishing quarters, food, and water from distiller to about 500 at present, many women and children. Naval wireless station at Wood Island totally destroyed by fire except aerial masts, and *Manning's* radius too small to reach any station, consequently drafting tug to take dispatches to Seward. Committee of officers and citizens appointed by me to take charge urge strongly need of Government emergency fund with which supplies can be shortly obtained. Approve recommendation. Experience terrible, and much of the time all hands seemed in imminent danger of suffocating. Not known what volcanic was caused. Believed extent of territory covered amount of precipitation far beyond that of any modern history. Ask to be confirmed in past and future actions as far as possible in name of humanity. Searles detailed by me; must wait at Seward for reply or orders.

PERRY,
Captain Revenue Cutter Manning.

[Extra via Seattle.]

SEWARD, ALASKA, *June 10, 1912.*

Delegate JAMES WICKERSHAM,
Washington, D. C.:

Support appeal of Revenue-Cutter Service for aid of people of islands.

WILLIAM A. GILMORE,
Mayor, Nome.

[Extra via Seattle, Wash.]

SEWARD, ALASKA, *June 10, 1912.*

Delegate JAMES WICKERSHAM,
Washington, D. C.:

Support appeal of Revenue-Cutter Service for aid of Kodiak Island.

KODIAK RELIEF COMMITTEE OF SEWARD,
J. H. ROMIG, *Chairman.*

The VICE PRESIDENT. The communications will follow the reference of the joint resolution.

THE CHEMICAL SCHEDULE.

Mr. WATSON. I submit an amendment intended to be proposed as an additional section to the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WATSON as an additional section, to be known as section —, to the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, by adding to section 2 of said act the following:

"*Provided,* That if, with respect to any article or commodity upon which an import duty is laid under the provisions of this act, substantial, effective, and actual competition as to the extent of production, price for sale, or manner of distribution has ceased, or shall in future cease, to exist among domestic producers or sellers, or both, generally throughout the United States, or if the buyers, users, or consumers of any such article or commodity are now or shall hereafter be deprived, and without regard to the cause or causes of such deprivation, generally throughout the United States, of the benefits and advantages of substantial, effective, and actual competition with respect thereto, or if through the scarcity of production, due to curtailment, failure, or other natural or artificial causes, the price for sale of any such article shall be abnormally enhanced, then and so long as such conditions, or any of them, shall exist, not to exceed six months, all imports of such articles or commodities shall be admitted free of duty into all ports of the United States, and the President is hereby authorized, in case of such emergencies, to suspend the collection of customs duties on any article included for taxation in the tariff law in effect on the day the President issues his proclamation suspending the collection of duty on any article, so that such article may be imported free of duty, not to exceed the six months specified. When the President decides to suspend the collection of duties on any article he shall issue his proclamation to that effect. Such suspension of the collection of customs duties shall take effect on the day following the issuing of said proclamation."

AMENDMENTS TO SUNDRY CIVIL BILL (H. R. 25069).

Mr. FLETCHER submitted an amendment proposing to appropriate $50,000 for improvements at the Fort Taylor Military Reservation, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $40,000 for the repair of the fisheries steamer *Albatross,* etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for the establishment of a fisheries experiment station in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $25,000 for a steam vessel for use at the fish-cultural station at Boothbay Harbor, Me., intended to be pro-

posed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STATISTICS OF CORPORATIONS (S. DOC. NO. 788).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Senate:

In response to the resolution of the Senate, adopted May 30, requesting me to send to the Senate a compilation of the returns made by corporations for internal-revenue purposes for the year 1910 and also for 1911, so as to show the total number of corporations engaged in the iron and steel industry, and certain other totals in respect to the operation of those corporations, I beg to forward a letter from the Secretary of the Treasury which explains why the statistics called for by the Senate resolution can not be given. The letter of the Secretary of the Treasury shows what is available, and if the Senate resolution will give the names of the corporations in respect to which it desires the totals mentioned, I shall have pleasure in asking the Secretary of the Treasury to comply with the request thus made more specific.

WM. H. TAFT.

THE WHITE HOUSE, *June 11, 1912.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act:

On June 11, 1912:

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho.

SUPPORT OF BASTARDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 54) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed in the enrollment of the bill (H. R. 13041) entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," to insert, on page 1, line 12, before the word "within," the word "or."

Mr. DILLINGHAM. I ask that the Senate concur in the resolution.

The resolution was considered by unanimous consent and agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. WARREN. I ask the Senate to proceed to the consideration of House bill 24023, the legislative appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WARREN. The Senator from California [Mr. WORKS] wishes to bring up a very small but important matter, and I will yield to him.

ROBERT H. PECK.

Mr. WORKS. I ask unanimous consent to call up for consideration the bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States in his discretion be, and he is hereby, authorized to appoint Robert H. Peck to the grade of captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act; and that there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

Mr. GALLINGER. Will the Senator from California briefly state the reason for this bill?

Mr. WORKS. It is a case, Mr. President, where the officer was tried by a court-martial and was dismissed from the service. I have examined the evidence quite carefully, and it has been examined by the Committee on Military Affairs of the Senate and also by the Committee on Military Affairs of the House and favorable reports have been made in both cases. It is quite evident that the verdict which was reached was too harsh and unjust. This is simply an effort to restore him with the loss of time and pay. I think it is an entirely just bill.

Mr. GALLINGER. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, in view of the desire of the chairman of the Committee on Appropriations to go on this morning with the appropriation bill I will give notice that to-morrow morning after the routine morning business I shall call up Senate bill No. 3.

The VICE PRESIDENT. The Senator from California [Mr. PERKINS] has already given notice of his desire to call up the naval appropriation bill at that time.

Mr. CLAPP. I have had a notice appearing on the calendar for several days that following the appropriation bill now pending I shall ask the Senate to consider the Indian appropriation bill. I think we ought to go on with that bill.

The VICE PRESIDENT. The pending appropriation bill will be proceeded with.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will report the pending amendment.

The SECRETARY. The pending amendment is an amendment offered by the committee, on page 141, line 22, after "$4,800" and the semicolon, to insert:

Physicist, qualified in optics, $4,000.

Mr. OVERMAN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from North Carolina rises to a point of order, which he will please state.

Mr. OVERMAN. I wish to say that that is not a committee amendment.

Mr. WARREN. Will the Senator excuse me for a moment?

Mr. OVERMAN. Certainly.

Mr. WARREN. I was about to put that matter right. I wish to say that the Senator from North Carolina, who is a constant hard-working member of the subcommittee, is right. I offered it believing it was a committee amendment, because I assumed that it had been shown to him as have all the other committee amendments; and I have been careful, so far as I knew, to offer no amendment that had not the proper indorsement of the committee. Therefore it now stands as an amendment of mine individually, and not as a committee amendment.

The VICE PRESIDENT. Therefore, unless the Senator has concluded presenting committee amendments, it will not now be in order.

Mr. WARREN. For the present I have concluded presenting committee amendments, although another one may follow after a little further information.

The VICE PRESIDENT. That is another proposition. Amendments by Senators are then in order, and the Senator from Wyoming presents the following amendment personally.

Mr. OVERMAN. It is not in order now, not being a committee amendment. The consideration of the bill has not been finished under the unanimous-consent agreement that the bill should be read for action on committee amendments.

The VICE PRESIDENT. The point of order is well taken. The Chair had forgotten that certain amendments were passed over.

Mr. WARREN. So that there may be no misunderstanding, I think it is in order now to proceed to consider the important sections relating to the Commerce Court.

The VICE PRESIDENT. Certainly. The Secretary will report the first amendment which was passed over by unanimous consent.

The SECRETARY. The first amendment passed over is on page 147, where the committee proposes to strike out all of lines 11, 12, 13, and 14. They read as follows:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. OVERMAN. That amendment ought to be taken up in connection with section 10, and I ask that the three paragraphs or sections be considered together. They all involve the same matter.

The VICE PRESIDENT. Of course, it is quite possible to discuss the whole matter, but the amendments will have to be voted on separately.

Mr. OVERMAN. I understand. I think that the amendment which has been read and section 10 and another section ought to be considered now.

Mr. WARREN. I agree to that. The whole subject may be discussed, of course.

The VICE PRESIDENT. Without objection, then, the Secretary will also report the other amendments at this time.

The SECRETARY. It is proposed by the committee to insert at the top of page 150 the following words:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

It is also proposed——

Mr. POINDEXTER. I wish to suggest that section 10 be also read.

The VICE PRESIDENT. That is what the Secretary was just instructed to do.

The SECRETARY. It is also proposed to strike out all of section 10, on pages 157 and 158, in the following words:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

Mr. WARREN. Mr. President, I desire to say on the part of the committee that this was carefully considered by the subcommittee and by the full committee. It is but right to say that it is not reported unanimously. There was objection in the subcommittee and there were objections in the full committee, but the majority of the committee—I do not speak of partisan majority—believed that the Commerce Court, having been established, ought at least to have further time to demonstrate what it can do and whether it should be retained or not.

I am not going to enter into any extended argument concerning the court. I leave that to those who are learned in the law and who can better defend or attack, as the case may be; but I desire to say that it seems to me we ought not to go up the hill and down again in the few months which have elapsed without further consideration and further opportunity to find what are the full functions of this court and what may be its results.

Mr. OVERMAN. Mr. President, I voted against the creation of this Commerce Court at the outset, for I never thought it ought to have been established. Being a member of the Committee on Appropriations, I was one of the minority who voted against this amendment. I do not propose to discuss the court so much as to lay some facts before the Senate.

This court has shown a very reckless disregard of the rights of the people in the way of extravagance. We allowed them, in addition to their salaries, an expense allowance for judges at the rate of $1,500 per annum. They have drawn that money every month, and I have a statement here showing also the money they have drawn in the way of expenses.

We once had an impeachment on this floor of a judge, and one of the charges when we tried him was that he had charged $10 a day. The law allows a reasonable expense not exceeding $10 a day. It seems that these judges have been from time to time called away to different parts of the country to hold court, and some of them at least—nearly all of them—have charged the whole $10 a day.

I wish to publish this table in the RECORD showing the expense account. Judge Archbald charged, when he went to New York to hold court, from July 4 to July 31, $210, and August 3 and 4, $13.

Judge J. E. Carland, under order of December 18, 1911, at St. Louis, Mo., from January 6 to 25, charged $200, at $10 a day. Judge Hunt, under order of December 13, 1911, at Helena and Butte, Mont., December 17 to 31, $150.

You will see that each one of them charged the whole amount of $10.

Here are some other expenses. I do not know how they occurred. I will just publish this table in the RECORD.

The table referred to is as follows:

The following payments were made to judges of the Commerce Court, on account of expenses, from the appropriation "Pay of bailiffs, etc., United States courts":

Judge R. W. Archbald:	
Order of June 9, 1911, at New York City—	
July 4 to 31, 1911	$210.25
Aug. 3 and 4, 1911	13.30
Total	223.55
Judge J. E. Carland:	
Order of Dec. 18, 1911, at St. Louis, Mo., Jan. 6 to 25, 1912	200.00
Judge William H. Hunt:	
Order of Dec. 13, 1911, at Helena and Butte, Mont.—	
Dec. 17 to 31, 1911	150.00
Jan. 1 to 21, 1912	210.00
Total	360.00
Judge Julian W. Mack:	
Orders of Dec. 15, 1911, at Chicago, Ill., Dec. 19, 1911, Jan. 1 to 31, 1912, Feb. 3, 1912	310.00
Orders of Feb. 23, 1912, at Chicago, Ill., Mar. 2 to 14, 1912	103.35
Total	413.35

Information as to amounts paid or payable to the following-named judges under the orders mentioned has not yet been reported to the department. This information has been requested by wire:

Judge William H. Hunt: Order of April 10, 1912, at San Francisco, Cal., in May and June, 1912. Order of April 10, 1912, district court in Arizona, in April, 1912. Order of May 17, 1912, in northern district of California, in May 1912.

Judge Julian W. Mack: Orders of April 26 and May 15, 1912, district court in Arizona, in May and June, 1912.

A telegram has just been received from United States Marshal Overlock, of Arizona, relative to the expenses of Judge Mack, under orders of April 26 and May 15, 1912, which reads as follows:

"Your wire this date. Nothing has been paid Judge Mack, and he has not presented claim. He opened court May 1. Understand he left district May 30."

Under the "$1,500 allowance," each judge has drawn $125 per month. Total payments from July 1, 1911, to June 1, 1912, $6,875. Balance of appropriation $625—sufficient to pay allowance for month of June.

During the fiscal year, up to and including May 31, the expenses of judges incurred incident to the transaction of the business of the Commerce Court amount to $971.40, to wit:

Judge Hunt	$275.45
Judge Archbald	100.30
Judge Mack	369.20
A clerk	226.45
Total	971.40

Some of the judges have sat as circuit and district judges, and the amounts paid to them for expenses can not be stated on short notice. Can probably be furnished by Saturday morning if still desired.

Mr. BACON. My attention was diverted for a moment, and I will ask the Senator what is the time covered by the expense account of $10 a day?

Mr. OVERMAN. I was just reading it. Judge Carland, from January 6 to the 25th, charged $200—just 20 days.

Mr. BACON. Does that run along through the year in that way?

Mr. OVERMAN. There is in addition to that this $125 allowed in the way of expenses every month for each one of them.

So Judge Mack was ordered to Chicago December 15, 1911, and from December 19 to January 1 and to the 31st he charged $310 for 31 days at $10 a day. We passed a bill here reducing it to $7 a day.

Mr. SUTHERLAND. Mr. President——

Mr. OVERMAN. The Senator from Utah will remember that we passed a bill fixing the expenses at $7 a day, but I do not suppose it became a law, because the auditor certainly would not have audited this account if it had. But the members of this court ought to have known what the Senate had done and what the sentiment of the Senate was as to reducing it to $7 a day. Anyway, they were allowed reasonable expenses not exceeding $10 a day. I do not know whether they furnished an itemized account or not, but I know they have drawn exactly $10 a day.

Mr. SUTHERLAND. I do not quite understand what is the complaint which the Senator from North Carolina makes. Does he insist that the expense of $10 a day was not incurred?

Mr. OVERMAN. I do not know. I am merely giving the Senator information that $10 a day was charged—exactly $10 a day.

Mr. SUTHERLAND. The Senator from North Carolina knows, I suppose, that each of these judges has been compelled to go away from Washington to hold court in other places, and that some expense was necessary.

Mr. OVERMAN. There is no question about some expenditure. They are entitled to a reasonable expenditure up to $10

a day, but the remarkable thing I am talking about is that they charge exactly $10 a day.

Mr. SUTHERLAND. The account has been filed with the auditor, and has been approved by the auditor, as I understand.

Mr. OVERMAN. That may be; I do not know as to that. I just want to publish this in the RECORD, so that Senators and others may see it.

Mr. SUTHERLAND. I should like to understand the position of the Senator.

Mr. OVERMAN. I sent to the Treasury Department and got this account, and I know that these judges charge just exactly $10 a day. How they can make it $10 a day, I do not know. They sized up the amount they were entitled to, and took it.

Mr. SUTHERLAND. Perhaps their expenses may have been more than $10 a day, and under the law they were limited to $10 a day.

Mr. OVERMAN. They were limited to $10 a day, and the Senator from Utah voted for that compensation; but we thought $7 a day was enough.

Mr. SUTHERLAND. What is the particular inference which the Senator from North Carolina seeks to draw from this?

Mr. OVERMAN. That they have drawn their $10, and after having been allowed expenses in addition to what other judges charge to the amount of $625 a year, or $1,500 a year each for expenses while living in Washington. In addition to that they have drawn their expenses, and even when they were away they have drawn $10 a day.

Mr. SUTHERLAND. Does the Senator from North Carolina think because the naked fact appears here that these judges have charged $10 a day for expenses—and we do not know definitely whether the expenses are proper or not, though the account has been approved by the auditor whose duty it was to investigate the account—that that justifies us in abolishing the court?

Mr. OVERMAN. I do not think that alone would justify us in doing so; but I am going to show some other things which they have done before I sit down.

Mr. BACON. I think there is one thing that can be very fairly presumed. We all of us have current expenses, and we all know, while occasionally we may incur an expense of $10 a day, that men in ordinary circumstances do not incur that much expenditure a day for their living, whether they are traveling or whether they are at home.

Mr. OVERMAN. Now, I want——

Mr. CULBERSON. Mr. President, before the Senator from North Carolina proceeds to a consideration of some other matters, I invite his attention—rather informally, however, for of course he is familiar with it—to a section of the law which created this court:

> Each of the judges during the period of his service in the Commerce Court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of $1,500 per annum.

What I desire to know is, Are these judges, under the law, entitled to increased compensation in the way of expenditures when they are in Washington and also when they are away from Washington?

Mr. OVERMAN. I do not think so.

Mr. CULBERSON. We pay them the salary of circuit judges when they are in Washington and give them $1,500 in addition for expenses. That is clear by this law.

Mr. OVERMAN. This statement shows they drew the whole amount of $1,500 up to this time. Each of them has drawn the whole amount.

Mr. CULBERSON. When they are away from Washington they draw the $10 a day and the $1,500 in addition for being here?

Mr. OVERMAN. This statement will show that to be the fact.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. OVERMAN. Yes.

Mr. TOWNSEND. Those who followed the debates and participated in them at the time the court was established understand that that additional compensation or expense money which was allowed on account of the court sitting here in Washington was included as an additional salary on account of the fact that the judges were living here in the city of Washington, and the additional expense when they were away from Washington was the same as that provided for other judges who were out on their circuits or districts.

Mr. OVERMAN. The language of the appropriation is "expense allowance" for judges "at the rate of $1,500 per annum." It does not say they shall be allowed $1,500 for expense allowance, but the law says for each of the judges "at the rate of $1,500 per annum." I think that meant that they should while they were in Washington be allowed at the rate of $1,500, and when they were abroad they should be paid like other circuit judges of the United States a reasonable sum, not exceeding $10 a day.

Mr. GALLINGER. May I ask the Senator from North Carolina whether that $10 a day is for transportation or whether it includes——

Mr. OVERMAN. All I know is what is sent to me from the Treasury. They drew $10 a day, and in addition they drew their salaries.

Mr. CULBERSON. Has the Senator conveniently at hand the law providing for expenses not exceeding $10 a day for circuit judges?

Mr. OVERMAN. I have it not here, but I have examined it. I know we passed a bill here allowing them not exceeding $7 a day; but whether it passed the other House I am not advised.

When this court was established I noticed a great difference between what the Customs Court paid for rent and what the Commerce Court paid for rent. This court hired a floor in a building and paid $12,000 a year rent. They bought 5 swivel chairs for $61.25 each; they bought 25 armchairs at $58.75 each; then they bought, in addition, 6 leather chairs at $90 each; they bought for each judge a davenport at $175; they bought, in addition, 10 court-room chairs at $52 each; they bought "mahogany wainscoting with green marble base and standing trim in court room" at $2,172.

Mr. GALLINGER. What were the last items?

Mr. OVERMAN. This report says "mahogany wainscoting with green marble base and standing trim in court room, $2,172." They bought a screen for $895; 5 wardrobes at $94.25 each; 2 tables at $109 each; 2 library tables at $150 each; 5 desks at $163 each; 1 judge's screen at $895; 1 counter for $300; 1 bar rail with gate, $165; and 1 judge's bench that cost $1,055.

Mr. BACON. Did I understand the Senator to say "wardrobes"?

Mr. OVERMAN. Yes; wardrobes.

Mr. BACON. What are they for?

Mr. OVERMAN. Well, they said that part of them were to hang their coats in and the other part for file cases.

Mr. BACON. Hang their coats in! Do they not wear their coats?

Mr. OVERMAN. Their overcoats and gowns.

Mr. BACON. Oh, their gowns.

Mr. OVERMAN. I merely read this to show that this court has been evincing a reckless disregard of the rights of the people in this immense extravagance in equipping their court room. Go over to the Supreme Court of the United States; they have no such extravagance there, nor has any other court that I have ever been in.

Mr. GALLINGER. Did we vote a lump sum from which this money has been expended?

Mr. OVERMAN. That is one of the lump sums that we have had so much trouble about.

Mr. GALLINGER. I agree with the Senator in his position regarding lump sums, and I think we ought to stop appropriating money in that way, so far as possible.

Mr. BACON. I should like to inquire if the Senator has information as to what the court did with the $895 screen?

Mr. OVERMAN. All I know is that they have paid that much for it.

Mr. POINDEXTER. They probably put that up in front of the bar. [Laughter.]

Mr. BACON. I presume that is it. I see they have a bar rail, and I presume that is the reason for the screen.

Mr. OVERMAN. That is all I have to say, Mr. President.

Mr. POINDEXTER. Mr. President, it is rather on account of the recklessness and extravagance of the judicial opinions of this court that I object to the appropriation for it. I think the expensive chairs and sofas and the bar rail and screen ought to be relegated to some junk shop, if no better use can be made of them, and that the court itself ought to go along with them, so far as its existence as a judicial tribunal is concerned.

The debates on the bill providing for the creation of this court clearly show that the dividing line between those who were in favor of establishing it and those who were opposed to it was the line between those who were opposed to governmental supervision and regulation of the railroads, or at least opposed to extending in any way the governmental power in that respect, and those who were in favor of extending governmental supervision and regulation of the conduct of the railroads and the making of railroad rates; in other words, this court was interposed as an additional obstacle between the growing power of

the Government—which had been developed through the Hepburn Act and other amendments of the interstate-commerce act of 1887, and construed by the Supreme Court of the United States—and the railroads. It has, in my judgment, faithfully fulfilled—and there can not be any dispute about it from the records of the court—the expectations, the purposes, and the intentions of those who were instrumental in incorporating it in the act of 1910. It is one of the astonishing features of our history that in the rapid development of the country only within the last 25 years has the Government attempted in any way whatever to regulate the enormous private interests involved in the railroads of the country; and that is true, notwithstanding the fact that the railroads exercise a public function.

The entire system of transportation in this country has been revolutionized since the Government was founded and since the instrumentalities of government were devised in the Constitution. The framers of the Constitution did not contemplate the questions which have arisen out of the growth of railways; they could not have contemplated them, because they could not have foreseen the invention of steam transportation.

It is true that there was incorporated in the Constitution of the United States a general clause giving the Federal Government power over interstate commerce; but that was framed and put in the structure of the Government with reference to its power to deal with interstate commerce in view of a simple and comparatively powerless and inoffensive system of transportation. From that time down to 1887, notwithstanding the fact that in the meantime railroads had been invented, had absorbed enormous capital, had abused the public franchises which had been granted to them, had gone into politics, had corrupted legislatures, and had discriminated between communities and between individuals, there still was such a force of public opinion to the effect that the railroads were private institutions that no attempt on the part of the Government was made to interfere with the abuse of this great power.

In 1887 the Interstate Commerce Commission was created. It was created under comparatively general terms; it had very few specific powers; it was organized and began its work, but very little was accomplished by the Interstate Commerce Commission under the act of 1887 in the way of preventing the abuses of the railroads. In 1906 the Hepburn Act was passed. Four years after the passage of that act it came before the Supreme Court for construction, particularly as relating to the powers of the Interstate Commerce Commission over the railroads, and in the case of the Interstate Commerce Commission *v.* The Illinois Central Railroad Co. the Supreme Court laid down a rule which vested the Interstate Commerce Commission with very extensive power under the law of 1906, not only in the regulation of the conduct of the business of the railroads, but in the fixing of rates, the prevention of discrimination both in furnishing cars and as to other public services in the line of railroad business. The syllabus of this case is found in 215 United States, page 452, and is as follows:

> In determining whether an order of the Interstate Commerce Commission shall be suspended or set aside, power to make—and not the wisdom of—the order is the test and this court must consider all relevant questions of constitutional power or right, all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to be made, and also whether even if in form it is within such delegated authority it is not so in substance because so arbitrary and unreasonable as to render it invalid.
>
> In determining whether the action of the court below was or was not correct, this court does so irrespective of the reasoning by which such action was induced.
>
> The equipment of an interstate railroad, including cars for transportation of its own fuel, are instruments of interstate commerce and subject to control of the Interstate Commerce Commission.
>
> The act to regulate commerce has delegated to the Interstate Commerce Commission authority to consider, where complaint is made on that subject, the question of distribution of coal cars, including the carrier's own fuel cars, in times of car shortage, as a means of prohibiting unjust preference or undue discrimination.
>
> Under section 15 of the act to regulate commerce as amended June 29, 1906 (C. 3591; 34 Stat., 585), the Interstate Commerce Commission has power to deal with preferential and discriminatory regulations of carriers as well as with rates.

That decision was rendered January 10, 1910, and it is a very significant circumstance that in the following June the act of 1910, which created the Commerce Court, was introduced. The sequence of events, the circumstances under which that act was introduced in Congress, and the sources from which it came make it perfectly evident that it was the effort of the railroad companies to escape from the effects of the decision of the Supreme Court defining the powers of the Interstate Commerce Commission in the case which I have just read.

In the debates in Congress upon that bill special attention was devoted to the question of whether or not the power of the courts to review the decisions of the Interstate Commerce Commission were extended by that act. It was contended on behalf of the advocates of the bill that the powers of the courts were not extended, and great care was taken to insert in the act creating the Commerce Court an express provision that the court could have no greater power to review the decisions of the Interstate Commerce Commission than the circuit courts had prior to the passage of that act; but notwithstanding the keen examination which was made of that bill by the able lawyers who discussed it and analyzed its various provisions, and notwithstanding the comparison of its terms with the law of 1906, there nevertheless remained in it when it was passed by Congress certain language which was not contained in the law of 1906, and the Commerce Court, the existence of which is involved in this appropriation bill, seized upon these new lines which had been incorporated in the law creating the court, and out of them deduced an authority, which was practically unlimited, to review the decisions of the Interstate Commerce Commission.

In the minority report of the Committee on Interstate Commerce, made upon the Commerce Court bill, this question was discussed, and attention was called to the fact that in the law of 1906—the report says section 15; it really should have been section 16—this language was used:

> That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission. An appeal may be taken from the interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States.

Now, the minority called attention to the fact that in the bill under consideration—that is, the bill creating the Commerce Court—

> All that part of section 15 [16] which relates to suits brought to enjoin, set aside, annul, or suspend any order or requirement of the commission is repealed, and the whole subject is disposed of in those sections of the present bill which create the United States Court of Commerce and set forth its jurisdiction and procedure.

Now, in that bill was contained this language:

> That suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order, pending the final hearing and determination of the suit.

The Commerce Court, in the case of the Louisville & Nashville Railroad, called attention to that language, which was not contained in the law of 1906, and upon the strength of it claimed an unlimited right, limited only by the rules of equity, to review the decisions of the Interstate Commerce Commission. In this case they say:

> The word "discretion" used in the law of course means a legal discretion, a discretion controlled and limited by sound principles of law applied to the facts in each particular case. The principles which govern courts of equity in granting temporary injunctions are well known to the profession and need not be stated here.

In other words, they assume whatever powers courts of equity have to grant preliminary injunctions in any case and applied it to the decisions of a tribunal which the legislative power, which created it, had attempted to protect from these things by the most explicit language, and they have proceeded to issue temporary restraining orders against the well-considered judgments of a tribunal which has investigated cases, in some instances for many years, as though it were a case which had never been tried or investigated by any tribunal. They have applied to the orders of the Interstate Commerce Commission the most liberal exercise of the power of temporary injunctions and verified in every respect the predictions which were made by the opponents of the bill creating the Court of Commerce—that it would change the law as to the power of review of the orders of the administrative tribunal.

It is true the Supreme Court has reversed these decisions, but the fact that we have in the Supreme Court of the United States, so long as the judges constituting it may administer the law, a protection against the efforts of this special tribunal to blanket and nullify the effects of the orders of the Interstate Commerce Commission—the mere fact that we have a protection from this court is no reason for continuing it unless some positive benefit is to be shown by the multiplication of these judges.

We now have more courts in one State in this country than in all of Great Britain. There is no necessity, in the amount of business, for the additional judges constituting this court; and, as I said when this question came up a few days ago, the creation of two special tribunals, both exercising jurisdiction over the same subject matter, is absolutely senseless legislation. That tribunal which has the appellate power necessarily claims to be superior, and the effect of the operation of two tribunals practically puts out of existence the inferior one.

Mr. President, it was a long struggle to invest in some effective administrative body the power which the Interstate Commerce Commission finally got under the Hepburn Act and the decisions of the Supreme Court, and it would be a calamity to the people of this country if all that was gained in that long struggle for the regulation of railroads is to be thrown away and destroyed by the continuance of an unnecessary court.

Of course those people who advocate the existence of that court advocate the unlimited right of merger. That is the general tendency. They are opposed to governmental interference with rate making. In the debates which took place in this body when this Commerce Court law was pending here, the Senator from Massachusetts and other Senators opposed what they called rate making by law. A Senator who sits by my side, the Senator from Vermont [Mr. PAGE], described his business and told how the railroads had investigated his business and determined how much freight he could afford to pay upon the freight he transported. In other words, they allowed him what they chose to allow him by way of profit. His existence as a business man, according to his statement—he seemed to be satisfied with it, because the railroads had apparently been liberal—was absolutely dependent upon the good will and generosity of the proprietors of the railroads which served the town in which his business is located.

Why should not the Government control the rate making of railroads? It is a governmental function. There is as much reason for the Government to build up a body of experts, particularly competent to make railroad rates and classify freights, as that the railroads should have such a body. The fact of the case is that the railroads have no scientific system or any general system at all upon which rates are made. I have heard one of the principal authorities in the employment of a railroad traffic department or the rate-making department testify upon the witness stand, in answer to a question asked by a member of the Interstate Commerce Commission as to what theory or system rates were based upon, that they had no theory or system; that the plan which they pursued was to examine the business affected by the rates and determine how much it could afford to pay and levy a rate accordingly. In other words, the only rule is the familiar one that the railroad will levy as high rates as the traffic will bear. Those things are all involved in the existence and continuance of the Commerce Court.

Some Senators say we ought not to consider this matter on an appropriation bill. It is the only way we can effectively consider it. The ordinary objections which pertain to the consideration of general legislation on appropriation bills do not apply to this case, because this question has been before the Senate and before the committee having jurisdiction over it ever since this session of Congress convened. Hearings have been had upon it in the Interstate Commerce Committee. The matter is now pending, and a motion to discharge that committee is before the Senate.

The Commerce Court is not only useless, but it is a positive detriment to the necessary regulation and supervision by the Government of railroads, and we should abolish it on the first opportunity that occurs.

These sections of the appropriation bill which not only have the effect, but do expressly abolish the Commerce Court, having already been passed by the House, afford a simple and perfectly conclusive opportunity for the Senate to accomplish this purpose. If we should say that we do not want to legislate upon this subject in an indirect way, through an appropriation bill, and confine ourselves to the consideration of a separate measure, it is impossible to tell what the course of that measure would be in its passage through the two Houses of Congress. No man can tell what its fate would be in the other branch of Congress. The other branch of Congress has acted upon the subject matter, and the fact that it is attached to an appropriation bill under the circumstances involved by this Commerce Court question, having been thoroughly discussed in both Houses, is no good reason why the Senate should not act upon it in the same way.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. REED. I should like to ask the Senator a question. In view of the fact that we are now called upon by this bill to make necessary appropriations, and among those appropriations, if the court is to continue, to make an appropriation for the court, does not that clearly present the proposition whether the appropriation is to be made, and if the appropriation is not to be made is not this the proper time to abolish the court as the reason for not making the appropriation?

Mr. POINDEXTER. I agree with the Senator in that regard. I think it would be very poor business to proceed to appropriate money for a court the existence of which was hanging in the balance in the Senate.

There is no reason why the entire matter can not be considered together, both the appropriation and the subject matter of the continuance of the court. The bill to abolish the court, the motion to discharge the committee, and the different sections of the appropriation bill would all then be before the Senate, and they ought to be considered at the same time.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. Certainly.

Mr. CUMMINS. I rise rather to ask a parliamentary question as a preliminary to asking a further question of the Senator from Washington. If the proposed amendment of the committee is rejected, the text of the House bill in regard to this subject will be open to amendment precisely as though there had been no amendment proposed by the committee?

The PRESIDING OFFICER. Certainly.

Mr. CUMMINS. I make that inquiry because to me it is quite clear that if we desire to abolish the Commerce Court and to transfer jurisdiction to the district courts generally, the House provision is inadequate. It will not do what it proposes. I therefore wanted to know before we went further whether, if the committee amendment is rejected, we can fashion the House bill in that respect according to the necessities of the case.

Mr. WARREN. Mr. President, in order to leave the matter open, the committee amendment is to strike out that portion which the House has inserted, and if the court is not restored I think there should be a consensus of opinion here narrowed down to an amendment to be put in so that it will go to conference with the other one.

I agree with the Senator. I do not think the provision inserted by the House is sufficient, but as a layman I am going to depend and must depend upon the learned lawyers of this body to take cognizance of it and to help out the committee.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. CUMMINS. I had not quite finished. As everybody knows, I am in favor of the abolition of the court, but if we do that we want the district court or some other court to be invested with the power to grant all the remedies which the law now contains, and I want the opportunity to appeal to the Supreme Court of the United States from the district court in the same way precisely as the appeal can now be taken from the Commerce Court; and I do not think that the House provision will accomplish the purpose.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I yield for a question. I prefer to complete what I have to say, but I will yield for a question.

Mr. CULBERSON. Only a moment, if the Senator pleases. Has the attention of the Senator from Iowa been directed fully to the House provision commencing at page 157 of the bill?

Mr. CUMMINS. Yes; I have read it very carefully.

Mr. CULBERSON. I did not know whether the Senator had read it. If so, is he of the opinion that it is insufficient? I refer to the provision on the bottom of page 157.

Mr. CUMMINS. The House bill contains only the provision that the act creating the Commerce Court is repealed and that the jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district court of the United States.

That is the entire provision. I do not think that that will give to the district court of the United States the remedies which might have been awarded by that court, or, rather, by the circuit court, prior to the act of 1910, nor do I believe that it will give the district court the power to award all the remedies that were provided for in the act creating the Commerce Court. We would have jurisdiction in the district court, but what power the district court would have would be awarded without any legislation at all.

I suggested this point to the author of it, I will say, and, while he thought otherwise, I am very clear that when the lawyers of the Senate come to reflect upon it they will see that if we intend to abolish the Commerce Court we will have to put into this bill some further legislation with regard to the powers and duties of the district court and with regard to the procedure in the district court and an appeal from the judgment of the district court to the Supreme Court of the United States.

Mr. POINDEXTER. Mr. President, I do not apprehend that there will be any insuperable difficulty in providing for the proper jurisdiction of the court in view of these matters. In case the Commerce Court is abolished, it would be a very simple matter to give to the district court the same powers and vest them with the same procedure that the circuit court had prior to the passage of the act creating the Commerce Court, or if Congress should desire to provide a new method of review of the orders of the Interstate Commerce Commission, that is certainly a matter which Congress can readily deal with.

The important thing is to abolish this court. It can not be successfully contended that there was any force back of the suggestion and the pressing of the measure for the creation of this court other than the desire of the railroad companies and those whom they may have impressed with the force of their arguments to escape from the growing power of the Interstate Commerce Commission. There was no demand upon the part of the people of this country for the creation of a new court. There was no demand or desire on the part of the people of this country to lessen the powers of the Interstate Commerce Commission.

I was present when the bill was introduced in the House of Representatives which contained the clauses constituting this court. The records, both there and outside, show that it was framed after a conference at which 12 railroad officials were present, in the month of August, in the city of New York. The report of the minority of the Interstate Commerce Committee which was made to the Senate called specific attention to those clauses of that act creating the Commerce Court which divested the Interstate Commerce Commission of the control of cases originating out of the commission's orders and vesting that control in the Attorney General of the United States.

The bill provided for an unlimited merger. There are a great many Members of the Senate perhaps who are in favor of abolishing the law which prohibited mergers of competing lines of railroad. If that should be the policy, Mr. President, there will be nothing to prohibit the consolidation of all the railroads in the United States. I do not know of any more favorable opportunity for a great financial enterprise than the consolidation of these various lines, if the law which prohibits mergers is to be stricken down—and one of the purposes of the act creating this court was to strike down that law.

I want to call attention to what the effect of that policy would be. It would be to put under one control 250,000 miles of railroad, 1,700,000 employees, $18,417,132,000 of capital, a business yielding a gross annual income of $2,750,667,000.

The cases which are reported by the Interstate Commerce Commission as of special importance which had been decided by the Supreme Court in the year previous to the last report which they have filed indicate the disposition of the persons exercising and controlling the resources which I have just referred to to use them to the utmost limit to build up certain interests and to destroy others.

One of the powers which are involved in the Commerce Court is the power to prevent discrimination, to prevent rebates, to enforce the law which has been on the statute books for many years, but has never been effectively enforced. That, in my judgment, has been the principal factor in the building up and growth of the greatest monopolies that are doing business in the United States. The principal factor which enabled the Standard Oil Co. to put its rivals out of business was railroad favoritism. The principal means which gives the Steel Trust its advantage over its competitors is railroad favoritism.

The disposition of the railroad companies to squeeze the business of the country to the last limit is indicated by a case which is found in the last report of the Interstate Commerce Commission, in which the railroad companies made a certain carload rate which was less than the rate for less-than-carload lots. The shippers, as was perfectly natural, in order to get the benefit of this carload rate, in some instances shipped their goods together, put several less-than-carload lots together in order to make a carload, and a considerable business developed in that line. Certain agencies were called forth and established in the business of getting together less-than-carload lots in order to give the shippers the benefit of the carload rates.

The railroad had no different business or expense to incur upon a carload of freight under those circumstances than if it was all owned by one person. Yet the discrimination, the disposition to extort unreasonable rates, was shown when the railroad companies made a rule that they would not grant carload rates to any shipper unless the entire carload was owned by one person. The case went before the Interstate Commerce Commission. The Interstate Commerce Commission held that the order was unreasonable and abrogated it. It went to the Supreme Court of the United States, and the Supreme Court of the United States sustained the order of the Interstate Commerce Commission.

In the Missouri River country, notwithstanding the laws against rebates and discriminations, the railroads devised an ingenious scheme by which the elevators were paid charges in the nature of rebates for wheat which was delivered to them from the railroad companies, which were denied to owners of other elevators, the effect of it being to compel all the wheat from a great region of this country to go to elevators upon the Missouri River. This great power has claimed the right, and has exercised it effectively, to build up certain sections of the country and to hold down others.

We appropriate this year something like $34,000,000 to improve the rivers and harbors of the country. The great interior pays the larger part of the taxes necessary for this purpose. The railroads, when these harbors have been improved by the taxes of the people, take advantage of the existence of the harbors to extort an unreasonable rate from interior points upon the ground that the terminal points, where the harbors are, where the greater part of this $34,000,000 has been expended in order to create terminal facilities, afford water competition. On shipments of goods from an eastern point to Pacific coast points the railroads make what is presumed to be a reasonable rate to Pacific coast port towns—the terminal points. For a haul which is 500 miles—and in some instances 700 miles less—the railroad company being relieved of the expense of carrying their goods across a great mountain range, charge 75 per cent more than they do to carry them to the terminal point, basing their privilege of making this discrimination upon the plea that there is water competition at one place and not at another.

All through the long evolution of the law for the regulation of interstate commerce, beginning with 1887, one of the controversies has been upon the point which I have just mentioned, to prohibit the railroads from discrimination against interior points in favor of terminal points, to take away from the railroads the arbitrary power of building up one city and destroying another one, so far as its business is concerned. One of the good things that was put in the law of 1910 was the amendment of the long and short haul clause from the form in which it was in the original act of 1887. It was very clear in its terms as it was amended, and absolutely prohibited the railroads from charging more for the short haul than they did for the long haul where both were over the same line in the same direction and where one was included in the other.

The Interstate Commerce Commission was given power, however, to investigate conditions, and, if the conditions warranted, to relieve the railroads from the effect of this provision. It was to determine whether or not the conditions were the same. The law was perfectly plain. They did investigate it in these cases which were called the intermountain cases. They found that from points in what they called the Buffalo-Pittsburgh line there was very little water competition between those points to points on the Pacific Coast. From Chicago there was still less; from St. Paul there was none at all. It is perfectly evident from the physical condition of things that this finding of the commission was correct. There is no water competition by way of the sea around the Horn on goods shipped from St. Paul to Seattle and Portland and San Francisco as against goods carried over railroads to those points.

The Interstate Commerce Commission made an order doing away with the injustice which the interior points had suffered on this account. They held that from St. Paul points the railroads should not be allowed on account of the alleged water competition to charge more for hauling goods to points five hundred or a thousand miles in the interior than they did to the terminal points. From Chicago they allowed them to charge not in excess of 7 per cent increase; from the Buffalo-Pittsburgh line not in excess of 15 per cent increase. From New York and other Atlantic ports, because they were upon the water and there was a possible competition, they made a difference of 25 per cent in favor of the terminal points on the Pacific coast and against the interior points, although the interior points were the shorter haul.

That case went before the Commerce Court. The Commerce Court in its decision undid the effect of the long-and-short-haul clause as it was amended in the law of 1910.

Now, a certain number of the reckless and extravagant judicial acts of this court have been corrected by the Supreme Court, but there is an infinite variety of questions arising out of the exercise of this enormous control of the transportation of the country. No two cases are exactly alike. No one can foresee what question may arise to-morrow. If the railroads are prevented from oppression and from discrimination in one direction to-day, they will find another means and another device by which to accomplish their purpose to-morrow, to build

up some industry in which, perhaps, they are interested themselves, to build up their own company, to build up some city in which they have a financial interest at the expense of another city, its rival. They will find some new device to evade the law and will depend upon this same Commerce Court, if it is continued in existence, to hold their devices valid and legal and to set aside orders of the Interstate Commerce Commission attempting to regulate railroads in the interest of the public service.

Mr. BACON. Will the Senator permit me to suggest another reason why I think this court should be abolished, if I do not interrupt the Senator by suggesting it at this point?

Mr. POINDEXTER. I would be very glad to hear it.

Mr. BACON. Personally, I would not be willing to vote to abolish the court because the decisions were not satisfactory to me. I must have a better reason than that, although, of course, the fact that the decisions of the court have been to a large extent reversed by the Supreme Court would be an evidence of its inefficiency, to say the least.

Mr. SMITH of Georgia. In every case but one.

Mr. BACON. In every case but one, my colleague suggests. The point I wish to suggest is: That conditions have changed in one very important particular since this court was organized. I was very earnestly opposed to the creation of this court—first, because I thought it was utterly useless; second, because I thought it might possibly do a great deal of harm; and, third, because it mangled our judiciary system in the fact that it provided for judges of the circuit court being taken from their circuits, and by process of detail being brought here and assigned to a different duty from that which was contemplated in their original appointment, and in which they were not only assigned to duties not thus contemplated by their original commissions, but were denied the right to exercise their constitutional powers as circuit court judges.

The point I want to call the attention of the Senate to is, and I think it is a very important matter, that since that time the entire judicial system has been changed by the abolition of the circuit courts, and the machinery which was provided for this court can no longer be made practically available unless we go to the circuit court of appeals and take judges off the circuit court of appeals and bring them here to preside in this court. At the time the law was enacted there were circuit courts and there were circuit judges of those circuit courts. These judges were appointed as circuit court judges, I think, in utter, absolute inconsistency, to say nothing of the unconstitutionality, owing to the fact that the circuit court judges had, under the law, been appointed in each case judges of particular circuit courts, and there was no such thing known to the law as circuit courts with roving commissions. There never had been from the foundation of the Government. Since this law has been enacted and this court established all the circuit courts of the United States have been abolished. If we are going to carry out the scheme at all, it would have to be changed so as to make the district judges come here to hold these courts. I thought I would mention it, Mr. President, because it has not been so far mentioned, that the entire scheme of our judicial system has been changed since this law was enacted, and that the same machinery could not be applied in the carrying on of this court that was originally designed. Without detaining the Senate, I thought I would take the liberty of inserting this right at this place, because it seemed applicable to the point the Senator was on.

I want to say, Mr. President, that when this bill was passed, in the arguments against it I stated as an objection in the Senate that I did not believe there were 10 Senators in this Chamber who favored the passage of that law. I challenged Senators to rise in their places and dispute that statement, and no one disputed it. I still believe it to be a fact that when this law was enacted there were not 10 Senators in the Chamber who, if left to themselves, would have voted for it. It was known as an administration measure, and was voted for simply because it came from the administration. With the exception of very few Senators, this Senate, if left to itself, would have voted overwhelmingly and almost unanimously against the enactment of the law.

Mr. POINDEXTER. Mr. President, the facts stated by the Senator from Georgia as to the influences which secured the passage of that law were notorious. The bill was introduced in the House of Representatives, and at the time it was introduced there was a general report, familiar to everyone, that the administration expected Members of Congress to support it, and that it would regard as unfriendly anyone who offered a hostile amendment to it. There never has been a case in the history of the country, in any part of it that I have read or heard of, in which the power of the administration was used to the extent that it was used in the attempt to force that bill through Congress without amendment. Not only was a report common and current that it would be regarded as an unfriendly act to offer an amendment to the bill, but those Members of Congress who did offer amendments to it felt the effect of that threat.

Mr. President, coming right along after the decision of the Supreme Court in the Illinois Central Railway Co. case, in which the powers of the Interstate Commerce Commission were fixed, with the influences back of it which have been referred to, the purpose of this act is perfectly evident. It has performed its purpose, and if it continues in existence it will continue to perform that purpose. The concentrating of the judicial power of the Government in one special court, giving it the exclusive jurisdiction over interstate commerce, affords a tempting opportunity to the enormous corporations interested in interstate commerce to influence the character of the appointments to and the conduct of the court. It is perfectly foolish for us to say that in no instance have those interests attempted to do so. In one way or another, whether it is regarded as proper or improper to influence the appointment of judges, to influence the conduct of judges after they have been appointed, it is one of those evils of government which, however much we may dislike to admit it, nevertheless exists. The part of a wise legislature would be to make the conditions so that the temptation would not be offered to the great interests involved to influence the court that is offered by the concentration of the entire jurisdiction in one set of judges holding the court at one particular place.

Mr. President, I read an address made by Mr. Alfred Taylor Thom, a very brilliant and distinguished railroad attorney, before some bar association, in which he argued rather ingeniously and peculiarly that the States of the Union were lawbreakers because they had passed laws regulating railroads which had been declared unconstitutional. He said that it was perfectly patent and obvious that they were unconstitutional; that the States must have known they were unconstitutional; and that the attempt to enforce them upon the railroads was a lawless act. Of course, that is a grotesque notion, and, as was pointed out by a gentleman who replied to him, for one law passed by a State for the regulation of great corporations which had been declared unconstitutional there were eight which had been declared constitutional. If, however, the same argument is to prevail, then this Commerce Court itself is a lawless body, because its decisions have been notoriously unfounded in law. They were so wrong, they were so far from the law, that they immediately created a universal resentment on the part of every disinterested member of the community. If we could conceive that they had been sustained by some high tribunal and remained in effect, remained the law of the land—if by the existence of this court their decisions had been permitted to permanently undo all that has been accomplished in the last 25 years in the way of railroad-rate regulation—the effect upon that respect for the law, which is necessary in any country which depends upon respect for the law by its citizens, would have been disastrous.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arizona?

Mr. POINDEXTER. I do.

Mr. ASHURST. I do not desire to interrupt the Senator at this time without his consent, but I want to make a few remarks and to incorporate in the RECORD a statement of the cases that have been reversed of the decisions which have been handed down by the Commerce Court.

Mr. POINDEXTER. Does the Senator want to make a statement?

Mr. ASHURST. Just a brief statement.

Mr. POINDEXTER. I shall conclude in a very short time. I should prefer that the Senator would allow me to do so.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. POINDEXTER. Now, as to the importance of preserving the integrity of the Interstate Commerce Commission—when I say "preserving its integrity" I mean preserving its power, preserving whole its functions under the law—I want to call attention to a report of perhaps the best statistician and expert upon railroad consolidation in the country, Mr. Henry C. Adams, an employee of the Interstate Commerce Commission, as to the tendency of the railroads to consolidate. With consolidation and concentration and of their almost inconceivable power, the railroads are greater than the Government. They are greater in number of employees, greater in resources, greater in their effect upon the conditions of the people of the country. In his letter to the Interstate Commerce Commission, forwarding the data which was called for by resolution of the Senate, the

letter being dated January 27, 1908, Mr. Adams makes these significant statements:

It will be observed that the table of June 30, 1904, derives some of its information from unofficial sources. The corrected tables, as of June 30, 1906, are made up entirely from official sources; that is to say, the special and annual reports of carriers to the commission. The fundamental change to be observed during the two years which elapsed between the two reports is a growing tendency toward concentration of railway interests. Practically no cases have occurred where roads have been taken out from under systems of which they were a part on June 30, 1904. On the other hand, large numbers of railway companies which were considered to be independent in 1904 were brought under the control of systems. Concentration has taken place not alone on the financial side through corporate ownership or control, but also on the operating side; that is, many roads which were parts of systems, but were operated separately in 1904, have since lost their identity and have been merged in the main corporation and now make up a part of the mileage of the main stem.

Referring to some tables which he presents, he says:

The significance of this table, as bearing upon the purpose of the resolution of the Senate under consideration, arises from the fact that the ability to appoint a director upon the board of what might otherwise be a competing company is one of the motives which leads a corporation to invest in the securities of another corporation.

Mr. President, the dangers, in view of the tendency indicated by that report, in the continuance of a special appellate tribunal like the Commerce Court are perfectly evident from a consideration of the facts which I am told exist—and they are indicated by the decisions of the court—that some of the judges of the Commerce Court, as a matter of public policy, do not believe that railroads ought to be closely regulated by the Government; in other words, they entertain the old idea, which they have gotten into through the force of habit, that the railroads are largely private institutions, and that it is invidious for the Government to interfere with them as private property. What could be the result of the decisions of a court having exclusive and supervisory control over this great question if, through the power of the interests involved, judges entertaining those views as to the public policy of the question are called upon to perform the functions of the court? It indicates the dangers which lurk in it and which are likely to occur at any time, whether we are relieved from these particular decisions or not.

Mr. President, I do not base my objection to the court upon the particular decisions which have been rendered, although those decisions are of exceeding interest as proof of what these conditions will develop. It is the condition to which I object; it is the creation of a court which necessarily, in the very nature of its existence, has a tendency to destroy the effectiveness of the Interstate Commerce Commission. There can not be any other result. It was intended by some advocates of the bill to have that result. Through all the long course of legislation and the struggle which the Interstate Commerce Commission made to exercise the powers which the people intended to give it we have not yet come to the point where we have passed any law relating to the watering of stock—the overcapitalization of railroads. That indicates how much more there is to be done, how much more power is to be exercised by this court, how many new questions are to come before it when we pass, as we must pass in the near future, a law investing some tribunal with the power to prohibit overcapitalization and to remove the conditions which enable men in the course of 10 or 15 years to accumulate out of the railroad business two or three hundred million dollars in fortunes largely by means of manipulating the stocks and bonds of the companies.

Those questions will have to come before a tribunal of some kind, and it is a matter for administrative work rather than for judicial theory; it is a matter which should be determined by an administrative force carrying out a certain policy defined by Congress, such a body as the Interstate Commerce Commission; and there should be no power of review on the part of the courts other than the power which the Supreme Court said was the only power of review under the law as it existed before the Commerce Court was created, namely, in those cases where the Interstate Commerce Commission had acted without jurisdiction, or where its decisions had the effect of depriving the company of its property without due process of law.

If the power of review of the courts is limited to that, if it is limited to constitutional and jurisdictional questions, what is the need for the creation of this elaborate court, with all of its functions and with all the furniture which has been described and for which appropriations are provided in this bill? If the law be properly construed, there can be put few decisions of the Interstate Commerce Commission come before any court for review. If the Supreme Court itself were the only appellate tribunal, I can readily see that certain functions could be given to the Interstate Commerce Commission which would make it perfectly feasible to provide that appeals should be taken from it to the Supreme Court direct. The Supreme Court has held, in Two hundred and eleventh United States, that it is perfectly competent to create a tribunal which is in part administrative and in part judicial; that the judicial and legislative powers can be combined in the same tribunal; and, in fact, they are combined under the law now in the Interstate Commerce Commission. Some of its functions, its hearings and its decisions, are in the nature of judicial powers, while others are in the nature of legislative or administrative powers as the delegated agent of the legislative department of the Government. From those judicial functions appeals can be taken direct to the Supreme Court of the United States, but they would necessarily be few, and, with the limitation upon the power of review, the Supreme Court would not be burdened with them. The principles have been established, and the Interstate Commerce Commission, instead of being emasculated by the creation of this extraordinary court, would be strengthened; its powers would be made more effective by wiping out the long and tedious delay of an intermediate court, allowing its action to rest upon the rule, which has already been laid down by the Supreme Court, in any new cases which originated, except for an appeal direct to the Supreme Court itself.

Mr. NELSON. Mr. President, this is a motion to strike out section 10, and before that motion is put——

Mr. OVERMAN. The motion is not to strike out section 10, but the question is upon the committee amendment which does strike out that section.

Mr. NELSON. That is what I mean—the question is upon that amendment, and before that question is put we have the right to perfect the provision. In that view I move, after the words "United States," in line 1, page 158, the following amendment:

And the procedure in the district courts shall be the same as in the Commerce Court, and the right of appeal from the district courts shall be the same as from the Commerce Court.

So that the provision as an entirety would read like this——

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. I will yield in a moment—so that the provision as an entirety would read like this:

The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States, and the procedure in the district courts shall be the same as in the Commerce Court, and the right of appeal from the district courts shall be the same as from the Commerce Court.

Those are pretty general terms, but I think they cover what is lacking in the original amendment. I now yield to the Senator from Texas.

Mr. CULBERSON. All I wanted to invite the attention of the Senator to was the first sentence of section 10:

That the Commerce Court is abolished on and after July 1, 1912, and all laws, in so far as they provide for the establishment of said Commerce Court, are repealed.

That being the case, I suggest—it is a case of first impression only—that the proposition of the Senator does not go far enough. He ought not to repeal a law in one sentence, and then incorporate in the next sentence provisions of that repealed law.

Mr. NELSON. That can be easily obviated by inserting the word "heretofore."

Mr. CULBERSON. I suggest to the Senator that if the law is repealed it is dead, and no procedure can be had under it.

Mr. NELSON. I know; but the law still remains to the extent of the procedure. We state that the procedure in the district court shall be the same that it was in the Commerce Court. We refer to it. The law, as a law for the Commerce Court, has ceased to exist; but we still retain by the phraseology that part of the law relating to procedure.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Does the Senator from Minnesota yield to the Senator from Washington?

Mr. NELSON. Certainly.

Mr. POINDEXTER. Why not make it read that the procedure shall be the same as it was in the circuit court prior to the passage of this act?

Mr. NELSON. I do not think that covers the matter, because my impression is that in the interstate commerce act of 1910 we conferred greater powers upon the Commerce Court in some respects, and the procedure and the right of appeal were somewhat different than in the case of the old circuit courts. My idea is to leave the procedure and the right of appeal in the district courts the same as they have been in the Commerce Court.

Mr. POINDEXTER. Some of the language in the Commerce Court act was different from the law as it was previously, and

the Commerce Court took advantage of that language to very much extend its powers.

Mr. TOWNSEND. Mr. President, I am opposed to the proposition to abolish the Commerce Court.

I realize that at this time, at the conclusion of the speech of the Senator from Washington, there are very few Members in the Senate Chamber, and probably there will be no more here when I am through, and not being in the habit of talking for the sake of talking or for the benefit of the RECORD, I hesitate to speak now and thus delay the vote which has already been determined in the mind of each Senator, and I will not occupy more time than sufficient to reply briefly to some of the statements made by the Senator from Washington. The only excuse I can discover for those statements having been made is that the persons making them have been entirely careless of the facts or very unfamiliar with the circumstances preceding and attending the legislation creating the Commerce Court.

I desire to give a brief history, which I think I am prepared to give and can give with some degree of authority and accuracy.

In the third session of the Fifty-eighth Congress, or more exactly, in January, 1905, a bill was introduced in Congress creating a court of transportation. It was largely drafted by Assistant Attorney General William A. Day, by direction of Attorney General Moody and at the suggestion of President Roosevelt. I contributed a humble part to its preparation and introduced it in the House of Representatives. It was referred to the Committee on Interstate and Foreign Commerce, of which I was a member, and there, after consideration, it was combined with a bill introduced by Congressman ESCH, of Wisconsin, enlarging the powers of the commission, and the consolidated measure was by me introduced in the House. It was favorably reported by the Interstate Commerce Committee and passed the House in February, 1905. This bill created a court in the same way, of the same number of judges with like powers and similar tenure of office, as the bill creating the existing Commerce Court. The judges, when not employed with the work of the court of transportation, could be assigned by the Chief Justice of the Supreme Court to circuit work, the same as the Chief Justice can now assign the judges of the Commerce Court. About the only difference between the court provision was that under the former bill the President assigned circuit judges to act on the Commerce Court, while under existing law the Chief Justice performs that duty.

As I have stated, this earlier measure passed the House of Representatives in February, 1905, near the close of the session, but it was not reached by the Senate. It was, however, favored by practically all of the advocates of real railroad regulation and control.

At the beginning of the present administration I discussed with President Taft the question of amending the interstate-commerce law, as there was a general demand for additional legislation. The President gave me a letter of introduction to his Attorney General, Mr. Wickersham, and asked me to go over the question with him. I called on the Attorney General, and we thought it desirable to talk with Commissioners Knapp and Prouty, of the Interstate Commerce Commission, as they had been administering the then existing law and would undoubtedly have some valuable ideas. Subsequent meetings were held, attended, at the request of the President, by Attorney General Wickersham, Solicitor General Bowers, Secretary of Commerce and Labor Nagel, Chairman Knapp, Judge Prouty, and myself. It was getting toward the end of the extra session, and we agreed to meet in New York after the adjournment of Congress in August. We did meet there and in executive session considered for several days various propositions to amend the commerce law. No railroad lawyers attended the meetings and none were consulted.

We unanimously agreed upon a report. Not a thing was included in our recommendations to the President which did not receive the indorsement of the entire committee. I suggested the proposition of a Commerce Court similar to the one I had presented to Congress in 1905. It was agreed to.

After we had concluded our work the Attorney General and the Solicitor General were requested to prepare our report. This they did, and submitted the same to each one of us for our approval. The report then went to the President, and he discussed its provisions on his trip through the West.

Our report took the form of a tentative bill, and finally, after some revisions as to details, I had the honor of introducing this bill in the House.

It has been charged, here and elsewhere, that orders were given by the President that that bill should not be amended. Nothing could be wider of the truth. No such suggestion ever was made by the President or by any member of his administration, to my knowledge. Certainly, none was made to me. In the process of discussion in the Committee on Interstate and Foreign Commerce of the House certain changes were suggested in reference to various provisions. I think I am stating the exact truth when I say that no member of the committee offered more or voted for more amendments than did I. The bill was amended and improved. As reported to the House it contained several provisions not found in the original bill; but every one of the original provisions was retained, though some of them were modified or changed. The fullest opportunity was given to amend it, both in committee and on the floor of the House. No restricting rules were applied in any particular.

That bill passed the House by a small majority and after as full discussion as is ever given to a measure in the House of Representatives. It was supposed when the measure was presented that it would expedite the litigation arising out of interstate-commerce cases. It was supported by many of the most ardent friends of Government railroad regulation, men who have been identified with that cause for years, the statement of the Senator from Washington to the contrary notwithstanding, that the bill was supported only by those who were not favorable to Government regulation. I supported it. Other members of the committee who were equally favorable to regulation supported it. In fact, I stood sponsor for it before the committee. I have never before supposed there was any question as to whether or not I was in favor of the regulation of railroads.

But the bill came up and was adopted, as I have said, in the belief that it would accomplish several things. One of them was the expedition of the litigation. Another was to answer the argument which certain Members of Congress had made, viz, that under the old law railroad men were able to take their cases into courts through whose jurisdiction their railroads ran, which courts were supposed to have been favorable to the carriers. It was thought that a special court, having this matter especially in charge, being familiar with all of the incidents relating to the cases and the technicalities which were necessarily involved in such suits, would be able to build up a body of decisions that would be general, well understood, and in perfect harmony.

It was known that under the old system the decisions were not harmonious. It was common knowledge that the district and circuit courts were crowded with work. They had jurisdiction over all kinds of cases, but no one court had much experience in interstate-commerce suits. These were comparatively rare. These courts were generally behind with their work, and interstate-commerce litigants were through delay frequently denied justice. The decisions by different judges were widely at variance and uniformity was unknown. The final decisions of the Supreme Court were the only ones of any value. Expedition and uniformity of decisions were imperative. The Commerce Court, it was believed, would accomplish these ends, and I submit, Mr. President, that during the less than two years that this court has been in existence it has abundantly demonstrated the promises of its advocates in these particulars. Cases have been expedited, so that now the average time taken to try a case is less than five months, while theretofore it was frequently five years before a determination could be had.

It has been broadly charged that this court has been a railroad court; that it has been favorable to the railroads. I deny it. I deny that the records disclose such a thing. More than 20 per cent of the cases of which cognizance has been taken by the Commerce Court on appeal from the Interstate Commerce Commission have been cases in favor of the shippers themselves.

One of the recent decisions which the Supreme Court handed down was in a case where the Commerce Court sought to review a case which had been decided against the shipper instead of the railroad, and the Supreme Court held that the law did not contemplate that there could be an appeal by a shipper; that it was only when a case went against the railroads that an appeal could be taken. The Commerce Court has held that the law ought to be amended so as to give the same right to shippers that is accorded to railroads. It would seem to be a natural suggestion. It may have exceeded its authority in this particular, but there was no way to find out whether they had the right exercised, except to have the Supreme Court decide. Surely no shipper was injured by this decision, and if the court was trying to serve the railroads it had a poor way of demonstrating its friendship.

Senators are complaining now because some of the decisions of the Commerce Court do not suit them. Gentlemen may say what they will; there is no doubt in the observing man's mind that some men are opposing the court because they do not like some of its decisions and therefore would abolish it.

Shall we complain because the Supreme Court reverses the Commerce Court? Why, that is the way to determine the

principles of the law, and at the same time the higher court protects any errors made by the inferior one. Already the course of the Commerce Court has been made clearer and its great usefulness is surely demonstrated. So it seems to me that a court that has been in existence only a little over a year, and which has been equipped with all of the paraphernalia and all of the furnishings that are necessary for a court, should not now be abolished before it has had time to demonstrate fully its usefulness.

The provision of existing law which assigns the Commerce Court judges for work in the circuits is of highest value. It has been so demonstrated, and if it were not for these judges others would have to be created or else the wheels of justice in many courts would become clogged. I do not know what the experience of the Judiciary Committee here has been; but when in the House we were constantly confronted with the fact that there were many circuits in this country that did not have sufficient judges to keep abreast of the litigation pending before them. These commerce judges, as I have stated, are now assigned to the circuits where they can be most useful, where they are actually needed; and the usefulness of that provision has been demonstrated many times during the last year and a half.

So it occurs to me, Mr. President, that when we strip this matter of all prejudice, when we look at it squarely as a law that has been enacted and has been in existence only a few months, we ought not now, at this time, to abolish the court and disarrange the suits which have been begun and are pending and turn them over to the courts somewhere else to be tried. Furthermore, we can not be sure of the status of commerce cases if the House bill provisions are adopted. I do not think that anyone is able to tell what situation we will be in if we destroy the Commerce Court as is proposed to-day. It will be well to consider this matter with more wisdom and deliberation.

Another thing, Mr. President: It is charged here, though without specifications—no bill of particulars having been filed, but simply the bald statement is made—that this court has departed from the original notions which surrounded it when it was created, and has issued the writ of injunction in reference to rate cases more frequently than that writ was issued under the old system.

I submit that the writ of injunction in reference to rates has issued but three times since the court was created, one temporary and two permanent injunctions; and I assert that if you will examine the history of the cases that were tried under the old system, and compare it with the history of cases that have been tried in the Commerce Court, you will find that under the old plan more appeals were taken and more reversals were had, in proportion to the number of cases, than have been had under the Commerce Court system.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. I do.

Mr. NELSON. I want to call the Senator's attention to the fact, reported by the Interstate Commerce Commission, that in 7 out of 10 cases that were really in controversy and amounted to anything the Commerce Court granted preliminary injunctions. As I understand, the Supreme Court has now set aside 6 of those decisions, there remaining only 1 that has been sustained.

I want to call the attention of the Senator to a further matter about the history of the bill creating the court, if the Senator will allow me. I refer to the fact that as the bill came to us, prepared by the Solicitor General of the Department of Justice, and I think as it came before this body from the House, it contained two sections practically undermining and destroying the antitrust law.

We were obliged here in the Senate to emasculate those provisions and take them out of the bill. Otherwise it would have undermined the interstate-commerce law. Am I not right that the bill came in that way from the committee here, and did we not strike it out here in the Senate? One amendment was stricken out on my motion and one by the then Senator from Alabama, who is now deceased.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1911.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from North Carolina?

Mr. TOWNSEND. Certainly.

Mr. SIMMONS. I ask that the unfinished business be laid aside until a vote can be had upon the pending appropriation bill.

The VICE PRESIDENT. The Senator from North Carolina, as the Chair understands, asks unanimous consent to lay aside the unfinished business until the pending appropriation bill is disposed of. Is there objection? The Chair hears none. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, the provision to which the Senator from Minnesota referred is not a provision in reference to the Commerce Court. I have been discussing the Commerce Court. I will, however, for the moment digress long enough to discuss the proposition to which the Senator has referred. By the way, it was a proposition which was contained in the national Republican platform adopted at Chicago, it was a proposition contained in the Democratic platform also, to the effect that agreements between railroads in reference to rates should be permitted, subject, however, to the approval of the Interstate Commerce Commission. The provision as we adopted it was according to that proposition. It has been known that agreements between railroads are necessary, and it was thought best to have them made in the open and subject to the approval of the commission. But this original provision was struck out by the House before it reached the Senate.

I wish to say further to the Senator from Minnesota that already at this session of Congress there have been propositions pending in good faith before the Committee on Interstate and Foreign Commerce to the effect that such agreements shall be permitted to all corporations. Yes, there was a provision changing the antitrust law in accord with the express declaration of the people in two national platforms. But I am discussing the Commerce Court proposition.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. I do.

Mr. POINDEXTER. In this immediate connection, did not the act provide with reference to mergers that the Commerce Court had jurisdiction to allow mergers upon application made to it?

Mr. TOWNSEND. Oh, yes. That opens another door.

Mr. POINDEXTER. I only called attention to it.

Mr. TOWNSEND. We will not stop with attention being called to it merely, because the bill did not provide in the way the Senator from Washington suggests. It needs a more complete understanding in order that it may be presented intelligently.

Mr. POINDEXTER. I did not understand the Senator.

Mr. TOWNSEND. We need the whole story of the provision to which the Senator refers.

Mr. POINDEXTER. I agree with the Senator entirely in that regard, but the question I asked was with reference to the Senator's answer to the Senator from Minnesota stating that he was discussing the Commerce Court, which has no relation—at least I assume that that was the intimation—to the allowance of mergers, and it was involved in the jurisdiction of the Commerce Court and in the appeal.

Mr. TOWNSEND. The provision to which the Senator from Washington refers was a provision which provided the very thing which the Senator has discussed to-day, namely, a prohibition against the merger of competing lines of railroad. That is new legislation, understand. No existing law covers the matter which was sought to be reached in the bill of 1910. It was proposed in that bill that no railroad should be permitted to own any interest in a competing line; and the question then arose as to what is a competing line, what is a substantially competing line. It is a difficult question. Most men believe that a railroad should own or control a competing line. The former bill attempted to prevent the combination of competing roads, but realizing the magnitude of the question after prohibiting such combinations it provided that a carrier proposing to buy another railroad could go into court and leave the question as to whether the line which it was proposed to purchase was a competing line within the meaning of the law. We felt that this course was wise and just, especially as we provided in express terms that no act prohibited by the Sherman antitrust law would be legal.

The provision covered only cases not offending the antitrust law. This proposition is now most strenuously advocated by many good men whom even the Senator from Washington would not claim were not sincerely in favor of effective railroad regulation. This, understand, was new legislation. It was a proposition in some way to control this question of acquiring a competing line by its competitor. But some Senators and Representatives thought it was not right and that somehow or other

there was a wrong motive in the administration for wanting to do this particular thing. They preferred to do nothing and leave existing wrongs untouched rather than try a remedy proposed by the administration. They preferred to allow the merging process to continue.

Mr. BURTON. That is going on all the while.

Mr. TOWNSEND. Surely, as the Senator from Ohio states, that merger is going on all the while. We proposed to stop it, and to allow that question as to whether they were competing to be determined by the courts, and in attempting to do this the friends of the measure were insidiously charged with working in collusion with the railroads.

Mr. President, I have talked longer than I expected to talk on this subject, but I have felt that an unprejudiced view of this case and of this proposition would show that it is best to allow this court to continue and let the Supreme Court decide and determine these cases on the appeals as they come up. Let the court remain and in time the people will think as highly of it as they do now of the Interstate Commerce Commission. I do not believe that there is any public demand for its abolition. I do know that the business men who are acquainted with its objects and workings approve it, and it should not be destroyed.

Mr. BURTON. Mr. President, I do not desire to give any extended attention to the merits of the Commerce Court, but I do wish to express my very decided opposition to disposing of such a question as this on an appropriation bill. An appropriation bill has its proper field and function, namely, to provide money for the conduct of the Government. The proposition before us purposes to include in a bill making appropriations for salaries the abolition of a form of governmental activity created by solemn statute.

It is very easy to see where this will lead. Every appropriation bill includes a number of provisions for the support of various agencies of the Government. Possibly in times of excitement it may be necessary to accept the discontinuance or abolition of a form of Government service advocated by one House or the other or else lose the whole bill. That, however, is not the orderly method of procedure.

Mr. President, I concede that there may be some connection between general legislation and appropriations, and that in some cases a function of the Government may be modified by provisions in appropriation measures, but that should not be extended so as to wipe out of existence a court or an important administrative or legislative agency.

There is still another potent objection to legislating by means of appropriation bills—that a rider having the most far-reaching consequences may be inserted without awakening general attention. On other appropriation bills of the present session of Congress the Senate has shown a disposition to reject legislative items tacked onto this class of bills, and I sincerely hope that, regardless of the merits of this court, the same course will be pursued here.

I can not too strongly forecast the result of including in these bills substantive legislation. It is manifest that the functions of other committees will be entirely eclipsed by those of the Appropriations Committee. It will be found much easier to enact or repeal a law by placing it upon an appropriation bill than by mature and independent consideration, such as should be given to any proposed measure.

Now, Mr. President, I wish to say just a few words in regard to this Commerce Court.

Mr. SUTHERLAND. Will the Senator from Ohio permit me to suggest to him what appears to be an additional reason why we ought not to put upon an appropriation bill legislation of this character? It is legislation upon a subject matter which, if it pursued the regular and ordinary course, would go to a wholly different committee from that which deals with it here, namely, it would go either to the Interstate Commerce Committee or to the Judiciary Committee. It is to be presumed in making up the committees of the Senate the members are selected for service upon those various committees because of their peculiar fitness for the service. To my mind the proposition is very well illustrated in this proposed legislation. We have upon this appropriation bill a piece of legislation which, if it is to go into operation, in my judgment will simply be a hotch potch, because we are dealing not only with a proposition which seeks to destroy an existing institution, but must at the same time put in place of it another institution to carry on the functions; and the latter part, namely, the constructive part of the legislation, has been wholly overlooked. If it should be passed in this form nobody can predict what would result from it.

Mr. BURTON. The Senator from Utah has stated excellently an additional reason. As I said, the Committee on Appropriations would be vested with jurisdiction on a great variety of matters. A law like this, which should be carefully framed by the Committee on the Judiciary, or other similar committee, might be enacted as an amendment to an appropriation bill, and that, too, entirely without adequate examination. From the standpoint of legislation our laws would lack that accuracy which comes from consideration by the respective committees of Congress. Probably the illustration here is about as bad as any that could be imagined.

Mr. President, I wish to speak very briefly in regard to this Commerce Court. There has been a great deal of discussion in this country, and I think I may say in some other countries, regarding the desirability of special courts, such as patent courts, courts of admiralty and of commerce. The general result, I think, has been the development of subdivisions as part of a more elaborate judicial system.

I recognize fully the objections advanced by some arising from the tendency of specialists not to take that broad view of questions which may be a desirable element of all judicial decisions. Another objection commonly alleged—though I do not believe it is entitled to much force—is that the judges will entertain a certain partiality for those having litigation before them, as a result of which such organizations as the railways or important patentees or great vessel owners will have advantages before the courts possessing jurisdiction over their respective matters.

But it seems to me that the arguments in favor of this court are almost unanswerable. The experience of every lawyer will testify that the judges of our different circuits and also of our different State courts manifest an unusual degree of hesitancy in deciding upon these great questions of transportation. They involve a separate branch of the law, which has assumed the utmost importance and which acquires additional difficulty because of constantly changing commercial conditions.

Instances have been frequent where judges of the United States circuit courts have postponed for weeks, months, and even for years the decision of important railway cases. The first argument for the Commerce Court is the promptness with which decisions can be reached. The court has shown certainly a most remarkable record in this regard. The judges are more ready to decide these questions. It is apparent that a special tribunal organized for this purpose can arrive at much prompter decisions.

Again, Mr. President, there is an undoubted advantage in having here at Washington a special court which deprives the railway company of its power to go before any judge who may entertain a friendly bias and bring up its case in any circuit it may select within the territory touched by its lines.

The most important cases decided by this court, Nos. 50 and 51, relating to the long and short haul, were filed in the month of November, 1911. They were decided promptly, and went to the Supreme Court in February, where they have since rested. Now, what would have been done had it not been for the existence of this tribunal? A suit would have been filed in California or New Mexico or anywhere along the railroad line between Chicago and the Pacific coast. The litigants could have selected their own judges. In filing petitions they could have resorted to that court whose docket was the most congested; and if they felt the case was likely to be decided adversely, they could have selected the tribunal where conditions promised the greatest delay.

It has been said here with a great deal of earnestness that you do not need any such court as this, and it has been alleged that the functions of the Interstate Commerce Commission are judicial.

Mr. President, it is contrary to the fundamental idea of our Government to vest in any one official body functions which are at the same time executive, legislative, and judicial. The Interstate Commerce Commission is primarily, as I interpret it, an administrative body with quasi legislative duties, but not with judicial functions. To give all three powers or functions to one body would be contrary to every idea of good government.

The conclusive answer to the claim that the Commerce Court takes away judicial powers from the commission is found in the House bill. It does not eliminate judicial review. True, it does take it away from this court, but it gives it to the district court of the United States with the consequent delay, first, of a resort to the circuit court of appeals and then to the Supreme Court. Even then you have the same judicial review, but by a number of judges with varied opinions colored by the legislation of different States, instead of by one body that can promptly decide cases and send them to the Supreme Court.

Now, it is maintained that this tribunal has usurped the functions of the Interstate Commerce Commission.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. CUMMINS. I think the Supreme Court in its last decision in describing the Interstate Commerce Commission said that it exercises quasi judicial powers. However, that is not very material. I only want to remind the Senator from Ohio that the law prior to the organization of the Commerce Court, as I remember it, permitted an appeal directly from the circuit court to the Supreme Court of the United States. The law did not require certain appeals to pass through the circuit court of appeals, so that in that respect the procedure was as direct as in the case of the Commerce Court.

Mr. BURTON. The Senator from Iowa will, however, concede that in actual practice the delay was far greater than the delay in passing through the Commerce Court. I do not, at this moment, recall the provision in regard to appeal, but a number of cases were decided by the circuit court of appeals, so that in some instances they certainly must have taken intermediate jurisdiction, and the decision of the first judge did not go immediately to the Supreme Court.

Mr. CUMMINS. The Senator from Ohio will remember that the former law required the presence of at least three judges for granting an injunction, and as I remember it, where an injunction was granted sustaining the order of the commission that appeal was taken direct to the Supreme Court of the United States.

Mr. TOWNSEND. The law provided, under what is known as the expediting act we adopted at that time, that they could go to the court of appeals. I think they could go directly from the circuit court to the Supreme Court, as the Senator from Ohio has stated, but I know of no cases after we adopted that clause under the Hepburn law, as it was called, where they went to the Supreme Court, but first went to the circuit court of appeals under what is known as the expediting act.

Mr. BURTON. My recollection of that was not of the statute but of certain cases which certainly did pass through the circuit court of appeals before they went to the Supreme Court. That the Commerce Court has taken upon itself the functions which properly belong to the Interstate Commerce Commission I most confidently deny; and to sustain that position I desire to quote from several of its decisions where the law has been clearly stated in the most unequivocal language. In the case of Hooker et al. *v.* Interstate Commerce Commission, decided July 20 of last year, the court took this view of its powers:

> In this connection it must be remembered, however, that the power to establish reasonable and just rates for the future for the transportation of freight by common carriers is vested by law in the commission and no part thereof is vested in this court, and this court may not disturb the order complained of unless it can be clearly found that it conflicts with the provisions of the fifth amendment to the Constitution of the United States, providing the power conferred has been regularly exercised.

Practically the same statement that was made by Justice White in the Illinois Central case of the jurisdiction of the courts before he was appointed Chief Justice.

The court again said in a case decided on the 11th of December:

> In that case, as in this, the commission found as a fact upon evidence which permitted different inferences to be drawn, that the regulations complained of operated with discriminating effect, and under such circumstances the conclusions of the commission as to matters within its jurisdiction are binding upon the courts.

That is, upon a given statement of facts one inference or another may be derived. The court goes to the extent of sustaining the commission in accepting one of those inferences.

Again, in a case decided no longer ago than the 9th of April, the case of the Norfolk & Western Railway Co. *v.* United States, the court said:

> It is not for us to say whether the commission has properly attached great or little weight to evidence adduced upon a given point, or whether the conclusion reached by the commission upon testimony as to facts alone shows mistake as to some particular fact not essential or vital to the proceeding; or inadvertency; or is not such a conclusion as this court might have reached. If the particular matter in issue and inquired into was one of fact and a full hearing was afforded, and the conclusion reached is supported by substantial evidence, it will not be nullified by the courts.

But there is a prevalent impression that the decisions of this court have been altogether in favor of the railroads. That certainly is not the case. The decision in which the Supreme Court has in the most decided language reversed their conclusions was one in which the shipper appealed from the commission and the Commerce Court sustained the right of the shipper to appeal.

Mr. President, I do not wish longer to detain the Senate except to say that to abolish this court goes back to an old order of things which was shown to be faulty. Such action would do away with a court which in promptness and uniformity marks a great advance in the relations between the railroads and the public. It would introduce again a régime of confusion and delay. I am ready to go as far as anyone in sustaining the powers of the commission in regulating the railroads. I recognize their power for oppression, their ability to discriminate against one locality, to build up one community, and to stop the growth of another. The commission made great progress in the regulation of railway rates; it has done away with many forms of discrimination; but this measure itself concedes that the courts will still have the power to review the proceedings of the commission, and give railways and shippers alike an opportunity to appeal to a court of law. Whatever criticism may be passed upon this court, it marks a decided improvement upon old conditions and affords an adequate protection for all.

Mr. OVERMAN. Mr. President, in reading one item here this morning as to Judge R. W. Archbald, who was ordered to go to New York to try what is known as the "wire pool cases" on the 9th of June, the Senator from Utah [Mr. SUTHERLAND] asked me how I knew that Judge Archbald did not expend this money in the way of reasonable expenses. I am informed by a distinguished lawyer that he was only there four days, and that he charged from the 4th until the 31st of July. He lives at Scranton, which is only 146 miles from New York, and he charged, I repeat, from July 4 to the 31st, $210. I have a record here which throws some light on the subject in a statement where Mr. Henry A. Wise was examined. I now read from his testimony:

> The CHAIRMAN. Please state your full name, your address, and your official occupation.
>
> Mr. WISE. Henry A. Wise; United States attorney for the southern district of New York; my residence is New York City.
>
> * * * * * * *
>
> The CHAIRMAN. Will you please describe the so-called wire pool cases, and state to the committee in your own way all you know regarding Judge Archbald's action in those cases?

Without reading further from this testimony, I will go to the testimony when he speaks of Judge Archbald sitting in that case:

> The grand jury had this matter under consideration throughout the months of May and June, 1911, and returned the indictments on the 29th of June. On the 10th of July a large number of defendants were arraigned before Judge Archbald, who was holding criminal court in the Circuit Court for the Southern District of New York, and at that time those defendants who were arraigned gave bail and asked for 60 days within which to withdraw their pleas and enter such other pleas or make such motions as they might be advised. There was some discussion at that time, and after discussion Judge Archbald fixed the 1st of September as the time within which these defendants must withdraw their pleas or stand by their pleas. On the 11th of July there were other defendants who came in and entered pleas of "not guilty," and on the 17th of July there were others. By the 17th of July practically all of the defendants who could be reached and who were in the United States had been brought into court and had entered pleas of "not guilty" and had given bail and had until the 1st of September to make any other move they saw fit.
>
> On the 25th of July a large number of the defendants came into court. I had been notified by their counsel that they intended to come in, and some of their counsel had been to see me and asked if I would consent to recommend the acceptance of the plea of nolo contendere, and I had stated I would not recommend it; that they could either stand on their plea of "not guilty" or enter a plea of "guilty." Of course the court had the discretion to accept the plea if it saw fit, but I would not recommend it; that I would oppose it. On that day a number of the defendants came in, and I have the stenographer's minutes of what took place at that time.

It seems that in this case, which Judge Archbald was sent there to try, he was only there four days. Mr. Albert H. Walker, a distinguished lawyer of New York, who was also examined, says he was there one day—on the 31st—according to this record. I do not know how long he was there, but this record shows that the case he was there to try only occupied five days and he lived only 146 miles away. How could he spend $10 a day for that work?

Mr. POINDEXTER. Mr. President, the Senator from Michigan [Mr. TOWNSEND] seems to have inferred that some invidious significance was attached to the statement made by me that the bill which was framed by the Attorney General and introduced in the House of Representatives by the Senator from Michigan when he was a Member of that body was the product of consultations with railroad men. I had no such intention at all. I think it was perfectly proper that railroad men should have been consulted in regard to it. It is perfectly natural that railroad officials and railroad owners should interest themselves in legislation of this kind. What I intended to call to the attention of the Senate was the fact that those interested looked out for their interests, which necessarily are perfectly distinct from the interests of the public. We all know from the natural course of proceedings that they are not disposed, at least, to look out for the public interests, but, on the contrary, are constantly objecting to the public interfering in any way with their business.

As to the fact of whether the railroad officials were consulted in the preparation of the bill, my statement was based upon my recollection of the statements of the Senator from Michigan himself in the debates in the House of Representatives. I have referred to the RECORD, and find in volume 45 of the RECORD, which was that of the Sixty-first Congress, on page 5231, the account which the Senator has just given, in part, of the proceedings leading up to the introduction of this bill in the other House of Congress by the Senator. In that debate the Senator, it is true, stated that railroad men were not consulted or did not enter into the conference previous to the report which was made; but he went on to state that many changes were made in the draft of the bill after the commission had made its report, so that the necessary inference was that railroad men were consulted; and, in fact, it is so expressly stated by the Senator from Michigan in the language which I shall presently quote. The Senator said at that time, he being a Member of the House of Representatives, and the author of the bill, in part, at least, after describing the meeting in New York:

> They agreed unanimously upon a report which was placed in the hands of the President a few days later. He approved it and discussed it on his trip through the West. During our consideration of these questions and prior to the adoption of the report no railroad man was consulted and none had anything to do with it.

That was prior to the adoption of the report—

> The report was prepared by the Attorney General and submitted to each member of the committee for approval before it was delivered to the President. It contained nothing but what had received the approval of every member, and its every principle is incorporated in the pending bill. The report of our committee was afterwards put in the form of a bill—

At the time this report was made, apparently, the bill had not even been drawn up, according to the statement of the Senator, but it was afterwards put in the form of a bill—

> not with details worked out, but to show more clearly its effect upon existing law. This bill form, I have no doubt, suggested to the President the idea of drawing a more complete bill which would clearly convey the ideas he wished to express in his message. The committee, as did the President, thought it wise to invite criticism of the proposed measure, and in bill form it could be clearly understood. Shippers representing shippers' organizations from all over the United States examined the measure. Railroad men did the same. The President was trying to get the highest and best information for the good of the country.

So it clearly appears that the bill, even in its first form, was examined by railroad men and that they participated in the criticism of it with the President, who was active in furthering it. There is no legitimate objection to that, and no invidious inference was intended on my part in referring to it.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I do.

Mr. TOWNSEND. If I understood the Senator correctly, he stated in his remarks that this was a bill prepared by 12 railroad men in the city of New York. That was the thing to which I objected.

Mr. POINDEXTER. No.

Mr. TOWNSEND. I think, if the Senator does not change his remarks, he will find that I have quoted him correctly in substance on that proposition, and I repeat that is the thing to which I objected.

Mr. POINDEXTER. The Senator is entirely mistaken about that statement. I did state, and stated upon information which I had at the time, that there was a conference in New York City, at which 12 railroad officials were present. I was not myself present. That statement may be a mistake, but whether the details are true or not the substance of it is contained in the statement of the Senator himself, that railroad men were consulted and criticized the form of the bill. I did not state that the railroad men framed the bill, but I stated that they were consulted in regard to it. The particular number of them is immaterial or the particular place where they met. I think my information was that there were 12 present, and that they met in New York City.

Mr. TOWNSEND. I desire to state that the Senator from Michigan did not state in that speech—at least he has no recollection of any such statement, and there was no reason for his having stated it—that any railroad men were consulted prior to our preparation of the bill or our report, which, as I said, were practically incorporated in the measure before Congress.

Mr. POINDEXTER. At the time the report was made the bill had not even been prepared in its original form.

Mr. TOWNSEND. We were not there for that purpose.

Mr. POINDEXTER. Whether any railroad men were consulted before that would be very largely immaterial. Of course this is only interesting as bearing upon the purposes of this court and the interests and motives which actuated its creation. I have no personal quarrel with men, nor any quarrel with their motives, who seek to interpose barriers between the Government and the railroads in the regulation of interstate commerce. I can readily understand that it is a legitimate opinion upon the part of people entertaining it, perhaps influenced by their interest or otherwise—of course that is not the case with anyone in public office—but I am speaking about men connected with that interest. It is perfectly natural that they should entertain different opinions from the opinions which are entertained, or ought to be entertained, by the Government in regard to the matter. Nevertheless their interest exists; they do not entertain those opinions; they are opposed to governmental regulation and to any interference by the Government. And as bearing upon the influence of that opinion and that interest in the formation of this bill—and it is only interesting or pertinent in that connection—the form of the bill with reference to the allowance of mergers—the provisions which were contained in it as it was introduced by the Senator from Michigan, and as it was discussed in the House of Representatives, are interesting and suggestive.

The Senator from Michigan made the assertion, I understand, a few moments ago, that the bill as it was introduced, instead of making provision for mergers, allowing mergers, was in the other direction, that it tended rather to prohibit mergers, and did prohibit them. But the effect of the bill was to allow mergers, because it allowed a means and furnished a tribunal by which they could be validated, which did not before exist. Railroad mergers were not valid; they were prohibited by the Sherman antitrust law as combinations in restraint of trade; but this bill, as it was introduced in the House of Representatives, provided that the question of a merger even between competing lines might be taken before the Commerce Court, and that the Commerce Court could decide whether or not that merger could be allowed. There was a means for allowing it; there was a means for legitimatizing it, which did not before exist; and consequently the assertion which was made not only by one, but by many Members of the Senate and many Members of the other branch of Congress, that the bill had that effect was founded in the clear terms of the bill itself.

Both the Senator from Michigan and the Senator from Ohio make the assertion that the special court which was created by this act has not extended the power of review over the orders of the Interstate Commerce Commission beyond what it was before the Commerce Court was created. The Senator from Michigan said that the bare skeleton statement that the court has extended them has been made, but that no bill of particulars has been furnished. I made the statement, I furnished one particular in a hearing before the Interstate Commerce Committee, at which the Senator was present, and I furnished other particulars in a statement in the Senate a few days ago. I will call the attention of the Senator to those particulars now.

Mr. TOWNSEND. Will the Senator yield to me for a moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. TOWNSEND. The case to which the Senator from Washington called the attention of the Interstate Commerce Committee of the Senate I assume he had not read with care, because if he will look over his testimony he will see that he quoted from a statement of the case as submitted to the court, and he presented that statement of the case to the Committee on Interstate Commerce as the final opinion of the court, whereas the court did not find, as the Senator from Washington stated it had found before our committee. I therefore assume that the Senator had not read the case carefully before he testified before the Senate committee. That the Senator did quote from the statement of facts instead of from the court's decisions, I am sure he will agree, if he reads his testimony before the Interstate Commerce Committee of the Senate.

Mr. POINDEXTER. Oh, no, Mr. President, that is very far from being the fact; so far from it that the entire decision of the court in that case was read and incorporated in the printed report of the hearings before the committee, and it contained the language to which I have referred. I will call attention to that language now. This is a part of the opinion in the case of the Louisville & Nashville Railroad Co., decided October 4, 1911, No. 47 in the Commerce Court docket, and it can be easily identified. The decision was rendered by Judge Carland. I had the original print of his opinion in full from the Commerce Court itself before the committee. I delivered it to the reporter, and it was reprinted in the copy of the hearings which I have here now; so that there is no misunderstanding about it at all, and it was not anything like that which the

Senator from Michigan conjectures. This part of the law was quoted by the court:

That suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order, pending the final hearing and determination of the suit.

That is a part of the opinion quoting the law. The last phrase which was quoted and which I have just read from the law of 1910 was not contained in the Hepburn Act, nor in the act of 1887. I refer to the lines—

But the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order.

That is new language that was put into the law of 1910 creating the Commerce Court. It apparently escaped the attention of everyone who debated the question in the Senate, notwithstanding the full debate upon it. Apparently reliance was placed upon the general provision which was put into the law to the effect that no greater jurisdiction should be exercised by the Commerce Court than had been exercised previously. These words, however, were left in the law and the Commerce Court seized upon them, made them the basis of assuming unlimited power to issue preliminary injunctions against the orders of the Interstate Commerce Commission which had never before been exercised by any court.

When I say "unlimited power," I mean unlimited except by the rules of equity and the common law. In other words, they assumed every power that any court of equity would have to issue preliminary injunctions in any case, and they exercised it against the orders of the Interstate Commerce Commission. This is the language of the opinion of the court:

The word "discretion" used in the law of course means a legal discretion—

Of course it does; every equity court is limited by legal discretion; and, therefore, there is no more limitation in those words in this matter than there is in any other equity court—

The word "discretion" used in the law of course means a legal discretion, a discretion controlled and limited by sound principles of law applied to the facts in each particular case. The principles which govern courts of equity in granting temporary injunctions are well known to the profession and need not be stated here. One of those principles, however, may be stated as follows: Where the case in which the temporary writ of injunction is asked presents questions of grave importance and difficulty, and it appears from the pleadings and affidavits presented upon the hearing for the temporary writ that great damage will result to the complainant if the writ is not granted and he shall finally be successful in the litigation, and on the other hand that the granting of the writ will not cause serious damage to the defendant as compared with the damage which would result to the complainant if the same were not granted, a court of equity will unhesitatingly, in order to maintain the present status, issue a temporary writ of injunction.

That is the law, as stated by them, upon which they proceeded actually to grant the writ of injunction. It is true that it is limited to preliminary injunctions; but preliminary injunctions are an interference with the orders of the commission to such an extent as to deprive those who are interested in the litigation of the benefit of those orders; and, so far as a preliminary injunction goes, the Commerce Court in that case did extend its authority over the Interstate Commerce Commission and assumed as full power as any court ever assumed in any case, whether over the orders of a tribunal or in an original controversy.

But that is not the only instance which I will call to the attention of the Senate of the enlargement of the powers of review by the Commerce Court—and I will be very brief. In the cases that were called the Water-carrier cases the Interstate Commerce Commission itself makes a very clear and correct statement of the principles involved in the decision of the Commerce Court relating to them; and in their report they use this language:

The matter is called to the attention of Congress, because if the Supreme Court of the United States, to which the case has been taken by appeal, should sustain the holding of the Commerce Court, additional legislation would be required if the authority of this commission over the accounts of common carriers is to be of the same value in the future as in the past.

That is another particular in the bill of particulars which the Senator says was not presented. At least it shows the opinion of the Interstate Commerce Commission, which is based upon a very clear and correct statement and analysis of the facts and of the decisions of the Commerce Court. They say that additional legislation would be required to preserve the same standing of the Interstate Commerce Commission with reference to its orders that they had before the creation of the Commerce Court.

Another case to which I desire to call the attention of the Senator from Michigan as proving that the Commerce Court has enlarged its powers is that commonly called the lemon case. The Interstate Commerce Commission, on page 57 of its report, in reference to this case uses this language:

If the Commerce Court is correct in stating that where the facts are admitted it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one-hundredths of the orders of this commission can be reviewed upon the question of fact by the courts.

In other words, they completely revolutionized the jurisdiction of the courts over the Interstate Commerce Commission in saying that where the facts were admitted, which, as the commission says, is ordinarily the case—in most instances there is no dispute about the facts in rate cases—the Commerce Court assumed the jurisdiction to review the orders of the Interstate Commerce Commission, and, to use their own language, the power of review of the Commerce Court would cover ninety-nine one-hundredths of all the cases before the commission, whereas the law as it was laid down a very short time before the bill creating the Commerce Court was introduced provided that the courts could not review the orders of the Interstate Commerce Commission except where there was an excess of jurisdiction or where the order amounted to the taking of property without due process of law.

There is one more proposition to which I want very briefly to refer, and that is the argument of the Senator from Ohio [Mr. BURTON], that it is necessary to have a tribunal consisting of experts to deal with rate questions; that judges of general jurisdiction are occupied in other matters and with comparatively few cases relating to interstate commerce; that they are not experts and have not the business before them to make them experts. The vice in that argument, Mr. President, is that what we are aiming to do, or ought to do, is to relieve the courts of any jurisdiction to deal with questions requiring expert knowledge of interstate commerce. There was no occasion for any court of expert knowledge upon that subject under the rule laid down by the Supreme Court before the creation of this tribunal. The only questions that could come before the court in those cases were the lack of jurisdiction and the abuse of its authority, constitutional questions, not questions of fixing rates. On the contrary, the Supreme Court had held that as to questions relating to the fixing of rates and questions relating to the conduct of the business of the railroads the findings of the Interstate Commerce Commission were final. That is the expert tribunal which meets the needs that are pointed out by the Senator from Ohio. His argument is good so far as the creation of such a tribunal is concerned; but when he proposes to go further and to create another such tribunal, giving it superior and supervisory powers over the first one, then he absolutely destroys the effect, as has so often been said, of the original rate-making power.

Some one has said, I think it was in a debate here, that even the directors of the railroads know nothing about making rates; that the railroad presidents know nothing about making rates upon their railroads. They do not deal with those details of their business, but they have experts who deal with them, and in the great railroad systems they do not consult the rate makers, or whatever they are called, as to schedules of rates, the classification of freight, but such matters are left with those special officers. So the courts, in supervising the action of an administrative tribunal like the Interstate Commerce Commission, do not need to know the detailed business of operating trains, supplying cars, classifying freights, the difference between carload and less-than-carload rates, class rates, and commodity rates—that can be left to the experts and the administrative tribunal constituted for that purpose. The courts should confine themselves to questions which do not necessarily involve expert knowledge of that kind.

Mr. ASHURST. Mr. President, I shall vote to abolish the Commerce Court. The chief argument advanced for the creation of the Commerce Court was that it would greatly facilitate the disposition of cases in which the decisions of the Interstate Commerce Commission affecting railroad rates were appealed from, and that this would lessen the burdens of the shippers of the United States.

The passage of the interstate-commerce law, with its various amendments, has always been intended and supposed to have been primarily in the interest of the shippers to the end that it would in some measure tend to curb the greedy aggression of the railroads of the United States in the matter of exorbitant rates. Unfortunately, however, the result of the creation of the Commerce Court is that the shippers have not been the beneficiaries, but the railroads have. The usefulness of a court is determined by the character of its decisions. The court must be measured by its results. The net result of a year and a half of the existence of the Commerce Court is that over three-fourths of the decisions of the Interstate Commerce Commission in favor of the shippers and against the railroads have been overruled

by the Commerce Court, whereas prior to the creation of the Commerce Court a large majority of the decisions of the Interstate Commerce Commission which were appealed from were sustained by the courts, including the Supreme Court of the United States, to which these decisions were carried. The Interstate Commerce Commission has never been unjust to the railroads of the United States, and has always been just and fair to the shippers. The great trouble with the Commerce Court is that the judges seem in some manner to have been deluded into the belief that they were appointed for the sole purpose of curbing the Interstate Commerce Commission. The Commerce Court has been absolutely of no benefit to the people of the United States. The cost of the maintenance of this court is from $75,000 to $100,000 each year. It is very significant that the shippers of the United States are not opposing the abolition of the Commerce Court.

This court, therefore, having so signally and so flagrantly failed of its purpose, having shown itself to be the especial friend of the railroads, having produced no benefit to the shippers and consumers, while costing the Government, as it does, a large sum of money annually for its maintenance, should be abolished. Even as a matter of retrenchment and reform this useless tribunal should be abolished.

I desire at this particular time to read an excerpt which I have just clipped from an article in the American Magazine for June, 1912, written, concerning the Commerce Court, by Wisconsin's great Senator [Mr. LA FOLLETTE]. The excerpt which I have clipped is as follows:

And in 1910 the next railroad legislation which really got before Congress was the so-called Commerce Court bill, though the establishment of a Commerce Court was only one of its provisions. That bill as it came from Attorney General Wickersham, with the approval of President Taft, was, in all the history of railroad legislation, the rankest, boldest betrayal of public interest ever proposed in any legislative body. If it had been passed as introduced, it would have lost to the people all the ground that had been gained in the long struggle with the railroad corporations.

* * * * * * *

The fangs in this bill as originally introduced were, with the exception of the Commerce Court provisions, all drawn by the fight of the progressives.

I think I ought to add, assisted by Democratic Senators.

We could not, however, prevent the establishment of a Commerce Court which is in a position to destroy, and is now actually destroying, the work of the most progressive Interstate Commerce Commission the country has ever had.

And Wisconsin's great Senator further adds these pungent words:

It is scarcely possible to speak of the course of the administration upon this legislation in temperate language.

I ask unanimous consent that I may insert in the RECORD as a part of my remarks an excerpt from a leading publication, the National Weekly, which contains a résumé of the decisions of the Commerce Court affecting railroads.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

WHAT IS THE COURT FOR?

The Interstate Commerce Commission consists of seven members who are paid $10,000 a year apiece. In addition the commission had a small regiment of examiners and experts, clerks and subbureaus. The railroads of the country take from the people in excess of three billions per year, a sum greater than the combined taxation of our National, State, municipal, county, and other governments. The commission was organized to see that this enormous revenue was raised fairly and not with outrageous discrimination toward individuals or companies or toward communities, as had hitherto been unrestrictedly the case.

The Commerce Court was organized purely to review the law findings of this commission; it had no right to question any finding on the facts. This latter restriction of the powers of the Commerce Court has just been rigidly upheld by the Supreme Court; and yet in the face of the plain wording of the law, the plain intent of the act, this body of usurping judges upset the rulings of the commission in practically every important case out of the first 24 which came before it, and this not on questions of law but purely on findings of fact.

When the Commerce Court was organized it was urged that its purpose was wholly obstructionary and designed simply to nullify the work of the Interstate Commerce Commission. * * * This has been wholly confirmed by the action of the court in interfering with the commission in every way, even in plain defiance of the law as laid down by the Supreme Court of the United States. The record of this court of nullifiers in the first year of its existence should surely mean its prompt abolition. Here is its record:

First two decisions. San Francisco and Los Angeles switching cases: The commission held that as it is the practice of the railroads to impose no switching charge on an industry on its own tracks when team-track delivery was not called for, and that as this was true of 10,000 stations in the country an exception should not be made of San Francisco and Los Angeles. Order restrained by temporary injunction of the Commerce Court, Mack dissenting.

Next two. Cincinnati rate case: Shippers, through board of trade, sought a lower rate than that fixed by the commission from Cincinnati to Chattanooga. Demand denied by the commission. Appeal to Commerce Court; injunction denied by the court; i. e., the railroads sustained.

Fifth. Lemon rate case: Final decree by Commerce Court reversing the commission's order that the rate on lemons should be no more than $1. This order was based upon the proposition that the haul of lemons was on the average 400 miles less than the haul of oranges, and that the railroads themselves made the orange rate $1.15.

Sixth. The Procter & Gamble case: Right of the railroad to charge demurrage on private freight cars. Court upheld the commission in deciding that the railroad was right.

Seventh. Union Stock Yards: Commission held that this and the Chicago Terminal Railroad were one and the same thing, and that the stock yards could not give a bonus of $50,000 to a meat-packing plant in Chicago because this was, in effect, a rebate. Injunction by Commerce Court.

Next four cases. Goodrich Transit and White Star Line cases, involving the right to prescribe the accounting system on boat lines on the Great Lakes which did a port-to-port business. Injunction by Commerce Court, which leaves the commission with no basis on which to fix rates or to stop rebating.

Twelfth. Omaha bridge case, regulating the passenger fares. Commission's jurisdiction sustained!

Thirteenth. Omaha Commercial Club case, involving the lumber rates. Position of commission sustained!

Fourteenth. Federal Sugar Refining case: The trust refineries get 4½ cents for lightering their sugar to Jersey City. Held by the commission that the same should apply to the Yonkers refinery. Injunction by Commerce Court. This means about $500,000 a year advantage to the trusts.

Fifteenth. "Restricted rate" case: Held by the commission that carriers had no right to make a different rate on coal for use on railroad or street car lines or by factories and houses. Injunction by Commerce Court.

Sixteenth and seventeenth. A rate case to Durham, N. C., and the rate on precooled shipments of citrous fruits from California. Injunctions refused.

Eighteenth. Nashville grain cases: Held by the commission that transit privileges could not be granted to Nashville brokers in grain and refused to Atlanta brokers. Decision reversed by Commerce Court and injunction granted.

Twentieth. Meeker case: Coal rates to tidewater. Injunction refused.

Twenty-first. Salt Lake City rates from Missouri River. Temporary injunction declined.

Twenty-second. Next three cases, known as the Fourth Section cases, involving intermountain cities, the right to charge a higher rate to them from the Missouri River than to the coast. Commission enjoined.

Total of 24 cases. In one important case, the Salt Lake City case, the position of the commission was sustained and in five other trifling cases of little interest.

In the remaining 18 temporary injunctions or final decrees were granted or the railroads' position upheld.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the senior Senator from Minnesota [Mr. NELSON].

Mr. POINDEXTER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Martin, Va.	Shively
Bacon	Fletcher	Martine, N. J.	Simmons
Bourne	Foster	Myers	Smith, Ariz.
Bradley	Gallinger	Nelson	Smith, Ga.
Bristow	Gardner	O'Gorman	Smoot
Bryan	Gore	Oliver	Stephenson
Burton	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Tillman
Chilton	Johnson, Me.	Percy	Townsend
Clapp	Johnston, Ala.	Perkins	Warren
Crawford	Jones	Poindexter	Watson
Cullom	Lodge	Pomerene	Wetmore
Cummins	Lorimer	Rayner	Williams
Curtis	McCumber	Reed	Works
Dillingham	McLean	Root	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CRAWFORD. I ask that the amendment be read.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The SECRETARY. On page 158, line 1, after the word "States," insert a comma and the following:

And the procedure in the district courts shall be the same as heretofore in the Commerce Court, and the right of appeal from the district courts shall be the same as heretofore from the Commerce Court.

The VICE PRESIDENT. The question is on agreeing to the amendment, which has been stated.

Mr. WARREN. Mr. President, does not the Senator from Minnesota think it would be better to settle the main question whether or not we are to continue the court? Would it not be better to lay aside the amendment until that is settled?

Mr. NELSON. No; the committee amendment is to strike out section 10. If it is stricken out, that is the end of it. We have a right to perfect the text before your motion to strike out is put, and I aim by this motion to perfect the amendment.

Mr. WARREN. I make no point against it, except to ask if we should not have first an expression as to whether or not we shall have the court?

Mr. LODGE. Mr. President, on a question of order, if the Senate votes down the motion to strike out, the Senator from Minnesota can not then offer his amendment, because the Senate will have agreed to those specific words.

Mr. WARREN. I make no point of order. I simply make the suggestion.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. NELSON].

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. OVERMAN. On that I ask for the yeas and nays.

Mr. CUMMINS. Mr. President, I am heartily in favor of abolishing the Commerce Court, as I was earnestly opposed to its creation. But I differ so widely from some of the suggestions that have been made looking to its abolition that I feel that I must state the reasons which prevail with me.

I do not believe the members of the Commerce Court have been influenced by improper motives. I believe that, according to their lights, they have endeavored to faithfully administer the law. But I say now, as I said long ago, that a court superimposed as this is upon the Interstate Commerce Commission will very quickly become either its advocate or its enemy. As I understand human nature, it is wholly impossible for a special tribunal, having no duty whatever to perform except to criticize or to commend the action of another governmental department, to maintain an impartial attitude toward that subordinate or inferior department.

I prophesied when the court was created that, no matter how good its judges might be, no matter how earnestly they attempted to perform their duties, the thing would happen which the history of the court has shown has happened.

I believe five of the decisions of the Commerce Court have reached the Supreme Court of the United States, and all of them have been reversed. It has rendered other decisions which may not be reversed. I can not say as to that. But from the beginning it has taken, as it seems to me, a critical attitude toward the Interstate Commerce Commission that inevitably has led it into the error which has been so forcibly and so often pointed out by the Supreme Court of the United States.

This was my principal objection to the Commerce Court. But there was another objection—not so vital, but nevertheless entitled to a great deal of consideration. We did not need the Commerce Court. We have had put into commission five men, drawing immense salaries, with, of course, the equipment that goes with the court, without any necessity whatever.

I do not deny that the cases that have come before the Commerce Court have been decided with a little more celerity than the cases that were theretofore decided by the circuit courts. But the history of the whole subject prior to the creation of the Commerce Court conclusively established that the cases brought to enjoin the orders of the Interstate Commerce Commission were disposed of with reasonable speed. There was no undue or unnecessary delay. There was no unusual delay. It was apparent in 1910 that the circuit courts had disposed of these cases much more quickly than they had disposed of other cases of a general character. And when you consider that the proportion of cases in which the order of the commission has been suspended and neutralized by the Commerce Court is vastly greater than the proportion in which that result happened before the establishment of the court, I doubt whether it can be said that there is any more speed or celerity than before in the final disposition of the cases.

If you maintain this tribunal, superimposed as it is upon the Interstate Commerce Commission, you will always have just the result that has happened during the last year and a half—it matters not who may occupy these places. I do not appeal for the abolition of the court because of the men who, for the time being, occupy positions on the court. If I were opposed to it only on account of the incumbents, I would know that time would speedily remove my objection in that respect, for these judges go, one by one, year after year, from the Commerce Court to the circuits, and other judges come in to fill their places.

But the influences—and they are as inevitable and as irresistible as nature itself—that have brought about the results that we have observed in the last year and a half, will be equally effective when these places are filled by other circuit judges.

We ought not to perpetuate the system. It is bad, and its consequences must always, as it seems to me, be harmful to the people of the United States. This jurisdiction ought to be exercised by those judges who are appointed to administer justice generally and not to administer justice in a particular class or kind of cases. In that way, and in that way alone, as I believe, will we be able to maintain an effective judiciary, one in which the people of the country can repose absolute and unlimited confidence.

I have regretted very much that I am compelled to meet the question upon an appropriation bill. I wish that it were here in an independent measure. I think, however, that this attempt is not so censurable as many others in the way of legislation upon appropriation measures. It seems to me that when Congress comes to provide for the affairs of the Government, if it does not desire that a particular function of the Government shall be continued or a particular system maintained, it has a perfect right within the fair bounds of legislation, to say that we will appropriate no more money for the maintenance of that function or that system. The House has so done in this case, and the only difficulty about it is that when Congress refuses to appropriate for the maintenance of the Commerce Court it then becomes necessary to make some arrangement with regard to the cases which would otherwise be brought in the Commerce Court, and that compels the further provisions of this bill with respect to the transfer of the cases now pending and the bringing of future cases of like kind in another tribunal. I think that is a justification for the provision of the House bill, although, I repeat, I would be very glad if this were so separate from the other legislation that we could perfect it in the way in which it ought to be perfected.

The amendment just adopted, presented by the Senator from Minnesota, has met several of the difficulties which I suggested this morning. We now have the procedure that we applied to the Commerce Court applied to the district court, and we have the same remedies by appeal.

There is one thing, however, which is still lacking. I have not had time or I have not had the opportunity to frame an amendment to the bill as it passed the House in that respect, but it must be cured if it becomes a law. As you all know, it was not within the power of a single judge to issue an injunction restraining or suspending the order of the Interstate Commerce Commission prior to the creation of the Commerce Court. If we now abolish the Commerce Court and return all these cases that are pending and authorize others to be brought in the district court of like character, then a single district judge can issue an injunction suspending or setting aside or enjoining the order of the Interstate Commerce Commission. I am not willing to confer that power on any single man, especially as the district in which the suit will be brought is largely at the pleasure of the railway company complainant.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. I suggest to the Senator that we might vote this afternoon upon the committee amendment which strikes out the House provision abolishing the court and then probably let it go over until to-morrow, so that the Senator may frame his amendment if we determine to abolish the court.

Mr. CUMMINS. I am quite willing to do that, except that I have been advised from remarks made by Senators who are far better parliamentarians than I that if the committee amendment be voted upon and if it be rejected the vote is an adoption of the House text precisely as it is.

Mr. WARREN. With the addition of the amendment which has been agreed to.

Mr. CUMMINS. Precisely. I assume, however, that the difficulty I have now brought to the attention of Senators could be removed after the bill is reported to the Senate.

Mr. OVERMAN. I was going to suggest that the bill would be open to amendment after it reaches the Senate.

Mr. CUMMINS. I am sure, if these cases are to go to the district court, Senators will not want to give a single district judge, selected oftentimes, and, I think, in the greater number of instances, by the complainant—the railway company—the power to issue an injunction. I think we must make a provision that other district judges shall be called in, and that not less than three shall sit upon the hearing for a preliminary injunction.

Mr. NELSON and Mr. SMITH of Arizona addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to suggest to the Senator from Iowa that with my amendment incorporated in section 10 it practically leaves that section in conference, so that the matter to which the Senator refers can be adjusted in conference. Without my amendment, if we adopted the section bodily it could not be done, but with that amendment incorporated in it the whole section will be in conference.

Mr. CUMMINS. I know that, but I am not quite ready to intrust it to the conference. Without doubting at all the ability and the desire of the conferees to do exactly right in the matter, I would rather the Senate itself would attach such

provision in that respect as it believes necessary to protect the shippers of this country.

Mr. SMITH of Arizona. Will the Senator yield to me for a moment?

Mr. CUMMINS. I yield to the Senator.

Mr. SMITH of Arizona. I wish to make a suggestion to the Senator. I am in hearty sympathy with the statements of the Senator as far as I could hear them, but I several days ago doubted as to whether it would be germane to this particular bill. However, I have drawn this language which I hope the Senator may consider and perhaps improve:

That hereafter any rate fixed by order of the Interstate Commerce Commission shall be and remain the maximum rate that can be charged by any railroad or other common carrier against which such order is made, until a final judgment or order of a court of competent jurisdiction, after a full hearing on the merits, shall change or modify such order of said commission: *Provided, however,* That nothing herein shall be so construed as to prevent the said commission from modifying or changing such rate from time to time as justice or necessity may require.

Mr. CUMMINS. The Senator from Arizona, of course, knows that there has waged over the question which he presents in his amendment a very long debate, and that there is much difference of opinion with regard to the power of Congress to enforce the rate established by the commission until final trial of the case. I do not express any dissent from the views of the Senator from Arizona, but I would very much rather see the district judge to whom application is made for injunction reinforced by the presence of at least two other district judges before any injunction is or can be granted.

I have mentioned that, Mr. President, not in order to delay a vote upon the amendment of the committee, but rather as notice that before the bill shall be passed beyond the Senate I will present in some form an amendment that will cover the idea I have just stated.

Mr. REED. Do I understand the Senator from Iowa to say that it is seriously contended that Congress is without power to pass a law providing that injunctions shall not be issued against the order of the Interstate Commerce Commission until the hearings before the court have reached a certain stage provided by Congress?

Mr. CUMMINS. I do not know how the Senator from Missouri understood it. I do not remember just how I stated it, but the law is this: Of course, neither Congress nor the Interstate Commerce Commission can take property without due process of law. If the Interstate Commerce Commission were to establish a rate which required the railway company to render a service without due compensation it would be vulnerable to the constitutional objection and such an order would be in violation of the Constitution.

The only question that remains is when can that question be raised. There are lawyers who insist that we can take from the courts of the United States the authority to issue any temporary injunctions and leave whatever remedy the party complaining may be entitled to until a final trial upon the merits. There are other lawyers, however, who claim that the right to issue an injunction in a proper case is a part of the jurisdiction or power of the court which Congress can not take away. I did not express any opinion as between those contending principles.

Mr. REED. Mr. President, it would seem to me that the right of Congress to prescribe the kind of showing which must be made before a court in order to authorize that court to act is exactly the same character of limitation as the one proposed by the Senator when he suggests that the right to issue temporary injunctions shall be taken from any one judge and only be exercised when several judges are called together. Indeed, it would seem to me that the right of Congress to regulate the procedure and prescribe the character of evidence which must be produced before a court can act is more certainly within the power of Congress than a provision which requires several judges to be called together, because in the one case you simply legislate with reference to the procedure before a court, whereas in the second case you in effect deprive one of the courts of the United States of its jurisdiction entirely and substitute for it a jurisdiction in several judges called together in banc.

I am not saying this in opposition to the position of the Senator from Iowa, because I am heartily in accord with the thought that injunctions should not be improvidently or recklessly issued against the orders of this great commission.

Mr. President, if the power of injunction must be vested anywhere to withhold the orders of this great national commission, ranking, as it does, in the point of ability of its members, I think I can say, with any court save the Supreme Court of the United States, these orders should not be set aside except for the gravest reasons. It seems to me the power to enjoin its orders ought to be vested in the Supreme Court of the United States alone, or, perhaps, in the circuit courts of appeals.

While I am speaking to that, I simply want to offer this observation upon the Interstate Commerce Commission. Almost from the first some of the greatest lawyers of this country have sat upon that commission. Judge Cooley, who ranked in intellect and in learning, in my opinion, with any man who has ever adorned the bench of this country, sat upon it. It is a misfortune that the acts of boards created by States, the acts of boards created by the Government, acts of the legislatures which have been fully considered by the members of the general assemblies of the States and solemnly considered and signed by the governors of States, should be set aside by the decree of one man upon an ex parte hearing, sustained frequently by only one or two affidavits.

I trust that if the Senator from Iowa draws an amendment and presents it he will consider at least the propriety of vesting this injunctive power alone in either the United States courts of appeals or the Supreme Court of the United States.

Mr. CUMMINS. I should like to limit the scope of the preliminary injunction in a great many cases. I do not intend to try to settle this afternoon just what power we have in that respect. I would be very glad, if we could do it, to require a trial upon the merits before injunction could issue suspending the enforcement of an order of the Interstate Commerce Commission. Whether we can do that is a matter of grave difference among Senators and among lawyers. But all that I want to do at this time is to give notice that before the bill passes from the jurisdiction of the Senate I shall present an amendment that will require at least something more than the judgment of a single man to suspend an order which had been entered through the combined judgment and experience of seven men.

I remind the Senator from Missouri [Mr. REED], however, of the fact that the present law requires notice of an application for a temporary injunction, and the amendment presented by the Senator from Minnesota [Mr. NELSON] would carry that procedure into the district court, so that the hearing will not be or can not be purely ex parte.

Mr. HEYBURN. Mr. President, I think we should bear in mind that the judicial power of the United States is vested in the courts, not in Congress. Some of the discussion has been proceeding, it seems to me, upon the assumption that Congress could in some way exercise a control over judicial power. It can not direct the manner in which judicial power shall be exercised. Congress is authorized to establish courts and create their jurisdiction, but there is the widest distinction between jurisdiction and judicial power. We can not take away from the courts of the United States the judicial power, and if we can not take it away we can not modify it, because any modification of it is a partial taking. We must bear that in mind.

When we undertake to say that the courts of the United States shall not exercise a judicial power in this case or that, we are running against the constitutional prohibition. There have been at times, perhaps there are now existing, two schools of legal thought upon this question, but none of them go so far as to contend that Congress can control the exercise of judicial power. We want to avoid anything in this legislation that would seem to be an attempt on the part of Congress to infringe upon that right which is as distinct and as clearly patent in the Constitution as the right vested in Congress to perform legislative powers. We are not the masters of the Supreme Court. We can create courts and give them jurisdiction, but, I repeat, there is all the difference in the world between jurisdiction and judicial power. Jurisdiction brings the courts into existence, and then, being created and in existence, they act under the mandate of the Constitution of the United States.

Mr. President, while I am on my feet, as it is often said here, I call attention to the fact that so far as I remember the amendment now under consideration does not provide for a transfer of the records and proceedings of the Commerce Court to the district court. If we were to accept the House provision, then we find in that an attempt to provide for the transfer of the instrumentalities of legal procedure. Neither have we made any express provision here, so far as I remember, in any amendment, for the disposition of the officers of the Commerce Court and we might possibly consider the question of disposing of that furniture.

Mr. NELSON. Mr. President, without delaying the proceedings I want to call attention to the fact that in the very act of 1910 creating the Commerce Court, in section 17 it is provided:

That no interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restrain-

ing the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any justice of the Supreme Court, or by any circuit court of the United States, or by any judge thereof, or by any district judge acting as circuit judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit judge, or to a district judge acting as circuit judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court of the United States or a circuit judge, and the other two may be either circuit or district judges.

Under the judicial code adopted the district judges take the place of our circuit judges. This law is still in force, and the adoption of this amendment would not militate against it at all. The injunctions here referred to are injunctions relating to the enforcement of State statutes or State regulations regarding transportation. It is not general in character. The law in respect to injunction in other cases was left as in the original act. That is my recollection.

Mr. CUMMINS. I think the Senator from Minnesota is entirely right in that. All that I will insist upon at the proper time is that the very provision just cited by the Senator from Minnesota with regard to State statutes shall be made applicable to the orders of the Interstate Commerce Commission.

Mr. NELSON. I wish to say to the Senator that this is the next to the last section of the act creating the Commerce Court; that it acted as a restriction on that court and must continue to act as a restriction on the district court if we confer jurisdiction on it.

Mr. CUMMINS. I think the Senator from Minnesota did not quite understand me. The statute, however, does not cover the orders of the Interstate Commerce Commission. The statute only covers State statutes. I think we ought to be just as careful about suspending the operation of an order of the Interstate Commerce Commission as we have been respecting the jurisdiction of a State statute.

Mr. OVERMAN. Mr. President, upon the adoption of this amendment I call for the yeas and nays. The question, I understand, is upon the adoption of the amendment of the committee which is to strike out the House provision abolishing the court. Therefore, those who are in favor of the abolishment of the court would vote "nay" on agreeing to the amendment.

Mr. HEYBURN. I ask that the amendment be now stated in full.

The VICE PRESIDENT. May the Chair state that there were three separate amendments, which, for the purpose of discussion, were considered together? An amendment to the third amendment was offered and has been acted upon, but following the agreement that was entered into when the bill was first taken up what really should now be voted upon is the first amendment.

Mr. OVERMAN. That is the question in reference to the appropriation. If we vote on section 10 and abolish the court, as a matter of course we will disagree to the amendment on page 150, which is the first amendment. The amendment on page 150 is the appropriation for the payment of salaries of the court. I suggest that we take up section 10, which brings up the whole question, and if the amendment of the committee should be adopted, then the question would be on agreeing to the appropriation for salaries of the court.

The VICE PRESIDENT. The Chair thinks that would be the better way to proceed. If there is no objection, that order will be followed.

Mr. POINDEXTER. It is suggested by the Senator from Iowa that there is no express provision for transferring the records of the Commerce Court to the district court.

There is a provision in the House bill transferring pending cases. It is also suggested that there is no provision abolishing the office of clerk and marshal of the court. That would probably go along with the abolishment of the court; but, in order to make those matters perfectly clear, I offer the amendment which I send to the desk to section 10, page 157, line 21, to insert, after the words "Commerce Court," the words "and all the offices thereof"; and in the same line to strike out the word "is" and to insert the word "are"; also, on page 158, line 4, after the word "cases," where it provides for the transfer of cases, I move to insert "and all the records therein."

Mr. HEYBURN. "Records, papers, and proceedings."

The VICE PRESIDENT. Will the Senator please send the amendment to the desk?

Mr. POINDEXTER. Yes. I also move to insert, after the word "cases," in line 16, on the same page, the words "and the records of said court."

Mr. HEYBURN. I would suggest that the language used in other acts is "the records, papers, and proceedings."

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 10, on page 157, line 21, after the word "court," it is proposed to strike out the word "is" and to insert "and all the offices thereof are"; on page 158, line 4, after the word "cases," to insert "and all the records therein."

Mr. HEYBURN. It should read, "records, papers, and proceedings."

Mr. POINDEXTER. I accept the suggestion of the Senator from Idaho, and move that the words "records, papers, and proceedings therein" be inserted.

The SECRETARY. And on page 158, line 16, after the word "cases," it is proposed to insert "and the records of said court."

Mr. OVERMAN. Also "papers and proceedings."

Mr. HEYBURN. Mr. President, let us see that we are not making a mistake. We are now proposing to amend something that is not in the bill as it came to the Senate.

The VICE PRESIDENT. Yes; it is in the bill.

Mr. HEYBURN. Well, it is stricken out.

The VICE PRESIDENT. The Senate committee has a proposition pending to strike it out, but it is still in the bill. It stays in the bill until it is stricken out.

Mr. WARREN. There is a Senate committee amendment proposing to strike it out, and this is an amendment to the Senate committee amendment.

Mr. HEYBURN. I see the Senator is right.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER] to the amendment.

Mr. BACON. I understood the Senator did not hear what the Chair had announced, but I understood the Senator from Wyoming to say that this was an amendment to the Senate committee amendment. That is not a correct statement. As I understand, these are amendments to the provision as it comes from the House; in other words, exercising the privilege to perfect an amendment before the motion to strike out is put.

The VICE PRESIDENT. The Senator correctly states it.

Mr. WARREN. That is true; but technically the committee amendment is merely to strike out.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The VICE PRESIDENT. The Senator from North Carolina [Mr. OVERMAN] asks for the yeas and nays upon the question of agreeing to the Senate committee amendment as amended.

The yeas and nays were ordered.

Mr. NELSON. This is on agreeing to strike out the section. Is that the motion?

The VICE PRESIDENT. That is the motion; and an affirmative vote is in favor of striking it out.

Mr. POINDEXTER. I understand that an affirmative vote——

Mr. CULBERSON. Regular order!

Mr. POINDEXTER. I wish to make a parliamentary inquiry. An affirmative vote now, I understand, is in favor of retaining the Commerce Court?

The VICE PRESIDENT. An affirmative vote is in favor of striking the provision from the bill. The Secretary will proceed with the roll call.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. I do not see him on the floor, and therefore I withhold my vote.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). I desire to say that my colleague [Mr. CLARK of Wyoming], who is absent on business of the Senate, on this question is paired with the Senator from Missouri [Mr. STONE].

Mr. FOSTER (when his name was called). I have a pair upon this question with the junior Senator from California [Mr. WORKS]. If he were present, he would vote "nay," and if I were at liberty to vote, I should vote "yea."

Mr. GALLINGER (when his name was called). On this vote I am paired with the Senator from Arkansas [Mr. CLARKE].

Mr. GARDNER (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. CRANE] upon this amendment. I transfer that pair to the junior senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to announce that my colleague [Mr. GAMBLE] is paired with the junior Senator from Oklahoma [Mr. OWEN].

Mr. MARTIN of Virginia (when Mr. LEA's name was called). The Senator from Tennessee [Mr. LEA] is unavoidably absent. He is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily detained from the Senate. As has been stated, he is paired with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence, I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is necessarily absent. On this vote he is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL], who is absent. I have been informed that, if he were present, he would vote "nay." I am extremely anxious to vote in this case, but not having heard directly from the Senator from New Mexico, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, and I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the Senator from Arkansas [Mr. CLARKE]; but I will transfer that pair to the Senator from Tennessee [Mr. SANDERS] and vote. I vote "yea."

Mr. JONES. I am requested to announce that the senior Senator from Kansas [Mr. CURTIS] is paired with the senior Senator from Nevada [Mr. NEWLANDS].

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If he were present, and I were at liberty to vote, I should vote "yea."

Mr. HEYBURN (after having voted in the negative). Mr. President, I desire to announce that I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I have been advised that if he were present he would vote "nay," and therefore I have voted. I do not see him in the Chamber, and I have not been personally instructed by him that I was at liberty to vote. I will therefore withdraw my vote.

The VICE PRESIDENT. The Senator from Idaho withdraws his vote.

Mr. JOHNSTON of Alabama. I am quite satisfied if the senior Senator from Alabama [Mr. BANKHEAD] were present he would vote the same way as has the Senator from Idaho.

Mr. HEYBURN. On the strength of the statement of the Senator from Alabama, I will allow my vote to stand.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is necessarily absent. He has a general pair with the junior Senator from Maine [Mr. GARDNER]. If present and at liberty to vote, my colleague would vote "yea."

The result was announced—yeas 24, nays 36, as follows:

YEAS—24.

Bradley	Gallinger	Oliver	Stephenson
Burton	Jones	Page	Sutherland
Catron	Lodge	Perkins	Thornton
Cullom	Lorimer	Root	Townsend
Dillingham	McCumber	Smith, Mich.	Warren
du Pont	McLean	Smoot	Wetmore

NAYS—36.

Ashurst	Culberson	Johnston, Ala.	Pomerene
Bacon	Cummins	La Follette	Rayner
Bourne	Fletcher	Martin, Va.	Reed
Bristow	Gardner	Martine, N. J.	Shively
Bryan	Gore	Myers	Simmons
Chamberlain	Gronna	Nelson	Smith, Ga.
Chilton	Heyburn	Overman	Swanson
Clapp	Hitchcock	Percy	Tillman
Crawford	Johnson, Me.	Poindexter	Watson

NOT VOTING—34.

Bailey	Crane	Kern	Sanders
Bankhead	Curtis	Lea	Smith, Ariz.
Borah	Davis	Lippitt	Smith, Md.
Brandegee	Dixon	Newlands	Smith, S. C.
Briggs	Fall	O'Gorman	Stone
Brown	Foster	Owen	Williams
Burnham	Gamble	Paynter	Works
Clark, Wyo.	Guggenheim	Penrose	
Clarke, Ark.	Kenyon	Richardson	

So the amendment of the committee was rejected.

The VICE PRESIDENT. The question now is upon agreeing to the amendment on page 147, which the Secretary will state.

Mr. WARREN. I prefer to first take up the amendment on page 150.

The VICE PRESIDENT. Without objection, action will next be taken upon the amendment on page 150, which the Secretary will state.

The SECRETARY. On page 150, beginning at the top of the page, it is proposed to insert:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. There is an amendment on page 147, which was passed over.

Mr. WARREN. Mr. President, I do not know whether exactly the same question is involved in the amendment on page 147, but I should like to have it read, so that Senators may consider it.

The VICE PRESIDENT. The Secretary will state the amendment on page 147.

Mr. OVERMAN. Mr. President, that presents a very important question as to whether or not the abolition of the Commerce Court abolishes the judges of that court. It seems that the House thought not, because they have provided here that no further circuit judges shall be appointed until their number shall be reduced to 29, and that thereafter there shall not be more than 29 circuit judges. My own opinion is that the adoption of the House provision as to abolishing the court abolishes the judges.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. HEYBURN. Mr. President, I should like to make this suggestion to the Senator from North Carolina. These judges were not created as judges of the Commerce Court, but were created as judges of the United States circuit courts as then established.

Mr. OVERMAN. I know that is the question involved.

Mr. WARREN. The question now is whether we wish to reduce the number of circuit judges to 29 as fast as the present judges may die or retire.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 147, after line 10, it is proposed to strike out:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. CUMMINS. Mr. President, a part of that amendment I favor entirely, but there is a part of it that I do not quite understand. I ask the attention of the Senator from North Carolina. The law under which these judges were appointed reads as follows:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court for any district, or the circuit court of appeals for any circuit or in the Commerce Court.

These five judges are therefore assignable to any circuit by the Supreme Court of the United States.

Mr. OVERMAN. I am aware of that fact, but I want to say to the Senator——

Mr. CUMMINS. Therefore, unless we desire to relieve them of their offices—and I do not understand the House bill goes to that extent—it is perfectly clear that they would be assigned to the various circuits. What does the Senator from North Carolina think of the provision that thereafter—that is, after the whole number of circuit judges is reduced to 29—there shall not be more than 29 circuit judges?

Mr. OVERMAN. I do not agree to that at all.

Mr. CUMMINS. I hoped the Senator from North Carolina would not agree to that, because we do not know how many circuit judges we may require as the years go on.

Mr. OVERMAN. I do not agree to that; I agree with the Senator. I also think that there ought to be an amendment repealing the section of the law which makes judges of the Commerce Court circuit judges. I understood the Senator from Minnesota was going to offer an amendment which would repeal the provision of law creating the judges of the Commerce Court. I think the idea of the Senate is that these judges ought to be abolished as well as the court.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. I had intended to introduce such an amendment. My own judgment is, however, that we had better adopt the House language in lines 11 and 12 down to the word "nine," in line 13. That prohibits the appointment of any more judges until the number is reduced to 29, and then we could strike out the House provision limiting the number of circuit judges to 29, and take up later the question of disposing of these five judges.

Mr. CUMMINS. So far as I am concerned I had it in mind to offer just that amendment, but I do not believe that we should say that thereafter there shall be no more than 29 circuit judges.

Mr. CRAWFORD. May I ask the Senator a question?

Mr. CUMMINS. Yes.

Mr. CRAWFORD. I may betray my ignorance in doing so, but how many circuit judges have we now?

Mr. CUMMINS. Thirty-four.

Mr. CRAWFORD. This, then, is a proposal to reduce the existing number from 34 to 29?

Mr. CUMMINS. It is.

Mr. CRAWFORD. How is such a thing as that to be done?

Mr. CLAPP. The Senator does not understand the question.

Mr. CUMMINS. If any circuit judge should die or resign, then it is intended to prevent the appointment of anyone in his place until the whole number is reduced to 29.

Mr. POINDEXTER. This whole number of 34 includes the judges of the Commerce Court.

Mr. CRAWFORD. The existing 34 includes the members of the Commerce Court?

Mr. CUMMINS. It does.

Mr. CRAWFORD. And we have abolished the court so that it leaves these judges to perform the duties of circuit judges under some assignment to the respective circuits; but I have not yet been able to quite understand the proposal to reduce the number of circuit judges from 34 to 29.

Mr. CUMMINS. I do not believe that the provision ought to be in the bill at all. We have 34 circuit judges now. If the Commerce Court is abolished, and if one of the circuit judges shall die or resign, then it is for Congress to determine whether we need another circuit judge. The 5 circuit judges who are upon the Commerce Court simply go out into the circuits and take up the general work of those courts.

Mr. WARREN. Will the Senator allow me?

Mr. CUMMINS. Yes.

Mr. WARREN. I understand that now the judges who are doing the work of the Commerce Court are assigned from time to time to aid in the circuits where the judges are overworked. I understand they have been to Arizona and to other States.

Mr. CUMMINS. I so understand.

Mr. WARREN. As I understand, we have 34 circuit judges, 5 of whom are on the Commerce Court, detailed to that court, and while they have been doing the work of the Commerce Court they have also been doing work under assignment in the circuits. It seems to me that this provision in the House bill is far too drastic, because it states that hereafter there shall not be more than 29 circuit judges. Of course, we can correct that by legislation; but is it necessary now to say that? That is the question.

Mr. CUMMINS. Obviously not; we ought not to say it.

Mr. WARREN. First, I think we ought to settle whether we want 34 circuit judges and whether there is need for the extra judges in the different circuits. In many of the circuits the work is piled up and the judges are far behind. That being determined, the question is whether you shall retain 34 circuit judges or gradually reduce the number to 29.

Mr. CRAWFORD. If we decide that we do not want the 34 and in a blanket declaration reduce the number to 29, who is going out? There are 34 circuit judges now.

Mr. CUMMINS. Answering the Senator from South Dakota, so far as I am concerned, I do not think any part of this provision ought to be in the bill.

Mr. WARREN. None of them go out of office, as I understand, until they die, resign, or retire; but as they retire the number is finally reduced to 29, if the House provision is to govern, because no other judges will be appointed in their place.

Mr. CRAWFORD. We can cross a river of that kind when we come to it.

Mr. WARREN. That is why I wanted this question considered and decided on an entirely different basis than that regarding the Commerce Court proper.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. POINDEXTER. I understand the view of the Senator from Iowa is that if these lines in the House bill should be omitted altogether the effect would be the same as though they were retained, so far as reducing the number of circuit judges is concerned?

Mr. CUMMINS. No. If the House provision in this respect is retained, when a vacancy occurs, either by death or resignation, we have a law that prohibits the President from appointing any person to fill that vacancy. If, on the other hand, the language of the House is not retained, upon the happening of that event it would be for Congress to determine whether the judicial force of the United States ought to be enlarged.

Mr. POINDEXTER. Would it not be the duty of the President to make the appointment without any action of Congress? If the vacancy occurs, he would make the appointment, and it would be sent to the Senate for confirmation.

Mr. CUMMINS. I do not think so.

Mr. HEYBURN. Suppose I read the law, if the Senator from Iowa will permit me.

Mr. CUMMINS. Very well.

Mr. HEYBURN. This law was enacted since the Commerce Court was created, and of course will take precedence. The provisions with reference to the circuit courts are definite. The judges are not appointed at large; the appointment must be to some circuit. None of the judges of the Commerce Court are accredited to any circuit. Since the enactment of the Commerce Court law we have enacted this law:

SEC. 116. There shall be nine judicial circuits of the United States, constituted as follows—

Then they are described.

SEC. 117. There shall be in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Section 18 provides:

There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, two circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate.

That is all the circuit judges there can be under existing law.

Mr. CUMMINS. I do not understand the law quite that way, Mr. President.

Mr. HEYBURN. I have read it.

Mr. CUMMINS. I mean I do not give it the interpretation the Senator from Idaho does. We have 34 circuit judges actually in existence. If you will multiply 9 by 3 you have 27, and then if you will add the circuits that are entitled to 4 you will have 29, and you will still have 5 circuit judges unaccounted for, and they are the circuit judges who are now holding the Commerce Court.

Mr. HEYBURN. I will come to that in a moment.

Mr. SMITH of Georgia. Will not the Senator from Idaho speak a little louder; we can not hear him, and we are very much interested in our local circuits.

Mr. HEYBURN. Yes; I will.

Mr. CUMMINS. Mr. President, what would happen under the statement made by the Senator from Idaho—and his statement is absolutely correct—if a circuit judge in any circuit should die or resign? That circuit is entitled to three judges or four, as the case may be.

Mr. HEYBURN. They are fixed definitely.

Mr. CUMMINS. There are two or three circuits that have four judges.

Mr. LODGE. Three circuits have four judges.

Mr. CUMMINS. Thereupon one of the circuit judges now holding the Commerce Court could be assigned to that circuit, and it would still have the three judges that the law requires, or the four judges, as the case may be.

Mr. HEYBURN. I think not. Now, let us see. If the Senator will pardon me, I think we can straighten out this matter from a law subsequent to the act creating the Commerce Court.

This is a provision in the judiciary act—existing law:

There shall be a court of the United States, to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges—

That is the Commerce Court. That is not a circuit court. We changed this somewhat in revising the judiciary act, so that it is not safe to take the act creating the Commerce Court as printed there.

Now let me read further:

The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years—

That does not necessarily involve enlarging the number of circuit judges, because under that provision the circuit judges already designated, to whom I have called attention, would be drawn upon to constitute the court.

But then there is this provision:

Except that in the first instance the court shall be composed of the five additional circuit judges referred to in the next succeeding section, who shall be designated by the President to serve for one, two, three, four, and five years, respectively—

That is a different class of judges. They are not circuit judges. They are not assigned as is provided in the main act. Under the general judiciary act the assignments are made by the Chief Justice, and under this provision they are made by the President.

Now, let us read a little farther. Probably we have been in error in taking the original act as the law of to-day:

In order that the period of designation of one of the said judges shall expire in each year thereafter.

Those are not United States circuit judges. They are judges appointed by the President of the United States in the first instance to inaugurate or install this court. Now, let us see what their status is.

Mr. CRAWFORD. Mr. President, let me ask the Senator this question. Were they not appointed by the President as United States circuit judges, and were they not confirmed by the Senate as United States circuit judges?

Mr. HEYBURN. Not the first five.

Mr. CRAWFORD. Were they created as anything except United States circuit judges by the act under which they are holding their offices?

Mr. HEYBURN. They are holding their offices under the act I am reading, but it does not designate them as United States circuit judges. It provides for two classes of judges to hold the Commerce Court. That is, the first class, the members of which are designated, not as United States circuit judges, but as judges of this court. It is just possible that when their terms expire——

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. CULBERSON. I call the attention of the Senator from Idaho to the fact that by this act, in express terms, they are appointed circuit judges, and not judges of this court:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, etc.

Mr. HEYBURN. I am reading from a subsequent act.

Mr. CULBERSON. I am reading from the act of June 18, 1910, under which these very judges were appointed.

Mr. HEYBURN. I am reading from the judiciary act of 1911.

Mr. PAYNTER. With the Senator's permission, I will invite his attention to the fact that when this matter was under discussion arguments were made against the constitutionality of the proposed act creating the court, because the judges of another court were authorized to preside over this court. I think in that discussion every argument that was made against the constitutionality of the court was based upon that consideration. If you should repeal the act creating the court, would not the effect of it be simply this, that certain duties which are now performed by circuit judges would be no longer required to be performed by them?

Mr. HEYBURN. That is true.

Mr. PAYNTER. You would simply diminish the duties that the circuit judges perform.

Mr. HEYBURN. That is true.

The judges appointed to preside over the Commerce Court under the act of 1911 are still in office. We have not yet reached the period in our history where it becomes necessary to take into consideration the other provision, because these were temporary appointments.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly; I yield.

Mr. SMITH of Georgia. Does the Senator from Idaho take the position that we can abolish these places and stop paying the salaries and get rid of these judges altogether?

Mr. HEYBURN. Yes.

Mr. SMITH of Georgia. Then let us do it.

Mr. HEYBURN. I will see if I can make that plain enough to be acceptable.

When this court was created the law first provided for a temporary administration by the appointment of five additional judges. Those are the judges that are now holding the court. They are not assigned to any circuit. They are not circuit judges of the first or the seventh or the ninth or any other circuit. Their tenure of office is existent. When their term of office expires—that is, the five-year term expressed in the bill—we shall have to draw on the general body of circuit judges. We have not yet reached that point.

Now let us proceed a little further:

Who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter. In case of the death, resignation, or termination of assignment of any judge so designated the Chief Justice shall designate a circuit judge to fill the vacancy so caused.

That contingency never has arisen.

And to serve during the unexpired period for which the original designation was made.

That contemplates the end of a term of service by these judges appointed to be assigned by the President. They do not come under the class of judges that are to be designated or assigned by the Chief Justice of the Supreme Court. They are a class to themselves; and it is not until there is a vacancy in that class that we will begin to put into operation the provision of law for assigning circuit judges to this court.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Yes.

Mr. PAYNTER. I should like to submit this suggestion to the Senator: Suppose this court had continued to exist for 5 years or 10 years, as the case might be, and the act creating it were repealed, what would be the effect of it? Would it operate to deprive these judges of their official positions as circuit judges?

Mr. HEYBURN. It is provided for on the face of the bill.

Mr. PAYNTER. Suppose the terms of the first five judges had expired and five other judges were presiding over the court, what judges would be eliminated as the circuit judges?

Mr. HEYBURN. It is provided for in this act in express terms. The act says that upon the expiration of the terms of these provisional judges, if I may term them such, then for the first time the circuit judges shall enter upon the performance of this duty.

Mr. PAYNTER. Mr. President, I do not think the Senator has at all answered the question I suggested. Suppose the "additional judges" created by that act were no longer serving as judges of this court and had been sent out to various circuits in the country, what would be the effect if we should abolish the court? Would it deprive of their offices as circuit judges the judges who happened to be presiding over this court at the time the act was repealed?

Mr. HEYBURN. No; not their offices of circuit judges, because there is no provision here for circuit judges, except judges of the circuits.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I yield.

Mr. SMITH of Georgia. I understand the position of the Senator from Idaho to be that these judges are not circuit judges in the ordinary sense, and that the law does not now provide for their assignment.

Mr. HEYBURN. No; they are additional circuit judges.

Mr. SMITH of Georgia. And by the abolishment of the court we can at the same time cut off their salaries.

I was going to suggest this amendment. On page 147, after line 10, I propose to insert:

Provided, That no part of said sum shall be applied to pay any salaries to any of the circuit judges now serving as judges of the Commerce Court after the 1st day of July, 1912.

Mr. HEYBURN. Now, let us take the original language in regard to this matter. Let us take the last paragraph on page 1 of public act 218, and we will see that the language there is not inconsistent with what I have read:

The Commerce Court shall be a court of record, and shall have a seal of such form and style as the court may prescribe.

Now, I am reading the original act.

The said court shall be composed of five judges, to be from time to time designated and assigned—

It does not say "of five circuit judges," but—

shall be composed of five judges.

And they are termed not "circuit judges," but "additional judges," in this law.

To be from time to time designated and assigned thereto by the Chief Justice of the United States from among the circuit judges of the United States.

That is the assignment that is made by the Chief Justice of the Supreme Court of the United States. There are two classes of judges. Those of one class are assigned by the Chief Justice and those of the other class are assigned by the President.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. I want to say to the Senator, in connection with this matter, that I have a letter, dated the 4th of this month, from the Attorney General concerning the assignment of these judges to their work in different circuits. When the Senator has concluded, I will ask to have the letter read.

Mr. REED. Mr. President, it is impossible to hear the Senators.

The VICE PRESIDENT. The Senator from Missouri rises to a point of order, that there is so much confusion in the Senate that it is impossible to hear what Senators are saying. It seems to the Chair that the point of order is well taken.

Mr. HEYBURN. Mr. President, if the Senate is in order——

The VICE PRESIDENT. The Chair will assume that it is.

Mr. HEYBURN. I will proceed to say to the Senator from Wyoming that I have no objection at all to his interjecting the letter of the Attorney General. It may possibly throw some light upon the question under discussion.

Mr. WARREN. It gives the idea of the Attorney General as to their employment. It may either come in now or when the Senator has finished.

Mr. HEYBURN. It had better come in now.

Mr. WARREN. Very well; I will send it to the desk now and ask to have it read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 4, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

MY DEAR SENATOR: In connection with any discussion which may arise over the provisions in the legislative bill restoring the appropriations for the Commerce Court, may I draw your attention to one feature of the law relating to that court which in experience has been found to be of great public benefit. I refer to that provision which authorizes the temporary assignment of the judges of that court to hold court in any part of the United States from time to time, as designated by the chief justice, when, in the opinion of the presiding judge of the court, their services are not needed in the court itself. This, in effect, creates a body of five circuit judges at large, who may be sent to places where there is a congestion of business or a shortage of judges; and but for the existence of this provision during the last year there would have been a much greater congestion of public business even than there is in many parts of the United States. For instance, Judge Carland was assigned to and sat in the circuit court of appeals in the eighth circuit during January of this year and came back with 20 cases in which he had been deputed to write the opinions of the court; and I have now a request from the senior circuit judge of that circuit asking that he be assigned to sit in the circuit court of appeals at the Denver term in September. Judge Hunt sat in the circuit and district courts in Montana from the middle of December until the end of January. He was then assigned to sit in the district court of Arizona during the month of April, and on May 1 he went to San Francisco to sit in the circuit court of appeals, to which he was assigned for May and June and where he is now sitting. Judge Mack sat in Chicago in all the Federal courts during the month of January and also during the month of March. On May 1 he went to Arizona, and has sat in the district court there during the entire month of May. Presiding Judge Knapp has, as you doubtless know, been engaged for some weeks past in negotiations under the Erdman Act with Commissioner of Labor Neill in the negotiations for the settlement of one of the most serious labor troubles which has been impending over this country for a long time.

This feature of the usefulness of this body of judges has not been brought very sharply to the attention of the public. I venture to say that no body of five judges in the country has rendered more useful services in more various lines than this body has done since its appointment.

I am, faithfully, yours, GEO. W. WICKERSHAM,
Attorney General.

Mr. HEYBURN. That is simply an argument in favor of having a roving board of judges.

Mr. OVERMAN. Will the Senator allow me to throw some light on this question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. The nominations of these judges were sent in by the President and were confirmed by the Senate. I read:

To the Senate of the United States:

I nominate Martin A. Knapp, now serving as chairman of the Interstate Commerce Commission, to be additional circuit judge of the United States for the second judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for five years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate Robert W. Archbald, of Pennsylvania, now serving as United States district judge, middle district of Pennsylvania, to be additional circuit judge of the United States for the third judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for four years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate William H. Hunt, of Montana, now serving as associate judge of the Court of Customs Appeals, to be additional circuit judge of the United States for the ninth judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for three years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate John Emmet Carland, of South Dakota, now serving as United States district judge, district of South Dakota, to be additional circuit judge of the United States for the eighth judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stat., 540), and hereby designated to serve for two years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate Julian W. Mack, of Illinois, to be additional circuit judge of the United States for the seventh judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stat., 540), and hereby designated to serve for one year in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

Mr. HEYBURN. Now, Mr. President, there was no law authorizing the appointment of additional judges to these circuits at the time the appointments were made.

Mr. SMITH of Georgia. There was no statute?

Mr. HEYBURN. No. There was no statute authorizing the appointment. I have it before me.

Mr. BACON, Mr. SUTHERLAND, Mr. SMITH of Georgia, and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I yield.

The VICE PRESIDENT. To whom?

Mr. HEYBURN. I will yield to the Senator from Georgia.

Mr. BACON. I wish to make a statement and not to occupy the floor.

While there was in the law which authorized them to be appointed no provision that they should be appointed as judges of any particular circuit, there was a provision in the law which required that no two of them should be appointed from the same circuit, and for that reason the particular circuits from which they came were specified.

Mr. HEYBURN. It was merely for the purpose of complying with that prohibition.

Mr. SUTHERLAND. The provision of the law was as follows:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

As I recall the appointment of these judges they were designated as being "from" certain judicial circuits but not "of."

Mr. HEYBURN. And not "to."

Mr. SUTHERLAND. Not "to" or "of."

Mr. HEYBURN. That is the idea. As suggested by the Senator from Georgia, it was merely to comply with the prohibition that no two should be from the same circuit. It has nothing to do with the question whether or not they are circuit judges of that circuit. We did not confirm them as circuit judges from the second, the third, or the seventh district. We confirmed them as additional roving circuit judges designated to serve in this court, if it was a court, but making no provision for their service as circuit judges in any circuit of the United States.

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. No.

Mr. SUTHERLAND. They were to be from time to time assigned by the Chief Justice to serve in any circuit court—now in any district court—or in any circuit court of appeals.

Mr. HEYBURN. That is true, but that does not meet the question. They were not circuit judges of that circuit. They were a roving body of judges termed, in the act creating the court, five additional judges. There is a grave question whether or not we can create a number of circuit judges outside of those necessary and proper to sit in the circuits. In other words, if we can create a roving body of 5, why could we not create 20? The principle is the same.

Now, we are about to abolish this court, and there is no longer any court to which these judges are attached by law. If they are attached hereafter it must be by assignment by the Chief Justice of the Supreme Court. He is not authorized to assign anyone to a circuit except the circuit judges, who are appointed as such and accredited to the circuits named in the appointment. No one of these men came to the Senate for confirmation as circuit judges of any circuit. They came here for confirmation as judges of the Commerce Court.

Now, we had to deal with this with a great deal of care, and it had a great deal of thought and consideration in reforming the judiciary laws which are now in the form of the code. So if anyone can find a place where these judges belong, I would be glad to be enlightened upon that subject. With this court abolished they do not belong in any one of the nine circuits. They may be assigned, or might have been assigned—as under the old law a district judge was assigned—to sit in the court of appeals, which was continually done, but that law no longer exists. When this code was adopted all that old system passed away.

Mr. BACON. I should like to ask a question of the Senator from Idaho. When there was before the Senate the bill which organized this court, I was very strongly of the opinion that the law would be unconstitutional if enacted, and I still am of that opinion, so far as the constitution of the court is concerned. In other words, I took the position that the circuit judges existing at the time had been appointed to the execution of the duties of circuit judges and that one could not be deprived of his office for the term of five years and assigned to duty in another court, pending which time he was prohibited from exercising the duties of circuit judge in the court to which he had been originally appointed. I still think that is an unconstitutional law.

The question I want to propound to the Senator is this: If the organic law by which this court was created, and in the constitution of which necessarily the appointment of the judges was a constituent and essential part, was itself unconstitutional, would or would not that carry with it the invalidity of the appointment of any judge under it?

Mr. HEYBURN. That would apply only after the expiration of the provisional court, and if we repeal the law we get rid of it.

Mr. BACON. The Senator does not catch my exact point.

Mr. HEYBURN. Yes; I think I do.

Mr. BACON. I am very anxious to agree with the Senator, because I would be very glad to get rid of these judges. I was very sorry to see them authorized in the first instance.

The only doubt in my mind is whether, if they were legitimately appointed as circuit judges in the first instance, the abolition of this court will carry the judges with it.

There is no doubt about the fact—we all recognize it—that if they were appointed judges of the Commerce Court, the abolition of the court would abolish the judges as well as the court. But the question in my mind is this: If the law creating the court is unconstitutional—I think it is; I have never had a doubt in my mind on that question—would or would not that provision of the law which made provision for the appointment of the judges be with the balance of it an unconstitutional enactment?

Mr. HEYBURN. I do not think it would affect the constitutionality of the act creating the court merely because Congress made an unconstitutional provision with reference to who should preside over the court. I do not think it would go that far.

Mr. BACON. I was in hopes it would.

Mr. HEYBURN. I am giving my conscientious judgment.

Mr. BACON. Of course I want to agree with the Senator, if I can.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Certainly.

Mr. PAYNTER. I should like to interrupt the Senator.

Mr. HEYBURN. Do not hesitate.

Mr. PAYNTER. If they are not circuit judges why are they called additional circuit judges?

Mr. HEYBURN. They are additional circuit judges for the purpose expressed in the very act where the term is used.

Mr. PAYNTER. If the purpose was not to increase the number of circuit judges and to make them circuit judges as much as any other circuit judges, why were they not designated as judges of the Court of Commerce?

Mr. HEYBURN. There is no such thing as a circuit judge, except he is a circuit judge of some court designated by law.

Mr. PAYNTER. Under the law these judges can perform other duties than those of judges of the Court of Commerce.

Mr. HEYBURN. By assignment.

Mr. PAYNTER. By assignment, the same as the other judges. Do they lose the power to perform these other duties because they are relieved of the necessity of presiding over the Court of Commerce?

Mr. HEYBURN. We create courts under the Constitution. That is the only thing we are authorized to do in that connection. The court is the basis of all subsequent action, and we are authorized to create courts inferior to the Supreme Court.

Now, in the creating of a court we are of course necessarily authorized to provide for the judges of that court, but we are nowhere authorized in the Constitution or elsewhere to create judges except to preside over an established and designated court. If we could, we might have a reserve corps of judges on hand to be sent out here and there upon assignment.

Mr. PAYNTER. I agree with the Senator on that question substantially as he has stated it. But when this court was created the law created additional duties to be performed by circuit judges, and they were directed to preside over this Court of Commerce, and they are as much judges of a circuit as any other judges.

Mr. OVERMAN. May I ask the Senator from Idaho a question? I should like to have his opinion. Suppose we make provision that the judges created by that act are hereby abolished. Does the Senator think we could abolish them?

Mr. HEYBURN. That question would arise if we were to attempt to abolish the circuit courts.

Mr. OVERMAN. Can we not abolish the circuit courts?

Mr. HEYBURN. We have abolished the circuit courts.

Mr. OVERMAN. Could not we destroy every circuit court in this country and every court below the Supreme Court of the United States?

Mr. HEYBURN. We have abolished circuit courts by that act, but we have created a new court in which the circuit judges shall perform their functions—that is, the circuit court of appeals. The circuit court of appeals takes the place of the circuit courts so far as providing duties for the circuit judges.

I have some doubt in my mind as to whether or not, having created courts, we are at liberty to abolish them. I have grave doubts as to our power to abolish all of the courts except the United States Supreme Court. The Constitution gives us power to create courts, but does not give us power to abolish them. It says in express terms that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish."

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. Does not the very language "from time to time" settle the question that Congress could not only create but abolish circuit judgeships; and did not the Congress of 1801 to 1803 abolish a good many of them?

Mr. HEYBURN. I am not urging this as a final conclusion. It is a question in my mind that is open, and has been for years, as to how far Congress could go in abolishing courts that it had established pursuant to the constitutional power and mandate.

Mr. WILLIAMS. My recollection may be at fault, but it is to the effect that the Congress which was serving in the last year of John Adams's administration created a lot of Federal judgeships for the purpose of perpetuating them upon the bench, or whatever the purpose may have been; it created them at any rate, and the Congress which came in with Mr. Jefferson abolished every one of them.

Mr. HEYBURN. That is rather an interesting piece of historic controversy, and it is a pretty large subject. Chief Justice Marshall came in on the last day of the old Federal administration, and it was a very great controversy at that time. But it did not deal with or settle the question as to whether or not it is within the power of Congress, having created a judiciary system, to destroy it and strip it down to the Supreme Court of the United States and rest in that tribunal the duties of the administration of the law so far as the courts do administer it.

Mr. WILLIAMS. I take it for granted that if there had been any standing in court for the abolished judges to whom I referred they would have found it out; they would have asserted their rights.

Mr. HEYBURN. If the Senator will refer back to the history of that time, I think he will find that they did not abolish the courts, but abolished the officers.

Mr. WILLIAMS. They simply repealed the act which created the courts. That is my recollection.

Mr. HEYBURN. They did not repeal the act that created the district court.

Mr. WILLIAMS. No; not the act that created all the district courts, but they simply repealed that act, and that abolished these several judgeships.

Mr. HEYBURN. That only went to the question of a number of courts. It did not go to the question of the right to create

a court, but it went to the question of the number of courts that might be created; and Congress did assume to repeal the law providing for the additional courts.

Mr. WILLIAMS. That is all this question is. This is a question as to whether or not the circuit judgeships shall continue to exist, to wit, the three circuit judgeships filled by the men who have presided over the Court of Commerce.

Mr. HEYBURN. I think the makers of the Constitution had only in mind courts of general jurisdiction. I do not think that courts of limited jurisdiction were included within the contemplation of the makers of the Constitution because in one sense, in the fullest sense of the word, they are not courts.

Mr. SMITH of Georgia. Mr. President——

Mr. HEYBURN. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I read a few moments ago a suggested amendment to be placed after line 10 on page 147, which provided that hereafter no money should be paid to either of the judges who now sit on the Commerce Court. Following that I suggest this language:

And so much of the act of Congress approved on the 18th day of June, 1910, as authorized the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the five additional circuit judgeships thereby established are hereby abolished.

Mr. HEYBURN. I make this suggestion to the Senator: That act having been complied with, it seems to me that the amendment would not be effective of any purpose. The President's power has been exhausted, he has already appointed those judges, and the repeal of the act would not affect the status of the judges.

Mr. SMITH of Georgia. Is it the view of the Senator from Idaho that the offices are already abolished?

Mr. HEYBURN. No; the President has fully exhausted the function of the power that was given him under the act. So we could accomplish nothing by repealing it, so far as his right to act is concerned. He had the right to act but once. He did not have the right to act more than once, and, having acted, his functions are exhausted.

Mr. LODGE. Mr. President, I wish to make a request. With the kindness of the Senator from Idaho, who yields to me, I make the following request for unanimous consent.

The VICE PRESIDENT. The Senator from Idaho yields to the Senator from Massachusetts, who asks for the entry of a unanimous-consent agreement, which will be read.

The Secretary read as follows:

It is hereby agreed by unanimous consent that from and including Monday, June 17, to and including Saturday, June 29, no business other than the routine morning business of the Senate shall be transacted.

The VICE PRESIDENT. Is there objection?

Mr. CULBERSON. I object at this time.

The VICE PRESIDENT. Objection is made.

Mr. LODGE. I ask permission to say only one word. There will be some 30 Senators absent from the Senate next week, and the following week there will probably be as many. It is idle to suppose that we can do business under those circumstances. We might as well face the facts, and arrange it so that Senators may know that they are not to be obliged to stay here to answer to calls for a quorum which can not be produced.

Mr. BACON. Mr. President, the matter is going over I know, but I suggest to the Senator to add to the agreement a clause providing that the Senate in each of these two succeeding weeks will meet on Monday and adjourn to Thursday and adjourn from Thursday to the succeeding Monday.

Mr. LODGE. I am perfectly willing to add that. I have no objection at all to it.

Mr. BACON. I do not offer that with a view to present action, but as the matter is going over I merely suggest it to be considered.

Mr. LODGE. Certainly; that is all right.

Mr. MARTIN of Virginia. The unanimous-consent agreement asked for by the Senator from Massachusetts was simply a method of meeting a condition that confronts us.

Mr. LODGE. That is all.

Mr. MARTIN of Virginia. If anyone can suggest a better one, I am sure it will be equally agreeable to everybody. There will certainly be no quorum here, and the presumption was that with this unanimous-consent agreement no business should be transacted and the Senate would every three days adjourn. We can not adjourn more than three days, for a longer time would require the consent of the other House, which can not be obtained.

Mr. LODGE. That will take care of itself.

Mr. MARTIN of Virginia. This is simply presented as a method of taking care of the situation. If any Senator can suggest any other method which will do it more easily, it would be very agreeable.

Mr. LODGE. No business will be done during those two weeks, and we might as well make it as easy as we can for everybody by having it understood.

Mr. SMITH of Georgia. Only we could make it still easier. If there is not going to be a sufficient number here to transact business, I do not see why any of us should stay.

Mr. LODGE. That is precisely the idea. There will be nothing done in the nature of business, and the Senate will adjourn from three days to three days and let everybody go who wishes to leave.

Mr. WILLIAMS. I ask the Senator why he made it to cover two weeks?

Mr. LODGE. The Republican national convention meets on Tuesday, the 18th. The Democratic national convention meets on Tuesday, the 25th. I want to cover both conventions.

Mr. WILLIAMS. What were the dates given?

Mr. LODGE. It begins on the 17th, next Monday, and ends on the 29th of June, Saturday, which really carries it over to Monday, the 1st of July, as the first day to begin business.

Mr. POINDEXTER. I should like to ask the Senator if, under the agreement, such morning business as calling the calendar under Rule VIII would be in order?

Mr. LODGE. Oh, no; nothing but the introduction of bills, or the report of bills to go on the calendar, or the presentation of petitions.

The VICE PRESIDENT. The Senator from Idaho has the floor, and will proceed.

Mr. HEYBURN. Mr. President, I do not desire to protract the consideration of this question, but it is one absolutely necessary to be taken into consideration in passing upon the question whether we shall retain or strike out this provision. It goes right to the tenure of office of these judges. The term of one of the judges has expired, and he has been reassigned to duty.

Mr. BACON. Mr. President, I wish to suggest to the Senator something which has just occurred to me, to see what weight it may be entitled to. It is a fundamental proposition—I think the Senator from Idaho himself just cast a doubt upon it, but it is one upon which I have no doubt, and it can be abundantly sustained by authority—that the abolition of an office abolishes also the tenure of office; in other words, deprives the man who held the office of his commission.

The circuit courts of the United States are courts created by legislative act. They are not courts created by the Constitution.

Mr. HEYBURN. They are created under the authority of the Constitution.

Mr. BACON. That is true. I do not propose to raise that question now. I have no doubt in the world of our power to abolish the entire circuit court in all its branches, including the circuit court of appeals. I am equally confident in the opinion that when we did so every officer of those courts would go with it.

Assuming that to be so, what is the consequence? These circuit courts of the United States are not created by a general law creating all the circuits as one system, but they are created by special acts, each circuit being created separately. In a large measure they are created at different times; they are not all created at the same time. In each instance before the act we now have under consideration was passed, whenever a circuit judge was nominated and confirmed he was nominated and confirmed not as a judge of the circuit court, but as the judge of a particular circuit court. That being so, if Congress had seen fit to abolish any one of those circuits, if my premise is correct, it would have carried with it the circuit judge who had been appointed as the judge of that court.

If that proposition is correct, then I come to the next proposition. We have here enacted a law which provides for the creation of a different kind of circuit court jurisdiction, a roving commission.

Mr. HEYBURN. No; it is not circuit court jurisdiction; it is circuit judge jurisdiction.

Mr. BACON. I am speaking of the fact that they are not appointed to any particular circuit, but they are appointed, as it were, at large. I will put it that way. They are appointed as judges at large.

Now, if we should repeal the act which authorized the appointment of circuit court judges at large, why would not that carry with it the office of the judges who were appointed practically at large, and only at large?

Mr. HEYBURN. That would not be pursuant to the authority given by the Constitution. There is not a word in the Constitution that provides for the appointment of circuit judges.

Mr. BACON. If the Senator will pardon the interruption, he does not catch the conclusion to which I endeavored to bring that process of reasoning.

Mr. HEYBURN. I think I do.

Mr. BACON. It is this, that if we have the power by the abolition of the ninth circuit, for instance, to carry with it the judges who were appointed as the judges of the ninth circuit, why have we not the power in the repeal of a law which provides for judges at large also at the same time to abolish the judges?

Mr. HEYBURN. Let me say, before the Senator concludes, that I did not understand him; that I now not only understand him, but I am in accord with his conclusion.

Mr. BACON. It is a sound proposition.

Mr. PAYNTER. I should like to make a suggestion to the Senator from Georgia. The Senator from Georgia refers to these as roving circuit judges.

Mr. BACON. I corrected that.

Mr. PAYNTER. The Senator will recall that when the President sent these nominations to the Senate he and other members of the Judiciary Committee criticized the language of the appointment and the language used by the President as it appears in the Journal, as read by the Senator from North Carolina, designating the districts in which they should serve.

Mr. BACON. No; not in which they should serve.

Mr. PAYNTER. Therefore, I hardly think it is logical, under those circumstances to repeal a law creating roving circuit judges and then take for the circuit judges judges who are designated for districts.

Mr. BACON. The Senator forgets the fact that upon the objection of the Senator from Idaho I withdrew the word "roving" and spoke of them as having been appointed at large. I think that is true, because the appointment, as suggested by the Senator from Utah, is not to a particular circuit, but the word "from" is used, and the reason for it is that previously stated by me, that the law provided that no two of them should be from any one district. Therefore the nominating officer, the President of the United States, in order to show that he was complying with the law, designated the particular district from which each one was selected—not appointed but selected—with a view of showing that he had complied with the law.

Mr. HEYBURN. And he might have said from the State of Mississippi or the State of Michigan.

Mr. BACON. Yes; and instead of using the word "roving" I would say that they were appointed at large, the only restriction being as to some geographical consideration. But if appointed at large they are certainly a distinct body of judges from the others; and if we can repeal the law which creates a circuit we could certainly repeal the law which provided for the appointment of judges at large. If we repeal the law properly which provides for appointing those at large, then it is, I will not say a conclusive result, that the judges go with it, but there is certainly pretty strong argument on that side of the line.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Yes.

Mr. PAYNTER. I should like to ask the Senator if he thinks the term "additional circuit judge" is equivalent to "circuit judge at large"?

Mr. HEYBURN. It is evident that we can not properly conclude the consideration of this question at this time, and it is desired that we now lay aside the measure for reasons which will be obvious to the Senate. I ask the chairman to lay aside this bill.

Mr. WARREN. Mr. President, this measure is one which I hoped to finish to-night, and I would not be willing to yield until we finish it, except that there is a matter of the highest privilege to be brought before the Senate, which is the announcement to be made by the Senator from Louisiana [Mr. FOSTER]. I give notice that I shall move to take up the bill early to-morrow.

DEATH OF REPRESENTATIVE WICKLIFFE, OF LOUISIANA.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of the Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana, and transmitted resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions (H. Res. 579), as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 11, 1912.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT C. WICKLIFFE, a Representative from the State of Louisiana.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. FOSTER. Mr. President, I offer the resolutions (S. Res. 339), which I send to the desk and ask unanimous consent for their present consideration.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed under the second resolution as the committee on the part of the Senate Mr. FOSTER, Mr. THORNTON, Mr. CRAWFORD, Mr. FLETCHER, Mr. SMITH of Michigan, Mr. PERCY, Mr. TOWNSEND, and Mr. PAYNTER.

Mr. FOSTER. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 12, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 11, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O, Thou, who art the architect and builder of the universe, the life and light of men, the inspiration of every permanent movement toward the betterment of the conditions in the social, political, and religious life of Thy children, continue, we beseech Thee, Thy favors unto us as individuals and as a people, that we may continue the onward march toward the higher civilization, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONVEYING LOT IN ALVA, OKLA.

Mr. FERRIS. Mr. Speaker, I call up the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, State of Oklahoma, with a Senate amendment thereto.

The Senate amendment was read.

Mr. FERRIS. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

PREVENTION OF TYPHOID FEVER.

The SPEAKER laid before the House, House concurrent resolution 43, providing for the printing and distribution of Public Health Bulletin No. 51, being a report on the cause and prevention of typhoid fever, with Senate amendments thereto.

The Senate amendments were read.

Mr. FINLEY. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, is this a concurrent resolution?

Mr. FINLEY. Yes.

Mr. FITZGERALD. Should it not be a joint resolution?

Mr. MANN. No.

Mr. EDWARDS. How are these to be distributed?

Mr. FINLEY. Through the folding room.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with

all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DUPRÉ, for 15 days, on account of important business.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army appropriation bill (H. R. 18956) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. PRINCE. Mr. Speaker, I desire to make points of order against the statement, if it be in order, as well as against the conference report.

The SPEAKER. The gentleman from Illinois reserves all points of order.

Mr. HAY. Mr. Speaker, no point of order would lie against the statement. It will be necessary to read the report.

Mr. PRINCE. Mr. Speaker, I have no objection to waiving the reading of the report and having the statement read, providing that my rights are preserved against the conference report.

The SPEAKER. The gentleman's rights will be preserved.

Mr. HAY. Mr. Speaker, I ask, then, that the conference report be read.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 762).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 7, 8, 9, 11, 13, 15, 16, 21, 22, 29, 30, 32, 38, 41, 58, 61, 63, 64, 65, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 14, 18, 19, 20, 24, 25, 26, 34, 36, 39, 44, 47, 49, 52, 53, 54, 55, 56, 60, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: " : *Provided*, That hereafter in time of peace whenever any officer holding a permanent commission with rank below that of lieutenant colonel shall not have been actually present for at least two of the last preceding six years in that branch of the Army in which he shall hold said commission and with the organization, if any, to which he shall have been assigned by competent authority, such officer shall not be detached nor permitted to remain detached from said branch or from said organization; and all pay and allowances shall be forfeited by any superior officer for any period during which, by his order, or with his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any other officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso: *Provided further*, That nothing in the foregoing proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join that branch in which he shall hold a permanent commission and the organization, if any, to which he shall be assigned by competent authority, nor shall it be held to apply in the case of any officer absent temporarily on courts-martial or military boards, or upon leaves of absence authorized by existing law: *And provided further*, That hereafter details to the Ordnance Department may continue to be made as authorized by existing law, and, in the discretion of the President, those details, or any of them, now existing to the Philippine Constabulary need not be terminated until the 1st day of January, 1913"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 19 of the matter proposed to be inserted by said amendment, after the word "reenlist," insert the words "while not over 45 years of age"; and after the word "Corps," in the same line, insert the words "or Hospital Corps"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of said amendment, after the word "enlist," insert the following: ": *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "man," strike out all down to and including the comma after the word "twelve," in line 2; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Panama," insert the following: ", or Hawaii or Porto Rico"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 7 of the matter proposed to be inserted by said amendment strike out the word "an" and insert in lieu thereof the word "any," and in line 8, beginning with the word "who," strike out all down to and including the comma after the word "thereto," in line 10; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Equipment of Coast Artillery, armories, Organized Militia: There is hereby made available, and the same shall remain available until the end of the fiscal year 1913, the unexpended balances of any appropriations heretofore made for dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars; and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$8,797,080.42"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seven million five hundred and fifty-seven thousand seven hundred and seventy-three"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million eight hundred and eighty-six thousand"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert: " : *Provided further*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell and convey to the State of Texas, on or before July 1, 1913, for the purposes of a State tuberculosis sanitarium, the military reservation of Fort Clark, Tex., or such portion of it as in the judgment of the Secretary of War may be sold, at a price to be fixed by a board of three appraisers, one of whom shall be designated by the Secretary of War, one by the governor of Texas, and the third to be agreed

upon by the two appraisers first designated, $1,700,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

"*Provided*, That a commission to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ten million eight hundred and fifty thousand"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and forty-five thousand six hundred"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 14 of the matter proposed to be inserted by said amendment, beginning with the words "*Provided further*," strike out all down to and including the colon, after the word "acres," in line 28; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "five hundred"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$300,-118.30"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the words "National Guard or," and in line 3 strike out the words "National Guard or," and in lieu of the amount proposed at the end of said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: At the end of line 6 of the matter proposed to be inserted by said amendment, after the words "may be," insert the words "hereafter specifically"; and in line 7 strike out the word "law" and insert in lieu thereof the word "Congress"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 2. That hereafter all enlistments in the Army shall be made for the term of four years, and for all enlistments hereafter accomplished four years shall be counted as an enlistment period in computing continuous-service pay."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Change the numerical designation of section 4 so as to read "Sec. 3," and restore the matter proposed to be stricken out by this amendment with amendments as follows: After the word "rank," in line 30 of the amendment, strike out the period and the word "so" and insert ": *Provided*, That when a permanent officer is promoted he shall take the relative rank of the officers in the grade to which he is promoted which he held as indicated in the relative rank of the Army on the Army Register of 1912: *Provided further*, That so"; and after the word "occurred," in line 37, strike out the period and the word "the" and insert ": *Provided further*, That on and after the 1st day of January, 1917, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That the"; and after the word "*Provided*," in line 44, strike out the comma and the word "That" and insert "*further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 12; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 18; and"; in line 48, strike out the word "forty-six" and insert in lieu thereof the word "forty-eight"; in line 52, after the words "one hundred," insert "and two"; in line 68, after the word "perform," insert ", but such regimental, battalion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organiza-

tion to which they belong"; in line 75, after the words "major general," insert "during the service as such of the first incumbent of the office, and thereafter the rank of brigadier general"; in line 81, after the word "first," strike out the word "vacancy" and insert "two vacancies"; in line 84, after the word "occur," strike out the words "that vacancy" and insert "those vacancies"; in line 85, after the word "the," strike out the words "vacancy occurs" and insert "vacancies occur"; and at the end of the amendment, after the word "law," in line 90, insert ": *Provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the major general herein provided for immediately upon the passage of this act, and it shall be the duty of the said major general, under direction of the President and the Secretary of War, to put into effect the provisions of this section not less than 60 days after the passage of this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Change the numerical designation of section 5 so as to read "Sec. 4," and restore the matter proposed to be stricken out by this amendment, amended as follows: In line 9, after the comma which follows the words "rate clerks," insert "civil-service employees and"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army; neither shall any officer, after the 5th day of March, 1913, be detailed, nor be permitted to serve, as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, one of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the two general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled 'An act to increase the efficiency of the permanent military establishment of the United States.' All officers of the line of the Army now detailed for service in any staff corps, or department, or in the General Staff Corps, shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the staff corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any staff corps, or department, or the General Staff Corps, shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, staff corps, or staff department, from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, staff corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, staff corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 6. That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army."

And the Senate agree to the same.

Renumber the two sections at the end of the bill, so as to read "Sec. 7" and "Sec. 8," instead of "Sec. 8" and "Sec. 9."

JAMES HAY,
JAMES L. SLAYDEN,
Managers on the part of the House.

H. A. DU PONT,
F. E. WARREN,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 18956 submit the following statement:

Amendment No. 1 gives the privilege to the Army War College of buying and exchanging typewriters, but does not increase the appropriation, and the House recedes from the amendment.

Amendment No. 2 struck out "air planes" and inserted "aeroplanes," and the House recedes with an amendment inserting "air ships."

Amendment No. 3 reduced the appropriation from $375,000 to $350,000, and the House recedes.

Amendment No. 4 increased the amount to be used for the purchase of air ships from $75,000 to $100,000, and the House recedes.

Amendment No. 5 is the same as amendment No. 2, and the House recedes with an amendment.

Amendment No. 6 provided for the reduction of tolls of the Alaska Cable and Telegraph messages to 50 per cent of the present rates, and the Senate recedes.

Amendment No. 7 provided for $7,700,000 for pay of officers of the line, being $806,792 more than the House had appropriated for this purpose, and the Senate recedes.

Amendment No. 8 provided $1,767,120 for additional pay of officers for length of service, being $243,000 more than was appriated by the House, and the Senate recedes.

Amendment No. 9 provided that no money appropriated by this act should be paid to any officer for any period during which any other officer by his order shall have been detached from duty of any kind for more than four years of the preceding six years from his organization, etc., and the Senate recedes.

Amendment No. 10 changed House provision providing for the nonpayment of money to any officer in cases in which he may have been detached for duty for more than four of the preceding six years from the organization in which he is commissioned, and the House recedes with an amendment which is fully set out in the conference report.

Amendment No. 11 provided $16,232,954 for pay of enlisted men, being $400,954 more than was appropriated by the House, and the Senate recedes.

Amendment No. 12 provides for the withholding of pay from officers and enlisted men who are absent as a result of their intemperate use of drugs, alcoholic liquors, or other misconduct, and the House recedes, the House conferees believing that the language of the Senate accomplished the purpose desired better than that of the House.

Amendment 12½ provides for a reserve to be used in time of war. This reserve can be used without any cost to the Government until it is called into active service in the Army during war and will cost the Government nothing except in the event of war.

Amendment 13 provides for $1,635,000 for additional pay for length of service of enlisted men, being $100,000 more than was appropriated by the House, and the Senate recedes.

Amendment 14 strikes out the House provision for the abolition of five regiments of Cavalry, and the House recedes.

Amendment 15 provides for $940,000 for pay of the enlisted men of the Hospital Corps, being $90,000 more than the House appropriated, and the Senate recedes.

Amendment 16 provided $165,000 for additional pay for length of service to enlisted men of the Hospital Corps, being $5,000 more than the House appropriated, and the Senate recedes.

Amendment 17 provides that in the future length of service for retirement for double time for foreign service shall not be given to those who hereafter enlist, and the House recedes with an amendment providing that nothing in this provision

shall be construed to diminish the time of any soldier who has already received the benefit of the law as it now is.

Amendment 18 provides that the superintendent of the Nurse Corps shall receive allowance of quarters, subsistence, and medical care, and the House recedes.

Amendment 19 reduces the amount appropriated by the House for contract surgeons from $18,000 to $13,000, and the House recedes.

Amendment 20 provides that the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army, and the House recedes.

Amendment 21 provided $500,000 for commutation of quarters to commissioned officers and others on duty without troops, being $30,000 more than the House appropriated, and the Senate recedes.

Amendment 22 provides for $900,000 for travel allowance for enlisted men on discharge, being $100,000 more than the House appropriated, and the Senate recedes.

Amendment 23 provides that hereafter an enlisted man on discharge shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment. Or in lieu of such transportation and subsistence he shall receive, if he so elects, 2 cents per mile except for sea travel. And the House recedes with an amendment which puts this provision of law into effect at once. It is computed by the Pay Department that this provision will save $500,000 annually.

Amendments 24 and 25 strike out quotation marks, and the House recedes on both.

Amendment 26 provides $266,000 for additional 10 per cent increase of pay of officers on foreign service, and the House recedes.

Amendment 27 provides for $750,000 additional 10 per cent increase on pay of enlisted men on foreign service, and the House recedes with an amendment providing that hereafter the laws allowing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama, Porto Rico, and Hawaii.

Amendment 28 provides that section 3602, Revised Statutes, as amended by the act of Congress of February 27, 1877, shall not be construed as precluding Army paymasters from drawing checks in favor of persons or institutions designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or in Alaska, or the Canal Zone, Panama, and the House recedes with an amendment which will include all officers of the Army wherever stationed.

Amendments 29, 30, 31, 32, 63, 64, 65, and 67 insert the words "National Guard or," and the Senate recedes from all of these amendments.

Amendment 31 provides an appropriation for dummy guns and mortars and other appliances, and the House recedes with an amendment striking out the appropriation of $275,000 and providing that the unexpended balance of the appropriation made for this last year be reappropriated.

Amendment 33 provides $8,988,867.42 for the purchase of subsistence supplies, etc., being $383,594.42 more than was appropriated by the House, and the House recedes with an amendment reducing this appropriation by $191,787.

Amendment 34 provides that the provisions of section 5 of the act of June 30, 1906, shall not apply to the Subsistence Department, and the House recedes.

Amendment 35 provides for $7,865,688 for regular supplies for the Quartermaster's Department, being $408,915 more than the House appropriated, and the House recedes with an amendment reducing the appropriation made by the Senate by the sum of $308,915.

Amendment 36 increases the appropriation for the equipment of officers' schools from $400,000 to $600,000, and the House recedes.

Amendment 37 provides $2,000,000 for incidental expenses Quartermaster's Department, being $263,663 more than the House appropriated, and the House recedes with an amendment reducing the amount appropriated by the Senate by the sum of $114,000.

Amendment 38 provides for the appropriation of $500 to be expended for the purchase of not less than five cups to be awarded to horse breeders to encourage breeding of horses suitable for military purposes, and the Senate recedes.

Amendment 39 provides for $300,000 for horses for Cavalry, Artillery, etc., being $25,000 more than the House appropriated, and the House recedes because this sum is necessary, as the Cavalry is not to be reduced.

Amendments 40, 42, 47, and 48 strike out the House provisions providing that no money shall be spent out of any appropriation on certain Army posts enumerated in such amendments, and the House recedes from all of these amendments, with an amendment to amendment 42 providing for a commission which is required to report to Congress on or before the 1st day of January, 1913. The House conferees were of opinion that it was necessary for Congress to have the information which the commission is directed to obtain in order that Congress might adopt for itself a definite policy with regard to the vexed question of the location and concentration of posts for the mobile Army.

Amendment 40: The House recedes with an amendment providing that $70,000 be deducted from the amount appropriated by the Senate for barracks and quarters.

Amendment 41 provides for the construction of an assembly building at Fort Leavenworth, Kans., and the Senate recedes.

Amendment 43 provides $11,250,000 for the transportation of the Army and its supplies, being $526,472 more than the House appropriated, and the House recedes with an amendment reducing the amount appropriated by the Senate by the sum of $400,000.

Amendment 44 provides that $60,000 of the foregoing appropriation for the transportation of the Army shall be immediately available, and the House recedes.

Amendment 46 provides for the expenditure of $700,000 for the purchase of a tract of land adjoining the military reservation of Fort Sam Houston, Tex., and for the expenditure of $22,000 to macadamize the roadway upon the Government property between the United States Government experimental farm and the Arlington National Cemetery, in the county of Alexandria, Va., and for the expenditure of $44,000 for the construction of a public road from the southern end of the new Highway Bridge across the Potomas River to a point near the southern boundary of the Arlington Reservation, and for the purchase of a parcel of land, not to exceed 4 acres, and for the expenditure of $3,600 for completing the macadamizing of the road between the city of Vancouver and the barracks at Vancouver military post, and the House recedes, with an amendment which provides that the $44,000 for the construction of public road and purchase of 4 acres of land shall not be made.

Amendment 49 provides $125,000 for the construction and maintenance of military and post roads, bridges, and trails in Alaska, and the House recedes.

Amendment 50 provides for $600,000 for barracks and quarters in the Philippine Islands, being $150,000 more than the House appropriated, and the House recedes, with an amendment cutting down the amount appropriated by the Senate by the sum of $100,000.

Amendment 51 provides for $5,431,700 for clothing and camp and garrison equipage, being $628,429 more than the House appropriated, and the House recedes, with an amendment reducing the amount appropriated by the Senate by the sum of $431,700.

Amendments 52, 53, and 54 provide for the payment of certain claims against the Government of the United States, making in all $50,862. These claims are due entirely to damages to and loss of private property occasioned by heavy gunfire and target practice of troops and for damages to private property during maneuvers and other military operations for which the Government is responsible. A part of this amount is due to Indians for the value of improvements made by them upon lands afterwards included in the Fort William H. Seward Military Reservation, and another part of the amount is due to an officer and certain enlisted men of the Army for the money value of clothing worn out by them in the summer of 1910 while fighting forest fires in the Northwest. Amendment 52 also provides for the ascertainment and adjustment of amounts which may become due on all claims for damages to and loss of private property when the amount of claim does not exceed the sum of $1,000, occasioned by heavy gunfire and target practice and other military operations for which the Government is responsible, and the House recedes from all of these amendments.

Amendment 55 is the insertion of a comma, and the House recedes.

Amendment 56 is the insertion of certain words left out by mistake in the item for the equipment and maintenance of the school at Washington Barracks, and the House recedes.

Amendment 57 provides $337,118.30 for ordnance service, and the House recedes, with an amendment reducing the amount by $37,000.

Amendment 58 provides $350,000 for ordnance stores, ammunition, and the Senate recedes.

Amendment 59 provides $875,000 for small-arm target practice, being $135,000 more than the House appropriated, and the House recedes, with an amendment cutting down the appropriation made by the Senate by the sum of $75,000.

Amendment 60 provides for $700,000 for the manufacture of arms, being $100,000 more than the House appropriated, and the House recedes.

Amendment 61 provides for $750,000 for ordnance stores and supplies, being $50,000 more than the House appropriated, and the Senate recedes.

Amendment 62 provides for $200,000 for automatic machine rifles, being $100,000 more than the House appropriated, and the House recedes with an amendment cutting down the appropriation of the Senate by the sum of $50,000.

Amendment 66 provides for $1,250,000 for Field Artillery for the Organized Militia, being $480,000 more than the House appropriated, and the House recedes with an amendment cutting down the amount appropriated by the Senate by the sum of $250,000.

Amendment 67 provides $500,000 for ammunition for the Organized Militia, and the House recedes with an amendment providing $100,000 for this purpose.

Amendment 68 appropriates $33,000 to reimburse the government of the District of Columbia for the site acquired for a reformatory, the title of which is now in the Commissioners of the District of Columbia, and giving to the Commissioners of the District of Columbia the use of certain clay deposits, and so forth, and the House recedes with an amendment providing that the title to this site be transferred to the Secretary of War for such purposes as may be hereafter specifically authorized by Congress and striking out the two provisos in the Senate amendment. The conferees agreed to this amendment because of the representations made to them by the regents of the Mount Vernon Association.

Amendment 69 struck out the House provision providing for a term of enlistment in the Army of five years, and the House recedes with an amendment providing that hereafter the term of enlistment shall be four years.

Amendment 70 struck out the provision of the House which repealed the laws authorizing increase of pay of commissioned officers and enlisted men for foreign service, and the House recedes.

Amendment 71 struck out the provision of the House providing for a Quartermaster Corps, and the House recedes with sundry amendments, as follows:

Providing that there shall be 1 major general, 1 brigadier general, 12 colonels, 18 lieutenant colonels, 48 majors, and 102 captains in the Quartermaster Corps, and providing further that regimental, battalion, and squadron quartermasters and commissaries shall not be required to account for property when they are ordered away with their commands at posts.

Providing also that the major general provided for in this section shall be appointed at once and shall be given 60 days from the passage of the bill to put into effect the consolidation provided for.

Amendment 72 struck out the provision of the House for a Service Corps, and the House recedes with an amendment on page 66, line 13, by inserting after the word "clerks" the words "civil service" and after the word "employees" the words "and employees." This was done to make it clear that all civil-service employees and employees of the classified service now in the Government should be exempted from the provisions of this act.

Amendment 73 struck out the provision of the House providing for the consolidation of the office establishments of The Adjutant General, Inspector General, and the Chief of Staff of the Army, and the House recedes with an amendment striking out all of section 6 beginning on page 67, line 22, down to and including the words "Provided further," on page 72, line 18, and amended the remainder of the section, as appears in the conference report. These changes provide, in the first place, that all officers of the line detailed for service in any staff corps shall only remain in the said corps four years and shall not be eligible for further service in said corps until they shall have served at least two years in the branch of the Army in which they are commissioned. The chiefs of staff corps may return to the position they would have held in their respective corps after they have served four years unless they shall be reappointed. They also provide that the Chief of Staff of the Army, after four years' service as such, shall not again act as Chief of Staff for two years, and that a Chief of Staff hereafter shall not be permitted to serve as such unless he shall have served 10 years in the line of the Army in grades below that of brigadier general, and that the General Staff Corps shall hereafter consist of 2 general officers, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants.

Amendment 74 strikes out the provision of the House for the reduction of general officers and cadet service in computing for any purpose the length of service of any officer of the Army, and the House recedes with an amendment providing that hereafter service as a cadet of the United States Military Academy or Naval Academy who may be hereafter appointed as such shall not be counted in computing for any purpose the length of service of any officer of the Army.

Amendment 75 cuts out the provision of the House providing that the appropriation provided for the several departments consolidated under this act shall be available for the consolidated corps herein created, and the Senate recedes.

Amendment 76 strikes out section 9 of the House bill, which provides that nothing in this act shall be held or construed to separate any officer from the Army or to diminish the rank held by him, and that all laws and parts of laws, so far as they are inconsistent with the terms of this act, are repealed, and the Senate recedes.

The bill as it passed the Senate appropriated	$95,314,710.98
The Senate receded from items amounting to	4,660,148.00
And the bill now carries	90,654,562.98
Amount appropriated for fiscal year 1912	92,587,785.97
Reduction over amount appropriated for fiscal year 1912	1,933,222.99

Legislation is agreed to by the conferees which will result in a very large saving in the future. This legislation embraces a four-year term of enlistment, the consolidation of the supply departments, the Service Corps, the reduction of travel-pay allowances to enlisted men on discharge, the abolition of double time for purposes of retirement, and other minor features; which, it is conservatively estimated, will effect in the future an annual saving for the maintenance of the military establishment of not less than $10,000,000.

JAMES HAY,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. PRINCE. Mr. Speaker, I make the following points of order against the conference report:

That the conferees have discussed and proposed amendments which have not been committed to them by either of the Houses and therein have exceeded their jurisdiction, and which amendments, agreed to and reported by the conference committee, are not germane to the amendments of the Senate or to the original bill, specifically calling attention to amendments numbered 40, 42, and 73.

The SPEAKER. The Chair will ask the gentleman from Illinois to furnish him with a copy of these points of order, because it is necessary to adjourn now.

Mr. PRINCE. Yes; I will write them out.

DEATH OF HON. ROBERT C. WICKLIFFE.

Mr. ESTOPINAL. Mr. Speaker, it is my sad duty to announce the tragic death of my colleague, Hon. ROBERT C. WICKLIFFE. At some future time I shall ask the House to fix a day to pay tribute to his memory. I wish to send up the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 579.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT C. WICKLIFFE, a Representative from the State of Louisiana.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee.

The Clerk read as follows:

Mr. PUJO, Mr. ESTOPINAL, Mr. RANSDELL of Louisiana, Mr. BROUSSARD, Mr. DUPRÉ, Mr. WATKINS, Mr. THOMAS, Mr. CULLOP, Mr. RODENBERG, Mr. AUSTIN, Mr. HAWLEY, Mr. THISTLEWOOD, Mr. CAMPBELL, Mr. MCLAUGHLIN, and Mr. SIMMONS.

The SPEAKER. The Clerk will report the additional resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 11 o'clock and 50 minutes a. m.) the House adjourned to meet to-morrow, Wednesday, June 12, 1912, at 12 o'clock m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 25268) granting to all Indians or tribes the right to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 25269) to provide for the terms and places of holding the district court of the United States in the eastern district of Oklahoma, and for other purposes; to the Committee on the Judiciary.

By Mr. WICKERSHAM: Joint resolution (H. J. Res. 328) appropriating $50,000 for the relief of the inhabitants of Kodiak Island and vicinity from effects of explosion of the Katmai and other Alaska Peninsula volcanoes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 25270) for the relief of James Widener; to the Committee on Military Affairs.

Also, a bill (H. R. 25271) granting a pension to William H. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 25272) granting a pension to Sarah Donahoo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25273) for the relief of Thomas A. Hill; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 25274) for the relief of the heirs of John G. Holloway, deceased; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 25275) granting a pension to Lena McKee Huffman; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25276) granting a pension to Augustus Spires; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25277) for the relief of Alvis A. Perry; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Polish Roman Catholic Unions of West Virginia, Pennsylvania, Ohio, New York, Missouri, and Illinois, and the Thomkins Square Branch, No. 152, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Petition of St. Hyacinth Fraternity, No. 332, and Branch No. 504, of the Polish Roman Catholic League, Cleveland, Ohio, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Cort Club, Chicago Order of Railroad Telegraphers' Club, of Chicago, Ill., favoring governmental control and regulation of wireless telegraphy, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Petition of J. W. Foreman, favoring passage of Senate bill 1514, for increasing pensions of veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Petition of the Order of Independent Americans, Beaver Falls, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Socialist Party of Lawrence County, Pa., protesting against passage of House bill 8141, for pay of officers and privates of the National Guard and maintenance of mounts; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *June 12, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

UNANIMOUS-CONSENT AGREEMENT.

Mr. LODGE. I call up the unanimous-consent agreement which I offered last evening. I have changed it so as to make it more explicit.

The VICE PRESIDENT. The Senator from Massachusetts asks that the following unanimous-consent agreement be entered into.

The Secretary read as follows:

It is agreed by unanimous consent that on Monday, June 17, 1912, immediately upon the conclusion of the routine morning business, the Senate will adjourn to Thursday, June 20, 1912; that upon the last-named day, immediately upon the conclusion of the routine morning business, the Senate will adjourn to Monday, June 24, 1912; that upon the last-named day, and immediately upon the conclusion of the routine morning business, the Senate will adjourn to Thursday, June 27, 1912; that upon the last-named day, and immediately upon the conclusion of the routine morning business, the Senate will adjourn to Monday, July 1, 1912; and that during the period from June 17 to July 1, 1912, no business, other than routine morning business, will be transacted, and that no bills shall be passed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered by unanimous consent.

COMMERCE-COURT DECISIONS (S. DOC. NO. 789).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 10th instant, a statement of the number of cases brought in the United States Commerce Court, the questions of law and fact decided, the date of the beginning of each case, the decisions of the court thereon, a list of cases pending, a list of cases appealed from, and a complete set of opinions of the United States Commerce Court, which, with the accompanying paper, was ordered to lie on the table and to be printed.

PERSONNEL OF COMMISSIONS (S. DOC. NO. 794).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 14, 1912, a statement as to the number and personnel of commissions now in existence under congressional and Executive authority, the salaries paid to members, officers, and employees of such commissions, etc., which, on motion of Mr. OVERMAN, was, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed.

SHOE AND LEATHER TRADE IN GERMANY (S. DOC. NO. 791).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Arthur B. Butman containing the result of his investigations of the shoe and leather trade in Germany, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ELECTRICAL INSTRUMENTS IN ENGLAND (S. DOC. NO. 792).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent H. B. Brooks containing the result of his investigations of the trade in electrical instruments in England, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

COTTON GOODS IN THE BALKAN STATES (S. DOC. NO. 793).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. Odell, containing the result of his investigations of the trade in cotton goods in the Balkan States, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

DAUPHIN ISLAND IMPROVEMENT, ALABAMA.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of House bill 23799.

Mr. LODGE. The routine morning business has not been called.

The VICE PRESIDENT. No call has been made for any morning business as yet. The Senator from Alabama asks unanimous consent that, pending the announcement, the following bill shall be considered.

Mr. LODGE. I wish to submit a report from a committee.

Mr. JOHNSTON of Alabama. This is purely a local bill, which has been passed by the House.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (H. R. 23799) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the department adjutant, Department of Missouri, United Spanish War Veterans, of Springfield, Mo., praying for the enactment of legislation granting pensions to widows and minor children of officers and enlisted men who served in the War with Spain, which was referred to the Committee on Pensions.

He also presented a resolution adopted by Welch Post, No. 422, Department of Ohio, Grand Army of the Republic, of Uhrichsville, Ohio, expressing appreciation and gratitude to Congress for the enactment of recent pension legislation, which was referred to the Committee on Pensions.

Mr. OLIVER presented resolutions adopted by the Chamber of Commerce, of Pittsburgh, Pa., remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which was referred to the Committee on Interoceanic Canals.

He also presented memorials of sundry citizens of Philadelphia and Shenandoah, in the State of Pennsylvania, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the convention of the diocese of Bethlehem, Pa., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which were referred to the Committee on Territories.

He also presented resolutions adopted by the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. BRANDEGEE. I present a memorial signed by a large number of manufacturers in New England, which I ask may be read and printed in the RECORD, together with the signatures attached thereto, and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was read, ordered to be printed in the RECORD, together with the signatures, and referred to the Committee on Interoceanic Canals, as follows:

MAY 29, 1912.

The undersigned, actively engaged in manufacturing in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it of vital importance for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the highest importance in the transportation of the freight to and from New England points and the South.

We believe that with the opening of the Panama Canal it is of the utmost importance that there shall be adequate and ample transportation facilities by water between New England and the Gulf States and cities.

We therefore respectfully protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we earnestly urge New England Congressmen to do everything in their power to defeat this amendment.

The Bradley & Hubbard Mfg. Co., C. F. Linsley, Secretary; The Aeolian Co., by W. S. Pain, Superintendent; International Silver Co., George H. Wilcox, President; Manning, Bowman & Co., George E. Savage, President; The Miller Bros. Cutlery Co., E. G. Dodwell, President; Kelsey Press Co., F. C. Edgerton, Secretary; Edward Miller & Co., Arthur E. Miller, Vice President; Meriden Grain & Feed Co., by B. W. Collins, President; Meriden Braid Co., B. W. Collins, President; The Meriden Cutlery Co., Homer A. Curtiss, President; E. J. Doolittle; John S. Lane & Son (Inc.), by A. S. Lane, Manager; The H. Wales Lines Co., H. Wales Lines, President; The Charles Parker Co., W. H. Lyon, Treasurer; The Parker Clock Co., W. H. Lyon, President; Parker Bros., W. H. Parker, Vice President; The F. J. Wallace Co., F. J. Wallace; The Wilcox & White Co., J. H. White, President; The E. A. Bliss Co., E. E. Polsey, Treasurer; Foster, Merriam & Co., William Zufour, President; Wusterbarth Bros.; The C. F. Monroe Co., C. F. Monroe, President; The Handel Co., P. J. Handel, President; Meriden Board of Trade Industrial Corps, P. A. Squire, Secretary; The J. J. Niland Co., J. J. Niland; The Meriden Board of Trade, F. A. Stevens, Secretary; The Lyon & Billard Co., John L. Billard, President.

Mr. BRANDEGEE presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the enactment of legislation to prohibit any railroad or other common carrier from having any interest in any common carrier by water with which it may compete, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Naugatuck, Danbury, and New Britain, all in the State of Connecticut, remonstrating against an appropriation being made for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey presented a petition of sundry physicians and pharmacists, residents of Montclair, Bloomfield, Glen Ridge, and Verona, all in the State of New Jersey, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BURTON presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of members of the Law and Order Reform League of Antioch, Ohio, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CHILTON presented a petition of members of the Little Kanawha and Ohio Valley Medical Society, of West Virginia, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of sundry citizens of Warwick, R. I., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. ASHURST presented a petition of members of the Mohave County Medical Society, of Arizona, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Cigar Makers' Local Union of Biddeford; of the Maine Textile Workers, of Brunswick; of the Board of Trade of Rockland; and of sundry citizens of Milo, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented a petition of members of the Genesee County Medical Society, of Michigan, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Munger, Reese, Springwells, Dearborn, Redford, and Au Gres, all in the State of Michigan, remonstrating against any reduction of the duty on sugar, which were ordered to lie on the table.

He also presented a memorial of members of the Motor Boat Club of Grand Rapids, Mich., remonstrating against the enactment of legislation to regulate the equipment of certain motor boats on the navigable waters of the United States, which was referred to the Committee on Commerce.

He also presented a petition of Wexford Grange, No. 914, Patrons of Husbandry, of Sherman, Mich., and a petition of

sundry citizens of East Jordan, Mich., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Saginaw, Mich., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was ordered to lie on the table.

He also presented a memorial of members of the Grand Traverse Lincoln Club, of Traverse City, Mich., remonstrating against the further diversion of the waters of Lake Michigan, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Allen and Quimby, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council, of Grand Rapids, Mich., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits, etc.," reported it with amendments and submitted a report (No. 871) thereon.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., reported it without amendment and submitted a report (No. 872) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein, reported it with amendments and submitted a report (No. 874) thereon.

ELIZABETH B. PRESTON.

Mr. ASHURST. From the Committee on Pensions I report back favorably, with amendments, the bill (S. 5176) granting a pension to Elizabeth B. Preston, and I submit a report (No. 870) thereon.

Mr. SWANSON. I should like to ask for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 6, to strike out the word "Captain" and also the name "Ballard" and insert the initial "B."; before the word "Company," in line 7, to strike out "of" and insert the word "captain"; and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Preston, widow of William B. Preston, late captain Company I, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of twenty dollars per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. MARTINE of New Jersey. Mr. President, I desire to move a reconsideration of the vote by which the conference report on House bill 18956, the Army appropriation bill, was agreed to.

Mr. LODGE. Mr. President, I rise to a question of order on that motion.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. The motion is made, and it is necessary under the circumstances to accompany it with a motion that the House be requested to return the papers.

The VICE PRESIDENT. The Senator from Massachusetts is correct.

Mr. LODGE. I make that motion, and pending it I make the point that there is no quorum present.

The VICE PRESIDENT. The question that no quorum is present is raised, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Smith, Ariz.
Bacon	Curtis	McCumber	Smith, Ga.
Bourne	Dillingham	McLean	Smith, Mich.
Bradley	du Pont	Martin, Va.	Smith, S. C.
Brandegee	Fletcher	Martine, N. J.	Smoot
Bristow	Foster	Myers	Stephenson
Brown	Gallinger	Nelson	Sutherland
Bryan	Gardner	Oliver	Swanson
Burnham	Gronna	Overman	Thornton
Burton	Guggenheim	Page	Tillman
Catron	Heyburn	Percy	Townsend
Chamberlain	Hitchcock	Perkins	Warren
Chilton	Johnson, Me.	Poindexter	Watson
Clapp	Johnston, Ala.	Pomerene	Wetmore
Crawford	Jones	Root	
Culberson	Kenyon	Shively	
Cullom	Lippitt	Simmons	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. A quorum of the Senate is present. The Senator from New Jersey enters a motion to reconsider the vote by which the conference report on the Army appropriation bill was agreed to, which, under the rule, must be accompanied by a motion to request the House to return the papers to the Senate, the papers having passed from the possession of the Senate. The Chair thinks the motion should be one motion, as made by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I accept the amendment.

The VICE PRESIDENT. No amendment is necessary. The question is upon agreeing to the motion to request the House of Representatives to return to the Senate the papers in the case. [Putting the question.] The "ayes" appear to have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him present, I withhold my vote.

Mr. BRYAN (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. BURNHAM (when his name was called). On this vote I am released from my general pair with the junior Senator from Maryland [Mr. SMITH], and am at liberty to vote. I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS], but I have been informed by at least two Senators and by others who are acquainted with the views of the Senator from Nevada, that we would vote the same way on this question. I therefore vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. He not being present, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. I desire to announce that he has a general pair with the Senator from Oklahoma [Mr. OWEN]. If he were present, my colleague would vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I refrain from voting.

Mr. McCUMBER (when his name was called). The senior Senator from Maryland [Mr. RAYNER] is necessarily absent, and requested me to pair with him upon this vote. If I were at liberty to vote, I should vote "nay," but I withhold my vote in conformity with the agreed pair.

Mr. POMERENE (when his name was called). On this matter I have a pair with the junior Senator from Tennessee [Mr. SANDERS]. Therefore I withhold my vote. If the Senator from Tennessee were present, I should vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL], but I transfer that pair to the junior Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], but on this vote the Senator from Maryland stands paired with the Senator from North Dakota [Mr. McCUMBER]. I therefore vote. I vote "yea."

Mr. WATSON (when his name was called). On account of my general pair with the senior Senator from New Jersey [Mr. BRIGGS] I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. WILLIAMS was called). I desire to state that the Senator from Mississippi [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. CHILTON (after having voted in the affirmative). I inadvertently voted. I have a pair with the Senator from Delaware [Mr. RICHARDSON], and therefore I desire to withdraw my vote.

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is absent on important business. He is paired on this vote with the junior Senator from New Mexico [Mr. FALL].

Mr. HEYBURN. I desire to announce my general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. GARDNER. Mr. President, since my name was called I have been informed that the Senator from Massachusetts [Mr. CRANE], with whom I am paired, if present, would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. GORE. My colleague [Mr. OWEN] is paired with the senior Senator from South Dakota [Mr. GAMBLE]. He is necessarily absent from the Senate.

Mr. GUGGENHEIM. I wish to advise the Senate that I voted with the consent of my general pair, the Senator from Kentucky [Mr. PAYNTER], who is absent.

Mr. BRADLEY. I am paired with the senior Senator from Missouri [Mr. STONE]. If he were present I should vote "yea." He being absent, I decline to vote.

The result was announced—yeas 28, nays 29, as follows:

YEAS—28.

Ashurst	Curtis	Kenyon	Reed
Bacon	Gardner	Lodge	Root
Bristow	Gore	Martine, N. J.	Smith, Ga.
Brown	Hitchcock	Nelson	Smoot
Burton	Johnson, Me.	Percy	Sutherland
Clapp	Johnston, Ala.	Perkins	Thornton
Cummins	Jones	Poindexter	Townsend

NAYS—29.

Bourne	du Pont	Oliver	Stephenson
Burnham	Fletcher	Overman	Swanson
Catron	Foster	Page	Tillman
Chamberlain	Gronna	Shively	Warren
Crawford	Guggenheim	Simmons	Wetmore
Culberson	Lorimer	Smith, Ariz.	
Cullom	Martin, Va.	Smith, Mich.	
Dillingham	Myers	Smith, S. C.	

NOT VOTING—37.

Bailey	Crane	Lippitt	Richardson
Bankhead	Davis	McCumber	Sanders
Borah	Dixon	McLean	Smith, Md.
Bradley	Fall	Newlands	Stone
Brandegee	Gallinger	O'Gorman	Watson
Briggs	Gamble	Owen	Williams
Bryan	Heyburn	Paynter	Works
Chilton	Kern	Penrose	
Clark, Wyo.	La Follette	Pomerene	
Clarke, Ark.	Lea	Rayner	

So the motion of Mr. MARTINE of New Jersey was rejected.

Mr. WARREN. Mr. President, I now ask that the Senate take up the legislative appropriation bill.

Mr. HEYBURN. Has the morning business been closed?

The VICE PRESIDENT. Morning business has not yet been closed.

Mr. WARREN. Then I will withhold the motion. I supposed that the morning business had closed.

INTERNATIONAL MARITIME CONFERENCE.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 299) proposing an international maritime conference, to report it with amendments, and I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Foreign Relations were, on page 1, line 3, after the enacting clause, to strike out "That the President of the United States be, and he hereby is, authorized and requested to ascertain the opinions of maritime nations upon the desirability of an international maritime conference, to meet at Washington on the invitation of the United States," and insert, "That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being"; in line 15, after the word "appliances," to strike out "regulations concerning accommodations for steerage passengers and crews"; on page 2, line 5, after the word "navigation," to strike out "the establishment of a patrol system in the region of ice, or elsewhere, or of a system of convoys for ocean-going vessels, or of a relief station at Cape Race or elsewhere, or of" and insert "the establishment of"; and on page 2, after line 10, to strike out "SEC. 2. That the President is hereby further requested to communicate to Congress at the earliest possible time the substance of the replies of maritime nations, with his recommendations upon the desirability of calling an international maritime conference at Washington for the purposes named" and insert: "SEC. 2. That in case such international maritime conference shall be called by the United States or any other nation the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the expenses of the representatives of the United States at said conference," so as to make the joint resolution read:

Resolved, etc., That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being to consider uniform laws and regulations for the greater security of life and property on merchant vessels at sea, including, if practicable, regulations to establish standards of efficiency of the officers and crews of merchant vessels and the manning of such vessels; regulations for the construction and inspection of hulls, boilers, and machinery; regulations for equipment of ocean steamers with radio apparatus, searchlights, submarine bells, lifeboats, and other life-saving and fire-extinguishing appliances; regulations concerning lights, sound signals, steering and sailing rules; regulations for an international system of reporting and disseminating information relating to aids and perils to navigation; the establishment of lane routes to be followed by trans-Atlantic steamers; and such other matters relating to the security of life and property at sea as may be proposed.

SEC. 2. That in case such international maritime conference shall be called by the United States or any other nation the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the representatives of the United States at said conference.

The amendments were agreed to.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator presenting this report whether or not the action of this maritime conference would be submitted to the Congress of the United States for approval?

Mr. LODGE. It would have to be; there could be no agreement made without its submission to Congress.

Mr. HEYBURN. After the maritime conference have agreed upon a report?

Mr. LODGE. Absolutely.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

PERSONNEL OF THE NAVY AND MARINE CORPS.

Mr. JOHNSON of Maine. On behalf of the junior Senator from Louisiana [Mr. THORNTON] I report from the Committee on Naval Affairs the bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, to report it with an amendment, and I submit a report (No. 873) thereon.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. What is this bill, and how did it come up?

The VICE PRESIDENT. On a request for unanimous consent for its present consideration.

Mr. WARREN. I wish to say that while I shall not object to the consideration of this bill, I shall be compelled to object to bills taking the time that this bill has occupied in its reading until we can dispose of some of the appropriation bills.

The VICE PRESIDENT. Will the Senator from Maine give his attention for a moment? The Secretary advises the Chair that no amendment is indicated in the bill, although upon the outside of it the statement is written that it is reported with an amendment.

Mr. JOHNSON of Maine. The bill was given to me by the junior Senator from Louisiana [Mr. THORNTON].

The VICE PRESIDENT. The Chair so understood.

Mr. JOHNSON of Maine. I have not examined it.

Mr. REED. Do I understand that objection has already been made to the consideration of the bill?

The VICE PRESIDENT. No objection has yet been made.

Mr. REED. I object.

The VICE PRESIDENT. Objection being made, the bill will go to the calendar.

Mr. GALLINGER. Do I understand that the bill has been objected to?

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] objected to the present consideration of the bill, and it has gone to the calendar.

PANAMA CANAL.

Mr. BRANDEGEE. I am instructed by the Committee on Interoceanic Canals, to which was referred the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, to report it favorably, with amendments.

There are numerous amendments to the House bill indicated on the bill which I have reported, and I take this occasion to state that the bill was made in the committee, section by section, each section being voted upon separately. Each section of the bill commanded the support of a majority of the committee, but there was no majority in the committee for the entire bill. I make that statement because when I say "I report favorably the bill," the committee reports the bill, perhaps it would be more exact to say, without recommendation of the entire contents of the bill, and I suppose that the bill will have to be made upon the floor of the Senate.

The situation in the committee, with differences of opinion as to the question of tolls, as to the question of the form of the civil government, and as to the question of the operation of steamships in which railroad companies were interested, was such that I do not think it could be fairly stated that it is the favorable report of the entire bill.

The situation was also such, as I have indicated, that it was impossible to prepare a written report which would command the votes and the approval of a majority of the committee.

The members of the committee decided that there should be no written report, and I hardly think one is necessary, for the matters which will be contested, because of contention with respect to the bill, are all amply covered by the report of the House committee and the views of the minority thereof.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I do.

Mr. SIMMONS. I suggest to the Senator that my understanding of this matter is that there was a favorable report on the part of the committee, or rather favorable action on the part of the committee, and the report should be a favorable report with amendments.

Mr. BRANDEGEE. It was so stated, and then I proceeded to state my understanding of the situation, which was that the report was favorable, that the bill should be reported for the purpose of getting it before the Senate, but that there was not a majority of the committee which indorsed everything in the bill. That is my understanding of the situation. If the Senator has a different one I should like him to state it.

Mr. SIMMONS. There were disagreements in the committee and there were amendments adopted, but as amended I understood the committee to approve the bill, and therefore the report ought to be a favorable report with amendments.

Mr. BRANDEGEE. I did not so understand it, and I personally stated that I reserved the right to offer amendments on the floor of the Senate.

Mr. SIMMONS. Surely. That right is reserved to every Senator, but that does not affect the fact——

Mr. BRANDEGEE. It may be said to be pro forma a favorable report, but a favorable report, where each member of the committee reserves the right to offer amendments, did not seem to me to be the kind of a favorable report that is the ordinary kind of a favorable report.

I want also to state, in view of the necessity for the earliest possible action upon this matter, that I shall attempt to call up the bill at the earliest possible minute not to interfere with appropriation bills and other privileged matters.

Mr. BRISTOW. Mr. President, I desire to state in connection with this report that, as I understand, there were very sharp differences in the committee, especially as to section 11 of the bill which came from the House, relating to the control of steamship lines by railroads. The House bill provided that no railroad should own or control, directly or indirectly, any steamship line with which it did or might compete, and the amendment of that provision was that which brought out the sharp differences of opinion.

I think I may state that three views existed: One in favor of reporting the House provision as it was in the bill—section 11; another, limiting this inhibition as to ships passing through the canal; and another opposed to any restriction whatever over the railroads owning steamship lines.

I desire to say that for myself I shall support section 11 of the bill as it came from the House, believing that it is the best.

Mr. ROOT. Mr. President, in view of the various remarks which have been made about the report on the Panama Canal bill, I wish to say that in my opinion the bill, with regard to the remission of tolls on American vessels, is in violation of our treaty with Great Britain, and I shall take occasion at an appropriate time hereafter to give my reasons for that belief.

Mr. WARREN. Mr. President, I hope the discussion of the bill may go over until the bill is regularly before the Senate.

The VICE PRESIDENT. The bill will go to the calendar.

MEXICAN COTTON-BOLL WEEVIL.

Mr. SMOOT. From the Committee on Printing to which was referred House concurrent resolution 47, I report it favorably, and ask for its present consideration.

The VICE PRESIDENT. The concurrent resolution will be read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. No. 305), of which 10,000 copies shall be for the use of the Senate to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives to be distributed through the House document room.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. WARREN. Mr. President, one moment. I want to know if the concurrent resolution is up for consideration and how it comes up.

The VICE PRESIDENT. It is a concurrent resolution just reported from the Committee on Printing for which present consideration is asked. Is there objection?

Mr. WARREN. I shall not object to it if it does not lead to debate. If it does, I certainly shall have to object.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 7106) providing the sum of $80,000 for the erection of a public building at Cheboygan, Mich.; to the Committee on Public Buildings and Grounds.

A bill (S. 7107) for the relief of Samuel F. Curtis; to the Committee on Claims.

A bill (S. 7108) granting a pension to Ada M. Wade;

A bill (S. 7109) granting a pension to Dallas Garner;

A bill (S. 7110) granting an increase of pension to Howard C. Kibbee;

A bill (S. 7111) granting a pension to Luella R. Eldridge;

A bill (S. 7112) granting a pension to Aaron P. Essex (with accompanying paper);

A bill (S. 7113) granting an increase of pension to William Putnam (with accompanying papers);

A bill (S. 7114) granting a pension to George W. Bannan; and

A bill (S. 7115) granting a pension to George G. Thirlby; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 7116) granting an increase of pension to Alexander Thacker; and

A bill (S. 7117) granting a pension to John F. Kendall; to the Committee on Pensions.

A bill (S. 7118) for the relief of F. F. Morris;

A bill (S. 7119) for the relief of Mrs. C. A. Smith; and

A bill (S. 7120) for the relief of the heirs of L. B. Lawson; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 7121) for the erection of a public building at Burlington, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER:

A bill (S. 7122) for the relief of Thomas Drury and others; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 7123) to remove the charge of desertion from the military record of John H. Armstrong;

A bill (S. 7124) to remove the charge of desertion from the military record of John T. Miller; and

A bill (S. 7125) to remove the charge of desertion from the military record of Elias Brant; to the Committee on Military Affairs.

A bill (S. 7126) granting an increase of pension to Lewis B. Moon; and

A bill (S. 7127) granting a pension to Rachel Cole; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7128) for the relief of Jesus Silva, jr.; to the Committee on Public Lands.

By Mr. HEYBURN:

A joint resolution (S. J. Res. 117) for the relief of Fred White (with accompanying papers); to the Committee on Public Lands.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 118) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies; to the Committee on Appropriations.

AMENDMENTS TO SUNDRY CIVIL BILL (H. R. 25069).

Mr. BURNHAM submitted an amendment providing for the appointment of two civilian instructors in the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN (for Mr. CLARKE of Arkansas) submitted an amendment proposing to appropriate $10,000 for a survey of the sewer system at Hot Springs abutting the Hot Springs Reservation, Ark., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $77.68 to pay Benjamin S. Hanchett, of Grand Rapids, Mich., for money expended for necessary expenses while attending the meetings of the Assay Commission, March, 1905, Philadelphia, Pa., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $5,000 for the expenses of the International Conference on Maritime Law at Brussels in 1912, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing to appropriate $3,588 for paving White Street fronting on the United States Military Barracks, Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CHILTON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

Mr. SMITH of South Carolina submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were ordered to lie on the table and to be printed.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. LODGE. I desire to make a request for unanimous consent that during the absences of the Vice President the Senator from Georgia [Mr. BACON] be President pro tempore of the Senate until July 5; and that during the absences of the Vice President from July 5 until the close of the month the Senator from New Hampshire [Mr. GALLINGER] be President pro tempore.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. LODGE submitted the following resolution (S. Res. 340), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from June 13, 1912, to July 5, 1912, both inclusive.

Mr. LODGE submitted the following resolution (S. Res. 341), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from June 13, 1912, to July 5, 1912, both inclusive.

Mr. LODGE submitted the following resolution (S. Res. 342), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from July 6, 1912, to July 31, 1912, both inclusive.

Mr. LODGE submitted the following resolution (S. Res. 343), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from July 6, 1912, to July 31, 1912, both inclusive.

RELIEF OF SUFFERERS IN ALASKA (S. DOC. NO. 790).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

Information comes of a reliable character that through the action of a volcano in the neighborhood of Kodiak, Alaska, more than a thousand people are rendered homeless, and unless aid can be given them they are likely to suffer severely. I ask, therefore, an immediate emergency appropriation, to be expended by the Revenue-Cutter Service under the direction of the Secretary of the Treasury. The danger is said to be in the neighborhood of large salmon canneries, and should the streams of the country be clogged and poisoned, as is likely, by the volcanic explosion, loss of life is certain to ensue unless relief is granted.

I recommend that an appropriation of $100,000 be made for this purpose.

WM. H. TAFT.

THE WHITE HOUSE, *June 12, 1912.*

ANTI-INJUNCTION BILL.

Mr. MARTINE of New Jersey. Mr. President, preceding the motion I desire to make, I wish to say that four years ago the Democratic Party at Denver, while in convention, declared themselves as opposed to government by injunction. It was in our platform that we would advance legislation tending to give the people of this country that relief. It was our political creed. Though our party and candidate received 6,500,000 votes, we were defeated. The Republican Party has been in control of President, Senate, and House since, except the past year in the House of Representatives.

Mr. WARREN. Will the Senator from New Jersey permit me?

Mr. MARTINE of New Jersey. Certainly.

Mr. WARREN. To what is the Senator addressing his remarks; what business?

Mr. MARTINE of New Jersey. Beg pardon.

Mr. WARREN. What is the business before the Senate to which the Senator is addressing his remarks?

Mr. MARTINE of New Jersey. I am about to make a motion, and this is prefacing my motion or preliminary to my motion.

Mr. WARREN. I hope the Senator will give us the motion, so that we will know what is before the Senate.

Mr. MARTINE of New Jersey. I will give you the motion in a very few words. It may be unpleasant, but I am going to do it.

On the 15th of May, last, that body passed by an overwhelming vote the bill H. R. 23635. Since then it has slept the sleep of the dead in the arms of the Judiciary Committee of this body. In a few weeks both parties will again be in convention. Shall party declarations and party platforms be empty and idle words? What we shall again declare, I know not.

But I mean, as far as I can control, my party shall redeem that pledge.

To that end I move that the Committee on the Judiciary be relieved from the further consideration of House bill 23635, known as the Clayton anti-injunction bill.

The VICE PRESIDENT. The Senator from New Jersey moves that the Committee on the Judiciary be discharged from the further consideration of the bill indicated by him.

Mr. GALLINGER. The motion will have to lie over under the rule.

The VICE PRESIDENT. Yes; if objection is made.

Mr. GALLINGER. I object.

The VICE PRESIDENT. The motion lies over.

THE METAL SCHEDULE.

Mr. LODGE. I ask that there be laid before the Senate the action of the House of Representatives on the disagreeing votes of the two Houses on the bill commonly called the metal schedule bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to amendments 1 and 2 and disagreeing to amendments 3 and 4 of the Senate to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. LODGE. I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. SIMMONS. I move that the Senate recede from its amendments disagreed to by the House of Representatives.

Mr. CLAPP. Let us have the yeas and nays.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Simmons
Bacon	Curtis	McCumber	Smith, Ariz.
Bourne	Dillingham	Martin, Va.	Smith, Ga.
Bradley	du Pont	Martine, N. J.	Smith, Mich.
Brandegee	Fletcher	Myers	Smith, S. C.
Bristow	Gallinger	Nelson	Smoot
Brown	Gardner	Oliver	Stephenson
Burnham	Gore	Overman	Sutherland
Burton	Gronna	Page	Swanson
Catron	Guggenheim	Percy	Townsend
Chamberlain	Heyburn	Perkins	Warren
Chilton	Hitchcock	Poindexter	Watson
Clapp	Johnson, Me.	Pomerene	Wetmore
Crawford	Johnston, Ala.	Reed	
Culberson	Jones	Root	
Cullom	Lippitt	Shively	

Mr. WARREN. I wish to state that my colleague [Mr. CLARK] is absent from the Senate on public business.

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent from the city. I make this announcement for the day.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. LODGE. Mr. President, I do not desire to delay the vote for a moment on the question of receding. I merely wish to call the attention of the Senate to the fact that the amendment in disagreement is the amendment made by the Senate putting on the metal-schedule bill the repeal of the reciprocity act, and the motion to recede is a motion to recede from that amendment.

That is all I desire to say.

The PRESIDING OFFICER. The question is on the motion to recede from the amendments of the Senate, on which the yeas and nays have been ordered.

Mr. GALLINGER. Mr. President, I wish to say a single word on this motion, having no disposition whatever to delay its consideration.

When this matter was before the Senate a few days ago it was fully debated. The Senate did not act hastily at all about the amendment that was placed on this bill. The Senator from North Dakota [Mr. GRONNA] offered an amendment repealing the so-called reciprocity act, to which I offered an amendment, and that amendment was further amended on motion of the Senator from Iowa [Mr. CUMMINS]. The Senate took a vote and solemnly voted 37 to 27 to amend the bill so as to repeal the reciprocity act.

I confess, Mr. President, that I can see no good reason why the Senate should reverse itself on this matter. It was not a hasty conclusion, and I trust, Mr. President, that the motion of the Senator from North Carolina may not prevail.

Mr. BACON. I should like to ask the Senator a question before he takes his seat. Of course this matter is presented to us in two aspects. One is the general aspect of the repeal of the law in all its features with, I believe, one exception. The law is not now operative by reason of the fact that the Canadian Government has not agreed to it. There is, however, one feature of that law which is now operative, is there not?

Mr. GALLINGER. That is true.

Mr. BACON. Will the Senator kindly state what that is?

Mr. GALLINGER. It is admitting certain classes of paper free.

Mr. TOWNSEND. Mr. President, I was not in the Senate Chamber when the Senate amendment repealing Canadian reciprocity was discussed several days since, but entered in time only to vote, so I did not have an opportunity to express my views on that amendment. I voted for Canadian reciprocity after a most careful and conscientious consideration of it, believing that that measure was not inimical to the best interests of our farmers or of any other class of our people. I believed then, as I do now, that this was a step in the direction of closer relations between Canada and the United States, which would result in greater good to the people of both nations. I voted, however, for the original bill believing it meant reciprocity and that it was not a unilateral contract. In discussing the measure when it was up for passage I considered the effect upon the measure which would result if this country approved it and Canada afterwards rejected it. I felt that the clear intent of the contracting parties was that the treaty should be operative when, and only when, both nations had approved it. I recall that the senior Senator from Iowa contended that certain provisions of the bill would, if adopted by the United States, be binding upon that country even though Canada should afterwards reject the treaty. I did not agree with him then, but I am now convinced that I was mistaken and I desire at the earliest opportunity to annul this unilateral contract. If reciprocity is ever to be a binding principle between Canada and the United States with my support, it must be such a measure as will secure reciprocal benefits to both countries, and such benefits must be clear and unquestioned. It is for these reasons that I vote to retain the repealing amendment and not for purposes of delay or to prevent the final determination of the metal-tariff bill.

Mr. CUMMINS. Mr. President, before the vote is taken I think I ought to say, with respect to the amendment which I proposed and which was accepted by the Senator from New Hampshire, that the feeling on the part of some people—I do not think, however, within the Senate—that there would be any confusion respecting the subject if the amendment were to become a law is not well founded.

I offered an amendment providing that hereafter all the paper described in section 2 should be admitted with a duty of $2 per ton. It has been thought that this would not admit paper from other countries at that rate of duty. I believe this to be a misapprehension. The section to which we refer provides that news-print paper and other paper valued at not more than 4 cents per pound shall be admitted free of duty under certain conditions. My amendment provides that such paper—that is, news-print paper and other paper of the value of not more than 4 cents per pound—shall be admitted at the rate of $2 per ton.

It is manifest that if this provision becomes a law under the favored-nation clause of all our treaties such paper would be admitted at a similar or the same rate of duty. The only reason why the free admission of paper provided in the reciprocity act does not apply or can not be taken advantage of by other countries is that by some sort of fiction it is held that this was a part of an arrangement with Canada especially and that we received some consideration for the extension of this privilege that other nations have not conferred upon us. But there can be no doubt whatsoever that if the amendment offered by the Senator from New Hampshire and the Senator from North Dakota, with the addition of the amendment which I proposed and was accepted, becomes a law news-print paper and other paper of the value of 4 cents per pound or less will come into the United States from all the world at the rate of $2 per ton.

Mr. JOHNSON of Maine. Mr. President, I am interested in the passage of the metal bill, as it is called, as it passed the Senate, with the amendment providing for the repeal of Canadian reciprocity and also reducing the duty upon print paper and other paper of the value of less than 4 cents a pound.

I believed when the reciprocity act was under consideration that the contract which was made in section 2 of that act was unilateral and that it did not operate to the advantage of this country or the paper and pulp manufacturers of this country, because we were not allowed admission to the markets of Canada.

From the examination I have made, coming from a State which stands second in the United States in the manufacture

of pulp and paper and manufacturing a great deal of paper which would be admitted by this act, I then felt that the markets of Canada should be opened to our manufactures if we open ours to them.

Afer examining the report of the Tariff Board upon the cost of the production of pulp and paper in this country, I believed from that and such other examinations as I could make that we can manufacture print paper in this country, and in my State of Maine, as cheaply as anywhere in the world, and that we do not need any duty to protect us against the importation of pulp or paper from the Dominion of Canada. I refer in that statement to the pulp and paper mills which are efficiently managed and economically operated in accordance with the rules of good business management with up-to-date equipment. The report of the Tariff Board shows conclusively that mills so equipped and operated are able to compete and hold their own with the pulp and paper mills of Canada.

For that reason I felt that we should make the agreement, if possible, one which would admit pulp and paper from the United States to Canada, and I favor the adoption of what was then known as the Root amendment; but that failing to be adopted I voted for the passage of the bill.

When the matter was before the Senate, a few days since, I then voted for the amendment. I appreciated then as I do now that it was offered partly to embarrass the passage of the metal bill, because it came from those who are opposed to the passage of the metal bill.

Since the action of the House, and feeling as I do that this amendment is offered for the purpose of embarrassing the passage of the metal bill at this time, I shall not vote for the adoption of the amendment, but shall vote to recede from the former action of the Senate.

Mr. GRONNA. Mr. President, when I first offered the amendment to repeal the reciprocity act I offered it in good faith, not only from the standpoint of a Republican, one who believes in the protective policy, but from the standpoint of doing justice to all the industries of this country. I will not admit or agree to the statement made, at least so far as I am concerned, that it was not offered in good faith. To show the feeling of the people of my State, I am going to ask to have a letter read from a staunch Democrat, one of the ablest and best men of my State. I will send this letter to the Secretary's desk and have it read in my time.

The PRESIDING OFFICER. The Secretary will read the letter sent to the desk.

Mr. GRONNA. I have two letters; I wish to have the letter addressed to me personally read first, and then the letter addressed to the ex-governor of the State of Missouri.

The PRESIDING OFFICER. The Secretary will read accordingly.

The Secretary read the first letter, as follows:

ELK VALLEY FARMING CO.,
Larimore, N. Dak., June 4, 1912.

Hon. A. J. GRONNA.
United States Senate, Washington, D. C.

MY DEAR SENATOR:

* * * * * * *

I see you are nobly keeping up the fight for the repeal of President Taft's—correctly branded by you as—"iniquitous measure," and which killed him politically. You are richly deserving and will receive the thanks of the farmers of the whole United States.

I also inclose a copy of a letter I recently sent to Gov. Francis, of Missouri, whom I have known since he left school. He has been successful in both finances and politics, until the old mossbacks of Missouri turned him down because he didn't vote for free silver. Gov. Francis requested my son Clay and me to speak well of CHAMP CLARK. Personally I admire Mr. CLARK, but, as I have stated in my letter to Gov. Francis, I believe the farmers will defeat any candidate who favors annexation and reciprocity.

If Senator STONE cares to read my letter to Gov. Francis, you may let him do so, but don't press it on him, or anyone else.

Most truly, yours,

N. G. LARIMORE.

The Secretary proceeded to read the second letter sent to the desk.

Mr. HEYBURN. Mr. President, I feel compelled to call attention to the impropriety of reading into our records language of that kind—that "the President had fixed Congress"—and then the last phrase. I appeal to the Senator from North Dakota on this question.

Mr. GRONNA. I ask that those words be stricken out of the letter.

Mr. HEYBURN. They should not be read into our records.

Mr. GRONNA. No; I admit that.

The PRESIDING OFFICER. The Senator from North Dakota asks that the objectionable matter be stricken out.

Mr. HEYBURN. The disrespectful language directed against the President.

Mr. REED. I suggest, Mr. President, that both those letters, particularly the one that could not be read, ought to be referred to the Republican national committee. [Laughter.]

Mr. GRONNA. Mr. President, following the suggestion of the Senator from Idaho [Mr. HEYBURN], I will say that it is not my intention to incorporate anything into the RECORD that is objectionable.

Mr. HEYBURN. But it goes into the RECORD, unfortunately, as it is being read. The matter is reported in the RECORD.

Mr. GRONNA. I will say to the Senator that I intended to strike those sentences out.

Mr. HEYBURN. Yes; but I think it would have been well to have stricken them out before they were read. There should be no disrespect used toward the President of the United States in this body.

Mr. GRONNA. Not at all. Now, Mr. President, as I said at the outset, this letter is written by an honored citizen of my State. It was not his intention to cast any reflection or to do anyone an injustice. The letter is only introduced to show that it is not only the Republicans who are opposed to reciprocity, but that Democrats are also opposed to it. I will repeat that this letter was written by a distinguished man from Larimore, N. Dak., who is a Democrat. There is absolutely no politics in it. The Democrats of my State were as much opposed to reciprocity as were the Republicans, because they recognized that it was an unjust measure.

Mr. HEYBURN. Mr. President, will the Senator from North Dakota permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. I did not intend to object to the reading of the sentiments that related to business affairs or the effect of political action upon business affairs. I am in sympathy with the proposition to repeal the reciprocity act. In fact, the first day of this session of the Senate I introduced a bill that was favorably reported from the Committee on Finance and is now on the calendar, providing for the repeal of that act. So I do not desire that the Senator shall consider that I am objecting to the reading of anything, except those expressions that are disrespectful to the President of the United States or to this body.

Mr. GRONNA. Mr. President, I will say that if I had known this matter was to come up this morning I should have run through the letter, taken my pencil, and stricken these sentences out myself, but I overlooked doing it. I ask unanimous consent that they be stricken out.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Yes.

Mr. GALLINGER. Mr. President, it strikes me that the letter of this gentleman to Gov. Francis has not any particular bearing on this question, and I will ask the Senator from North Dakota if he will not request that the letter to Gov. Francis, a portion of which has been read, shall be withheld from the RECORD?

Mr. GRONNA. Mr. President——

Mr. GALLINGER. I think the mutilation of the letter will not help it much. It seems to be a political argument.

Mr. GRONNA. Mr. President, it is not a political argument; it is a financial argument. I wish to have the remainder of the letter read. I am sure that there is nothing disrespectful in the remainder of the letter. I can assure the Senator from New Hampshire that there is not.

The PRESIDING OFFICER. Of course the letter is being read by unanimous consent. If there is objection, it will not be further read.

Mr. GALLINGER. If any part of it is to appear I have no objection to the balance of it being read, but it seems to me that the Senator's position would not be weakened if he asked unanimous consent to withdraw the letter to Gov. Francis and not have it appear in the RECORD. The former letter from his constituent I think is a proper letter, and that will appear in the RECORD.

Mr. GRONNA. This letter was written by the same person.

Mr. GALLINGER. I understand that.

Mr. GRONNA. And a copy of the letter to Gov. Francis was sent to me for the purpose of showing it, as he says in his letter, to Senators. I am willing to take out anything that is objectionable, and shall be very glad to do so. There is nothing disrespectful in the letter, the Senator from New Hampshire will agree with me that it simply pertains to business, and I desire to have it read.

Mr. GALLINGER. Well, what procedure does the Senator propose to adopt to have the objectionable portion of the letter stricken out?

Mr. GRONNA. There are only two sentences in the letter which in any way can be objectionable to anyone, and I have

asked unanimous consent, or shall ask unanimous consent, to strike out that portion of it.

Mr. GALLINGER. I think the better way, perhaps, would be for the Senator to withdraw the letter and at his desk correct it.

Mr. GRONNA. I believe that unanimous consent has been given for the reading of the letter.

The PRESIDING OFFICER. The Chair did not put a request for unanimous consent.

Mr. GRONNA. Well, Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota requested the Secretary to read. The rule provides that when the reading of a paper is called for and objected to it shall be determined by a vote of the Senate without debate.

Mr. GRONNA. I am familiar with the rule. I ask that the letter be returned to me, and I shall read it in my own time.

Mr. GALLINGER. I think that is better.

The PRESIDING OFFICER. Does the Senator withdraw his request for unanimous consent to strike out the phrases objected to, or does he still ask for that consent? The Chair will call the attention of the Senator to the fact that at present the phrases objected to are in the RECORD, and unless they are expunged they will appear in it.

Mr. GRONNA. I withdraw the entire letter.

The PRESIDING OFFICER. The Senator from North Dakota withdraws the entire letter from the RECORD and will read such portions of it himself as he cares to do.

Mr. HEYBURN. One moment. Now, Mr. President, will that have the effect of eliminating from the RECORD the portions of the letter that have been already read, so that they will not remain in the RECORD?

The PRESIDING OFFICER. The Chair so understands. The Senator from North Dakota withdraws from the RECORD the entire letter, and that includes such portions of it as have been read.

Mr. HEYBURN. And it will not be reported?

The PRESIDING OFFICER. It will not be reported.

Mr. GRONNA. Mr. President, I sent this letter in the first place to the Secretary's desk to have it read because the Secretary is a better reader than I am; but, if the Senate will hear me, I shall try to read at least part of it. I think it is a splendid letter:

My son Clay and I have been working among our people in the interest of CHAMP CLARK. We both find a prejudice against him on account of his avowed sympathy with reciprocity and even annexation of all outdoors. I assure them that Mr. CLARK is too honorable a man to wish to destroy any important interest to advance a political policy—

The Senator from Missouri can certainly have no objection to that statement—

that he would give the farmers an opportunity to show him the great wrong reciprocity and annexation would inflict on them and through them to the whole country. The Los Angeles Times and the St. Louis Globe-Democrat, while reciprocity was pending before Congress, denounced reciprocity almost daily, * * * that neither ancient or modern history had a parallel to such a colossal robbery on the farmers as reciprocity contemplated.

Mr. Taft claimed that reciprocity was intended to reduce the high cost of living by reducing the price of bread. The annual per capita consumption of wheat is about 6 bushels. Reduce wheat from $1 to 50 cents, and the saving is less than 1 cent a day; reduce the wage of the mechanic and laborer from an average of $3 to $1.50—the latter being the ruling price when wheat sold at 60 cents—where would labor be benefited by this reduction in the price of wheat? I went to Washington to fight reciprocity, but found——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. GRONNA. Mr. President, I prefer not to yield until I have read the letter, and then I will be glad to yield.

Mr. REED. Well, it would be——

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. REED. I will say to the Senator——

The PRESIDING OFFICER. The Senator from Missouri is out of order.

Mr. REED. I am addressing myself to the Senator from North Dakota.

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. LODGE. Who has the floor?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LODGE. Has he yielded it?

The PRESIDING OFFICER. He has declined to yield.

Mr. GRONNA. I will say to the Senator from Missouri that I will gladly yield to him after I have read this letter:

I went to Washington to fight reciprocity, but found corralled enough Republicans and Democrats to rush the bill through before the country could get to understand what it meant. The farmers are beginning to realize its meaning, as is shown in the vote against Taft. But for reciprocity Taft would have had a walkover for the nomination. North Dakota voted between 30 and 40 to 1 against Taft. Farmers are not yet fully awake to the extent of the calamity reciprocity would have brought on them, but before the election enough of them will have their eyes opened to send any man of any party with outspoken reciprocity proclivities to the scrap pile. The time is past when, as has been the custom, politicians can ignore the farmer and his interests and * * * refuse him an audience. When the farmers pull together they hold the key and are beginning to see the necessity of this as their only safety from annihilation.

* * * * * * *

You have been in the grain business long enough to know that to dump the Canadian crop on our markets would at once drop our prices to that of Winnipeg, then the bears would force prices down to 50 or 60 cents, as was done when John Williams, Ben Barnes, John Kaufman, and others made their millions on the short side. The Canadian wheat on top of ours would make the load too heavy for the bulls to carry. For the past few years the country has been prosperous because of the prosperity of the farmer. The laboring man is getting the highest wages ever known. When we sold our wheat at 60 cents per bushel farm hands were plentiful at from $15 to $20 a month. Now we have difficulty in getting a supply of men at $35 to $40 per month with board. Pauperize the farmer, as reciprocity would do, by first robbing him of $50,000,000 annually on barley * * *——

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. GRONNA. I prefer not to yield until I am through with the letter.

* * * Two hundred million to $300,000,000 on wheat by reducing the price to 60 cents or lower. You remember that prior to the settling of the West and the northwestern States, New England and Virginia farm lands were selling at from $150 to $200 per acre, but that after the new lands, with their virgin soil, got to producing 35 to 40 bushels of wheat an acre by just scratching the surface, wheat, with the aid of the "bears," declined to 50 and 60 cents, and New England and Virginia farmers could not compete, then those farms could be bought for less than the buildings cost. With the untold millions of acres of Canadian lands and their virgin soil, capable of raising a thousand millions annually, with our markets open, history would repeat itself—our farm produce and our grain-growing lands would be depreciated 50 per cent. The country merchant, then the city merchant, and banker would all feel the shock. The mechanic and laborer would be hunting in vain for work at one-half or less present wages. Many contend that Liverpool controls prices of wheat for the world. You know that Liverpool is simply a mirror that reflects conditions in other countries. To illustrate: When reciprocity was pending before Congress dispatches from Chicago stated that the agitation of reciprocity had caused a decline in wheat in the Chicago market of 16½ cents per bushel. Liverpool followed our decline and Winnipeg followed Liverpool, proving two things; first, that Liverpool is only a mirror, and, second, that dumping Canadian wheat on our markets would, with the assistance of the "bears," force prices down and their wheat down with ours, and they would suffer with the American farmer. I showed this point to Premier Borden and the Canadian newspapers.

There may be some who disagree with my conclusions. To any such I will give an opportunity, if I am wrong, to make a few hundred thousand dollars. The Elk Valley Farming Co. owns approximately 15,000 acres of land free of incumbrance in the Red River Valley of North Dakota. Mr. Hill, at a banquet in Grand Forks in 1911, stated that Red River Valley lands were intrinsically worth $150 to $200 an acre.

The Elk Valley Farming Co. will place deeds for all its lands in escrow at $60 an acre to be accepted if reciprocity or annexation becomes a law, the acceptor to put up a bond for half a million dollars to guarantee the payment of $60 an acre for these lands. Without reciprocity or annexation this land is not for sale at any price.

Now, Mr. President, I will yield to the Senator from Missouri.

Mr. REED. Mr. President, the letter read by the Senator keeps constantly referring to "50-cent wheat if we had reciprocity." Does the Senator himself claim that reciprocity would have produced 50-cent wheat in this country? Or is that merely an extravagance on the part of this writer?

Mr. GRONNA. Mr. President, it is true that on the very day reciprocity was defeated by the Canadian people wheat advanced 8½ cents a bushel in the markets of Duluth and Minneapolis.

Mr. REED. That is not the question, Mr. President. I am not discussing the narrow question of whether reciprocity might have affected the price of wheat by a cent or two cents or three or four cents a bushel. I am asking the Senator if he proposes to put his senatorial O. K. upon the statement that reciprocity would have produced 50-cent wheat. I do not think the Senator will say that.

Mr. GRONNA. Mr. President, I do not know; I am not going to fix the price. But I do know the price would be lower with reciprocity with Canada, which means free trade with Canada, and you might just as well say free trade with the whole world, so far as wheat is concerned, or any other agricultural product; and it certainly would result in a great loss to the farming industry of this country.

Mr. REED. I still think the Senator might be generous enough to give me a categorical answer to the question whether he concurs in the statement of this writer that reciprocity would have given us 50-cent wheat. I do not think the Senator will say that, but I should like to know.

Mr. GRONNA. Mr. President, I entirely concur in the statements made by Mr. Larimore.

Mr. REED. Entirely?

Mr. GRONNA. I concur in the statements made by him. Of course that is simply my opinion.

Mr. REED. Just one further question: Of course reciprocity failed to become a law as to agricultural products, because it was not accepted by Canada; and the proposition before us now relates only to wood pulp and paper. Does the Senator think if we were to refuse to concur, to insist upon our amendment made in the Senate, which affects only wood pulp and paper, that would put wheat down to 50 cents a bushel?

Mr. GRONNA. Mr. President, the Senator knows as well as I do that the reciprocity agreement had reference to more than print paper.

Mr. REED. I am speaking about the part that is alive, if the Senator will permit me. Reciprocity was defeated by the act of Canada.

Mr. GRONNA. It is all alive, Mr. President. There is a campaign going on in Canada to-day, as the Senator probably knows, to adopt reciprocity. Sir Wilfrid Laurier is out making speeches over the western part of the country, and the issue there is reciprocity. That is the issue in Canada now.

Mr. REED. The Senator thinks it is now a live issue?

Mr. GRONNA. It is a live issue; very much so.

Mr. REED. Just one further question: I noticed that the Senator, in reading the letter, struck out a good many parts of it. I should like to know what he struck out, so that we may consider it all together.

Mr. GRONNA. Mr. President, I had the letter sent to the desk to be read. I do not think any of the language used is objectionable, but there was objection to one or two sentences, so I struck them out. I assure the Senator I always want to be as courteous as I possibly can to the Senate; so I struck out such words as I thought ought to be stricken out.

That is all I have to say, Mr. President. I do not admit that this amendment which was offered by myself was offered to defeat any legislation. I voted for the bill in the Senate; and I want to see this law repealed because, as I have said, it is an unfair and an unjust measure.

Mr. REED. Mr. President, I should like to ask the Senator one further question. Since the Senator has stated that he regards reciprocity as still a live issue, I can see a reason for a renewal of the agitation with reference to the merits of the reciprocity bill from the Senator's standpoint. But does not the Senator think the proper way to meet a great question of that kind is by a direct bill instead of attaching it as a rider to a tariff measure relating to an entirely different subject?

Mr. GRONNA. Mr. President, I want to be frank with the Senator from Missouri. If conditions were such that a separate bill could be passed—if I believed both Houses of Congress would concur in my views and pass such a bill—I should be very glad to have it passed. But I am sure the Senator from Missouri will agree with me that at least during this session the only way we can repeal this law is by placing a repealing clause on some of these other bills.

Mr. REED. Does not the Senator believe that will jeopardize the bill after it leaves Congress and goes to the other department of the Government?

Mr. GRONNA. No, Mr. President. I think those who believe in protection, at least, and who voted for this measure, will be very glad to have an opportunity to purge themselves and to vote now to repeal it.

Mr. REED. The Senator did not catch my question. I asked whether the Senator does not believe that if this amendment is attached to the steel bill, that fact will jeopardize the steel bill after it leaves Congress and goes to the other department of the Government and will possibly result in a veto?

Mr. GRONNA. I do not, Mr. President. I do not know what the House will do; I do not know what the President will do; but I entertain the hope that President Taft will be very glad to sign the bill with a provision of this kind in it.

Mr. REED. I understand the Senator's position to be that there are a great many Senators and Congressmen who would like to purge themselves of the obloquy attaching to them because they voted for reciprocity. If that is true, it ought to insure the passage here of the measure as a separate bill. The Senator also thinks the President would like to purge himself in the same way, and that he would not be opposed to it.

Under those circumstances, I insist that it is extremely illogical to attach this measure to the steel bill—first, because it does not belong there; second, because it might result in a veto of the steel bill because the reciprocity provision was added; and third, because, if the President is now in the contrite frame of mind that the Senator thinks he is, and is anxious to repeal the reciprocity bill, the course proposed might result in his vetoing the bill which does repeal it, because he might be opposed to the steel bill. Thus the Senator may jeopardize the repeal of reciprocity by adding it to a measure which the President may veto.

I think if the Senator is right, and if there has been a complete revulsion of sentiment and a revolution of opinion, and Congress now desires to purge itself of reciprocity, and the President does also, the Senator ought not to jeopardize his reciprocity reform by compelling the President either to veto it or to sign a steel bill which the President may desire to veto.

If the Senator be right, he ought to consent to striking out this amendment, let the steel bill go to the President alone, and then bring forward his reciprocity repeal. If he be correct, it will pass both Houses of Congress, and the President will restore himself to public confidence by signing it.

Mr. GRONNA. Mr. President, if the Senator from Missouri could assure me that the House would pass a bill repealing the reciprocity act, I should be very glad to withdraw that feature from this bill and let it be passed separately.

Mr. CRAWFORD. Mr. President, I sincerely hope the Senate will refuse to recede from the position it took when this matter was up before. I think one of the most unfortunate attempts at legislation that has been made in recent years was this proposed reciprocal legislation with Canada.

In the first place, Mr. President, I think it is a fair accusation to make to say that the real motive back of the whole measure was not reciprocity in agricultural products. I believe it is a fair charge and accusation to make that that part of the bill was nothing more nor less than a subterfuge to make the people through the populous portions of the United States believe they were going to get some advantages in the way of cheaper living, and that the real purpose of that measure from beginning to end was to secure what was found in section 2, in relation to the importation from Canada of print paper and pulp.

I say that because this remarkable condition is found in that legislation: Section 2 became a law upon the approval of the President, and was not at all contingent upon the action taken by Canada; and those who were interested in section 2 secured the object they sought, while the reciprocal provision depended upon the acceptance of the proposition by Canada.

I insist that that was not an act of fair, open, candid treatment of the agricultural interests of this country, and was an indirect way of getting what ought to have been asked openly and frankly upon its merits, as a separate piece of legislation, without being coupled with this proposition for reciprocity. On that account I shall have no regrets if section 2 shall go down with the first section of the bill.

In the second place, the act never was entitled to go before the country as a fair proposition for reciprocity. I am willing to say here and now that if we could have unrestrained and full reciprocal trade with Canada, with the conditions existing as they do on both sides of the line in relation to production and labor and cost, the advantages to the United States as a whole might fairly balance whatever injuries might follow. But this was no such bill as that.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I do.

Mr. GALLINGER. I presume the Senator is aware of the fact that Canada would not agree to free trade between that country and this.

Mr. CRAWFORD. Very well. Then I say to the Senator from New Hampshire that if Canada would not agree to that measure of full and fair reciprocity which would be just to both countries, and which might be sustained, we had better abandon all this talk about reciprocity with Canada. But I say this proposition, concealing this sort of legislation under the cloak of reciprocity while it made the agricultural interests of this country its victim, was obtaining goods by means of false pretenses.

Mr. GALLINGER. Mr. President, as the Senator probably knows, I fully agree with him on that point. It was not reciprocity.

Mr. CRAWFORD. It was not.

Mr. GALLINGER. It was pretended reciprocity, without the substance.

Mr. CRAWFORD. Mr. President, these protests that have come with no uncertain sound from North Dakota and all along the Canadian border and the Northwest, from earnest people and sincere people and struggling people that are developing the great empire out there, are not based on mere matters of imagination.

They are intensely in earnest about it, and it has certainly been most unfortunate for those who put a proposition of that kind before this country. Every opportunity the people out there have had to make their protest has shown what they thought about it. It has not been Republican. A more un-Republican measure, a more heretical measure so far as the

belief of Republicans in protection is concerned, was never recognized by this side of the Chamber than the so-called reciprocal proposition with Canada. I hope that there will be no hesitation in standing firmly by the record made the other day by the Senate upon this proposition.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be laid aside until the Senate has acted upon the motion to recede from the amendments of the Senate to the metal-schedule bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. WARREN. I wish the Senator would extend his request so that we can finish the little work on the legislative appropriation bill, and if he does not wish to lay the unfinished business aside for the day that he will include that bill.

Mr. SIMMONS. I hope the Senator from Wyoming will not insist upon that. The Senator from Maine [Mr. JOHNSON] has been here expecting to speak on the chemical schedule bill—now, this is the third day.

Mr. WARREN. If the Senator from Maine is to be accommodated, I am perfectly willing that he shall make his speech on the appropriation bill, but I do not like to sidetrack that business.

Mr. SIMMONS. With that understanding I will agree to that suggestion.

Mr. WARREN. So that there will be no misunderstanding, I shall move, as soon as the matter of the Senate amendments to the metal bill is disposed of, to take up the legislative, executive, and judicial appropriation bill, and when it is up, if the Senator from Maine wishes to proceed, of course he has that right, and I shall not make a contest against it. But this is the ninth day we have had the appropriation bill before the Senate, and I submit to the Senator from North Carolina himself that good orderly business requires that we shall finish it.

Mr. SIMMONS. It is the ninth day, also, that we have yielded to the Senator to go on with the appropriation bill, when we were very anxious to proceed with the unfinished business.

Mr. WARREN. When the Senator says he has yielded it is true that he has done so, and very generously, but I might as well say that the time may come when the Senate will have to decide whether the appropriation bill shall have the right of way and can be displaced by other bills. I hope that time will not come, because——

Mr. SIMMONS. At the suggestion of the Senator from Maine, I will consent that after this vote is taken the Senator from Wyoming shall call up the appropriation bill, with the understanding that as soon as it is acted upon then I shall call up the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. LODGE. Do I understand that this is a unanimous consent that we shall take up the tariff bill at the conclusion of the legislative, executive, and judicial appropriation bill?

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from North Carolina has asked unanimous consent that the unfinished business may be temporarily laid aside, and he has had some understanding with the Senator from Wyoming that the Senator from Wyoming will then move to take up the legislative, executive, and judicial appropriation bill.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside until the motion that is now before the Senate is disposed of and until action is had upon the legislative, executive, and judicial appropriaton bill.

The PRESIDING OFFICER. Is there objection to that request?

Mr. SMOOT. Would it be in order to ask unanimous consent to lay aside the unfinished business with a provision attached to it?

Mr. SIMMONS. I was asking unanimous consent that it be laid aside until certain things happened.

Mr. SMOOT. Then it will be open to act upon at any time.

Mr. SIMMONS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered. The question is on the motion of the Senator from North Carolina that the Senate recede from its action in putting the reciprocity repeal amendments on the metal schedule bill. Is the Senate ready for the question? The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. BRANDEGEE'S name was called). The Chair will state that he has a general pair with the junior Senator from New York [Mr. O'GORMAN], but will transfer that pair to his colleague, the Senator from Connecticut [Mr. MCLEAN], and will vote. I vote "nay."

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is absent on business of the Senate, and he stands paired with the Senator from Missouri [Mr. STONE].

Mr. LODGE (when Mr. CRANE'S name was called). My colleague [Mr. CRANE] is necessarily absent from the Senate. He is paired with the Senator from Maine [Mr. GARDNER]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE'S name was called). My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN]. If my colleague were present, he would vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER] which I transfer to the junior Senator from Tennessee [Mr. SANDERS] and I will vote. I vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH] and vote. I vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote. I vote "nay."

Mr. GORE (when Mr. OWEN'S name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired, however, with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I would vote "yea" if I were not paired.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair so that he may stand paired with the Senator from New Mexico [Mr. FALL], and I vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. OVERMAN (when the name of Mr. WILLIAMS was called). I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. The Senator from Mississippi is necessarily absent.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], and he being absent I feel compelled to withdraw my vote.

Mr. JOHNSTON of Alabama. I wish to announce for the day that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

Mr. BURNHAM. I desire to transfer my pair to the junior Senator from Illinois [Mr. LORIMER], and I will vote. I vote "nay."

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Ashurst	Gore	Overman	Smith, Ariz.
Bacon	Hitchcock	Percy	Smith, Ga.
Bryan	Johnson, Me.	Poindexter	Smith, S. C.
Chamberlain	Johnston, Ala.	Pomerene	Swanson
Chilton	Martin, Va.	Rayner	Tillman
Culberson	Martine, N. J.	Reed	Watson
Fletcher	Myers	Shively	

NAYS—33.

Bourne	Cummins	Lippitt	Smoot
Bradley	Dillingham	Lodge	Stephenson
Brandegee	du Pont	McCumber	Sutherland
Bristow	Gallinger	Nelson	Townsend
Brown	Gronna	Oliver	Warren
Burnham	Guggenheim	Page	Wetmore
Burton	Heyburn	Perkins	
Catron	Jones	Root	
Cullom	Kenyon	Smith, Mich.	

NOT VOTING—34.

Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lorimer	Simmons
Borah	Dixon	McLean	Smith, Md.
Briggs	Fall	Newlands	Stone
Clapp	Foster	O'Gorman	Thornton
Clark, Wyo.	Gamble	Owen	Williams
Clarke, Ark.	Gardner	Paynter	Works
Crane	Kern	Penrose	
Crawford	La Follette	Richardson	

So Mr. SIMMONS's motion that the Senate recede from its amendments was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] that the Senate insist on its amendments Nos. 3 and 4, disagreed to by the House, and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed with the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the committee amendment on page 147.

Mr. CUMMINS. I understood the Senator from Minnesota [Mr. CLAPP] had offered an amendment striking out a certain part of the House text.

Mr. CLAPP. I had an amendment prepared, but the Senator from Georgia [Mr. SMITH] offered one last evening that I rather think is in better form.

Mr. SMITH of Georgia. And I have improved on that a little.

The VICE PRESIDENT. The Senator from Georgia offers an amendment which will be stated.

The SECRETARY. On page 147, amend line 7 by striking out "thirty-four" and inserting "twenty-nine"; amend line 10 by striking out "two hundred and seventy-two thousand five hundred" and inserting "two hundred and thirty-seven thousand five hundred"; amend by substituting for lines 11, 12, 13, and 14 the following:

The five additional circuit court judgeships provided for by the act of Congress approved June 18, 1910, are hereby abolished, and the authority in said act of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. WARREN. I make the point of order against the amendment that it entirely changes existing law. These men are appointed for life or during good behavior, and hold their commissions and are in the service of the United States, under the law.

Mr. SMITH of Georgia. Mr. President, I want to be heard. That is the very issue that is involved.

Mr. WARREN. I withhold my point of order for the moment, so that the Senator from Georgia may proceed.

Mr. SMITH of Georgia. The proposed amendment of the committee strikes out lines 11, 12, 13, and 14 as found on page 147 of the bill. The bill as passed by the House provides that—

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

I agree with the committee that that provision should be stricken out. It is based upon the idea that if a circuit court judge should die in any particular circuit, instead of the President appointing a new circuit court judge in that circuit one of these five judges is to be detailed to that circuit to do the work. I object to having one of these five judges detailed into our circuit. We have three good circuit court judges, and if a vacancy should arise we feel that we are entitled to have another circuit court judge appointed in that circuit from the bar of that circuit. Not one of these five men is from our circuit.

If the principle involved in the House provision is to prevail, then I think it would only be fair to limit its effect to the circuits from which these five men were appointed. If they desire to retain these men and reduce the number of circuit court judges as circuit court judges pass away, then the provision to be fair should be that in these circuits where the addition of these five men has increased the number no appointment shall be made until the number has been reduced to the normal number. But I do not think that these five men ought to be retained at all.

Mr. HEYBURN. Will the Senator permit me to say, in regard to the use of his language, they are not appointed to the circuits; they are appointed from them.

Mr. SMITH of Georgia. I understand.

Mr. HEYBURN. There is no law authorizing the appointments from the circuit.

Mr. SMITH of Georgia. I understand that they are appointed from the circuits, but if they are to be assigned to regular circuit court judge work, then I want them to stick to the circuits that they live in and in which their appointments are made.

But I submit there is no necessity for that. We have dispensed with the court. We agree with the House that there shall be no Commerce Court, and there is, therefore, no necessity for these five additional circuit court judges. The five additional positions were created, not for the benefit of the general work but for this particular court. Five additional positions were created by the act of 1910, which created the Commerce Court.

Now, as we abolish the court we do not need the five additional positions any longer, and it is perfectly legal to abolish those five positions.

The Supreme Court of the United States has held that no man appointed to an office has a vested right in his office. The legislative power can lessen the years of his office where there is no constitutional provision as to the time of the service. The legislative power can abolish the office. No vested right exists to draw the salary.

Congress, in 1910, created five additional positions, enlarging the number of circuit court judges to 34. It did it to provide for the detail of these five men to the Court of Commerce and for nothing else. We have abolished the Court of Commerce and there is no necessity for continuing the five positions.

The amendment which I have offered as a substitute for the House provision, agreeing with the committee that the House provision certainly ought to be disagreed to, simply provides that we shall repeal so much of the act of 1910 as created these five additional positions.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. I should like to ask the Senator from Georgia a question: The Supreme Court of the United States now consists of nine judges. It would be within the competence of Congress to provide that hereafter the Supreme Court of the United States shall consist of seven judges, but does the Senator from Georgia think that, in connection with that provision, we could abolish the last two Supreme Court judgeships and thereby legislate those two judges out of office?

Mr. SMITH of Georgia. I will reply to the Senator by asking him a question: If we reduced the court to seven, could more than seven sit?

Mr. SUTHERLAND. No; but my position is, as implied by my question, that while we might reduce the number of the Supreme Court hereafter to seven members, we could not abolish the office of any one of those nine judges.

Mr. SMITH of Georgia. I am not prepared to say whether we could or could not. The Supreme Court stands upon a somewhat different position from the circuit courts, as it is undoubtedly a court provided for by the Constitution.

Mr. SUTHERLAND. Well, Mr. President, that is true, but only as respects the provision of the Constitution that there shall be a Supreme Court. There is no provision of the Constitution as to number.

Mr. SMITH of Georgia. I will say to the Senator that my impression is that we could reduce the number, and, having abolished the places, that they would no longer hold their offices and no longer draw salaries. I do not express a fixed opinion upon it, but that is my impression about it. I do not see why it should not be the law.

Mr. OVERMAN. Mr. President, may I ask the Senator a question? Suppose we did reduce the number from nine to seven, could we not withhold the appropriation from them if we desired to do so?

Mr. SUTHERLAND. Perhaps we have the physical power to do it; but we certainly have no right to do it under the

Constitution, which provides that the salary of judges shall not be diminished during their term of office.

Mr. SMITH of Georgia. But the office would have ceased to exist.

Mr. SUTHERLAND. No.

Mr. SMITH of Georgia. The office to which the judge was appointed would have ceased to exist.

Mr. SUTHERLAND. Of course, that constitutes the sole difference between the Senator and myself.

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. I think not. I think when the Constitution provides that the judges shall hold their offices during good behavior, that means that when a judgeship has been created that judge can not be separated from his office.

Mr. SMITH of Georgia. It has been done.

Mr. SUTHERLAND. It never has been done but once, and that was in the very early history of the Government.

Mr. SMITH of Georgia. Sixteen circuit judges went out of office for good. Their office was abolished in 1802.

Mr. SUTHERLAND. I am quite familiar with that precedent, but I think it was condemned by the best lawyers in the country, and certainly by some of the leading constitutional text writers of the country.

Mr. SMITH of Georgia. Mr. President, I feel no embarrassment whatever about legislation which wipes out an office. I entirely resent the idea that under our system of government there is any vested right in an office which any man can have. It is true that in the earlier days of the Republic some of our men, still fresh from English practice and English rule, entertained the idea of vested right in office gathered from the English practice, but gradually the courts of this country have entirely abandoned that. I do not believe that there is any supreme court in any of the States in the United States to-day that adheres to the idea that a man can have any vested right in office if the office is abolished by legislation.

Mr. SUTHERLAND. Mr. President, the right which the judge has in his office under the Constitution of the United States, as I understand, is not a right for the sake of the judge; it is not a vested right for his sake; but it is a right for the sake of the people. Whether their theory was right or wrong, they provided in the Constitution for the tenure of office during good behavior; and it was for their benefit, as they thought in framing the Constitution, and not for the benefit of the incumbent of the office—that is, it was for the benefit——

Mr. SMITH of Georgia. And that meant while the office existed. That certainly could not have meant when Congress created offices that were subsequently found to be useless the hands of the legislative power were to be tied and that these men should perpetually or, at least, during life continue to hold the offices, though the people, through their Representatives, believed that no longer was there a necessity or a desirability of maintaining the offices.

Mr. CUMMINS. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to suggest to the Senator from Utah [Mr. SUTHERLAND] that there is no difference between the appointment of a man to an office that he is to hold during good behavior and the appointment of a man to an office that he is to hold for four years, so far as congressional or legislative action is concerned, within the period of four years, if that shall be the term of the office. It has been held a great many times in the United States that an office could be abolished and that the person holding it was thereby removed from the office during the term for which he was either appointed or elected. As I look at it, there is an office known as the office of circuit judge. It is entirely separate and apart from the circuit courts or the circuit court of appeals or the Commerce Court; and I can not believe that there is any constitutional difficulty in abolishing the office of such a judge. The consequence is, of course, that the person holding the office ceases to have any relation to the Government and ceases to be a circuit judge from that time on.

If the Senator from Utah will assert that in a State where an office has been created and a person appointed to it or elected to it for two years or four years, that office can not be abolished during the time to which such person was elected to it, then he will support the proposition which I understand he makes; but I think, in view of the authorities, he will not so assert.

Mr. SMITH of Georgia. I do not desire, Mr. President, to protract the debate on this question. I have presented an amendment which meets the proposition of reducing the number of circuit judges to 29, and repealing so much of the act of 1910 as created 5 additional circuit judges. That we can legally reduce the number it seems to me is perfectly clear. I think that is the simple way to handle the subject.

The additional amendments I have offered follow the one which would substitute for the action of the committee in simply striking out from line 11 to line 14, as passed by the other House, and in their place inserting the provision to the effect which I have stated.

Mr. SUTHERLAND. Mr. President, so far as the point of order made by the Senator from Wyoming [Mr. WARREN] is concerned, it seems to me to be absolutely well taken. The provision of law under which these five judges are now in office is as follows:

> The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court for any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

The existing law, therefore, is that these five judges have been appointed during good behavior. If no change is made in existing law, of course they continue to hold those offices. So it is manifest that the proposition made by the Senator from Georgia [Mr. SMITH] is to radically change existing law.

Independently, however, of the question of order and upon the merits of this proposition, I contend that Congress has no power to do this thing, even if it were presented by a separate bill. Let me again advert to the provisions under which these judges were appointed.

In the first place, the Commerce Court act provided that a court of the United States should be created called the Commerce Court; that that court should be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States from among the circuit judges of the United States. But the act further provided that as at first constituted the court should consist of these five additional circuit judges. Then provision was made as to how these five judges should be appointed. They were to be appointed by the President of the United States as circuit judges. It is true they are called additional circuit judges, but the word "additional" is no part of the title. It is simply descriptive; it means the same as though it had read "there shall be appointed five circuit judges, who shall be in addition to the judges already in office."

Mr. SMITH of Georgia. The Senator's position is, then, that if we do in time increase the number of any branch of the Federal court judiciary who hold for life, we could never subsequently decrease them?

Mr. SUTHERLAND. We never can decrease them.

Mr. SMITH of Georgia. During the lives of the men?

Mr. SUTHERLAND. That is precisely my position. We have no right to decrease them. We may decrease the number of judges, but we must provide, as the House provided—and I will undertake to say after due consideration:

> No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. HEYBURN. Will the Senator permit me to interrupt him?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. That was done in the act of 1866.

Mr. SUTHERLAND. It has been done several times.

Mr. HEYBURN. The act of 1863 increased the court to nine associates and the Chief Justice. Under that Justice Field came in. Then, in 1866, Congress provided that no other Supreme Court judge should be appointed until the number had been reduced to six Associate Justices and one Chief Justice.

Mr. SUTHERLAND. That has been done.

Mr. HEYBURN. And the House evidently followed that precedent.

Mr. SUTHERLAND. Precisely. That has been the uniform legislation with reference to this matter, except in the case to which the Senator from Georgia adverted, in 1802. Congress has on two or three occasions altered the number of judges who should constitute the Supreme Court of the United States. It has on two or three occasions reduced the number. It reduced them upon one occasion from 9 to 7. It reduced them upon another occasion from 10 to 9; but in each instance where it undertook to do that express provision was made that that should not interfere with the tenure of the existing judges. In other words, until one of the judges should have passed away or resigned or gone out of office in some way provided by the Constitution—having reached the age limit and retired, for example—Congress recognized that he could not be deprived of his office, and continued him in his office, and the provision for

the number of the judges to be decreased went into operation after, in the natural course of things, the number of judges had been reduced.

Mr. WARREN. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I do not want to cut off argument, if it is in order, but I want now to make the point of order for the Chair to rule upon, that no matter what might properly be the changes in legislation, certainly an appropriation bill is not open to amendments to be offered that have neither been estimated for, nor have they been heretofore presented, printed, and laid over for a day, nor have they been reported from any committee.

Mr. OVERMAN. Mr. President, this is——

Mr. SUTHERLAND. I want to continue for a few moments to state my position upon this matter. I think it is a question of great importance.

Mr. CUMMINS. May I interrupt the Senator?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. Before the point of order suggested by the Senator from Wyoming is ruled upon, I desire to be heard upon it.

Mr. WARREN. Of course the point of order is open to discussion as to the point of order itself.

Mr. CUMMINS. I do not want to interrupt the Senator from Utah for that purpose now.

Mr. WARREN. I do not claim that those are the only points of order that can be made against the amendment, but I make those for the Chair to consider. Of course, remarks on the point of order are in order.

Mr. SUTHERLAND. Now, Mr. President, the office of the judge must be distinguished from the court, which is not an office, but a place or an institution for the exercise of the office of the judge. The Commerce Court exists wholly independent of any particular judges. We could provide that these circuit judges should no longer serve in the Commerce Court, but that district judges should be appointed; we could provide for the employment of entirely new judges to serve upon the Commerce Court; and so with reference to the other courts. Not very long ago we abolished the circuit courts of the United States, transferring their jurisdiction to the district courts of the United States, but we did not thereby abolish the circuit judges any more than we would abolish the district judge by abolishing the district court, or any more than we would abolish the Supreme Court by abolishing the circuit courts, in which the Supreme Court judges were authorized to sit.

Mr. SMITH of Georgia. That was because you needed them on the circuit courts of appeal.

Mr. SUTHERLAND. But wholly independent of the question of what we needed, I am saying that the act of legislation abolishing the circuit courts did not abolish the circuit judges. I am undertaking to point out that the office of judge is wholly separate and distinct from the court. The Constitution, as I have said, provides that the judges, whether they are Supreme Court judges or judges of the inferior courts, shall hold their office during good behavior. By that provision, as I understand, it was intended that the judge should not be separated from his office nor the office from the judge in such a way that he should cease to be a judge; otherwise the whole purpose of the Constitution, so far as that part of it is concerned, would, as I view it, be utterly subverted. The idea of that was that these judges should have a permanency of tenure and not be subject to removal by the President of the United States, who appointed them, nor by the legislative body which authorized their appointment. It was intended that they should be entirely independent, so far as their tenure of office was concerned, of everybody. Congress was simply designated as an agent of the people to provide for these courts, as the President was designated as the agent of the people to make the appointment of the judges; but when the authority was given by Congress for the creation of these offices, and the President of the United States had filled them, both Congress and the President ceased to have any control over their tenure of office. It was further emphasized——

Mr. OVERMAN. Mr. President——

Mr. SUTHERLAND. If the Senator will bear with me a moment, that thought was further emphasized by the provision in the Constitution that the salaries of the judges should not be reduced. The underlying thought in both propositions was that the court should be entirely independent of Congress, so that their judgment should not be swayed in any manner by the opinions of Congress upon any matters that might come before them; that they might be wholly independent; that their judgment might not be altered or swayed in the slightest degree by the fear that, if they did not decide in a particular way, Congress could step in and remove them from the office, or that Congress could step in and take away their salary or cut it down.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SUTHERLAND. Yes.

Mr. OVERMAN. Within my recollection in the Senate there have been two courts abolished, and the judges have been abolished, their salaries being unappropriated for.

Mr. SUTHERLAND. What judges?

Mr. OVERMAN. I refer to the Spanish Claims Commission, here in the city, and then there was a land court to pass on Mexican claims out in the West.

Mr. SUTHERLAND. They were not constitutional courts.

Mr. OVERMAN. I remember a judge from my State who was appointed——

Mr. SUTHERLAND. They were not constitutional courts.

Mr. OVERMAN. All courts are constitutional courts, in that Congress is allowed to create such courts as it may from time to time think necessary. The circuit courts are not provided for in the Constitution; only the Supreme Court of the United States is provided for in the Constitution. Therefore, any court that we create is subject, as I claim, to be abolished, except the Supreme Court of the United States.

Mr. SUTHERLAND. Oh, no, Mr. President; there is a very clear and a very vital distinction. The judges of the courts created by the Constitution hold their office during good behavior. That does not mean that Congress may not create other courts. Congress provided for courts in the Territories and fixed their term of office at four years. The Supreme Court held that they did not exercise any of the judicial power of the Constitution; that they were not constitutional courts, but legislative courts.

Mr. OVERMAN. The time of the courts to which I have referred was not fixed. What is the distinction between those courts and any other courts established by Congress? They are all legislative courts.

Mr. SUTHERLAND. They were appointed for a special purpose. It is true they exercised judicial functions, but they did not exercise the judicial power of the Constitution. That distinction is very well understood. We provide for the appointment of commissioners of the circuit courts. Those commissioners exercise judicial functions, but it has been repeatedly held by the Supreme Court and by the subordinate Federal courts that they do not exercise any of the judicial power of the Constitution, and they are not constitutional courts, although they exercise judicial functions. So with special boards or courts, or whatever we may call them.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. Yes.

Mr. CLAPP. Was not the court in the District of Columbia which was abolished in March, 1863, a constitutional court?

Mr. SUTHERLAND. Not at all. The judges of the courts of the District of Columbia are not appointed under the judicial clause of the Constitution at all; they are appointed under the provisions of the Constitution which gives Congress authority to govern the District of Columbia, just as the judges in the Territories are appointed under that provision of the Constitution which gives Congress the—

power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

They are not appointed under the judicial clause of the Constitution at all.

Mr. CLAPP. Does the Senator claim that, outside of what force may attach to the provision that a judge's salary shall not be decreased, the term of office of a judge whom he calls a "constitutional judge" is any more beyond the reach of Congress than that of any other officer?

Mr. SUTHERLAND. That is precisely what I am claiming.

Mr. CLAPP. I should like to have the Senator answer the suggestion of the Senator from Iowa, which, it seems to me, is absolutely unanswerable——

Mr. SUTHERLAND. I thought I was answering it.

Mr. CLAPP. That it makes no difference whether that term is indeterminate or fixed, we could abolish it in either case.

Mr. SUTHERLAND. I do not think so, because I think, as I have been undertaking to show, that the Constitution of the United States contemplated that these judges should hold their offices during good behavior and should not be subject to removal. No power is given——

Mr. CLAPP. Suppose it had said "10 years" instead of "during good behavior"?

Mr. SUTHERLAND. Well, I think that might have made some difference, but that is not the case we are dealing with.

Mr. CLAPP. The one determines just as much as the other.

Mr. SUTHERLAND. I do not think so.

Mr. CLAPP. If it would be 10 years, it would be 10 years, and if it is during good behavior it is during good behavior; and if we could terminate the one we certainly may terminate the other, it seems to me.

Mr. SUTHERLAND. I do not agree with the Senator; I do not think we can, because the purpose of the Constitution with reference to the permanency of these judges is to be borne in mind.

I was going to say that in 1802—and that is the only piece of legislation that I know of where anything of this sort has ever been attempted—in 1802 Congress, after a most illuminating discussion and after devoting some weeks of time to the discussion, by an act abolished the 16 circuit courts that had been created the year previous. It was done, as I think historians practically all agree, as a matter of politics. The outgoing administration, under President Adams, had provided for these 16 circuits, and the judges for them had been appointed. The incoming administration, under Mr. Jefferson, was very much disturbed about it, and a bill was immediately presented upon the incoming of Congress to repeal the previous act, and after discussion it was repealed.

Now, I want to call attention—and with those citations I am through, for I have no desire to prolong the discussion—to what was said by Mr. Justice Story, who in point of time was pretty close to that particular incident. At section 1632 of his work on the Constitution, Mr. Justice Story says——

Mr. POINDEXTER. Mr. President, for information, I will ask what was the result as to the tenure of office of these Federal judges.

Mr. SUTHERLAND. Congress abolished the court and, as I remember—although I am not entirely clear about it—they undertook to provide, as well, that the judges should not serve.

Mr. POINDEXTER. What was the result of that? Did those judges go out of office?

Mr. SUTHERLAND. The result was that there was no way of presenting the matter—that is, no way by which the judges themselves could present it, as I understand—and the matter never was determined by the Supreme Court.

Mr. SMITH of Georgia. To what case is the Senator referring?

Mr. SUTHERLAND. I am referring to the legislation of 1802, which undertook to abolish the circuit courts that had been created the year prior.

Mr. SMITH of Georgia. But they did not abolish the circuit courts. They abolished the office of circuit-court judge as a distinct office.

Mr. SUTHERLAND. The circuit judges or the circuit court——

Mr. SMITH of Georgia. They abolished the 16 judges, and the judges applied to Congress later on for their pay, which was denied them.

Mr. SUTHERLAND. Yes; they applied to Congress.

Mr. POINDEXTER. Does not the Senator think, if there had been a remedy in case they had desired to question the right of Congress to abolish their offices and legislate them out of office by legislating the court out of existence, that they would have applied to the court and had the constitutionality of the matter determined by the court?

Mr. SUTHERLAND. Well, I do not know——

Mr. POINDEXTER. The fact that they did not do so rather indicates, in my judgment, that there simply was no question about the authority of Congress.

Mr. SUTHERLAND. The judges did not assent to it, because they applied to Congress, asking Congress to assign them to their duties, insisting that they were still judges, but that there was nothing for them to do. I can not myself just see what they could have done in the way of appealing to the court.

Mr. HEYBURN. Did their pay go on?

Mr. SUTHERLAND. No; their pay did not go on.

Mr. SMITH of Georgia. Does the Senator contend that we could not abolish the office of circuit court judge or circuit court judge of appeals and abolish all 34 places, doing away with these judges entirely?

Mr. SUTHERLAND. I do so contend. The Senator has asked me that question before.

Mr. SMITH of Georgia. No; I never asked the Senator that question.

Mr. SUTHERLAND. Well, he has asked me a question equivalent to that.

Mr. SMITH of Georgia. I carried it a little further this time.

Mr. SUTHERLAND. I do so contend. The whole purpose for which I am now standing on my feet is to make that contention. Let me in turn suggest to the Senator that if we may abolish the 34 circuit judges, then we can abolish the 93 district judges, and we can abolish all other judges and provide for the appointment of other judges in their places. I do not think that any such contingency as that was ever contemplated by the Constitution.

Mr. SMITH of Georgia. My former question to the Senator was, Did he contend that we could not abolish five of these places and get rid of these judges in that way? I extended the question the last time to the entire 34, covering the entire jurisdiction.

Mr. SUTHERLAND. Of course, it must necessarily follow, if I contend that the 5 can not be abolished, that I also contend that 34 can not be abolished.

In section 1632, Mr. Story says:

Mr. Justice Wilson also has, with manifest satisfaction, referred to the provision as giving a decided superiority to the national judges over those of England.

This is a quotation from Mr. Justice Wilson:

The laws—

Says he—

in England respecting the independency of the judges have been construed as confined to those in the superior courts. In the United States this independency extends to judges in courts inferior as well as supreme. This independency reaches equally their salaries and their commissions. In England the judges of the superior courts do not now, as they did formerly, hold their commissions and their salaries at the pleasure of the Crown, but they still hold them at the pleasure of the Parliament.

That is because there is an express provision.

The judicial subsists, and may be blown to annihilation by the breath of the legislative department.

That is in England.

In the United States the judges stand upon the sure basis of the Constitution; the judicial department is independent of the department of legislature. No act of Congress can shake their commissions or reduce their salaries. "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office." It is not lawful for the President of the United States to remove them on the address of the two Houses of Congress. They may be removed, however, as they ought to be, on conviction of high crimes and misdemeanors. The judges of the United States stand on a much more independent footing than that on which the judges of England stand, with regard to jurisdiction as well as with regard to commissions and salaries. In many cases the jurisdiction of the judges of the United States is ascertained and secured by the Constitution. As to these, the power of the judicial is coordinate with that of the legislative department. As to the other cases, by the necessary result of the Constitution, the authority of the former is paramount to the authority of the latter.

Now, in the next section he proceeds:

It would be a matter of general congratulation if this language had been completely borne out by the perusal of our judicial annals, but, unfortunately, a measure was adopted in 1802, under the auspices of President Jefferson, which, if its constitutionality can be successfully vindicated, prostrates in the dust the independence of all inferior judges, both as to the tenure of their office and their compensation for services, and leaves the Constitution a miserable and vain delusion. In the year 1801 Congress passed an act reorganizing the judiciary and authorizing the appointment of 16 new judges, with suitable salaries, to hold the circuit courts of the United States in the different circuits created by the act. Under this act the circuit judges received their appointments and performed the duties of their offices until the year 1802, when the courts established by the act were abolished by a general repeal of it by Congress without in the slightest manner providing for the payment of the salaries of the judges or for any continuation of their offices. The result of this act, therefore, is, so far as it is a precedent, that, notwithstanding the constitutional tenure of office of the judges of the inferior courts is during good behavior, Congress may, at any time, by a mere act of legislation, deprive them of their offices at pleasure, and with it take away their whole title to their salaries. How this can be reconciled with the terms or the intent of the Constitution is more than any ingenuity of argument has ever, as yet, been able to demonstrate. The system fell, because it was unpopular with those who were then in possession of power, and the victims have hitherto remained without any indemnity from the justice of the Government.

And in a note to that section the author says:

The act gave rise to one of the most animated debates to be found in the annals of Congress, and was resisted by a power of argument and eloquence which has never been surpassed. These debates were collected and printed in a volume at Albany in 1802, and are worthy of the most deliberate perusal of every constitutional lawyer. The act may be asserted, without fear of contradiction, to have been against the opinion of a great majority of all the ablest lawyers at the time, and probably now, when the passions of the day have subsided, few lawyers will be found to maintain the constitutionality of the act. No one can doubt the perfect authority of Congress to remodel their courts or to confer or withdraw their jurisdiction at their pleasure. But the question is whether they can deprive judges of the tenure of their office and their salaries after they have once become constitutionally vested in them.

And Mr. Tucker, an able authority, in the course of a discussion of this subject in the appendix to the first volume of

his edition of Blackstone, commenting upon this same matter, says——

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SUTHERLAND. Certainly.

Mr. FLETCHER. May I ask the Senator a question? Does he not think it is within the power of Congress to repeal the act creating the court and providing for these judges—absolutely, the whole act?

Mr. SUTHERLAND. I did not hear the Senator.

Mr. FLETCHER. Does not the Senator think it is within the power of Congress to repeal the act creating the Commerce Court?

Mr. SUTHERLAND. I think we have the power to do that.

Mr. FLETCHER. Would not the effect of that be to do away with the judges appointed under that act?

Mr. SUTHERLAND. Not at all, and I am strengthened in my position in this particular instance by the fact that these judges are not appointed as judges of the Commerce Court. They are appointed as circuit judges and the act which provides for their appointment expressly provides that they may serve in the circuit courts of appeals and in the circuit courts.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. Suppose the act of 1910, instead of providing for the appointment of five additional circuit judges, had provided for the appointment of five judges of the Commerce Court. The Senator from Utah has expressed the opinion, about which I think there can be no doubt, that it is within our power to abolish the Commerce Court. Under that hypothesis, what would then have become of the judges?

Mr. SUTHERLAND. The judges would have been judges. They would have been entitled to receive their salaries, because the office of the judge, under the terms of the Constitution, had vested in them during good behavior. That, if it means anything, means that they can not be divested of their office except for misbehavior. They would have been judges without Congress having assigned any duties to them, but Congress could have done so at any time.

Mr. CUMMINS. The Senator says they would have been judges, but judges of what?

Mr. SUTHERLAND. Judges without duties.

Mr. CUMMINS. Judges of what court?

Mr. SUTHERLAND. Judges of no court, but judges entitled to receive their compensation.

Mr. BACON. Does the Senator take the position that there can be judges without a court?

Mr. SUTHERLAND. I have been undertaking to say that there may be; that we may abolish a court——

Mr. BACON. I understood what the Senator said necessarily involved that and led to it, but I did not know that the Senator had announced it as a distinct proposition that there may be a judge without a court.

Mr. SUTHERLAND. That is the distinct position——

Mr. BACON. Or without any law authorizing a court.

Mr. SUTHERLAND. That is the distinct position taken by the authorities I am quoting. That is Mr. Story's position.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. HEYBURN. Is it a fact that one of the judges of the Commerce Court at the time of his appointment was a judge of a United States district court appointed for life?

Mr. SUTHERLAND. I think so.

Mr. HEYBURN. Then we abolished that office which he held.

Mr. SUTHERLAND. He accepted the other office.

Mr. HEYBURN. Did he resign?

Mr. SUTHERLAND. I do not know what he did, but he accepted the other office.

Mr. HEYBURN. Unless he resigned, he is now two judges.

Mr. SUTHERLAND. Does the Senator think we could have taken him out of his office without his consent?

Mr. HEYBURN. We just deliberately appointed him.

Mr. SUTHERLAND. I know; but suppose he had declined the appointment.

Mr. HEYBURN. That is supposable.

Mr. SUTHERLAND. That is a legitimate supposition. Suppose the judge, who was then a district judge, and had been appointed a circuit judge, had declined to accept the office of circuit judge. Would he not have continued in his office of district judge?

Mr. CUMMINS. I want to suggest, in order to keep the record straight, that there were two of these judges who were upon the district bench at the time they were appointed to the Commerce Court.

Mr. HEYBURN. Yes; there was one other. I did not want to mention names.

Mr. SUTHERLAND. I can not see how that in any manner militates against the argument I am making. The judges who were serving as district judges could not have been taken out of their positions without their consent. The President saw fit to appoint them—if there was more than one—to the office of circuit judge.

Mr. HEYBURN. In what form?

Mr. SUTHERLAND. By accepting the office. I am reminded that one of the judges who was appointed declined to serve. That was a judge in Michigan. He refused the appointment.

Mr. HEYBURN. How would a United States district judge, appointed for life, get out of office through any action taken by Congress or the President? It must be by his own action.

Mr. SUTHERLAND. Precisely.

Mr. HEYBURN. Did he resign?

Mr. SUTHERLAND. He gave up his office by accepting the other.

Mr. HEYBURN. That is not resignation. He may have abandoned his office, but did he resign? If he did not resign, having been appointed United States district judge for life, he must still be a United States district judge for life.

Mr. SUTHERLAND. I suppose his accepting another judicial appointment of a higher grade necessarily would amount to an abandonment of that office.

Now, let me read this quotation from Tucker, page 359 of the first volume:

> That absolute independence of the judiciary for which we contend is not, then, incompatible with the strictest responsibility (for a judge is no more exempt from it than any other servant of the people, according to the true principles of the Constitution), but such an independence of the other coordinate branches of the Government as seems absolutely necessary to secure to them the free exercise of their constitutional functions without the hope of pleasing or the fear of offending. And as from the natural feebleness of the judiciary it is in continual jeopardy of being overpowered, awed, or influenced by its coordinate branches, who have the custody of the purse and sword of the confederacy; and as nothing can contribute so much to its firmness and independence as permanancy in office, this quality therefore may be justly regarded as an indispensable ingredient in its Constitution, and in great measure as the citadel of the public justice and the public security. Nor was it imagined that there was more than one opinion upon this subject in the United States until a recent event proved the contrary. It was supposed that there could not be a doubt that those tribunals in which justice is to be dispensed according to the Constitution and laws of the confederacy; in which life, liberty, and property are to be decided upon; in which questions might arise as to the constitutional powers of the Executive, or the constitutional obligation of an act of the Legislature; and in the decision of which the judges might find themselves constrained by duty and by their oaths to pronounce against the authority of either should be stable and permanent and not dependent upon the will of the Executive or Legislature, or both, for their existence. That without this degree of permanence the tenure of office during good behavior could not secure to that department the necessary firmness to meet unshaken every question and to decide as justice and the Constitution should dictate without regard to consequences. These considerations induced an opinion which it was presumed was general, if not universal, that the power vested in Congress to erect from time to time tribunals inferior to the Supreme Court did not authorize them, at pleasure, to demolish them. Being built upon the rock of the Constitution, their foundations were supposed to partake of its permanency and to be equally incapable of being shaken by the other branches of the Government. But a different construction of the Constitution has lately prevailed; it has been determined that a power to ordain and establish from time to time carries with it a discretionary power to discontinue or demolish; that although the tenure of office be during good behavior, this does not prevent the separation of the office from the officer by putting down the office, but only secures to the officer his station upon the terms of good behavior so long as the office itself remains. * * * Painful, indeed, is the remark that this interpretation seems calculated to subvert one of the fundamental pillars of free governments, and to have laid the foundation of one of the most dangerous political schisms that has ever happened in the United States of America.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Yes.

Mr. BACON. I wish to ask the Senator from Utah how he reconciles what he has read from Story and from Tucker with his advocacy of the abolition of the circuit courts?

Mr. SUTHERLAND. It does not disagree with my position upon that matter.

Mr. BACON. As I understood the contention of the Senator, it is that Congress, while it has the power to create a court, when it has once created it has lost the power over it and it becomes a permanency, and that thereafter Congress can not repeal the law creating the court and can not thereby abolish that court.

Mr. SUTHERLAND. I think this, Mr. President. I perhaps did not state my position as fully as I should have done.

My position about it is that when Congress has created a court and provided for judges, Congress has the power to abolish that court, but I think it must eo instanti confer the duties of that court upon some other court, as was done in the case of the circuit courts of the United States. It is true we abolished the circuit courts, but in the same act, eo instanti, we vested in the district courts all of the powers and authority of the circuit courts, and we did not in any manner disturb the tenure of the circuit judges. I think we had a right to do that. I think we have a right to abolish the Commerce Court provided we confer upon some other tribunal the duties and the powers of the Commerce Court, which we have undertaken to do.

Mr. BACON. If the Senator will pardon me, of course the power to create the Commerce Court or any other court is found in that clause of the Constitution which, after providing for the Supreme Court, authorizes Congress to create any other inferior courts that it may think proper and desirable. That is true, is it not? There is no distinction in that case, as to the power, between its exercise in the creation of a circuit court and its exercise in the creation of the Commerce Court.

The proposition of the Senator is that having once created a court, although the purpose for which it was created may have been accomplished and there may be no further use for it, or although it may develop that the purpose for which the court was created was mistaken in its contemplation as to its results, Congress is powerless to abolish the court unless it confers its powers on some other tribunal.

As a matter of law, there is no more necessity in one case than in another of conferring the powers of a court upon some other tribunal, because whether or not those powers shall continue to be exercised by any court is a question of judgment. In the judgment of Congress the occasion may arise when it would be a question whether those powers properly should be perpetuated and conferred upon some other court, or whether they should be taken away altogether and not exercised by any court. That is certainly a legitimate thing for Congress to consider and to determine.

That brings me to the point I am coming to: That occasions do arise when Congress creates courts and appoints judges that are for a temporary purpose. But if the contention of the Senator is correct, when that temporary purpose has been accomplished, even although the court is to be dispensed with, the inalienable right of a judge to his office and to his salary is such that while there is no further use for him he must be perpetuated in office.

I will give an illustration: Some 12 years ago Congress created the Court of Spanish Claims. That was for the accomplishment of a particular purpose.

Mr. SUTHERLAND. Does the Senator claim that that was a court possessing judicial powers under the Constitution?

Mr. BACON. It was one of the inferior courts, and there is no distinction. There is no court that Congress creates that is not created under the judicial clause of the Constitution. It may create courts which have higher dignity in some cases than in others. It may create courts which it designs to be permanent, as it did design in the creation of the circuit courts, but which, in a large measure, the Senator was influential in destroying by insisting upon the abolition of the circuit courts against my protest.

Mr. SUTHERLAND. Before the Senator passes from that point, let me ask him this question: Do I understand the Senator to say that Congress is powerless to provide for a court that does not owe its existence to the judicial clause of the Constitution?

Mr. BACON. I do not think Congress can create any court without deriving its power to create it from the Constitution.

Mr. SUTHERLAND. Congress created the courts of the District of Columbia.

Mr. BACON. Yes.

Mr. SUTHERLAND. They certainly were not created under the judicial clause.

Mr. BACON. That was under an altogether different clause of the Constitution.

Mr. WARREN. Mr. President, I should like to ask who has the floor.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. SUTHERLAND. Surely.

Mr. WARREN. With all respect, Mr. President, of course I am helpless; but a point of order has been raised here that need not bring in any of these constitutional questions, and I will ask if the Chair is ready to rule.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. SUTHERLAND. Mr. President, I will ask the Senator from Wyoming to listen to me for a moment. I have the floor. I do not occupy the floor very often, and I am going to occupy it until I finish.

Mr. WARREN. Mr. President, there is no occasion for the temper shown by the Senator.

Mr. SUTHERLAND. The Senator from Wyoming has twice suggested that the Chair ought to rule on the point of order, and that the Senator from Utah ought to cease speaking.

Mr. WARREN. The Senator from Utah can indulge in that if he likes; but I submit to him whether, after sitting here for nine days under attacks, I ought not at least to have a right to ask him to listen to a suggestion made in the most respectful way and with the greatest kindness. Having made a point of order I am entitled to a ruling, and the only debate permissible meantime would be on the question of order as challenged.

If I have sinned against the Senator from Utah, I will beg his pardon, but I do not see it in that light.

Mr. SUTHERLAND. The Senator from Wyoming did not make any suggestion to me. The Senator from Wyoming has twice interrupted me to ask the Chair whether he was ready to rule upon this question.

Mr. WARREN. Very well. That would not have taken the Senator off the floor, however.

Mr. SUTHERLAND. I would not have yielded to the Senator from Wyoming to make any such inquiry. I supposed the Senator wanted to ask me something.

The PRESIDING OFFICER. The Senator from Utah is entitled to the floor and will proceed.

Mr. SUTHERLAND. I was going to suggest to the Senator from Georgia, in addition to what I have said, that Congress has provided for appointing the courts in the various territories. That is not under the judiciary clause of the Constitution.

Mr. BACON. They are created under an altogether different clause.

Mr. SUTHERLAND. Congress has also provided for appointing commissioners of courts to exercise judicial functions. So it seems to me it is hardly accurate for the Senator from Georgia to say that any court created by Congress must be created under the judiciary clause.

Mr. BACON. No; the Senator misunderstood me. Of course, when I say that I am speaking of national courts. I am not speaking of the District of Columbia. Congress is expressly given absolute and unqualified power over everything that relates to the District. I am not speaking of the Territories, where there is the exercise of a similar power under the Constitution. The principle is an altogether different one.

I am not speaking of either Territorial courts or courts in the District of Columbia. I wish to say to the Senator that I have had reference solely to courts which may be said to be national in their character—that is, they are for national purposes—outside of the particular localities mentioned by me.

I repeat the suggestion and the expression of opinion which I made, that no inferior court of that character is created by Congress except a court the power to create which is derived from the clause of the Constitution which confers upon Congress the authority to create inferior courts. It was for that reason, if the Senator will pardon me a second, that I ventured the conclusion that the contention of the Senator could not be correct—that after having created a court Congress could not abolish it without conferring its powers on some other court.

I came to that conclusion for the reasons I have mentioned. In the first place, the purpose for which the court was originally created may have been accomplished and there may be no further need for it. I say that if a court of that kind had been created, and there had been no limitation set either upon the life of the court or the tenure of office of the judge, whenever Congress came to the conclusion that the time had arrived when the court had accomplished the purpose for which it was created and abolished it, the judge necessarily would go with it.

I do not want to interrupt the Senator unduly. I want to say, however, if he will pardon me, that the Senator may remember that when the act which abolished the circuit courts was before the Senate I contended that to do so would be to vacate the offices of the circuit judges. I have no question in my mind as to the correctness of that conclusion, except upon one possible suggestion, and that is that prior to the abolition of the circuit courts there had been additional jurisdiction conferred upon those judges, and therefore that while the circuit courts were eo nomine abolished the particular duties which they performed had not been abolished in entirety. That is the only ground upon which, in my opinion, it can be maintained to-day that the abolition of the circuit courts of the United States did not abolish the office of every circuit judge in the United States.

Mr. SUTHERLAND. Mr. President, of course I regret that the Senator from Georgia does not agree with my position on this matter. But my regret is somewhat tempered by the thought that two very distinguished writers upon the Constitution do agree with me.

That is all I care to say upon this matter, Mr. President, except, in conclusion——

Mr. FLETCHER. Mr. President, I should like to ask the Senator one question. Throughout his speech he has maintained that Congress has not the power to withdraw jurisdiction from one court without giving it to another court. I think the Senator will scarcely insist upon that. He will admit, I take it, that all the Federal courts—the district courts and the circuit courts—were created by act of Congress. Every court except the Supreme Court of the United States was created by act of Congress. The jurisdiction of the district courts and the jurisdiction of the circuit courts depend upon the act of Congress, and the legislative power can deprive any of these courts of all their jurisdiction. Will not the Senator concede that?

Mr. SUTHERLAND. If the Senator means by that that they can be abolished, I will answer "no."

Mr. FLETCHER. I mean that it is in the power of Congress to deprive either the Commerce Court or the district court or the circuit court of all its jurisdiction without conferring it on any other court.

Mr. SUTHERLAND. Mr. President, I do not want to enter into a discussion of that question; but I very much doubt whether Congress could deprive all the courts of the United States of all jurisdiction in all cases, leaving no courts open to any person who had a right of action under the Constitution or laws of the United States.

Mr. FLETCHER. In that connection, if the Senator will allow me, I will refer to the case of Ex parte Wisner, 203 United States, where Chief Justice Fuller says:

> The Supreme Court alone possesses jurisdiction derived immediately from the Constitution and of which the legislative power can not deprive it; but the jurisdiction of the circuit courts depends upon some act of Congress.

Mr. SUTHERLAND. I think, Mr. President, when the Constitution directed Congress to create courts inferior to the Supreme Court of the United States, while, of course, Congress had the physical power not to do it, it was nevertheless a mandatory duty. Congress would have itself violated the provisions of the Constitution if it had not created the courts. Having created them, I can not concede the proposition that it can deprive them of all jurisdiction of all cases and thereby in substance abolish them.

Mr. BACON. Will the Senator from Utah let me make a statement in justice to myself?

Mr. SUTHERLAND. If the Senator will permit me, I will conclude in one sentence, and then the Senator can take the floor.

Mr. BACON. I want to correct something that I said. I spoke of the Spanish commission as a court. Of course, I know it is only a commission, and I used it simply by way of illustration. If they had been justices what I said by way of illustration would have been apt.

Mr. SUTHERLAND. That was the point of my inquiry when the Senator made the statement.

Now, Mr. President, just a sentence to conclude. An act of Congress getting rid of these five judges would perhaps have no serious consequences, but that sets, as I view it, an exceedingly dangerous precedent. If Congress undertakes to pass legislation which will abolish the offices of these five judges against the provision of the Constitution that they shall hold office during good behavior, at some future time it may be cited as a precedent for going as far as the Senator from Georgia suggested a while ago, abolishing all the circuit judges and abolishing all the district judges, if we happen to have some party in power that does not agree with what the courts as a whole are doing.

The PRESIDING OFFICER. The Senator from Georgia [Mr. SMITH] offers an amendment against which the Senator from Wyoming [Mr. WARREN] raises a point of order. The amendment will be read.

The SECRETARY. Amend, by substituting for lines 11, 12, 13, and 14, on page 147, the following words:

> The five additional circuit court judgeships provided for by the act of Congress approved June 18, 1910, are hereby abolished, and the authority in said act of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. OVERMAN. I understand that that is offered as an amendment to the paragraph on page 145, which is proposed to be stricken out by the amendment of the committee.

The PRESIDING OFFICER. The Senator is correct.

Mr. OVERMAN. This amendment is offered to perfect the text before the amendment of the committee comes up to strike out. Therefore I think it is in order, because it is offered for the purpose of perfecting the text.

The PRESIDING OFFICER. The Senator from Wyoming will state his point of order.

Mr. WARREN. Mr. President, if I may be permitted, if I have sinned I ought to apologize, but I understand when a point of order is raised here by a Senator in charge of a bill that point is to be decided without debate on the merits of the case, though the point of order may be discussed, the Chair permitting.

I withheld the point of order so that the Senator from Georgia could speak upon it, and I assume that when the Senator from Utah was speaking he understood that under our rules I would have to withhold the point of order if he could proceed, unless he spoke entirely to the point of order. Hence, my suggestion that we may have a ruling upon the point of order.

Mr. SMITH of Georgia. I can not hear what the Senator from Wyoming is saying.

Mr. BACON. None of us can hear on this side.

Mr. WARREN. It is unimportant, anyway. This is an appropriation bill and the rules are clearly against general legislation on an appropriation bill. Besides, all the smaller matters, lack of estimate and lack of presentation by a committee, lie against the amendment as it was stated.

The PRESIDING OFFICER. The present occupant of the chair is clearly of opinion that the amendment proposes general legislation, and the point of order is sustained.

Mr. OVERMAN. I ask the Chair to submit that question to the Senate under the rule.

The PRESIDING OFFICER. Does the Senator from North Carolina appeal from the decision of the Chair?

Mr. OVERMAN. I appeal.

The PRESIDING OFFICER. The Senator from North Carolina appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OVERMAN. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Senators who are of opinion that the decision of the Chair is correct will vote "yea," and those of a contrary opinion will vote "nay." The Secretary will call the roll.

Mr. CLAPP (when his name was called). The junior Senator from Louisiana [Mr. THORNTON] has been assigned to service in attendance on a funeral, and I consented to stand paired with him to-day on this question.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS] and withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS] and withhold my vote.

Mr. GARDNER (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE] and withhold my vote.

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. I see that he is absent from the Chamber, and I will therefore withhold my vote.

Mr. JOHNSTON of Alabama. The senior Senator from Alabama [Mr. BANKHEAD] would vote "nay" if present.

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer my pair to the junior Senator from Tennessee [Mr. SANDERS] and vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the junior Senator from Indiana [Mr. KERN]. I am also informed that if the Senator from New Mexico [Mr. FALL] were here he would vote as I do, but I am not certain enough to vote without transferring my pair. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], but on this question he stands paired with the Senator from California [Mr. WORKS], and I vote "yea."

Mr. WATSON (when his name was called). In the absence of my general pair I withhold my vote.

The roll call was concluded.

Mr. CULLOM (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], who, I understand, has been called away from the city. I therefore withdraw my vote.

Mr. DILLINGHAM. May I inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. DILLINGHAM. Having a general pair with that Senator, I withhold my vote.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to my colleague, the junior Senator from Connecticut [Mr. McLEAN], and vote. I vote "yea."

The result was announced—yeas 19, noes 26, as follows:

YEAS—19.

Bradley	du Pont	Oliver	Stephenson
Brandegee	Jones	Page	Townsend
Burnham	Lippitt	Perkins	Warren
Burton	Lodge	Smith, Mich.	Wetmore
Catron	McCumber	Smoot	

NAYS—26.

Ashurst	Culberson	Martin, Va.	Shively
Bacon	Cummins	Martine, N. J.	Simmons
Bourne	Fletcher	Myers	Smith, Ariz.
Bristow	Gore	Overman	Smith, Ga.
Bryan	Gronna	Percy	Swanson
Chamberlain	Hitchcock	Poindexter	
Clarke, Ark.	Johnston, Ala.	Pomerene	

NOT VOTING—49.

Bailey	Dillingham	Lea	Sanders
Bankhead	Dixon	Lorimer	Smith, Md.
Borah	Fall	McLean	Smith, S. C.
Briggs	Foster	Nelson	Stone
Brown	Gallinger	Newlands	Sutherland
Chilton	Gamble	O'Gorman	Thornton
Clapp	Gardner	Owen	Tillman
Clark, Wyo.	Guggenheim	Paynter	Watson
Crane	Heyburn	Penrose	Williams
Crawford	Johnson, Me.	Rayner	Works
Cullom	Kenyon	Reed	
Curtis	Kern	Richardson	
Davis	La Follette	Root	

The PRESIDING OFFICER. No quorum has voted.

Mr. OVERMAN. I ask that the names of the absentees may be called.

The PRESIDING OFFICER. The names of the absent Senators will be called.

The Secretary proceeded to call the names of the absent Senators.

Mr. DILLINGHAM. When the vote was taken I announced my pair with the senior Senator from South Carolina [Mr. TILLMAN]. I see that he has since entered the Chamber. I vote "yea."

Mr. TILLMAN. I vote "nay."

Mr. CULLOM. I will take occasion to transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the Senator from New Jersey [Mr. BRIGGS] and vote. I vote "yea."

Mr. CLAPP. I desire to transfer my pair to the junior Senator from Iowa [Mr. KENYON] and vote. I vote "nay."

Mr. WATSON. Since the transfer by the Senator from Illinois [Mr. CULLOM] of his pair to the Senator from New Jersey [Mr. BRIGGS] I feel at liberty to vote. I vote "nay."

Mr. HEYBURN. When my name was called I announced my pair with the senior Senator from Alabama [Mr. BANKHEAD]. If I may under the rules, I now transfer that pair to my colleague, the junior Senator from Idaho [Mr. BORAH], and vote. I vote "yea."

The PRESIDING OFFICER. On the question whether the decision of the Chair shall stand as the judgment of the Senate the yeas are 22, the nays are 29, and the decision of the Chair is overruled. The question now is on agreeing to the amendment of the Senator from Georgia [Mr. SMITH].

Mr. CUMMINS. Mr. President, the argument of the Senator from Utah [Mr. SUTHERLAND] was as strong and persuasive as an argument from that point of view could possibly be. When I remember, however, as every reader of the history of his country must remember, the relations of Justice Story to the famous controversy referred to in his work upon the Constitution, it diminishes somewhat the confidence that I always or nearly always feel in any utterance from that distinguished jurist. I recognize, as every Senator must, that it was the spirit of the forefathers when they framed the Constitution to make the tenure of judges permanent, to give them that fixedness which would inspire the independence of which my friend from Utah so eloquently spoke; but we must not carry the inhibition of the Constitution to the point reached by the Senator from Utah. The Constitution, in speaking of the judiciary, says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

There is no prohibition in the Constitution against the termination of an office, the abolition of an office. I agree that if Congress was so disposed—swept, if you please, with passion—it might by indirection do the very thing which the Constitution intended that it should not do; but our forefathers did not see fit to provide against that contingency, and it can not be assumed that for light or trivial or vengeful reasons Congress will abolish an office which it has solemnly created or established. The Constitution left us free, therefore, to abolish offices, even though through their abolition a judge or the person who filled the office might cease to be an officer of the United States.

It would be most interesting and instructive if we were to enter for a little while, and I do not intend to do it, upon the consideration of the term "good behavior"; there is a prevalent notion throughout the country that judges of the Federal courts are appointed for life. That is not true. They are appointed during good behavior. I recognize that I am not now speaking directly to the point at issue, but we so often hear the expression that Federal judges are appointed for life that I want to give some publicity to the real language of the Constitution, which is "during good behavior." I am not one of the persons who believe that the determination of what is good behavior can be had only in an impeachment trial. My friend from Utah says that unless a Federal judge is removed from his office by the process of impeachment for high crimes and misdemeanors he must remain there during his natural life. I can not agree to that statement. I do not intend to pause to even discuss what procedure could be established by Congress in order to determine what good behavior is and what it is not; but I believe that there is misbehavior on the part of a judge for which he can be removed from office that does not rise to the dignity or the severity of either a crime or a misdemeanor.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. Either I did not express myself as I intended to do or the Senator from Iowa did not quite understand me. I did not mean to say that a judge could hold his office until he had been impeached. I recognize that there is a great deal of force in what the Senator from Iowa says. I am not at all certain but that there may be such behavior upon the part of a judge short of an impeachable offense that would enable us to get rid of him. I did not mean to antagonize that position.

Mr. CUMMINS. I am very glad indeed that I misunderstood the Senator from Utah, because in these days when clouds are rolling around the judiciary, when various remedies are proposed for their recall, I think it is well to remember that we have somewhere, somehow, the power to determine the good behavior of the judges of the United States, and that therefore we do not need, at this time at any rate, those severer changes that are suggested in the recall by a popular vote.

I think that Congress has the power to provide for the removal of judges of the United States whenever they violate the rule which is established in the Constitution, namely, the rule of good behavior; and that means that these judges must obey, and as I am very glad to say they generally have obeyed, the fundamental principles of propriety and of ethics.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. I desire to ask the Senator a question in that connection. As the Senator well knows, the provision during good behavior for the judges of the inferior courts is based upon the act of settlement of the English Crown of 1704, on which the tenure of English judges rests. That provides that they should hold, in the Latin phrase, quamdiu bene se gesserit, during good behavior; but the English act of settlement

carries with it a provision for determining the good behavior—that is, the removal by address. Our Constitution provides no means of doing that unless it be by impeachment.

Mr. CUMMINS. Mr. President, I assent at once to the suggestion of the Senator from Massachusetts. I know the English act provided that the will of Parliament should be the rule for determining good behavior. It is not so with our Constitution; and neither is it so that the only way of determining good behavior is through a court of impeachment. We have never yet had the occasion; it never became necessary for us to legislate upon that subject, but when it does I predict that Congress will find that it may upon giving the judge affected opportunity for trial and for hearing prescribe a procedure which shall erect some other test, some higher standard than the low and ineffectual test and standard of the commission of a crime or a misdemeanor.

I mention that only in passing, in order that we may not fall into any assent to the doctrine that I understood to be announced by the Senator from Utah, but which I am very glad to know now that he did not intend to announce.

Mr. LODGE. The proposition just made by the Senator from Iowa, that the judge should have opportunity to be heard in his defense and that Congress should then have power to take such means as it saw fit to remove him without impeachment, after all is removal by address. It might not be in the form of addressing the President to remove him.

Mr. CUMMINS. It is not the arbitrary removal by address, merely.

Mr. LODGE. Exactly; but it would be substantially that.

Mr. CUMMINS. The removal by address does not involve a hearing; it does not involve a trial; although both may accompany the removal by address.

Mr. LODGE. The universal practice in England has been for the judge to have a full hearing by committees of both Houses of Parliament. In my State, which has had a provision for removal by address, that hearing has always been accorded to the judge.

Mr. CUMMINS. Mr. President, I will not attempt to put limits on or to define the power that we have in that respect; but I know very well, as time goes on and these questions become more acute, it will be discovered that we have a remedy which hitherto we have never exercised and of which most people have been entirely insensible.

I now advance to the question we have before us. It is a serious question as well as an interesting one. Whenever we attempt to exercise a power under the Constitution that, so far as I can remember, was exercised only in one instance referred to by the Senator from Utah, we ought to give the matter the most careful thought, and we ought to decide only after full debate and mature deliberation.

I do not agree with the Senator from Utah, but I do recognize his great ability as a student of the Constitution. I do not want this matter to be decided until every Senator shall have considered it with that care that it so well deserves. I have already said that the framers of the Constitution did not prohibit us from abolishing an office which we have the authority to create. The framers of the Constitution simply said that the salary of a judge—one of these judges—should not be diminished during his continuance in office. They said that he should be appointed to the office during good behavior. I have no doubt that these provisions were inserted for the purpose of procuring the independence and the permanency which I think all students of government believe the judiciary ought to have; but it is a long step, I think an unwarranted step, from that proposition, to which I think we will all agree, to the further proposition that because these limitations were put upon us, namely limitations as to the reduction of salary and limitations as to the removal of the judge from his office, whatever those limitations are—and I have just indicated that they are not entirely what they have been understood to be—it is a long step from that position to the further one, that the Congress of the United States is prohibited under the Constitution from abolishing an office and from terminating the connection or the relation of the man who holds it with the Government on account of the abolition of the office.

I put to the Senator from Utah the question, Suppose that the Commerce Court had been created—as it was—suppose that these judges had been appointed as judges of the Commerce Court without any relation whatever to any other judicial tribunal of the land? We all agree that we may abolish the Commerce Court, and, so abolishing it, we would be confronted with the anomalous and the absurd condition that five men, without duties, without power, without station, should for their lives or during their good behavior continue to draw their salaries from month to month from the Treasury of the United States.

Mr. President, suppose in that event we wanted to remove one of them under the Constitution with respect to good behavior, what would constitute good behavior in a man formerly a judge dissociated from a court and pursuing a purely private life? It seems to me incredible that under those circumstances the judges could survive the abolition of the court.

Now, I take one further step. We have authorized the President to appoint these men as additional circuit judges, and they are by law assigned to the Commerce Court to hold the Commerce Court. I will not go into the question, which was debated yesterday, respecting the quality of these circuit judges as compared with other circuit judges who are appointed for particular circuits and for particular circuit courts of appeals, but it nevertheless is true that each one of these men holds an office. He holds an office that is entirely apart and distinct from the circuit court of the United States or the Circuit Court of Appeals of the United States. He holds the office of circuit judge. If we abolish the office of circuit judge, that is the office which he holds—and there seems to be no reasonable doubt with regard to our power to do that—then he becomes again without any power whatsoever; he is not attached to any court; his office of circuit judge is gone, and the Chief Justice of the United States under those circumstances might have no power whatsoever to assign him to work or duty upon the circuit court of appeals or to any other judicial tribunal.

Mr. BACON. Will the Senator from Iowa permit me to make a suggestion right in that connection?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. BACON. I suggest that the only case in which the Chief Justice is authorized to assign a judge of the Commerce Court to duty in a circuit court is when there has been a place made vacant by that circuit judge having been assigned to the Commerce Court. Consequently, if the Commerce Court is dispensed with there can be no vacancy occasioned in that way.

Mr. CUMMINS. I was referring, however, to the obvious intention of the House bill. The House bill seems to contemplate that these judges shall remain in existence and that, as rapidly as vacancies occur in the circuits, they shall then be assigned to those circuits; that if for temporary purposes the Chief Justice desires to assign any one of them to any circuit he shall continue to have the authority to do so; but the Chief Justice can only assign one of these judges because he is a judge, because he holds the office of circuit judge. The very moment—I am speaking entirely without regard to what he may do in the way of drawing his salary—the very moment we take his office away from him—and that it seems to be agreed we may do—we abolish that office. Will it be contended that the Chief Justice could assign one of these men, whose office is gone, to work upon the circuit court of appeals? I do not believe so, and I can not concur with the idea or with the conclusion that we are powerless in this respect.

The term "during good behavior," as used in the Constitution, is no more sacred or effective in protecting one who holds the office than a definite term in the Constitution. Suppose the Constitution, instead of saying that these inferior judges should be appointed during good behavior, had said they shall be appointed for a period of 10 years—I think the Senator from South Dakota [Mr. CRAWFORD] has proposed an amendment looking to just that change in our Constitution—suppose these judges, therefore, were holding their offices during a term of 10 years, and the 10 years had not yet expired, can any Senator doubt that we could abolish the office within the period of 10 years?

I call the attention of the Senator from Utah to many cases, though I have not them on my tongue's end, and I can not cite them at this moment, but I know that it is the general law of the country, as evidenced by the decisions of many supreme courts of the various States, that an office with a definite term, whether it be established by statute or whether it be established by the constitution, if the constitution has given to the State the power to deal with it, it may be abolished, and then the occupant of the office has no vested right in the remainder of his term and no moral or legal claim upon his government for the salary which he would have drawn if the office had not been abolished.

I concur with the Senator from Utah that we ought to approach such questions as this with great seriousness and to consider them with great care. We ought not to fall into the habit—and I hope we never shall fall into the habit—of removing judges for any personal reason through the indirect method of abolishing their offices, and then re-creating those offices, to be filled by other appointees. That course would subject us, and properly subject us, to the censure of all right-thinking

men, but this is not that kind of case. We have concluded, and I believe we have concluded wisely, that the jurisdiction exercised by the Commerce Court will be better exercised if it is again given to the general courts of the country. Having reached that conclusion, which is entirely free from any political animosity, from any political differences of opinion, having reached that carefully and after much debate, it seems to me that the disposition of the judges themselves ought to follow as a necessary consequence.

Mr. BACON. Mr. President, without detaining the Senate, I wish to read an authority on the question as to whether or not the abolition of an office abolishes the officer who holds the office, or rather abolishes his tenure of office. I read this case, Mr. President, in the Senate on the 9th of February of last year, when a debate upon the question as to the effect of the abolition of the circuit courts of the United States was in progress. I read then from the original book; I am now reading from the CONGRESSIONAL RECORD, which contains the extract as I then read it. It is a decision of the Court of Appeals of Kentucky in the case of Bruce *v.* Fox, in 1 Dana's Reports of the Court of Appeals, the highest court in Kentucky, and one which stands very high as a State court. In that case, discussing this very question, the court said:

> The office must continue as long as the law which created it shall continue, and no longer. The legislature, when it declared that the law should continue in force for two years, meant no more and could have done no more, than to say that the law should continue for two years, unless sooner repealed, and should continue to operate no longer than two years, unless, before the expiration of that time, its operation should be prolonged by the legislature. Had the law been enacted without any legislative attempt to limit its operation, the office which it established would have continued to exist as long as the law should have remained in force, and no longer. A repeal of the law by the legislature next succeeding that which enacted it would have abolished the office; and there being no office, there could be no officer; for, if the constitutional tenure be "good behavior," and the continuance of the office (and not the continuance of the circuit courts), then, as the office is only legislative in its creation, it may be abolished by legislation, and when thus abrogated, the incumbent is ipso facto out of office.

That is about as explicit and as directly to the point as it could be possible for any court in the same limit of space to express itself.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Was that the case which involved the controversy in Kentucky, which lasted, as I remember, several years, between what was called the new court and the old court?

Mr. BACON. I do not know.

Mr. SUTHERLAND. The Senator from Kentucky [Mr. PAYNTER] is here, and he can tell. That was a different matter, was it?

Mr. BACON. The Senator from Kentucky, who is present, says he does not think so.

Mr. PAYNTER. I remember the Senator from Georgia read from this same opinion when the legislation was under discussion at a previous session.

Mr. BACON. Yes; it was read in February a year ago, and is from First Dana's Reports.

Mr. PAYNTER. If the Senator will permit me, I will say that I have no doubt if Congress creates an office it can by legislation abolish it; but that is not the question that is involved here, as I understand the matter.

Mr. BACON. But that is the question upon which I am invoking this decision, because that is the question which has been discussed.

Mr. SUTHERLAND. I understood there was a controversy in Kentucky some years ago growing out, as I remember, of the action of the legislature, which had abolished existing courts and set up other courts in their place. A contest as to which of those courts existed was carried on for a number of years, and there were decisions both ways upon the subject.

Mr. BACON. The utterance of the court in that case is not confined to the circumstances of any particular case, but is the ruling upon a general question—whether or not the abolition of an office abolishes the tenure of the officer.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Georgia.

Mr. SMITH of Georgia. I desire to perfect the amendment by the insertion of a reference to the last judiciary act as well as to the original act of 1910.

The PRESIDING OFFICER. The Senator from Georgia has a right to modify his amendment.

Mr. SMITH of Georgia. I should like to have the Secretary read the amendment as perfected. It is simply a reference to the ninth chapter of the judiciary act as well as a reference to the act of 1910.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. In place of the lines proposed to be stricken out on page 147, lines 11, 12, 13, and 14, it is proposed to insert:

> The five additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The Senator from Georgia has submitted two other amendments.

Mr. SMITH of Georgia. Yes.

The PRESIDING OFFICER. The next amendment offered by the Senator from Georgia will be stated.

The SECRETARY. On page 147, line 7, it is proposed to strike out "Thirty-four" and insert "Twenty-nine," so that it will read:

> Circuit Courts of Appeals: Twenty-nine circuit judges, at $7,000 each.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment offered by the Senator from Georgia will be stated.

The SECRETARY. On page 147, line 10, in the total, it is proposed to strike out "$272,500" and to insert in lieu thereof "$237,500."

The amendment was agreed to.

Mr. CUMMINS. I rise to make a parliamentary inquiry, possibly of the Senator in charge of the bill. Would an amendment relating to section 10 be now in order? I desire, Mr. President, either now or at some other time, to offer an amendment such as I suggested yesterday with regard to the issuance of preliminary injunctions.

The PRESIDING OFFICER. The Chair will suggest to the Senator that beyond question the amendment would be in order when the bill goes into the Senate.

Mr. CUMMINS. Then I will defer the amendment until that time.

The PRESIDING OFFICER. There is one amendment passed over which will now be stated.

The SECRETARY. On page 153, the Committee on Appropriations proposed to strike out section 4 and in lieu thereof to insert a new section, as follows:

> SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a maximum rating below which no employee may fall without being demoted; it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. POINDEXTER. I offer as an amendment to that amendment, after the word "dropped," in line 17, to insert the words "or reduced in rank or salary."

Mr. WARREN. Will the Senator tell me what his object is? The amendment itself provides for demotions as well as for dropping.

Mr. POINDEXTER. The purpose of my amendment is to extend the privileges, if they may be so called, of honorably discharged soldiers so as not only to protect them from being discharged, other things being equal, but from being reduced in rank and salary.

Mr. WARREN. Does the Senator think the language is insufficient now? If their rating is at least good, they will not be disturbed.

Mr. POINDEXTER. Not be dropped.

Mr. WARREN. No soldier will be dropped.

Mr. POINDEXTER. I ask the Secretary to read again that portion of the amendment with reference to soldiers.

The Secretary read as follows:

> *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee will be stated.

The SECRETARY. On page 154, line 17, after the word "dropped," it is proposed to insert "or reduced in rank or salary."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. HEYBURN. Mr. President, I was absent from the Chamber for a few moments, but I understand the question now under consideration is the amendment of the committee inserting section 4 in the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. HEYBURN. I want to take this occasion to express my views in regard to the tenure of office of Government employees. I regret that this matter comes before the Senate in connection with an appropriation bill, because it is one to which more time and consideration should be given than I would feel justified in occupying at this time, but I have long favored the system of a limited tenure of office for all Government employees. I think a tenure of office limited to 10 years would perhaps be a fair measure.

The right to hold office under the Government is as clear a right as that to vote. It does not seem to me that any person or class of persons should be continually in office by appointment or otherwise. All the people are entitled to participate in the performance of the functions and duties connected with the administration of the Government. If we limit the tenure to 10 years, it will afford an opportunity to these employees, through the practice of economy, to acquire enough capital to enable them to enter upon the individual responsibilities of life at the end of that time; it will avoid superannuation in office; it will promote efficiency in office.

If an employee of the Government knows that at the end of 10 years he is going to be thrown upon his own responsibility he will practice economy and live within his income, and at the end of that time he can very readily have sufficient capital to enable him to go out into the controverted fields of enterprise and industry and take his chances with other people. It will also give a more frequent opportunity to the young generations of this country to become acquainted with the affairs and the management and methods of government in order that they, too, may have an opportunity to acquire a sufficient sum of money to enable them to go out into the fields of business, and so on, generation after generation. It will afford to the younger portion of each generation an opportunity to have learned the science of government to the extent of the duties that they perform. I have been impatient with the existing condition where people, acquiring an appointment early in life, are tempted to live up to the limit and even beyond the limit of their income, who save nothing, on the assumption that they will always have the position and its emoluments. I think it is bad for the people.

We have nearly half a million people in the Government service now—460,000 or 470,000, I think, according to a statement before me. Now, those people are planning to occupy those positions, as they may under existing law, during their lifetime, and they are, in their judgment, relieved of the necessity of practicing that economy which would be desirable in order to provide for themselves after they go out of office. It tends to carelessness and to a spirit of independence that sometimes amounts to insolence in office. They remind me sometimes of the English sparrows, who hold their ground against you when you walk along the street and make you walk around them.

That is not the best condition. It would militate nothing against efficiency in office, because the man who is there 9 years is perhaps as well equipped to perform the duties of the 10-year man, or substantially so, as the man who has been there 10 years, and they come up, one rank after the other, each as it approaches the limit of tenure competent to take the place of the man who would go out under this system.

There is nothing in the proposition of trained men being absolutely necessary to carry on the business as against other men equally competent. It is safe to say that in every class—that is, in the class of those who have served 6 or 7 or 8 years—are many as competent or more competent than the man who has been there 10 years, and especially against those who have been there 20 or 30 years. I think that suggestion is worthy of consideration. We must solve this question one of these days or we will have the affairs of government in the hands of superannuated people without limit.

I had hoped that when this question came before Congress it would come as an independent proposition, which we might take up on statistics and experience and exercise an independent judgment, without the embarrassments that surround the consideration of such a question when it comes in as an amendment on an appropriation bill.

But even with the tenure of five years, as is provided in the House bill, I should feel inclined to support the House provision rather than the amendment proposed by the Senate committee. The amendment proposed by the Senate committee is an evasion of the question. It will afford no more efficient method than we have now. It merely goes to the question of the manner or the particularity of the selection of these appointees.

Mr. President, I hope that the Senate committee amendment will not be adopted. If we find, upon the adoption of the House provision, that five years is too short a tenure of office, then we can deal with it afterwards, without taking it up in connection with an appropriation bill. We can extend that limit. But we want fresh blood in the ranks of our employees—those who deal with the details of government. We want a new deal on that proposition. We want a freer opportunity for the hundreds of thousands of the younger generation, just as competent or more competent than those who are in office under existing conditions; we want an opportunity for them, because they are entitled to it under our system of government.

Then, again, we are practically disfranchising three or four hundred thousand people. We are drawing them away from the environment of their lives, placing them in office in the District of Columbia, where they neither feel the duty nor the inclination to participate in responsible citizenship or to contribute to responsible citizenship in the affairs of government. I would not undertake to estimate the number of people who have been dwarfed by the present system. Young men come here and accept by appointment positions in the Government service who, if thrown back into the body of the people, would doubtless afford a vast amount of intelligent, energetic citizenship that would be useful and would represent a growing usefulness as these people reassume the duties and responsibilities of citizenship. We are dwarfing a half million of our people by giving them what amounts to a permanent employment under the Government, when they had better be thrown back into the field of responsible citizenship.

It has been suggested that many of them do not save any margin over and above their salaries. If they do not, then that is an admission that they are not fit for the performance of responsible duties. A person who holds for 10 years a position under the Government with a salary of $1,800 and who saves nothing is not fit for anything at all. He is lacking in the sense of responsible, individual action. Then it would be an incentive to them all to save something out of their salaries extending over so many years.

I had an application only a few days ago from a person, one of a family, man and wife, both of whom had been in the Government service over 20 years, and the application was for a pension based upon the allegations that they had no property, and that one of the parties was absolutely destitute. That is a reflection upon those people. It is a reflection upon the character that tends efficiency. I am speaking now of clerks in the departments of all grades.

We have been legislating here to protect them against their lack of prudence and frugality by punishing those who would trade upon their necessities. There is no Government position—I will not say none, but they are so few as not to be worthy of consideration— which does not afford sufficient compensation to keep the employee out of debt, and yet we stood here for many days enacting legislation to prevent people from loaning them money. The only ones who have to borrow money probably—with the rare exception of accident—are those who lack prudence and who anticipate their salary and go to the "money sharks," as they are termed, to borrow something upon the future.

At that time I made some suggestions that there ought to be no occasion for such legislation. This is the time to put the whole service upon a different footing. The civil service can just as well sift and select persons for the Government service for five years or for a longer term as they can for life. It militates nothing against the performance of the duty of the Civil Service Commission.

The age limitation in the House provision is perhaps about where it ought to be, but there should be none of these clerks in the service longer than 10 years—neither men nor women.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. Mr. President, I want to suggest to the Senator from Idaho, as I think was suggested by the member of the committee who now occupies the chair [Mr. GALLINGER], that there ought to be some legislation along the line of preventing people, sometimes 20, 30, 100, or 150 miles distant, from attending the civil-service examinations and paying out $20 or $30 or $100 to take them to the point, when there is no earthly chance for them to be appointed. There are 40,000 on the roll, and yet the commission goes on holding civil-service examinations all over the States, and applicants pay their money and go down and stand the examination, when there is no earthly chance for them ever to be appointed.

I wish we could suspend these examinations for a while or get a number of these persons off the rolls and give the others a chance.

I think there are a good many employees here, as the Senator says, who ought to go back among the people. But why hold these examinations? I asked one of the members of the Civil Service Commission why hold these examinations two or three times a year and invite the people to go to the points where they are held and stand the examination, when the Civil Service Commission knows there is no chance for them to be appointed. It is a great tax on the men and women of this country.

Mr. HEYBURN. That is an objection to the method of administering the laws. But there is a thought arising out of that. The Senator says they should go back, and I was just approaching that question. If you could send back class succeeding class from the Government service to the communities of the country, you would send back teachers, people who knew something that those people do not know and can not know. They would be instructors, qualified by their experience of 10 years or less in the Government service, who, as the occasion might arise, would be able to teach or instruct or make suggestions to the people of the communities to which they would return, and thus convey to them invaluable information in regard to the methods of administering the Government.

Returning classes, going back every year to the communities all over this country, would exercise a very beneficial influence; and it would give more frequent opportunity to the younger generation of the country to attend this great school of government, in which they would each and all learn something that they could not learn elsewhere. It would tend to educate the people in the details of administering the Government.

We have all seen, in our own communities, people come back from the Government service who became, by reason of their education in the practical operation of the Government, exceptionally useful citizens, capable of answering questions and of making suggestions, all of which tends to the better enlightenment of those who are to come. And it would be an inspiration to the younger generation to seek position under the Government in order that they might the better fit themselves for the duties of citizenship.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. HEYBURN. Yes.

Mr. JOHNSTON of Alabama. I want to say that I have been greatly interested in the Senator's argument on this subject, and I concur almost wholly with him. Last week we had before the committee of which I am a member an application by a man for a pension upon the ground that he had been 50 years in the civil service of the United States. I think that shows the tendency of this legislation which keeps people in office, and I think there should be periods for them to pass out.

Mr. HEYBURN. After a reasonable tenure. Why, the people who come to Washington even on these excursions go home better-equipped citizens than before. The people at large have little conception of the methods of government. They have ordinarily a very incorrect conception of the methods of government and of the men who administer the affairs of the Government. Anything that brings the young mind here in contact with the concrete government is beneficial to the whole people—not only to the person, but to all who come in contact with him in his home.

There is another side of the matter. The temptation to remain single on the part of those who have what they may consider a permanent provision in life is one of the important things to be considered. Take the young women who come into the Government service, and, because their positions are comfortable, refrain from performing that highest function of civilization, marriage. Life is comfortable to them, and they are not willing to take the chances of a change. With a tenure of 10 years, those people would go out while comparatively young, while yet within the age where they would seek mates and establish homes. With the thousands of them now in the service in Washington, it is safe to say that a very large majority of them, had they known that at the end of a given period they would be thrown upon their own resources, would have married. That is an important consideration.

The same is true of young men, though perhaps not to the same extent. But a young man who knows that at the end of every month he will receive a check for so much money often does not care to take the chances of changing his condition, and he, too, drifts along into the years, and if he can remain here 30 or 40 years, as a rule, he remains in that condition. You have only to look down the working files of these departments to see the silver heads of both sexes who, had they been out on their own responsibility at a proper age, would have lived a different and a more useful life.

I would regard the Government service as a Government school for the education of its citizens in government. That is the way I always have looked at it. I knew a man who, when I was a very young man, came down here and secured an appointment in the Treasury Department, intending to stay here three years. I knew the Member of Congress who appointed him. He was a prosperous young man. He was intelligent. He was a writer and a newspaper man. He said: "I will just go down there and stay about three years, until I get the run of things." As a matter of fact, he stayed here until he was sixty-odd years old, and died in the service. After he came here he never advanced one foot beyond a position of competence and usefulness as a citizen. In his later years he received, I think, $2,240 a year, or some such sum. He found the position so comfortable and the temptation to remain here so great that he never returned to the field of activity and citizenship. We are breeding up generations of that kind of people, who fritter away their lives because the Government guarantees them a given number of dollars at the end of every month.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. As chairman of the Committee on Civil Service and Retrenchment, I have given a good deal of study to the subject the Senator from Idaho is now discussing. I do not intend to go over it at this time; but I should like to ask him if he has observed that the bill as it comes from the House will not accomplish the purpose the Senator from Idaho has in view.

The bill as it comes from the House provides for a five-year term of appointment; but it also provides that the head of the department may reappoint, at the end of five years, all who are competent. My idea is that if the House bill were to prevail the head of the department would reappoint all those who had any political influence behind them. I think it would introduce into the departments one of the most evil influences that can be imagined, and one that we have tried very hard to exclude.

I recognize that there is a great deal of force in the limited term. But if the idea is embodied in the law, the person who serves the term ought to be ineligible for reappointment.

Mr. HEYBURN. I am in thorough accord with the suggestion of the Senator from Iowa. But I have observed all through life that I can walk only one step at a time. If we can once limit the tenure, we shall have made one step. In the future I hope we shall make other steps along the line suggested by the Senator from Iowa.

I have observed, in legislation by Congress, that it is not good policy, simply because you can not get everything in one bill, to strike it all down. To my mind, the keynote of the whole situation is a limited tenure. Let us get that first. We get that here. I would be in favor of striking out the part of the House bill that gives the right to reappoint. I should like to amend this provision as it comes from the House by striking out "five" and inserting "ten," and give no right to reappoint. I recognize the force of what the Senator says; but if we can not get it all at once, why not take what we can get to-day, and then, at an opportune time, strive to get the balance?

Mr. CUMMINS. Mr. President, I fear the Senator from Idaho is giving me credit for a concurrence that I do not deserve. I say there is great force in the argument for a limited tenure or term. But, on the whole, I believe the better thought of students upon the subject is that the term should be during good behavior, as is the term of our judges.

Mr. HEYBURN. Mr. President, I was not attempting to anticipate the vote of the Senator from Iowa upon this question. I was taking occasion to express my concurrence in the views that he expressed, so far as he expressed them along the lines for which I was speaking.

But we must do something with this question. We can not continue successfully to conduct the affairs of the Government under existing conditions. The sooner we begin upon the improvement of those conditions the sooner we shall have reached a conclusion that will be satisfactory to all except those who may be affected by it.

If this bill were to provide that from and after this time no appointment should be made for a longer term than 10 years, we should have accomplished that much. We should have laid the foundation for wise legislation.

I do not know whether there is any ground upon which to base a hope that we shall upon this occasion start in the right direction. Of course, the question now is on the adoption of the Senate amendment and not upon the amendment of the House provision. I understand that very well as the parliamentary situation. But before Members vote for the Senate amendment they ought to consider whether we can not agree upon something that will be better than the Senate amendment. If we vote down the Senate amendment, we then shall be in a position to amend the House provision.

Mr. CLAPP. Mr. President, will the Senator yield for an interruption?

Mr. HEYBURN. Yes.

Mr. CLAPP. I was very much interested in the remarks of the Senator from Idaho when he spoke of the tendency of the employee to retain a position because of the ease it brought. I want to call his attention to another phase of the question and that is that aside from a well-settled appetite for strong drink, there is no slavery so binding as the slavery of salary.

I can not agree with the Senator to a 10-year term because of the tendency to rob a man of all self-reliance, of all courage to face the problem of life which goes with the taking of a salary. I believe we should limit the tenure to five years in order that we may give the employee the benefit of the education the Senator has so well described, and at the same time, as far as possible, save the employee from the terrible slavery of the salary, which, when it has once fastened upon a man, robs him of his reliance, robs him of his courage, and makes him a slave to a position which, if it were not for that slavery he would get out of and face the problems of life.

Mr. HEYBURN. Mr. President, the greatest disfigurement to the American people is what I call the pay-window stoop, the man who looks down and peers through the window for his check at the end of every month. The Government is to be estimated by the number of free people in it. The man who works for himself is a weightier and more self-respecting man than the man who works for another. He steps a little firmer; he holds his head a little higher than the man who is the employee of somebody else. The larger the percentage of citizenship that are engaged in industrial enterprises on their own account the higher the standard of the Government which those citizens constitute.

That enters into this question. Take these people out of their long tenure of office and let them assume the responsibilities of life and there will be thousands of them who will develop into master men, men who are capable of taking a place in the foremost rank of men of affairs; but they are smothered up, covered up, by this condition that surrounds them. They have not the opportunity, and they generally lose the ambition to become self-respecting participants in Government. You can take this vast army of Government employees, amounting to nearly a half million, and turn them into the body of our citizenship, and a very large per cent of them will develop those self-reliant and sterling qualities that make them really valuable citizens.

Of what value is the citizenship of one of these Government employees? They do not vote. They do not exercise or assume the responsibility of expression or action in the Government. They live here in the District of Columbia as long as they are in office, and their children are not even citizens of the United States. I will undertake to say that there are to-day disfranchised in this city three people for every one in Government position, who, if the head was not in this position, would be out in the world of responsibility. Let us send them there. Let us not be cruel about it. We can not do this thing by just turning a knob. We must take care of those who would be affected by it who are too old to turn out into the field of active duties in life, but we do not want to establish a system that will compel us to be always taking care of succeeding generations of superannuated Government clerks. We must first stop it, and then take the material before us and sift it and deal with it as may seem wise.

If we now incorporate it into this bill, either through the amendment or through the defeat of the amendment and the reconsideration of the House provision, we will say that no more appointments shall be made for more than the number of years that may be deemed wise, and we will have stopped the growth of the evil; and we will deal with the evil that we then have on our hands.

Mr. President, I can not, of course, introduce any amendment to the House text until after we have disposed, as I understand it, of the amendment, but I hope that in disposing of that amendment Senators in casting their vote will have in mind that if we do reject the Senate committee amendment we will be in a position where we can deal with this question and consider it.

Mr. McCUMBER. Mr. President, if I understand the parliamentary status of this amendment, it is to strike out sections 4 and 5 and insert in lieu thereof the new number 4. That being the case, and not knowing how the vote might be upon that, I assume the proper way to secure an amendment that ought to go, in case the committee amendment is not adopted, is to perfect section 4 of the bill as it originally stood. I therefore move to amend section 4, on page 152, line 8, after the word "Bureau," by inserting "and employees of the Bureau of Pensions," so that the same shall read:

That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia, except forecasters in the Weather Bureau and employees of the Bureau of Pensions, shall be filled except by promotion or demotion—

And so forth.

Mr. WARREN. Mr. President, that, of course, does not pertain to the amendment which is under discussion. That is another section—the section which proposes to permit no vacancy in employees' places to be filled in any department of the Government during the next fiscal year.

Mr. McCUMBER. And that is proposed to be stricken out.

Mr. WARREN. It is stricken out by the committee.

Mr. McCUMBER. Also the succeeding section is stricken out, and another section is inserted in lieu of both those sections.

Mr. WARREN. No; not that. We renumbered it section 4, because it becomes section 4 if the other sections are stricken out; but the matter refers entirely and only to the section containing the five-year clause, so called. Of course, if the Senator is going to amend the bill in that way we shall have to take up all the departments, because complaints have been made by every single department that such a restriction will cripple its work. Hence in striking it out, if the evidence before the conferees demands it, it would go back in. Of course, if there should be a contention over it and, as it has been sometimes stated here, it should be held that the conferees could not insert any language—not even a word—that is not in the bill, we would have to amend in a great many places now.

Mr. McCUMBER. The committee amendment strikes out section 4 and also strikes out section 5. I understand that the committee amendment has not yet been agreed to upon those two propositions.

The PRESIDING OFFICER. If the Senator from North Dakota will permit the Chair, the Chair is advised that by the action of the Senate sections 4 and 5 have been stricken from the bill, and the only question now is upon the amendment offered.

Mr. McCUMBER. If those sections have already been stricken from the bill, I do not think that my amendment would be necessary. But I would ask this question of the Senator from Wyoming: As the bill is now amended, does it prevent future employees from being certified from the civil-service register to any of these departments?

Mr. WARREN. I do not so understand it.

Mr. McCUMBER. And does it allow free access from one department to the other? The reason why I asked this question is because we have passed a new general pension bill. Under that pension bill already, I understand, over 200,000 applications for increases have been filed, and as a matter of fact the Pension Bureau really needs additional employees in order to dispose of the great number of new applications, if they dispose of them in a reasonable length of time. While within two years they may be able to take care of everything with the force they now have, if there is anything in the bill which prevents them from adding to their force as that force is diminished by death or resignation, either from other departments or by new appointees, they will be greatly crippled. This bureau is not in the position of other bureaus.

Mr. WARREN. I understand perfectly what the Senator wishes to bring about, and I am in entire sympathy with him, but I have contended, and I shall so contend until the Senate by some affirmative action shall say I am wrong, that when legislation like that is inserted in a bill, and it is stricken out, the conferees will have authority to except every one or any of the departments, if they can get an agreement upon it, because this seeks to allow no department to have any certifica-

tion. We, on the other hand, by striking the section out, open up the subject so that any department can have all vacancies filled. We shall have the power to right the matter which the Senator from North Dakota is bringing to the attention of the Senate.

Mr. McCUMBER. I understand that now it is stricken out.

Mr. WARREN. Yes.

Mr. McCUMBER. Therefore the old law is retained. I simply want to call the attention of the Senator to the fact now, upon the floor of the Senate, that when the matter goes to conference, as it necessarily will, it will either have to stay stricken out or it will be absolutely necessary to insert something to except the Bureau of Pensions from its operation. Otherwise a great injustice will be done to all the soldiers of the Civil War who have been granted pensions or increase of pensions under the new pension act.

Mr. WARREN. That is true, and there might be another matter which I will bring up. I would be almost ready to say that I should never consent to any part of that section being reinserted in conference without first bringing it to the Senate. We have another section which particularizes one department; in other words, which says that the War Department shall discharge after the 1st of July 10 per cent of its employees. Then that department is also included in the clause which provides that there shall be no certification and filling of vacancies. The subcommittee in preparing this matter wanted to meet it as I know the Senator does, so that those points can be covered in conference.

Mr. McCUMBER. Under the explanation made by the Senator from Wyoming I will withdraw the offer of the amendment.

The PRESIDING OFFICER. The Senator from North Dakota withdraws his amendment.

Mr. HEYBURN. Mr. President, did I not consider this amendment of more than passing importance I would not intrude upon the time of the Senate, but, as I understand the parliamentary position, we must first dispose of the Senate amendment before we can enter upon the amendment of the House provision. Am I correct, I will ask the Chair?

The PRESIDING OFFICER. The Senator is correct. The Senate committee amendment can be amended or it can be voted down to perfect the text of the bill.

Mr. HEYBURN. I do not see any place where a Senate amendment could be so amended as to cover the points that I think should be covered. I have been looking it over, and I am rather inclined to think, with all due respect to the committee that proposes the Senate amendment, that it was done rather to offer something as a substitute for the House provision, because there is nothing in it that seems to be a new departure from existing conditions.

Mr. WARREN. Oh, yes, Mr. President. The Senator will observe that it seeks to make an efficiency rating so that promotion and demotion and discharge will follow the various standards of work. The object is to prevent, if possible, the local differences in one department and in another. They pass upon the papers locally and then all the papers from the different departments are assembled in the Civil Service Commission, and the efficiency records are made up there.

Mr. HEYBURN. I realize that.

Mr. WARREN. As to the point the Senator makes about a 10 years' discharge, of course if those two sections go into the conferees' hands they are both within the power of the conferees to alter and change, so that the two can be amalgamated partially, or any reasonable tearing apart or putting together can ensue.

Mr. HEYBURN. In effect, that would be only legislating in conformity with the existing methods of the civil service in regard to the efficiency promotions.

Mr. WARREN. At present the Civil Service Commission have nothing whatever to do with efficiency after they have once certified out an employee.

Mr. HEYBURN. That is true; but it is only authorizing that which is done at some stage of consideration of the promotion or demotion of these employees.

Then, let us make this Senate amendment useful. I move to amend it, on line 17, after the word "dropped," by inserting:

Provided, That the tenure of office of all appointees hereafter made in the departments of the Government under the civil-service law shall be limited to 10 years.

I will ask the Secretary to read that.

The PRESIDING OFFICER. The Secretary will read the amendment as requested.

Mr. WARREN. While the clerks are preparing that amendment I will say that, of course, the Senate will vote it in or out, as it chooses, but that does not affect the powers of the conferees to widen them, but rather results in restraining their power. I prefer that the amendment be not passed.

Mr. HEYBURN. I was not intending to put it within the power of the conferees to make a provision covering this point. If no such provision is made or suggested in the amendment, it will not be within the power of the conferees to legislate upon that question. I will say to the Senator in charge of the bill that I had in mind putting it within the power of the conferees to incorporate into the bill a provision of that kind. Under the rule that I understand governs them they can not in conference introduce new legislation unless it is contained in one or the other of the bills. So I should like to see it sent to the conference with that declaration on the part of the Senate, and the conferees then can conform the language or change the place in the bill where it is to be inserted, but they will be bound to consider that as the Senate's expression in regard to this amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

Mr. TOWNSEND. While the clerks are preparing the amendment may I ask the Senator from Idaho a question? I gathered from the colloquy between the Senator from Idaho and the chairman of the committee that it might possibly be accepted as the sentiment of the Senate that it was agreeable to the limiting of the tenure of office.

Mr. HEYBURN. I use rather mild language, for it would be an instruction from the Senate if we adopt it.

Mr. TOWNSEND. Personally I am very much opposed to it myself. I would not want it to go unchallenged here as an instruction to the conferees that it could proceed under the adoption of this amendment to limit the tenure of office either to five years or to any other period.

Mr. HEYBURN. Unless the Senate so instructs them. My amendment is intended as an instruction.

Mr. TOWNSEND. I inferred from the answer of the chairman that he assumed if that was left out the conferees could agree upon some language.

Mr. HEYBURN. I do not think they could under any rule. They are not at liberty to insert new legislation that was not the subject of consideration by either House.

Mr. WARREN. This would be the condition as now before us. It goes to the conferees with a five-year limit from the one House and with an unlimited length of service from the other House. In my opinion the power of the conferees would extend anywhere from a 5-year limit to no limit at all, and they could make it a 20-year limit or a 10-year limit, or a 15-year limit. That is my idea as to the power of the conferees.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa suspend a moment so that the amendment of the Senator from Idaho may be stated?

Mr. CUMMINS. Certainly.

The PRESIDING OFFICER. The amendment may be stated.

The SECRETARY. On page 154, after the amendment heretofore agreed to, following the word "salary," insert the following proviso:

Provided, That the tenure of office of appointees hereafter made in the departments of Government under the civil-service law shall be limited to 10 years.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I yield.

Mr. WARREN. Will the Senator allow me to complete my remarks which I did not complete?

Mr. HEYBURN. I did not intend to interrupt the Senator.

Mr. WARREN. If 10 years goes in on the part of the Senate and 5 years is there on the part of the House, I think the conferees would be bound to a difference somewhere between 5 and 10 years.

Mr. HEYBURN. That is what I have in mind.

Mr. WARREN. I want the Senate to know that this simply puts it where the conferees must agree either on 5 years or 10 years or some length of time between.

Mr. HEYBURN. I had that in mind.

Mr. CUMMINS. I will not interrupt the Senator from Idaho until he is through.

Mr. HEYBURN. I will yield the floor, as I can get it again.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. CUMMINS. Mr. President, this presents what I regard as a very serious matter. If the amendment proposed by the Senator from Idaho [Mr. HEYBURN] is adopted, and the pro-

posed amendment of the committee thereby modified, we have overturned the entire civil service of the United States.

Mr. HEYBURN. That is what I intended.

Mr. CUMMINS. We have overturned a structure that we have been years in rearing, and which, I think, commands the confidence of most people who are acquainted with what it is.

Mr. CLAPP. Will the Senator yield a moment for a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. Of course we understand what the Senator means, but I think for the RECORD it ought to appear in the form of question and answer. The Senator does not mean that it overturns the civil-service system as to the manner of originally selecting the employees, but that it simply overturns it as to the subsequent disposition of them after they enter the service.

Mr. CUMMINS. Precisely; I so understand.

Mr. CLAPP. I understood it; but I thought the RECORD ought to show it.

Mr. CUMMINS. But I regard the permanence of tenure as an essential part of the present civil-service system. If we are to return to short terms, I doubt very much whether we ought to preserve the system that we have for entrance into the service through the examinations that are now prescribed. I hope the Senate will not do this thing.

To the classifications and systems that are proposed in the Senate committee amendment I have no great objection. I will only say to the Senate that now for two years the committee to which this matter ought to have been referred has had under consideration various changes that have been proposed to our civil-service system. There are changes that have been proposed for examinations, for promotions, for demotions, and for retirement as well. While I have no reason to complain, and do not complain, yet when the Senate appoints a committee for the purpose of dealing with the civil service, it seems to me that if it is proposed to change that service materially, the measure which does it ought to have been under consideration by the Civil Service Committee.

Mr. WARREN. Will the Senator permit me to make a suggestion there?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I do.

Mr. WARREN. I am glad to hear the Senator make the statement from his committee, and I think I ought, on the part of the Committee on Appropriations, to explain the way this matter came up.

In the first place, it came up in the House bill. I saw that there was a great deal of uneasiness about it, as other Senators saw, and we sought to find if there were not some ground somewhere on which we could overcome what seemed to a great many Senators a bad condition or proposition and yet not make it worse. This amendment is the result of taking advice, not only from the Civil Service Commission, but from civil-service people outside of Government employ—I might call them the volunteer association—and liberalizing the ideas of the civil-service people with the views of the committee itself. It is nobody's language in particular as it is here as a whole; but what we sought to do was to protect the part that is good in the civil service and to eradicate at least some of the parts thought to be bad. There was not time, as the Senator will easily understand—we did not agree upon this language until almost the last thing in the bill—so that we could report it back from the Appropriations Committee and send it to the Committee on Civil Service and Retrenchment.

Mr. CUMMINS. Mr. President, I am not objecting to the language of the amendment, but here is the situation: We have a great civil-service system, which embraces 238,000 men and women in the United States. It has been created gradually; the rights and privileges of all these people have been from time to time stated in the law; and I hope that we will not—I said a moment ago "overturn the system"—I will now say "revolutionize the system" by adopting either the provision of the House bill in that respect or by approaching the House bill in that respect through the amendment proposed by the Senator from Idaho.

More than two years ago the Committee on Civil Service and Retrenchment took up this subject, and we have been investigating it ever since. I have given a great deal of time and a great deal of study to the matter. Awhile ago the committee united upon a bill for the retirement of superannuated civil-service employees, which bill is now before the Senate and upon the calendar. I am now studying and preparing a bill for the reclassification of our civil-service employees, so that each man will receive a salary commensurate with the work that he is actually doing, and so that men who receive the same salary shall be required to do practically the same kind and quantity of work. Further than that, the bill, which will shortly in this session, I suppose, be reported to the Senate, will involve a system for making promotions and for demotions.

I do not think that upon this appropriation bill the whole system should be marred or impaired in the way proposed. I ask for an opportunity on the part of the committee of which I am chairman to deal with this subject, and, if Congress desires legislation upon it, that it shall be proposed and referred to that committee.

I have no great objection, as I said before, to this system of promotions and demotions being devised by the Civil Service Commission. That does not interfere with the general subject, although I think it is entirely unnecessary, for we shall presently present to the Senate a plan that I think will be very much better and very much more complete than the one outlined in this bill.

I am not, however, so much concerned in that as I am in defeating the proposal of the House contained in section 5 and in defeating the proposal of the Senator from Idaho, which introduces into the committee amendment the same idea that is already in the House bill.

Mr. WARREN. Mr. President, will the Senator from Iowa permit me to interrupt him at that point?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. Gladly.

Mr. WARREN. I perfectly agree with the Senator. This provision ought not to be in this bill if we follow the lines which we have heretofore followed on appropriation bills, because while such bills always have more or less legislation in them it is of a unanimous-consent kind. This provision is in the bill, however, and it is in it under the rules of the other House. The conferees have to meet it, and they must either take it as a whole or defeat it if they can. Therefore the committee thought the better way to handle it was to introduce what they have presented, which ought to be satisfactory to all concerned.

Mr. CUMMINS. What I hope is, Mr. President, that the Senate will reject section 5 of the House bill as recommended by the Committee of Appropriations. So far as relates to the substitute for that section proposed by the committee, I have no particular concern one way or the other.

I hope also the Senate will reject section 4, which simply limits the number of employees during the year to the number now in employment. That might seriously cripple the departments not only here but elsewhere. I do not think that Congress should in a blind way say that no additional employees shall enter the service of the United States during the next year. That seems to me to be rather a reckless way of proceeding. If the Government needs additional employees, and they are within the appropriations that are made by this Congress, the heads of departments ought to have the opportunity and ought to have the power to employ such persons as have qualified themselves under the civil-service rules.

Mr. POINDEXTER. Mr. President, I should like to have the Secretary read the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

The PRESIDING OFFICER. The proposed amendment will again be stated.

The SECRETARY. On page 154, line 17, after the amendment heretofore agreed to, it is proposed to insert the following proviso:

Provided, That the tenure of office of the appointees hereafter made in the departments of Government under the civil-service law shall be limited to 10 years.

Mr. POINDEXTER. Mr. President, I only want to express my agreement with what has been said by the Senator from Iowa as to the drastic effect that this amendment would have upon the entire Government employment. I think the central idea the Senator from Idaho has in mind, that there should be some provision adopted to prevent the loading up of Government offices with superannuated employees, undoubtedly has a great deal of merit, but I think that it is not necessary to strike down the essential principles of the civil service in order to accomplish that. I think the limitation of 10 years on the employment would work a great injury to the Government service. Many of the most useful and most efficient employees of the Government are those who have been there for 10 years.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. Will the Senator permit me to suggest that the amendment which I have offered would in no way affect the performance of the duties of the Civil Service Commission. Instead of appointing Government employees for indefinite periods, they would appoint them by exactly the same process for 10 years.

Mr. POINDEXTER. Appointments would constantly be recurring, and especially when the privilege of reappointment is retained, as it would be retained under this amendment, the pressure and influence of friends and——

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. Yes.

Mr. BRISTOW. I desire to suggest to the Senator from Washington that the pressure of friends would have nothing whatever to do with it any more than now, because the appointees would be drawn from the civil-service rolls and political influence would not be given consideration. It is not proposed by the Senator to strike down the civil-service process of appointment. The appointments would come automatically, as they do now, independent of any political influence. The sole question here is the advisability of limiting the term of appointments; it does not go to the manner of appointment, for there is no change suggested in that.

Mr. POINDEXTER. But it does go to the manner of appointment when it leaves the discretion in the bureau chiefs or in the department to reemploy those whose terms of service have ended.

Mr. BRISTOW. That reemployment would, of course, depend, and should depend—I do not know whether the amendment properly provides for it—upon merit, upon the records made by the employees.

Mr. POINDEXTER. If the amendment as it is proposed should be adopted, it would require nothing more than the mere fact that the employee had been in the service in order to give discretion to the department to reemploy him, and every 10 years the entire army of civil-service employees would come up for reemployment or else be discharged. Of course that would be on the average; it would be distributed through the 10-year period; but, on the average, it would be equivalent to having every employee in the civil service come up either for reappointment or to have some one substituted for him at the end of every 10-year period. It is impossible to eliminate, under those circumstances, the pressure of political influence and of friends upon the civil service. But the special objection that I have to it is the fact that it would drive out of the service the most valuable employees in the service. The more skillful, the more effective, the more worth his money the employee had become, so much the more would he be inevitably retired from the service. It is not good business; it would not be in private life; and it is not in public affairs.

Mr. BRISTOW. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. BRISTOW. On that point I should like to inquire why it would drive the skillful and efficient employee out of the service? In what way would it drive him out?

Mr. POINDEXTER. At the end of the 10-year period.

Mr. BRISTOW. But he is eligible for reappointment; and if his record is good, he is a very desirable candidate for reappointment and ought to be reappointed upon his record.

Mr. POINDEXTER. And right at that particular point, in the statement which the Senator from Kansas has just now made, there is involved the full force and all the evil effects of the old spoils system in the employment of civilians in the Government service.

Mr. BRISTOW. I beg to call the Senator's attention to the fact that the evil of the spoils system consisted in the ability of a politician to secure the appointment of a political friend in his community as the result of political services rendered there. Since the appointments are not made upon the recommendations of politicians, but are made through the Civil Service Commission as a result of examinations that are wholly nonpartisan—and no complaint has ever been made of the Civil Service Commission having been influenced in any way by political preferences—the inability of the politician to fill the place causes him to lose interest in the tenure of the office. I admit that if these places were to be filled upon the recommendations of politicians, it would be the spoils system, and nobody would desire that; but there is a very wide difference between filling the places through civil-service certification and filling them upon the recommendations of politicians, and that is the very difference between the spoils system and the present one.

Mr. LODGE. Will the Senator from Washington allow me a moment?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. Right on the point the Senator was making, when you come to the end of the 5-year or 10-year term you will see repeated just what occurred in the Census Office when a certain number of employees had to go out as the appropriations diminished, and there was political pressure from all sides, political pressure to retain this man, to advance that man, and to let the other one go. You would have at the end of the 5 or 10 year period, as I think the Senator from Washington has well pointed out, one great struggle by Members of the House and Members of the Senate to try to keep their favorites in place.

Mr. POINDEXTER. We can not escape from that effect.

Mr. CLAPP. If the Senator will pardon me, I should like to ask the Senator from Massachusetts a question.

Mr. POINDEXTER. I yield.

Mr. CLAPP. Could not that objection be eliminated——

Mr. LODGE. It could not be eliminated.

Mr. CLAPP. Well, wait. Could it not be eliminated by an absolute prohibition making them ineligible for reappointment? That would, of course, have to be done if the House plan is to be considered.

Mr. LODGE. The Senator means not to have them reappointed?

Mr. CLAPP. Yes.

Mr. LODGE. That is simply the destruction of the whole system at once.

Mr. CLAPP. It might be and it might not be.

Mr. POINDEXTER. Some such solution would be necessary in order to obviate the evils of political influence in appointments; and if you adopt that solution, then you adopt a system by which you have got to supply the Government every 10 years or every 5 years with a full force of inexperienced employees.

Mr. HEYBURN. They would not all go out at once.

Mr. POINDEXTER. On the average they would go out once every 5 years or once every 10 years.

Mr. HEYBURN. We would not miss the ones that would go.

Mr. LODGE. But this provides for a specific date in 1917.

Mr. CULLOM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I do.

Mr. CULLOM. We need a brief executive session—only a few minutes.

Mr. HEYBURN. We can not finish the bill to-night.

Mr. WARREN. Will the Senator from Illinois withhold the motion for a moment?

Mr. CULLOM. Certainly.

Mr. WARREN. I wish to state that with the great "progress" we have made to-day on the legislative bill I hope we may conclude it to-morrow, and I shall ask the Senate to take it up the first thing in the morning.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 13, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 12, 1912.

MEMBERS OF THE BOARD OF CHARITIES OF THE DISTRICT OF COLUMBIA.

John Joy Edson, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1912. (Reappointment.)

George M. Kober, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1912. (Reappointment.)

UNITED STATES MARSHAL.

Hugh L. Patton, of Wyoming, to be United States marshal, district of Wyoming, commencing July 1, 1912, vice Louis G. Davis, term expired.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Gilbert Penfield Strelinger, of Michigan, to be second lieutenant of Infantry with rank from June 7, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 7, 1912.

Ralph Leonidas Byrnes, of Iowa.

Leon Theodore Le Wald, of New York, late captain in the Medical Corps.

PROMOTIONS IN THE ARMY.

SUBSISTENCE DEPARTMENT.

Lieut. Col. David L. Brainard, deputy commissary general, to be assistant commissary general with the rank of colonel from June 8, 1912, vice Col. James N. Allison, retired from active service June 7, 1912.

Maj. Charles R. Krauthoff, commissary, to be deputy commissary general with the rank of lieutenant colonel from June 8, 1912, vice Lieut. Col. David L. Brainard, promoted.

Capt. Morton J. Henry, commissary, to be commissary with the rank of major from June 8, 1912, vice Maj. Charles R. Krauthoff, *promoted.*

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Leopold J. H. Herwig, Twenty-eighth Infantry, to be second lieutenant of Cavalry with rank from April 24, 1912.

Second Lieut. George E. Arnemann, Cavalry, unassigned, to be second lieutenant of Infantry with rank from April 24, 1912.

PROMOTIONS IN THE NAVY.

Capt. Robert M. Doyle to be a rear admiral in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. Commander Yates Stirling, jr., to be a commander in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. James C. Kress to be a lieutenant commander in the Navy from the 27th day of April, 1912, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

Riley F. McConnell,
Robert L. Montgomery,
Ezra G. Allen,
Thaddeus A. Thomson, jr.,
Alfred H. Miles,
Reginald E. Gillmor,
James Parker, jr.,
Schuyler F. Heim,
Newton H. White, jr., and
Burton A. Strait.

The following-named assistant paymasters with the rank of ensign to be assistant paymasters in the Navy with the rank of lieutenant (junior grade) from the 7th day of June, 1912:

Duette W. Rose,
Irwin D. Coyle, and
Paul A. Clarke.

EXECUTIVE COUNCIL OF PORTO RICO.

Martin Travieso, jr., of Porto Rico, to take effect May 20, 1912. (Reappointment.)

Jose C. Barbosa, of Porto Rico, to take effect June 5, 1912. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

David F. Bailey, of Virginia, to be collector of internal revenue for the sixth district of Virginia in place of Louis P. Summers, resigned.

POSTMASTERS.

GEORGIA.

Daniel E. McRae to be postmaster at Mount Vernon, Ga., in place of Charles Beugnot, resigned.

VIRGINIA.

Henry B. C. Gentry to be postmaster at Elkton, Va., in place of Henry B. C. Gentry. Incumbent's commission expired May 13, 1912.

Robert S. Pritchett to be postmaster at Shenandoah, Va., in place of Robert S. Pritchett. Incumbent's commission expired May 20, 1912.

James M. Williams to be postmaster at Broadway, Va., in place of James M. Williams. Incumbent's commission expired May 23, 1912.

WEST VIRGINIA.

R. M. Brown to be postmaster at New Cumberland, W. Va., in place of James B. Campbell. Incumbent's commission expired February 12, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 12, 1912.

UNITED STATES MARSHAL.

Hugh L. Patton to be United States marshal for the district of Wyoming.

REGISTER OF THE LAND OFFICE.

Jose Gonzales to be register of the land office at Las Cruces, N. Mex.

RECEIVER OF PUBLIC MONEYS.

Robert H. Sims to be receiver of public moneys at Las Cruces, N. Mex.

PROMOTIONS IN THE ARMY.

Col. James N. Allison, assistant commissary general, with the rank of brigadier general.

Maj. Daniel W. Arnold, quartermaster, with the rank of lieutenant colonel.

CAVALRY ARM.

First Lieut. Hamilton Bowie to be captain.

FIELD ARTILLERY.

Second Lieut. Truby C. Martin to be first lieutenant.
Second Lieut. Marshall Magruder to be first lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Jason McV. Austin to be first lieutenant.

INFANTRY ARM.

Lieut. Col. John S. Mallory to be colonel.
Maj. Maury Nichols to be lieutenant colonel.
Maj. Joseph P. O'Neil to be lieutenant colonel.
Capt. Matthias Crowley to be major.
First Lieut. Clifford U. Leonori to be captain.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Harry Albert Musham, to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

John Seymour Cromwell Fielden, jr.
Norman Thomas Kirk.
Fletcher Olin McFarland.
Samuel King Carson.
Walter Winthrop Ellis.
Joe Wallace Fenn.
George Washington Guthrie.
Howard Hume.
James Everett Kessell.
Harry Toulmin Lay.
John George Leitch.
Bernard Mann.
Jesse Garfield Maxon.
Arthur Monroe Mendenhall.
Bert Frank Ober.
Francis Oral Vicars.

MEDICAL CORPS.

To be first lieutenants.

Neal Naramore Wood.
William Bertram Meister.
Harry Rex McKellar.
Howard Lane Hull.
Leeson Oren Tarleton.
Shelley Uriah Marietta.
Harry Hill Van Kirk.
Robert Skelton.
Omar Heinrich Quade.
Thomas Ewing Scott.
Morris Hirshfield Boerner.
Harry Hoagland Blodgett.
Alfred Parker Upshur.
Thomas Everette Harwood, jr.
Philip Barry Connolly.
Samuel Jay Turnbull.
Michael Andrew Dailey.
Leopold Mitchell.
Adna Godfrey Wilde.
Frederick Caesar Augustus Kellam, jr.
Johnson Francis Hammond.
John George Ingold.

Alvin Charles Miller.
Chester Raymond Haig.
John Holmes Trinder.
William Eugene Hall.
Hew Bernard McMurdo.
Thomas Ward Burnett.
Kerwin Weidman Kinard.
Robert Morris Hardaway.
John Wesley Sherwood.
Guy Logan Qualls.
James Ernest Baylis.
Charles Ruby Castlen.
Douglas Wiltz McEnery.
John William Meehan.
Charles Moore Walson.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns:
Milton M. Fenner and
Frank J. Lowry.

First Lieut. Harry O. Smith to be a captain in the Marine Corps.

POSTMASTERS.

CONNECTICUT.

R. Clifford Tyler, Chester.

COLORADO.

Frank Simonton, Victor.

DELAWARE.

William T. Bradley, Felton.
Benjamin I. Shaw, Harrington.

INDIANA.

Frank Daly, Lynn.
Willis P. McCormick, Knox.
John Perry, Kramer.

KENTUCKY.

Ransom B. Martin, Hartford.

LOUISIANA.

Levi P. Carter, Bunkie.
Robert A. Giddens, Coushatta.
Robert P. Halphen, St. Martinville.
Bernard Isaacs, Gueydan.
Mildred P. T. Prescott, Lutcher.
Lou E. Russell, West Monroe.
W. M. Terry, Welsh.
Claude H. Wallis, Houma.
Thomas M. Wells, Colfax.

MINNESOTA.

Charles Canfield, Winnebago.

MISSISSIPPI.

John C. Clifton, Senatobia.
Andrew J. Darden, Centerville.
Mae Wright, Osyka.

NEW JERSEY.

Thomas J. Knight, Stanhope.

NEW MEXICO.

Adelina Jaramillo, Fort Sumner.

OHIO.

Samuel Bailey, Beverly.
Clayton H. Bishop, Centerburg.
Mary M. Carey, Lexington.
George E. Flora, Mount Healthy.
John McGuff, Creston.
H. A. Shafer, Navarre.
John M. Washington, Sabina.

OKLAHOMA.

Ira F. Baird, Luther.

OREGON.

George W. Spring, Lents.

PENNSYLVANIA.

Dewitt C. Parkinson, Monongahela.

SOUTH CAROLINA.

A. W. Knight, Bamberg.

TEXAS.

Charles R. Bone, Beaumont.
Crockett Campbell, Lufkin.
James T. Harrell, Manor.
Covey M. Hughes, Wharton.
Clarence V. Rattan, Cooper.

VIRGINIA.

Roger G. Dyson, North Emporia.
Samuel R. Gault, Scottsville.
William T. Tiller, Emporia.

WITHDRAWAL.

Executive nomination withdrawn from the Senate June 12, 1912.

POSTMASTER.

OKLAHOMA.

The nomination, sent to the Senate on April 2, 1912, of H. O. Jeffries to be postmaster at Nowata, in the State of Oklahoma.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 12, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, how inscrutable is Thy providence. Thy ways are past finding out. But we thank Thee that Thou hast not left us without a witness. The light of reason is strong and leads us through many a tangled web, yet it does not satisfy the longings of our souls, but where it ends faith begins and lifts us into the realm of the eternal possibilities and hope comes, an angel to guide us on our way. The story of the stars is clearer. The affections which hold us together in bands of steel rejoice in the promises through the life, death, and resurrection of the Christ. Thou has laid a heavy hand upon us in the removal of another one of the congressional family whose life was opening into the larger fields of usefulness. Young, strong, buoyant of spirit, gifted with a wealth of ability, schooled, by training well fitted for the path of life which he had chosen. Our hearts are filled with sorrow. Comfort us with the everlasting hope in that love which encircles all. Be with the young wife and child. Strengthen the mother for her task. Be with all to whom he was near and dear, and help us to look forward with faith and hope to the life everlasting in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. TOWNSEND. Mr. Speaker, I am directed by the Committee on the Library to ask unanimous consent to change a reference of House joint resolution 289 from the Committee on the Library to the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] asks unanimous consent that House joint resolution 289 be changed from the Committee on the Library to the Committee on Public Buildings and Grounds. Is there objection?

Mr. MANN. What is the resolution about?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 289) in relation to a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, the request, as I understand, is a change of reference from the Committee on Public Buildings and Grounds to the Committee on the Library.

The SPEAKER. The Committee on the Library asked unanimous consent to have it changed the other way.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the Chair recognizes the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I desire to move that the proceedings under Calendar Wednesday be dispensed with for to-day in order that the House may continue its work on the sundry civil appropriation bill (H. R. 25069). First, I would ask that the Clerk report the motion.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with the proceedings under Calendar Wednesday for to-day. Five minutes' debate is allowed on each side on said motion.

Mr. UNDERWOOD. Mr. Speaker, I wish to say to the House that to-day is the 12th of June. The sundry civil bill must go to the President before the 1st of July. The bill has 167 pages in it. Only 48 pages have been passed on so far. After the House completes the consideration of this bill it must go to the Senate and be acted upon.

Now, I am not one of those who are disposed to interfere with the business that is on the calendar for Wednesday under ordinary circumstances, but I believe that the House has approached a period in the consideration of these appropriation bills where we must dispose of them, and I will say to the House that, so far as I am concerned, in dispensing with Calendar Wednesday now, I hope there will be an opportunity given to get these appropriation bills here out of the way in order to take up the business on the calendar and dispose of it. But that business is not as urgent as the passage of the appropriation bills, when we are only about 15 or 16 days away from the time when they must become a law, because the Government must have these funds at its disposal when the new fiscal year begins. It requires a two-thirds vote to dispose of Calendar Wednesday, and I recognize that the gentlemen on the Republican side of the House can prevent it if they so desire; but I appeal to the gentlemen on that side to stand with us in suspending Calendar Wednesday.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has used two minutes and has three minutes remaining.

Mr. MANN. I would like to have a part of the three minutes.

The SPEAKER. Is the gentleman from Illinois [Mr. MANN] in favor of the motion?

Mr. MANN. I am in favor of the motion.

Mr. UNDERWOOD. I yield to the gentleman from Illinois the balance of my time.

Mr. MANN. Under the circumstances I think it would be a convenience, Mr. Speaker, as on this side of the House many Members desire to be in Chicago next week, to proceed with the sundry civil bill rather than the bills on Wednesday's calendar, with the hope that the sundry civil bill may pass through the House this week, and the Army conference report may also be disposed of this week.

I can not, however, agree with the gentleman from Alabama, that there is any possibility of the sundry civil bill getting to the President by the 1st of July. My understanding is that there is an understanding in the Senate that there will be practically no business transacted for two weeks, commencing with next Monday.

I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] what the disposition on his side of the House will be as to the transaction of business next week—business that might involve partisan controversy?

Mr. UNDERWOOD. I would state to the gentleman from Illinois that I recognize the fact that there are gentlemen on that side of the House who desire to be absent during the convention of their party. There will be no disposition on this side of the House to bring up partisan legislation, but I do not think it is necessary for the House to adjourn. There is other legislation that can be transacted.

Mr. MANN. I appreciate that.

Mr. BURNETT rose.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized on the opposite side.

Mr. BURNETT. Mr. Speaker, I do not think this motion ought to prevail. We have only one day in the week on which general legislation, as a rule, outside of the appropriation bills, can be passed, and if we do not utilize that, I would like to know when we are going to get through important legislation that is on the calendar for Wednesday. I noticed only yesterday that my colleague from Alabama [Mr. UNDERWOOD], the leader of the majority, had stated that the Congress would run on until the 1st of August, and if that is so, and if the gentleman who supports the motion [Mr. MANN] on the other side of the House is correct in the idea that this bill could not reach the President by the 1st of July, then I see no good reason for undertaking to expedite this particular legislation to the delay of other legislation which can not be reached except on Calendar Wednesday. For that reason, Mr. Speaker, I am opposed to the motion.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. Does the gentleman from New York oppose the motion?

Mr. UNDERWOOD. I yield to the gentleman from New York, if I have any time left.

Mr. FITZGERALD. I ask unanimous consent to be recognized for three minutes in favor of the motion.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to be recognized for three minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, the sundry civil bill was brought before the House a week ago yesterday. Forty-eight pages out of 176 have been read. A number of very important matters will require some time for their consideration. To-morrow the conference report on the Army appropriation bill will take several hours out of the time which might otherwise be devoted to the consideration of this bill.

It is necessary that this bill should go to the President before the 1st of July. It carries $109,000,000 for the conduct of various services of the Government. That money must be available by the 1st of July or else Congress must, by some extraordinary maneuver, make provision for the carrying on of the various services of the Government after that date.

This is the most important business before the House. It took the Committee on Appropriations more than three months in exhaustive and laborious work to prepare this bill. Some time must be given to the Senate, in addition to the time consumed while this bill is under consideration, for investigation of the bill. I hope that in order to expedite the business of the House and to make possible the necessary provision for carrying on the Government in the proper way after the 1st of July, this motion will be carried. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion to dispense with business on the Wednesday Calendar to-day.

The question was taken, and, two-thirds having voted in the affirmative, the motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

The SPEAKER. The Chair will designate Mr. JAMES temporarily as Chairman of the Committee of the Whole House on the state of the Union. The Chair will state that the reason why Mr. JOHNSON of Kentucky is not here is that the Chair told him that the probabilities were one hundred to one that the House would not to-day dispense with the business on the Wednesday Calendar.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil bill, with Mr. JAMES in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MANN. Mr. Chairman, there is an amendment pending.

The Clerk read the pending amendment, as follows:

Amend, page 50, line 13, by striking out "two hundred and fifty thousand" and inserting in lieu thereof "three hundred and twenty thousand."

Mr. CANNON. Mr. Chairman, this appropriation is practically for the employees connected with the National Museum and the Smithsonian Institution. The estimate is for $350,000. The appropriation for the current year is $300,000. The recommendation in this bill is for $250,000. After as diligent an examination as I have been able to make, I offer the amendment striking out "two hundred and fifty thousand" and inserting "three hundred and twenty thousand." That is $20,000 more than for the current year and $30,000 less than the estimate.

This is a growing service. It cares for the old Smithsonian Building and its work, for what is known as the old National Museum, the one-story building just east of the Smithsonian, and its work; it cares for the great new building known as the National Museum proper, on the east side of the Mall and east of the old Smithsonian Institution Building.

The service grows. With that growth you must have the necessary number of watchmen, laborers, and cleaners. You must have the necessary number of skilled people. The work of the taxidermists can wait in large part. There is a great deal of it to do. We have there what is perhaps the most valuable collection of skins of African animals that can be found anywhere in the world. That collection is largely in duplicate. The skins are preserved, but in part could be mounted next year. There has been something of criticism at the slow manner in which this work has progressed. I am not influenced by that criticism in moving this amendment, yet it is a proper matter to call to the attention of the Committee of the Whole House on the state of the Union. If the cut of $50,000 below the current law is agreed to by Congress, I should say that it will result in the discharge of from 30 to 75 employees who are absolutely necessary for the care of the collections and of the buildings. It will result also in the Sunday closing and I believe the closing at night of the museums. I do not know what the action of the Senate would be in the

event that we sent to them this proposal for a reduced appropriation. If I am correct in my statement, I would be glad to see the House by its action give the appropriation necessary at least to maintain the status as it now exists. I think the appropriation of $300,000, the amount appropriated for the current year, would maintain the status. I think the $20,000 in addition, making it $320,000, would give a little leeway for a proper and very small increase in efficiency. My opinion is that the appropriation really ought to be the amount of the estimate, $350,000, but I only propose by my amendment $320,000, which would be an increase of $20,000 over the current year.

Mr. PEPPER. Mr. Chairman, the appropriation for this item last year was $300,000. As stated by the gentleman from Illinois [Mr. CANNON] this amount is practically all taken up in salaries for the employees of the National Museum. If this appropriation is cut from $300,000 down to $250,000, there will have to be a reduction in the force of employees. I am not one of those who think that is necessarily something to oppose in itself, but it seems to me that from the fact that there is not a line of testimony in the hearings and not a suggestion from any source why this appropriation should be cut, that there ought to be some good reason given for reducing this appropriation $50,000. If this appropriation goes through at the reduced amount of $250,000, it will mean that the National Museum must be closed on Sunday. It will mean that the work now being done there will have to stop, except what might be termed simply taking care of the building. The work of preparing specimens and caring for them will have to be curtailed. I do not believe our Democratic Congress wants to make a record of that kind. We are in favor of economy, we are in favor of cutting off useless expenditures, but for the life of me I do not believe that any of us can consistently urge a reduction of expenditures where that reduction cuts off amounts necessary for the maintenance of the work of this Government. It seems to me that in the case of that great National Museum down there, a place visited by tourists from all parts of the world, where we have so many specimens of all kinds, where we have expended large sums of money, we ought as a business proposition to maintain its present efficiency. Unless the chairman of this committee or some members of the committee can show us some very good reason for cutting down what we may term a standing appropriation, for the payment of salaries and for the necessary upkeep of this building and its contents, unless there is some change in the circumstances that calls for a reduction of the appropriation, I do not see why we should inaugurate such a reduction. I hope that the chairman of the committee will see fit to accept the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. FITZGERALD. Mr. Chairman, there is a good reason for the reduction of this item. I should not have supposed that the gentleman would have assumed that the committee would make a recommendation without some good reasons. Members who have served on the Appropriations Committee for more than a single session have information acquired in other years that it would be absolutely impossible to repeat in the hearings of the present year. They base their action not upon the statement of gentlemen who are in favor of the appropriation for a particular service, but upon their knowledge of conditions gained not only from the current year but gained by the committee in hearings on the present bill and acquired by them in a number of years' service on the committee—many conditions which, if gentlemen took the trouble to inquire into, would disclose an entirely different situation from that which apparently appears upon a reading of the hearings upon the current bill.

The appropriations for the National Museum were increased for the purpose of enabling special work to be done, caused by the moving into the new Museum; but having been in the Museum for several years, and having done a large amount of the extraordinary work that was planned to be necessary in order to get matters into shape, it was believed that it would now be possible to reduce the expenditures and put them upon what would more properly be the normal basis.

The gentleman speaks of closing the Museum on Sunday. Mr. Chairman, I am responsible for the opening of the Museum on Sunday. I took the initiative in that matter and insisted that this institution, of all others in the city, should be open to the public on Sunday, so that all persons living in the District, as well as visitors, would have an opportunity to avail themselves of the exhibits there. Having done that, I am not taking any action that would necessitate the closing of this institution on that day. From my investigation of the matter and my familiarity with the work of the Museum, the fact that this is a lump-sum appropriation, and is expended by the Smithsonian Institution without that same exercise of control by Congress that other appropriations are subjected to, from the knowledge I have had from investigating these appropriations during the past seven years, I am convinced that the sum of $250,000 is adequate for the service during the next year. If I had not been convinced of that I should not have voted to make such an appropriation.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. What does the gentleman say as to the statement of the head of the Smithsonian Institution, that with this decreased appropriation for the current year it will be impossible to comply with the law and keep the Museum open on Sunday?

Mr. FITZGERALD. The gentleman in charge of the Smithsonian Institution for 1910 and 1911 insisted that $400,000 was necessary to properly conduct the affairs of the Museum, but he never had but $300,000.

Mr. CANNON. If the law provides for the keeping open of the museum on Sunday——

Mr. FITZGERALD. No; it does not. They open it on Sunday, because I insisted that it should be open on Sunday.

Mr. CANNON. Oh, but that is equivalent to law. [Laughter.]

Mr. FITZGERALD. It is more effective than some laws which have been treated by contempt by certain gentlemen at the head of bureaus.

Mr. CANNON. The gentleman desires it to be kept open on Sunday?

Mr. FITZGERALD. I do; and I expect it will be.

Mr. CANNON. But the director says not.

Mr. FITZGERALD. It is a question of the speed with which the various trophies shall be prepared. He can engage any number of men desirable within the limits of the appropriation. My investigation and information convinced me that $250,000 is sufficient for the next year.

Mr. COOPER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. COOPER. What proportion of the $250,000 would be used, in the words of the bill, for the "salaries or compensation of all necessary employees"?

Mr. FITZGERALD. That is entirely within the control of the administration of the Museum; this sum is given in bulk. The controlling body determines how much shall be used for salaries and how much will be used for other purposes.

Mr. COOPER. I asked the question of the gentleman from New York because I was anxious to know how much there would be left after paying the salaries of employees and other necessary expenses to take care of that magnificent collection of skins and birds brought from Africa.

Mr. FITZGERALD. That magnificent collection of skins that was brought from Africa is not segregated from the more magnificent and more valuable collection that was there before these arrived here, although I do not wish to reflect on the value or character of this collection. They are not segregated. They are made a part of the general collection of the Museum.

Mr. COOPER. Mr. Chairman, in reply to the gentleman from New York, I am indebted to the gentleman from Illinois [Mr. CANNON] for a reference to the present salary roll, which reference is found on page 526 of the hearings on the sundry civil appropriation bill. On that page Mr. Rathbun says that the salary roll is now approximately $266,000. And yet with the salary roll to-day amounting to $266,000 the gentleman from New York proposes by the pending bill to appropriate only $250,000—

for continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees and all other necessary expenses, and out of that sum of $250,000, $5,500 may be used for necessary drawings and illustrations for publications.

I am wondering about how much there will be left of the $250,000 to take care of those collections and to increase them in view of the fact that the salary roll alone now is $16,000 more than is proposed to be appropriated by this bill for salaries and all these other purposes.

Mr. FITZGERALD. Mr. Chairman, the gentleman, of course, seems to labor under the delusion that the money is expended to take care of these collections in other ways than by the payment of salaries. The salaried people are those who take care of these collections.

Mr. COOPER. I have been told by experts, Mr. Chairman, one a gentleman employed in the Institution over there, that the collection of birds, skins, and animals brought from Africa would make by far the finest collection of its kind in the world if properly preserved. I thought, in listening to the gentleman from Illinois [Mr. CANNON], that he made an exceedingly forceful statement, and that there ought to be enough money appro-

priated so that the salaries of the necessary employees could be paid and something be left to preserve this magnificent collection for the people, for it will be for their benefit. As I have said, the salary list alone to-day is $266,000, which is $16,000 more than is proposed to be appropriated for all of these purposes by the pending measure.

Mr. FITZGERALD. Mr. Chairman, of course the gentleman is not as well informed as he might be. There is another item of $50,000, which includes compensation and salaries of employees required in this work, and there is an appropriation of $50,000 for the expense of heating and lighting the building. There are appropriations for repairs and for the purchase of books and for other items, so that instead of being the only sum available for the maintenance of this Institution there are several others.

The gentleman speaks of necessary employees. This service, as well as every other service of the Government, will expend every dollar given it for salaries. In 1910 they asked $400,000. The appropriation made was $250,000. For 1911 they asked $400,000, and in order to give the additional force required during that year and during the current year for the purpose of making possible the preservation of the bulk of the large increase of trophies brought in $50,000 additional was given. I believe that with the $250,000 in this item and the other appropriations made for the other services, ample funds are given for the Institution. If I did not, I should not oppose the motion of the gentleman from Illinois. He asked not that the largest sum ever given to the Institution be given in this item, but he asked that $20,000 in addition to the largest appropriation heretofore made be given. I do not know any justification for any such action, and I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, while I was a member of the Board of Regents of the Smithsonian Institution I had the pleasure of seeing a portion of the marvelous and magnificent contribution made by Col. Roosevelt to the Smithsonian Institution. This item in the appropriation bill would carry the necessary expense of placing that collection or such portions of it as may be desirable on exhibition. I believe the people of the country would like to see those skins mounted, those birds mounted, those insects and rodents placed where they may be seen. They are interesting for two reasons. First, on account of their inherent interest, and, second, because of the manner in which they come to the Government. The people are interested in Col. Roosevelt and in what he has given to the Government. [Applause.] I shall be very sorry to see the Democratic side of the House show its antipathy and animosity for Col. Roosevelt, personally and politically, by attempting to deprive the people of the United States of the opportunity of seeing this magnificent collection placed upon exhibition. No individual who has an opportunity of seeing these skins will deny that the people ought to have an opportunity. After all, remember, there is a day coming. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman, it had not been my intention to say a word on this amendment, but the remarks of the gentleman from Illinois [Mr. MANN] are so uncalled for, and so far from the facts which influenced any member of the committee in making up these estimates, that I feel in justice to ourselves that I should say what I am now going to say. Of course this amendment would have nothing to do, practically speaking, with the mounting of any of the Roosevelt collection. The particular thing that the additional amount was asked for was in regard to certain exhibits relative to arts and industries and had no relationship to the collection of Mr. Roosevelt.

The real question that confronts this committee is simply one of how rapidly you want to proceed in connection with the National Museum. Manifestly much more money than that asked by the gentleman from Illinois [Mr. CANNON] can be expended, and expended in the producing of interesting exhibits which the people of America would enjoy seeing, but sometimes the very excellence of a museum is the result of the slowness with which it proceeds with the mounting of exhibits for its various collections. Much money constantly invites the mounting of inferior exhibits, whereas if they are required to exert a proper economy they will only take the best, and while you are slower in finishing such work you get a higher average of work as a result of the slowness with which it is done. Now, the committee in its judgment thought that the amount we recommend here was sufficient, all things being considered. There has been a very rapid enlargement of the fund for this purpose, due somewhat to the moving into a larger building and the incidental cost that followed, and also due to the added pressure by virtue of going into a new building which affords a ready excuse for increased appropriations.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. SHERLEY. Certainly.

Mr. COOPER. Is not the fallacy of the gentleman's argument about going slowly shown in this way? It is well for the curator of a museum to go slowly in collecting exhibits, but where a curator of a museum already has on hand skins and articles which may deteriorate and need to be mounted in order to become exhibits, then is not it wise to hasten in their mounting and preservation?

Mr. SHERLEY. Yes; except the fact does not exist to-day. There are no skins I know of there that are going to deteriorate because of the want of appropriating $50,000 now and there is no testimony to that effect before the committee.

Mr. COOPER. I have been told, I do not know how good my information is, that these can not be kept back forever without deteriorating very considerably.

Mr. SHERLEY. I do not think anything could be kept back forever from mounting or kept mounted forever without deteriorating, but there is no intention of mounting a great many of the skins there. For instance, there are many lion skins, some of which have been mounted. There are lion skins obtained as a result of the Roosevelt expedition, some of them have been mounted and some have not, and since then there has been a very handsome collection containing a very handsome number of skins presented as the result of another expedition into Africa, some of which would have been mounted in place of some that were mounted if they had been on hand at the time—all of which illustrates just the proposition I spoke of a while ago. The whole question here for the House, and it is a question about which no definite rule can be laid down, is to determine what sum will probably keep up the Museum and continue its work at a reasonable rate, not unduly cramping it, neither, on the other hand, being extravagant with expenditures for the mounting and exhibiting of things of a secondary quality. That is the proposition before this House, and there was in no sense involved in the committee's action the slightest thought of preventing the exhibition of Col. Roosevelt's collection. Speaking for myself, and I believe also voicing the judgment of the other Democratic Members, I appreciate the great value of the specimens that came as a result of that expedition. There is no desire to belittle in any way that expedition or to prevent a proper use of the fruits of it.

Mr. FITZGERALD. Mr. Chairman, in view of the statement of the gentleman from Illinois, I wish to state what occurred. A newspaper article was printed criticizing Congress for not appropriating sufficient money to mount the specimens sent by Mr. Roosevelt. Mr. Rathbun said:

> That is to say, the African material—
>
> That is Col. Roosevelt's material—
>
> is being used wherever needed. Where the material is the best in the lines represented we are using it. We are not trying, Mr. Chairman, to represent any individual or any concern, but we are trying to represent subjects, and we use the best of the material we have from whatever source.
>
> Mr. WALCOTT. Many things appear in the newspapers that do not originate with me. A newspaper man did come to me in regard to this matter. I do not know who he was. He asked me if we had money enough to mount the entire Roosevelt collection. I told him that we had no intention of mounting the entire collection, but that if in that collection there was anything better than what we had from any other source, when we had a sufficient amount of money for the purpose, we would mount them.

Then Mr. Walcott called attention to the fact that a number of lion skins which had been taken in an African expedition had been mounted. Later Mr. Paul Rainey made a trip through southern Abyssinia. Mr. Rainey collected and sent in 32 lion skins. If they had arrived before this particular group had been mounted, some of those skins would have been substituted for some of Mr. Roosevelt's.

Mr. Walcott, in a statement in the New York Times, which he furnished for the RECORD under date of March 13, 1911, said:

> It is not intended to mount all the specimens in the collection and place them in the exhibition halls of the Museum. To do so would be a serious detriment to the collection and no advantage to the public. The collection contains about 3,000 skins of mammals, but not more than 50 different kinds could be detected among them by an untrained observer. The general public would only be fatigued and confused by the inspection of the entire series.

Instead of mounting all the skins obtained by the Museum, they are prepared and placed away so that they can be utilized by students under special privileges when they so desire, but for exhibition purposes a very small percentage of all the trophies are mounted.

Mr. WARBURTON. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WARBURTON. Is there any way, if we have a superabundance of skins of this kind, that other museums may get them? Now, if the Government has a superabundance there

and wants to lay them aside, there ought to be some way for some other museums to get them and mount them.

Mr. FITZGERALD. I am informed that there is a law which permits the distribution of duplicates of skins to other museums. The gentleman can ascertain that by inquiring of those in charge of the Smithsonian Institution. I wish to correct any impression that may have been made in the minds of the Members of the House that there was any intention of making this recommendation to affect in any way whatever the collection of Col. Roosevelt, or that there was ever any intention on the part of those in control of the museum to mount the entire collection. To do so would be to ruin the museum, while the proper preservation of the skins enables them to be utilized by students in the best manner possible. Let me say to the gentleman from Washington [Mr. WARBURTON] that the act of August 10, 1846, provides:

Regents of said institution shall afterwards, as new specimens in natural history, geology, or minerology may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make), or by donation which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged.

Mr. WARBURTON. I understand from that——

Mr. FITZGERALD. They have a right to exchange.

Mr. WARBURTON. What I was asking was, could some other museum people have those which the Smithsonian did not desire and which they were not using?

Mr. FITZGERALD. I understand there is another statute—which I have not at hand—that will permit them to distribute; and I suggest that the gentleman apply to Dr. Walcott and obtain the information which I do not have. I ask for a vote.

Mr. CANNON. Mr. Chairman, on a pro forma motion, I wish to take one minute. This appropriation of $320,000, if given, will fairly keep up the taxidermist work as it is now progressing. If the amendment does not prevail and the bill stands at $250,000, the work of the taxidermists will cease, practically, entirely, because it takes $266,000 to pay the salary roll alone. And anybody can see that you have got to discharge some of the charwomen, some of the watchmen, or some of the laborers. You have got to keep open house or close it down, and this impairs keeping open house.

The CHAIRMAN (Mr. JOHNSON of Kentucky). The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 48.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move, in the line indicated, to strike out "250,000" and insert "300,000."

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. CANNON] is to strike out "250,000" and insert in lieu thereof "300,000."

Mr. CANNON. I desire to say only a word. We have just voted down an amendment to increase the appropriation over the current year by $20,000. If this amendment is agreed to, it gives $300,000, a like amount now being used in the service and carried for the current year in the appropriation. This continues the present status.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. A division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 46.

Mr. CANNON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. CANNON.

The committee again divided; and the tellers reported—ayes 44, noes 51.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hereafter all plans and specifications for construction of buildings and bridges in the National Zoological Park shall be prepared by the municipal architect of the District of Columbia.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman from New York whether he thinks the municipal architect is the proper person to prepare plans for bridges?

Mr. FITZGERALD. He does it for the District of Columbia.

Mr. MANN. Does he prepare plans for bridges for the District of Columbia?

Mr. FITZGERALD. I so understand. This situation is disclosed in connection with the National Zoological Park: Out of the funds appropriated for the maintenance of the park at various times an architect has been employed, and he has drawn plans for certain bridges and buildings for which there is no authority of law, and they were put away in the hope that at some time Congress would appropriate for them. The money appropriated for the maintenance of the park has been expended for that purpose.

Mr. MANN. The gentleman has covered that proposition in the item already passed, providing that the $100,000 shall not be used for architect's fees and compensation. I have made no question about that.

Mr. FITZGERALD. The most attractive bridge in the park was built on plans prepared by the District officials. That is the bowlder bridge, with which the gentleman is familiar. It was believed by the committee that this municipal architect could very easily prepare whatever plans were necessary for these buildings. It was part of the movement to prevent, if possible, the depletion of the funds.

Mr. MANN. Usually the architect who prepares plans and specifications necessarily supervises the construction. It may be proper. I do not say that it is not. But I doubt very much the advisability of the municipal architect endeavoring to control the construction of simple bridges in the park. I am glad to see that the committee has included——

Mr. FITZGERALD. My own opinion is that if the work is done by contract, the character of the work will not impose any undue burden on the inspectors. This situation was disclosed, for which there seemed to be no excuse. Plans for bridges and buildings not authorized and needed were obtained. It was absolutely impossible to get Congress to appropriate the sums that would be required to construct them. The architect was paid out of these funds, and the plans are now lying there in a pigeon hole. Some day appropriations may be made to build these different things.

Mr. MANN. I believe there is some friction in the District in reference to the construction of schoolhouses in connection with the work of the municipal architect. It may be necessary or unnecessary friction. I do not know. But I do not think there is any occasion to start friction in the park with reference to the building of bridges. I hope that will not result, at least.

Mr. FITZGERALD. I call the gentleman's attention to the fact that there is a bridge needed out there. It is necessary to construct it, and we are appropriating the money for it in this bill. If we do not have some such provision as this, architect's fees could be paid out of the appropriation made for the construction of the bridge.

Mr. MANN. I have no doubt of that. How much the architect's fees would be, I do not know. I apprehend that it would be cheaper for the Government to have some architect or somebody connected with the park prepare plans and supervise the construction of that bridge that is proposed than it would be to have the municipal architect mix in it at all. However, I shall not put my judgment against the judgment of the committee, if the committee have given consideration to that particular point.

Mr. FITZGERALD. This does not add any to the expense, anyway.

Mr. MANN. That does not give them the control over the matter of construction. I will withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

For the construction of a bowlder bridge across Rock Creek to replace the present log bridge on the line of the roadway from Adams Mill Road entrance and Cathedral Avenue, $20,000; one half of which sum shall be paid from revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 51, in line 18, before the word "bowlder," insert the words "rough stone faced or."

Mr. MANN. Why not have a bowlder bridge there?

Mr. SHERLEY. There is some question whether they can get the bowlders or whether they can not get the same effect to the eye by a bridge authorized under this language.

The question being taken, the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 23799. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns,

to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 54.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed in the enrollment of the bill (H. R. 13041) entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," to insert, on page 1, line 12, before the word "within," the word "or."

House concurrent resolution 47.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. No. 305), of which 10,000 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives, to be distributed through the House document room.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, numbered 3 and 4, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution (S. Res. 341):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from June 13, 1912, to July 5, 1912, both inclusive.

The message also announced that the Senate had passed the following resolutions (S. Res. 339):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. FOSTER, Mr. THORNTON, Mr. CRAWFORD, Mr. FLETCHER, Mr. SMITH of Michigan, Mr. PERCY, Mr. TOWNSEND, and Mr. PAYNTER.

The message also announced that the Senate had passed the following resolution (S. Res. 343):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from July 6, 1912, to July 31, 1912, both inclusive.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6745. An act to provide for the erection of a Federal building in Las Cruces, N. Mex.; and

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners, $300,000.

Mr. MANN. What is the estimate of expenditure for this year under this item, the appropriation being $350,000?

Mr. SHERLEY. The appropriation for the current fiscal year is $350,000 and the estimate is $350,000.

Mr. MANN. What I desire to know is whether there will be a surplus or not.

Mr. SHERLEY. There will be.

Mr. FITZGERALD. There was an unexpended balance in 1911 of $55,022.

Mr. MANN. Yes; but the machinery was not all working at that time.

Mr. FITZGERALD. During the first six months of this fiscal year they expended $145,531.11, and they had a balance of $204,406.89. At this rate of expenditure they will expend about the same as last year.

Mr. MANN. In the gentleman's judgment is there no likelihood of occasion for increasing the amount of the expenditure next year?

Mr. FITZGERALD. My impression is that there will not be any increase. The gentleman remembers the history of this——

Mr. MANN. I remember the history of it very well.

Mr. FITZGERALD. It seems probable that at the rate of expenditure this year there will be a surplus of over $50,000 at the end of this fiscal year.

Mr. MANN. The committee concluded that they had reached the maximum needed expenditure.

Mr. FITZGERALD. That was the impression.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads, including the employment of inspectors, $125,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 53, in line 2, strike out $125,000 and insert $150,000.

Mr. FITZGERALD. Mr. Chairman, the expenditures in 1911 were $108,000. The Interstate Commerce Commission has sent word to us that this additional money will be required. The need for it was not made plain at the time of the hearings, but the commission desired to extend the investigation of railroad accidents, and in a communication submitted this morning it was made very apparent that if they were to do the work contemplated to the extent that they desire, they will require practically the $150,000. Desiring to give the sum required to enable these various services to be conducted properly, I have offered this amendment on my own responsibility.

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken, and the amendment was agreed to.

The Clerk read as follows:

For the payment of all authorized expenditures under the provisions of the act of February 17, 1911, "to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary and allowances in lieu of subsistence while away from official headquarters to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $200,000.

Mr. MANN. I move to strike out the last word. I think it is quite probable that this law has not been in operation long enough to enable anybody to tell just how much ought to be appropriated. My recollection is that the gentlemen who were seeking that legislation informed me officially that their estimate of the expense was that it would not exceed $150,000. I put into the bill which went through the House a limitation of $200,000 on the appropriation. If they have already reached the $200,000, it is apparent that that was a very wise limitation. I desire to know if the gentleman from New York has a statement of the amount expended for the first six months of this year?

Mr. FITZGERALD. I have not that here. It is possible that within the near future a larger appropriation will be required for this item.

Mr. MANN. I think this is the limit that can be made. The committee can not have sufficient data before it to determine definitely how much ought to be appropriated, because the law provides for certain things.

Mr. FITZGERALD. I think that is true.

Mr. PAGE. That is entirely true.

Mr. FITZGERALD. There is no desire in any way to embarrass the efficiency of this service.

Mr. MANN. I understand that. I withdraw the pro forma amendment.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For operating and care and preservation of Rock Island bridges and viaduct; and for maintenance and repair of the arsenal street connecting the bridges, $18,000.

Mr. PEPPER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert a new paragraph after line 22, page 53, as follows:
"For increasing the capacity of the plant at Rock Island Arsenal for the production of field artillery matériel, $250,000."

Mr. PEPPER. Mr. Chairman, the Chief of Ordnance, Gen. Crozier, has submitted a supplemental estimate. The subject of the manufacture of Government stores has been discussed in this House a great deal in connection with the manufacture of powder and other items. A splendid showing has been made by the Ordnance Department in the way of prices upon the manufacture of nearly every item that is manufactured in Government manufactories. But I do not believe there has ever been a showing that could compare with that made by Gen. Crozier, of the Ordnance Department, upon the manufacture of field artillery. Those of you who have the hearings before this committee will find, on pages 636, 637, 638, and 639, a statement of Gen. Crozier as to the prices he is compelled to pay for field artillery. The fact of the matter is the Government has for years and years been manufacturing most of its small arms, until to-day they have practically a complete supply, both of the reserve supply and what is actually needed.

But in field artillery there has been a very inadequate amount manufactured by the Government. Practically all of our field artillery has been purchased from private manufactories. To show you what a holdup has been going on, I want to read a statement of Gen. Crozier in the hearings, beginning on the bottom of page 637:

The CHAIRMAN. Do your figures show the comparative cost of manufacture and purchase?

Gen. CROZIER. Yes.

The CHAIRMAN. Put them in the record, please.

Gen. CROZIER. I will mention a few of them for the record. I think I can mention them more summarily, so they can be better comprehended in the record, than if I put in all of these details. I will take the limbers for the 3-inch rifles. The average of three contracts gave a price of $1,518 apiece for those limbers.

Mr. CANNON. What is a limber?

Gen. CROZIER. A limber is the forward portion of the wagon which transports the gun, the forward portion of the gun carriage; and the average of five orders for manufacture at the Rock Island Arsenal was $684 apiece. The arsenal cost was less than half the purchase price.

Mr. SHERLEY. Was there any bidding for that contract?

Gen. CROZIER. Yes, sir; we usually get about three bids, and that is the average of three contracts. One contract was for 40, one was for 24, and one was a large contract for 192.

Mr. SHERLEY. Then buying at home sometimes results in being held up, judging by the price you have to pay for those limbers, compared with your cost of manufacturing them.

Gen. CROZIER. Now, for the 3-inch caisson, the average of five contracts shows a price of $1,708, and the average of six manufacturing orders given to the Rock Island Arsenal is $1,081. The 3-inch gun carriage proper—that is, the vehicle on which the gun rests and from which it is fired—gives as the average price three contracts, $3,268, and the average cost under five manufacturing orders at the arsenal was $2,341.

Now, some Member may inquire if Gen. Crozier included the overhead charges in his figures. He did.

Mr. CANNON. Does that include overhead charges?

Gen. CROZIER. Yes, sir.

Mr. CANNON. Depreciation, and all that kind of thing?

Gen. CROZIER. Yes, sir. Now, I have other figures, but those are just as illustrative as any of the rest of them. I think that in the manufacture of the vehicles for the amount of field artillery which I think we ought to provide for the Army I would save, by the installation of this $250,000 plant, at least $1,000,000.

That is the testimony, Mr. Chairman and gentlemen of the committee, of Gen. Crozier, and I want to say for Gen. Crozier that of all the men connected with the War Department with whom I have come in contact he is one of the most reliable and competent.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PEPPER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PEPPER. I think those of you who know Gen. Crozier have confidence in the fact that when he makes a statement of that kind he means what he says, and he tells this committee and this Congress that upon the expenditure of $250,000 he can save $1,000,000 to this Government.

Now, I would be the last one to urge Congress to increase the appropriation at this time unnecessarily, but I am one of those who believe that all these matters ought to be settled on a business basis. I do not care whether the appropriations reach the high-water mark or the low-water mark, we ought to go about these appropriations in a businesslike way and from a business standpoint. If an officer of the Government can demonstrate that the Government is being held up by private manufacturers and that he can manufacture field artillery for less than he has to pay the private manufacturers and can save the Government a million dollars in the manufacture of field artillery, what excuse, tell me, is there for this Congress refusing to give him that appropriation? It seems to me that any business corporation that had that proposition put up to it would accept it at once. Go to any manufacturing concern and say that you will install a plant for $250,000 and that you will prove that you can save $1,000,000, and what would that concern do? It would authorize the expenditure of $250,000 as a plain business proposition. So I say at this time it ought to be the part of wisdom and business judgment to adopt this amendment.

I appreciate fully the position of the Committee on Appropriations. I sympathize with their desire to hold down appropriations to the least possible amount, and I want to aid them in every legitimate and proper way; but it strikes me that upon this question, a question that is a pure business proposition, that committee ought to yield. It is not simply to pay salaries to do something that will not amount to anything. It is not to encourage some new venture that is doubtful, but it comes straight from a business man in the War Department, who says that he is being held up by private manufacturers to the tune of 100 per cent. He says he has got to pay this price, and that he wants an opportunity to manufacture by the Government and in that way save money, and that for every dollar he puts in he will return four. That is the proposition he puts up to you, and what is going to be your answer? If you turn down this proposition, it simply means that instead of saving $250,000 on an appropriation you have added $1,000,000 to the cost of running the Government, because this million dollars is going to be expended. Other committees have appropriated money for the purchase of this field artillery. The money is going to be expended, and you have the opportunity at this time, as the Committee on Appropriations and as the Committee of the Whole House considering the appropriation bill, to say that it is possible to cut down $1,000,000 in the cost of running the Government.

There is a peculiar advantage in making this appropriation for Rock Island. The Rock Island Arsenal, as is well known, is a large Government manufacturing plant. They have the buildings there. Gen. Crozier says in the hearings that they will not have to erect a single building. By a rearrangement of the manufacturing operations there they can install the necessary machinery without expending a single dollar for the erection of buildings, without making any unnecessary expense of any kind. They have magnificent grounds and adequate buildings are already erected. You have an opportunity to install the machinery to enable the Government to manufacture these articles at a much reduced cost. It seems to me that there is no argument from the standpoint of holding down appropriations or from political expediency or anything else that should justify us, in the face of Gen. Crozier's statement upon this proposition in not taking advantage of what he says and saving $1,000,000 for the Government. It is a business proposition, pure and simple, and I hope that the committee will vote favorably upon the amendment.

Mr. FITZGERALD. Mr. Chairman, under date of February 25, Gen. Crozier addressed a communication to the Secretary of War, requesting that an estimate be transmitted to Congress providing $250,000 to enable him to equip the Rock Island Arsenal for the purpose of manufacturing field artillery. He stated the necessity for this estimate had arisen subsequent to the transmission of the regular estimates; that in the regular estimates transmitted to Congress $700,000 had been requested for the manufacture of small arms; that the Army appropriation bill as it passed the House carried an appropriation of $600,000 for that purpose, and if that were all the money that was to be allowed, in the interest of economy it would be necessary for him to concentrate the manufacture of small arms at the Springfield Arsenal, and that would result in the discharge of 300 men from the Rock Island Arsenal. To prevent the discharge of these men, to utilize the space that would be made available by the stopping of the manufacture of small arms at the Rock Island Arsenal, and to keep his plant going, he suggested that $250,000 be appropriated to enable him to equip and utilize the shops that otherwise would be vacated for the manufacture of field artillery. The committee questioned Gen. Crozier at some length, and he went into the possibilities of the saving to be effected. In the meantime, however, the Army appropriation bill was reported to the Senate with the $600,000 for the manufacture of small arms increased to $700,000, the amount of the original estimate submitted by Gen. Crozier, and

that amendment of the Senate has been agreed to by the conferees on the part of the House. So that there will be no diminution in the manufacture of small arms. All of the men working at the Rock Island Arsenal will be continued. The space that was to be available for the installation of this machinery will not be available, and the condition that justified the submission of the supplementary estimate no longer exists. As soon as those facts were disclosed to the committee they determined not to recommend the purchase of equipment for this arsenal. Whoever is acquainted with Gen. Crozier knows he is one of the most competent and efficient men in the service, that he has done very splendid work in keeping down the cost of munitions of war, and the committee was just as fully impressed as the gentleman from Iowa with his testimony, and would have perhaps acted then upon this estimate had the $100,000 requested for manufacture of small arms been withheld in the Army appropriation bill. But it has been granted, and there will be no reduction in the force and facilities and supplies to be utilized during the next year, and the committee did not believe it would be justified in providing for the equipment under those circumstances.

Mr. McKINNEY. Mr. Chairman, it would seem to me the committee should have very little hesitation in approving the adoption of the amendment offered by the gentleman from Iowa. With all the men who are now employed at the Rock Island Arsenal taken care of under the additional $100,000 of appropriation which was granted in the Army bill, even then putting in the additional machinery that will be needed to increase the capacity of the field artillery equipment will not require the authorization and erection of new buildings. Taking up the reading of the hearing where Gen. Crozier testified before the committee, and where the gentleman from Iowa [Mr. PEPPER] left off reading, Gen. Crozier said if he were given this $250,000 he could save the Government more than a million dollars. Then the chairman asked—

The CHAIRMAN. In how many years?

Gen. CROZIER. That would depend a little bit on how rapidly Congress would make the appropriations. The total cost of the class of material which we are dealing with now, and which we still need, would be about $12,000,000.

Mr. SHERLEY. You would save 10 per cent, then?

Gen. CROZIER. I would save 25 per cent.

Mr. SHERLEY. Then you would save more than $1,000,000 on $12,000,000 of work?

Gen. CROZIER. Yes. But even if you gave me this $250,000, I would still not be able to do all of this work at the Rock Island Arsenal, but only about two-thirds of it. I can now do about one-third of the work of manufacturing at the rate at which you are this year appropriating, and if you give me this $250,000 I can do two-thirds of that work; but I would still have to procure one-third of it from the outside.

Mr. SHERLEY. How much would it take to do three-thirds?

Gen. CROZIER. Well, I do not know whether I could do another one-third by simply doubling the appropriation; I do not think I could, because I think I would run short of buildings. I can use this $250,000 without putting up any additional buildings.

Mr. SHERLEY. How far could you go without putting up additional buildings of increased capacity? In other words, the figures you give show such a plain robbery on the part of private manufacturers as to warrant us in going to some length to prevent it in the future. The difference between $1,518 and $684 for the making of limbers can not be the difference in economy, but it is just a holdup by private manufacturers.

Now, gentlemen, that is the situation. The figures of Gen. Crozier show that there is $12,000,000 of this work to be done, and assuming that he could only, with this $250,000, do two-thirds of it, the $8,000,000 of field artillery carriages that could be made at Rock Island Arsenal would save $2,000,000. Surely, there is no way in the world for the benefit of the country that $250,000 could be better invested. It seems to me it is a very plain proposition. Further on Gen. Crozier was asked how long it would take him to install the additional machinery, and he stated about seven or eight months. It is clear to me we should begin the large saving that would be involved without waiting until another Congress convenes. I am heartily in favor of this appropriation. [Applause.]

Mr. PEPPER. Mr. Chairman, I wish to say in answer to the remarks made by the gentleman from New York, the chairman of the committee, it is perfectly true that there was a proposed reduction in the Army appropriation bill in the item for the manufacture of small arms. It is also true, as stated by the gentleman from New York, this reduction was restored in conference, but, as I stated before, the manufacture of small arms has practically reached the limit, and I want to call attention to what Gen. Crozier says upon that very proposition. The chairman of the committee asked him this question:

You are acting on the assumption that the reduction made by the House will be carried in the bill when it becomes a law.

Gen. CROZIER. As I tried to indicate a few moments ago, if that should not be done this year it would have to be done soon, anyway. We are getting muskets enough, and there is no necessity for piling up that reserve so fast when it is as good as it is now.

In other words, the fact of the matter is that regardless of the $100,000 appropriation or reduction of the appropriation which was restored, regardless of that, Gen. Crozier says this reduction is going to come. He has stated it in another hearing, that next year he expects to recommend there shall be a radical reduction in the appropriations for small arms. So that the reduction of force at Rock Island this year has nothing whatever to do with it. It is simply a business proposition whether this Congress and the Government is going to stand idly by and let its officials be held up to the tune of a million dollars or more, and as stated by the gentleman from Illinois that the million dollars is inside the mark, when he can save 25 per cent of the expenditure of $12,000,000 if he had the machinery and facilities to manufacture these guns. Now, I tell you this is an important matter. You as business men ought to realize that we should appropriate this money as a business proposition regardless of whether men are excluded or added to the pay roll. That has not so very much to do with it. I do not believe I would be here arguing this question if it were simply a question of whether a certain number of men would be thrown out of employment, if the Government was not going to save money by it and it would not be absolutely economical.

I would not say to you that you ought to expend this money simply to give some man a job. That is not the proposition. You, as representatives of the people, ought to realize that it is your duty to spend money wisely. Sometimes you save money by expending money, and this is one of those cases. This is a time when you ought to authorize expenditures regardless of the expenditures for small arms.

Mr. FITZGERALD. The gentleman knows that is to extend over a series of years, and a very insignificant fraction could be saved next year.

Mr. PEPPER. If, of course, the argument is that you want to postpone it and be held up just a little while longer, and ultimately you are going to remedy it, that is one argument. It means that, whatever you purchase next year, you are going to spend twice as much money as you ought to for it. So far as I am concerned, I do not believe we ought to stand for it a bit longer than we have to. I think this Congress ought to be big enough and broad enough as business men to say, regardless of the appropriation carried this year, "We will do this because it is right." Gen. Crozier says, "Gentlemen, I can save $1,000,000. You are paying too much for this field artillery; you are getting robbed." The gentleman from Kentucky [Mr. SHERLEY], a member of the committee, suggests in his question that you are getting robbed in the purchase of this field artillery, and Gen. Crozier concedes it; but what can he do? He has asked you for $250,000 to relieve him and the Government from a plain case of highway robbery.

Mr. SHERLEY. I can tell you one way you can keep from being robbed. Just take off the provision for buying at home. Let it be known that foreign manufacturers can bid, and you will find that your home manufacturers will come down from their robbing prices.

Mr. PEPPER. That is, of course, another proposition. We have a chance here to accomplish real results and save real dollars to the General Government.

Mr. GOOD. Will the gentleman yield?

Mr. PEPPER. Certainly.

Mr. GOOD. In answer to the interrogatory propounded by the gentleman from Kentucky, the gentleman from Iowa said that was one solution of this problem. I would ask him if he is in favor of that solution as far as the Rock Island Arsenal is concerned? Is he in favor of getting those things manufactured abroad, even if a little cheaper?

Mr. PEPPER. I will say to my friend from Iowa that I am not here as a special advocate of the Rock Island Arsenal. I want to do justice to both the men and the management of that arsenal, and yet if you would come to me with a proposition and say, "The Government can not manufacture these goods as cheaply as they can be purchased," you would not see me trying to get an appropriation simply in order to give them work. I believe, when we have a business proposition, we ought to look at it in a business way. If you can demonstrate the fact that you can save money by means of an expenditure, appropriate the money. If it appears to be an unjust, or unwise expenditure, cut out the appropriation and let the chips fall where they will. I do not believe in this so-called economy that does not look any further than the end of your nose. I think we ought to look every appropriation squarely in the face and see that the money is to be properly expended or not. The people are not so alarmed about expenditures. It is the unnecessary expenditures they are complaining about. I want to say to you that a statement made by a distinguished Senator before the last campaign, that this Government could be run for $300,000,000 less if run on a business basis, was what appealed to the people. It was the belief that we were spending money uselessly and recklessly that made the people sit up

and take notice. They are not going to complain if you can show the money is rightfully and wisely spent in the interests of the Government. And so I say in reference to this expenditure, it is a wise one. It means that you are going to save money instead of lose money, and I hope everybody, regardless of political views, will join me in supporting this amendment.

Mr. MADDEN. Mr. Chairman, the practice of economy does not always mean failure to appropriate money. Sometimes it is a good deal more economical to appropriate what seems to be a large sum than to fail to appropriate it. I understand that by the addition of this $250,000 the Government can save at least $2,000,000.

Well, that seems to be a good investment, and would be so considered by any business man in the United States. I do not suppose there is a manufacturer anywhere in the United States that would refuse to invest $250,000 for the enlargement of his facilities if he could be shown that by the investment of that money he could save or make a million dollars or two million dollars.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. FITZGERALD. He would not provide $250,000 for additional facilities if the condition which was going to give space for these facilities had passed away by a provision removing the work that he thought he was not going to have?

Mr. MADDEN. The Government of the United States, I may say in reply to the distinguished gentleman from New York, is always using the material which it seeks to have an opportunity to make. It is constantly buying and using it. It wants more and more of it, and all that is being asked now is that the Government may be placed in a position to make it itself instead of buying it from somebody else. The statement is made clearly by Gen. Crozier that the Government can make this article for less than half what it costs to buy it. Now, why not give the Government the opportunity to make it?

I understand they do not require any additional buildings. I will ask my colleague from Illinois [Mr. McKINNEY] if that is not so.

Mr. McKINNEY. Mr. Chairman, it is very clearly stated in the hearings, by Gen. Crozier, that no additional buildings will be needed to utilize the appropriation.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In a minute.

Mr. FITZGERALD. The gentleman from Illinois [Mr. McKINNEY] was probably not here when I made the statement I made. This $250,000 was requested in a supplemental estimate, because the Army appropriation bill as it passed the House carried $600,000 instead of $700,000 for the manufacture of small arms. If that bill should become a law in that way it would be economy to concentrate the manufacture of small arms at Springfield Arsenal, and it would make room at the Rock Island Arsenal for the equipment to be used in this work. But the Army appropriation bill was increased $100,000 in the Senate from the original estimate, and hence the concentration will not take place. The space will not be available, and there is no space where this additional equipment can be put.

Mr. McKINNEY. Let me say in reply to that, I think the gentleman from New York is entirely mistaken in that statement. It is not proposed under this supplemental estimate to use the space that is now devoted to the manufacture of small arms. That would go to a department already existing and to buildings that are being used now for the manufacture of gun carriages for field artillery. A rearrangement of the shops is suggested, moving the harness shop across the street to another building, which would give them ample space. A part of a building already there is now used only for storage. That space could be availed of without the erection of any other buildings to receive the machinery necessary for this additional output.

Mr. MADDEN. So that if that be the case, it would not make any difference whether the manufacture of small arms were transferred to Springfield or not, so far as having ample space at Rock Island is concerned?

Mr. McKINNEY. No, sir.

Mr. MADDEN. The fact is that at Rock Island, according to the statement of my colleague, they have buildings that are not now used for any other purpose than storage, and the stores now contained therein can be transferred to other places, and the space required for the manufacture of gun carriages can be used for this purpose.

Now, if that be true, why not give the Government the privilege of investing this $250,000 for additional machinery, by means of which it can produce the economies that have been talked about in this hearing?

It is an extravagance and not an economy to refuse to appropriate this money. If by making a greater appropriation we can produce economies which can not be produced by smaller appropriations, then the addition of $250,000 to the appropriation is justified, and the failure to appropriate $250,000 is unjustifiable if that appropriation will result in the saving to the Government of $1,000,000, and such a false economy ought not to be entertained for a moment by the House. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last word; not to detain the committee, except to say that with the almost unlimited cheap water power at the Rock Island Arsenal, it seems to me this is the most economical place in the United States for an arsenal. There is an arsenal there now. Accepting as correct the statement of the gentleman from New York [Mr. FITZGERALD] that the increase in the Army appropriation bill for field artillery has been agreed to, that would insure the employment of all the people in the Springfield (Mass.) Arsenal and also in the Rock Island Arsenal for the coming year.

I am heartily in favor of making the improvements that have been indicated at the Rock Island Arsenal, and while gentlemen who have arsenals in their districts in other portions of the country will not agree with me, I believe the Rock Island Arsenal is the most suitable place for the manufacture of arms, small arms, field artillery, and the whole shooting match.

Mr. MOORE of Pennsylvania rose.

Mr. CANNON. I will except Philadelphia. I shall vote for this amendment. While I live on the eastern side of the State, I am familiar with the country around Rock Island and Moline and Davenport. With the Mississippi River running between Rock Island and Moline and Davenport, there is a great bridge that crosses, which is utilized not only for railway traffic but for other traffic as well, and I want to congratulate Rock Island on the fact that it is represented by my honored colleague here, Mr. McKINNEY, and that just across the river is the great State of Iowa, so ably represented by the gentleman from the Davenport district, Mr. PEPPER, and I congratulate them on their teamwork, and I am ready to shout and vote for this amendment. I feel quite sure that the eloquent appeal of the gentleman from Davenport, Mr. PEPPER, and the eloquent appeal of my colleague, Mr. McKINNEY, are so persuasive on the merits of this proposition that we can probably get the gentleman from New York [Mr. FITZGERALD] not to make strenuous opposition, but perhaps to vote for this amendment, the great merit of which I commend to the gentleman from New York, the chairman of the Committee on Appropriations. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. MOORE of Pennsylvania. "The gentleman from Pennsylvania" is intensely interested in the peroration of the gentleman from Illinois paying tribute to the gentleman from Iowa [Mr. PEPPER] and our distinguished friend from Illinois [Mr. McKINNEY]. I should like to know from the gentleman from Illinois who is on the Appropriations Committee, Mr. CANNON, whether this amendment applies at all to the manufacture of small-arms ammunition?

Mr. CANNON. It applies to field artillery and gun carriages and limbers. What would a gun amount to unless there was something to put it on?

Mr. MOORE of Pennsylvania. Having an arsenal in the Pennsylvania district, where small-arms ammunition is made, which arsenal did not this year receive as large an appropriation as it should for the purpose of maintaining the personnel, I should like to know if "the gentleman from Pennsylvania" supports this amendment offered by the gentleman from Iowa [Mr. PEPPER] and supported by the gentleman from Illinois [Mr. McKINNEY] whether the Frankford Arsenal may expect the support of the gentlemen from Illinois and Iowa if a similar amendment is offered in its behalf?

Mr. HAWLEY. Oh, the gentleman can not logroll.

Mr. MOORE of Pennsylvania. At least will the gentlemen be willing to let the Frankford Arsenal remain in statu quo with reference to the manufacture of small-arms ammunition and not take away that which we have?

Mr. PEPPER. When the gentleman from Pennsylvania [Mr. MOORE] offers his amendment, I will vote upon that question just the same as I hope he will vote on this question—as a business proposition. If he can demonstrate that the Government can save money by the expenditure of an additional amount at the Frankford Arsenal and that it will be a matter of wise business management to expend that additional money, I shall be glad to support the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. McKINNEY. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. McKINNEY. I wish to state that there is no competition between the Frankford Arsenal and Rock Island Arsenal in the way of small arms. We do not make ammunition for small arms. We are content to have that part of the ammunition made down there.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the statement of the gentleman from Illinois, who is about to leave this House, and to whom I hope this House will pay the compliment of passing the amendment in which he is interested, I desire to say that when the Army bill was before the House an effort was made to restore an appropriation that meant the employment in the Frankford Arsenal of 100 more men than will be employed after the bill is passed and goes into effect.

It was desired that we should go on manufacturing small-arms ammunition in the Frankford Arsenal on the lines of economy that have been so eloquently described by the gentleman from Illinois [Mr. MADDEN]. I do not intend to attempt to enforce any agreement on the part of the gentlemen from Illinois in regard to the Frankford Arsenal at Philadelphia, but I do intend to support the amendment that they have offered, and I do it with the true spirit of Pennsylvania reciprocity. I hope Rock Island will get what it seeks. I believe there will be real economy if this amendment is passed, and that the Government will be in a position to give better service than if it has to go outside. At the same time I call the attention of the gentleman from Illinois, and the gentleman from Iowa, to the fact that once in a while Members are willing to stand by them in their amendments and give them what they ask for, and to remember that there are other great Commonwealths on the Atlantic seaboard that have much to do with Government affairs, which occasionally come forward asking protection for employees in their factories and arsenals, and that it is good for us all to bear in mind this spirit of good will.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think there is something a little irregular in the manner in which this estimate was submitted to the committee and the House. But I am in entire sympathy with the spirit of the proposition submitted by the gentleman from Kentucky [Mr. SHERLEY] when he was examining Gen. Crozier before the committee. I believe that there is a holdup by private manufacturers that are supplying a great many articles such as ordnance and ordnance stores to the Government. A few months ago the Secretary of the Navy let a contract for the building of 30 cannon, and in explaining that contract he wrote a letter to a Member of Congress, which is in the record, stating that it cost the Government $1,600 more to purchase each cannon than it would have cost to have acquired the cannon by manufacturing them in the Government arsenal. The trouble is the Government does not have the equipment to build these cannon.

Mr. SHERLEY. Did that also go to the Commonwealth of Pennsylvania?

Mr. GOOD. I do not know; I am not interested in the kind of reciprocity mentioned by the gentleman from Pennsylvania. I look at this as a business proposition, and if the Government can save a million dollars, and I believe it can, and even save a great deal more, from the statement of Gen. Crozier, it should have the opportunity. And in this matter I believe that the gentleman from Kentucky agrees with me. I do not believe that we should purchase cannon and guns and field artillery from foreign nations. I believe that every piece of field artillery, every gun, and every grain of powder used by the American Army and the American Navy should be produced in American arsenals.

Mr. SHERLEY. I believe they ought to be of American manufacture, too, and I know they would be, but at a less price, the very moment their supremacy was threatened by competition; but I am sick of the system that, under the guise of protecting American workmen and the American manufacturer, mulcts the American people in extravagant prices such as these. The gentleman is aware of what happened at Panama in connection with a dredge, and the outrageous price asked by American concerns, and how it had to be bought abroad in order to get it at a decent price. The same thing is true right along of other articles.

If you put down some of your tariff barriers, you would not have the need of putting the Government in business all of the time in order to protect it against the greed of protected manufacturers.

Mr. GOOD. Mr. Chairman, it seems to me there is another good reason why the Government should manufacture its limbers and cannon. Where is the farmer, the manufacturer, or the business man who wants to buy a cannon or a limber? The only purchaser is the Government of the United States, and we might as well argue here on the floor of letting contracts to firms to furnish men to fight our battles in times of war as to talk about letting contracts for building our cannon and limbers and field artillery, to say nothing of the outrageous prices demanded—aye, to use the words of the gentleman from Kentucky [Mr. SHERLEY], to continue to be held up in this manner by these private manufacturers.

Mr. SHERLEY. Mr. Chairman, I suggest to the gentleman that while his statement is accurate as to certain parts of field material, it is absolutely inaccurate as to others. Wagon manufacturers and people engaged in the manufacture of vehicles used in peaceful pursuits are engaged in the manufacture of articles so similar to what are required by the Army as not in any sense to present the position of manufacturers having one customer, which is the usual excuse these people make for the prices they charge the Government.

Mr. GOOD. The gentleman will also agree to the proposition that it is uncertain what the Government's order will be for equipment of this kind, and that being true, manufacturers must keep up an establishment, they must keep men employed, and while it is a holdup in a way, I can see how a great deal of this increased cost is legitimate cost to the manufacturer, and for that reason I think the Government ought to manufacture these pieces and that this amendment ought to prevail.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say one word. It seems to me that gentlemen on that side of the House should devote some of their activities in having the administration adopt the same views that they profess. We have maintained at considerable expense the Watervliet Arsenal, at Watervliet, N. Y., the most splendid plant for the manufacture of certain kinds of guns in the United States, and yet the Navy Department year after year is letting contracts to the Bethlehem Steel Co. and the Midvale Steel Co. for the manufacture of guns which Gen. Crozier has offered to manufacture at from 20 to 25 per cent less at the Watervliet Arsenal.

Mr. SHERLEY. If the gentleman will permit, I suggest that that may be some of the Pennsylvania reciprocity which we have just heard about.

Mr. FITZGERALD. The Watervliet Arsenal is operating on from one-third to one-half time, and the guns that cost in the neighborhood of $76,000 to manufacture by contract Gen. Crozier asserts can be manufactured at Watervliet for $52,000. I suggest to gentlemen on that side of the House who are attempting to initiate this economy by the expenditure of $250,000 at this particular time when the conditions that justify the estimate have been eliminated, they should concentrate their attention on the Secretary of the Navy and on the President and compel them or coerce them to give such work for the Navy to the best equipped gun-making establishment in the United States, under the most competent man in the United States, and without waiting for an expenditure of money for equipment very large economies may be effected.

If that be done, they would then be in better position to advocate such an amendment as this at this time, when the only reason for the submission, as Gen. Crozier pointed out, was the failure of the House to appropriate $700,000 for the manufacture of small arms. That reason has been eliminated, because the Army bill as it has been agreed upon in conference now carries the sum of $700,000. It may be that if Gen. Crozier in his letter to the Secretary of War had stated some of the information he submitted to the committee, showing that these manufacturers would be deprived of these rich contracts, that the estimate would not have been transmitted; but the reason upon which he based his desire for this money no longer exists, and the committee believed, inasmuch as Gen. Crozier himself stated that next year it would be necessary for him to very greatly reduce his request for money for the manufacture of small arms, that then it would be advisable to take up this new work. I believe it is best to wait until that takes place. The committee would then provide the money necessary for that work.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. BORLAND) there were—ayes 26, noes 29.

Mr. PEPPER. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. PEPPER and Mr. FITZGERALD) reported that there were—ayes 38, noes 41.

So the amendment was rejected.

The Clerk read as follows:

Testing machines, Watertown Arsenal: For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines, for investigative test and tests of ma-

terial in connection with the manufacturing work of the Ordnance Department, and for instruments and materials for operating the chemical laboratory in connection therewith, and for maintenance of the establishment, $15,000.

Mr. WEEKS. Mr. Chairman, I offer an additional paragraph, which I send to the Clerk's desk.

The Clerk read as follows:

After the paragraph ending with the figures "$15,000," line 17, page 51, add the following paragraph:

"For replacing wooden roof on smith shop, Watertown Arsenal, by a steel structure, including the necessary repairs and alterations on the building, $40,000."

Mr. WEEKS. Mr. Chairman, the Watertown Arsenal is a Government manufacturing plant devoted principally to the manufacture of gun carriages and guns of small caliber. At present I think the largest gun manufactured there is a 3-inch. It has a forge shop and foundry and the other buildings which are necessary for a manufactory of this character, but it has not the capacity to forge ingots and material for guns larger than those of a 3-inch caliber. The forge shop to which this paragraph refers is an ordinary brick building with a wooden roof, which latter must be repaired at once, anyway, and it is the desire of the Ordnance Department, if this is allowed, to replace it with a steel roof, raised sufficiently so that machines for forging larger ingots may be installed and such ingots may be manufactured there instead of being purchased, as is the case now. It is essential for the Government, if it is going to manufacture anything, that it should manufacture its own guns and the material which goes into the guns, for the reason that it is difficult to determine whether ingots which are purchased for the manufacture of guns are defective or not. There may be blowholes or some other defect which can not be detected by the tests which are made, but which develop later on when the gun is in actual use; and I believe that there will be more certainty of manufacturing guns without defects if the ingots are made under the careful supervision of the ordnance officers than if made by private manufacturers. Furthermore, it is testified to by Gen. Crozier that there can be a material saving if these ingots are manufactured at the Watertown Arsenal, as is the case in other material which we use in the manufacture of guns, gun carriages, and so forth, at that arsenal, for it has been clearly demonstrated that the Watertown Arsenal is manufacturing such ordnance cheaper than we were able to purchase it before that plant was supplied with machinery which has enabled its manufacture there. It is for these reasons that the comparatively small item of $40,000 recommended by the Ordnance Department should be inserted in this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. MANN. This seems to be involved in the gentleman's amendment, and it is somewhat in his statement. Does the gentleman believe that the Government ought to engage in the manufacture of all the articles it consumes?

Mr. WEEKS. No; I am very frank to say to the gentleman from Illinois I do not.

Mr. MANN. Is the gentleman in favor of the Government manufacturing this thing and that? If so, why should not the Government manufacture paper and boots and shoes and clothing and everything else we consume?

Mr. WEEKS. I will say that I am distinctly not in favor of the Government manufacturing everything, because I think the Government can not manufacture many things on a sufficiently large scale to compete with private manufacturers; but it is especially essential that the Government should manufacture ingots of steel and guns and gun carriages; and I think it is clearly demonstrated we can get better results by manufacturing those classes of manufactures than by purchasing them from private manufacturers.

Mr. MANN. I confess to the gentleman I have never seen that demonstrated. It may be true. I have heard a good many statements of that kind——

Mr. WEEKS. The gentleman is hearing that now.

Mr. MANN (continuing). As to how much cheaper the Government could make these things than anybody else. I take that with a considerable degree of allowance. I have often heard people before state how we could do something for much less than it is now being done if we furnish the plant to begin with; but it is seldom realized. I do not think it has been realized in the case that has been before the committee this afternoon, and probably not in this case to which the gentleman refers.

Mr. WEEKS. I think in very many cases that it would be realized. I have great confidence in the Chief of Ordnance of the Army and think he knows what he is doing. The ordnance officers of the Army who are devoting their entire time, practically, in times of peace to manufacturing guns and gun carriages have gotten manufacturing costs down to a point where they do know what results are. And when Gen. Crozier states that he believes he is making a saving in manufacturing a certain article I think he knows what he is talking about. I would take such statement from him much more readily than I would that of the ordinary governmental official who has not made such a careful investigation of the subject on which he is engaged.

Mr. MANN. I have a high regard for Gen. Crozier, and congratulate him on the work which he has done. And he speaks with a good deal of authority on things he is doing, and possibly with some authority on what he can do. And yet he is in trouble with his employees all over the country.

Mr. WEEKS. The gentleman knows why he is.

Mr. MANN. I know why he is, and the reason is because he is trying to show Congress about how cheaply he can manufacture things by reason of keeping laborers in the Government service keyed up to the highest point all the time. Everybody but Gen. Crozier and the gentleman who originated the scheme knows that is impossible.

Mr. SHERLEY. Some of the remarks of the gentleman from Massachusetts [Mr. WEEKS] might lead one to suppose the proposition here involved is the manufacture of certain parts of a gun. The amendment he has proposed is to pay $40,000 for a new roof and an addition to the building in the way of heightening the walls.

Mr. WEEKS. Mr. Chairman, if the gentleman will permit me, I stated that it was necessary to raise the roof of this building in order that the machines might be installed which are to be used to forge castings for guns of 6-inch and other calibers.

Mr. SHERLEY. If the gentleman had not interrupted at that particular point, I should have stated that fact, and also this, that at present there is no estimate for any of the machinery that will be necessary to build these particular parts, and the committee did not feel warranted at this time in recommending an appropriation of $40,000 for the roof and walls for the purpose of making possible the manufacture of certain parts when there was no estimate asked for the machinery to make those parts. We thought the matter could well remain until the major policy, to which this is simply an annex, was determined.

Mr. WEEKS. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. WEEKS. Was it not stated at the hearing, and has it not been stated before, that the reason for asking for an additional appropriation was so that the expense of installing this plant might be distributed over a term of years, and furthermore that it would take this entire year to spend the $40,000 in making the changes in the building which would be required, so that the appropriation for machinery will naturally come next year, or when they are ready for it?

Mr. SHERLEY. I did not so understand the hearing, which I have just reread. Gen. Crozier did state that—

This $40,000 is all I can expend in this coming year, and it is all I am asking for.

But he was also speaking not only in regard to the expenditure as to these machines, but a total expenditure of $150,000, which he contemplated making. Now, it is perfectly apparent that there are many items of this kind which are asked for by the various departments, all of which can not be allowed. The committee tried to exercise, and I believe it has exercised, a reasonable judgment as to which were most meritorious, and in this instance we did not believe from the facts shown in the hearings that we were warranted in voting the $40,000, and we hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. WEEKS. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 31.

So the amendment was rejected.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Fort Monroe, Va.: Wharf, roads, and sewer: For repair and maintenance of wharf, including all necessary labor and material therefor, fuel for waiting rooms, and water, brooms, and shovels, $1,400; repairs to apron of wharf, including all necessary labor and material therefor, $4,155; wharfinger, $900; four laborers, $1,920; in all, $8,375; for one-third of said sum, to be supplied by the United States, $2,791.66.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking why the proportion of the United States is reduced in this bill from what has been carried heretofore.

Mr. SHERLEY. The hearings demonstrated that the transportation companies were having about 90 per cent of the use of the property, and it was thought wise that the Government should pay only a third in place of two-thirds.

Mr. MANN. But the transportation companies paid half before, did they not?

Mr. SHERLEY. They formerly paid a third, and the Government two-thirds. We have now provided that the Government shall pay only a third and they two-thirds, because they get the major benefit of it.

Mr. MANN. I had assumed that a local municipality of some sort paid the balance.

Mr. SHERLEY. It was the transportation companies.

The CHAIRMAN. Without objection the pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries, at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, $75,000.

Mr. WILLIS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 57, after the word "six," in line 5, insert the following: "including suitable headstones for such places as the Secretary of War may direct as memorials to Union soldiers, sailors, and marines who died during the Civil War and whose places of interment are unknown."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WILLIS. Does the gentleman reserve the point of order?

Mr. SHERLEY. Yes.

Mr. WILLIS. Mr. Chairman, I hope the gentleman will not insist on the point of order. Of course it would clearly be good, because this amendment is new legislation; and if the point of order is insisted upon, the amendment, under the rules of the House, can not be considered in connection with this appropriation bill. There are some other items in this paragraph and the following one to which points of order could be raised, but I have not the disposition to raise a point of order against them. I hope the gentleman will let the matter be decided upon its merits.

Mr. Chairman, the present law provides, by an item carried in the sundry civil bill for the current year, as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries, at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, $75,000, to be immediately available.

Now, it will be noted that the language provides that these headstones shall be furnished only at the graves of soldiers. This condition has arisen in a number of instances: The patriotic citizens of a community have erected some sort of a soldiers' monument, and it is desirable that there should be given in some way official recognition by memorials in honor of the men who went from that community and lost their lives in the war and whose burial places are unknown.

Now, then, when those cases have come up to the Quartermaster General—and I personally know of one of them—it has been decided that these markers can be furnished only at the graves of soldiers. So, Mr. Chairman, as the result of that interpretation of the law we have this situation as to the soldier who went out to serve his country and lost his life and is buried in an unknown grave: There is no way under the present status of the law whereby the Government can furnish any memorial for that soldier. Now, it seems to me, Mr. Chairman, that that was not the intention of the Government. I believe it was simply an oversight. It must be apparent that it is but scant recognition in the mind of a relative to be told that perhaps somewhere, in some far-off national cemetery, there may be one of those little square posts that marks the grave of one of the heroic unknown dead. That is possibly true, but it seems to me, Mr. Chairman, that it would be a very fitting thing if we should amend this law as I am proposing in this amendment, so as to provide that under the jurisdiction of the Secretary of War, whenever he deems it proper, if there is a community that has erected a soldiers' monument and desires to have these marble slabs as a tribute to the patriotic sentiment of that community, the Government should furnish such slabs on which there might be some inscription like this: "John Smith; killed in the Battle of Resaca; burial place unknown"; or some other inscription, to be determined, of course, by the Secretary of War, not as a marker, because no man knows where the remains of the heroic dead are at rest, but as a comfort to relatives of that soldier, as a patriotic lesson to the youth of the community, and as a fitting memorial. I wonder, Mr. Chairman, whether we stop to think, when we reflect on the number of heroes that sleep in the national cemeteries, of how pitiably many there are of the unknown dead whose resting places have not been located. We have 83 national cemeteries, including an area of something like 1,500 acres. In Arlington alone there are almost 500 acres. Think of it! Two and one-half square miles peopled by the heroic dead of the Republic; and in these 1,500 acres are the remains of something like 360,000 Union soldiers.

Are you aware, Mr. Chariman, that of those 362,306 Union soldiers who are buried in these 83 national cemeteries, 208,600 are known and 153,706 are unknown? In other words, about two-fifths of the total number buried in our national cemeteries are unknown.

In Arlington, where almost 23,000 peacefully sleep in those sepulchers of silence, 17,000 are known and 6,000 are unknown. All that is known of the mighty dead is the story of their heroic devotion in defense of the flag. They bade good-by to family and friends and loved ones and marched away to the grand wild music of war, never to return. They made the greatest sacrifice it is possible for man to make; they gave their lives that the Nation might live, and to-day more than 150,000 sleep in unknown graves. It is doing but scant and tardy justice to erect in their memory and honor in a quiet corner of some country churchyard this humble memorial. By honoring them the Nation honors itself.

Mr. BORLAND. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. BORLAND. The gentleman is aware, is he not, that as the law now stands instead of those headstones being erected a central monument can be erected under the direction of the Secretary of War, containing bronze plates with the names of the soldiers, their regiments, and so forth, where the particular graves can not be identified.

Mr. WILLIS. I was not, and am not now, aware of that provision, I am frank to say to the gentleman.

Mr. BORLAND. The law has been amended within a few years so as to provide that if the particular graves can not be identified a central monument may be erected by the Secretary of War, containing on it a bronze plate specifying the soldier's name, regiment, and so forth.

Mr. WILLIS. I have never seen that statute, and it is very strange that attention has never been called to it, because I have had a number of conferences with the Quartermaster General about this very question, and have examined the statutes very carefully. I doubt whether there is any such provision as the gentleman refers to. Can the gentleman cite me to the section of the statute?

Mr. BORLAND. One of these central monuments was erected last October in the Union Cemetery at Kansas City, in my district, under that very provision of law.

Mr. WILLIS. I should be very much obliged to the gentleman if he would cite me to that section of the statute. I do not think it exists in the form in which he states it.

Mr. MANN. If the gentleman will pardon me, I think the law that the gentleman from Missouri refers to only relates to cases where it is known that soldiers are buried in a particular plot of ground but the exact grave can not be located. It does not apply to the cases referred to by the gentleman from Ohio [Mr. WILLIS], where it is known that the soldier is dead and probably buried somewhere, no one knows where.

Mr. WILLIS. I thank the gentleman from Illinois for the suggestion. I think he has stated the exact fact in the case. If the gentleman from Missouri [Mr. BORLAND] will pardon me, I will say that that is not the case that I am seeking to cover with this amendment.

Mr. BORLAND. Perhaps the gentleman's case would be covered by that. He says that more than 100,000 of these men are buried in these various national cemeteries.

Mr. WILLIS. There are more than 153,000 soldiers buried in national cemeteries, whose identity is unknown.

Mr. BORLAND. It is known that they are buried somewhere, but their particular graves can not be identified. The whole purpose can be served by a proper monument in each of these national cemeteries.

Mr. WILLIS. Not entirely, as the gentleman will see; because he knows, as every one acquainted with the history of

that titanic struggle must know, that there were thousands of men who lost their lives fighting for what they believed to be right, whose burial places are unknown, and concerning whom it can not even be known that they have been buried. We do not know anything about it. This amendment seeks to reach cases of that kind, and it seems to me that we can not afford to do less than this. It is not going to cost the Government very much. I am frank to say that I do not know how much it will cost. No one can tell in advance; but the effect of this amendment, if it be agreed to, will be simply to authorize the Secretary of War to furnish these little memorial slabs that can be erected about some central monument, or even if there be no central monument they can be erected on a cemetery lot set aside for that purpose in honor of the unknown dead.

Mr. Chairman, I can not think of anything more pathetic than the situation that exists in thousands of little villages all over this country. I have in mind now a case where practically the whole adult male population went into the Army, and of that number nearly one-half lost their lives. We know that they lost their lives. Comrades testified that they saw them fall, but there is no evidence to show where they are buried. With the onrush of battle the lines were changed. Nobody knows what became of them. Perhaps they were thrown into a pitiless trench somewhere, with a few inches of earth thrown over them. We do not know about that. They died to save the Republic; that we know. Though they live in the hearts of their countrymen through the memory of their heroic deeds, their bodies rest in far-off, lonely unknown graves, with none to drop a tear or cast a fragrant flower.

Now, when it is sought to erect some sort of a monument, and when the people of that community have erected the monument, it seems to me that it is desirable, that it is in the way of carrying out a proper and patriotic purpose, for the Government of the United States to say of these men, as it already says of the men whose places of burial are known—no more heroic, no more worthy than the unknown dead—We will now furnish a marker to the memory of these men. In common fairness and justice and patriotism, why ought it not to say in these cases where the place of interment is unknown, We will furnish a little marker as a memorial to the unknown heroic dead?

Mr. MANN. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. MANN. In this case, where the law authorizes the construction of a monument with bronze tablets giving the names of those who are supposed to be buried there, the exact location of the burial not being known, would the gentleman have markers located in addition to this monument and bronze tablets?

Mr. WILLIS. No; that would not be desirable.

Mr. MANN. The gentleman's amendment might not only permit it, but possibly require it. I will say to the gentleman from Ohio that I have a case in my own district—the Confederate Mound at Chicago—where are buried 6,000 Confederate dead, who died at Camp Douglass. They have erected a monument, and since then the Government has provided for bronze tablets on the monument with the names of those buried there. I have watched carefully the legislation to see that there should be no markers stuck all over the ground, because the green grass over the burial places of the dead, with the noble monument in the center, is far more pleasing to the eye than a lot of little white stones scattered around would be.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I agree entirely with what the gentleman from Illinois has just said, that where the monument has been erected and where bronze tablets are attached to the monument, it would be entirely undesirable that the little markers should be placed around it; but in these other cases where there are no such monuments or bronze tablets, where it is desirable that there should be in some way recognition of the heroism of these men, it seems to me only fitting and proper that an arrangement should be made such as is provided for in my amendment. It is not going to cost very much.

Mr. BARTLETT. If the gentleman will allow me, has the gentleman made any estimate of how much it will cost?

Mr. WILLIS. I will say that I did the best I could. I asked the official of the War Department having this matter in charge, and he said, of course, in the very nature of things, he could not tell how many requests of that kind there would be. He said that there had been a few already. He suggested that if the amendment should be adopted an appropriation of $500 would be ample and all that would be necessary for the year.

Mr. BORLAND. Let me suggest to the gentleman that these little markers cost about $3.50 apiece.

Mr. SHERLEY. Mr. Chairman, with the motive that prompted the gentleman from Ohio to offer this amendment all of us will be in hearty accord; but of the wisdom of adopting it there can readily be many opinions. The amendment provides for the erection of headstones for the unknown dead of the war. Now, at present we have marked by plain, uninscribed headstones the graves of all the unknown dead, and this would provide for the doing of what to my mind would be a very incongruous thing, the erection of individual monuments to soldiers whose graves are unknown in a cemetery on the assumption that they are buried there, when in point of fact they may not be buried there. I agree thoroughly with the gentleman from Illinois [Mr. MANN] that instead of adding to, it would rather detract from the beauty of the last resting places of our heroic dead to add an additional number of individual stones; or instead of the erection of a monument to the unknown dead to put a series of monuments in each of the cemeteries.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. WILLIS. It seems to me the gentleman is in error in one particular. Of course, it would be highly undesirable that these memorial markers should indicate that the remains of the soldiers were reposing in that cemetery at that particular place. The idea would be that the Secretary of War should have such an inscription on the markers as would show clearly that the remains were not there, something such as I suggested, namely, giving the name of the soldier killed at the Battle of Antietam, for instance, and that the burial place was unknown.

Mr. SHERLEY. In my own judgment, if that is what is to be desired, it would be reached more properly by the erection of a monument in each of the national cemeteries, on which should be inscribed the names of the dead whose places of burial are unknown, rather than to put up individual markers. But, Mr. Chairman, I have said what I have said in order that my action might not be misunderstood. In charge of the bill, I should not feel at liberty to permit an amendment of this kind subject to a point of order to be considered without the point of order being made.

Mr. WILLIS. Before the gentleman makes the point of order, will he yield to another suggestion?

Mr. SHERLEY. Certainly.

Mr. WILLIS. What I had in mind was not simply the national cemeteries, or even the large cemeteries, but the little country burying grounds, those obscure places where it would not be possible at all to secure enough public interest to get the erection of a soldiers' monument. The gentleman knows of many such places and every Member knows of such cases. In such a case as that it seems to me that it would be very proper and would subserve a patriotic purpose if we could have some such marker as I have indicated. In such places there is no soldiers' monument, and under the present law there can not be, while this amendment would make it possible to have markers in memory of the heroic dead whose places of burial are unknown.

Mr. SHERLEY. Mr. Chairman, unfortunately the amendment proposed would not only make that possible, but would require the erection practically of a headstone to every one of the unknown dead, and, under the circumstances, it being new legislation, I feel constrained to make the point of order against the amendment.

The CHAIRMAN. The Chair thinks it is new legislation, and therefore is subject to a point of order.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I should like to have the interpretation which the gentleman from Kentucky places on the language of the section. Is it his judgment that it provides that the Government of the United States shall erect a headstone at the unmarked grave of every Confederate soldier as at the unmarked grave of every Union soldier? What is the meaning of the section, in the judgment of the gentleman?

Mr. SHERLEY. My understanding of the section is that it would require the erection of a headstone at every unmarked grave of every Union or Confederate soldier.

Mr. WILLIS. No matter where that soldier is buried?

Mr. SHERLEY. No; I do not so understand it.

Mr. WILLIS. The gentleman objected to my amendment because of the increased expenditure. He certainly must be aware that if the Government now undertakes something it never has heretofore undertaken, namely, the furnishing of headstones at the graves of all the Confederate soldiers——

Mr. SHERLEY. But the gentleman is mistaken, I think, as to the facts. There was a special act passed by which it was

made the duty of the Government to erect a headstone over the graves of the unknown Confederate dead.

Mr. MANN. If the gentleman will pardon me, the unknown Confederate dead who died in Federal prisons or hospitals.

Mr. WILLIS. That is right.

Mr. SHERLEY. Yes; I think the gentleman's statement to that extent is more correct than mine.

Mr. WILLIS. That narrows it down a great deal. There is at present no general law providing for the marking of these graves of Confederate soldiers; and it is now proposed, as I understand the gentleman, that all of these graves, no matter where located, in a national cemetery, or a post, or a village cemetery, anywhere throughout the country, shall be so marked. Is that the meaning of the section?

Mr. SHERLEY. It is proposed to apply to the unmarked graves of Confederate dead the same rule that now exists as to the Union dead.

Mr. WILLIS. Then, Mr. Chairman, if the gentleman will permit me further, I should like to have—if the gentleman will notice the language, I believe it has not accomplished the result the committee had in mind. It says here:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, etc.

Over on the next page—page 57—it says:

Under the acts of March 3, 1873, February 3, 1879, and March 9, 1906.

None of these acts give general authority to the War Department to provide for the marking of the graves of Confederate soldiers.

Mr. SHERLEY. Well, the gentleman is right and my statement was a mistake. The gentleman will appreciate that on the spur of the moment I can not hope to carry all the details in the bill in my head; but the purpose of it was simply to carry out the existing law except that instead of carrying out the law as to the marking of the graves of unknown Confederate dead through the commission which was originally created for that purpose——

Mr. MANN. Not the unknown, but the unmarked graves.

Mr. SHERLEY. The unmarked graves—it is sought to continue it through the medium that has been employed for marking the graves of the Federal dead.

Mr. WILLIS. Was it the object of the committee to make provision in accordance with the recommendations of the Quartermaster General? I read the hearings very carefully, and he wanted authority simply to straighten, reset, and repair the headstones which were already under the control of the Government of the United States. If the gentleman will permit, I do not think the language he has put in here changes the existing law at all, if it was intended——

Mr. SHERLEY. It would not change the existing law except to the extent to make it the duty of the Quartermaster General to attend to these graves as well as to the Federal graves.

Mr. WILLIS. Do you think this accomplishes that? My contention is that it does not accomplish that at all, because these acts to which reference is had are not acts that give the Government of the United States authority over graves of Confederate soldiers. I do not believe that inserting the two words "and Confederate" has changed the existing law; although I am entirely in sympathy with the idea that the committee had in mind to make it the duty of the Quartermaster General, in accordance with his suggestion, to care for these graves in the Confederate section at Arlington, I do not believe the committee have carried it out in that language.

Mr. MANN. Mr. Chairman, I agree with the gentleman from Ohio [Mr. WILLIS] that the language of the bill will probably not accomplish the purpose which is intended. I think it will take a Philadelphia lawyer, with all of his noted skill, to tell just what the language of the bill will accomplish, and I want to call attention of the gentlemen to the matter, so that they may correct it hereafter if it needs to be corrected. The item provides in reference to the appropriation for marking the unmarked graves of Union soldiers and inserts the words "and Confederate" soldiers, sailors, and so forth; but that would be necessary under the terms of the act of March 9, 1906, because that is what the bill states. The act of March 9, 1906, provided for the marking of the graves of Confederate soldiers who died in Federal prisons or hospitals, and also provided that the entire work should be completed within two years from the date of the passage of the act. Subsequently that time was extended by a joint resolution of Congress, and my recollection is—I may be mistaken—that that extended time has now expired, so that if the limitation in the bill under the act of March 9, 1906, even if you take into consideration the extension which has been granted—and it is not named here—there will be no authority, because the time limit has expired within which this work can be done. Now, if, on the other hand, it should be construed that under this appropriation you were to mark every unmarked Confederate grave in any national post, city, town, or village cemetery in the country, that involves the marking of all Confederate graves. For myself, I have no objection to the Government now treating the graves of the Confederate and Union soldiers alike in all parts of the country, and I am quite willing that we should enter upon a course of marking the unmarked graves of Confederate dead in the local cemeteries in the South where they lie. It was not contemplated by the act of March 9, 1906, to which citation is made in the bill. I should have preferred to have made an appropriation directly, on the theory that we certainly have reached that point of time since the Civil War where the General Government, seeking to preserve the memory of great deeds on both sides, might properly mark all of the unmarked graves of the soldiers and sailors on both sides of that war. [Applause.]

Mr. HUMPHREYS of Mississippi. Will the gentleman from Illinois allow me to ask him a question for information?

Mr. MANN. Certainly.

Mr. HUMPHREYS of Mississippi. This lump sum of $75,000, if I understood the explanation a short while ago, is to be administered by the Secretary of War.

Mr. MANN. Yes.

Mr. HUMPHREYS of Mississippi. Well, under the act of 1906, as I recall it, there was a special officer created under that act——

Mr. MANN. Yes.

Mr. HUMPHREYS of Mississippi. That the President was to appoint a special officer.

Mr. MANN. A special commissioner.

Mr. HUMPHREYS of Mississippi. A special commissioner, who was to administer the particular fund.

Mr. MANN. There was an appropriation made of $200,000 in the act of 1906 and a special commissioner appointed under a salary of $2,500. And his authority and the appropriation are both extended by the resolution which was passed upon the expiration of the two years provided in the original act.

Mr. HUMPHREYS of Mississippi. How much of this $75,000 will be expended by that particular commission?

Mr. MANN. I am inclined to think the time of the commissioner expired, but the special commissioner and the War Department have been working in cooperation, and so far as the War Department is concerned in the matter relating to Confederate graves, they have called in the special commissioner and taken his judgment, as I understand, all along the line. I know that was done in the case of the Confederate mound in my district.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last two words. It was my intention originally at this point to offer an amendment to this bill which should repeal a former regulation of the War Department prohibiting the inscribing upon tombstones of any description or insignia relative to fraternal or other orders not strictly military, but I have learned, after having protested to the War Department along with other gentlemen, that there has been a change made in the regulations, striking out that part which prohibits such inscriptions, and that the regulation as now authorized by law will permit upon the rear and sides of the tombstone the placing of such insignia of fraternities and societies, so long as they are not grotesque.

A bill to accomplish this purpose was introduced by my friend from Mississippi [Mr. HARRISON], and it was my intention to offer the provison of his bill here; but in view of the action taken by the War Department, it is now unnecessary to legislate on the subject. I have no doubt there will be no hindrance to the putting of proper insignia and inscriptions upon the tombstones.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Mr. MANN. I reserve a point of order against the paragraph.

Mr. FITZGERALD. Mr. Chairman, this is a provision which has been carried in the appropriation bill for seven years.

Mr. MANN. This provision was put in for a specific purpose, which I supposed had been accomplished.

Mr. FITZGERALD. The Attorney General holds that is a limitation upon the appropriation.

Mr. MANN. That is all that was intended.

Mr. FITZGERALD. The situation is existing all the time, and unless the provision is continued the situation will remain.

Mr. MANN. Well, I know why it was put in in the first place, but I do not believe it ought to be in the law at all.

Mr. FITZGERALD. The Attorney General has construed it as merely a limitation upon the main proposition, and while I do not agree with the construction of the Attorney General, the unfortunate part of it is this construction is binding.

Mr. MANN. I do not believe it did have a place at all.

Mr. FITZGERALD. It did have a place, because one of the counties in Illinois had three roads maintained by the National Government on the ground that they led to a national cemetery. Unless the provision is continued in the bill, the other two so-called approaches will be placed upon the Federal Government for maintenance, and the Federal Government should not maintain those 15 or 16 miles of road.

Mr. MANN. It does not seem to me very good legislation.

Mr. FITZGERALD. I suggest the gentleman move an amendment to insert the word "hereafter."

Mr. MANN. I will take the chances and make a point of order on it.

Mr. FITZGERALD. It is a limitation upon an appropriation. It is not subject to a point of order.

Mr. MANN. It is not only a limitation to an appropriation carried in this bill, but in other laws.

Mr. FITZGERALD. The Attorney General of the United States has rendered an opinion, which is binding upon the officials of the executive departments of the Government, to the effect that this provision is a limitation upon this particular appropriation.

Mr. MANN. Not at all.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. MANN. The gentleman from New York is mistaken in reference to that. It so happened that in that year there was no other appropriation for national cemeteries except what was carried on this bill; but this is a limitation, not upon the appropriation in this bill, but one providing that no part of any appropriation shall be expended, and it is therefore a positive law in reference to other appropriations which may be made in other bills.

Mr. FITZGERALD. Mr. Chairman, this provision was inserted in this bill on a former occasion. The Attorney General of the United States has construed it to be a limitation upon this particular language of the appropriation. If the Chair has any doubt in regard to it, I will ask him to reserve his decision and I will produce the decision of the Attorney General. That, at least, I suppose is controlling here. That was not the intention of Congress, but that is the construction that the Attorney General has placed upon the provision, and that binds the officials of the executive departments of the Government.

Mr. MANN. Why, Mr. Chairman, the Attorney General has not held at all that if an appropriation for national cemeteries is carried in the deficiency bill, as it may be, or in the Army appropriation bill, as it might be, it would not be controlled by this provision, that "no part of any appropriation for national cemeteries shall be expended." The Attorney General has made no such holding as that.

Mr. FITZGERALD. I will produce the decision in the morning, if there is any doubt about it, and the Chair will see.

The CHAIRMAN. The Chair will state that at present the Chair is not in doubt, but if it is desired that he reserve his ruling for the purpose of being more sure, he will wait. The Chair, however, is now ready to rule on the point of order because of the words in line 22, "more than a single approach to." The Chair is of opinion that if those words were out it would not be subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, the purpose is to restrict the use of this appropriation.

The CHAIRMAN. The language in line 22, while negative, is affirmative legislation.

Mr. FITZGERALD. I ask the Chair to reserve a decision, because this particular provision was the subject of controversy, and it was held to be in order.

The CHAIRMAN. The Chair will state, as he has already said, that he is willing to postpone a ruling upon this item.

Mr. FITZGERALD. This item is not subject to a point of order. I am not going to concede that it is. I am not certain but that the gentleman from Illinois [Mr. MANN] was himself in the chair and held this to be in order. I think he was.

Mr. MANN. The gentleman will go a long way before he finds that any Chairman held this was in order, because this item was not put in the bill in the form in which it is in the bill now.

The CHAIRMAN. The Chair will state that, as he said before, the matter will be passed over if it is desired that an opportunity be given to present authorities. The Clerk will read.

The Clerk read as follows:

Hereafter persons dying in the District of Columbia or in the immediate vicinity thereof who have served in the Confederate Armies during the Civil War may be buried in the Confederate section of the Arlington National Cemetery without additional expense to the United States upon the certificate of Camp No. 171, United Confederate Veterans, of the District of Columbia, that such persons are entitled to burial under the authority herein given: *Provided*, That all such interments shall be under the supervision and subject to the approval of the Secretary of War.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What committee would have jurisdiction of this subject—the Committee on Military Affairs or the Committee on Public Buildings and Grounds?

Mr. FITZGERALD. The Committee on Military Affairs. The chairman of that committee requested that this item be inserted in the bill because in the so-called Confederate plat in the cemetery there was room for these additional plats, and the Secretary of War and the Quartermaster General of the Army approved the item.

Mr. MANN. The gentleman knows that as soon as this item is proposed there will come the proposition that in Arlington Cemetery shall be buried any ex-Union soldier who dies in the vicinity of Washington, and "the vicinity of Washington" is quite large and extensive.

Mr. HAY. If the gentleman from New York will permit me, I want to call the attention of the gentleman from Illinois [Mr. MANN] to the fact that this only provides that they shall be buried in the plat which has been set aside for Confederate soldiers. It does not add anything to the amount of land which has been set aside for the purpose of burying these soldiers.

Mr. MANN. I so understand.

Mr. HAY. And the Secretary of War and the Quartermaster General desired this legislation because the law which was at first enacted provided that only a certain portion of this land could be used for burial purposes. But they find now that, after using up the best part of it, there still remains of this plat a sufficient quantity of land in which to bury about 150 or 200 more Confederate soldiers.

Mr. MANN. What is the procedure under which a Confederate soldier is now buried in Arlington, in this ground?

Mr. HAY. As I understand it, he has to get a certificate from the camp of the United Confederate Soldiers of this town, and also has to get a permit from the Secretary of War.

Mr. MANN. Is it provided by law that the camp has control of it?

Mr. HAY. I understand so. The Secretary of War has control of it, as is provided here.

Mr. MANN. The Secretary of War has final control, but the camp also has control.

Mr. HAY. Yes.

Mr. MANN. The Secretary of War can not permit anyone to be buried there except those to whom the camp gives authorization, as I understand the gentleman's statement. Now, as soon as this item appeared in the bill the suggestion was made that because you permit any ex-Confederate soldier to be buried in Arlington, therefore you ought to permit any ex-Union soldier to be buried there.

Mr. FITZGERALD. The law now expressly permits any ex-Union soldier to be buried there.

Mr. MANN. I think not.

Mr. FITZGERALD. Section 4878 of the Revised Statutes reads as follows:

SEC. 4878. All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served during the late war, either in the Regular or Volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.

Mr. MANN. I do not understand that any ex-Union soldier can be buried in Arlington, and I am quite confident that is not the case.

Mr. HAY. They are buried there every day.

Mr. FITZGERALD. Not only that, but my recollection is that the wives of ex-Union soldiers can be buried there, if their husbands are.

Now, there was a plat set aside for some Confederate soldiers, for a certain number of graves. A less number were buried there than were expected, and it is possible to take care of the soldiers contemplated by this provision. I am quite certain, as

I have stated, that the wives of ex-Union soldiers may be buried in Arlington.

Mr. MANN. I withdraw the point of order.

Mr. GREGG of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 58, line 17, after the word "given," insert the following:
"And hereafter persons dying in the District of Columbia or the immediate vicinity thereof, who have served as volunteer militia officers during the Civil War in a regularly organized regiment which was under the command of a United States officer, and who were paid for their services by the United States Government, may be assigned a commissioned officer's burial lot."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. GREGG of Pennsylvania. Mr. Chairman, as I understand the rules of the War Department, officers who served in the Union Army are entitled to small plots in Arlington Cemetery. The whole matter of the burial of these officers is under the direction and control of the Secretary of War, who, I believe, has delegated some authority to the Quartermaster General.

There are some few persons residing in the city of Washington now, connected with the public service, who were officers in the militia of the various States, who toward the close of the war were placed under the control of the United States Government and served some considerable time. The Secretary of War will not permit the burial of these officers in a separate lot, but under the law they are entitled to be buried in a single grave as are other Union soldiers.

Now, as I have said, the idea of this amendment is to permit these officers, not exceeding 20 in number at the outside, to be buried in a lot. It relates to those who live here, who practically have made Washington their permanent home.

They are not permitted, under the present regulations, to have their wives buried alongside of them. It seems to me that it will be no more than fair to allow that. These men served, a great many of them, in the early part of the war; and later they joined the State militia, and on account of previous experience were assigned to duty as officers. They are recognized as veterans of the Civil War and are drawing pensions. This provision which I ask to have adopted at this time will not in any manner cost the Government a single copper.

Mr. BARTLETT. What does the gentleman mean in his amendment by the language, "shall be assigned a commissioned officer's burial lot"? We understand very well when you say they may be buried in Arlington, in the National Cemetery, but here you use this peculiar language, "shall be assigned a commissioned officer's burial lot."

Mr. GREGG of Pennsylvania. The burial lot, as I understand, is a small plat of ground, probably 10 by 15 feet, given to an officer, not particularly because of any desire to give distinction to that particular officer, but that he may have another member of his family, namely, his wife, buried alongside of him.

Mr. BARTLETT. Does the gentleman's amendment mean that the officer while living shall have a lot designated and assigned to him to be used hereafter?

Mr. GREGG of Pennsylvania. That would be a matter for the War Department to determine, because the terms of section 6, page 58, provide as follows:

Provided, That all such interments shall be under the supervision and subject to the approval of the Secretary of War.

So that it is merely extending the provisions already made to some officers to those designated in the amendment I have offered.

Mr. BARTLETT. But the language of the amendment is rather peculiar. It is a little different from that authorizing the burial of soldiers or officers in Arlington.

Mr. GREGG of Pennsylvania. In other words, I simply want to put these officers on the same plane as are other officers. The Quartermaster General has on several occasions permitted persons who are not desiguated as officers to be buried on what is known as an officer's lot, but to-day there is no legal authority for that.

Mr. FITZGERALD. Mr. Chairman, the committee has no information either as to the number of these plats that there may be available, or the conditions under which they are assigned, or the objections that there may be to such legislation. I have no objection to proper legislation in relation to the use of Arlington for interment, but I can not consent to have legislation of this character, which might be a great deal more far-reaching than anybody contemplates, adopted without some reference to the War Department. I make the point of order that it is not germane to the provisions in the bill.

Mr. HOUSTON. Mr. Chairman, I would like to ask the gentleman from Pennsylvania if his amendment authorizes anything more than permission to an officer to have his wife buried there beside him?

Mr. FITZGERALD. Oh, yes; it provides for the assignment of a burial plat to some one not now entitled to one.

The CHAIRMAN. If the point of order had been insisted on to the paragraph, the Chair would have sustained it; but that having been waived, and the paragraph being allowed to remain, it can be perfected, but in being perfected additional legislation is not in order and the Chair therefore sustains the point of order.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. Can the gentleman from New York state, as a matter of historical information, how many national cemeteries there are in which Confederate soldiers are buried?

Mr. BARTLETT. They are buried in the North Alton Cemetery, Illinois; the Confederate Cemetery, Camp Chase, Columbus, Ohio; Greenlawn Cemetery, Indianapolis, Ind.; Confederate Cemetery, Point Lookout, Md.; Rock Island, Ill.; and Oakwood Cemetery, Chicago; and at Arlington.

Mr. WILLIS. There is a statement somewhere that they are buried in six cemeteries. It seems to me that there must be more than that. Can the gentleman from New York give the list?

Mr. FITZGERALD. I do not recall the names of the cemeteries in which they are buried.

The Clerk read as follows:

NATIONAL MILITARY PARKS.

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of three civilian commissioners, maps, surveys, clerical, and other assistance, including $300 for necessary clerical labor under direction of the chairman of the commission, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance; the purchase of small tracts of lands heretofore authorized by law; in all, $60,000.

Mr. PAGE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 61, line 17, strike out the sum of $60,000 and insert in lieu thereof the sum of $57,060.

Mr. PAGE. I want to say that this is at the request of the commissioner of this park in a letter transmitted under date of May 27, in which he asks that this amount be made $57,060.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

Hereafter vacancies occurring in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks: *Provided*, That as vacancies occur hereunder the Secretary of War shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of War.

Mr. WILLIS. Mr. Chairman, I reserve the point of order upon the paragraph just read. It is obviously new legislation. Unless some one in charge of the bill can explain it, I shall make the point of order.

Mr. MANN. Make the point of order.

Mr. WILLIS. I make the point of order.

Mr. FITZGERALD. That is not subject to a point of order. It is a reduction in the number of the officers and is in order under the Holman rule.

The CHAIRMAN. The Chair is prepared to rule. It reduces the number of officers, and the Chair therefore holds that it is not subject to the point of order. The point of order is overruled.

The Clerk read as follows:

For construction and repair of post-and-chain fences, repair of high iron fences, constructing stone coping about reservations, painting watchmen's lodges, iron fences, vases, lamps, and lamp-posts; repairing and extending water pipes, and purchase of apparatus for cleaning them; hose; manure, and hauling the same; removing snow and ice; purchase and repair of seats and tools; trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, flower pots, twine, baskets, wire, splints, and moss, to be purchased by contract or otherwise, as the Secretary of War may determine; care, construction, and repair of fountains; abating nuisances; cleaning statues and repairing pedestals, $18,550.

Mr. MANN. Mr. Chairman, I move to strike out the last word. If this Republic shall ever fail it will be because of the insidious undermining of the foundations of the Government, and I perceive one of them in this paragraph. With the Republicans in power we have carried in connection with the care of grounds in Washington an appropriation for lycopodium, and this year the Democrats remorselessly have stricken that item out, I suppose because they did not know what it was, because one of the members of the committee asked what it is.

Mr. FITZGERALD. Oh, the gentleman is mistaken. We did not strike out lycopodium.

Mr. MANN. Well, you did not put it in.

Mr. FITZGERALD. The landscape gardeners and other artistic designers of the city of Washington discontinued that peculiar kind of moss. I understand they have been scraping it off of this particular administration until it is all gone, and they did not care to replace it. Seriously, it was used for hanging baskets, and it seems that they are no longer the fashion, and as it was not to be used, the committee thought—I see mistakenly, now—that it could effect some economy by striking out the word and not being required to explain to gentlemen who are not as familiar with botany as is the gentleman from Illinois [Mr. MANN] just what peculiar material was to be furnished under the use of that term.

Mr. MANN. I thought possibly the gentleman's committee had omitted it because some one would ask what the meaning of the word was, and when the gentleman would reply that it was moss would further ask whether it was obtained from the members of the gentleman's committee.

I withdraw the pro forma amendment.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York be kind enough to tell us why they did not fix a lower price for asphalt than $1.85?

Mr. FITZGERALD. My recollection is that this is the price fixed in the District bill.

Mr. MADDEN. I thought it was $1.65.

Mr. FITZGERALD. The gentleman will understand that the amount of paving done under these appropriations is very small and in restricted spots. It is not very extensive. This limitation was not changed. I inquired at one time about the limitation, and the description here fits a pavement that was laid on Vermont Avenue at one time, which is supposed to be an ideal pavement.

Mr. MADDEN. Can the gentleman from New York tell what authority has jurisdiction over the plaza in front of the Capitol Building?

Mr. FITZGERALD. The Superintendent of the Capitol Building and Grounds.

Mr. MADDEN. Is there any provision made in this bill for paving this plaza?

Mr. FITZGERALD. There is not.

Mr. MADDEN. There ought to be.

Mr. FITZGERALD. The matter was discussed and the subcommittee was of the opinion that there were certain things that should be done about the Capitol that probably could not be done between now and the next session of Congress, but we hoped it might be possible to provide for them at the next session.

Mr. MADDEN. Every place in the District of Columbia except that which is under the jurisdiction of the Congress has a respectable pavement, and that which is under the jurisdiction of Congress is a disgrace to the Capitol.

Mr. FITZGERALD. It is in very bad condition.

Mr. MADDEN. Some provision ought to be made in this bill for a repavement of the Plaza.

Mr. FITZGERALD. It is in bad condition.

Mr. MADDEN. It is disgraceful.

Mr. FITZGERALD. And the committee would have taken the matter up if it were not for the fact that there was a universal opinion that about this Capitol there are certain things that should be done. One is that the limestone front of the main part of the Capitol ought to be replaced by marble and not have a painted front to the building.

Mr. MADDEN. We ought to have a new pavement.

Mr. FITZGERALD. The other is that the east front should be extended about 12 feet, as was originally contemplated and planned, in order to finish the building proper. And it is believed that in order to make these improvements it is better to defer other suggestions in order that they may all be done at one time.

Mr. MADDEN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Hereafter there shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph; I think I will make it. I agree with the purpose of the gentleman, which I suppose is to prevent the erection of buildings upon reservations or parks. I am perfectly willing, as far as I am concerned, to prohibit the erection of any building of any kind or structure upon any park, but suppose here on public grounds where greenhouses are they want to put up some kind of an ordinary shed, you could not do it under this provision without asking Congress to give permission.

Mr. FITZGERALD. That is not what is contemplated.

Mr. MANN. I know that is not contemplated, but that is what you say.

Mr. FITZGERALD. I think not. The Department of Agriculture built a stable on the Smithsonian grounds——

Mr. MANN. Which is a shame and a disgrace.

Mr. FITZGERALD. Yes; and the committee desires to prevent the repetition of anything of the kind. There are a number of reservations in the District which should be utilized strictly for park purposes, and if there are any structures placed upon them they should be of a character in harmony with the reservation.

Mr. MANN. Is not the Mall considered a park?

Mr. FITZGERALD. I think it is.

Mr. MANN. What would you say about the grounds where the greenhouses are for the Superintendent of Buildings and Grounds?

Mr. FITZGERALD. I think greenhouses are not considered parks.

Mr. MANN. Well, it is public ground. I take it that public grounds are grounds that belong to the United States. Now, take the greenhouses under the control of the Superintendent of Buildings and Grounds——

Mr. FITZGERALD. There is no intention of interfering with that.

Mr. MANN. I suppose there is no desire to interfere with that, but this would interfere with that.

Mr. FITZGERALD. Well, I am not certain, for the reason if the money is made available for the construction of a building it is indicated in the language of the appropriation.

Mr. MANN. Oh, no; you would not do that. They might want to put a shed over there or build a greenhouse, and we may make an appropriation and not provide specifically what they shall do with reference to that. Well, I do not know; I do not think I will make the point of order, although I had intended to do it, because I am so thoroughly opposed to putting buildings upon parks; but the gentleman will have to modify this, in my judgment.

Mr. FITZGERALD. I suggest to the gentleman if that interferes with the situation that he points out, it can be readily modified. We both agree in the absolute desirability of preventing the repetition of what has happened in the past, and there seems to be no other way to do it. In the meantime we will look into this, and if it can be modified so as to avoid that situation, we will try to do it.

Mr. MANN. Very well, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer an amendment to be added at the end of line 20, page 67.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 67, by adding at the close of line 20 the following: "Capitol guide force: For one chief guide, at $1,200 per annum, and 12 guides, at $1,000 per annum each; in all, $13,200: *Provided*, That a board consisting of the Vice President of the United States, the Speaker of the House of Representatives, and the Superintendent of the United States Capitol Building and Grounds shall make all appointments to the Capitol guide force and all regulations to govern the same, and that after the appointment the members of the guide force shall serve during good behavior and be prohibited from receiving any compensation for their services other than the compensation provided in this act."

Mr. FITZGERALD. Mr. Chairman, I will reserve the point of order if the gentleman wishes to make a brief statement.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I do not think the statements of the gentleman should be permitted to go unchallenged. Nobody need pay anything to go through the Capitol. There are certain gentlemen appointed by the Sergeant at Arms of the Senate and the House who act as guides, who make a specialty of becoming thoroughly familiar with matters of interest in the Capitol and who conduct persons who desire to go through the Capitol and explain the works of art and other matters, animate and inanimate, to the persons whom they are conducting.

They collect, as I understand, a standard fee of 35 cents. Some Members of the House who are not overbusy sometimes undertake to do the work themselves. I make a point myself, when my constituents come to me, to request the guides to conduct my constituents through the Capitol and I reimburse

the guides myself in accordance with their tariff. I believe, as the gentleman from Illinois states, that if we appointed a force of guides and put them on a salary, it would be necessary to have a force of detectives to discover where they were when persons desiring to be conducted through the Capitol appeared.

Mr. TAYLOR of Colorado. Does not the gentleman approve of the principle?

Mr. FITZGERALD. No; I do not. I am stating my opinion merely. The one thing that makes these men active and energetic and courteous is the fact that their living depends on the fees that they earn, and I do not know of any cases where they have treated people discourteously or refused to show them objects of interest because of any refusal to comply with an improper request for money.

Mr. TAYLOR of Colorado. I trust that the gentleman understands that I am not making any charges of undue demands or improper conduct. I am simply saying that the principle is wrong, in my judgment, that a man should be permitted to show people through the building only when a fee is paid, or when somebody brings a crowd of 10 or 15 people and pays 25 cents apiece, when they are shown through for an hour. I understand that they receive on an average about $8 apiece daily.

Mr. FITZGERALD. I undertook at one time to ascertain their earnings, and I think that is an exaggeration.

Mr. TAYLOR of Colorado. Does not the gentleman understand that they stand at the door and collect from the whole crowd as they come out?

Mr. FITZGERALD. I have heard from persons in my district who have had the various objects of interest pointed out and explained by the guides with the knowledge and facilities they had, and those persons were well satisfied with the information they received and were very ready to pay the small fee that was expected in return.

Mr. TAYLOR of Colorado. Would they not be better satisfied to be shown through free?

Mr. FITZGERALD. No; they would not expect to be shown everything for nothing in this town.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. FITZGERALD. I do.

Mr. BURKE of South Dakota. Has the gentleman ever heard of any complaint of extortion on the part of these guides?

Mr. FITZGERALD. No.

Mr. BURKE of South Dakota. I mean recently?

Mr. FITZGERALD. A few years ago regulations were adopted by whoever had charge of these gentlemen, and under those regulations the maximum charge was reduced. I think it was 50 cents. It is now reduced to about 35 cents, and when there are a number of persons in a party, I believe they agree to take the party through at some special rate below that figure.

Mr. BURKE of South Dakota. That is my understanding of it.

Mr. FITZGERALD. That is my experience. When I came here myself a good many years ago, a stranger in the city and anxious to see the Capitol, looking with great awe on Members of Congress, not daring to inquire for the Representative from the district in which I lived to seek his assistance, I applied to one of these guides. I was shown by him through the Capitol very thoroughly and had pointed out to me the various points of interest. I was thoroughly satisfied and well pleased to pay the usual fee for the service rendered.

I insist on a point of order. It is not authorized by law.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Hereafter there shall not be erected on any reservation, park, or public grounds of the United States within the District of Columbia any building or structure without express authority of Congress.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I want to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, the desired leave will be granted.

There was no objection.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr PAGE. Mr. Chairman, I move to strike out the paragraph just read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amend, page 68, by striking out lines 6, 7, and 8.

Mr. MANN. I suggest to the gentleman that if there is going to be a contest over this item there should be more Members present.

Mr. PAGE. I can not anticipate how much contest there will be, but I think there will be a contest.

Mr. SHERLEY. I propose to oppose the motion of the gentleman from North Carolina.

Mr. MANN. Of course there are not enough Members here to dispose of a matter that is hotly contested. The gentleman had better let it go over.

Mr. PAGE. I am perfectly willing to agree that the paragraph shall go over.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that this paragraph be passed over, to be taken up the first thing to-morrow when we take up the bill.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that this paragraph be passed over. Is there objection? [After a pause.] The Chair hears no objection, and the paragraph goes over until the first thing to-morrow morning. The Clerk will read.

The Clerk read as follows:

Monument to Gens. Screven and Stewart, Midway, Ga.: For construction, erection, and completion of a joint monument to be erected in the old cemetery at Midway, Liberty County, Ga., in memory of the lives and public services of Gen. James Screven and Gen. Daniel Stewart, $10,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. Have these monuments been authorized?

Mr. BARTLETT. Yes; they have both been authorized by law.

Mr. FITZGERALD. Those were both authorized in the last Congress.

Mr. BARTLETT. In separate bills. The bill for the monument to Gen. Stewart was introduced by my colleague [Mr. EDWARDS], and the bill for the monument to Gen. Screven originated in the Senate, and both have passed Congress and become law.

Mr. MANN. I reserved the point of order, really, for the purpose of giving the gentleman from Georgia [Mr. BARTLETT] an opportunity to make a speech about these monuments.

Mr. BARTLETT. Time is more precious than speeches just now.

Mr. MANN. I withdraw the point of order.

Mr. BARTLETT. I thank the gentleman from Illinois all the same.

The Clerk read as follows:

Memorial monument at Germantown, Pa.: To aid in erecting a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, to be expended subject to the provisions of the act approved March 4, 1911, authorizing the expenditure of this sum as a part contribution toward the erection of said monument: *Provided*, That the money for the erection of said monument shall be expended under the direction of the Secretary of War and by such officer as may be designated by him, $25,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, in making effective the appropriation of $25,000 authorized by the act of March 4, 1911, toward the erection of a monument at Germantown to commemorate the founding of the first German settlement in America, Congress is giving encouragement to a wise and patriotic movement originating with the German-American Alliance, and is also aiding in the preservation of certain historic truths that have made for good citizenship in every State and Territory of the Union. The German-American Alliance has a membership approximating 2,000,000 and has already raised a fund equivalent to that authorized by the Government to insure the erection of this memorial, which is to stand for ages as a tribute to the sturdy Crefelders who, under the leadership of the learned Pastorius, settled at Germantown.

The national importance of the commemoration of that settlement—

Says ex-Gov. Pennypacker, president of the Pennsylvania Historical Society—

consists not alone in the fact that there, in 1683, was the beginning of that vast immigration of Germans to North America which had so great an influence upon our civilization, nor upon the further fact that there, in 1688, began the struggle against slavery in this country. In 1523 a sect arose in Germany which taught the doctrine of the separation of church and state and that there was no authority upon the part of the state to control questions of belief. Its doctrine, promulgated over Europe, led to the establishment of the Quakers in England and to the settlement of two American colonies—Rhode Island and Pennsylvania—and became the foundation stone of the National Constitution and Government. They were the members of this sect who founded Germantown, and the tremendous significance of the event in American history does not need to be detailed.

Another distinguished writer upon German-American history (Prof. M. D. Learned, of the University of Pennsylvania) says:

The settlement of Germantown, Pa., marked the beginning of the great German immigration, which has contributed three great factors to American progress and civilization—German industry, German agriculture, German education and science.

The little group of Crefelders, who set up their looms in Germantown in 1683, were the forerunners of the great industrial enterprises which, under German stimulus, have done so much to develop the material resources of America.

In the wake of these Crefelders came the thousands of Swiss and Palatine farmers, who brought with them a new method of tilling and fertilizing the soil handed down to them from the days of the Romans in the Agri Decumates, and settling between the Puritans and the Cavaliers, transformed the woodlands of Pennsylvania, western Maryland and Virginia, the valleys of the Ohio and Mississippi, and the great plains of the West, into fertile fields and orchards, burdened with golden grain and luscious fruits.

The German jurist schoolmaster, Francis Daniel Pastorius, the founder of Germantown, was the forerunner of that German culture and science which have revolutionized American universities and American science.

Since the passage of the act of March 4, 1911, the German-American Alliance, under the direction of its president, Dr. C. J. Hexamer, of Philadelphia, has gone forward with the work which was impliedly imposed upon it by law, and, in addition to the raising of the full proportion of funds, which it was to add to the Government appropriation, it has invited some of the best artists and sculptors of the country to furnish models and designs for the proposed monument. These are now deposited in the halls of the German Society of Philadelphia awaiting the inspection and approval of the Secretary of War. The site for the approved monument is to be in Vernon Park, which is in the very heart of old Germantown, now one of the richest and most populous wards of Philadelphia, and, in view of its patriotic environment, is destined to become the mecca of all those who are interested in the history and influence of the German settler in America. [Applause.]

The Clerk read as follows:

Improving Delaware River, Pa. and N. J.: For continuing improvement of 35-foot channel from Allegheny Avenue, Philadelphia, Pa., to the sea in completion of contract authorization, $450,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, we have reached the Delaware River item, which provides $450,000 for continuing contracts. A question has arisen as to what becomes of the $700,000 that we understood was authorized. I presume the committee has an explanation for this, but I should like to have it as a matter of record.

Mr. SHERLEY. Mr. Chairman, in making up the items touching contract work for river and harbor improvements the committee put in everything that was asked by the engineers, in order to continue the work up to the 4th of next March. The original estimate of $700,000 was made on the assumption of providing for work until July 1 next.

Mr. MOORE of Pennsylvania. For the fiscal year.

Mr. SHERLEY. Yes; but inasmuch as we will have an additional supply of money upon the passage of another sundry civil bill by the 4th of March next, the committee pursued the policy that has been in vogue for some years, of simply providing for the period of time until which we would have a new fund.

Mr. MOORE of Pennsylvania. Then the original authorization of $700,000 is not affected by the passage of this item.

Mr. SHERLEY. In no way.

Mr. MOORE of Pennsylvania. It is simply a limitation of time.

Mr. SHERLEY. Yes.

Mr. LAFFERTY. That same limitation would apply, of course, to the Oregon rivers and harbors.

Mr. SHERLEY. Yes.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts and bulletins, and of investigating lake levels, with a view to their regulation, $125,000: *Provided*, That the survey of said northern and northwestern lakes be extended so as to include the lakes and other natural navigable waters embraced in the navigation system of the "New York canals."

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 8, page 77, strike out "$125,000" and insert "$150,000."

Mr. CANNON. Mr. Chairman, I send to the Clerk's desk, to be there read, a note to this estimate as contained in the Book of Estimates. This note is from Chief of Engineers Bixby.

The Clerk read as follows:

NOTE: The greatly increased draft of the large vessels navigating the Great Lakes and their connecting channels demands a close reexamination of many localities which were originally surveyed with the requirements of a 12-foot navigation in view. Many of the original charts were prepared on that basis. Present requirements of commerce, however, demand that the bottom be accurately charted to depths of not less than 30 feet in the open lakes and of 25 feet in their connecting rivers or straits. This calls for extensive surveys and a vast amount of office work, all of which must be done with great care and accuracy. The investigations of the varying levels of the Great Lakes, due to natural and artificial agencies, should also be continued with vigor. The inclusion in the estimate of "the lakes and other natural navigable waters embraced in the navigation system of the New York canals" is in accordance with the action of Congress in adding that item to the appropriation made May 4, 1911 (36 Stat., p. 1407, sec. 1). The increase of appropriation is asked for, in part, on account of the additional expense occasioned by the large extension thus made of the field of operations, and in part on account of the desirability, from an economical standpoint, of operating the entire plant and equipment of the survey to its fullest capacity for a few years, until the most urgent and important portion of the field work is completed, and of then disposing of some of the survey steamers. The greater part of the outfit has reached an age when rapid depreciation may soon be expected, and the cost of maintenance of the floating plant, which is a large percentage of the cost of field operations, is not proportional to the length of the field season nor to the size of parties. The greatest efficiency therefore, with the least cost, requires that the plant shall now be used to its full capacity. This plan does not contemplate a total expenditure, so far as the work on the northern and northwestern lakes is concerned, in excess of the original project for that work. In order to allow suitable advantage to be taken of the spring season, the appropriation should be available before the beginning of the new fiscal year.

W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. CANNON. Mr. Chairman, we have listened to the various items for river and harbor improvement—for the Ohio River between one and two million dollars, the Missouri River, the Pacific coast, the Delaware River—all, I have no doubt, worthy objects, and which I am not criticizing in any way; but the Great Lakes, with the great commerce, is also entitled to adequate recognition. It is stated that there passes through the Detroit River alone, in round numbers, 75,000,000 tonnage every year. Bigger vessels, taking larger cargoes and of larger draft, are being built, and I have sent to the Clerk's desk the estimate and a note from the Chief of Engineers, Gen. Bixby; and it seems to me, in view of the millions we are appropriating here, that the estimate of $150,000 should be given, which is $25,000 more than the bill carries now.

Mr. FITZGERALD. Mr. Chairman, the survey of the Great Lakes started in 1841. Since that time there has been expended $4,439,420.40. The survey started on the theory that there should be a survey to a depth of about 12 feet. That has been modified from time to time, until they are now surveying for a 30-foot depth. It is a question of comparative speed in the doing of this work. Since 1909 the appropriation has been $125,000 a year. In 1907 and 1908 it was $75,000. In 1906 it was $100,000.

There could be spent on this work whatever Congress would give; there is no limit to what might be expended. Indeed, the gentleman from Illinois himself, I think, in the hearings before the committee well emphasized the conditions. He said:

Mr. CANNON. Unless you get a proviso as to the draft of the vessels, the increase of population, the increase of lake traffic, the development of the St. Lawrence, and the development of the New York canal system, and look ahead a quarter of a century to know what is going to happen, is it not probable that the work you do now may have to be supplemented, and that even 50 years from now you will have to continue your surveys and the improvement of the harbors and deepening of the channels?

Maj. JADWIN. I think that is so.

The committee recommended the same sum that has been appropriated during the past four or five years. One of the reasons urged for this additional appropriation was because last year the committee had included certain work on the New York canal system. The State of New York is expending $110,000,000 upon canal work. It is a matter in which the State is vitally interested, and yet I do not see any necessity, nor did the committee believe that there was any justification, for increasing at this time the appropriation for this service by 20 per cent over that for the current year.

In addition to this work that is done under the Army engineers, certain work on the Great Lakes is done by the Hydrographic Office and certain work by the Canadian Government. I believe an appropriation of $125,000 is sufficient to enable that amount of work to be done that should be done in the next fiscal year.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. What is the depth of water to be obtained in the Ambrose Channel leading up to the New York Harbor?

Mr. FITZGERALD. Ambrose Channel is the channel leading from the sea across the bar to the harbor of New York, and it is to have a depth of 40 feet.

Mr. CANNON. What was it a few years ago, 30 feet?

Mr. FITZGERALD. The old ship channel was 35 feet.

Mr. CANNON. Yes; but it had to be made 35 feet; and it was thought that that was sufficient to last forever. It is now being made 40 feet. Take the Delaware River; my recollection

is that that was 25 feet. Then it was surveyed for 30 feet, and now it is surveyed and a large appropriation made for 35 feet, and so on.

Now, does the gentleman think that under the recommendation of the Chief of Engineers, with this great commerce that dwarfs the commerce of Philadelphia, that dwarfs the commerce of New York, that dwarfs the commerce of Baltimore, carrying back and forth the products of that great Middle West, should be minimized because of a cut of $25,000 for this service so that it can not keep up with the times and the increase of the draft of vessels?

Mr. FITZGERALD. Mr. Chairman, I will repeat that the committee has given a sum sufficiently ample for the next year. Simply because the Chief of Engineers requests an increase in this item is not alone sufficient. We know that the increase originated because of the agitation in connection with the fact that the New York State system of canals had been included in this work.

I believed then, and I believe now, it is possible to do the work that is to be done in that connection without increasing the appropriation. This work must go on. There is no attempt to diminish the amount that is being done. One hundred and twenty-five thousand dollars will be utilized. No one has ever intimated for the last eight or nine years that more than $125,000 should be given. In view of those facts I do not believe there is any justification at this time, because conditions have not changed, for providing an additional sum of money.

Mr. MADDEN. Does the gentleman from New York think $125,000 will enable the Engineer Corps to do all that is necessary to be done in this connection?

Mr. FITZGERALD. What is necessary to be done will not be done in 25 years.

Mr. MADDEN. I know; but I am talking about this year.

Mr. FITZGERALD. It will maintain the same force and the same equipment that has been maintained since 1907.

Mr. MADDEN. Of course everybody knows that the draft of the vessels is becoming greater and greater every year.

Mr. FITZGERALD. That is true, and the work that is being done now is largely a reexamination in many places that were examined upon the basis of a 12-foot depth, but during the last few years a new system has been devised by which a drag is used. Much greater areas are swept and much greater results are obtained under the present method, and much more accurate results, than by the old method of sounding. As a matter of fact, since this system was introduced the surveying is more extended, more accurate, and more beneficial to the navigation of the Lakes than it was with a larger appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 22, noes 23.

Mr. CANNON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FITZGERALD and Mr. CANNON were appointed tellers.

The committee again divided; and the tellers reported—ayes 23, noes 33.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. Evidently there is not a quorum present. The Clerk will call the roll.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

Mr. CANNON. One moment. Mr. Chairman, I am perfectly willing to let this matter be passed over until the conclusion of the bill.

Mr. FITZGERALD. No. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ADAMSON, for two weeks, on account of sikness in his family.

To Mr. PORTER, for one week, on account of illness in his family.

To Mr. CALLAWAY, indefinitely, on account of important business.

To Mr. GRAY, indefinitely, on account of sickness in his family.

To Mr. BURKE of Wisconsin, for seven days, including to-day's session, on account of important business.

To Mr. CARLIN, for three days, on account of important business.

RELIEF OF KODIAK, ALASKA (S. DOC. NO. 790).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered printed:

To the Senate and House of Representatives:

Information comes of a reliable character that through the action of a volcano in the neighborhood of Kodiak, Alaska, more than a thousand people are rendered homeless, and unless aid can be given them they are likely to suffer severely. I ask, therefore, an immediate emergency appropriation to be expended by the Revenue-Cutter Service under the direction of the Secretary of the Treasury. The danger is said to be in the neighborhood of large salmon canneries, and should the streams of the country be clogged and poisoned, as is likely by the volcanic explosion, loss of life is certain to ensue unless relief is granted.

I recommend that an appropriation of $100,000 be made for this purpose.

WM. H. TAFT.

THE WHITE HOUSE, *June 12, 1912.*

IRON AND STEEL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Speaker lay before the House the message from the Senate asking for a conference on the iron and steel bill.

The SPEAKER. The Clerk will report the message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 12, 1912.

Resolved, That the Senate insist upon its amendments to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, Nos. 3 and 4, disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS be the conferees on the part of the Senate.

Attest:

CHARLES G. BENNETT, *Secretary.*

Mr. UNDERWOOD. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. UNDERWOOD, Mr. PALMER, and Mr. PAYNE.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 20585, and move to agree to the same.

The SPEAKER. The gentleman from Missouri calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 862).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 2, 3, 4, 5, 6, 7, 9, 10, and 12 are merely amendments to correct typographical errors and to make the records accord with the Pension Office records and do not in any way affect the amounts allowed. The House recedes from its disagreements.

Amendment No. 1, Annie H. Schuler (H. R. 1560): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds that the widow did not marry the soldier until after 1890. She is old and disabled, and the Senate recedes from its amendment.

Amendment No. 8, James S. Carter (H. R. 4304): The House passed this at $30. It was stricken from the bill by the Senate at the request of the Member from that district. The House recedes from its disagreement.

Amendment No. 11, Pethuel Dorcas (H. R. 6418): This bill passed the House at $36 per month. The Senate reduced the amount to $30 on the grounds that the soldier's disability does not require the assistance of another person. The House recedes from its disagreement.

Amendment No. 13, John N. Fox: The item was stricken from the bill by the Senate because of the fact that the soldier had died since the bill passed the House.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 21230, and move to agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 860).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 17, 20, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32; and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 3, 4, 9, 14, 15, 24, 25, 26, and 29 are merely corrections of typographical errors, and corrections of records to accord with Pension Office records, and do not in any way affect the amounts allowed. The House recedes.

Amendments 7, 10, and 30 are to strike out items in which the beneficiaries have died since the bill passed the House. The House recedes.

Amendment No. 2, John F. Rankin (H. R. 1015): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier has some property and his condition is not such as to require the aid of another person. The House recedes from its disagreement.

Amendment No. 5, Arthur Branagan (H. R. 6239): The House passed this at $30. The Senate struck the item from the bill on the grounds that the soldier can secure $30 under the new law, and that he has a pension from former employers of $19.50 per month in addition to his pension from the Government. The House recedes from its disagreement.

Amendment No. 6, William M. Capps (H. R. 6980): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds of former Confederate service. The Senate recedes from this amendment.

Amendment No. 8, Le Roy S. Jones (H. R. 8367): The House passed this at $20 per month. The Senate increased it to $24 on account of additional evidence. The House recedes from its disagreement.

Amendment No. 11, Francis M. Herring (H. R. 12143): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 12, Mary C. Roos (H. R. 13751): The House passed this at $20 per month. The Senate struck the item from the bill on the grounds that soldier only served three months and the widow is getting $12. The House recedes from its disagreement.

Amendment No. 13, Amos Graham (H. R. 14294): The House passed this at $36. The Senate reduced the amount to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 16, Edward B. North (H. R. 14985): The House passed this at $36. The Senate cut it to $30 on the grounds of very short service and physical condition of the soldier. The House recedes from its disagreement.

Amendment No. 17, Charlotte Atkinson (H. R. 15437): The House passed this to increase her pension to $20 per month. The Senate cut the item from the bill on the grounds that widow had married after the death of her soldier husband, who was killed in service. The Senate recedes.

Amendment No. 18, Sarah Knepley (H. R. 15439): The House passed this at $20 per month. The Senate struck the item from the bill on the grounds that the widow is receiving $12 per month and the soldier served only 100 days. The House recedes.

Amendment No. 19, Jennie M. Metz (H. R. 15513): The House passed this at $20 per month. The Senate struck the item from the bill on the grounds that the soldier had short service. The widow did not marry until 1873, and she is now receiving $12. The House recedes from its disagreement.

Amendment No. 20, Viola Phillips (H. R. 16368): The House passed this to give the widow $12 per month. The Senate struck the item from the bill on the grounds that the widow did not marry the soldier until after 1890. The Senate recedes.

Amendment No. 21, Sumner P. Boies (H. R. 16924): The House passed this at $12 per month. The Senate struck the item from the bill on the grounds that the soldier had only 67 days' service. The House recedes from its disagreement.

Amendment No. 22, Mary E. Martin (H. R. 17945): The House passed this at $30 per month. The Senate struck the item from the bill on the grounds that the widow is now receiving same pension as other widows of soldiers, and there is no reason for granting her any further increase. The House recedes from its disagreement.

Amendment No. 23, Charles Britton (H. R. 18095): The House passed this at $30 per month. The Senate cut the item from the bill on the grounds that the soldier was twice a deserter from his service and did not surrender himself until 1873. The House recedes from its disagreement.

Amendment No. 27, Hugh Lappin (H. R. 18468): The House passed this at $36. The Senate reduced the amount to $30 on the grounds that the soldier is not so disabled as to require the aid of another person. The House recedes.

Amendment No. 28, Daniel Williams (H. R. 18700): The House passed this at $36. The Senate reduced the amount to $30, but the Senate recedes from its amendment.

Amendment No. 31, James T. Singleton (H. R. 19942): The House passed this at $36 per month. The Senate reduced the amount to $30 on the grounds that soldier's condition does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 32, Andrew Smith (H. R. 20037): The House passed this at $36 per month. The Senate increased the amount to $40 on account of additional evidence showing that soldier has a helpless daughter dependent upon him. The House recedes from its disagreement.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 21597, and move to agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 861).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 4, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 23, 26, and 27 are amendments merely to correct records in accordance with the records of the Pension Office, to correct typographical errors, and to provide that additional pension granted on account of helpless children shall cease upon the death of such children. These amendments do not in any way affect the amounts allowed. The House recedes from its disagreement to all of these amendments.

Amendments Nos. 1, 3, 20, 22, and 25 strike out the names of beneficiaries who have died since the bill passed the House. The House recedes from its disagreement to all of these amendments.

Amendment No. 12, Peter Golden (H. R. 9236): The House passed this at $30 per month. The Senate struck the item from the bill on the grounds that soldier can get a substantial increase under the new law. He is also in receipt of a pension of $24 per month from a railroad company by which he was formerly employed. The House recedes from its disagreement to this amendment.

Amendment No. 2, Thomas J. Turner (H. R. 2041): The House passed this at $20. The Senate increased it to $30 on account of additional evidence filed showing the soldier, who served nine months, to be in such physical condition as to require the aid of another person. The House recedes from its disagreement to this amendment.

Amendment No. 5, William N. George (H. R. 4584): The House passed this at $30. The Senate raised it to $36 on additional evidence showing that soldier is totally helpless and requires the aid of another person. The House recedes from its disagreement to this amendment.

Amendment No. 6, Robert Sutor (H. R. 6011): The House passed this at $36. The Senate reduced the amount to $30 on the grounds of short service and it not being shown that he needs the help of another person. The House recedes from its disagreement to this amendment.

Amendment No. 16, Bradford R. Gilbert (H. R. 11252): The House passed this at $24. The Senate increased it to $30 on additional evidence showing greatly increased disabilities, which evidence was not before the House committee. The House recedes from its disagreement.

Amendment No. 19, Julia C. McCue (H. R. 12227): The House passed this to give the widow $12 per month. The Senate struck the item from the bill for the reason that she did not marry the soldier until 1894. It appears that the beneficiary is in a deplorable physical condition and the Senate recedes from its amendment.

Amendment No. 21, Thomas Hampson (H. R. 14152): The House passed this bill at $36. The Senate reduced the amount to $30 on the grounds that it does not appear that the soldier requires the aid of another person at any time. The House recedes from its disagreement to the amendment.

Amendment No. 24, Adam B. Hastings (H. R. 18218): This item passed the House at $36. The Senate cut it to $30 on the grounds that it does not appear that the soldier's condition requires the aid of another person. The House recedes from its disagreement.

Amendment No. 28, Henry B. Dewald (H. R. 20675): The House passed this at $36. The Senate reduced it to $30 on the grounds that the soldier is now being cared for in a soldiers' home, and it does not appear that he requires the aid of another person. The House recedes from its disagreement to this amendment.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 22261 and agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 863).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 13, 21, 23, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, and 44, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 4, 5, 6, 7, 8, 15, 16, 17, 19, 20, 26, 27, 28, 29, 30, 31, 33, 36, 37, 38, 39, 40, 43, and 44 are simply corrections of typographical errors, corrections of records to conform to Pension Office records, and to provide that where additional pension is granted on account of dependent children it shall cease upon death of such children, and the amendments do not in any way affect the amounts allowed. The House recedes from its disagreement to these amendments.

Amendment No. 1, Charles H. Norred (H. R. 2685): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier does not require the aid of another person. The House recedes from its disagreement to the amendment.

Amendment No. 2, Bernard F. Morrow (H. R. 6172): The House passed this at $36. The Senate cut it out on the grounds that a Senate bill for the same soldier had already passed that body and had been reported to the House. The House recedes from its disagreement.

Amendment No. 3, Thomas H. Chance (H. R. 6342): The House passed this to increase pension to $50. The Senate cut it to $40 on the grounds that the soldier's physical condition does not warrant a higher rating. A review of the evidence shows soldier totally disabled and requiring aid of another person. The Senate recedes.

Amendments Nos. 9 and 10, Edwin S. Butts (H. R. 10439): In this case the House passed the bill at $30. The Senate reduced the amount to $24 per month, and provided that that amount should be paid him without any deduction on account of former alleged overpayments. The soldier is receiving $10, but that amount is being withheld from him on account of former alleged overpayments. The House recedes from its disagreement to the two amendments of the Senate in this case.

Amendment No. 11, William C. Tilley (H. R. 11138): The House passed this at $30 per month. The Senate cut the item

from the bill on the grounds that evidence did not warrant congressional action. The House recedes from its disagreement.

Amendment No. 12, William H. Bishop (H. R. 11377): The House passed this at $36. The Senate reduced it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 13, James M. Cartee (H. R. 13752): The House passed this at $36. The Senate reduced it to $30. The Senate recedes from its amendment.

Amendment No. 14, William Peabody (H. R. 13824): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 18, Samuel Barnett (H. R. 14344): The House passed this at $36 per month. The Senate cut it to $30 on the grounds that that rate is the amount usually allowed in similar cases. The House recedes from its disagreement.

Amendment No. 21, Henry Q. Graham (H. R. 14790): The House passed this at $30 per month. The Senate cut the item from the bill on the grounds that the soldier had an income of $200 per year in addition to his pension. This income is from a ministerial relief fund and not permanent. The Senate recedes from its amendment.

Amendment No. 22, Robert Smith (H. R. 14917): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 23, Mary F. Belcher (H. R. 15019): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds that the widow did not marry the soldier until after 1890. The widow is in a bad physical condition and the Senate recedes from its amendment.

Amendment No. 24, Dudley W. Dye (H. R. 15477), and amendment No. 25, Peter A. Gipp (H. R. 15527): The House passed both items at $36. The Senate cut them to $30 on the grounds that physical condition of soldiers does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 32, George H. Kimmel (H. R. 17517): The House passed this at $36 per month. The Senate cut it to $30 on the grounds that the soldier has some property and is not so disabled as to require the aid of another person. The House recedes from its disagreement.

Amendment No. 34, Christopher Colgate (H. R. 17888): The House passed this at $40 per month. The Senate increased the amount to $50 on account of the total helplessness of the soldier. The House recedes from its disagreement.

Amendment No. 35, Kate E. Smith (H. R. 18604): The House passed this at $20 per month. The Senate cut the item from the bill on the grounds that widow did not marry the soldier until 1892 and she is now receiving a pension of $15 per month. The Senate recedes from its amendment.

Amendment No. 41, John W. Snively (H. R. 19832), and amendment No. 42, the case of Charles H. Robinson (H. R. 19895): In both cases the House passed the item at $36. The Senate reduced them to $30 on the grounds that soldiers do not require the aid of another person. The House recedes from its disagreement in both instances.

ISAAC R. SHERWOOD.
JOE J. RUSSELL.
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23557, and agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 865).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 13, 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 4, 5, 7, 8, 11, 16, 17, 19, 20, 21, 23, 24, 25, 27, 28, and 29 are merely for the correction of records in accordance with Pension Office records, correction of typographical errors, and to provide that additional pension granted on account of dependent children shall cease upon the death of such children. The House recedes from its disagreement to these amendments.

Amendment No. 2, Edgar A. Whitaker (H. R. 5459): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier was comparatively a young man and not so disabled as to require the aid of another person. The House recedes from its disagreement.

Amendment No. 3, Jacob Alonzo Goodale (H. R. 5474): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 6, Henry M. Parks (H. R. 10553): The House passed this at $36. The Senate reduced the amount to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 9, Joseph C. Kuebbeler (H. R. 12197): The House passed this to give the soldier $24 per month. The Senate cut the item from the bill on the grounds that there is some question as to the identity of the soldier. The Senate recedes from its amendment.

Amendment No. 10, the case of Ann Currigan Chamberlain (H. R. 12298): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds that she did not marry the soldier until after 1893. She is in bad physical condition, and the Senate recedes from its amendment.

Amendment No. 12, Hattie Fordyce (H. R. 14558): The House passed this to give the widow $12. The Senate cut the item from the bill on the grounds that she did not marry the soldier until after 1890. She is in a bad physical condition, and the Senate recedes from its amendment.

Amendment No. 13, Mary A. Barross (H. R. 17518): The House passed this to give the widow $12 per month. The Senate cut the item from the bill on the grounds that she did not marry the soldier until after 1890. She is in very bad physical condition, and the Senate recedes from its amendment.

Amendment No. 14, John B. Berry (H. R. 17566): The House passed this to give the soldier a pension of $30 per month. The Senate struck the item from the bill on the grounds that the soldier is entitled to an increase under the new law, and in addition has an income of $300 per year from other sources. The House recedes from its disagreement to the amendment.

Amendment No. 15, Christina Bates (H. R. 17909): The House passed this to give the beneficiary a pension of $12 per month. The Senate cut the item from the bill on the grounds that it is a case of a remarried widow. She is in a bad physical condition, and the Senate recedes.

Amendment No. 18, Albert N. Hopkins (H. R. 18684): The House passed this at $24 per month. The Senate raised it to $30 on the grounds of additional evidence showing great disability. The House recedes from its disagreement.

Amendment No. 22, Carrie Keefer (H. R. 20966): The House passed this to increase the widow's pension from $12 to $25. The Senate reduced the amount to $20, which has been the amount usually allowed in similar cases. The House recedes from its disagreement.

Amendment No. 26, Samuel W. McElderry (H. R. 21739): The House passed this at $20. The Senate increased the amount to $24 on account of additional evidence showing greater disability. The House recedes from its disagreement.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23063, and move to agree to the conference report.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 864).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 18, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 4, 10, 11, 13, 16, 17, 19, 23, 24, and 28 are merely corrections of records to conform to Pension Office records, corrections of typographical errors, and to provide that additional pension granted on account of dependent children shall cease upon the death of such children, and do not in any way affect the amounts carried. The House recedes from its disagreement to these amendments.

Amendments Nos. 1, 7, 12, 26, and 27 are to strike out cases in which the beneficiaries have died since the bill passed the House, and the House recedes from its disagreement to these amendments.

Amendment No. 2, John Staley (H. R. 8406): The House passed this at $36. The Senate reduced it to $30 on the grounds that the soldier's physical condition does not require the aid of another person at any time. The House recedes from its disagreement to this amendment.

Amendment No. 3, William Annis (H. R. 9466): The bill passed the House at $36. The Senate cut it to $30 on the grounds that soldier's condition does not require assistance of another person. The House recedes from its disagreement to this amendment.

Amendment No. 5, Ann Moffitt (H. R. 12283): The House passed this at $20. The Senate struck the item from the bill on the grounds that widow is receiving $12 on account of the death of her soldier husband. She afterwards remarried, although widowed the second time. The Senate recedes from its amendment.

Amendment No. 6, William G. Miller (H. R. 12350): The House passed this at $40. The Senate cut the item from the bill on the grounds that soldier was given an increase to $24 by special act a few years ago. He is at present in a soldiers' home, being cared for by the Government, and it does not appear that he requires the aid of another person. The House recedes from its disagreement to this amendment.

Amendment No. 8, Franklin Prentice (H. R. 14913), and amendment No. 9, Joseph P. Foss (H. R. 15024): The House passed these items at $36. The Senate cut them to $30 on the grounds that soldiers do not require the aid of another person. The House recedes from its disagreements to these amendments.

Amendment No. 14, Henrietta Brown (H. R. 15293): The House passed this at $20 per month. The Senate cut the item from the bill on the grounds that the widow is receiving a pension of $12. She was the wife of a soldier for only a few years, and did not marry him until long after the war, and her physical condition is not such as to require aid of another person. The House recedes from its disagreement.

Amendment No. 15, Henry Lavine (H. R. 15769): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier does not require the assistance of another person. The House recedes from its disagreement.

Amendment No. 18, Clara S. Stout (H. R. 18149): The House passed this to give a pension of $12. The Senate struck it out on the grounds that the widow did not marry the soldier until 1893. She is in a deplorable physical condition and the Senate recedes from its amendment.

Amendment No. 20, Lee Heath (H. R. 19762): The House passed this to give soldier a pension of $12 per month. The Senate cut it out on the grounds of prior Confederate service. Verbal testimony to the House committee is to the effect that the Confederate service was involuntary and of only a short duration. The Senate recedes from its amendment.

Amendment No. 21, Charles H. Austin (H. R. 19787): The House passed this at $24 per month. The Senate increased the amount to $30 because of additional evidence. The House recedes from its disagreement.

Amendment No. 22, Lloyd S. Brooks (H. R. 21300): The House passed this at $30 per month. The Senate cut it to $24 on the grounds that soldier did not enlist until March 10, 1865. The House recedes from its disagreement.

Amendment No. 25, Nicholas Roth (H. R. 21737): The House passed this at $30 per month. The Senate cut it out on the grounds that another bill introduced by Mr. SMITH of New York had been passed for this soldier and the House recedes from its disagreement.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

On motion of Mr. RUSSELL, a motion to reconsider the votes by which the conference reports were agreed to was laid on the table.

CORRECTING ERROR IN PENSION BILL.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to offer House concurrent resolution No. 56 and for the immediate consideration of the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled, "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," to strike out on page 35, line 23, the name "Moffitt" and insert the name "Maffitt."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6745. An act to provide for the erection of a Federal building in Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 19476. An act granting certain lands in the State of California to form a part of California Redwood Park in said State; and

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

MINORITY VIEWS ON IMMIGRATION BILL.

By unanimous consent, Mr. GOLDFOGLE was granted leave to submit the views of the minority on the bill S. 3175, known as the Dillingham immigration bill. (H. Rept. 851, pt. 2.)

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Thursday, June 13, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred by the Speaker as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting adjudicated claim for damages to barge *Puritan*, caused by U. S. S. *Monaghan* (H. Doc. No. 828); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting list of documents received and distributed by the Treasury Department during the calendar year 1911 (H. Doc. No. 829); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, recommending the insertion of an item in one of the appropriation bills increasing the limit of cost for post office and custom-house at San Juan, P. R. (H. Doc. No. 830); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent giving result of his investigation in shoe and leather trades in Germany (S. Doc. No. 791); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent giving results of his investigations of trade in cotton goods in the Balkan States (S. Doc. No. 793); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

6. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent on the result of his investigation of trade with England in electrical instruments (S. Doc. No. 792); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 23669) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, reported the same with amendment, accompanied by a report (No. 878), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SIMS, from the Committee on War Claims, to which was referred the bill (H. R. 9136) for the relief of the heirs of Theodore Dehon, reported the same without amendment, accompanied by a report (No. 868), which said bill and report were referred to the Private Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 22311) for the relief of legal representative of George E. Payne, deceased, reported the same with amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

Mr. J. M. C. SMITH, from the Committee on War Claims, to which was referred the bill H. R. 24844, reported in lieu thereof a resolution (H. Res. 580) referring to the Court of Claims the papers in the case of Charles A. Coolidge, accompanied by a report (No. 870), which said resolution and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 8507, reported in lieu thereof a resolution (H. Res. 581) referring to the Court of Claims the papers in the case of Mag Brown, accompanied by a report (No. 871), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 15752, reported in lieu thereof a resolution (H. Res. 582) referring to the Court of Claims the papers in the case of Mrs. Thomas S. Ferral, accompanied by a report (No. 872), which said resolution and report were referred to the Private Calendar.

Mr. MORSE of Wisconsin, from the Committee on War Claims, to which was referred the bill (H. R. 265) for the relief of James Easson, reported the same without amendment, accompanied by a report (No. 873), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 100) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator, reported the same without amendment, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (H. R. 4113) for the relief of Robert E. Burke, reported the same with amendment, accompanied by a report (No. 876), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 25060) for the relief of Joe Cook, reported the same without amendment, accompanied by a report (No. 875), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3459) for the relief of Erskine R. K. Hayes, reported the same with amendment, accompanied by a report (No. 877), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERLEY: A bill (H. R. 25278) to amend section 28 of the judicial code; to the Committee on the Judiciary.

Also, a bill (H. R. 25279) to incorporate the National Remount Association; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 25280) to provide for water power at Locks and Dams Nos. 7, 8, 9, and 10, Kentucky River, Ky.; to the Committee on Rivers and Harbors.

By Mr. DENT: A bill (H. R. 25281) providing for a military highway between Fort Morgan and Foley, Ala.; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 25282) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: A bill (H. R. 25283) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation; to the Committee on Ways and Means.

Also, a bill (H. R. 25284) authorizing the Secretary of War, in his discretion, to deliver to Summit Hill, Pa., two condemned bronze or brass cannon with their carriages and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 25285) to provide for a United States Bureau of Government supplies; to the Committee on Ways and Means.

By Mr. REDFIELD: Concurrent resolution (H. Con. Res. 55) providing for the payment of employees in Government employ for labor's holiday; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Resolution (H. Res. 580) referring the bill (H. R. 24844) for the relief of Charles A. Coolidge to the Court of Claims; to the Committee of the Whole House.

By Mr. LEE of Georgia: Resolution (H. Res. 581) referring the bill (H. R. 8507) for the relief of Mag Brown to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 582) referring the bill (H. R. 15752) for the relief of Mrs. Thomas S. Ferral to the Court of Claims; to the Committee of the Whole House.

By Mr. MOTT: Memorial of Senate and House of Representatives of New Mexico in favor of modifying the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of Senate and House of Representatives of New Mexico, praying for construction of Government road across the forest reserve; to the Committee on Agriculture.

By Mr. FULLER: Memorial of Legislature of New Mexico, in favor of legislation to modify the law in relation to the Pueblo Indians, etc.; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 25286) for the relief of Edward A. Gallaher; to the Committee on Naval Affairs.

By Mr. DENT: A bill (H. R. 25287) for the relief of the Mobile Marine Dock Co.; to the Committee on War Claims.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25288) granting a pension to Emma Mulheren; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 25289) granting a pension to Ellen H. Russell; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 25290) granting an increase of pension to John Rieger; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25291) to correct the military record of Alfred Trainer; to the Committee on Military Affairs.

By Mr. MORSE of Wisconsin: A bill (H. R. 25292) to remove the charge of desertion from the record of Edward Lawler; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 25293) granting an increase of pension to Henry E. Garber; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25294) granting a pension to S. B. Leamons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25295) granting an increase of pension to Daniel Taylor; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25296) for the relief of Mary Ann Slaven; to the Committee on War Claims.

Also, a bill (H. R. 25297) for the relief of the heirs of John Midcalfe, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25298) granting an increase of pension to Theo Rasner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25299) granting an increase of pension to Saley E. Bradshaw; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 25300) granting an increase of pension to Carlton M. Rhoades; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 25301) granting a pension to Martha C. McCorkle; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 25302) for the relief of David P. Oliver; to the Committee on Claims.

By Mr. THAYER: A bill (H. R. 25303) granting an increase of pension to William H. Cummings; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of members of societies of the Polish Roman Catholic Societies of America of the States of Missouri, Illinois, Indiana, Ohio, and Michigan, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Polish Roman Catholic Unions of Pennsylvania, Illinois, New Jersey, Michigan, Ohio, Connecticut, New York, Indiana, and Wisconsin, protesting agaist passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of St. Barbary Society, No. 98, of Leavenworth, Kans., and the Polish-American Citizens' League of Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Petition of Adirondack Council, No. 48, Daughters of Liberty, Johnston, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Glens Falls, N. Y., protesting against passage of the Burton-Littleton bill, providing for celebrating the 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. AYRES: Memorial of Robert Morris Council, No. 100, of New York, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the Label Department Federated Trades Council of Milwuakee, Wis., favoring passage of the Campbell bill (H. R. 16844), to compel manufacturers to place their names on goods; to the Committee on the Judiciary.

Also, petition of St. John Evangielista, No. 394, of the Polish Roman Catholic Union of America, of Milwaukee, Wis., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. COLLIER: Petition of citizens of the State of Mississippi, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Mississippi, favoring passage of bill regulating express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: Petition of citizens of South Boston, Mass., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. DONOHOE: Petition of United Polish Societies and Parishes of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of John W. Foreman, of Alexander, N. Dak., favoring passage of House bill 1339, increasing pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petitions of Ruth Pollard, Streator, and W. J. Madden, Ottawa, Ill., favoring the creation of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER: Petition of the board of directors of the New Orleans Cotton Exchange, favoring National Government protection of the lives and property of the people of the Mississippi Valley; to the Committee on Rivers and Harbors.

Also, resolutions of St. Casimus Prince Society, No. 161, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of societies of Polish Roman Catholic Union of America, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Resolution of Mower Post, No. 91, Department of Iowa, Grand Army of the Republic, against passage of Senate bill 2925, providing for a Confederate naval monument in the Vicksburg National Military Park, at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. HOWELL: Petition of the John Snowcroft & Sons Co., Ogden, Utah, against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petitions of H. C. Jorgenson, M. D., and C. J. Albany, M. D., members of the Loyal Order of Moose, Lodge No. 259, Salt Lake City, Utah, favoring passage of House bill 22263, to increase the efficiency of the Hospital Corps of the Army; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Petition of the Chicago Order of Railroad Telegraphers' Club, Chicago, Ill., relative to wireless stations and wireless operators; to the Committee on the Merchant Marine and Fisheries.

By Mr. JACOWAY: Petition of Memorial, Churchill, Keller, and Margaret Ross Chapters, United Daughters of the Confederacy, of Little Rock, Ark., favoring passage of House bill 24365; to the Committee on Military Affairs.

By Mr. KINDRED: Petition of the Detroit Board of Commerce, of Detroit, Mich., against disclosure of the answers of the banks and trust companies which disclose the confidential relations between banks and trust companies; to the Committee on Banking and Currency.

By Mr. LAFEAN: Petition of the Order of Independent Americans, No. 505, of York, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, papers in support of House bill 15528, granting an increase of pension to Uriah J. M. Baughman; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: Petition of O. P. Yorke and others, of Portland, Oreg., favoring passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. LA FOLLETTE: Resolutions of the Washington State Farmers' Union, urging opening of the Columbia and Snake Rivers by use of machinery now engaged on the Panama Canal, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of Lithuanians of Minersville; Cressona Council, No. 812, of Cressona; Industrial Council, No. 437, of Orwigsburg; and Shenandoah Valley Council, No. 530, of Shenandoah, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the United Garment Workers of America and Allied Printing Trades Council, of New York City, favoring passage of the Seamen's bill (H. R. 23675) for proper protection of passengers and crew on the water for both pleasure and business; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Resolution of St. Stanislaus Society, No. 48, of Gaylord, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolutions of Star Council, No. 35, Order of Independent Americans, of New Brighton, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolutions of SS. Peter and Paul Society, No. 18, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Resolution of the Lithuanian Socialist Federation of America, of Rumford, Me., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Rockland Board of Trade, of Rockland, Me., favoring passage of Senate bill 5474 and House bill 19133 for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of the Daughters of Liberty of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies and Political Clubs of South Philadelphia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of members of the Woman's Auxiliary, Church of the Advent, of Pawtucket, R. I., relative to bettering the conditions of the natives of Alaska; to the Committee on the Territories.

By Mr. PALMER: Resolution of the Order of Independent Americans, Pocano Council, No. 1008, of Stroudsburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of the Rochester Chamber of Commerce, of Rochester, N. Y., favoring passage of bill for 1-cent letter postage, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Retail Shoe Association, Atlanta, Ga., against passage of the Campbell bill to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

Also, petition of citizens of Bay Ridge, South Brooklyn, N. Y., against passage of bill to appropriate for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. SCULLY: Petition of St. Josef Society, No. 282, Helmetts, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty, of Long Branch and Point Pleasant, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Red Bank, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies of Brooklyn, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. THAYER: Petition of educators, labor leaders, and financiers of the United States, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of James W. Milne Camp, No. 14, Department of Connecticut, United Spanish War Veterans, of Rockville, Conn., favoring passage of the Crago bill (H. R. 17470), for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. UNDERHILL: Petition of the Rochester Chamber of Commerce, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of citizens of Ridgewood and vicinity, and Bay Ridge, South Brooklyn, and fourth congressional district of New York, against passage of bill for appropriation to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petitions of Daughters of Liberty of Brooklyn, N. Y., and Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *June 13, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

George W. Capers *v.* United States (S. Doc. No. 843);

Josiah G. Cavert *v.* United States (S. Doc. No. 842);

Eugene A. Chapman *v.* United States (S. Doc. No. 841);

James B. Thornton Chase *v.* United States (S. Doc. No. 840);

Harlan P. Christie *v.* United States (S. Doc. No. 839);

Nelson H. Claflin *v.* United States (S. Doc. No. 838);

Margaret Connolly, daughter and sole heir of Thomas C. Clements, deceased, *v.* United States (S. Doc. No. 837);

Elihu L. Cook *v.* United States (S. Doc. No. 836);

Henry C. Crosthwait, Lyman L. Crosthwait, and George A. Crosthwait, children and sole heirs of William Y. Crosthwait, deceased, *v.* United States (S. Doc. No. 835);

William H. Dalbey *v.* United States (S. Doc. No. 834);

Alexander Gable *v.* United States (S. Doc. No. 833);

Elizabeth G. Hill, E. L. Gates, Carrie G. Fisher, and Harry E. Gates, children and sole heirs of Erastus Gates, deceased, *v.* United States (S. Doc. No. 832);

Wade P. Hampton, son and sole heir of Richard M. Hampton, deceased, *v.* United States (S. Doc. No. 831);

Eva Morris, daughter and sole heir of Charles W. Houghton, deceased, *v.* United States (S. Doc. No. 830);

Newton M. Miller *v.* United States (S. Doc. No. 829);

Clara R. Murphy, widow of Andrew D. Murphy, deceased, *v.* United States (S. Doc. No. 828);

Albert P. McGraw, son and sole heir of Perrin H. McGraw, deceased, *v.* United States (S. Doc. No. 827);

Mary E. Ewan, Belle McIntire, Fannie Morton, Georgia McIntire, Charles T. McIntire, Hattie Galliet, Jessie Leffingwell, and Flora F. Marshall, sole heirs of James McIntire, deceased, *v.* United States (S. Doc. No. 826);

John J. O'Dowd and Agnes O'Dowd, children and sole heirs of John O'Dowd, deceased, *v.* United States (S. Doc. No. 825);

Rufus Phillips, George D. Phillips, and Mrs. Minnie Veasie, sole heirs of George W. Phillips, deceased, *v.* United States (S. Doc. No. 824);

Florence S. Canfield, Emma S. Holt, and Leonard W. Saxton, grandchildren and sole heirs of B. Leonard Saxton, deceased, *v.* United States (S. Doc. No. 823);

Philip L. Shane and Susan B. Shane, children and sole heirs of William G. Shane, deceased, *v.* United States (S. Doc. No. 822);

Park W. Smith, Edward H. Smith, Marcella S. Webb, and Florence S. Schenck, children and sole heirs of James W. C. Smith, deceased, *v.* United States (S. Doc. No. 821);

Clarence A. Snow, son and sole heir of Asa H. Snow, deceased, *v.* United States (S. Doc. No. 820);

Emma S. Allen, Seward J. Stivers, George S. Stivers, and Lillie S. Louthan, children and sole heirs of William H. Stivers, deceased, *v.* United States (S. Doc. No. 819);

Louise Allen Smith and Josephine Allen Leishman, daughters and sole heirs of Timothy A. Allen, deceased, *v.* United States (S. Doc. No. 818);

Alice Brown Ringgold and Virginia Brown Kean, daughters and sole heirs of Erasmus O. Brown, deceased, *v.* United States (S. Doc. No. 817);

Adda B. Reynolds, Kate G. Reynolds, and Ida E. Phillips, sole heirs of Marshall O. Bond, deceased, *v.* United States (S. Doc. No. 816);

Marie Devor, widow of James Devor, deceased, *v.* United States (S. Doc. No. 815);

John S. Ellen *v.* United States (S. Doc. No. 814);

Bernard G. Farrar *v.* United States (S. Doc. No. 813);

W. G. Hansford, administrator of William A. Fitts, deceased, *v.* United States (S. Doc. No. 812);

Edwin Folsom *v.* United States (S. Doc. No. 811);

Josephine Glover, daughter and sole heir of Frank T. Foster, deceased, *v.* United States (S. Doc. No. 810);

Robert E. Gilleland *v.* United States (S. Doc. No. 809);

George W. Graham *v.* United States (S. Doc. No. 808);

Mary J. West, widow of Henry West, deceased, *v.* United States (S. Doc. No. 807);

Ada Andrews, widow of George W. Andrews, deceased, *v.* United States (S. Doc. No. 806);

William W. Botkin *v.* United States (S. Doc. No. 805);

Charlotte Burns, widow of Samuel Burns, deceased, *v.* United States (S. Doc. No. 804);

A. H. Shonn, executor of Andrew J. Brown, deceased, *v.* United States (S. Doc. No. 803);

Frank C. Deery and Ruth C. D. Vance, children and sole heirs of James Deery, deceased, *v.* United States (S. Doc. No. 802);

Frank A. Downerd, Edward C. Downerd, Laura A. McGinnis, and Hiram S. Downerd, children and sole heirs of Joshua Downerd, deceased, *v.* United States (S. Doc. No. 801);

David W. Eastman *v.* United States (S. Doc. No. 800);

Louise S. Fellows, widow of Albert G. Fellows, deceased, *v.* United States (S. Doc. No. 799);

Sarah Hawes Evans and C. W. Hawes, children and sole heirs of Benjamin Hawes, deceased, *v.* United States (S. Doc. No. 798);

Proscilla McNett Norton, administratrix of Andrew J. McNett, deceased, *v.* United States (S. Doc. No. 797);

Lizzie R. Helton, Joel W. Ridgell, Addie Ridgell, and John Ridgell, grandchildren and sole heirs of Joel W. Ridgell, deceased, *v.* United States (S. Doc. No. 796); and

Estelle Dameron, Sarah Rebecca Oliver, May Logan, Jessie C. Slaughter, Isabell Bransford (children), and Julia May and Newell Slaughter (minor grandchildren), sole heirs of Philip M. Slaughter, deceased, *v.* United States (S. Doc. No. 795).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had passed a concurrent resolution (No. 56) authorizing and directing in the enrollment of the bill (H. R. 23577) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, to strike out, on page 35, line 23, the name "Moffitt" and insert "Maffitt," in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its disagreement to the amendments of the Senate Nos. 3 and 4 to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. PALMER, and Mr. PAYNE, managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla., and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the Washington Presbytery of the District of Columbia, favoring the enactment of legislation to prohibit the interstate transportation of moving pictures of prize fights, etc., which were ordered to lie on the table.

Mr. LODGE. I send to the desk resolutions passed by the Provincial Junta of Pampanga, P. I., in regard to the sugar duties, and ask that the resolutions, of which a translation is appended and which are brief, may be printed in the RECORD. They come from one of the provincial assemblies.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

EXTRACT FROM THE RECORDS OF THE ORDINARY SESSION OF THE PROVINCIAL JUNTA OF PAMPANGA, HELD AT SAN FERNANDO APRIL 25, 1912.

Present: Hon. Mariano Lim, provincial governor; Señor W. O. Kaminer, provincial treasurer; and Señor Jose Luciano, third member.

Absent: None.

Resolution 293.

The provincial governor has submitted to the junta the following projected resolution:

Whereas the Committee on Ways and Means of the Congress of the United States has presented for the approval of Congress a bill declaring free the entrance into the United States of sugar from all sources.

Whereas said bill has been approved by the House of Representatives, but up to the present time has been pending in the Senate.

Whereas if the said bill should be approved it would occasion great losses to the sugar industry of the Philippine Islands, and especially to that industry in this Province of Pampanga, the principal product of which is sugar, since by admitting into the United States competition of sugars from different points of origin our Philippine sugar must suffer a severe blow, considering the distance from the Philippine Islands to the United States, as well as to defects in its present manufacture, due to lack of centrales, good machinery, and other elements for the production of sugar.

Whereas, after the approval of the Payne bill and in spite of the limitations contained in the Payne bill on the entrance of Philippine sugar in the United States, the cultivation of cane in this essentially sugar-growing Province reacted, much land being put under cultivation which had up to that time been abandoned by its owners on account of the low price of sugar prior to the passage of the Payne bill, the machinery necessary to its manufacture being imported, all of which has represented great sacrifices of capital by the sugar growers of this Province of Pampanga.

Whereas the mere announcement of the presentation of the bill declaring free the entrance of sugar into the United States from all points of origin has lowered the quotation price of sugar in the Philippine markets 30 per cent, and as a result of this drop in prices the sugar market of this Province of Pampanga, as well as of Manila, to which point Pampanga sugar is taken and sold, has been almost completely paralyzed: Therefore the Provincial Junta of Pampanga by the present begs the Senate of the United States that the bill declaring free the entrance of sugar into the United States from all points of origin be disapproved, and to cause this petition to reach the Senate of the United States as soon as possible it is

Resolved, To transmit the following cablegram:

FINANCE COMMITTEE, *Senate, Washington:*

Province requests disapproval free-sugar bill.

PROBOARD, PAMPANGA.

And it is further

Resolved, That a complete copy of this resolution be forwarded to each of the two legislative chambers of the Congress of the United States, as well as to each of the Resident Commissioners in Washington, Hon. Legarda Quezon, and also to the Committee on Ways and Means of the House of Representatives and to the Finance Committee of the Senate, both of the said Congress of the United States.

Unanimously approved.

I certify by the present that the resolution that precedes is a true copy of the original.

P. GOZUN,
Recorder Provincial Board, Pampanga.

Mr. LODGE. I present a brief resolution from large business interests in Holyoke, Mass., in regard to the so-called Covington amendment to the Panama Canal bill. I ask that it may be printed, and I should like to ask further that the names, which are very few, be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD with the names attached, as follows:

HOLYOKE, MASS., *June 3, 1912.*

We, the undersigned, being actively interested in the manufacturing interests of Holyoke, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regu-

late commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government.

We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South.

We believe that, with the opening of the Panama Canal, it is of the greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf States.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat this amendment.

William Skinner & Sons; Farr Alpaca Co., by J. Metcalf, Treasurer; The American Thread Co., by Robert E. Clark, Agent; Crocker-McElwain Co., C. A. Crocker, President and Treasurer; Parsons Paper Co., Edward P. Bagg, Treasurer; The Beebe-Webber Co., H. J. Beebe, jr., Treasurer; German Mills, by William Mann, Secretary; B. S. Perkins & Son (Inc.), S. D. Cleveland, Secretary and Treasurer; Japanese Tissue Mills, William H. Bond, Treasurer; American Pad & Paper Co., C. H. Taber, President; National Blank Book Co., E. S. Towne, Assistant Treasurer; American Writing Paper Co., Alfred Leeds, General Manager; Whitmore Manufacturing Co., A. B. Gladwin, President; Hampden Glazed Paper & Card Co., George F. Fowler, President; Valley Paper Co., George F. Fowler, Treasurer; The Deane Steam Pump Co., Charles L. Newcomb, General Manager.

Mr. CULLOM presented a petition of the Chicago Federation of Labor and a petition of Garden City Branch, No. 11, National Association of Letter Carriers, of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of East Peoria and Maywood, in the State of Illinois, praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted by the Association of Commerce of Chicago, Ill., favoring the enactment of certain legislation relative to the administration and control of the Panama Canal, which were ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. SMITH of Arizona. I present a petition from the Medical Society of Mohave County, Ariz., praying for the establishment of a bureau of public health. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

KINGMAN, ARIZ., *May 30, 1912.*

To Hon. MARCUS A. SMITH and
Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

At a meeting of the Mohave County Medical Society, held on May 28, 1912, the following resolutions were adopted, and are respectfully submitted:

Whereas Senate bill No. 1, known as the Owen bill, is soon to be voted upon; and

Whereas a very large proportion of the deaths throughout the country are due to preventable causes; a condition that is a disgrace to modern civilization and needs corrective measures. The country's most valuable asset is the health of its citizens, and its most important product is its children. Therefore does it behoove us to see that the health of our citizens is maintained and our children given their rightful energies by means of sanitary conditions; and

Whereas it has been fully demonstrated that preventive medicine has made it possible to save lives by organized and coherent efforts, such as the world has witnessed in Cuba and the Panama Canal Zone, without which organization such efforts would have been futile; we believe that this stands as an example of what could be expected within our own borders by limiting preventable diseases if the efforts of our physicians were directed by proper organization such as the Owen bill contemplates; and

Whereas our Government has appropriated vast sums of money for curtailing diseases among horses, cattle, hogs, and plants, and no adequate sum for the conservation of the health of its citizens; and

Whereas the opponents of the Owen bill have claimed that the intent of the measure is to make a Medical Trust which will preclude a citizen from employing a medical adviser of his choice, we refute this argument of the patent medicine venders and of those sects professing to heal who have no knowledge of sanitary conditions and will not report contagious diseases as set forth in our health laws; and inasmuch as the object of this bill is to prevent disease, and is of a strictly sanitary nature, without any reference whatever to the treatment of disease, it is evident that their argument is selfish and purely mercenary, without any idea of public welfare: Therefore be it

Resolved, That the Mohave County Medical Society petitions the honorable Senators from the State of Arizona to give the Owen bill their most hearty support.

W. H. BUCHER, *President.*
A. M. COWIE, *Secretary.*

Mr. SMITH of Arizona presented a petition of sundry citizens of the United States, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of sundry citizens of New Britain, Conn., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented resolutions adopted by the Puget Sound Salmon Canners' Association, favoring the establishment of a revenue-cutter patrol along the international boundary line at Cape Flattery during the fishing season on the Pacific coast, which were referred to the Committee on Commerce.

Mr. JONES presented sundry papers to accompany the joint resolution (S. J. Res. 116) appropriating $50,000 for the relief of the inhabitants of Kodiak Island and vicinity from effects of explosion of the Katmai and other Alaska Peninsula volcanoes, which were referred to the Committee on Appropriations.

Mr. SHIVELY presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against any appropriation being made for the celebration of the one hundredth anniversary of peace with England, and also against instructing representatives of the United States in the next international peace congress to express the desire of the United States that nations represented in the conference shall not attempt to increase their territory by conquest, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. BROWN, from the Committee on Military Affairs, to which was referred the bill (S. 2928) appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., reported it with amendments and submitted a report (No. 876) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 2697) for the relief of John J. Flynn, reported it without amendment and submitted a report (No. 875) thereon.

He also, from the same committee, to which was referred the bill (S. 5724) to correct the relative and lineal rank of an officer of the United States Army, reported adversely thereon and the bill was postponed indefinitely.

FORT LOGAN H. ROOTS MILITARY RESERVATION, ARK.

Mr. CLARKE of Arkansas. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 6926) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas, and I submit a report (No. 877) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add a new section to be known as section 2, as follows:

SEC. 2. The Secretary of War is hereby further empowered to require, as one of the conditions of the sale herein authorized, that the grantee shall execute a bond to the United States, in such amount and with such sureties as the said Secretary shall prescribe, conditioned that the said grantee shall hold the United States harmless as against any damage that may be done to the part of the premises retained by the United States by any use to which the said grantee may devote that part hereby authorized to be conveyed; and that whenever, in the judgment of the said Secretary, the use to which the said part is being devoted shall interfere with the proper use by the United States of the said remaining part for any of the purposes to which the same is now being devoted, the said Secretary may direct a suspension of such interfering use for such time or with such restrictions as to him shall seem proper.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COEUR D'ALENE INDIAN RESERVATION LANDS, IDAHO.

Mr. HEYBURN. I desire to ask unanimous consent for the consideration of the joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein. It came in too late for me to make the request when I reported it yesterday, and I should like to have it given present consideration. It is purely a local matter.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WARREN. I have no objection, if it does not lead to protracted discussion. I must say that I will have to object to the consideration of bills that will create any discussion.

Mr. HEYBURN. I anticipate that it will not lead to discussion, because it merely relates to lands that were granted for a park and in which the deed was erroneous.

The PRESIDENT pro tempore. Does the Senator desire to have the preamble of the joint resolution read?

Mr. HEYBURN. No; I do not desire to have it read unless some one else does.

The PRESIDENT pro tempore. Without objection, the Secretary will read the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 6, line 5, after the word "patent," to insert "in lieu of the conditional patent heretofore issued," so as to read:

That the Secretary of the Interior be, and he is hereby, directed to forthwith make, execute, and deliver to the said State of Idaho a good and sufficient conveyance by patent, in lieu of the conditional patent heretofore issued, of all of the lands hereinbefore mentioned and described, and that no other or further consideration than the payment of the said sum of $11,379.17 shall be demanded or received by the said Secretary of the Interior or on behalf of the Government of the United States for the conveyance of said land as last aforesaid; and that said deed shall be an absolute grant in fee simple to the State of Idaho without condition other than that said land shall be maintained by said State of Idaho as a public park.

The amendment was agreed to.

Mr. HEYBURN. In line 9, before the word "sum," I move to strike out the word "said."

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, in section 1, page 7, line 3, after the word "park," to strike out the remainder of the section in the following words:

And that the phrase used in said act "said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior may prescribe" refer only to the "terms and conditions" relative to the consideration and payment for said land and did not authorize the Secretary to prescribe any terms or conditions as to the use and enjoyment of said lands of said State of Idaho other than that said lands should be used by the State as a public park.

The amendment was agreed to.

Mr. HITCHCOCK. Will the Senator from Idaho state in brief what the joint resolution does? Does it increase the number of acres granted?

Mr. HEYBURN. It does not affect the number of acres or the price. The price has been paid, and it merely carries into effect the terms of the act under which the grant was made.

Mr. HITCHCOCK. I notice that the transfer is to be without conditions. Were there some conditions imposed?

Mr. HEYBURN. That is what Congress said when it made the grant.

Mr. HITCHCOCK. That is to say, the authority of Congress was to make the grant without conditions.

Mr. HEYBURN. It said it was to make the grant upon the payment of the money. The money has been paid, and there is no controversy about it at all.

Mr. HITCHCOCK. A patent has been issued, but a conditional patent only.

Mr. HEYBURN. The patent that was issued was not in conformity with the act, and this merely provides that it shall be in conformity with the act making the grant.

Mr. HITCHCOCK. If the former act was not complied with would it not be a matter of duty for the Secretary of the Interior to comply with it?

Mr. HEYBURN. I hope the Senator will not interject into the passage of this purely local measure the discussion of the public-land system of the United States. The mistake was bad enough without having an attempt made to perpetrate another mistake upon it. It is purely local to the State of Idaho. No other State in the Union is interested in it. The State of Idaho has paid the money, they are in possession of the property, and they are entitled to have their record title made good and clear.

Mr. HITCHCOCK. I am not disputing the Senator's position; I just wanted to know what were the conditions that had been imposed by the Secretary of the Interior.

Mr. HEYBURN. The conditions that were sought to be imposed by the deed were not authorized by the act.

Mr. HITCHCOCK. Is there any objection to stating what the conditions were?

Mr. HEYBURN. Except that the joint resolution would go over. The Senator from Wyoming has kindly consented not to interpose an objection, provided it does not lead to discussion. It should not lead to discussion.

Mr. HITCHCOCK. I have not any desire to discuss it, but I should like to know what the conditions were which were imposed in the patent.

Mr. HEYBURN. The patent, without any authority under the act of Congress, gave unlawfully the right to flood the lands. That is one objection. Of course, it would be no use as a park if they have the right to flood the lands.

Mr. HITCHCOCK. To irrigate them, does the Senator mean?

Mr. HEYBURN. No; it is not in an irrigation district at all.

Mr. HITCHCOCK. For what purpose were they to be flooded?

Mr. HEYBURN. I do not know for what purpose. I suppose for their own pleasure or amusement or something—for no legitimate purpose.

Mr. HITCHCOCK. I have no other desire than to have the information. The matter evidently should receive consideration.

Mr. HEYBURN. They have reserved or attempted to reserve a right which no sane person would ever think of exercising. It is one of those annoyances that is unsatisfactory to the State. I made the proposition to the Secretary that if he would pay the State the money that was paid they would cancel the whole business, but he said they were not willing to do that. They want to give the State a plaything; they want to make some offices up there; they want some uniformed inspectors and special agents up there; and we do not want them in the park. We will probably make provision by which the local constable will arrest them if they go there and try them before a justice of the peace and see if we can not have peace.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I ask that the preamble be printed in the RECORD, and that it be stricken out.

The PRESIDENT pro tempore. Without objection, the preamble will be stricken out. It will be printed in the RECORD.

The preamble is as follows:

Whereas on April 30, 1908, Congress enacted as follows (35 Stats. L., p. 78): "That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation, in Idaho, to wit: Sections 1, 2, and 12, township 46 north, range 4 west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township, is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe"; and

Whereas, in disregard of the provisions of said act and of the rights provided thereby to be conveyed to the State of Idaho, the Secretary of the Interior did, on the 29th of June, 1911, execute and deliver to the State of Idaho a deed of conveyance in words and figures as follows:

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Whereas the act of Congress approved April 30, 1908 (35 Stats., 70, 78), authorizes the conveyance to the State of Idaho of the following-described subdivisions, or any part thereof, formerly a part of the Coeur d'Alene Indian Reservation in Idaho, viz: Sections 1, 2, and 12, township 46 north, range 4 west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township, to be maintained by said State as a public park for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe; and

Whereas by appraisement under direction of, and approved by, the Secretary of the Interior the purchase price to be paid by the State of Idaho for the said lands has been fixed at $11,379.17, and said Secretary has directed that said lands be conveyed to the State upon payment by it of said sum upon the following terms and conditions, to wit: The lands are to be by said State held, used, and maintained solely as a public park and for no purpose inconsistent therewith, the title to revert to the United States of America absolutely if the said lands, or any portion thereof, shall not be, or shall cease to be, so used and maintained by the State, or shall be alienated by said State; and in event of the violation by the State of any of the conditions or covenants herein contained, or its failure to carry out the same, then the United States may thereupon, or at any time thereafter, enter upon and into the exclusive possession of the said lands and the whole thereof and of all improvements thereon, and have, hold, seize, and possess the same, expressly excepting and reserving to the United States of America, however, all valuable mineral deposits in the said lands, together with the exclusive right to mine and remove the same, and to permit, license, or authorize the mining and removal thereof in such manner, upon such terms, and under such conditions as the Congress may prescribe; and also the right to flood or overflow the said lands, and to permit, license, or authorize the same for domestic, irrigation, and power purposes; and

Whereas the State of Idaho, by the act of the legislature thereof approved March 16, 1909, has appropriated out of the public moneys of said State and made available the aforesaid sum so fixed by the said appraisement for the purchase from the United States of the lands aforesaid; and

Whereas the State of Idaho has applied to purchase, under and by virtue of the said acts of Congress and the legislature of the State, all of the above-described lands and has made full payment therefor;

Now know ye that the United States of America, in consideration of the premises and pursuant to the said act of Congress, has given and granted, and by these presents does give and grant, unto the said State of Idaho all and singular the tracts above described, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging unto the said State of Idaho forever, upon and subject, however, to the terms, conditions, and reservations prescribed by the Secretary of the Interior and hereinabove set forth.

In testimony whereof I, William H. Taft, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed. Given under my hand, at the city of Washington, the 29th day of June, A. D. 1911, and of the independence of the United States the one hundred and thirty-fifth.

By the President:

WILLIAM H. TAFT.
By M. P. LE ROY, *Secretary.*
H. W. SANFORD,
Recorder of the General Land Office.

And upon the delivery of the said deed the State of Idaho did pay to the Secretary of the Interior the sum of $11,379.17, that being the price fixed for said land, in the manner provided by said act.

That in addition to the determination of the value of the said land and the terms of the payment therefor the said Secretary did, in violation of the law and of the provisions of said act of Congress, insert in said deed the following language:

"Upon the following terms and conditions, to wit: The lands are to be by said State held, used, and maintained solely as a public park and for no purpose inconsistent therewith, the title to revert to the United States of America absolutely if the said lands, or any portion thereof, shall not be, or shall cease to be, so used and maintained by the State, or shall be alienated by said State; and in event of the violation by the State of any of the conditions or covenants herein contained, or its failure to carry out the same, then the United States may thereupon, or at any time thereafter, enter upon and into the exclusive possession of the said lands and the whole thereof and of all improvements thereon, and have, hold, seize, and possess the same, expressly excepting and reserving to the United States of America, however, all valuable mineral deposits in the said lands, together with the exclusive right to mine and remove the same, and to permit, license, or authorize the mining and removal thereof in such manner, upon such terms, and under such conditions as the Congress may prescribe; and also the right to flood or overflow the said lands, and to permit, license, or authorize the same for domestic, irrigation, and power purposes"; and

Whereas the unauthorized insertion of the said last above-named paragraph was in violation and disregard of the rights of the State of Idaho under said act of April 30, 1908, and created a burden upon the title conveyed from the United States to the State of Idaho not contemplated in said act: Now therefore be it.

IRRIGATION DITCH IN HAWAII.

Mr. CLAPP. Some time ago the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was brought up for consideration. The bill was read, and the junior Senator from Washington [Mr. POINDEXTER] interposed an objection, which he has since cured by an amendment, which I am willing to accept, to the bill. I should like to ask unanimous consent for the present consideration of the bill. I do not think it will lead to any debate. If it leads to any discussion, I will not ask for its consideration.

Mr. WARREN. I do not like to be put in the position of objecting, but I must insist that the passage of bills shall wait until we can get up the appropriation bill.

The PRESIDENT pro tempore. Does the Senator from Wyoming object?

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator object?

Mr. CUMMINS. I do not object.

The PRESIDENT pro tempore. The Chair was in doubt as to what the Senator from Wyoming said.

Mr. WARREN. I am in this position: Half a dozen Senators have asked me to withhold the appropriation bill until they can have bills passed. The consequence is that unless I object to bills from the calendar I shall be closed out for the day, as well as my friend from North Carolina [Mr. SIMMONS], who is insisting upon following with the regular order. It seems to me, in justice to my committee, that I shall have to object to the further consideration of bills at this time.

The PRESIDENT pro tempore. The Senator from Wyoming objects.

Mr. WARREN. I move to take up the legislative, executive, and judicial appropriation bill, if the morning business is closed.

Mr. JONES and Mr. McCUMBER. Is the morning business closed?

The PRESIDENT pro tempore. Morning business has not been closed. The order of reports of committees has not been completed.

CONVEYANCES BY UNION PACIFIC RAILROAD CO.

Mr. CUMMINS. Mr. President, I do not rise to offer a bill or a resolution. I understand that the Senator from Wyoming [Mr. WARREN], in charge of the legislative appropriation bill, does not feel that he can now consent to the consideration of bills upon the calendar. I do not want to interfere with the progress of the appropriation bill; but I have a bill on the calendar, reported from the Judiciary Committee, for the passage of which there is the most urgent necessity. I rise simply to give notice that at the conclusion of the consideration of the appropriation bill I shall ask the Senate to consider the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co. I will explain when the time comes the reasons which require, or seem to require, the immediate consideration of the bill. It is a bill to legalize and validate conveyances made by the Union Pacific Railway Co. and its predecessors, together with the validation, or the attempted validation, of claims under adverse possession. The property owners living along the line of this railway are now suffering great hardship on account of some contingencies that have arisen respecting this right of way.

Mr. HEYBURN rose.

Mr. WARREN. As the matter is not before the Senate, I hope we shall not proceed to discuss it.

Mr. HEYBURN. The Senator will not find any occasion for being nervous. I was going to ask the Senator from Iowa if that——

Mr. WARREN. I ask for the regular order, Mr. President.

Mr. HEYBURN. I can not be taken off the floor.

Mr. WARREN. I simply ask for the regular order.

Mr. HEYBURN. The Senator from Iowa has been permitted to give a notice, and I am going to ask him if it involves a certain matter. I may have to do it in the discussion of a tariff bill, but I will do it.

Mr. WARREN. The Senator is not exceedingly courteous to those who have been courteous to him.

Mr. HEYBURN. I am being courteous; but I do not like the rather rasping manner in which the Senator insisted on getting me off my feet.

Mr. WARREN. The Senator likes to have a patent on being rasping to Senators, I suppose.

Mr. HEYBURN. If the Senator wants a personal controversy, we will take it up under the discussion of the appropriation bill.

Mr. WARREN. All right.

Mr. HEYBURN. I wanted to ask whether the bill referred to by the Senator from Iowa [Mr. CUMMINS] will include the conveyances of the Northern Pacific Railroad Co. to the Northern Pacific Railway Co.?

Mr. CUMMINS. No, Mr. President; this relates only to the Union Pacific.

Mr. HEYBURN. The Union Pacific. The same question is involved.

Mr. CUMMINS. No; this does not involve the conveyances from one railway company to another.

Mr. HEYBURN. I only wanted to be prepared for it if it did.

Mr. CUMMINS. It only relates to conveyances made by the railroad company to private property owners adjacent to the right of way.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 7129) granting an increase of pension to Elizabeth K. Norton (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 7130) to provide for the establishment of an immigration station at Hampton Roads, in the State of Virginia, and the erection of a public building on a site to be selected for said station; to the Committee on Immigration.

By Mr. WATSON:

A bill (S. 7131) granting a pension to William Traugh (with accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 7132) granting an increase of pension to Anna Glendening (with accompanying paper); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7133) granting an increase of pension to Ruth A. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 7134) granting a pension to Johanna N. Shelden; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 7135) granting an increase of pension to James J. Blevans (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. MYERS submitted an amendment proposing to appropriate $25,000 for the extermination of the Rocky Mountain spotted fever, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for paving the public street in Helena, Mont., in front of the Federal Government building, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $115,000 for the establishment of a light and fog signal at or near Cape St. Elias, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing an investigation by the Good Roads Division of the Department of Agriculture into the cost of construction of a macadam road between Forts Leavenworth and Riley, in the State of Kansas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SHIVELY submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

TERRITORY OF ALASKA.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, which was referred to the Committee on Territories and ordered to be printed.

ESTATE OF AARON VAN CAMP, DECEASED (S. DOC. NO. 844).

Mr. McCUMBER. I present a memorial from the Washington Loan & Trust Co. as the administrator of the estate of Aaron Van Camp, deceased, relative to a proposed amendment submitted by me in February last to the omnibus claims bill. The memorial is very short. I ask that it lie on the table and be printed as a document.

The PRESIDENT pro tempore. Without objection, an order therefor will be entered.

COINAGE OF THREE-CENT PIECES.

Mr. MYERS submitted an amendment intended to be proposed by him to the bill (H. R. 23570) to authorize the coinage of three-cent pieces and one-half-cent pieces, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 56) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," to strike out, on page 35, line 23, the name "Moffitt" and insert the name "Maffitt."

Mr. McCUMBER. I ask that the Senate agree to the resolution.

The resolution was considered by unanimous consent and agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed with the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN].

Mr. BURTON. Mr. President, I trust this amendment will not be adopted. It is a striking illustration of the danger of legislating in appropriation bills. Its adoption would revolutionize our entire civil-service system.

Two things should be taken into account in any legislation concerning the Government service—the method of appointment and the tenure of the employee. The civil-service law has now been in operation for 29 years. Its approval by Congress and the country at large is demonstrated by the fact that in almost every year since its enactment the list of those included under its operation has been extended, so that now, according to the last report of the Civil Service Commission, out of 391,350 officials and employees of the executive civil service, 227,657 hold positions subject to competitive examinations, an increase of 5,849 during the past year. A large majority of the positions, the incumbents of which are not chosen in accordance with the strict terms of the law, are nevertheless filled under regulations of similar import. It is hardly conceivable that we should contemplate any backward step in the enforcement of this law.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. I do.

Mr. McCUMBER. I should like to ask the Senator if there is anything in the proposed amendment of the Senator from Idaho that dispenses with this competitive examination?

Mr. BURTON. No. I shall speak of that briefly.

Mr. McCUMBER. It deals only with the length of service.

Mr. BURTON. It is, however, an entering wedge for undermining the whole system, because, as I have said, the tenure, as well as the method of appointment, is an essential feature of a well-regulated system of Government service. It is desirable that those who are employed by the Government should feel that they may give their whole life to it, and that in it they may find a career, if I may so call it.

If a man is appointed to a position at Washington or elsewhere, with the knowledge that at the end of 10 years his work must terminate, his interest in the faithful performance of his duties will be diminished, if not destroyed. There is now ample opportunity for those who so desire to turn aside from the Government service and enter private employment. Washington is well supplied with evening educational institutions in which a number of those in the civil service study law or medicine, or prepare themselves along other lines.

Let us first consider this proposal from the standpoint of the employees. This amendment would say to everyone, "However faithful your service may be, however devoted you may be to your work, at the end of 10 years your services will be dispensed with." Inevitably he would be looking forward to private employment, and his interest in performing his duty as a Government employee would be very materially lessened. It would be a mere temporary occupation with some outside employment in view at the end of a comparatively brief period.

Again, take it from the standpoint of the Government. A man might make himself absolutely essential to the most efficient performance of some function under the Government, yet when, at the very height of his usefulness—and with no option given to the head of the bureau or department—the 10-year term would expire and, however necessary his services might be, he would, under the proposed amendment, have to be dismissed.

I really can give little deference to the theory that the Government service should be a mere training school to fit persons for employment outside of Washington. The Government is entitled to the very best efforts of those who desire to devote themselves to the public service. If you apply this 10-year limitation to employment here at Washington, you suggest the idea that in all forms of employment it is desirable that there be but a temporary tenure. What banking institution, what manufacturing establishment, what other form of private enterprise could succeed with such a regulation as this?

There are two propositions pending—one, the House provision, to the effect that at the end of five years the employee shall go out of the service unless he is reappointed; the other, the Senate amendment, to the effect that at the end of 10 years the employee must leave the service absolutely. Of the two I think the House provision is less objectionable, because it gives the appointing officer an opportunity to continue in the service those who are efficient; but everyone knows the demoralization that would necessarily arise from such a regulation. At the end of the five-year period a perfect army would descend upon Senators and Representatives demanding influence for their retention; the appointing officer would be constantly charged with favoritism; and it would be imposing upon him a responsibility which would seriously interfere with the discharge of the duties of his office.

Still another disadvantage, and perhaps the greatest of all, is that whenever there might be a change of administration this five-year limitation would be utilized for political purposes, for turning out those of one political faith to make room for those of another, so that we would return to the inefficiency and demoralization which prevailed under the so-called spoils system.

Mr. President, I can not too strongly oppose the idea apparently entertained by many that almost any man is competent to serve the Government. Everyone who receives recommendations for appointment knows how low is the ideal of many persons, and how ready they are to recommend anyone, no matter how inferior his qualifications or achievements. They regard office under the Government as an asylum for the inefficient and for those who have failed in other lines. The whole atmosphere seems tainted with the impression that qualification, experience, and devotion to the public service are not required. This idea was very well caricatured in a French work of fiction. A woman who desired to provide for an employee a long time in her service said, "I ought to make Monsieur ——— steward of one of my estates; but, alas, he is stupid; he would eat the hay rather than make it. I know what I will do for him. I will obtain for him a place under the government. The government is the only institution that can utilize a fool." [Laughter.] So, men who have failed in private employment are the ones most frequently recommended by persons of influence to those who have the appointing power. The Government needs competent men picked from the very best; otherwise the functions of the Government will not be well performed.

I make this assertion confidently, Mr. President, that the efficiency of the different bureaus and departments of this Government can be best measured by the permanency of tenure. That is not the only criterion; in some departments there have been men of unusual administrative ability, in others, laws and regulations have been well devised to secure efficiency, but permanency of tenure has been more helpful than anything else. It is perhaps invidious to select any particular branch, for there are many which illustrate the rule, but I would mention the Engineer Corps of the United States Army, because it is the one with which I am most familiar. It is true they have the traditions of the corps, the military education at West Point, and the inspiration furnished by the records of members of their organization who have become famous; but that is not all. When any questions of construction or engineering arise in Congress the disposition is to resort to that corps. What is the reason? Because they have a life tenure; because they are removed from the uncertainties which pertain to appointments and reappointments.

I might specify other bureaus and departments of the Government and show the great extent to which efficiency has been promoted by the assurance that those engaged in the work need have no anxiety in regard to removal, but know that if they do their duty well they will be permanently retained.

What is needed in our civil service, Mr. President, is a more efficient system for rating the usefulness and efficiency of employees. I verily believe that much could be accomplished along that line. There are no doubt occasional instances in which promotion is the reward of favor. Every Senator and Representative is familiar with instances where persons who have failed of promotion come to him and say: "My chief is against me; some one else who received his recommendation for a higher salary is a favorite of his and I am discriminated against."

Mr. President, on investigation of such cases I have usually concluded that this assertion was due to an intense eagerness for personal advancement not unmixed with selfishness. Surely, if any bureaucrat shows favoritism in his recommendations for promotion he ought to be discharged at once.

Again, for the efficiency of the public service, it is evident that some provision must be made for the removal of superannuated employees in the different divisions and branches of the public service. I am quite sure that the time will come when we will all practically agree that there should be some equitable system for retirement and for civil pensions. As I understand it, the Senator from Iowa, chairman of the Committee on Civil Service, with his committee, has considered this proposition, and perhaps a bill has been introduced with this in view.

There is a great deal of natural opposition to any plan for pensioning civil employees, but without doubt we must come to it, not merely for the sake of the employees, but as well for the sake of maintaining efficiency in the Government service. So, I repeat, this amendment is another illustration of the undesirability of tacking legislation upon an appropriation bill. Another committee of the Senate, with special jurisdiction, has been giving this subject very careful consideration. Whatever we may decide to do on the question of retiring Government clerks and establishing a civil-pension system should be decided only after we have received and carefully debated the recommendations of that committee.

Mr. SMITH of Georgia and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia first addressed the Chair.

Mr. BURTON. I yield to the Senator from Georgia.

The PRESIDENT pro tempore. Beg pardon. Does the Senator from Ohio yield the floor?

Mr. BURTON. As I understand, the Senator from Georgia desires——

The PRESIDENT pro tempore. The Chair recognized the Senator from Georgia, thinking the Senator from Ohio had yielded the floor.

Mr. BURTON. I am ready to yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, it seems to me section 5, coming to us from the House, would be a dangerous blow to the public service, and I can not believe that even enlarging the period from 5 to 10 years would substantially lessen the blow.

It is provided arbitrarily in section 5 that a civil-service employee of the Government here in Washington shall cease to hold his office at the end of five years. The head of the department can reappoint, if he desires. It says he may reappoint in case of proficiency. It does not even say he shall reappoint in case of proficiency, but it leaves it to the head of the department, in his discretion, to leave out the men or to keep them.

I agree with the Senator from Ohio [Mr. BURTON]. It seems to me essential that we should offer to the young men coming into the public service a certainty of permanency of employment in case they make good in the service. How can we hope that the bright and promising young men from the various institutions throughout the country would accept service under the Government, knowing that their tenure would end in five years, and then only at the option of the head of a department they might be continued, when we know that, as much as we desire to avoid it, it is almost impossible to resist the importunities of our constituents to call upon the heads of departments and to urge preferment for special political friends?

Instead of lessening the stringency of the civil-service rules to prevent permanency of employment, we should extend the civil service and make certain promotions based upon proficiency. I go even further. I think the assistant secretaries of the departments and the heads of the bureaus should be appointed by promotions of men in the respective departments for records of proficient service. Young men should be invited into the public civil service with a certainty of continued employment if proficient, and of promotion to the very top of the service as a reward for merit.

Now, let us see what would be the effect of section 5 upon some of the bureaus of the Interior Department, with which I am more particularly familiar. Take the Patent Office. There are very few in that bureau who are not under the civil service. Every year's service adds to the proficiency. In that bureau promotions take place all along the line, even to the highest places of examiners, and now, I am glad to say, that frequently, even in the position of commissioner, from men who have served their time and have become proficient by reason of service.

What would happen to that great bureau if the entire force under the civil service was stricken down and compelled to go out by a time limitation of service of 5 or 10 years?

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. HEYBURN. I merely want to suggest that this amendment does not touch in any way the unlimited right of the Civil Service Commission to fill vacancies or to anticipate vacancies. There is no limit——

Mr. SMITH of Georgia. But I do not want the vacancies created. It is no encouragement to a man to take one of the vacancies unless he knows he will keep the office if he does good work. I think we should hold out to the young men the assurance that if they will go into the public service——

Mr. HEYBURN. Mr. President——

Mr. SMITH of Georgia. I yield.

Mr. HEYBURN. I suggest that that would be the equivalent of trading off citizenship for office. A man is willing to yield up the rights of citizenship in the section of country in which he lives for the sake of getting an office. Is that the high plane upon which the citizenship of this country should rest?

Mr. SMITH of Georgia. If we are to have efficient service for the Government, which means for the people out of office, I would be willing for them to make the sacrifice of their citizenship to give it. Our soldiers make that sacrifice to a large extent; our Navy officers make that sacrifice to a large extent; and if we are to do through these departments the effective work for the men out of office—and I maintain that every office should be filled for the benefit of men out of office, the people at home—if we are to do for the people at home through our various departments in Washington the effective service that I think the departments can be made to render, we must have men trained for this work to serve in it, men who, if necessary, will make the sacrifice of citizenship, feeling that by rendering substantial service in these departments they are doing a high class of work as citizens.

Let us go a little further, even, in the Interior Department. Take the Geological Survey. Will you strike down every 10 years each man who has served there under the classified service? They begin at the bottom. They begin, or most of them, as boys out of college, at $500 or $600 or $700 a year. They have gradually worked on up until when I was connected with the Interior Department I had the pleasure of seeing a man made director of that bureau who had started in a subordinate place just after leaving college. You can not start a new set of men there to handle the bureau at all.

Take the Indian Service. The man who becomes familiar at the end of 10 years with the facts and history connected with a division is infinitely more capable than a new man.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. HEYBURN. Is he very much more capable than the man who has been there nine or eight or seven years, who would follow him up?

Mr. SMITH of Georgia. If he is equally capable and equally industrious, he is 10 per cent more capable usually than the man who has been there nine years and 20 per cent more than the man who has been there eight years.

Take the Post Office Department. The people have an ambition as to the service of this department. There is a growing sentiment throughout the country that our departments in Washington are to render and should render broader service to the people out of the service.

There is but one trouble or doubt that many of us have about giving this enlarged authority. It is the doubt whether by reason of our political interference and political connection with the departments we can make a department do practical service for the public like a private corporation might do.

Mr. HEYBURN. Did the Senator ever know a private corporation to adopt the civil-service system? Is not the business of this vast country conducted without a civil-service system?

Mr. SMITH of Georgia. I think every large, well-regulated corporation adopts it and follows it strictly. I think it is followed in nearly every bank, and promotions are made in the bank according to proficiency, and the man who does good service in it understands that he will not be turned out in 5 years, and he will not be turned out in 10 years. I do not mean that promotions should be based upon length of service alone, but I do mean that length of service helps to give proficiency, and that promotions should be based exclusively upon proficiency; and that in our plan of organizing these departments we should be governed by the great and sole purpose of increasing the proficiency of the departments and strengthening the capacity of the men in the departments to render proficient public service.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. I understand the Senator to say that he would conduct these departments solely for the benefit of those outside of the departments—the general public?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. Your experience in regard to handling men has, perhaps, given you light on this matter, and I should like to inquire if you do not think it would be best and wise to commence at the other end and provide that every year 10 per cent of the deadwood, or the inefficient, shall be dropped from the service, allowing the best to work up according to their capacity?

Mr. SMITH of Georgia. The departments can do that now, and I am not at all prepared to say that it would not be wise to make some provision requiring a percentage of the less efficient to go out each year. I think that some such modification might be helpful, and I would not object to it at all. What I am objecting to is the arbitrary rule of cutting off all at a fixed period. I insist that——

Mr. HEYBURN. My amendment does not suggest that. It is simply like an overflowing cup; the top is passing out of the cup and being distributed again into the body of the citizenship of the country. The amendment does not contemplate and could not possibly operate so as to send all of the people out at one time. It is the ripening of the fruit, going out gradually.

Mr. SMITH of Georgia. Will the Secretary please read the amendment. My criticisms have been directed especially to this section as it came from the House.

Mr. HEYBURN. Yes.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. It is proposed to add at the end of section 4, after the amendment already adopted, the following:

Provided, That the tenure of office of the appointees hereafter made in the departments of Government under the civil-service law shall be limited to 10 years.

Mr. SMITH of Georgia. Then, Mr. President, I object to that as well as the House section. I would say to the young men who come into the service, "The only limit to the tenure of your office holding will be the proficiency of our service, and the only limit to your aspirations in that service, based upon your proficiency, shall be the highest place in the department or in the service, and you can devote your life to it and expect to stay there as long as you do good service; and if you will grow in proficiency and grow in strength in this service, you will be recognized and be promoted in proportion to your proficiency."

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. Mr. President, I have been looking at the civil service act of 1883, with which I have had some familiarity. That was an act to protect the clerks of the departments in the city of Washington. It specifically says that "appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States," and so forth, and I have been trying to recall the statute under which the President of the United States exends the civil service. Can the Senator tell me where that provision is to be found?

Mr. SMITH of Georgia. I can not.

Mr. GALLINGER. In other words, the civil service has been enlarged—I do not know to what extent—so that a great many more people, I think, are in the service now without examination, or nearly as many, as those having taken the examination. The Senator will recall that the distinguished gentleman under whom he served issued what was called a blanket order, which put a great many thousands of persons in the Government service under the civil service without examination, and I have wondered where there is to be found the statute which gives that authority. The civil-service law does not give it, and yet it is being exercised.

Now, the pretense that all the force of the Government now in office have been put there on merit is not at all well founded, because the civil service is being constantly extended by Executive proclamation, and it has seemed to me many times that it ought to be stopped.

The Senator from Ohio [Mr. BURTON] stated that Congress had approved of this law. Congress did approve of the original law, but I do not think it has ever been extended by Congress. That is my impression. But the extension has been simply by the stroke of the pen of the Chief Executive. I do not know that it can be remedied; I do not know that it is desirable to remedy it; and yet it strikes me that it is something we ought to think about a little in this connection.

I rose more particularly to ask the Senator from Georgia if he recalls the statute under which the President exercises that authority?

Mr. SMITH of Georgia. No. I answer the Senator that I do not recall the statute. This broad enlargement of the classification took place, I think, in 1885.

Mr. GALLINGER. Yes; in 1885.

Mr. SMITH of Georgia. The statute was passed when?

Mr. GALLINGER. In 1883. The Executive now, and, I think, all along, or certainly in recent years, has exercised the right to put persons into the civil service by order. He suspends the civil service and puts a clerk in one of the departments. It has been done over and over again, and it seems to me——

Mr. SMITH of Georgia. I think there must be some provision which allows the President to extend the classified service, or it probably would not have been done.

Mr. CUMMINS. There is such a provision of law. I can not now refer the Senator to the particular act, but I have often read it.

Mr. GALLINGER. It is not in the civil-service law itself.

Mr. CUMMINS. It is not in the civil-service law. It is one of the faults of the civil service. I believe Congress ought to specify the employees of the Government who shall be under the civil-service rules.

I may say again that I have a bill partially prepared looking to that end. I am endeavoring to prepare a readjustment of the entrances to the civil service, promotions in the civil service, and retirements from the civil service; and as a part of that readjustment I believe that there should be a provision which shall classify the employees, describing those who are to be under this merit system, and that will take away from any officer of the Government the power either to remove a man from his position in the civil service or to include classes other than those prescribed by Congress.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will bear with me a moment further, because I am seeking light, I recall the fact that not many years ago the President extended the civil service to fourth-class postmasters in a part of the country. It included New England, I think New York, and, I have an impression, Ohio, and possibly Pennsylvania.

Mr. CUMMINS. I think it includes all the fourth-class postmasters north of the Ohio and east of the Mississippi River.

Mr. GALLINGER. If the Senator will permit me, by an Executive order the fourth-class postmasters in a part of the country were put under the civil service. They were not examined. I do not know how efficient they may be or may have been when that was done. The anomalous condition exists that it was not extended to another part of the country, and we have the civil service applying to fourth-class postmasters in a certain area, and beyond that they are not under the civil service. That is the reason why I raised the question as to the authority for doing that particular thing. I think it is rather a stretch of the purpose and intent of the civil-service act of 1883.

Mr. SMITH of Georgia. Mr. President, I have not given a careful study to the language of the statute to form an opinion as to just what the authority of the President is upon that subject. My knowledge of the civil-service operations is due more to my connection with the department and work under it. At the time I became connected with the Interior Department practically all the force, except the chiefs of divisions, were under the civil service. The entire clerical force and practically all the experts in the Patent Office were included under the civil service. I found the power vested in the head of the department to suspend, but only to fill vacancies by calling on the Civil Service Commission. Under a system of proficiency reports we sought to relieve the department each six months of any who failed entirely to do any class of work reasonably well, and to promote strictly according to the merit system.

Amendments no doubt can be made to the law which would improve it, but what I urge is that those changes be in the direction of improving and perfecting it as a thorough civil-service system, as a plan which invites our people to come into the public service and to make themselves proficient, with the assurance that if they do not know a Senator or Representative or have not one ounce of political influence a proficiency record will keep for them a permanent position as long as they desire to serve.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. Does the Senator from Georgia remember the average age at which civil-service employees enter the service in the District of Columbia?

Mr. SMITH of Georgia. My own observation of three years and a half was that most of our clerks came in between 21 and 25 or 26.

Mr. CUMMINS. I have examined the subject a little, and I may say now to the Senator from Georgia that the average age is a little under 25 years. The average of the highest efficiency as shown by the record is reached between 35 and 50. That subject has been very carefully investigated. Under either the bill as passed by the House or the amendment of the Senator from Idaho the work of these civil-service employees for the Government would be limited simply to the training period, and they would be excluded entirely during the time at which they could render the most efficient service to the Government.

Mr. SMITH of Georgia. I feel sure that the view expressed by the Senator from Iowa is entirely correct. As I said, my observation was that most of our new clerks came in between 25 and 26 or 27, and I am sure that 10 years does not bring the highest standard of proficiency.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. SMITH of Georgia. Yes; and I will yield the floor to the Senator. I really have said all I wished to say. I only wished to emphasize my earnest hope that we will do nothing which goes backward; that we will do nothing which lessens the permanency of the service, provided the service is proficient; and that we will seek to improve the law in the direction of greater certainty of promotion, based upon merit, and broaden the opportunity of promotion to the assistant secretaries' places, taking them entirely out of their present status and working out a plan for the business management of each of the departments largely through a board consisting of the assistant secretaries.

Mr. LODGE. I did not mean to take the Senator from Georgia from the floor.

Mr. SMITH of Georgia. I had really finished. I would have concluded some little time ago if I had not been asked questions.

Mr. LODGE. Mr. President, the question was raised as to the power of the President to make the extensions which various Presidents have done. I knew he had the authority. It is not in the act of 1883; it is in a much earlier act, when the first attempt was made. It is in the act of 1871, and is found in section 1753 of the Revised Statutes:

> SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

It is absolutely sweeping and covers the entire power.

Mr. GALLINGER. I will ask the Senator from Massachusetts if the conditions of that statute have ever been complied with when the civil service has been extended by Executive proclamation?

Mr. LODGE. I think so, absolutely. I think the President under that statute has power to apply regulations to any portion of the civil service, and he would have had if the act of 1883 had not been passed.

Mr. GALLINGER. That does not answer my question. My question is, Did the President ever inquire into the fitness of the 20,000 or 30,000 people who were swept into the civil service by a stroke of the pen?

Mr. LODGE. He covered officers into the civil service. Many Presidents did it. Of course, some covered into it persons who had not passed examinations. There would be no other way of covering the officers under the civil service. They had to be covered in as they stood.

Mr. GALLINGER. The President of the United States takes the place of Congress. I submit that, so far as I have been able to determine or believe, the President had never inquired into the fitness of these people who were swept into the civil service. I know President Cleveland did not when he put in 25,000 or 30,000; and I know other Presidents who followed him did not. I do not think the fourth-class postmasters had been investigated to ascertain whether they were performing their duties faithfully or well when with a stroke of the pen they were added to the civil service of the United States. Under that statute, as I recall now, because I examined it once years ago, I question very much whether the President has this sweeping power to add to the civil service 10,000 or 20,000 or 30,000 or 50,000 at one time.

Mr. LODGE. Mr. President, the extensions have been made under that act, and I do not think the legality of them has ever been disputed.

Mr. FLETCHER. Will the Senator allow me?

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. LODGE. I do.

Mr. FLETCHER. I wish to interrupt the Senator to inquire whether he has examined the question as to whether the act of 1883 does not repeal the act of 1871?

Mr. LODGE. It stands in the statutes, unrepealed.

Mr. FLETCHER. Not expressly; but it might be repealed otherwise than by express terms.

Mr. LODGE. I do not think they are inconsistent. Under it all Presidents have acted. Since that time they have all made extensions, and, I believe, legally made extensions.

Mr. President, apart from that I wanted to say a single word. When I entered Congress the Pendleton Act, as it was called—the act of 1883—was only 6 years old, and we had an annual fight every year in the House about the appropriations. The House used to vote out the appropriation on the tellers' vote in committee and then put it back on the record vote. We kept that fight going for a number of years. It finally died out as the system grew and extended, and it has been accepted, as I had supposed, as a valuable system by the country and the people of the United States.

I do not for a moment suggest that the system is perfect. I know there are few things of human device that are; but it is infinitely better than any other system we have had; it is infinitely better than any system that has been proposed. Moreover, it is to be remembered that in these years since the passage of the Pendleton Act the number of persons included under the civil service has increased from 10,000 to 238,000.

Mr. GALLINGER. By Executive orders.

Mr. LODGE. No; not by Executive orders. A great many have gone in by natural increase of the offices, coming in under examination. Those offices covered by Executive order have had the usual quota of casualties, dismissals, resignations, and deaths, and then all those places have been filled by the regular examination. I do not say that an examination is an infallible touchstone, but it is better than the other system and better than any system I have seen suggested.

There are two propositions here. One is a proposition of the House, which is that at the end of every five years there is to be a general end of tenures, and those are to be retained who are thought to be efficient. That is to begin in 1917. We have a recent illustration of what that means in the Census Office, where a number of extra clerks were taken in for temporary purposes. It was expressed in the law that they were not to be transferred to the permanent service. The appropriations were reduced, of course; necessarily the work came to an end; the clerks had to be dropped. They had taken those places knowing that that would be the result. Every Senator and every Representative knows how he was beset to get the Director of the Census to keep this man or that man instead of somebody else. It was a struggle to have them held there. Take this vast service of 238,000 people, going out all the time as fast as they reach the tenure of five years, and it would be one continual struggle from Representatives and Senators to keep them in place. You can not refuse them. They come to you; they insist; their friends write; and our time would be completely absorbed in the struggle to keep the men whom we were interested in in place.

Mr. President, I believe, in the first place, that the duties of Senators and Representatives are something higher and better, if properly considered, than to hang around the lobbies of departments struggling to keep men in office or get men in routine places under the Government. That would be the result of the five-year system.

The other proposition is that at the end of 10 years a man shall go out, and go out finally. We would get rid to that extent of the demand upon Senators and Representatives to struggle to keep men in, but it would be even more destructive to the service than the five-year term, where a man could be retained for efficiency.

If we are to have a good class of men in the Government service we must give them some reasonable hope. That which tempts them now is that the pay is good in the lower grades, and they have a certainty of pay and tenure so long as they do their work well. That is one of the reasons why we get good men. If you take from them that assurance and at the end of 10 years they have to go and you are to get a class of temporary men, you are certain to injure the whole character of the service.

The weakness in the present system has just been pointed out by the Senator from Georgia [Mr. SMITH]. It is that the prizes you offer are not large enough. I would put in many of the higher offices, so as to encourage men with something more to look for if they remained and were successful.

I know perfectly well the weak point that arises from the superannuated clerks who have been many years in the service. I have always been opposed to the system of civil pensions. But the matter of the comparatively small number of superannuated clerks is as nothing to the injury that would be done by destroying, as I believe it would destroy, the character of the entire service if you give them only a limited tenure. A limited tenure was the characteristic of the old spoils system. The old spoils system, as it was called, was bad enough in the days when the civil service was small and embraced a few thousand persons; but it is not to be contemplated that with the enormous service of to-day we could apply the old system of appointment by favortism or by political pressure.

Moreover, Mr. President, in my judgment the people in the service to-day have some rights to be considered. There is a great mass of men, for example, who have entered the carrier service; there is another great body of men who have entered the Railway Mail Service. They are men who expect to make it, and in the large percentage of instances they do make it, their life work. Those are services that are under continual examination and are continually being weeded for inefficiency or for misconduct. Those men are to be suddenly told at the end of 10 years they are all to go, or at the end of 5 years they have to make a struggle to hold their places.

The Railway Mail Service, Mr. President, is a difficult and expert service, by no means free from danger. Should there be an accident on a railroad train or an accident on an ocean steamer, among those who suffer loss of life or limb are pretty sure to be some of the mail clerks. It is a peculiar business, requiring great expertness. The railway mail clerks, as I say, are under continual examination, for their errors in sorting mail are noted from day to day. Most of them sort with such accuracy that they make not more than 1 or 2 per cent of errors during long periods. Many of them go long periods with no percentage of errors. It is not work that is done in any other business outside of the Government. These men take the work and remain in the service for life, or so long as they are able to do the work; and when they can not longer work on the cars they are frequently transferred to office work. Should we take those men, who have given years to a business where their proficiency increases with their service, and turn them out suddenly, or turn them out year by year—for it would mean many hundreds going out each year—and put in practically new men, it is impossible to suppose that the public service would be helped thereby, and it would be a great injustice to the men themselves.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. SMITH of Georgia. I made the statement that I felt that all these places should be filled in the interest of the public not in office. I do not want to be misunderstood by that. I agree fully with the Senator from Massachusetts. I think the interests of the public out of office requires such treatment of the men in office as to secure proficient and capable men. If we simply sacrifice them at the end of 10 or 15 years, after they have become expert in our service and unsuited to anything else, we should offer no inducement to get good men to go into the service, and the public outside of the service would be seriously injured.

Mr. LODGE. Absolutely, Mr. President. The Senator from Georgia had put so strongly and so well the point that the first object was the public service and to get for the public the best service that I only touched on that, and was trying to bring out another point which had impressed me very much, and that was the injustice to these large bodies of men in the mail-carrier service and the Railway Mail Service. They are all men under examination, and these are both immense branches of the service. We must all realize the injustice to those men of suddenly saying to them—men in many cases with families, who have established their homes, who have married on the belief that, if they did their duty well, they were sure of that income and of that work—that at the end of 10 years they are out. Think of it! We all know the inconvenience of getting new men on a carrier route in a State or wherever the carrier service is established.

I take these because they are very large branches of the civil service; but, Mr. President, if we have to do something to meet the superannuation difficulty—it is a trifle compared to what is involved in maintaining the general character of the civil service of the United States—we can meet it. The Senator from Iowa [Mr. CUMMINS] has here a most excellent bill, which he has prepared with the greatest possible care, to meet that difficulty; but to throw down the whole service because there is a small number of superannuated clerks would be in the highest degree unadvisable and unwise.

Mr. President, as I said at the beginning, and I repeat, it is no longer a question of dealing with a few thousand clerks, but it affects the whole Government service. The limitation of tenure, it seems to me, would be fatal to the entire classified service as it now exists.

Mr. HEYBURN. Before the Senator from Massachusetts takes his seat, I desire merely to make a suggestion. The amendment which I have offered does not deal with those now in office at all, so the question of superannuation would be cut off at the line.

Mr. LODGE. Well, Mr. President, the objection I have to the Senator's amendment is the objection that I have to fixed tenures. I think the tenure of office ought to depend on the clerk's proficiency or his ability to do his work, and on nothing else.

Mr. HEYBURN. Why not apply that to the President or to Senators?

Mr. LODGE. Oh, Mr. President, that is the old joke that is always made in the other House. I have heard it made a thousand times.

Mr. HEYBURN. I did not make it as a joke.

Mr. LODGE. They are officers elected by the people, while these are routine officers who are put in office to carry on the Government. They should be chosen just as similar employees are chosen in every business—on account of their proficiency. There is not a great corporation in the country to-day carrying on business—I am speaking of the overhead men—that does not have a practical examination for its clerks all the time. Most corporations pension them after they have reached a high point or have grown to be old men. There is not a corporation on earth which would consent to employ men merely on the recommendation of Senators and Representatives.

Mr. WILLIAMS. Surely, Mr. President, some common-sense way of solving this difficulty without either bringing back upon ourselves the spoils system or bringing upon ourselves a senseless civil-service pension list ought to be within the limits of the capacity of the National Legislature. There is no desire, I take it, certainly there is none upon my own part, to bring back upon our defenseless heads the office-hunting brigades that used to make public life intolerable. Even now I find that the one-fifth of 1 per cent of the Mississippians who happen to live in Washington take a great deal more of my time in one way or another than the 99⅘ per cent of Mississippians who are living in Mississippi. I have no desire to bring back the spoils system; neither has anybody else, I take it.

I think I have ciphered out a way whereby we can maintain the civil-service law in all of its good attributes and at the same time not build up a permanent segregated office-holding class who are to be taken care of, as superannuation accumulates, by a special pension list. Mr. President, the Senator from Ohio [Mr. BURTON] went on to tell about the efficiency of the Engineer Corps. What he said about them was true; but if there were not behind the permanency of tenure of the Engineer Corps a retirement pay and retirement list, what he said would not have been true. It all rests upon the fact that after an officer in the Engineer Corps has spent his life in that sort of work, he spends his old age, when he is helpless, at the expense of the Government. You must make up your minds whether you are willing to extend that principle—which, for my part, I am willing to extend to Army and Navy officers, to people in the Revenue-Cutter Service, to firemen and to policemen, who are engaged in dangerous pursuits—in the actual physical defense of the public—whether you are willing to extend that system to mere clerks, who are already getting nearly twice as much, as a rule, as the average farmer, carpenter, blacksmith, or country preacher in the United States—do not forget that—and who ought to be able to save out of their annual salaries as much as the blacksmith, carpenter, or country preacher can save out of his.

One of the Senators said this morning that length of service and proficiency went together. They do not. They do in private employment, because if I have a man in my employment he knows that I may discharge him to-morrow morning and is therefore careful, diligent, and industrious. Therefore the very fact that I keep him for years is rather a demonstration of the fact that he has been efficient, but whenever you put a man in a place where he thinks that he can not be discharged, it makes him indifferent and careless, and if he thinks he can not be discharged except for public cause, publicly stated, with an opportunity to be tried, it makes him indifferent and careless.

Mr. President, in arguing this question—and I am just entering the argument—there is no attempt in the amendment offered by the Senator from Idaho [Mr. HEYBURN] and no attempt in the House provision, either, to interfere with the civil service in its right of appointment to entry into the public service—not a particle.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. WILLIAMS. In one second. Let us get this out of our minds; let us get what we are not discussing out of our minds before we discuss what constitutes a point of difference. Neither the amendment of the Senator from Idaho nor the House provision interferes in the slightest degree with the public examinations or with the present system of entry into the public service. So that everything that has been said along that line is obiter dictum, so far as that is concerned. Nor does either one of these provisions interfere with the right upon the part of the departmental chiefs to reappoint men to the public service—not even the provision proposed by the Senator from Idaho, which I think is faulty, and in a moment I will undertake to state why.

Mr. CRAWFORD. Mr. President, that is the point I had in mind. Does not——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. WILLIAMS. Yes.

Mr. CRAWFORD. Does not the amendment proposed by the Senator from Idaho disqualify the employees and make it impossible to reappoint them?

Mr. WILLIAMS. No.

Mr. HEYBURN. Purposely not.

Mr. CRAWFORD. It fixes the term arbitrarily at 10 years, does it not?

Mr. WILLIAMS. No.

Mr. CRAWFORD. Then, I do not understand it as the Senator does.

Mr. WILLIAMS. As I read it, there is nothing in it to interfere with the reappointment of these employees; but I am not in favor of the amendment offered by the Senator from Idaho and therefore, except to point out the defects in connection with it, I do not desire to enter into that.

My only objection to the House provision is that it leaves a gap in the civil-service law big enough for a coach and four to pass through, and unless a modification or an amendment can be suggested whereby the five years' tenure can be harmonized with a nonpartisan and nonpolitical public service I would not advocate it.

I think I have succeeded in my scheme, to be explained in a moment, in doing that; but before I pass to that, Mr. President, I want to say that I would vote any day in the world for an old-age pension; I would vote for it in Mississippi, as a member of the legislature there, if I were one, or I would vote for it for the District of Columbia as a Member of Congress here, constituting the legislature for the District of Columbia; but I will not vote to segregate in a class by themselves the employees of the Government who receive 100 per cent more pay than men equally deserving or more deserving than themselves—hearty, self-dependent, working people everywhere—blacksmiths, carpenters, painters, preachers. I will not now vote, and I never shall vote, to segregate this office-holding class and make it the pet of the United States Government in giving old-age pensions to them, while we do not give old-age pensions to other people equally deserving or more deserving.

The Senator from Massachusetts [Mr. LODGE] is right when he says that if the present system is perpetuated you must go to a civil-service pension list. You must either change it, or that is the necessary mathematical result; and you can not avoid it, because superannuation accumulates day by day and week by week and month by month in the public service under the present system, and it accumulates not only arithmetically, but geometrically. I say that is a great wrong in principle, in spirit, in ethics; it is a special privilege for which no Democrat could stand, and for which no Republican who stands upon an equality of opportunity platform ought to stand. That is demonstrable.

How are you going to avoid it? You must avoid it, if you avoid it at all, by limiting the tenure of office to a time certain. How shall you do that and at the same time harmonize it with the civil-service regulations of the country?

Mr. President, we all know how the Government employees live here. They have been fed upon the hope of having the Government of the United States take care of them in their old age; they have been fed upon that hope so long that hardly one in a hundred of them tries to save a dollar. Men elsewhere who earn half as much grow rich, or grow comfortable, at any rate—not rich. But these people spend up to the top notch. I am personally acquainted with four or five who have saved money, bought homes, and paid for their homes, and who to-morrow could be discharged without being ruined; but the great majority of them can not be; and the superannuated hang like barnacles upon the very bottom of the ship. Worse than an encumbrance upon the deck of the ship, they hang like barnacles to the bottom, and prevent its progress through the seas of public business. Oh, you can not get rid of them; you will have to take care of them, unless you change the system. You must either pension them upon the public service at full salary or you have got to create a retired pension list at half or three-quarters salary; and both are wrong; both constitute a special privilege extended to the office-holding brigade. Why should I vote to give public pensions to one-fifth of 1 per cent of the voting population of the State of Mississippi who happen to be in Washington holding public office, while the 99⅘ per cent at home have no such right or privilege?

Now, let me go ahead a moment. I want to keep the time tenure and prevent the breach of the civil service. This is the way that I think we can do it, and I ask the attention of the Senate because this is a matter of practical business: I would strike from the House provision so much of it as follows the semicolon in line 1, page 153, reading as follows:

And the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service, on the 30th day of June, 1917.

I do not agree with the Senator from Massachusetts [Mr. LODGE] nor with the Senator from Georgia [Mr. SMITH], who has so eloquently described his experience as Secretary of the Interior. I do not agree with either one of them that a man in office has any vested right to the office at all; but I do acknowledge a certain degree of human sympathy with a man when he is there; and, therefore, I am willing not to interfere with the fellows who are already in. The object of striking out what I have read is not to interfere with those who are already in.

I would then adopt section 5, except that after the words "*Provided*, That all persons separated hereunder from the classified service shall be eligible," and so forth, I would insert this language:

Provided, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for, and may, in the discretion of the head of the executive department, be reappointed," etc.

Then, in line 12, I would strike out the word "fair," and I would make it read in this way:

May * * * be reappointed—

I am reading now the House provision—

without examination for additional periods of five years, if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission.

The prescription by the Civil Service Commission is a part of my amendment.

I would adopt the balance of that. Then I would add to it the Senate committee's provision. I have said there, "prescribed by the Civil Service Commission." I have said, on line 8, "except as hereinafter prescribed." Now, this is what is "hereinafter prescribed":

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact.

I would add to that the language of the Senate committee:

Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted.

I would add, after the word "promoted," the words—

Or before he may be reappointed at the end of his five years of service.

I would add, after that, a provision that any employee having this maximum rating should be reappointed to a place in the service, and any man falling below the minimum rating should go out. Then, between those two, I would leave the matter as in the Senate amendment and in the House provision.

In order to accord the two with one another, of course you would strike out lines 14, 15, 16, and 17 in the Senate amendment, because they are already in the House provision. That is the provision for taking care of the old soldiers.

As between the Scylla of the spoils system and the Charybdis of a civil-service pension, who wants the civil-service pension? In God's name, have we not pensions enough? We have one hundred and forty millions a year of military and naval pensions; and it is proposed to add a civil-service pension list, which, take my word for it, in the life of a generation, 33 years, will amount to almost as much as the military and naval pensions. Besides that, there will be a constant pressure brought to bear upon Senators and Members of the House by the civil employees of the Government, asking them, year after year and year after year, to raise the salaries and likewise to raise the retirement pay.

Mr. WARREN. Will the Senator permit me to ask him a question? Speaking of civil-service employees' pensions, how does the Senator feel about a contributory-pension system?

Mr. WILLIAMS. In the long run it amounts to exactly the same thing. If the employees want to pension themselves, they can go to work and form annuity societies and attend to it by themselves. But if you are going to provide for the employees contributing from their salaries, then either they will contribute that which they do not need as salary or they will contribute that which they do need. If they contribute that which they do not need, and which they ought not to have, then they are being paid too much. If they contribute that which they do need, then you and I will have to raise their salaries. And they will not have been engaged for one session of Congress in the business of contributing to retire themselves upon pensions before they will be coming to you and me and asking us to raise their salaries by the amount of their contribution. The Senator knows that as well as I do. I think we both know it. I mean by that, while we do not absolutely know it, we both think it, do we not? So it is the same thing in the long run.

In one of the little towns right near my home lives an old Mexican War soldier, an old Confederate soldier, who has grown old at the blacksmith business. Will you tell me why some chipper little girl or some great, strong, stalwart boy here in Washington should ultimately have an old-age pension after having received nine hundred or a thousand or twelve hundred or fourteen hundred and forty or eighteen hundred or two thousand dollars a year when that old fellow, who, I suppose, never earned over $750 a year in his life, should not have one? He has done more honorable service, he has lived a harder life in every respect, than any of these people. And, by the way, he has paid all the time such little taxes as he had to pay. He has been a taxpayer; these people have been tax eaters.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. Yes.

Mr. BRISTOW. May I suggest to the Senator that not only will this blacksmith not receive a pension, but he will be called upon to pay the pensions of these other people.

Mr. WILLIAMS. Oh, absolutely, absolutely. And if in his old age he should fall by the wayside, while in the particular case I am talking about it would not happen, because he has very dear children, daughters and sons, and friends as well, that would take care of him to the limit, yet cases like that exist where the man must go to the poorhouse.

Mr. WARREN. I suppose in that particular case the old soldier draws a pension as the result of having served in the Mexican War, does he not?

Mr. WILLIAMS. He draws, I suppose—what is it; $12 a month?

Mr. WARREN. Twenty dollars a month.

Mr. WILLIAMS. I do not know whether he does or not. I doubt if the old fellow ever asked for it. I imagine he was a good deal like my grandmother in that respect. When Maj. Pickett came around and said, "Mrs. Sharp, you have a right to draw a pension, because Capt. Sharp was an officer in the Federal Army in the Mexican War." She said, "Maj. Pickett, I will have you to understand, sir, that Capt. Sharp never fought for money." And I doubt if this old fellow ever drew a pension in his life, but about that I do not know.

We can fix this, and I think if Senators will run over what I have proposed they will find that it does fix it. It takes the House provision, with amendments, and grafts upon it the Senate provision, with some modifications to accord the two with one another, and it adds this idea of which I have spoken.

I will say to Senators the main idea in the amendment is that all employees shall go in, prima facie, upon a five-year tenure; that at the end of the five-year tenure the men who fall below the minimum rating shall go out; that the men who make the maximum rating shall be reappointed; and that the men between the two ratings shall be left largely to the judgment of the appointing officer, as they must be.

Mr. GALLINGER. Will the Senator permit me a question?

Mr. WILLIAMS. One word further and I will yield to the Senator.

My objection to the amendment offered by the Senator from Idaho is that outside of the point of doubt as to whether it does not absolutely exclude them from reappointment anyhow—I do not think it does; if it does, that is a very serious objection to it—it does not contain any provision requiring or advising or recommending reappointment where the man is fit for reappointment.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been much interested in what the Senator has said in his analysis of the pending amendment and the changes he suggests. I will ask the Senator if he has his proposed amendment written out so that we may see it?

Mr. WILLIAMS. I have it here written out in the bill. I just got in this morning from Charlottesville, Va., and wrote it very rapidly, but I will get it ready and give notice of it.

Mr. GALLINGER. Of course it would properly be a substitute for the pending amendment.

Mr. WILLIAMS. I am going to offer it as a substitute; but I will not take the time of the Senate to put it in shape right now.

Mr. WARREN. Let me say to the Senator from Mississippi that it is too late to offer it now in Committee of the Whole, but it can be offered when we get in the Senate. I wish the Senator would have it put in typewritten form.

Mr. WILLIAMS. Very well; then I will do that.

Mr. GALLINGER. Yes; that is quite desirable.

Mr. WILLIAMS. I may not have made all of its details perfectly plain, but I have made the idea of it plain to all of us. It reads:

> All persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for reappointment.

The words "hereinafter prescribed" refer to those falling below the minimum rating.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Iowa?

Mr. WILLIAMS. Yes.

Mr. CUMMINS. I wish to say to the Senator from Wyoming, as well as to the Senator from Mississippi, that I recognize that the amendment of the Senator from Mississippi entirely reorganizes the civil service.

Mr. WARREN. Certainly.

Mr. CUMMINS. I should like to have the amendment printed and laid over until to-morrow, because there will be a very considerable debate if the entire system is to be reorganized. I have been studying the subject now for two years, and I have a bill before the Senate with regard to the retirement of civil-service employees, upon which I expected to address the Senate at some time. If I am called into it now, it will inevitably take very considerable time.

Mr. WARREN. I appreciate what the Senator wishes; but if it has taken so long to get the matter, it would be perfectly hopeless to undertake to get it arranged here in a day. If the Senator could have his amendment put into typewritten form and have several copies made of it, so that Senators could examine it, perhaps we could get along in that way.

Mr. WILLIAMS. I will tell you what I will do about that. I want to go on now with what I was saying, but I will step over to the office as soon as I am through and draw the amendment and bring it back; and I ask permission now to offer it. I will hand it to the clerk later and give notice of it and have it published in the RECORD.

I want to go on talking about this general subject for just a minute or two, and then I will relieve the Senate of any further trouble upon my account.

Mr. JOHNSTON of Alabama. Mr. President, I should like to ask the Senator from Mississippi a question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. Yes.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Mississippi if he thinks the standard of efficiency prescribed there would get rid of those who are enfeebled and rendered incompetent through age.

Mr. WILLIAMS. Absolutely, because it is a standard of efficiency; and for whatever reason newly appointed employees were inefficient they would fall below the minimum rating and be automatically discharged.

Mr. JOHNSTON of Alabama. So that we would not have dead timber in the departments?

Mr. WILLIAMS. No dead timber, except the dead timber we already have. I propose to let that stay in and die out. It will have to die out.

In my opinion this is a larger question than Senators think. It is not a question which merely concerns either the people who at this time are holding the offices, or the people who at this time are not holding the offices. I think the great danger to American institutions, just at this moment, is the danger of bureaucracy.

I find that we are carrying on just about as much legislation by departmental and bureau regulation as we are enacting in the halls of legislation in the Capitol itself. From a stay of nearly three years in my boyhood in the Empire of Germany I have learned to distrust a bureaucratic government. I have learned to distrust a segregated, separated, office-holding class, who do not hold their offices by election from the people, who do not hold them for any given length of time, but who hold them by appointment upon substantially a life tenure.

Nobody in the world has a greater contempt for the American people or American politics and public questions to-day than a lot of clerks in the city of Washington. They think that, as far as they are concerned, they are a privileged class; and they are right in thinking so if you are going to pass a civil-service pension law, because then they will be legally a privileged class.

For myself, it seems to me Thomas Jefferson was not very far wrong when he contended that those who held the offices of the Republic and those who formed the private citizenship of the Republic should be changing places right frequently.

It is a very good idea for a man to come and hold office here in Washington, and, as the Senator from Georgia says, to keep on holding it as long as he is efficient. But when he becomes inefficient either by carelessness or by intemperance or by superannuation or for any other reason, for him to regard that office as his is a curse. He ought not to be permitted to entertain the idea for a minute, and no class of the American people ought to be permitted to entertain the idea.

As for myself, I am a radical about some things. I do not think there is a State in the Union, I do not think there is a country in the world, that ought not to have an old-age pension law to take care of and preserve its honest, industrious people who in their old age can not take care of themselves. But I am not willing to segregate an office-holding class and make that sort of provision for them, while not making it for everybody else.

I will have the amendment drawn up, Mr. President. I apologize to the Senate for not having it ready; but I got in on the train just a few minutes before the debate began. I will bring it back in a short time.

Mr. TOWNSEND. Mr. President, I think every Senator is desirous of having an efficient public service, and where they differ is as to the method which will bring about such a service.

I have never heard any man who is familiar with the administration of the Government under the so-called civil-service rules and with its operations under the spoils system who did not agree that we have a better service at present than we had under the old plan.

I listened to the argument of the Senator from Idaho yesterday when he made his strong plea for the scheme of bringing people to Washington to serve as Government employees for a limited period, during which they shall acquire an education beneficial to themselves and which they can use upon their return home for the good of their neighbors and the people with whom they come in contact. It seemed to me the Senator lost sight of the real object the Government has in employing clerks at all. That object is not to give employment to men and women; it is not to educate its clerks except in the line of their employment and to the end that they may be able to render better service to the Government. The real object of such employment is to make better servants, to the end that the Government can be more efficiently administered. I do not think it is the business of the Government to encourage as many people as possible to enter its service, for an office-holding class is, I agree, most undesirable. Still we must have Government workers, and they should at once be as few and as efficient as possible, and therefore those few should be most capable, and they should be offered every inducement to stay as long as they are highly efficient. I can not see anything but harm which can come to the country by having a fixed tenure of office less than the one which can be terminated only by misbehavior or inefficiency.

My experience here compels me to agree with the senior Senator from Idaho in this, that under existing conditions public office holding is not conducive to highest personal development or to best citizenship. But that condition would be no better under his proposed changes; it is office holding and not its tenure which is demoralizing. The glamor and excitement of public office in the capital, even when indulged for a season, seem to unfit for the quieter and yet more important

pursuits of life, and I am not encouraging young men to enter the employment of the Government.

The PRESIDENT pro tempore. The Senator from Michigan will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be laid aside until the appropriation bill we have just been discussing is disposed of.

Mr. CLAPP. Mr. President, I rise to an inquiry. Would that unanimous consent be taken as any limitation on the right to move to take up the next appropriation bill when this is completed? I certainly intend to make that motion. If so, I object to that form of a unanimous-consent agreement.

Mr. SIMMONS. I presume that immediately upon the conclusion of the pending appropriation bill the unfinished business would be proceeded with, and if the Senator from Minnesota wished to antagonize it with another appropriation bill, he could do so.

Mr. LODGE. The unfinished business is temporarily laid aside. It is not business disposed of, and it comes up automatically.

The PRESIDENT pro tempore. Automatically. It is not necessary to make a motion to that effect; it would be the regular order.

Mr. SIMMONS. Certainly.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, I can think of nothing much more pathetic than the scenes which are witnessed here in Washington nearly every day, produced by employees of the Government trying to hold positions in the public service when once in or trying to obtain them when out. This does not apply alone to clerks, but it applies to men in all the public offices. The officeholder becomes a sort of political toper. Having acquired the abnormal taste, it is difficult for him to break off; and the more uncertain the tenure by reason of possible political interference, the more violent he is in his desires.

It seems to me that under the plan of a limited or fixed tenure we would have a still larger class of people who ought not to be in the service; and yet the needs of government require that it shall have good and capable employees well qualified for the work; and about the only way to secure the highest efficiency is through experience.

Therefore, if I understand the committee provision, it attempts to secure high efficiency by providing a way to eliminate the inefficient clerks, whether produced by old age or by other disqualifying causes.

The great difficulties in maintaining an efficient civil service is to get rid of and keep out unfit people. The latter has been greatly aided by the civil-service law. The former still remains, and Members of Congress frequently aggravate this difficulty. They too often urge upon the departments the retention of unworthy people and insist that such shall not be discharged. I know it is unpopular, but I believe that we would have a better public service if no Congressman could exercise any influence over it.

I agree with the Senator from Mississippi in that. I am not in favor of civil pensions, certainly not until through the failure of all regulative methods it is found that the public service demands them. I want the Government to pay its employees good wages—generous wages; and then I want these clerks to understand that neither old age nor improvidence will prompt the Government to do for them what they have failed to do for themselves, namely, provide against the disabilities of age or failing efficiency.

Mr. President, I indorse practically the arguments which were made by the Senator from Massachusetts [Mr. LODGE]. It seems to me that he has covered the case. Certainly he has done better than I can hope to do. But I did not wish this measure to pass from the consideration of the Senate until I had at least gone on record in favor of the most efficient civil-service law possible, because I have in mind not the effect upon the employees, but the effect upon the Government. We, as temporary managers of this great business of government, will not be excusable for doing less or different than the industrial manager of his business. He would not discharge a good man because he had served a fixed period, but he would hold out every inducement for the man to remain so long as he performed his duty acceptably.

We do not need civil pensions so much as we need efficient, hopeful, and contented Government employees, and no limits should be placed upon their tenure other than those of incompetency and unfitness.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Idaho [Mr. HEYBURN] to the amendment proposed by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the adoption of the amendment proposed by the committee as it has been heretofore amended.

Mr. BRISTOW. Mr. President, referring to the amendment suggested by the committee and the general subject which has been under discussion, it seems to me that the question which confronts the Congress is whether or not we shall devise some system by which employees, when they reach the incompetent period of life, when they can no longer work, shall be retired, and the method of their retirement. I do not think there is any doubt but what the departments now are filled with a good deal of what is termed "deadwood," and there is pressure being brought to bear on Congress in the organization of clerks and the lobbies they employ to get a civil-pension list established. The strongest argument that is being made for a civil-pension list is the fact that the departments are full of employees who have grown old and are incapable of rendering efficient service, and the older the service becomes, the longer the time which elapses since the establishment of the civil-service system, the more congested will the departments be with these incompetent old clerks.

As between a term and a civil-pension list, I should favor the term of service. I do not believe that the people of the United States are under obligations to keep during the remainder of their lives men who have had generous compensation for their services while they were in good health. I am in thorough accord with the expression of the Senator from Mississippi [Mr. WILLIAMS] when he says that if the time comes when it is deemed desirable to put on the pension roll the aged employees of the Government, who have been receiving liberal compensation during the years and years in which they have been employed, he will vote to put every man and woman on the pension roll when they reach the same period and the same condition in life.

Mr. CUMMINS. Mr. President, I do not intend to take up the question debated by the Senator from Mississippi [Mr. WILLIAMS] further than to say that in my opinion it is not true that the alternative is either term employment or a civil pension. I am as much opposed to a civil pension as the Senator from Mississippi can possibly be. I believe, however, in a contributory system which will compel the employees themselves to create a fund for their old age. I believe that the law ought to compel the retirement of civil-service employees at a given age.

I hope, however, that the amendments which are now before the Senate will not be disposed of upon the theory that they must be adopted in order to avoid a civil-service pension. When that question comes before the Senate, I am sure another alternative will be presented that will meet the approval of Congress.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee as it has been amended.

Mr. SMITH of Georgia. Has the committee amendment been amended?

The PRESIDENT pro tempore. It was amended by an amendment offered by the Senator from Washington [Mr. POINDEXTER] by the addition of words which the Secretary will read.

The SECRETARY. On page 154, line 17, after the word "dropped," insert "or reduced in rank or salary."

Mr. CUMMINS. What has happened to the amendment proposed by the Senator from Idaho [Mr. HEYBURN] to the amendment?

The PRESIDENT pro tempore. It has been defeated.

Mr. CUMMINS. What is the pending amendment?

The PRESIDENT pro tempore. The pending amendment is the amendment of the committee, known as section 4, as it has been amended by the words just read by the Secretary.

The amendment as amended was agreed to.

Mr. WARREN. On page 133, in line 17, after the word "law," I move to insert the following proviso:

Provided, That the compensation of not to exceed five special agents provided for in this paragraph may be fixed at an amount not to exceed $8 per day.

That refers to the census. In going over the matter we overlooked the fact that there are 20 of that class of inspectors,

and it is necessary to retain some of them. Therefore the five are specified, at an amount not to exceed $8 a day.

The amendment was agreed to.

Mr. WARREN. On page 2, line 22, I move to strike out the words "first assistant librarian," and in line 19, after the word "each," to insert:

First assistant librarian, $2,400.

The amendment was agreed to.

Mr. WARREN. On page 2, line 17, after the word "bookkeeper," I move to insert "assistant journal clerk"; and, in the same line, to strike out of the committee amendment the words "one clerk" and to insert in lieu thereof the words "two clerks"; and on the same page, in line 23, to strike out the word "four" and insert in lieu thereof the word "two."

The amendment was agreed to.

Mr. WARREN. I offer the following amendments, which are necessary to make two appropriation bills—the District of Columbia and the legislative, executive, and judicial appropriation bills—conform.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 148 add, at the end of line 17, the following proviso:

Provided, That on and after July 1, 1912, the surplus fees collected by the clerk of the Supreme Court of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

The amendment was agreed to.

Mr. WARREN. On page 148 I move to add, at the end of line 12, the following proviso:

Provided, That on and after July 1, 1912, the fees collected by the clerk of the Court of Appeals of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

The amendment was agreed to.

Mr. WARREN. That completes the committee amendments, but there is pending an amendment which I offered individually, referring to the physicist, and which we laid over for the time being.

Mr. OVERMAN. Will the Senator yield to me?

Mr. WARREN. Certainly.

Mr. OVERMAN. I wish to offer an amendment. I think the chairman has agreed to accept it, and it will be in the nature of a committee amendment.

Mr. WARREN. Shall we not dispose of the other first?

Mr. OVERMAN. Very well.

The PRESIDENT pro tempore. The Secretary will report the amendment submitted by the Senator from Wyoming.

The SECRETARY. On page 141, line 22, after the words "four thousand eight hundred dollars" insert:

Physicist, qualified in optics, $4,000.

On page 142, line 23, strike out "$236,340" and insert in lieu thereof "$240,340."

The amendment was agreed to.

Mr. OVERMAN. I offer the following amendment, which I understand to be accepted by the chairman of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 152, line 3, after the word "service," insert the following:

Provided, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services as salary in excess of that paid during the fiscal year 1912, and no salary shall be increased by transfer from said lump sum.

Mr. SMOOT. I should like to have the amendment read again.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. OVERMAN. I will add to it the words "except by promotion."

Mr. WARREN. "Except by regular promotion."

Mr. OVERMAN. "Except by regular promotion." I did have those words in the amendment, but the clerk left them out in copying it.

Mr. SMOOT. I did not hear those words in the first reading of the amendment, and therefore asked to have it again read.

Mr. OVERMAN. I was going to add them myself. I have modified the amendment.

The PRESIDENT pro tempore. The words will be added. The Secretary will read the amendment as perfected.

The Secretary read as follows:

Provided, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services as salary in excess of that paid during the fiscal year 1912, and no salary shall be increased by transfer from said lump sum, except by regular promotion.

The amendment was agreed to.

Mr. MARTINE of New Jersey. I desire to offer an amendment. On page 11, line 9, after the word "at," I move to strike out "$1,200" and insert instead thereof "$1,440." My purpose in offering that is because I feel the present arrangement is utterly unequal and unfair. Our stenographers render an infinite amount of service and are employed long after we adjourn. With a compensation of $1,200 they are receiving no more than the man who sits at a door as doorkeeper. I feel in sheer justice to the stenographers this amendment should be adopted, making it $1,440.

Mr. WARREN. I shall have to make the point of order against that amendment. It is not reported from any committee.

Mr. GALLINGER and Mr. LODGE. And not estimated for.

Mr. WARREN. It is not estimated for, of course.

The PRESIDENT pro tempore. Acting upon that statement of fact, the Chair will have to sustain the point of order.

Mr. TOWNSEND. I desire to offer an amendment on page 9, line 12.

Mr. CULBERSON. I should like to inquire upon what ground the point of order is made.

Mr. WARREN. The amendment is subject to several points of order. Of course it is not estimated for. It was not printed and sent to a committee a day in advance, as the rule requires, and it has not been reported favorably by any committee.

Mr. MARTINE of New Jersey. It was not reported, I confess, but I consulted the chairman of the committee regarding it some days ago, and he felt that it was a matter of fairness and justice. I feel that the techincal point of order is uncalled for.

Mr. SMITH of South Carolina. Do I understand that it is ruled out because we have not yet finished the committee amendments, or do I understand that no modification of any appropriation or any provision of the bill can obtain until it has come into the Senate? Have we finished the committee amendments?

Mr. WARREN. The bill is now in Committee of the Whole and open to amendment. The committee amendments have been acted upon.

Mr. SMITH of South Carolina. Then, do I understand, the bill being in Committee of the Whole and open to amendment, that no modification of any of the appropriations provided for in the bill can be made on the floor without being submitted to a committee and the committee passing upon it?

Mr. WARREN. No, Mr. President; but we have to act on amendments as they come up.

Mr. CULBERSON. My inquiry was due to the fact that the Senator from Wyoming suggested that the amendment was out of order because it had not been reported by a committee. If true, that would have the effect of saying that an individual Senator could not propose an amendment to an appropriation bill, and that is what I object to.

Mr. LODGE. Mr. President——

Mr. CULBERSON. Of course I understand what is in Rule XVI that the Senator wants to read.

Mr. LODGE. The rule is perfectly clear. This is a proposition to increase an appropriation already contained in the bill, and it is not in order. The rule reads:

Unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

This has none of those qualifications and is an increase proposed. It is clearly out of order.

Mr. CULBERSON. Not on the point suggested by the Senator from Wyoming, however.

The PRESIDENT pro tempore. The Chair will state that the ground upon which he announced his ruling was that stated by the Senator from Wyoming, that it is an increase not estimated for. The RECORD will show that that was the statement made by the Senator from Wyoming.

The Senator from Michigan will proceed.

Mr. TOWNSEND. I propose an amendment, which I ask the Secretary to read, as the foundation of what I desire to say.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 9, line 12, after the word "gallery," strike out "$1,800" and insert "$2,000."

Mr. WARREN rose.

Mr. TOWNSEND. Before the Senator objects, I desire to make a statement. I confess I have never become familiar with the rule which the Senator from Wyoming has invoked. I have been in this Chamber a great many times when propositions of this kind have been considered without objection. It is no excuse possibly for me that I did not know it was necessary to prepare an amendment and submit it in writing several

days in advance in order to have it receive consideration, because that rule has not been followed. It may be invoked possibly on an occasion of this kind.

The proposition which I have to offer, Mr. President, is to increase the salary of the superintendent of the press gallery, and I had hoped to follow it with another one increasing the salary of the assistant superintendent and of the messenger of the press gallery. I thought from the statement that had been submitted to me that these were most desirable amendments to be made, and I supposed it would be in order for me to present them when committee amendments had been disposed of.

I offer this amendment, realizing of course under the previous ruling of the Chair that if the rule is invoked it must go out on a point of order. I present the amendment, however.

Mr. MARTINE of New Jersey. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from New Jersey will state his point of order.

Mr. MARTINE of New Jersey. I can not see wherein the amendment of the Senator from Michigan differs from mine.

Mr. WARREN. The Senator is right. These matters, if the Senator from Michigan will think of it, should come before the committee in a regular way and be considered; but the chairman of a committee of 17 does not feel that he can permit all kinds of raises to be made that have not heretofore been considered by a single member of the Committee on Appropriations. It is necessary in order to protect these bills to have matters come in in the regular way. Of course, if they had been estimated for they would have come within the rule. I propose to be liberal. I will say to the Senator that I have already supported heretofore two or three increases of salary of the officers he speaks of, and it is only to preserve the correct order of business that I make the point of order.

Mr. TOWNSEND. Let the Chair state the point of order.

Mr. OVERMAN. I understood the Chair had sustained the point of order.

The PRESIDENT pro tempore. The Chair has not ruled on it. The Senator from New Jersey has made a point of order which the Chair sustains. There is another amendment offered by the Senator from Michigan.

Mr. OVERMAN. Along this line I propose to say the committee worked on this bill for some 10 days and nights. The bill carries $1,400,000 less than the departments estimated for; it carries $1,600,000 less than the last legislative, etc., appropriation bill. We have gone over all these items and we have failed to allow this $1,400,000 that was estimated for. Though the committee have examined all these matters and carefully gone over them, an amendment is introduced here that has had no consideration. I think the wisdom of the rule is shown. There is no telling where we would land if we did not make the point of order against such amendments, that they have not been considered or that they have not been estimated for by the department.

Mr. TOWNSEND. A parliamentary inquiry, Mr. President. I should like to know the status of the amendment which I proposed?

The PRESIDENT pro tempore. The amendment is now in order. The reading was suspended while the Senator from North Carolina [Mr. OVERMAN] was making the statement which he has just made. The amendment proposed by the Senator from Michigan will now be stated.

The SECRETARY. On page 9, line 13, after the word "gallery," it is proposed to strike out "$1,400" and to insert "$1,600."

Mr. WARREN. As to that amendment I make the same point of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Wyoming makes the point of order that this amendment is out of order upon the grounds already stated. The Chair sustains the point of order.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. There is another amendment proposed by the Senator from Michigan [Mr. TOWNSEND], which will be stated.

The SECRETARY. On page 10, line 1, after the word "correspondents," it is proposed to strike out "$900" and insert "$1,000."

Mr. WARREN. Mr. President——

Mr. MARTINE of New Jersey. I make the point of order——

Mr. WARREN. May I ask the Senator from Michigan how many amendments he has offered?

Mr. TOWNSEND. Three.

Mr. WARREN. I make the same point of order on the amendment just offered.

The PRESIDENT pro tempore. The Senator from Wyoming makes the point of order on the amendment just offered, on the grounds already stated. The Chair sustains the point of order.

Mr. SMITH of Georgia. Mr. President, the Senator from North Carolina [Mr. OVERMAN] expresses his approval of the rule and thinks it has worked admirably just at this time. In looking over pages 3, 4, and 5 of the bill, in which I see liberal increases in compensation to the men employed by the big standing committees and certain other places controlled by certain Senators, I am impressed with the fact that it is unfortunate that the rule prevented the Senator from New Jersey [Mr. MARTINE] from having a chance to take care of the clerks of some of the Senators who are not chairmen of committees.

Mr. OVERMAN. The Senator does not contend that it is any violation of the rule to insert these provisions, does he?

Mr. SMITH of Georgia. No; I expressed my disagreement with the Senator's statement that the rule worked well.

Mr. OVERMAN. The rule works well, because the Senate has created these offices and appropriated for them for years, and the Committee on Appropriations are only carrying out current law. If any mistake has been made it has been made by the Senate heretofore. If the Senator desires to propose to decrease the appropriations it is in order for him to do so. He may move to strike out any appropriation here. That would be in order.

Mr. SMITH of Georgia. What I was doing, Mr. President, was calling attention to the fact that the committee seemed all through pages 3, 4, and 5 to have taken care of the compensation of the forces of Senators where they have a number of them, and I could not help feeling that it was unfortunate that the rule did not allow Senators not upon the Committee on Appropriations and not chairmen of other committees to take care of some of their employees. I was just disagreeing with the Senator's statement that the rule worked so well in the present instance. It does work well in a certain way, but the real question is whether or not that way is very well.

Mr. OVERMAN. The Senate rule works well for the Senator from Georgia if he desires to move to decrease any of these amounts, and if he thinks anyone is getting too much salary he may move to reduce it. Let him move to strike out and the rule will protect him. Any Senator has a right to move to strike out or to reduce a salary; but he has not a right to stand here upon the floor, after a matter has been before the committee, and impeach the wisdom of that rule. There are over 90 Senators here, and if we should adopt a different system every one of them will have amendments to offer, and the thing will be endless.

Mr. SMITH of Georgia. I beg the Senator's pardon. I was calling attention to the fact that it did not need action on the floor to take care of the increased pay of the employees of Senators who had committees; but it seems to me unfortunate that the rule works so as to take care of their assistants and to exclude those of the Senator from New Jersey.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. LODGE. I now move an amendment to come in on page 61, line 19. I desire to restore the figures of the current law as to three salaries in the office of the assistant treasurer at Boston—the paying teller from $2,250 to $2,500, the clerk from $2,000 to $2,200, and the vault clerk from $1,800 to $2,000.

Mr. OVERMAN. Has that been estimated for?

Mr. WARREN. I was about to ask——

The PRESIDENT pro tempore. To whom does the Senator from Massachusetts yield?

Mr. WARREN. I think it has not been estimated for.

Mr. LODGE. I am afraid it has not been estimated for.

Mr. WARREN. Then I will make the same point of order against that amendment.

Mr. MARTINE of New Jersey. Mr. President, I would——

Mr. LODGE. Mr. President——

Mr. MARTINE of New Jersey. I would like to inquire——

Mr. LODGE. I still have the floor, I think, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I do not yield, Mr. President, because I wish to offer another amendment, which is not open to the point of order.

The PRESIDENT pro tempore. The Chair had not ruled on the point of order made by the Senator from Wyoming [Mr. WARREN] to the amendment just offered by the Senator from Massachusetts [Mr. LODGE]; but the Chair now sustains the point of order.

Mr. LODGE. I thought the Chair had ruled on the point of order. I anticipated his ruling, however; it is a necessary judgment. I move to strike out, on page 109, the language from line 6 to line 19——

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I should like to finish this amendment, which has nothing to do with the rule.

Mr. CULBERSON. I wanted to recur to the previous amendment proposed by the Senator.

Mr. LODGE. Let me finish this amendment, and then the Senator can recur to it.

I wish to strike out from line 6 to line 19, on page 109, the language relating to the office of Superintendent of the Capitol Building and to insert the same words on page 13, before the words "Capitol police."

The purpose of the amendment is to transfer the Superintendent of the Capitol and the public buildings and grounds about the Capitol where they ought to be, under the control of Congress. The whole work of the superintendent is connected with nothing but the Capitol Building, the Capitol Grounds, and the office buildings. The Superintendent of the Capitol is the officer of the Houses of Congress, connected with nothing else, and it is an absurdity to keep on appropriating for him under the Department of the Interior, which is all that keeps him there.

My attention was drawn to this subject when the committee of Republican conference looked into the matter of the Senate offices. We all agreed that it was an absurdity to keep the Superintendent of the Capitol, our particular officer of the House and the Senate, under the control of the Interior Department.

Mr. MARTINE of New Jersey. Mr. President, I was about to ask a question of the Senator from North Carolina [Mr. OVERMAN], who was very urgent in sustaining the point of order against my amendment. I recall very well about three weeks or more ago handing this identical paper containing the proposed amendment to the Senator from North Carolina, and I asked him to get it inserted in the bill. I had reason to believe that this particular matter had been considered by the committee. I should like to inquire whether the Senator ever presented it to the committee?

Mr. OVERMAN. I did; and it was considered by a committee of 17, and the "Senator from North Carolina" was one of the committee. They did not accept the amendment, but they did consider it.

Mr. MARTINE of New Jersey. But the point made by the Senator was that it had not been considered by the committee. Now, I have the testimony of the Senator that it has been considered.

Mr. OVERMAN. The Senator is mistaken. I did not say it had not been considered; I said it had not been recommended.

Mr. MARTINE of New Jersey. I thought the committee had recommended it when I left you with your smiling face.

Mr. WARREN. I wish to address myself to the pending amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The SECRETARY. It is proposed to transfer the words in lines 6 to 19, both inclusive, on page 109, to page 13, preceding the subhead "Capitol police," on line 7.

Mr. WARREN. Mr. President, I want to ask the Senator from Massachusetts whether he has taken this matter up with the Superintendent of the Capitol, Mr. Woods?

Mr. LODGE. We talked about it some months ago when we were going over the offices. I do not think the Superintendent of the Capitol has any special attachment to the Interior Department; all his work is here. This tends to simplify it, and is in the interest of better administration.

Mr. WARREN. What I have to suggest to the Senator is, that I think this subject ought to have mature consideration, because this employee force is provided for in the bill in two different places. I am not certain but that the Senator is entirely right and that we ought to change the jurisdiction. At the same time we are confronted with the fact that there is no estimate for it, and that now it is provided for partially on page 109 and partially on page 10.

Mr. LODGE. Mr. President, every sentence, every line, and every figure that I move has not only been estimated for, but has been passed upon by both Houses.

Mr. WARREN. But it is not estimated to be changed and put into a different department.

Mr. LODGE. There is an estimate for the legislative department; it has been reported from a committee; I propose a change. I do not propose to increase the appropriation a cent; I simply propose to put the officer under our own control. He is our own officer. It is a simplification and in the interest of better administration. Therefore I do not think it requires any very mature deliberation to determine that it is better to have this officer serve under one master than under two.

Mr. WARREN. Mr. President, the Senator from Massachusetts, perhaps, misapprehends what I was about to say. I think he is probably right. We ought to place this in a different position, but it is a matter that belongs to the other House as much as it does to us, and the provision has been passed through the House in this shape. So far as I am concerned, I am willing to waive any point of order that could be made and let the amendment go in, but, of course, it will take some further comparisons.

Mr. LODGE. Mr. President——

Mr. WARREN. I beg pardon for just a moment longer. It will take a little further consideration, in my opinion, with relation to the House connection, and the central portion of the Capitol, which is neutral, and so forth. I think it can be done, and done right, after consideration.

Mr. LODGE. Mr. President, I understand, of course, that this is a matter which belongs to the House and the Senate. I put it in——

Mr. WILLIAMS. I should like to ask the Senator from Massachusetts a question.

Mr. LODGE. One moment. I put it in at that point. Like the Capitol police, it is a matter which pertains to both sides. Of course, if the House insist that the Superintendent of the Capitol shall remain under the Secretary of the Interior, they have a perfect right to do so.

Mr. WILLIAMS. I want to ask the Senator from Massachusetts a question for information. At what line and page of the bill does he propose to insert his amendment?

Mr. LODGE. I propose to remove——

Mr. WILLIAMS. Yes; I understand that; but at what line and page did the Senator propose to insert his amendment?

Mr. LODGE. I propose to insert the amendment in the Senate provisions before the provision for the Capitol police.

Mr. WILLIAMS. On page 13?

Mr. LODGE. On page 13; so as to bring it with the Capitol police, which both Houses control.

Mr. WILLIAMS. Mr. President, it seems to me, if the Senator from Wyoming will pardon me a moment, that would not bring it exclusively under the Senate at all.

Mr. LODGE. Oh, no.

Mr. WILLIAMS. That would bring it under both Houses.

Mr. LODGE. Precisely.

Mr. WILLIAMS. And that is where it ought to be.

Mr. LODGE. That is my opinion, of course.

Mr. WILLIAMS. They have got the Capitol police under our charge, and we ought to have the Superintendent of the Capitol and his force subject to our order also.

Mr. WARREN. I want to ask the Senator from Massachusetts whether he thinks these employees are now under the civil service—I mean those directly under the Superintendent of the Capitol? Are they in the civil service under the Interior Department?

Mr. LODGE. Those are under the Superintendent of the Capitol and come under the control of the Senate.

Mr. WARREN. No; I mean those detailed from the Interior Department.

Mr. LODGE. Well, there may be some detailed from the Interior Department; I do not know about those.

Mr. WARREN. They are Interior Department employees, are they not?

Mr. LODGE. Some of them may be detailed.

Mr. WARREN. If they are under the civil service, I shall not object to it.

Mr. LODGE. If it will take them out of the civil service, they can be recalled to the Interior Department, and new ones can be appointed.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Yes.

Mr. GALLINGER. Just a word. Of course no point of order would lie against the amendment of the Senator from Massachusetts, but it looks to me like better administration to transfer this official and his force to the point in the bill suggested by the Senator from Massachusetts, and I hope that will be done. I will make this observation to the Senator having the bill in charge: I think he will have ample opportunity to look into this matter before this bill becomes a law.

Mr. WARREN. There is no doubt about that.

Mr. GALLINGER. And hence, if there is anything wrong about it, it can be adjusted in conference.

Mr. WARREN. I may say to the Senator that I do not propose to interpose any objection, but shall leave it with the Senate. I think the matter can be adjusted, but there are some little minutia that will have to be looked after.

Mr. CULBERSON. Mr. President, I am not especially concerned in any amendment which is pending, but I am anxious to know what the rules of the Senate are and anxious to see them enforced. I understood when I sought to interrupt the Senator from Massachusetts that he had moved an amendment to increase the compensation of some clerk and had stated that his amendment was in accordance with existing law.

Mr. LODGE. That is true.

Mr. CULBERSON. I call the attention of the Chair to the fact that the amendment was strictly in order under the provisions of the first section of Rule XVI.

The PRESIDENT pro tempore. The Chair was not informed of the fact which the Senator has just stated.

Mr. CULBERSON. The Senator from Massachusetts stated in effect, in a colloquy, that the amendment was to carry out existing law.

Mr. LODGE. That is true. The salaries have been cut down from the amount now provided by law and below the amount these men are now receiving.

Mr. CULBERSON. Then, the amendment is strictly in order.

Mr. WARREN. Mr. President——

Mr. LODGE. But, if the Senator from Wyoming will excuse me, the estimate is for the salaries provided in the bill, and therefore—I am sorry to have to say so—the salaries which I moved were not estimated for, and I think the amendment was obnoxious to the rule on that account.

Mr. WARREN. That is the point I wanted to make.

Mr. CULBERSON. That is not necessary, Mr. President, because the rule says an amendment shall not be in order—

unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session.

Therefore—I give it as my opinion for what it is worth—the proposed amendment was strictly in order.

Now, with reference to the complaint of the Senator from Georgia [Mr. SMITH] on my left—and I say this as a member of the Committee on Appropriations—all the increases of compensation of clerks for the Senate as found on pages 2, 3, 4, and so on, would have been in order if they had been moved in the Senate itself, because they were to carry out existing law or resolutions previously adopted by the Senate, and within the meaning and spirit of the first paragraph of rule 16 of this body. I thought I ought to say that much in justice to the committee.

Mr. LODGE. Mr. President, knowing that it was not estimated for, I accepted the ruling on the point of order, but I am bound to say that I think the Senator from Texas is right and that the amendment I proposed would come under the exception:

or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

Now, the existing law gives these three men the salary which I move as an amendment; there is no dispute about that.

Mr. WARREN. May I interrupt the Senator?

Mr. LODGE. Yes.

Mr. WARREN. The existing law is simply that contained in the last appropriation bill.

Mr. LODGE. Precisely; but that is existing law to-day; it does not make any difference if it terminates to-morrow.

Mr. WARREN. But it dies within less than 30 days.

Mr. LODGE. It does not make any difference whether it terminates to-morrow or not; it exists to-day.

Mr. CULBERSON. It would be in order if it were merely in pursuance of a resolution of the Senate passed at this session, as in the case of the increases on pages 2, 3, and 4 of this bill, which have been referred to.

If I may be pardoned a further reference to the committee, I will say that I took this question up in the full committee, not being a member of the subcommittee, and was informed that the increases referred to were proper, because they were to carry out existing law or were in consonance of existing law or resolutions previously adopted by the Senate, fixing the salaries as carried in this appropriation bill.

Mr. OVERMAN. That is true, Mr. President. The committee recommended them because they were in accordance with existing law, but the increases which the Senator from Massachusetts seeks to have made were not recommended by the committee.

Mr. WARREN. Mr. President, just a word. The estimates were made up on the basis, if I may use the term, of a reorganization of the mints, subtreasuries, assay offices, and so forth. Some of the estimates for salaries were higher and some lower, but they came in the regular way to the committee from the Treasury Department. If the Senator from Massachusetts is correct, it would leave us in this position, that no matter who tried to reduce salaries it would be nearly impossible to do so unless in every case they were passed upon and a majority voted to reduce them. In order to make the existing law applicable, the item must come under some law, resolution, or treaty already passed at this session.

Mr. CULBERSON. Oh, no, Mr. President; whether we shall reduce salaries depends upon the vote of the Senate. I am only speaking to the question of order.

Mr. WARREN. That is what I am coming to. It would leave us where they would have to be settled there and could not be settled in any other way. There still remains the fact that they are not estimated for, and they are not here by a favorable report of any committee.

The PRESIDENT pro tempore. The Chair will state that the ruling was made upon the point of order, the ground being stated that the increases were not estimated for. The fact that the amounts proposed were in accordance with existing law was not called to the attention of the Chair and was not embraced in the point of order. The Chair thinks the position of the Senator from Texas is correct, that if the amendment is to carry out existing law it is not within the prohibition. The prohibition is plainly that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

One of the exceptions is—

unless it be made to carry out the provisions of some existing law.

Mr. WARREN. Mr. President, right there I wish to state that there will be no existing law as to this matter on the 1st day of July, and furthermore the law did not pass at this session as required.

The PRESIDENT pro tempore. That is another question. The Chair acts upon it as a statement of fact that there is.

Mr. LODGE. The law exists to-day.

Mr. WARREN. The law to-day is as indicated, but the salary now being appropriated for is for next year. There is no law for that salary next year. As we go along, I will say that the estimates did not call for the amounts provided in the amendment of the Senator from Massachusetts; the committee did not report those amounts, and they are not existing law in the sense that existing law applies to what we are providing for the next fiscal year and law passed at this session.

The PRESIDENT pro tempore. The Chair has made the ruling from the facts as stated. The point of order was sustained simply upon the ground that it has not been estimated for. Does any Senator make any motion? The Chair will state that if the fact had been brought to the attention of the Chair——

Mr. LODGE. The amendment was pending and was ruled out, and I suppose will take precedence of the other amendment I subsequently offered, but I shall move it again.

The PRESIDENT pro tempore. Very well. There is an amendment now pending.

Mr. LODGE. The amendment now pending is to transfer the Superintendent of the Capitol from the Interior Department to the jurisdiction of the two Houses of Congress.

Mr. WARREN. To that I make no objection. It can go to conference.

The PRESIDENT pro tempore. The Chair understands no point of order is made on that amendment. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. Now, I move the amendment providing for the changes in the salaries of three employees in the office of the assistant treasurer at Boston. The first is, on page 61, line 19, at the end of the line, to strike out "$2,250" and insert "$2,500."

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 61, line 19, it is proposed to strike out "$2,250" and insert "$2,500"; in line 20, to strike out "$2,000" and insert "$2,200"; and in the same line, to strike out "$1,800" and insert "$2,000."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. WILLIAMS. Mr. President, before that passes I should like to ask the Senator from Massachusetts whether there is any reason for those increases outside of the fact that this is in Boston?

Mr. LODGE. Mr. President, I will explain to the Senator why I asked for it. Of course it was brought to my attention because Boston is in my State, and I represent, in part, the State.

Mr. WILLIAMS. Of course I know that.

Mr. LODGE. A committee went on from the Treasury to investigate the salaries, and the chairman of that committee

stated that the principal object of the reduction of the salary of the paying teller at Boston from $2,500 to $2,250 was to add to the amount of the paying teller's salary at Chicago. I have no objection in the world to increasing the salary of the paying teller at Chicago, but I do not regard it as a good reason for reducing the salary of the paying teller at Boston. He is a man who handles nearly a hundred million dollars a year in cash; he pays a premium on a heavy bond out of his own pocket; and his salary has been the same for nearly 30 years. I think to cut him down for any such reason as that stated is not fair.

Mr. WILLIAMS. Mr. President, I listened very attentively to the Senator from Massachusetts, as I always do; but so far I have heard him give no reason at all except that he thinks it is unreasonable to reduce a salary that has been long in existence.

Mr. LODGE. No, Mr. President; I tried to give another reason. I think for a place of that importance, held by a man who has to deal with a hundred million dollars in cash, and who is obliged to give a heavy bond and pay the premium out of his own pocket, $2,500 is a very small salary.

Mr. WILLIAMS. Then, if I understood the Senator, he gave another reason, which was that what they were taking away from Boston went to Chicago. That is a very good reason——

Mr. LODGE. Will the Senator allow me again?

Mr. WILLIAMS. Yes.

Mr. LODGE. I did not say that that was my reason; I said that is the only reason that was given by the Treasury Department for cutting down his salary.

Mr. WILLIAMS. I beg the Senator's pardon. I expressed myself awkwardly. What I meant to say was that the only reason given by the Senator was his antagonism to the idea of transferring $250 from Boston to Chicago. Well, that may be a very good reason not to give it to Chicago, but it is not a good reason for keeping it in Boston. It seems to me, Mr. President, if we are ever to have any economical administration of the Government at all, when the House of Representatives and a committee of the House of Representatives act and a committee of the Senate acts and they both agree that certain salaries ought to be reduced—and you know what a difficult thing that is; it is awfully hard to get them both to agree; it is so exceedingly difficult that it hardly ever happens—but whenever they do both agree, the House committee and the House forming one party, and the Senate committee forming another, it seems to me that they must have had some good reason for their action.

Mr. LODGE. Mr. President, they took the estimate of the Treasury Department, which had made this cut. If the salary had been left where it has been for 30 years——

Mr. WILLIAMS. Ah!

Mr. LODGE. If the salary had been left, they would not have touched it. It was the suggestion of the Treasury Department. What I object to is that this man, receiving very moderate pay for a very difficult and responsible office, should be selected among all the other for economy. If that is to be done to all the paying tellers, I find no fault; but why should the man at Boston be picked out for it?

Mr. WILLIAMS. Mr. President, economy has got to begin somewhere.

Mr. LODGE. Well, let it begin somewhere else. [Laughter.]

Mr. WILLIAMS. Oh, well, that is what everybody says; but unfortunately for human nature and unfortunately for the method in which God has framed the universe, if you begin anything it has got to begin somewhere.

Mr. LODGE. Let us begin with the first one on the list, then, which is Baltimore.

Mr. WILLIAMS. Now, wait a moment. While I would not select Boston as exactly the initiative point of the entire universe, I still would not resent the beginning of economy in Boston simply because it was Boston.

The Senator from Massachusetts made the case much stronger than I thought it was. I thought, in my ignorance, that I had upon my side merely the House and the House committee and the Senate committee, but I find that I have the Treasury Department as well.

Mr. LODGE. You have.

Mr. WILLIAMS. I find that I have the estimate of the department.

Mr. LODGE. You have; and if the Senator thinks——

Mr. WILLIAMS. Mr. President, in all due reverence—because if there is a man that lives that just simply reverences Boston at a distance, it is I—as I said a moment ago, I would not take Boston as the initiative, but I am rather disposed to think that it is a very good initiative for any great reform. It pretends to have fathered human liberty and American independence and a great many other things, and I think it a very good opportunity to let Boston father economy in governmental administration, wherever the department, plus the House, plus the House committee, plus the Senate committee think it is an appropriate point for beginning economy of some sort.

I beg the Senator from Massachusetts to believe that I say that with that degree of reverence which is due from a mere countryman to a great metropolitan city.

Mr. LODGE. Mr. President——

Mr. WILLIAMS. If the Senator has a reason except that this is Boston——

Mr. LODGE. I have endeavored to give the reasons. I will give them again, if the Senator will allow me, and possibly I can make them clear.

I say the office is underpaid now for a man carrying that responsibility, handling a hundred million dollars in cash, giving a bond on which he has to pay a premium out of his own pocket; that there is no good reason to cut down the salary when Congress after Congress and Secretary of the Treasury after Secretary of the Treasury have for 30 years thought $2,500 was a proper amount.

Mr. WILLIAMS rose.

Mr. LODGE. Now, one minute. We are beginning economy. All right. If we are going to begin economy, let us go on. If this is economy, why do they raise the salaries at Cincinnati? Why do they raise them at New York for officers carrying no responsibility comparable to this officer? And when the Senator says his case is strengthened by the Treasury Department being behind the two Houses I beg to differ with him.

Mr. WILLIAMS. Of course, I always differ with the Senator from Massachusetts with great hesitation, not only because of our respective localities of residence but because of his general intellectual superiority. But I must differ with him in this respect. I have never found in my service in Washington a department or bureau recommending a reduction of a salary without an awfully good reason. I generally find them recommending an advance, a promotion, a reclassification, accompanied with promotions all the way round.

I must, with due deference, differ with another conclusion seemingly drawn by the Senator from Massachusetts. Custom may make laws, but I never heard of custom making salaries; and I do not think we can invoke the idea that because a man has been, perhaps, overpaid for a long, long while he ought to continue to be overpaid for a long, long while to come.

The Senator from Massachusetts said he would attempt to make his point plain, and repeated just what he had said before. If I understand what the Senator from Massachusetts says now and what he said before, it was simply that he thought, it was his opinion, it was his idea, that this man was not paid too much at $2,500 a year; but in opposition to that I put the opinion and the idea of the House and the House committee and the Senate committee and the Treasury Department that he has been paid too much.

Mr. LODGE. Mr. President——

Mr. WILLIAMS. Now, one more point following up the Senator's argument.

I hope the Senator will reduce all these other salaries to correspond, because I admit if Boston is overpaid at $2,500, Cincinnati and other places are also overpaid at the same amount.

I have been hunting all around for a place to begin economy. I have talked with Senators in the cloakroom; I have talked with Senators on the floor; I tried to begin with five regiments of Cavalry; I tried to begin with various things; and every time I speak with a Senator in private or in public conversation, he says, "I am in favor of economy, but that is not the place to begin." Suppose we begin with the cradle of independence, Boston itself.

Mr. LODGE. Mr. President, I do not want to take up the time of the Senate wrangling over a petty salary of this kind. I thought an injustice had been done, and I think so still. The Senator says it is done with good reason. It is good reason. They want to take the $250 and give it to some one at Chicago. That is an excellent reason.

Mr. WILLIAMS. That is a mighty bad reason.

Mr. LODGE. That is the reason they gave.

I am perfectly willing to have a beginning made, and I do not object to Boston sharing in the reductions, but I suggest that when the beginning of reductions is made in Boston, it might not be a bad thing to stop the increases in New Orleans—to spread this economy about. I am not asking for decreases anywhere. I think the men in all these subtreasuries in the different cities are earning their money, and I think the paying teller in this important place, getting $2,500 a year, is not paid as much as men with similar responsibilities get anywhere else.

The singling out of Boston is the least important of it. It is only that we should pay men what they justly and decently earn. I do not want to take up the time of the Senate further.

Mr. SMITH of Maryland. I understand the Senator from Massachusetts to say this man has been getting this salary for years and years.

Mr. LODGE. It has been the salary for 30 years.

Mr. SMITH of Maryland. And the purpose is to reduce it?

Mr. LODGE. To reduce it by $250.

Mr. SMITH of Maryland. It seems to me if we can keep the salaries where they are, we shall be doing good service to the country. We do not find salaries being reduced in other departments of life, and it does seem to me that it is not fair to the subtreasury in Boston that this salary should be cut down.

So far as I am concerned I think we shall do well to keep salaries where they are. Some of them ought to be increased. For my part I think a good many of them should be increased. The responsibilities justify an increase.

Mr. WILLIAMS. In answer to the Senator from Maryland I merely want to say this: While it is true that in all kinds of private industries salaries are being raised, they are being raised because they were too low. But Government employees, in comparison with employees doing the same sort of work in all kinds of private industries—and it was true of the entire country for the last 40 years—have been overpaid, including ourselves, the Senators and Representatives in Congress.

Mr. SMITH of Maryland. That is not my observation. My observation is that men get paid better in private walks of life than they do in the Government service at this time. I do not go back 30 or 40 years.

Mr. WILLIAMS. Men who are doing very special expert work in industrial life get paid more than those in the Government service. But ordinary cashiers, tellers, clerks, men doing work that any honest man can do—the only requisite being that he should be honest—are paid very much more in the Government service than in private industries.

Mr. WARREN. Mr. President, I have no doubt about the point of order, but I will withdraw it and let the amendment go to the Senate for a vote.

Mr. GALLINGER. Mr. President, just a word. I have some knowledge of the duties of this office and I am very fully persuaded that this man has not been overpaid.

Glancing at the bill I find 12 or 15 instances where clerks to committees of the Senate are getting $2,500, some clerks of committees receiving more. It is inconceivable to me that a man handling the amount that this paying teller does in the subtreasury at Boston, under heavy bond, for which he has to pay, is being overpaid in comparison with the salaries that are being paid to the officers of the Senate itself. It is current law, and I hope the Senate will agree to restore the salary to a point which I think is not extravagant, but rather, in my mind, is insufficient, considering the duties this man performs.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. McCUMBER. On page 13, line 8, I move to strike out "$1,200" and insert in lieu thereof "$1,500." This relates to the Capitol police. The amount given to a man with a family to support, who is compelled to live here during the entire year, is less than that which is given the average female clerk in the department who, as a rule, has no large family to look after, and I believe that the amount ought to be increased. It is less than that paid to assistant and clerks and is grossly insufficient. My amendment, beyond this, would be to change the "$1,200" to "$1,500"; the two special officers at "$1,200" to "$1,500"; the 67 privates from "$1,050" to "$1,200"; and following the rule that was adopted in the case of the previous amendment I would move them all as one single amendment—that is, to strike out, in line 8, "$1,200" and insert "$1,500"; in line 9 to strike out "$1,200" and insert in lieu thereof "$1,500"; and in line 10 to strike out "$1,050" and insert in lieu thereof "$1,200."

Mr. OVERMAN. I make the point of order that it is not estimated for and is not recommended by a committee.

Mr. McCUMBER. I am willing to submit it to a point of order. It is estimated for; and, of course, it would not have gone into the bill if it had not been estimated for. It is simply a question of changing the amount. We are not bound to follow the exact amount that is estimated, as long as there is an estimate for that particular office. That does not tie the hands of the Senate. It can make it either more or less.

Mr. OVERMAN. I understood the Senator to move to increase the compensation of the 67 privates from $1,050 to $1,200.

Mr. McCUMBER. We have just as much right to increase the amount as we have to increase the number. They are estimated for. The only difference is that the Senate has now changed the number, and if we were to have the rule enforced as it is enunciated by the Senator from North Carolina we might as well have no discussion on any amendment as to amount or as to number.

Mr. OVERMAN. The amount estimated is $1,050. The committee recommended $1,050. Therefore this amendment is not estimated for or recommended by the committee.

Mr. McCUMBER. Therefore if the recommendation of the department is $1,050 and the committee agrees to $1,050, the Senate can not put it at any more or any less. I submit that that is not the rule.

Mr. POMERENE. What occasion is there for increasing the number of privates from 33 to 67?

Mr. McCUMBER. That was discussed some time ago, and was agreed to, and I do not care to go into that branch now.

Mr. POMERENE. I was not present at the time.

Mr. McCUMBER. That was fully gone over, and we spent a day or two, I think, on the number that ought to be provided.

The PRESIDENT pro tempore. The Chair is not in a position to decide the question of fact whether or not it has been estimated for.

Mr. OVERMAN. There is no claim that it is estimated for. The total will be increased very considerably, as the Chair can see.

The PRESIDENT pro tempore. The Chair can only rule upon the point of order, assuming the state of facts stated to be correct. If the fact that the increases are not estimated for is disputed——

Mr. McCUMBER. No. I do not understand that there is any claim that that number has not been estimated for.

Mr. WARREN. Mr. President, the point of order really lies on this. The number has been estimated for, as the Senator says, but this is a raising of salaries, increasing the amount in an appropriation bill without an estimate for the raise and without its being reported upon by any standing committee. That would be the point.

Mr. McCUMBER. It is in exactly the same position as the one just now passed. There is no distinction whatever. The only distinction whatever is that the committee itself in one instance sought to amend by inserting 67 instead of 33 as the number.

Mr. WARREN. To what amendment does the Senator allude as just having been passed?

Mr. McCUMBER. I mean the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. WARREN. The Senator from Massachusetts did not ask any raise of salary beyond what the officer is getting now, but the Senator from North Dakota does.

Mr. McCUMBER. O Mr. President, I do not think that is the distinction at all. I do not think the Chair will claim that.

The PRESIDENT pro tempore. The Chair ruled the former point of order not well taken upon the ground that the amendment was for an expenditure provided by existing law. That was the ground upon which the Chair made the ruling. The general rule is that unless estimated for, if an amendment increases an appropriation, it can not be received. But one of the exceptions is, to read the language:

> Unless it be made to carry out the provisions of some existing law.

It was upon the ground that the amendment fell within that exception that the Chair made the former ruling.

The point of order now made is that this item is not estimated for. The Chair does not understand that there is any exception claimed to take it out of the general rule.

Mr. McCUMBER. Mr. President, there is no denial that it has been estimated for. The only question raised is that it has not been estimated for at this particular amount, and therefore that we can not raise the amount.

I submit to the Senator in charge of the bill that there has been an estimate made for a captain of police, at $1,800, and an estimate made for two lieutenants, at $1,200, which the committee changed to three lieutenants; that there has been an estimate made for two special officers, at $1,200 each; also, that there has been an estimate made for 33 privates, at $1,050 each, which the committee has changed to 67 privates.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I think the rule is very clear:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations—

That has not been done in this case—

> And when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

It seems to me, Mr. President, that this increase has not been estimated for, and that it comes directly under the terms of Rule XVI.

Mr. McCUMBER. Does the Senator claim that the amendment which has just been agreed to was referred to the committee one day before it was considered?

Mr. GALLINGER. That was determined upon an entirely different proposition—that it conformed to existing law, and hence was an exceptional case under the rule.

Mr. McCUMBER. Mr. President, that is a distinction without a difference.

Mr. OVERMAN. Mr. President, this is an increase of an estimate. The total amount estimated was $162,000. This amendment proposes to increase the estimate from $162,000 to about $170,000.

Mr. McCUMBER. Let me ask the Senator if he claims that the committee has authority with reference to increases that the Senate itself has not?

Mr. OVERMAN. The Senate has made certain rules of order here by which the Chair is to be governed.

Mr. McCUMBER. The Senate has made no rule that gives any committee created by the Senate a power greater than the Senate itself has. If there is such a rule, I should like to have the Senator point it out to me. If the creature of the Senate has under any rule a power greater than the power the Senate has with reference to an amendment, I certainly should like to see it.

Mr. OVERMAN. The Senate has made certain rules to govern the Senate and to govern the committee. The committee has been governed as far as it knew how by the rules of the Senate. Rule XVI is to govern the Senate, and the point of order is made and is submitted to the President of the Senate to rule upon under the rule that the Senate has made.

Mr. McCUMBER. Then, Mr. President, so we may not misunderstand each other, and so it may stand as a precedent in future cases, the position is that if there is an estimate made by the department for one captain at $1,800, and the committee acts upon that estimate and adopts it, there is no such thing permissible as an amendment of it in the Senate——

Mr. GALLINGER. Except by unanimous consent.

Mr. McCUMBER (continuing). That the Senate can not raise the amount? If we are to have that as a precedent, I want to know that it is a precedent which we can call up at any time, and interpose it against any amendment raising any salary by one cent unless it has been acted upon by the committee and the committee itself has changed it.

Mr. WARREN. Oh, no, Mr. President; any standing committee of the Senate can recommend an increase, and that makes it in order.

Mr. McCUMBER. But the Senate can not recommend an increase?

Mr. WARREN. A Senator may rise in his place and propose it, but if a point of order is made the rule certainly covers the case, and always has covered it. To make it in order there must be either an estimate or a favorable report from some committee, either the Committee on Appropriations or some other standing committee. Otherwise the appropriation may not be increased.

Mr. McCUMBER. The Senator does not seem to understand my proposition. The difference between us is this: I insist that if there has been an estimate made, that opens the matter for discussion and amendment. If there has been no estimate made, of course I will agree that the rule applies. But we are not bound by the figures of the estimate; and once having the estimate made by a department and brought in by the committee, I insist that there is no standing rule of the Senate, when properly construed, under which the amount is sacred, and we can not change it. If there is, let us have it and follow it hereafter.

Mr. WILLIAMS. Mr. President, some time ago I gave notice that I would hand the Secretary an amendment. I want to hand it to him now, and ask that it be published in the RECORD for information.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The point of order made is that this increase has not been estimated for. The general rule is that no amendment——

Mr. WILLIAMS. Mr. President, one moment; I give notice that I want to call up that amendment to-morrow, when we get back to the consideration of the bill. For the information of the Senator from Wyoming, I wish to say that this is the amendment he asked me to have prepared and put in the RECORD.

Mr. WARREN. I hope the Senator will not talk about "to-morrow," because we may not have the bill under consideration to-morrow. I should like to finish it to-night.

The PRESIDENT pro tempore. Senators will please postpone——

Mr. WILLIAMS. Then, Mr. President, I fail to understand the object of the request of the Senator from Wyoming.

The PRESIDENT pro tempore. The Chair was proceeding to rule——

Mr. WILLIAMS. The Senator from Wyoming asked me to have the amendment prepared and put it in the RECORD so that Senators could read it. I do not see how we can read it in the RECORD to-day.

The PRESIDENT pro tempore. The Chair was proceeding to rule upon the point of order.

The point of order made was that the amendment offered by the Senator from North Dakota had not been estimated for, and therefore was out of order.

Mr. WARREN. Mr. President, the Chair says that is the point of order. I did not so understand it. That was only one branch of it. What becomes of the balance of Rule XVI?

The PRESIDENT pro tempore. Will the Senator permit the Chair to proceed with the ruling? Then, if there is any other point, the Chair will be glad to hear it stated.

Mr. WARREN. I myself made the point under the whole rule. Perhaps I am not in order, though, if the other point has been made.

The PRESIDENT pro tempore. The Senator from Wyoming will please state his point of order.

Mr. WARREN. The point of order is that it has not been estimated for and that it increases the amount of an appropriation without having had the indorsement of any standing committee. The reading of Rule XVI will advise the Chair of the situation:

> No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation,

And so forth.

The PRESIDENT pro tempore. The Chair was proceeding to rule upon that very point.

The general rule is this:

> No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

Then follow certain exceptions. One of the exceptions is:

> Unless * * * proposed in pursuance of an estimate of the head of some one of the departments.

The Senator from North Dakota contends that the estimate for the number of policemen would comply with that requirement of the rule.

In the opinion of the Chair, the words "proposed in pursuance of an estimate of the head of some one of the departments" refer to an estimate for that increase; and therefore, unless the increase has been estimated for, that the amendment is not in order.

Mr. BURTON. Mr. President, I desire to call up an amendment submitted on the 28th of May.

The PRESIDENT pro tempore. The Senator from Ohio proposes an amendment, which the Secretary will report.

The SECRETARY. On page 136, line 13, immediately after the figures "$2,500," insert the words—

> Chief of Division of Compilation, $2,000.

Mr. BURTON. Mr. President, this is in pursuance of a letter of the Secretary of Commerce and Labor which gives this list, and states:

> The House bill does not provide for this position, although there is a chief of division (of compilation), at $2,000, now in the Bureau of Statistics. It will be still necessary to maintain this division without in any degree lessening its responsibilities or duties.

Mr. WARREN. I understand that to be within the estimate.

Mr. BURTON. It is.

Mr. WARREN. Will the Senator send the letter to the desk?

Mr. BURTON. I will send the letter to the desk. It is somewhat voluminous, however.

Mr. WARREN. I mean, just the point to which the Senator has referred.

Mr. BURTON. It is upon pages 5 and 6. That is, it is in the estimate as transmitted in this letter. I will suggest that perhaps I had better read the portion referred to, as the letter contains other unrelated recommendations.

The Secretary of Commerce and Labor, as a substitute for the provision as it came from the House, gives an enumeration of the positions in the proposed Bureau of Foreign and Domestic Commerce:

> Chief of bureau, $5,000—
>
> That is carried here at $4,000—
>
> assistant chief of bureau; stenographer to chief of bureau; chief clerk; chief statistician; chief, Division of Consular Reports; chief, Division of Compilation.

Then the letter gives the list of clerks.

I presume it is unnecessary for me to repeat his statement, which I have already read, to the effect that this position is necessary under the reorganization as well as under the old plan. This amendment is also in pursuance of existing law, as the position has existed for, I think, 10 years or more.

Mr. McCUMBER. Mr. President, I raise a point of order against this amendment and cite the rule just cited by the Chair, that—

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill—

This increases the appropriation already contained in the bill—

or to add a new item of appropriation—

This adds a new item of appropriation—

unless it be made to carry out the provisions of some existing law or treaty stipulation.

This is not to carry out the provisions of an existing law any more than the amendment which I proposed a short time ago was to carry out the provisions of an existing law. Also because the same has not been moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. BURTON. I think if the Senator from North Dakota will carefully examine the exceptions he will find that there are two exceptions very distinctly stated, either of which makes this amendment germane. In the first place, it is in pursuance of existing law, being a position of long standing and an integral part of the Bureau of Statistics. I will read the exceptions from the rule:

Unless it be made to carry out the provisions of some existing law—

As I have said, there is an existing law for this position. It has been in existence for 10 years as an essential part of the Bureau of Statistics. Then, passing by others not applicable—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate—

We come to another exception which clearly justifies this amendment—

or proposed in pursuance of an estimate of the head of some one of the departments.

Here is an estimate of the head of the Department of Commerce and Labor and a statement clearly setting forth his position in reference to it:

The House bill does not provide for this provision, although there is a chief of division (of compilation) at $2,000 now in the Bureau of Statistics. It will be still necessary to maintain this division without in any degree lessening its responsibilities or duties.

The PRESIDENT pro tempore. The Chair is not in a position to pass on the question of fact raised. The Chair knows nothing as to whether an estimate has been made or not. The Chair would be very glad to hear from the chairman of the Committee on Appropriations.

Mr. WARREN. I will say, in order to inform the Chair, that in the original estimate which precedes the law a chief was estimated for without giving the title of bureau or division, and we did not include it. The only difference is that the amendment now offered names the place the chief is to have. Therefore, so far as the estimate is concerned, it is true that it was estimated for. It is also true that in the combination made in this Bureau of Domestic and Foreign Commerce there has been quite an uncertainty as to how the Department of State and the Department of Commerce and Labor were affected. In amalgamating them, one depended upon another. It seemed to the subcommittee, and later to the full committee, that in getting it together they missed this one place, which we thought was not necessary at the time. The letter explains the situation.

The PRESIDENT pro tempore. Upon the assumption that the expenditure had been estimated for, the Chair will overrule the point of order.

Mr. OVERMAN. Mr. President, I wish to say as to the merits of the case that, so far as I am concerned, it was understood when these great departments were consolidated that there would be some money saved to the Government by the consolidation. I thought they had enough clerks, and I shall vote against this amendment. I do not see any reason for a consolidation if we are going to put all the old clerks back. Here are three departments consolidated into one department. It seemed to me that the compilation might be done by fourth-class clerks who get $2,000 each.

Mr. BURTON. On that point I will state that there is not an unusual number of chiefs here. There are two assistant chiefs. There is a very large amount of labor. This man has had 10 subordinates under him for a number of years, and the officials of the bureau state that the position is still necessary for the performance of efficient work.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Ohio. [Putting the question.] The noes appear to have it.

Mr. BURTON. I call for a division upon the question.

The PRESIDENT pro tempore. A division is demanded. [After a pause.] No quorum has voted. What is the pleasure of the Senate?

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON].

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH] and vote. I vote "yea."

Mr. JOHNSON of Maine (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT], and I withhold my vote.

Mr. GALLINGER (when Mr. SANDERS's name was called). I was requested to announce that the junior Senator from Tennessee [Mr. SANDERS] is paired with the junior Senator from Indiana [Mr. KERN].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH] is absent on important business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). Has the Senator from Maryland [Mr. RAYNER] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. SUTHERLAND. I have a pair with that Senator, and I withhold my vote.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to my colleague [Mr. PERCY] and vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the senior Senator from Minnesota [Mr. NELSON], and vote "yea."

Mr. CURTIS. I am paired with the Senator from Nevada [Mr. NEWLANDS], and therefore withhold my vote.

Mr. PAYNTER. I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], who is absent from the Chamber, and I therefore withhold my vote.

Mr. SMITH of South Carolina. I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. CURTIS. I transfer my pair with the Senator from Nevada [Mr. NEWLANDS] to the Senator from Nebraska [Mr. BROWN] and vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He has not voted, and I desire to withdraw my vote.

Mr. SUTHERLAND. I will transfer my pair with the Senator from Maryland [Mr. RAYNER] to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. BURNHAM. I will inquire if the junior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. BURNHAM. I have a general pair with that Senator, and therefore withhold my vote.

Mr. CHAMBERLAIN. If there is doubt about a quorum I will transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maryland [Mr. SMITH], and this will permit the Senator from New Hampshire [Mr. BURNHAM] to vote. I will let my vote stand.

Mr. BURNHAM. Under the transfer of pairs just announced, I vote "yea."

The result was announced—yeas 30, nays, 20, as follows:

YEAS—30.

Bourne	Cullom	Heyburn	Stephenson
Bradley	Cummins	Jones	Sutherland
Briggs	Curtis	Lodge	Townsend
Burnham	Dillingham	McLean	Warren
Burton	du Pont	Page	Watson
Catron	Fletcher	Perkins	Wetmore
Clapp	Gallinger	Pomerene	
Crawford	Gore	Smoot	

NAYS—20.

Ashurst	Clarke, Ark.	Martine, N. J.	Smith, Ga.
Bacon	Culberson	Myers	Smith, S. C.
Bristow	Johnston, Ala.	Overman	Swanson
Bryan	McCumber	Shively	Tillman
Chamberlain	Martin, Va.	Simmons	Williams

NOT VOTING—44.

Bailey	Foster	Lippitt	Rayner
Bankhead	Gamble	Lorimer	Reed
Borah	Gardner	Nelson	Richardson
Brandegee	Gronna	Newlands	Root
Brown	Guggenheim	O'Gorman	Sanders
Chilton	Hitchcock	Oliver	Smith, Ariz.
Clark, Wyo.	Johnson, Me.	Owen	Smith, Md.
Crane	Kenyon	Paynter	Smith, Mich.
Davis	Kern	Penrose	Stone
Dixon	La Follette	Percy	Thornton
Fall	Lea	Poindexter	Works

So Mr. BURTON'S amendment was agreed to.

Mr. WILLIAMS. I sent an amendment to the desk. I ask that the amendment be published in the RECORD, and that we agree to take a vote upon it to-morrow morning when the bill is called up. I do not care to discuss it, but I should like to give Members of the Senate an opportunity to read the amendment and compare it with the House provisions and with the Senate amendment. I call up the amendment for the purpose of making that request.

Mr. WARREN. I did not catch the drift of the Senator's remarks. What was his request?

Mr. WILLIAMS. I requested that the amendment be published in the RECORD, and that we take a vote upon it to-morrow morning without any further discussion. I do not care to discuss it, but I want to give every Member of the Senate an opportunity to read it and compare it with the House provision and with the Senate amendment.

Mr. WARREN. Does not the Senator think that if it were read the Senate would then be ready to vote on it to-night?

Mr. WILLIAMS. I doubt it, unless every Senator had the bill in his hand to follow it. It is a rather far-reaching amendment.

Mr. WARREN. The Senator knows in what anxiety we are to try to finish this appropriation bill. The Senator from North Carolina [Mr. SIMMONS] is shaking his gory locks at me now regarding the unfinished business.

Mr. WILLIAMS. There is nothing in my request which interferes with that.

Mr. CUMMINS. I ask the Senator from Wyoming whether he proposes to make a point of order against the amendment submitted by the Senator from Mississippi?

Mr. WILLIAMS. No point of order would lie.

Mr. CUMMINS. If he does, it seems to me it might well be made now. I do not know whether he intends to do it, but from the general trend of his suggestions heretofore I believe that he would be of the opinion that it is subject to a point of order.

Mr. WARREN. I understand the amendment is not in order now, and will not be in order until we get into the Senate. It is not in order as in Committee of the Whole, because we have already adopted the amendments in the bill, and if in order at all it comes up in the Senate. Of course the amendment seeks to become a substitute——

Mr. WILLIAMS. It seeks to amend the Senate amendment.

Mr. WARREN. It is, in other words, a substitute for both the House provision and the Senate committee amendment.

Mr. WILLIAMS. But it is an amendment of the Senate to the House provision, and it is not subject to a point of order at all.

Mr. WARREN. It would be most desperately out of order were it not for what is already in the bill. I do not feel, with what we have in the bill, as if I should want to make a point of order against it, although when we come to act upon it it may seem to me to be subject to a point of order.

Mr. CUMMINS. I did not want to suggest to the Senator from Wyoming that he could make a point of order, and I certainly do not wish to make one, but if one is to be made it might well be made now, because if we enter upon the debate of the entire civil service, what it has done and what we hope for it, it may take quite a while.

Mr. WARREN. The amendment is not offered yet.

Mr. WILLIAMS. Mr. President, I certainly hope that the Senator from Iowa will at least read the amendment before he repeats his last observation. It not only does not repeal the entire civil-service system, but it does not repeal a bit of it, except——

Mr. CUMMINS. I heard the very eloquent address of the Senator from Mississippi, and I assume that everything which he said in that address is pertinent to the amendment which he offers. His address covered the whole scope of the civil service. It covered the issue as between appointments during efficiency and appointments during a term. It covered the question of the contributory pension system, the civil-service pension system, and everything else that could possibly enter into one's consideration of the civil service, and the manner of appointment and the manner of dismissal. I could not, with my view of the matter, allow it to pass without some discussion.

Mr. WILLIAMS. That is the very reason why I have made the request.

Mr. CULLOM. If the amendment is going to be discussed let it be read.

Mr. WILLIAMS. The amendment does not in the slightest degree weaken or hurt the civil-service system. On the contrary, it strengthens it. The only thing it is intended to do is to remove from the future the deadened lumber in the way of an accumulation of superannuation which year by year takes place.

It may be true that while I was discussing the question I discussed everything as far as I could cognate to it, everything that it might affect, everything that it might help or hurt, but the amendment speaks for itself. The amendment is intended to coalesce and harmonize the existing nonpartisan and nonpolitical public service with a fixed tenure of office, so that there shall not be an accumulation of superannuation from year to year. That is all it does. There is nothing that has anything to do with entrance into the civil service; it is just as it is now. There is nothing in it that prevents reappointment, except a provision that where a civil-service employee falls below the minimum rate to be fixed by the Civil Service Commission he shall go out at the end of five years; that is all.

Mr. GALLINGER. Will the Senator yield to me?

Mr. WILLIAMS. Certainly.

Mr. GALLINGER. I will ask the Senator if I understood him correctly to say that if the amendment should be printed in the RECORD and go over until morning he is willing that a vote shall be taken upon it without further debate?

Mr. WILLIAMS. Without further debate as far as I am concerned. I do not desire to debate it. All I want is to give Senators an opportunity to read it and compare it with the bill.

Mr. GALLINGER. I am quite sure the chairman will agree to that.

Mr. WILLIAMS. I do not think Senators can do that now, because most of them have not the bill before them. Talking about it is one thing and taking it and comparing it with the bill is another.

Mr. CUMMINS. I have not seen the amendment. All I know is through the address of the Senator from Mississippi. I am not ready to agree that we shall take a vote upon it without debate.

Mr. SMOOT. Let the amendment be read.

Mr. CLAPP. I suggest that the whole situation be cleared up by taking the vote Saturday morning, and then to-morrow morning bringing in the bill the Senator from North Carolina [Mr. SIMMONS] has in charge. That would harmonize with his desires.

Mr. SIMMONS. That would be very satisfactory.

Mr. WILLIAMS. How will that do?

Mr. GALLINGER. I suggest to the Senator from Mississippi, if he pleases, that he let the proposed amendment be now read. It will then go in the RECORD, and the matter as to when the vote shall be taken will be determined later.

Mr. WILLIAMS. Then I ask for the reading of the amendment, Mr. President.

Mr. SIMMONS. If I can get the attention of the Senator from Mississippi for a minute I desire to say I had hoped very much that we might be able to finish the appropriation bill this afternoon. I have no sort of objection to the Senator's request provided it is coupled with the condition that if the bill is not disposed of this afternoon and the amendment is to be submitted for consideration to-morrow——

Mr. WILLIAMS. I do not understand that my request could possibly conflict with the chemical tariff bill. That is what the Senator is talking about. That will come up to-morrow if my request is granted. It certainly would not take 20 minutes to call the roll of the Senate and vote on the bill.

Mr. SIMMONS. As the Senator from Iowa says he can not give consent to an agreement that there shall be no debate on the amendment to-morrow, my suggestion is that if possible we finish the bill this afternoon; and if we fail to finish the bill this afternoon then let the Senator's amendment be printed in the RECORD.

Mr. WILLIAMS. I am not willing to agree that an amendment of this magnitude, without any opportunity on the part of Senators to read it and compare it with the provisions of existing law, should be voted upon this afternoon. So far as I am concerned I am willing to make any agreement that will

give Senators an opportunity to read the amendment and compare it with existing law, compare it with the House provision, compare it with the Senate amendment, and take a vote upon it.

Mr. WARREN. I suggest that the amendment is not pertinent until we get out of the Committee of the Whole and in the Senate. I understand we are still in Committee of the Whole and the bill is still subject to amendment. If the Chair will ask if there are further amendments in Committee of the Whole, and if there are none, and we go into the Senate, then the amendment will be pertinent.

Mr. WILLIAMS. Let me get the situation. As the Senator knows, I was absent yesterday. Were the Senate amendments on pages 152 and 153 adopted yesterday?

Mr. WARREN. One was adopted yesterday and one was adopted to-day.

Mr. WILLIAMS. When was one adopted to-day? It was not adopted while I was here.

Mr. WARREN. I think it was adopted while the Senator was here.

Mr. WILLIAMS. No; it was not, for I was watching it very closely. I did not hear it. I had an amendment pending to it. I do not see how it came to be adopted.

Mr. CUMMINS. I think the Senator from Mississippi probably refers to sections 4 and 5 of the House bill. The amendments proposed by the committee striking those sections out were agreed to yesterday.

Mr. WILLIAMS. But the Senate amendment, as a substitute for them, was not offered and never has been, if I understand it.

Mr. CUMMINS. The amendment was agreed to to-day, as I understand it.

Mr. WARREN. The Senator from Mississippi loses nothing by that course, because the amendment to which we agreed yesterday, as well as the other, made his amendment not in order until we get into the Senate.

Mr. WILLIAMS. No; I have no objection to the modus operandi at all. I merely want to know that there will be some modus; that is all.

The PRESIDENT pro tempore. The reading of the amendment has been called for. Without objection, it will be read.

Mr. WILLIAMS. I suggest the reading of the amendment.

Mr. GALLINGER. Let the proposed amendment be read for information.

The SECRETARY. In the bill as printed it is proposed by the Senate to strike out from the House text section 5 as printed on pages 152 and 153. The Senator from Mississippi now proposes to perfect the portion of the bill proposed to be stricken out. In the first place, on the top of page 153, beginning with the word "and," line 1, strike out down to the word "*Provided*," in line 7. Then after the word "shall," in line 8, page 153, there be inserted these words: "except as hereinafter prescribed"; that in line 12, page 153, the word "fair" be stricken out, and that after the word "efficiency," in line 12, page 153, these words be inserted: "prescribed by the Civil Service Commission," so that the provision as amended will read as follows:

SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine: *Provided*, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years, if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time for good and sufficient cause any employee of his department.

Mr. WILLIAMS also moves that in the Senate committee amendment, after the word "promoted," on line 5, page 154, there be inserted these words, "or reappointed at the end of his five years' service," and on line 6 strike out the words "below which no employee may fall without being demoted," and insert, after the word "rating," on line 6, this language, "and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit," so that the amendment shall read as follows:

SEC. 6. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a maximum rating, below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section.

During the reading of the amendment,

Mr. WILLIAMS. Wait one moment. That is a mistake of the committee. It should be "minimum rating" there, evidently.

The SECRETARY. It is proposed to change the word "maximum" to "minimum."

Mr. WARREN. Both of those words are used in the original amendment, and properly used, I think.

Mr. WILLIAMS. Yes; I understand; but in that case, if the Senator will pardon me, it is evidently a misprint. The provision reads:

It shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency.

Mr. WARREN. That is right.

Mr. WILLIAMS. Of course it means a minimum rating.

Mr. WARREN. I beg pardon, it does not. It means just what it says. Employees must attain that maximum rating or they are to be demoted.

Mr. WILLIAMS. Oh, yes; I understand.

Mr. JONES. I offer an amendment, in line 21, on page 68, after the word "other," to insert "clerks and."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WARREN. Wait a moment. I want to know where that amendment is proposed to be inserted.

Mr. OVERMAN. On page 68, line 21.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington [Mr. JONES] will be stated.

The SECRETARY. On page 68, line 21, after the word "other," it is proposed to insert the words "clerks and," so that if amended it will read:

For wages of workmen and other clerks and employees, $22,000.

Mr. GALLINGER. The word "other" ought to go out.

Mr. JONES. I will say, Mr. President——

Mr. WARREN. I have not yet located the amendment.

Mr. JONES. It is on page 68, line 21.

Mr. WARREN. It now reads:

For wages of workmen and other employees, $22,000.

Mr. JONES. Yes. I propose to make it read "other clerks and employees." The purpose of that, Mr. President, is simply this——

Mr. WARREN. Does the Senator propose to increase the amount of the appropriation?

Mr. JONES. Not at all.

Mr. WARREN. Then I have no objection to the amendment.

Mr. JONES. It is merely to meet an emergency which may require the use of extra help for a little time. I am not proposing to increase the appropriation at all.

Mr. GALLINGER. I suggest that the word "other" ought to go out, so that it will read:

For wages of workmen, clerks, and employees.

Mr. JONES. I follow the language that was in the last law.

Mr. GALLINGER. The word "other" ought to go out.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In the amendment just proposed, before the word "clerks," it is proposed to strike out the word "other," so as to read:

For wages of workmen and clerks and employees, $22,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES. I desire to offer another amendment, to come in on page 93, line 5, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 93, line 5, after the sum "$2,000," it is proposed to insert "who may act as or be appointed director," so that if amended it will read:

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely, one at $2,000, who may act as or be appointed director.

The amendment was agreed to.

Mr. JONES. I offer another amendment on page 93, to strike out lines 9, 10, and 11.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 93, it is proposed to strike out lines 9, 10, and 11, as follows:

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000.

Mr. WARREN. Mr. President, it is not necessary for me to say that the Senator from Washington may be better acquainted with this subject than I am. I do not know enough about it to object to his amendment. I am willing, however, that the amendment shall be agreed to and that the matter shall be considered in conference.

Mr. JONES. I will suggest that this amendment will not affect the efficiency of the work.

Mr. McCUMBER. On what page is the Senator's amendment?

Mr. JONES. On page 93, to strike out lines 9, 10, and 11.

Mr. LODGE. I should like——

Mr. JONES. I might first state the purpose of my amendment.

Mr. CUMMINS. I should like the Senator from Washington to explain why he wants to cripple that office in that way?

Mr. JONES. I desire to say that I do not want to cripple the office, but I want to make the office effective. I am satisfied that all the work that is provided to be done in lines 9, 10, and 11, on page 93, can be done under the regular appropriation and by the regular force of that office. I am further satisfied that the committee of conference, when the matter goes to them and they look into it, will be satisfied that the work can be done with the appropriation provided for in the lines from 3 to 8, and can be done more efficiently than if it were done with this additional appropriation.

Mr. WARREN. Mr. President, I remarked a moment ago that I did not know very much about this matter, but the clerk of the committee calls my attention to the fact that a letter has just been received from the Navy Department in reference to it. I ask that the letter may be read at the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF THE NAVY,
Washington, June 11, 1912.

MY DEAR SENATOR: Referring to the CONGRESSIONAL RECORD for June 8, 1912, page 8323, in regard to the appropriation for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000, and with particular reference to your statement in connection therewith that "unless I have further information in regard to it when the proper time comes, I shall not oppose the Senator's motion" (motion of Senator POINDEXTER to strike out this appropriation), I beg to furnish the following for your consideration:

The fund in question, $7,000, is used to supplement the work of the regular assistants in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, used in making the predictions in the Ephemeris. The regular assistants cost $13,600, all their work being done at the observatory here in Washington, but piecework is required in addition from computers in various parts of the country.

The law requires that the Ephemeris be published three years in advance. Due to changes made in the Ephemeris several years ago, the work fell behind, the date of issue becoming less than three years in advance, and recently the entire force of the office has been used in making up arrears of work. The Introduction to the Ephemeris for 1913 is dated January, 1911; that for 1914, October, 1911; and it is expected to send the final copy for 1915 to the printer next month, July, 1912, so that its issue will still be nearly a year late.

The total cost of the American Ephemeris and Nautical Almanac for one year was, for 1912, $21,000; for 1913, $17,000; for 1914, $15,700. From one to two thousand dollars have been saved through exchange of work with the British Nautical Almanac Office. It is hoped to reduce the cost of publication still further, but the appropriation for the regular assistants alone, $13,600, was not sufficient to get out any one of the last three volumes published, and will not suffice to carry on the work and make up arrears.

The figures given in the preceding paragraph do not cover the cost of making up the work which is behind; so that, if the piecework fund is omitted from the appropriations without increasing the number of regular assistants, the work of improving the tables of the planets, moon, and stars can not be carried on, and the date of issue of future volumes of the Ephemeris may become more and more behind the three-year requirement of the law.

Further, it may be added that some of the best men employed in this work are pieceworkers, and that to reduce the appropriation, as proposed, might impair the value of the American publication as an astronomical standard of well-recognized accuracy.

Faithfully, yours,

BEEKMAN WINTHROP, Jr.,
Acting Secretary of the Navy.

Hon. FRANCIS E. WARREN,
United States Senator, United States Senate,
Washington, D. C.

Mr. LODGE. Mr. President, I only want to say a word in regard to this subject. The American Ephemeris and Nautical Almanac is a publication of the utmost importance. It contains, as the Senate well knows, the tables by which the positions of the planets and heavenly bodies are fixed for a period ahead. Those tables are absolute necessities on every seagoing vessel, and on the accuracy of those tables the safety of vessels in determining their position largely depends. I have some familiarity with that matter; I have known about it for a good many years, and I know of no Government work that we could less afford to cripple than this. The computers are mathematical experts, and it is absolutely necessary to have their assistance in making these computations. I should regret extremely to see any reduction made in the House provision for such a very important work as this.

Mr. JONES. Mr. President, I do not dispute the estimate of the Senator from Massachusetts in reference to the importance of this work, and if I thought the adoption of this amendment would injuriously affect it in any degree, I would not offer it; but I am satisfied that with the proper conduct of that office and with the work done by the regular force there, under proper management the work will be more efficiently done than it is now done. I suggest to the Senator that up to 1910, without this appropriation, the Nautical Almanac was brought up to date and was kept right in line with the times, while since that time, or since the method of carrying on the work that has been adopted since then, it has not only not been carried on so efficiently, but it has also gotten far behind.

I should like to have this amendment go to conference. I am satisfied that the committee, by a little bit of inquiry, can get information that will convince them that this appropriation is not needed and that a very decided reorganization of that institution ought to be had. I want the work kept up, so far as that is concerned; but here is one place where we can save some money and get our governmental business carried on much more reasonably than it is now.

I will say, Mr. President, that I have secured some information along these lines. I have not secured all that I think could be secured and that could be presented to the Senate, and therefore I am not going into the matter more fully, except to suggest that the amendment be allowed to go to conference; and if the conferees, when they have investigated the subject, think that the amendment ought not to be adopted, I will make no objection.

Mr. LODGE. Mr. President, of course the Senator's view is that the work can be done with less help than they now have; but my opinion, from what I know of the matter, is that they require what they ask, and the view of those concerned in it is that they need additional money for computers. I can only repeat that I think it would be a great misfortune to cripple a work of this kind.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES].

The amendment was rejected.

Mr. McCUMBER. Mr. President, on page 61, line 25, I move to strike out "$840" and insert in lieu thereof "$900." It will be subject to the same objection that the Senator from Wyoming urged against the other amendment, if he wishes to make it.

Mr. WARREN. Mr. President, I am compelled to make the point of order against that amendment.

Mr. McCUMBER. Let us hear what the point of order is.

Mr. WARREN. The point of order is that it is not estimated for, that it increases an appropriation, and that it is without the indorsement of any standing committee of the Senate.

Mr. LODGE. Mr. President, as I understand the Senator's amendment it proposes to increase the salary of three watchmen provided for in line 25, page 61, from $840 to $850.

Mr. McCUMBER. No; to $900.

Mr. LODGE. Very well; the current law provides for $850.

Mr. WARREN. Eight hundred and forty dollars.

Mr. LODGE. Eight hundred and fifty dollars; they have been reduced $10 apiece on account of the economy movement.

Mr. McCUMBER. Mr. President, I will submit the point of order to the Chair.

Mr. WARREN. Mr. President, the amount proposed—$900—is not current law; it is not estimated for; it has not the indorsement of any committee; and it increases an appropriation contained in the bill.

The PRESIDENT pro tempore. The Chair thinks that the point of order is well taken if the facts are correctly stated.

Mr. McCUMBER. I want the ruling of the Chair.

The PRESIDENT pro tempore. The Chair so rules upon that statement of the facts. The Chair has no method of ascertaining the facts except from the statements made upon the floor.

Mr. McCUMBER. Mr. President, the facts are just exactly as they were in the case of another item in the same paragraph

which the Senator from Massachusetts moved to amend. The ruling of the Chair in that instance was that the amendment was in order, whereas on another amendment of exactly the same kind, there was a ruling of the Chair that it was not in order. As I have said a ruling that is not consistent with rulings heretofore had as to what constitutes a report or an estimate will get us just into that position.

Mr. LODGE. Mr. President——

Mr. McCUMBER. Just a moment.

The PRESIDENT pro tempore. If the Senator from North Dakota will permit, the Chair will state that if the ruling has been made upon the same state of facts as in the previous instance the Chair is misinformed and is ready to correct the ruling; but the Chair does not understand the statement to be the same. The Chair may be in error in his understanding of the statement.

Mr. McCUMBER. The ruling was made exactly upon the same statement.

Mr. WARREN. Will the Senator pardon me?

Mr. McCUMBER. I will pardon the Senator, but I will still hold the floor.

Mr. WARREN. The statement of the Senator is incorrect; that is all.

Mr. McCUMBER. I have the floor. In the other case exactly the same objection was made upon exactly the same grounds and the point of order was overruled by the Chair. Again, in this instance a point of order was made upon exactly the same grounds and was sustained by the Chair. The only possible difference that was made at all, Mr. President, as a basis for the decision of the Chair was that in one instance the provision of the bill proposed to be amended was a reduction of the salary as carried in the last appropriation act, while in this case there is a difference, as the Senator from Massachusetts has stated, of $10. So in this case the appropriation is different from the amount appropriated for the fiscal year ending June 30, 1912.

I take this position—and I am certain after a further careful examination of Rule XVI that it is correct—that when an estimate has been submitted by a department and a bill is prepared upon that estimate, neither a Senator nor the Senate is prohibited from amending that estimate; and if the department estimates for the salary of an officer $2,000, neither the Senate nor the committee is prohibited by any ruling either from raising that $2,000 to $2,100 or decreasing it to $1,900. That is exactly the same proposition that we had in the other case, and it is the same proposition that will come up to plague us unless the ruling is reversed which practically holds that the Senate can not amend an estimate, especially if that amendment adds in any way to the estimate.

Mr. LODGE. Mr. President, I understood the Chair to rule on the preceding amendment to the same paragraph that it was not obnoxious to the rule because the amendment offered was to carry out the provisions of existing law, and I think the Chair's ruling was correct. The amendment offered by the Senator from North Dakota to pay the watchmen is not to carry out existing law, because the existing law fixes their pay at $850. Therefore it does not come within the ruling of the Chair. If an amendment providing that the salary should be $850 was moved, that would come within the ruling of the Chair, for it would carry out existing law.

Mr. CUMMINS. Mr. President, I rise to make a parliamentary inquiry. Is the point of order debatable?

The PRESIDENT pro tempore. It is not, except by unanimous consent. It is usual, however, to give that consent.

Mr. CUMMINS. We have spent most of the afternoon debating points of order, and it seems to me we ought to proceed in the regular way.

Mr. GALLINGER. Whether it is debatable or not is in the discretion of the Chair.

The PRESIDENT pro tempore. Absolutely.

Mr. McCUMBER. I propose to get this thing down to where it belongs and to follow it up to its logical conclusion as a guide in future controversies of this kind.

The PRESIDENT pro tempore. The Chair will be very glad to hear the Senator.

Mr. McCUMBER. The Chair having ruled that I can not amend this provision by increasing it from $840 to $900, I will now, to conform to the idea of the Senator from Massachusetts, move to strike out "$840" and to insert in lieu thereof "$850."

Mr. President, I want to say candidly that the department has only estimated for $840, and therefore increasing this amount $10 is actually raising the amount of the estimate made by the department. If it is subject to a point of order in the one case it must necessarily be subject to the point of order in the other case, but I will take up the several holes in this ruling until they are all filled.

The PRESIDENT pro tempore. The present amendment offered by the Senator is for the purpose of carrying out, as the Chair is informed, the existing law, and therefore the Chair would hold it to be in order. The question is on agreeing to the amendment offered by the Senator from North Dakota.

Mr. LODGE. I ask before the question is put that the amendment be stated.

The PRESIDENT pro tempore. The amendment now is to increase the amount to $850. The question is on that amendment.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I desire to present an amendment to section 10. It has been stated once or twice here that this section was not open to amendment until the bill reached the Senate, but I think that was a misapprehension. The Senate has rejected the committee amendment with regard to section 10, and it stands before us now as a part of the House bill and open to any amendment that we may see fit to make.

Mr. WARREN. The Senate, as in Committee of the Whole, having rejected it, it is not in order until we get into the Senate.

Mr. CUMMINS. Mr. President, I desire a ruling upon that. It seems to me so illogical that I can not believe that is the parliamentary law governing the case. We have here a section from the House bill. The Senate committee proposed to strike it out. The proposal of the committee was rejected, and thereupon the section is before the Senate precisely as any other section in the House bill, and my inquiry is whether or not it is open to amendment as in Committee of the Whole?

Mr. WARREN. I care nothing about the matter, and I am perfectly willing that it shall go in. I will not make any point against it.

Mr. CUMMINS. I think it will facilitate matters if there is no objection made to the amendment. I offer the amendment I send to the desk to follow immediately the amendment proposed by the Senator from Minnesota [Mr. NELSON] and adopted by the Senate heretofore. I can not make it more definite than that.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the top of page 158, line 1, after the words "United States," an amendment offered by Mr. NELSON was agreed to, reading as follows:

And the procedure in the district courts shall be the same as heretofore in the Commerce Court, and the right of appeal from the district courts shall be the same as heretofore from the Commerce Court.

It is proposed after those words to insert the following:

If in any case it is sought to suspend or restrain the enforcement, operation, or execution of any order of the Interstate Commerce Commission by an interlocutory injunction or restraining order, the provisions of section 266 of the Judicial Code shall govern the proceedings, except that the notice of the hearing upon any such application for interlocutory injunction or restraining order shall be given to the Interstate Commerce Commission and the Attorney General of the United States.

Mr. CUMMINS. Mr. President, I may say a single word in explanation of the amendment. Without it, if these cases are brought in the district courts, as they will be in the future, a single district judge will have the power to issue an injunction restraining the enforcement of an order of the Interstate Commerce Commission. It is manifest that after a matter of this kind has been considered by a commission or a body consisting of seven men its order ought not to be set aside upon the judgment of a single man. Therefore I have asked that the provision which is now the law in regard to interfering with or suspending the enforcement of a State statute be made applicable to a case in which it is sought to nullify the action of the commission.

I need not go into the detail of it save to say that this section of the code provides for the association of three judges in hearing and disposing of an application for a preliminary or interlocutory injunction. It also provides, I think I ought to say, that where the injunction is issued there may be an appeal to the Supreme Court of the United States directly from the court which issues the injunction. As applied to these cases it would mean that if a district court anywhere issued an injunction to restrain the operation of an order of the commission, the commission or the United States might appeal from the order issuing the injunction directly to the Supreme Court, instead of passing through the circuit court of appeals.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. I should like to call the attention of the Senator from Iowa to the existing conditions in regard to the composition of our district courts. Now, as I understand the suggestion of the Senator, it is that three district judges shall sit to determine whether or not the injunction shall issue. There is no court composed of three judges nor is there any existing provision of law which recognizes a court composed of three district judges. How would you appeal from it?

Mr. CUMMINS. The Senator from Idaho will easily understand, I think, when I say that I am simply adopting his own work in this respect, and I think it is very good work, too. I have applied section 266 of the Judicial Code to such cases, and that section is as follows:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application.

Mr. HEYBURN. Unless I misunderstood the Senator he proposes now that three district judges shall pass upon it?

Mr. CUMMINS. Not at all. The Senator misunderstood the amendment.

Mr. HEYBURN. I have no copy of the amendment.

Mr. CUMMINS. The amendment simply takes this section and applies it in cases where it is sought to enjoin orders of the commission, so that it will be applicable to such cases exactly as it is now applicable to cases wherein it is sought to enjoin the operation of a State statute.

Mr. HEYBURN. I was listening to the statement by the Senator of the amendment, and I did not catch any expression which provided for the participation in this of a justice of the Supreme Court or a circuit judge.

Mr. CUMMINS. The Senator probably misapprehended me, because I was pointing out the unwisdom of allowing a single district judge to issue an injunction of this character. I have no doubt——

Mr. HEYBURN. My mind may have followed that thought a little further than the Senator's.

Mr. CUMMINS. He may have confused that with the amendment itself, which does no more than to apply this section to the cases I have stated.

Mr. HEYBURN. I see no good reason why the section should not be applied if it is applied as it is in section 266.

Mr. CUMMINS. It is. I thought I would myself write the procedure, but upon attempting it I found that those who revised the code had done so much better than I could that I simply adopted the section itself.

Mr. HEYBURN. We intended to, and I think we did, provide that this tribunal should be constituted of at least a justice of the Supreme Court and a judge of the circuit court of appeals acting together with the district judge.

Mr. SUTHERLAND. "Or."

Mr. HEYBURN. Yes, "or." That was intended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. SUTHERLAND. Let the amendment be again stated.

The Secretary again read the amendment.

Mr. SUTHERLAND. I do not rise for the purpose of objecting to the amendment, because I think it is an admirable one, but it seems to me that it would be better if the Senator would insert in his amendment——

The PRESIDENT pro tempore. The reporter at the desk is unable to hear the Senator from Utah.

Mr. SUTHERLAND. I simply suggested to the Senator an amendment. I do not move it.

Mr. CUMMINS. I have looked over the section very carefully, and it was my opinion that the only part of the section not applicable is that which provided that the notice of the application for the temporary injunction should be given to the governor and the attorney general of the State and such other persons as may be defendants in the suit. I think that is the only part which is not just as pertinent in such cases as I have described as in the cases described in the section. But I have no objection to the amendment proposed by the Senator from Utah.

Mr. HEYBURN. May I suggest to the Senator from Iowa that instead of using the words "shall govern by" he say "as provided in, so far as may be applicable."

Mr. CUMMINS. I have no objection to that, if it means the same thing.

The PRESIDENT pro tempore. The amendment will be perfected as suggested.

Mr. CUMMINS. I do not know, but possibly I would have to change the whole phraseology of the amendment if the suggestion is to be adopted.

Mr. HEYBURN. If the amendment is read, I think we can do it right now.

The SECRETARY. It is proposed to strike out "shall govern" and to insert "provided in."

Mr. CUMMINS. We shall have no verb in there.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The Secretary read as follows:

If in any case it is sought to suspend or restrain the enforcement, operation, or execution of any order of the Interstate Commerce Commission by an interlocutory injunction or restraining order the provisions of section 266 of the Judicial Code shall, as provided in——

Mr. CUMMINS. Say "shall apply as nearly as possible."

Mr. HEYBURN. I want to get rid of the word "govern."

Mr. CUMMINS. I am perfectly willing to get rid of it in that way—"shall apply as far as applicable."

The PRESIDENT pro tempore. The Chair will have the amendment sent to the Senator from Iowa so that he can modify it.

Mr. WARREN. Mr. President, it is perfectly evident that the bill will have to go over until morning to correct another matter. Would it please the Senator to withhold his amendment also and submit it in the morning?

Mr. CUMMINS. I am entirely willing.

Mr. WARREN. Then, with the Senator's kind consent, I wish we might finish the bill in Committee of the Whole and get it into the Senate.

Mr. CUMMINS. Before the bill passes from the Committee of the Whole to the Senate, I wish to give notice that I intend to offer an amendment, following the amendment proposed by the Senator from Georgia, that will repeal explicitly the first six sections of the law creating the Commerce Court.

Mr. SMITH of Georgia. If the Senator from Iowa has his amendment ready, would he object to its being read so that it will appear in the RECORD and we can all see it in the morning?

Mr. CUMMINS. I have no objection.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The Secretary read as follows:

Sections 1 to 6, inclusive, of the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," are hereby repealed.

Mr. CUMMINS. I may follow that with a specific repeal of some parts of those sections, although I can not see how a specific repeal of a part of the sections will be necessary if we repeal all of them. However, I suggest it so that we may take it up if necessary.

The PRESIDENT pro tempore. Does the Senator desire to have the proposed amendment read?

Mr. CUMMINS. I ask that it be read.

Mr. SMITH of Georgia. I hope it will be read, Mr. President.

The Secretary read as follows:

So much of the act of June 18, 1910, as provides or authorizes or directs the said five judges to preside in the circuit courts of the United States, or in the circuit courts of appeals, or to exercise any of the powers, duties, or authority of circuit judges, or of said circuit courts, or of said circuit courts of appeals, is hereby repealed.

The PRESIDENT pro tempore. The amendment was read simply for information.

Mr. OVERMAN. Mr. President, in order to acquaint myself as well as I could with the matters contained in the appropriation bills, being on that committee, some three weeks ago I introduced a resolution, which was passed through the Senate, asking the Secretary of the Treasury for certain information.

After three weeks, when the report of this bill by the committee had been made, I received from the Secretary of the Treasury a report on the matter referred to in the resolution.

The resolution asked that the Secretary furnish the Senate with a statement of the number and personnel of all the existing commissions, their traveling expenses, and how much money had been expended by them. I am sorry I did not get the report sooner, so that I might have investigated what all these things meant, and what was the use of them and the need of them. I want to ask some Senator upon the floor here what is the need of them; and I want to see if there should not be some limitation placed upon these salaries, and whether some of the commissions that are now in existence should not be abolished.

I see here one that was created in 1896, called the International Prison Commission. It seems that the man who fills the position of commissioner takes a trip to Europe about every year. Last year it cost $1,312.

Can any Senator tell me whether it is necessary to further maintain a commission appointed in 1896, called a prison commission, and whether it is necessary for this man to go to Europe and spend $1,300, and spend $243 for clerk hire, and $350 for something else?

I should like to know why we are keeping this man on the rolls, and allowing him to go to Europe every year and spend $1,300 or $1,400. If anybody can give me information as to why he is needed I shall not move an amendment. But I should like to know. I have not had time to inquire, because for some reason the Secretary of the Treasury has delayed this report for three weeks.

Then I should like to ask—and perhaps the former chairman of the Indian Affairs Committee can tell me—why this Santee commission is still existing, costing the country $6,000. I confess that my ignorance is such that I do not know what it is. I see the Secretary has reported back that there is a commission known as the Santee Competency Commission, composed of a man by the name of Pollock, a man by the name of Marble, and a man by the name of McIntyre; and its expenses last year were over $6,000. Is it necessary for that commission to continue in existence?

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. Certainly.

Mr. CLAPP. That is a question which would have to be referred to the department. The only knowledge I have on the subject is that they think evidently it is necessary because there is still more work for the commission. It was appointed for the purpose of assisting the Indian Office in the release of Indians on the ground that they were competent to manage their own affairs. I assume that the work is not finished, or they would not ask for its continuance.

Mr. OVERMAN. I want to have this document put in the RECORD. The former chairman of the Committee on Indian Affairs, who is a very diligent and very able Senator, and always does his duty in these matters, will see what is being done in the way of spending money for these commissions. I think a great many of them have been provided for from time to time in the Indian appropriation bill.

No one seems to know about this prison commission. Therefore, if I get no further information than I have now, I shall reserve the right to offer an amendment to repeal the law creating it. When a man is appointed on a prison commission, if he goes abroad one or two or three times, I do not see why that is not enough, and why he should continue longer.

Mr. GALLINGER. Mr. President, I can give the Senator, perhaps, a very little information on this subject. I have been aware of the fact that an individual has gone to Europe, possibly every year, for the purpose of investigating prison conditions. I think he makes a report to the department having that matter in charge. There is in the Department of Justice a very competent gentleman who looks after those things in this country; and I feel very sure that this gentleman who goes to Europe makes a report as to conditions in European prisons. Whether or not it is desirable to continue the commission is a matter about which I would not be willing to express an opinion; but I think that is the function of the official who occupies the place.

Mr. LODGE. Mr. President, he does the work referred to by the Senator from New Hampshire, but it is a little more than that. There is an international prison conference which meets every year with a view of discussing matters of prison discipline, and so forth. The United States has been a member of that conference, and I think it is a matter of convention under an international agreement.

Mr. GALLINGER. I think that is true.

Mr. LODGE. I think we send a representative every year, because we have agreed with the other nations to do it, for the purpose of improving prisons and the care of prisoners.

Mr. OVERMAN. Mr. President, I will not delay the Senate further with this matter. I am going to publish this document in the RECORD; and as other appropriation bills come up I may introduce amendments to them. It seems to me there are commissions that ought to be defunct carrying per diems of $10 and other large salaries and expenses and clerks. If there is no longer any necessity for them, they ought to be abolished, and the drain on the Treasury ought to be stopped. I therefore ask that this document be published in the RECORD.

The PRESIDENT pro tempore. The Senator from North Carolina asks that the document referred to be printed in the RECORD. Without objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 794. Sixty-second Congress, second session.]

PERSONNEL OF COMMISSIONS.

Letter from the Acting Secretary of the Treasury, transmitting, in response to Senate resolution of May 14, 1912, information relative to commissions in existence under congressional and Executive authority.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 11, 1912.

The PRESIDENT OF THE SENATE.

SIR: In reply to Senate resolution of May 14, 1912, calling for a statement of the number and personnel of commissions now in existence under congressional and Executive authority, the salaries paid to members, officers, and employees of such commissions, and the individual and total expenses of each commission and member thereof for the fiscal year ended June 30, 1911, I have the honor to say that there are no such commissions under the Treasury Department, and, as this department has no record of such commissions in other departments, I called on the heads of the several executive departments for a list so far as pertains to their respective departments, with the following result:

The Secretary of State reports as follows:

INTERNATIONAL PRISON COMMISSION.

[Authorized by act of Congress approved June 11, 1896.]

Charles R. Henderson, of Illinois, commissioner.

Disbursements for the fiscal year ending June 30, 1911.

Name.	Service.	Expenses.	Total.
Charles R. Henderson, of Illinois, commissioner	.....	$1,312.29	$1,312.29
Miscellaneous expenses, clerical service, translating, typewriting, etc	.....	243.41	243.41
Quota of the United States as adhering member of the International Prison Commission	.....	.....	350.00
Total	.....	.....	1,905.70

INTERNATIONAL FISHERIES COMMISSION.

[Authorized by act of Congress approved May 27, 1908.]

Job E. Hedges, of New York, commissioner.

Disbursements for the fiscal year ending June 30, 1911.

Name.	Service.	Expenses.	Total.
David Starr Jordan, commissioner	$4,583.26	$361.85	$4,945.11
Charles H. Gilbert, expert	.....	161.85	161.85
Barton W. Evermann, expert	.....	85.61	85.61
Herbert R. Stolz, secretary to commissioner	40.00	83.20	123.20
Charles A. Christin, secretary to commissioner	400.00	642.81	1,042.81
Total	.....	.....	6,358.58

ST. JOHN RIVER JOINT COMMISSION.

[Authorized by act of Congress approved June 16, 1906.]

George A. Murchie, of Maine, and Peter Charles Keegan, of Maine, commissioners; Oscar F. Fellows, of Maine, counsel.

Disbursements for the fiscal year ending June 30, 1911.

Name.	Service.	Expenses.	Total.
George A. Murchie, of Maine, commissioner	.....	.....	.....
Peter Charles Keegan, of Maine, commissioner	.....	.....	.....
Oscar F. Fellows, of Maine, counsel	.....	.....	.....
H. S. Ferguson, consulting engineer	$412.50	$92.99	$505.49

INTERNATIONAL JOINT COMMISSION.

[Created by treaty between the United States and Great Britain, signed Jan. 11, 1909.]

James A. Tawney, of Minnesota, Frank Sherwin Streeter, of New Hampshire, George Turner, of Washington, commissioners; L. White Busbey, of Washington, D. C., secretary and special disbursing officer; E. C. Bumpus, of Massachusetts, assistant to commission.

Disbursements for the fiscal year ended June 30, 1911.

Name.	Service.	Expenses.	Total.
Thomas H. Carter, of Montana, commissioner	$2,291.67	$5.00	$2,296.67
James A. Tawney, of Minnesota, commissioner	2,291.67	100.00	2,391.67
Frank Sherwin Streeter, of New Hampshire, commissioner	2,187.50	.....	2,187.50
L. White Busbey, of District of Columbia, secretary and special disbursing officer	1,000.00	.....	1,000.00
William H. Smith, clerk and stenographer	375.00	.....	375.00
Expense, stationery	.....	48.33	48.33
Amount disbursed by Department of State under authority of the act of Mar. 4, 1911:			
Rent, of No. 2 Jackson Place	.....	2,216.69	2,216.69
Wiring, etc., at No. 2 Jackson Place	.....	115.00	115.00
Total	.....	.....	10,630.86

THE COMMISSION OF FINE ARTS.

[Established by act of Congress approved May 17, 1910.]

Daniel H. Burnham, of Illinois, chairman; Frederick Law Olmstead, of Massachusetts; Thomas Hastings, of New York; Daniel D. French, of New York; Cass Gilbert, of New York; Charles Moore, of Michigan, members; Col. Spencer Cosby, Superintendent of Public Buildings and Grounds, secretary.

Disbursements for the fiscal year ended June 30, 1911.

Commissioners receive no salary.

Traveling expenses of commissioners	$1,728.47
Compensation of clerks and engineering draftsman	2,753.53
Miscellaneous office expenses (furnishings, supplies, etc.)	5,073.32
Total	9,555.32

PERRY'S VICTORY CENTENNIAL COMMISSION, PUT IN BAY, 1913.

[Authorized by act of Congress approved Mar. 3, 1911.]

Joseph Warren Keifer, of Ohio; Lieut. Gen. Nelson A. Miles, United States Army, retired; Rear Admiral Charles E. Clark, United States Navy, retired, members.

No expenses incurred during the fiscal year ending June 30, 1911.

The Secretary of War reports as follows:

Of this character there appear to be only two commissions under the War Department, and these are the Alaska Road Commission, which has charge of the construction of military roads in Alaska, and the Commissioner for Marking the Graves of Confederate Dead (authorized by the acts of Congress approved Jan. 27, 1905, and Mar. 9, 1906; 33 Stat., 616, and 34 Stat., 56, respectively).

The Adjutant General of the Army reports that the records of his office do not afford the detailed information concerning the Alaska Road Commission, called for by the Senate resolution. The president of that commission has been called upon by telegraph to furnish such information, and it will be submitted as soon as received by the department.

As to the Commissioner for Marking the Graves of Confederate Dead, the salary of such commissioner (Hon. James H. Berry) is $5,000 per annum, and the salary of the clerk (there is only one employee) is at present $1,600 per annum. The total expenditures during the fiscal year ended June 30, 1911, for the commissioner and clerk were, respectively, $4,486.11 and $1,447.79. The only expenses of these officials of the character referred to in the resolution were for travel on official business, and for this purpose $12.60 was expended for travel of the clerk during the fiscal year ended June 30, 1911.

There are a number of commissions and boards under the department, such as the four national military park commissions located at the battlefields of Gettysburg, Shiloh, Vicksburg, and Chattanooga, the Board of Ordnance and Fortification, the Mississippi River Commission, and the California Débris Commission; but, as stated above, these commissions are not understood to be such as the Senate resolution was intended to cover.

The Attorney General reports as follows:

I have the honor to inform you that the only commission under this department is the Commission to Investigate the Title of the United States to Lands in the District of Columbia, as provided by the act of May 30, 1908 (36 Stat., 543). It consists of the following persons, ex officio: Hon. George W. Wickersham, Attorney General, chairman; Hon. Henry L. Stimson, Secretary of War, member; Hon. GEORGE SUTHERLAND, United States Senator, chairman Committee on Public Buildings and Grounds, United States Senate, member; Hon. MORRIS SHEPPARD, Member of Congress, chairman Committee on Public Buildings and Grounds, House of Representatives, member; Hon. Cuno H. Rudolph, president Board of Commissioners of District of Columbia, member.

No salary is paid to either of the commissioners for services rendered as a member of the commission, and nothing has been paid as expenses for any member of the commission. The commission has the following employees: H. C. Gauss, secretary, carried as special assistant to the Attorney General, who is receiving a salary of $3,500 per annum, and Miss Jessie M. Aldrich, stenographer, whose compensation is $900 per annum, both salaries being paid from the appropriations made for the commission. The total expenses for the fiscal year ended June 30, 1911, were as follows:

Salaries	$4,441.40
Filing cases	66.35
Traveling expenses of secretary	19.40
Special survey by surveyor of District of Columbia	100.00
Total	4,627.15

The Postmaster General reports as follows:

The Commission on Second-Class Postage, provided for by joint resolution No. 66, approved March 4, 1911, is the only such commission having its expenses met by an appropriation for the Post Office Department. No funds were expended by this commission prior to July 1, 1911. However, there is submitted a statement showing the names of the members and employees, their salaries, and the expenses incurred during the present fiscal year. It is understood that the members of the commission have completed their work:

Personnel.

Commission (total salary):	
Justice Charles E. Hughes	$5,000
Dr. A. Lawrence Lowell	5,000
Hon. Harry A. Wheeler	5,000
Employees (monthly salary):	
Colley W. Bell, secretary	150
May L. Alexander, clerk	60
J. E. Johnson, messenger	75

Total funds expended.

	Salary.	Individual expenses.	Total.
Commissioner Hughes	$5,000.00		$5,000.00
Commissioner Lowell	5,000.00		5,000.00
Commissioner Wheeler	5,000.00	$669.24	5,669.24
Miscellaneous expenses, including salaries of employees			2,898.32
Total			18,567.56
To balance			6,432.44
Appropriation			25,000.00

The Secretary of the Navy reports no commissions under that department.

The Secretary of the Interior reports as follows:

Commissioners to inspect, classify, and appraise unallotted lands on the Fort Berthold Reservation, N. Dak., under section 7 of the act of June 1, 1910 (Stats. Pam., 456). Ten dollars a day each while actually employed in said duties and necessary expenses, inclusive of subsistence. Charles H. Bates; entered on duty March 19, 1911; services terminated June 29, 1911. B. A. Dickinson; entered on duty March 19, 1911; services terminated June 21, 1911. Thomas Smith; entered on duty March 19, 1911; services terminated June 21, 1911. One clerk, at $5 a day, authorized for this commission, for a period of 90 days' actual employment.

Commissioners to classify, appraise, and value certain lands in the Pine Ridge Indian Reservation, S. Dak., under section 4 of the act of May 27, 1910 (Pub. No. 191), $10 a day each while actually employed in said duties and necessary expenses, exclusive of subsistence. Charles H. Bates; entered on duty August 30, 1910; services terminated December 23, 1910. D. L. McLane; entered on duty August 30, 1910; services terminated December 14, 1910. Frank Conroy; entered on duty August 30, 1910; services terminated December 14, 1910.

Commissioners to classify, appraise, and value certain lands in the Rosebud Indian Reservation, S. Dak., under section 4 of the act of May 30, 1910 (Pub. 194), $10 a day each while actually employed in said duties and necessary expenses, exclusive of subsistence. John H. Scriven; entered on duty October 1, 1910; services terminated May 31, 1911. A. E. Kull; entered on duty October 1, 1910; services terminated May 31, 1911. Richard D. Ellston; entered on duty October 1, 1910; services terminated May 31, 1911.

The following employees were authorized for the Rosebud appraising commission: One clerk, at $100 a month, for six months; one clerk, at $100 a month, for two months; one flagman, at $90 a month, for four months; one flagman, at $100 a month, for two months; one flagman, at $100 a month, for two months.

Commissioners to classify and appraise unallotted lands on the Yakima Indian Reservation, Wash., under the act of December 21, 1904 (33 Stats., 595), $10 a day each while actually employed and actual necessary traveling expenses, including sleeping-car fare and subsistence. Francis X. Salzman; entered on duty March 27, 1909; services terminated November 30, 1910. M. L. Tittle, entered on duty April 1, 1909; furloughed for the period from October 1, 1909, to March 18, 1910; services terminated October 8, 1910. J. Henry Thierman; entered on duty April 3, 1909; furloughed for the period from October 1, 1909, to March 19, 1910; services terminated October 8, 1910.

Commissioners to appraise and value lands within the Blackfeet Indian Reservation in Montana, under the act of March 1, 1907 (34 Stat., 1035), $10 a day each while actually employed in the inspection and classification of said lands: Thralls W. Wheat, A. W. Merrifield, Joseph Brown, appointed May 7, 1912, and will enter on duty in a short time; one clerk at $5 a day authorized for the Blackfeet appraising commission for eight months.

Commissioners to inspect, classify, and appraise lands within the Fort Peck Indian Reservation in Montana, under the act of May 30, 1908 (35 Stat., 558), $10 a day each while actually employed in the inspection and classification of said lands: Charles E. Roblin, Henry J. Goodale, William Bruguier, appointed May 20, 1912, and will report for duty in a short time.

Commissioners to determine the competency of Indian allottees on the Santee Indian Reservation, Nebr.: Andrew G. Pollock, special Indian agent, detailed for duty on the commission; entered on duty September 1, 1910; services terminated April 29, 1911. Frank E. McIntyre, superintendent of the Santee Indian School, Nebraska, detailed for duty on the commission; entered on duty September 1, 1910; services terminated April 29, 1911. H. P. Marble, $2,000 a year, with actual necessary traveling expenses, including sleeping-car fare and a per diem of $3 in lieu of all other expenses when on duty in the field; entered on duty September 1, 1910; services terminated April 29, 1911.

The following positions were authorized for the Santee competency commission: One stenographer, at $75 a month, for six months; 2 police privates, at $20 a month each, from January 4 to April 15, 1911; 1 interpreter, at $1.50 a day, from January 4 to February 19, 1911.

Commissioners to determine the competency of Indian allottees on the Umatilla Indian Reservation, Oreg.: Charles E. McChesney, special Indian agent; detailed for duty on commission; entered on duty July 25, 1910; services terminated December 10, 1910. Edward L. Swartzlander, superintendent of the Umatilla Indian School, Oregon; detailed for duty on commission; entered on duty July 25, 1910; services terminated December 10, 1910. E. J. Somerville, $2,000 a year, with actual necessary traveling expenses, including sleeping-car fare and a per diem of $3 in lieu of all other expenses when on duty in the field; entered on duty July 25, 1910; services terminated December 10, 1910.

Commissioners to determine the competency of Indian allottees on the Quapaw Reservation, Okla.: Charles L. Ellis, special Indian agent; detailed for duty on the commission; entered on duty August 20, 1910; services terminated January 21, 1911. Charles E. McChesney, special Indian agent, detailed for duty on commission; entered on duty January 22, 1911; services terminated February 9, 1911. Ira C. Deaver, superintendent of the Seneca Indian School, Oklahoma; detailed for duty on commission; entered on duty August 20, 1910; services terminated February 9, 1911. J. F. Murphy, $2,000 a year, with actual necessary traveling expenses, including sleeping-car fare and a per diem of $3 in lieu of all other expenses when on duty in the field; entered on duty August 20, 1910; services terminated February 9, 1911.

The expenses of the above commissions were as follows:

Fort Berthold appraising commission, 1910:	
Charles H. Bates—	
Salary	$1,030.00
Expenses	81.02
B. A. Dickenson, salary	950.00
Thomas Smith, salary	950.00
General expenses of commission	926.42
	3,937.44
Pine Ridge appraisement commission, 1910:	
Charles H. Bates, salary	1,160.00
D. L. McLane, salary	1,070.00
Frank Conroy, salary	1,070.00
General expenses of commission	765.15
	4,065.15

Rosebud appraising commission:	
John H. Scriven, salary	$1,680.00
A. E. Kull—	
Salary	1,370.00
Traveling expenses	139.15
Richard D. Elliston, salary	1,370.00
General employees	1,896.00
Camp supplies, teams, equipment, care of teams, etc	3,018.68
	9,473.83
Yakima appraising commission:	
F. X. Salzman—	
Salary	1,530.00
Traveling expenses	414.20
M. L. Tittle—	
Salary	620.00
Traveling expenses	74.25
J. Henry Thierman—	
Salary	620.00
Traveling expenses	81.65
General employees	4,595.00
Miscellaneous expenses	381.54
	8,316.64
Santee competency commission:	
A. G. Pollock—	
Salary	1,349.59
Expenses	834.82
H. P. Marble—	
Salary	1,338.89
Expenses	732.50
F. E. McIntyre, salary	1,128.61
General employees	851.33
Miscellaneous expenses	80.70
	6,316.44
Umatilla competency commission:	
Charles E. McChesney—	
Salary	744.44
Expenses	547.42
E. J. Somerville—	
Salary	744.44
Expenses	527.80
E. L. Swartzlander, salary	625.39
Charles L. Ellis—	
Salary	816.66
Expenses	466.68
Charles E. McChesney—	
Salary	105.56
Expenses	117.09
J. F. Murphy—	
Salary	816.67
Expenses	426.49
Ira C. Deaver—	
Salary	661.12
Expenses	43.97
Miscellaneous expenses	340.25
	6,983.98

The Secretary of Agriculture reports that the Secretary of Agriculture, under the provisions of section 4 of the act approved March 1, 1911 (Public. No. 435), is ex officio member of the National Forest Reservation Commission, such service carrying no additional salary compensation. This commission is constituted of two Members of the Senate, two Members of the House of Representatives, and the Secretaries of War, Agriculture, and the Interior.

The Secretary of Commerce and Labor reports no commissions under his department.

Respectfully, J. F. CURTIS, *Acting Secretary.*

Mr. BRANDEGEE. Mr. President, I have been informed—I have not had an opportunity to look up the question myself—that when the Commerce Court was created, the so-called Erdman Act was amended so as to require a member of the Court of Commerce to be one of that tribunal in the settlement of disputes.

I simply want to call the attention of the chairman of the committee to that fact, and to inquire whether it will be necessary, in connection with the abolishment of the Commerce Court, to further amend the Erdman Act.

Mr. WARREN. Mr. President, so far as I am concerned I shall refer the Senator to the lawyers present who have had this matter under consideration—the Senator from Minnesota, the Senator from Utah, the Senator from Iowa, and the Senator from Idaho. Among so many lawyers, who sometimes disagree, a layman hardly wishes to express an opinion.

Mr. CUMMINS. I have had this matter called to my attention before. It is true, I think, that the Chief Justice of the Commerce Court is ex officio a member of this industrial tribunal. But I do not think it is necessary to take any action on that matter until the bill which we now have under consideration becomes a law. If it becomes a law I believe it will then be necessary to appoint some one else if we desire to keep this commission in existence.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and still open to amendment.

Mr. HEYBURN. On page 28 I desire to amend by striking out, in lines 14 and 15, the words "within the discretion of the librarian."

I will say that this provision undertakes to leave entirely within the discretion of the librarian the question when the Library of Congress shall be open for reference use from 2 o'clock to 10 o'clock p. m. on Sundays and legal holidays. That ought not to be. The Library of Congress is one of the institutions which ought to be open to the public as many hours as possible. Many people come to Washington for a very short visit or stop-over, particularly on holidays, and those are the days when it is most important to have the Library open. I do not think the librarian should be invested with the power of closing it up on those days.

Mr. WARREN. I accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, on page 147 no provision is made for the retired justices. Of course, the word "judges" does not include justices. They are a distinct class of judicial officers. I therefore move to amend, on page 147, line 19, first, after the word "Retired," by inserting the words "justices and"; and, on the following line, 20, after the word "States," by inserting the words "justices and." We have retired justices, or are liable to have them at any time. I move that amendment.

The SECRETARY. It is proposed, on page 147, line 19, after the word "Retired," the first word in the line, to insert the words "justices and," so that if amended the heading will read:

Retired justices and judges.

Also, in line 20, after the word "States," to insert the words "justices and," so that it will read, if amended:

To pay the salaries of the United States justices and judges retired under—

And so forth.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to give notice that when the bill is in the Senate I shall move to disagree to the amendment made to-day, on page 141, providing for an additional physicist. I can not give the line.

Mr. GALLINGER. It is line 22, page 141.

Mr. HEYBURN. I understand it is in line 22, page 141. I give notice that when the bill is in the Senate I shall move to disagree to that amendment, and shall direct some remarks to that bureau.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. HEYBURN. I desire now, Mr. President, to reserve the amendment I have just indicated.

The PRESIDENT pro tempore. The Senator from Idaho reserves the amendment indicated by him.

Mr. CUMMINS. I desire to reserve the amendments I proposed with respect to the issuance of injunctions and with regard to the Commerce Court act.

Mr. GALLINGER. The amendments are not in the bill. They were simply offered.

The PRESIDENT pro tempore. The amendments are reserved, as stated by the Senator.

Mr. CRAWFORD. Mr. President, may I offer an amendment before the bill is reported to the Senate?

The PRESIDENT pro tempore. The bill has been already reported to the Senate. It will be in order for the Senator from South Dakota to offer any amendment he desires in the Senate.

Mr. CRAWFORD. The bill has been reported to the Senate?

The PRESIDENT pro tempore. The bill has been reported to the Senate.

Mr. CRAWFORD. Then I offer an amendment——

Mr. GALLINGER. Mr. President, have the amendments made as in Committee of the Whole been concurred in?

The PRESIDENT pro tempore. They have not.

Mr. GALLINGER. Let them be acted upon first.

The PRESIDENT pro tempore. The amendment offered by the Senator from South Dakota may be presented later, after the Senate has passed upon the question of concurring in the amendments made as in Committee of the Whole, excepting only those which have been reserved.

Mr. WARREN. There should be reserved the civil-service amendments. The Senator from Mississippi [Mr. WILLIAMS] is not in his chair, but he expects that reservation to be made.

The PRESIDENT pro tempore. That amendment will also be reserved.

Mr. SUTHERLAND. I desire to reserve the amendment offered by the Senator from Georgia [Mr. SMITH], abolishing the office of the additional circuit judges and such other amendments as follow that, which have for their effect to prevent an appropriation for the salaries of those judges.

The PRESIDENT pro tempore. The amendment will be reserved as indicated by the Senator from Utah.

Mr. NELSON. I ask to have reserved section 10 of the bill as amended.

The PRESIDENT pro tempore. The Senator from Minnesota reserves the amendment to section 10.

Mr. HEYBURN. I desire to reserve the amendment on page 34, line 19, "resident diplomatic officer, $6,500."

The PRESIDENT pro tempore. The Senator from Idaho reserves the amendment just stated by him.

Mr. SMITH of Georgia. Mr. President, I rise to a parliamentary inquiry. What is the necessity for our reserving the amendments? I have been out for a while. I understand the bill is in the Senate.

The PRESIDENT pro tempore. The Chair will state, in response to the inquiry of the Senator, that when a bill is reported from the Committee of the Whole the question then is on concurring in the amendment which had been agreed to as in Committee of the Whole, and if concurred in, they would be no longer subject to amendment. For that reason a particular amendment specified is reserved for a separate vote.

Mr. WARREN. I do not wish to interfere with the reservations, but on account of two or three matters I should be glad if we would now lay the bill aside, and I shall call it up the first thing in the morning.

The PRESIDENT pro tempore. Without acting upon the amendment now at all.

Mr. JONES. I wish to reserve the amendment in line 17, page 103, relating to the salary of the Assistant Commissioner of Indian Affairs.

The PRESIDENT pro tempore. The amendment will be reserved as indicated by the Senator from Washington.

Mr. JONES. I also desire to make a parliamentary inquiry. It is that when an amendment was adopted in Committee of the Whole that was subject to a point of order, a point of order can be made in the Senate upon it?

The PRESIDENT pro tempore. The same amendment can undoubtedly be offered again and the same point of order can again be made in the Senate.

Mr. JONES. But the amendment I have in mind was adopted in Committee of the Whole and no point of order was made against it. Can a point of order be made in the Senate upon it?

The PRESIDENT pro tempore. The Chair will decide that point when it is raised, not in anticipation. When the Senator presents the point, the Chair will rule on it.

Mr. JONES. I will present that point.

The PRESIDENT pro tempore. The Senator presents a supposititous case, and therefore the Chair must decline to rule on it.

Mr. JONES. Then, for the purpose of making the point, I will reserve the amendment made in Committee of the Whole on line 17, page 103.

The PRESIDENT pro tempore. The amendment will be reserved for a separate vote.

Mr. HEYBURN. Mr. President, I ask for information what action was taken upon the request, which I understood was made by the Senator from Mississippi [Mr. WILLIAMS], that we vote on certain matters to-morrow without debate.

The PRESIDENT pro tempore. There was no agreement made upon that subject.

Mr. HEYBURN. I wanted to be entirely sure of it.

The PRESIDENT pro tempore. No such unanimous-consent agreement was made.

Mr. GALLINGER. Has the bill been laid aside?

The PRESIDENT pro tempore. Not formally. The Chair was simply awaiting the pleasure of the Senate. The Senator from Wyoming has suggested that it be laid aside.

Mr. CRAWFORD. Before that is done, I should like to send up an amendment that I wish to propose so that it may be printed and lie on the table.

The PRESIDENT pro tempore. The Senator from South Dakota will send up the amendment, and, without objection, it will be printed in the RECORD and also printed in the form of an amendment.

Mr. GALLINGER. Perhaps no formal action is necessary to lay the bill aside.

The PRESIDENT pro tempore. But there are certain amendments that are still being suggested in reference to it, and that is the reason why the Chair can not lay it aside.

Mr. WARREN. I understand the reservations have been made.

The PRESIDENT pro tempore. The Chair will ask that the Senate permit the amendment to be read which the Senator from South Dakota has sent to the desk.

Mr. GALLINGER. Certainly.

Mr. CRAWFORD. I will say that it is to follow the amendment offered by the Senator from Iowa [Mr. CUMMINS] which was adopted.

The PRESIDENT pro tempore. It is an amendment to be offered, and it will be read.

The Secretary read as follows:

Provided further, That the provisions of section 266 of the judicial code approved March 3, 1912, shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State.

The PRESIDENT pro tempore. Under the suggestion of the Senator from Wyoming, without objection, the bill will be laid aside at this stage, it being stated by the Chair that the Senate has not acted upon the amendments which were made as in Committee of the Whole.

Mr. SMITH of Georgia. I wish to reserve the right to object to the amendments on pages 3, 4, 5, 6, and 7, down to line 19 on page 8, in which the Senate has increased the salaries or increased the number of employees.

The PRESIDENT pro tempore. The reservation made by the Senator from Georgia will be noted, and the bill is laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the waters between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

PERSONNEL OF THE NAVY AND MARINE CORPS.

Mr. GALLINGER. Yesterday I asked consent for the passage of the bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899. The Senator from Missouri [Mr. REED] entered an objection, which he withdraws, and I now ask for the consideration of the bill. It has been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Naval Affairs with an amendment.

Mr. BRISTOW. I should like to inquire what this bill does.

Mr. GALLINGER. I will say it has been unanimously reported by the Naval Committees of both Houses. It requires that in cases where officers are examined for retirement the entire record shall be before the board, and it also gives them the right of appeal to the President.

Mr. BRISTOW. It does not provide for any advance in rank.

Mr. GALLINGER. Absolutely none. On the contrary, it provides that when they are retired they shall have the same grade they now hold, while the present law gives them an increased retirement grade.

Mr. BRISTOW. I am glad to know that.

The PRESIDENT pro tempore. The amendment of the Committee on Naval Affairs will be stated.

The SECRETARY. On page 3, line 16, after the words "May first," insert "or as soon thereafter as practicable," so as to make the bill read:

Be it enacted, etc., That section 9 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899, be amended so as to read as follows:

"SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section 8 of this act, the Secretary of the Navy shall, on or about the 1st day of April of each year, convene a board of five rear admirals on the active list and shall place before said board for its actual consideration and guidance the complete service and medical records of all the officers in the grades of captain, commander, lieutenant commander, and lieutenant.

"Each member of said board shall swear or affirm that he will, without prejudice or partiality, examine the records provided for in this section, having in view the special fitness of officers and the efficiency of the naval service, and that he will faithfully perform the duties imposed upon him by this act and recommend for retirement the officers who are shown to be least efficient as evidenced by these records, and arrange the names of said officers in inverse order of their merit. The board shall keep minutes and a complete record of its proceedings, and this record shall bear the certificate of the senior member of the board, and of the recorder if there shall be anyone serving as such, that it is a complete and a true record, and the findings shall be in writing, signed by all the members, not less than four governing. The record of the proceedings and finding of this board shall be transmitted to the President on or before May 1 of the current year, who shall select from the names submitted by the board the number of officers provided by this act for retirement. In order to provide for discretionary action on the part of the President, the board shall select two officers from each grade in addition to the maximum number from each grade that may be retired during any one year, as hereafter provided for.

"The President shall, as soon after June 30 as may be practicable, make by order the transfers of such a number of officers from the list herein provided for as will cause the necessary vacancies in compliance with section 8 of this act: *Provided,* That not more than five captains, four commanders, four lieutenant commanders, and two lieutenants are so retired in any one year: *Provided further,* That the President shall, through the Navy Department, immediately after the finding of the board shall be submitted to him, and not later than May 1, or as soon thereafter as practicable, notify the officers who have been recommended for retirement by said board, and offer to each the opportunity to submit in writing for the President's consideration any matters tending to show cause why such officer should not be retired: *Provided further,* That no officer whose name appears on the list as submitted to the President by said board shall be eligible for voluntary retirement pending the action of the President in the premises. The promotions to fill the vacancies thus created shall date from the 30th of June of the current year: *And provided further,* That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the pay of the grade from which he was retired."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOSS OF STEAMSHIP "TITANIC."

Mr. CURTIS. At the request of the Senator from Colorado [Mr. GUGGENHEIM] I ask unanimous consent that the address I send to the desk be printed as a public document (S. Doc. No. 850) in the type in which it is presented.

The PRESIDENT pro tempore. The Senator from Kansas asks that the speech of the Senator from Michigan [Mr. SMITH] in reference to the *Titanic* disaster may be printed as a public document in the type in which it is presented. Is there objection?

Mr. SMOOT. I am not going to object to the printing of the speech, but if I am not mistaken the speech has already been printed as a public document. I may be mistaken, however. I am perfectly willing that it should be printed, but I think it has already been printed as a public document.

Mr. LODGE. It has been printed with the report of the committee as a public document.

Mr. SMOOT. I am informed that it has been printed.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SMOOT. I would rather that the request should go over until to-morrow.

Mr. CURTIS. Then let the matter remain pending until to-morrow.

The PRESIDENT pro tempore. The request will go over.

FISH HATCHERY IN MARYLAND, VIRGINIA, OR WEST VIRGINIA.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 6414) to establish a fish hatchery and fish station in the State of Maryland or in the State of West Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment to strike out all after the enacting clause and insert:

That the sum of $40,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment, under the Bureau of Fisheries, of a fish hatchery and station for experimental work in fish breeding and the study of fish diseases, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in Maryland, Virginia, or West Virginia, to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-experiment station and fish hatchery."

UNION PACIFIC RAILROAD CONVEYANCES.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co. It is the bill to which I referred this morning in the notice I gave.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The Committee on the Judiciary reported the bill with an amendment to strike out all after the enacting clause and insert:

That all conveyances or agreements heretofore made by the Union Pacific Railroad Co., or the Union Pacific Railway Co., or Union Pacific Railroad Co., or the Leavenworth, Pawnee & Western Railroad Co., or the Union Pacific Railway Co., Eastern Division, or the Kansas Pacific Railway Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way of the Union Pacific Railroad Co. granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes"; and also all conveyances or agreements heretofore made by the Union Pacific Railroad Co., or the Union Pacific Railway Co., or the Denver Pacific Railway & Telegraph Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way between Denver, Colo., and Cheyenne, Wyo., of any of said companies granted by or held under any act of Congress, and all conveyances or agreements confining the limits of said right of way, or restricting the same, are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein had been held by the corporation making such conveyance or agreement under absolute or fee-simple title.

That in all instances in which title or ownership of any part of said right of way heretofore mentioned is claimed as against said corporation, or either of them, or the successors or assigns of any of them, by or through adverse possession of the character and duration prescribed by the laws of the State in which the land is situated, such adverse possession shall have the same effect as though the land embraced within the lines of said right of way had been granted by the United States absolutely or in fee instead of being granted as a right of way.

SEC. 2. That any part of the right of way heretofore mentioned which has been, under the law applicable to that subject, abandoned as a right of way is hereby granted to the owner of the land abutting thereon.

SEC. 3. That nothing hereinbefore contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

Mr. HEYBURN. Mr. President, the question of consideration has not yet been determined. I will say to the Senator from Iowa that I would desire to amend the bill with the proviso that has usually been attached to all of these bills—that is, without offering it formally—

Provided, That nothing herein contained shall be taken as a recognition of the Union Pacific Railway Co. as successors to the rights of the Union Pacific Railroad Co.

We have guarded those bills in that way ever since the attempted reorganization in 1896, 1897, and 1898.

The PRESIDENT pro tempore. If there be no objection, the bill is before the Senate as in Committee of the Whole.

Mr. CUMMINS. I hope the Senator from Idaho will not insist on that amendment, because there is nothing in the bill that can by any possibility infringe upon the rule he has in mind. This is a bill to provide for the adjacent property owners, both in the country and in the cities, on account of either an indifference or an ignorance of the railway company concerning the width of its right of way. It does not touch the dealings of the railway companies with themselves. It simply says that if either of these railway companies has sold part of its right of way to an adjacent owner that sale shall have the same effect as though the right of way were alienable property.

Mr. HEYBURN. I realize that in this particular measure the necessity is not so urgent as it has been in other measures presented to Congress, but the question is one of very great importance. There are those who refused to surrender their bonds at the time of the reorganization of that road, amounting to millions of dollars, and they were required either to surrender their bonds or to lose. They were required not only to surrender their bonds, but to pay so much money, and in the Northern Pacific case it was a very large sum. The same facts apply in substance to all these reorganizations. Now, those people still contend for their rights. They were left out of the reorganization and were not entitled to participate in it. It is a large question.

Mr. CUMMINS. I know.

Mr. HEYBURN. We have had hearings before the Committee on Railroads of the Senate involving this question, and it is one of such importance that the reservation ought to be inserted. It can do no harm.

Mr. CUMMINS. Of course I want to meet the views of the Senator from Idaho if I can, but I put this question to him: Suppose the Union Pacific Railroad Co. had executed a conveyance of land that it had a right to sell and afterwards it attempted to repudiate that conveyance, and on behalf of the right of the grantee of the conveyance Congress sought to validate it, the Senator from Idaho would not contend that to such a bill there should be attached the condition or proviso he has mentioned, because the subjects are so widely separated it would seem a reflection upon our knowledge of the whole matter to put such a proviso in this bill.

Mr. HEYBURN. I will give the Senator some light on that subject. It has been one of the attempted defenses in more than one case that Congress has recognized those transfers by reciting in legislation or basing legislation upon the assumption that the railway company was successor to the railroad company. The Northern Pacific, the Union Pacific, the Oregon Railroad & Navigation, and I could name a number of them, under this pretended reorganization merely changed the name from "railroad" to "railway." It involves millions and millions of dollars of unsettled questions in the courts, and it can certainly militate nothing against the purpose the Senator has in view to make that provision.

Mr. CUMMINS. Will the Senator from Idaho write out the amendment, because I am unfamiliar with the subject he is talking about?

Mr. HEYBURN. I did not anticipate that the bill was coming up today. I am quite familiar with the subject. I will propose an amendment.

Mr. LODGE. While the Senator is preparing his amendment——

Mr. HEYBURN. I was going to state the amendment.

Mr. LODGE. I beg pardon.

Mr. HEYBURN. I will move to amend by inserting at the end of the substitute the words:

Provided, That nothing herein contained shall be taken or construed to be a recognition of any right in the Union Pacific Railway Co. as successor in interest to the Union Pacific Railroad Co.

Mr. CUMMINS. In so far as I can, I will accept the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following words:

Provided, That nothing herein contained shall be taken or construed to be a recognition of any right in the Union Pacific Railway Co. as successor in interest to the Union Pacific Railroad Co.

Mr. CUMMINS. Has the amendment proposed by the committee been adopted?

The PRESIDENT pro tempore. It has not been. The amendment offered by the Senator from Idaho is necessarily an amendment to the amendment of the committee.

Mr. CUMMINS. Very well; I repeat that I accept it so far as I can.

The PRESIDENT pro tempore. The amendment to the amendment will be agreed to, without objection.

Mr. SMOOT. I notice on the calendar that this bill is stated as having been reported from the Committee on Public Lands.

Mr. CUMMINS. No; it was reported from the Committee on the Judiciary.

Mr. SMOOT. The calendar states that it was reported from the Committee on Public Lands.

Mr. CUMMINS. The calendar is wrong in that respect.

Mr. SMOOT. The reason I called attention to the fact was that the calendar should be corrected, because the bill was never considered by the Committee on Public Lands.

Mr. CUMMINS. It was considered by and unanimously reported from the Committee on the Judiciary.

The PRESIDENT pro tempore. It is properly stated on the bill itself as reported by the Committee on the Judiciary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time, and passed.

MARY BRADFORD CROWNINSHIELD.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, on page 1, line 8, after the words "rate of" to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Bradford Crowninshield, widow of Arent Schuyler Crowninshield, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN THE DISTRICT OF COLUMBIA.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of Senate bill 6688.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal section 13 of an act entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,'" approved March 2, 1907, which authorizes and directs the Secretary of War to convey to the purchaser from the United States of square 1131, the south part of square 1117, and the squares south of squares 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River upon the payment by the purchaser into the Treasury of the United States of such sum of money as the Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the land, and which authorizes and directs the surveyor of the District of Columbia to mark out such land and determine the areas and to record a plat thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. DU PONT. I ask unanimous consent for the present consideration of Senate joint resolution No. 99.

Mr. GALLINGER. Let the title of the joint resolution be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution by title.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The PRESIDENT pro tempore. The joint resolution has heretofore been read in full and an amendment agreed to. Is there objection to its present consideration?

Mr. BRISTOW. The Senator from New York [Mr. ROOT] was very much interested in this joint resolution, and I do not think it ought to be taken up in his absence. Personally, I have not any objection to it; but he was very much interested in it and spoke on it.

Mr. DU PONT. I think, Mr. President, the Senator's objections were largely of an impersonal character and on points of law which were raised. I doubt very much if he objects to the joint resolution itself.

Mr. BRISTOW. I think it is the custom not to take up any matters of that kind in the absence of a Senator interested; and it seems to me that the Senator from New York ought to be present when it is considered. At least I should not want it taken up under such circumstances.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I understood the Senator from New York had an amendment which he desired to offer to the joint resolution. Personally, I would not object; but I do not think the joint resolution should be taken up in the absence of the Senator from New York, and therefore I object.

The PRESIDENT pro tempore. Objection is made.

Mr. GORE. I ask unanimous consent——

Mr. SWANSON. I understood the Senator from Delaware expected to move to take up the joint resolution, and not to ask that it be considered by unanimous consent.

The PRESIDENT pro tempore. The Senator asked that it be taken up by unanimous consent. The Senator did not make a motion to the effect stated by the Senator from Virginia.

Mr. SWANSON. I should like to be recognized after the Senator from Oklahoma [Mr. GORE] has concluded, in order that I may make that motion.

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of Senate bill 6776.

Mr. LODGE. I thought a motion had been made to take up the joint resolution.

The PRESIDENT pro tempore. The Chair did not so understand. The Chair did not hear such a motion.

Mr. SWANSON. I simply gave notice to that effect.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I think I shall have to interpose an objection, because I want the report read when the bill comes up, and that will take up more time to-night than I care to consume. I hope the Senator from Oklahoma will not be inclined to press the bill to-night.

The PRESIDENT pro tempore. The Senator from Idaho objects.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate joint resolution 99, unanimous consent for the consideration of which was asked by the Senator from Delaware [Mr. DU PONT].

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of the joint resolution named by him notwithstanding the objection.

Mr. SWANSON. We should dispose of the matter one way or the other because if it does not pass soon it will be too late to do anything at all.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia. [Putting the question.] By the sound the "noes" appear to have it.

Mr. SWANSON. I ask for division.

Mr. GALLINGER. Mr. President, we had better have the yeas and nays if we are going to have anything. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I am not aware as to how he would vote on this question, I withhold my vote. If I were permitted to vote I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the Senator from Kentucky [Mr. PAYNTER]. I therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I will refrain from voting. If he were here, and I were at liberty to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

The roll call was concluded.

Mr. BOURNE. I should like to announce that my colleague, the Senator from Oregon [Mr. CHAMBERLAIN], is unavoidably detained. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CRAWFORD (after having voted in the negative). I voted through inadvertence and I wish to withdraw my vote, as I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I do not know how he would vote if present.

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained from the Chamber. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. SHIVELY. My colleague [Mr. KERN] is detained from the Senate Chamber on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. DU PONT. As I have already stated, I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I am informed that if he were present he would vote "yea" on this question, and I therefore will vote. I vote "yea."

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He has a general pair with the Senator from South Dakota [Mr. GAMBLE].

The result was announced—yeas 17, nays 16, as follows:

YEAS—17.

Ashurst	Martin, Va.	Shively	Tillman
Bryan	Martine, N. J.	Smith, Ga.	Watson
Catron	Myers	Smith, Md.	
du Pont	Overman	Smith, S. C.	
Fletcher	Perkins	Swanson	

NAYS—16.

Bourne	Burton	Gore	Stephenson
Briggs	Cummins	McCumber	Sutherland
Bristow	Dillingham	Page	Townsend
Burnham	Gallinger	Smoot	Wetmore

NOT VOTING—61.

Bacon	Curtis	La Follette	Rayner
Bailey	Davis	Lea	Reed
Bankhead	Dixon	Lippitt	Richardson
Borah	Fall	Lodge	Root
Bradley	Foster	Lorimer	Sanders
Brandegee	Gamble	McLean	Simmons
Brown	Gardner	Nelson	Smith, Ariz.
Chamberlain	Gronna	Newlands	Smith, Mich.
Chilton	Guggenheim	O'Gorman	Stone
Clapp	Heyburn	Oliver	Thornton
Clark, Wyo.	Hitchcock	Owen	Warren
Clarke, Ark.	Johnson, Me.	Paynter	Williams
Crane	Johnston, Ala.	Penrose	Works
Crawford	Jones	Percy	
Culberson	Kenyon	Poindexter	
Cullom	Kern	Pomerene	

The PRESIDENT pro tempore. No quorum has voted.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 14, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 13, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that the way is always open for the betterment of the conditions of life and its far-reaching purposes. Possess us, we beseech Thee, with Thy spirit, that we may see clearly the way, and walk fearlessly in consonance with the highest dictates of conscience in all that pertains to the duties of the hour, that Thy will may be done in us, to the glory and honor of Thy holy name. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF CORNELIUS H. HANFORD.

Mr. CLAYTON. Mr. Speaker, I present to the House a privileged report on a resolution referred to the Committee on the Judiciary a few days ago.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] presents a privileged report, which the Clerk will report.

The Clerk read as follows:

[House Report No. 880. Sixty-second Congress, second session.]

RELATIVE TO THE ALLEGED OFFICIAL MISCONDUCT OF CORNELIUS H. HANFORD.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 576:

The Committee on the Judiciary, having had under consideration House resolution 576, report the same back to the House with the following amendment and recommend that the amendment be agreed to and that as amended the resolution do pass:

Page 1, line 1, strike out all after the word "Resolved" and insert in lieu of the language so stricken out the following:

"That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the

official misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington, and say whether said judge has been in a drunken condition while presiding in court; whether said judge has been guilty of corrupt conduct in office; whether the administration of said judge has resulted in injury and wrong to litigants in his court and others affected by his decisions; and whether said judge has been guilty of any misbehavior for which he should be impeached.

"And in reference to this investigation the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer, if necessary, and to appoint and send a subcommittee whenever and wherever it may be necessary to take testimony for the use of said committee. The said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee and the process and orders of said subcommittee and shall attend the sitting of the same as ordered and as directed thereby, and that the expense of such investigation shall be paid out of the contingent fund of the House."

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. MANN. Does this resolution as reported follow the precedents in cases of this kind in the past?

Mr. CLAYTON. Yes, I may answer the gentleman. I have before me a copy of the report of the 10th day of December, 1903, in the House of Representatives—a report made by Mr. Henry W. Palmer, of Pennsylvania, from the Committee on the Judiciary—on what was known as the Judge Charles Swayne case; and in drawing the amendment to the original resolution I have followed as nearly as practicable the language in that resolution of the 10th day of December, 1903, in the Swayne case.

Mr. MANN. Is it a unanimous report?

Mr. CLAYTON. It is a unanimous report.

The SPEAKER. The question is on agreeing to the amendment proposed by the committee.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5176. An act granting a pension to Elizabeth B. Preston.

The message also announced that the Senate had passed, with amendments, joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 299. Joint resolution proposing an international maritime conference.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5176. An act granting a pension to Elizabeth B. Preston; to the Committee on Pensions.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the report of the conference committee on the Army appropriation bill. I will state that the report has already been read.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. When the House adjourned on Tuesday the matter rested on points of order made by the gentleman from Illinois [Mr. PRINCE]. If anybody desires to be heard on either side on the points of order, the Chair will be glad to hear him.

Mr. PRINCE. Mr. Speaker, on June 11, 1912, I made points of order, as will appear from the CONGRESSIONAL RECORD, on page 7980, against the conference report. At the same time I specified certain points of order that I would call to the attention of the Chair.

The SPEAKER. The Chair can not hear the gentleman.

Mr. PRINCE. I will speak a little louder. I say that on that date I made points of order against the conference report. I submitted to the Speaker, upon his request, the following points of order against the conference report:

That the conferees have discussed and proposed amendments which have not been committed to them by either of the Houses and therein have exceeded their jurisdiction, and which amendments, agreed to and reported by the conference committee, are not germane to the amendments of the Senate or to the original bill, specifically calling attention to amendments Nos. 40, 42, and 73.

In looking over the conference report, I have found one or two other points of order that I thought would lie against this conference report. This morning I called the attention of the parliamentary clerk of the Speaker to these two points. I had fortified myself with the right to object to the entire conference report, as appears from the RECORD on that day, and the Speaker very nicely put it in, saying—

The gentleman from Illinois reserves all points of order.

I make these preliminary remarks, so that I shall not appear to be unfair in my presentation of the points of order.

At the earliest moment I had I gave notice to the parliamentary clerk as to some of the points I would mention. I desire to call the Speaker's attention to this amendment. It will be found on page 20 of the bill and is No. 23. The trouble with the copy of the bill I have is that there is a top number and a bottom number. The top number of the bill is 20 and the bottom number is 21. The amendment to which I wish to call the Chair's attention is No. 23. The House made a provision for a traveling allowance of enlisted men on discharge, $900,000, and then there was a proviso that the Senate amended by providing that hereafter when the enlisted man who is enlisted on or after July 1, 1912, is discharged from service his pay shall be reduced. The conferees amended that amendment by making the provision apply to all men in the Army.

The SPEAKER. Where did they make that change?

Mr. PRINCE. The Senate amended it by striking out all after the word "provided," in line 12, and inserting that hereafter when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, he shall receive 2 cents a mile. And the conferees changed the pay of all enlisted men so far as travel and pay is concerned. Under the law as it now is he gets 4 cents a mile. The Senate wanted it to apply to men hereafter discharged, beginning on the 1st of July, 1912. The conferees set aside the hereafter and made it applicable to between 75,000 and 80,000 enlisted men who are under contract with the Government to receive pay of 4 cents a mile, cutting squarely in two the travel pay and allowance of the present enlisted force. Now, the only point in dispute between the two Houses was whether it should apply to July 1, 1912. The conferees made a provision which was not a question in difference between the two Houses, and made a provision which is violative of the contract entered into by the enlisted man when he entered the Government service, because it cuts the travel and pay of the enlisted man in two.

The SPEAKER. Is that the end of that objection?

Mr. PRINCE. Yes. Does the Chair desire me to take up these points one after another, or will the Chair dispose of them as we go along?

The SPEAKER. The Chair will dispose of them all at one time, but the Chair would like to have the gentleman complete his argument on each point as he goes along.

Mr. PRINCE. I claim, Mr. Speaker, that the conferees exceeded their jurisdiction. The difference between the two Houses was whether the deduction should begin with men who enlisted after the 1st of July, 1912, or not.

The SPEAKER. What change does the gentleman claim the conferees made which exceeded their jurisdiction?

Mr. PRINCE. They exceeded their authority in making it applicable to all men in the Army, when the purpose of the amendment was in dispute as to the men who enlisted hereafter in the Army. I claim that in doing that the conferees have changed legislation now in existence—have made legislation which is violative of the contract which the soldier entered into with the Government.

The SPEAKER. The Chair will ask the gentleman whether that is parliamentary law for the Speaker to decide or a matter of contract for the decision of the courts.

Mr. PRINCE. I think, Mr. Speaker, that it is a question which the Speaker should take into consideration as to whether the conferees shall go outside of the difference between the two Houses.

The SPEAKER. The question involved is whether they did go outside. What does the gentleman claim the provision agreed upon by the conferees does?

Mr. PRINCE. It affects the enlisted man that is discharged to-day, while the purpose of the amendment of the Senate was to affect the enlisted man who enlisted after the 1st of July, 1912. The point in dispute between the Houses was whether we should have it apply or not to soldiers hereafter entering the service.

The SPEAKER. The intention of the House amendment was simply a proviso to limit——

Mr. PRINCE. I beg the Chair's pardon, but the House made no amendment; it made the ordinary allowance for travel and pay.

The SPEAKER. The Chair intended to say the Senate amendment.

Mr. PRINCE. That applied to men who enlisted on or after July 1, 1912.

The SPEAKER. What was the subject matter of the controversy between the two Houses?

Mr. PRINCE. The subject matter was the travel allowance of enlisted men.

The SPEAKER. That is all there was to it?

Mr. PRINCE. That is the subject matter, but the point of difference between the two Houses was whether it should begin at a certain time or not. If the Speaker takes the position that the travel allowance was there, then they could legislate with reference to every kind of travel allowance to men of any kind.

The SPEAKER. Is not that precisely the thing that was in controversy, and the whole thing?

Mr. PRINCE. The only thing in controversy, as I take it, was whether it should begin to apply before July 1, 1912.

The SPEAKER. This was the House proposition:

For travel allowance to enlisted men on discharge, $900,000.

Mr. PRINCE. And that is all.

The SPEAKER. And the travel allowance was the only conceivable question involved.

Mr. PRINCE. Yes.

The SPEAKER. The Senate put a proviso in, and all that the conferees do is to strike out about 9 or 10 words of one proposition of the Senate proviso. Were they not empowered to discuss it?

Mr. PRINCE. Yes; but, Mr. Speaker, the lines of decision are these, as I understand them: The conferees must determine the point of difference. If you open the question of the subject matter, the Army is the subject matter of this whole bill.

The SPEAKER. True; but we go by sections and paragraphs. The general proposition about it is that all of the Speakers have held in the last 15 or 20 years, so far as the Chair knows, that the conferees can not take up brand new subject matter and inject it into a bill.

Mr. PRINCE. That is true.

The SPEAKER. But if the subject is treated in either the House proposition or the Senate proposition, then the conferees have a pretty wide latitude as to what they will do with it.

Mr. PRINCE. If it is germane to the original bill or amendments, and that is the question I am making. There is no doubt about its being germane to the subject matter. I grant that. But the point of difference is as I limit it there, and the conferees have exceeded the point of difference and gone beyond it, so as to apply to all men now in the service as well as those hereafter.

The SPEAKER. The Chair will hear the gentleman on the next proposition.

Mr. PRINCE. Take up amendment 48, page 45. On page 45 the subject matter is water and sewers at military posts, and I call the attention of the Speaker to the subject matter.

The SPEAKER. The Chair will ask the gentleman to read that proposition.

Mr. PRINCE. It is as follows:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage; for repairs to water and sewer systems and plumbing within buildings; and for extra-duty pay of enlisted men and hire of employees, $1,702,595.

That was the bill as presented to the committee by the Committee on Military Affairs. The Committee of the Whole added the following proviso to that original bill when it was presented to them:

Provided, That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

When the bill as amended went to the Senate, the Senate struck out the proviso and made no counterproposition of any kind. The conferees agreed upon the following:

In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation."

That is clearly new matter, not germane in any shape, form, or manner. There is no possible way by which it can be made germane. Here is a proposition for water and sewers at military posts. It is for procuring and introducing water for buildings and premises at such military posts and stations, and so forth, for the installation of plumbing, for the purchase and repair of fire apparatus, for the disposal of sewage and for repairs to water and sewer systems and plumbing within buildings and for extra-duty pay of enlisted men and hire of employees; and there is not a syllable, not a word, not a hook upon which this can hang, not a single scintilla, not a word or expression that can be strained by the most extreme possible way into part of a water and sewer provision for military posts.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow a question?

Mr. PRINCE. Certainly.

Mr. CRUMPACKER. The matter reported by the conferees is an amendment to that part of the text that was agreed to by both Houses, is it not?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. That is to say a certain portion of the paragraph was permitted to remain as it was?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. And the proviso was stricken out?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. And the conferees now attach an amendment to that part of the text which was agreed to by the House and the Senate and was not, and is not, in dispute. Is not that the fact?

Mr. PRINCE. That is true.

The SPEAKER. The Chair would like to ask the gentleman from Indiana a question. The gentleman from Indiana only states one-half of it. What the Senate did was to strike out the proviso.

Mr. PRINCE. That is it, and that is all.

The SPEAKER. But the proviso that was stricken out by the Senate went to conference as a matter in controversy, did it not?

Mr. CRUMPACKER. That is the only matter in controversy, and the question of substituting something for the proviso must relate to the dispute or disagreement upon the proviso, must be upon the same subject matter, and of course must be germane thereto.

The SPEAKER. The Chair knows—the Chair did not ask the gentleman from Indiana as to that, but because the statement of the gentleman left out the gist of the matter by not referring to the part that the Senate struck out of the House bill.

Mr. CRUMPACKER. I assume, Mr. Speaker, that the matter reported by the conference committee had no sort of relation to the matter stricken out by the Senate—to the matter which was really in dispute. There is no kind of relation between the matter reported by the conference committee and the matter that was stricken out by the Senate—the only thing in dispute—and they left the matter out that the Senate struck out and attached another and independent amendment to the text that was agreed to by both Houses.

The SPEAKER. Now, the trouble is, passing on one point and not on the whole thing, they struck out one proviso and put in another——

Mr. MANN. They did not put in another.

The SPEAKER. Well, the conferees put it in.

Mr. CRUMPACKER. The conferees put in one that had no relation to the proviso which was stricken out—an entirely different subject and not at all germane to the proviso which was stricken out.

The SPEAKER. The Chair did not ask the gentleman about that; he was asking about the other.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wyoming?

Mr. PRINCE. I would like to finish up this point.

Mr. MONDELL. It is right on the point that has been raised by the gentleman from Indiana.

Mr. PRINCE. Very well; I yield.

Mr. MONDELL. The gentleman from Indiana suggests the conferees exceeded their authority, following the suggestion or contention of the gentleman from Illinois. The fact is that the House put in a proviso that had to do with permanent improvements at military posts. The Senate struck it out, and the conferees put in a proviso which also has to do with permanent improvements at military posts. In other words, what was in-

serted in conference was entirely germane, because it related directly to the same sort of improvements that were prohibited by the House provision.

The SPEAKER. What is the subject matter of this whole paragraph?

Mr. MONDELL. The subject matter is permanent improvements at military posts, including Fort D. A. Russell.

The SPEAKER. Where does the gentleman get his authority to make that statement?

Mr. KAHN. It is under the heading of water and sewers.

Mr. MONDELL. The amendment is amendment 48, as I understand it. The language is—

No part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Here is a provision in lieu of that which has to do with permanent improvements at a certain Army post. It would have been impossible for the conferees to have adopted a provision more directly in line with the provision stricken out; furthermore, if I may be permitted to say so, it does seem to me that the gentleman from Illinois is making a good deal of stir about a thousand-dollar appropriation in a bill carrying over a hundred million dollars.

Mr. PRINCE. There is more than that. That does not make any difference.

Mr. CRUMPACKER. Will the gentleman permit me to ask the gentleman from Wyoming [Mr. MONDELL] a question?

Mr. PRINCE. I will consent to one question, but I would like to address myself to the Speaker and get this out of the way.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] declines to yield.

Mr. PRINCE. Now, Mr. Speaker, to get over this question, this is a section of the bill which has to do with water and sewers at military posts and nothing else.

The SPEAKER. The main section had to do with that. There is no question about it.

Mr. PRINCE. Now, then, turning back to page 37 of the bill, you will find where it has to do with barracks and quarters. Looking down to line 10, it reads as follows:

Of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available.

The SPEAKER. Where is the gentleman reading?

Mr. PRINCE. On page 37, line 12.

The SPEAKER. Does the gentleman go by the top numbers or the bottom numbers.

Mr. PRINCE. By the top numbers here.

Mr. MONDELL. Will the gentleman from Illinois [Mr. PRINCE] yield to one further suggestion?

Mr. PRINCE. Yes; I will yield to one.

Mr. MONDELL. I understand the gentleman contends the language stricken out had to do exclusively with matters of water supply. I do not so understand it, but admitting, for the sake of the argument, that to be true, the lands proposed to be purchased are a part of the watershed of Fort Russell. They are essentially a part of Fort D. A. Russell and its water supply. The gentleman insists that no amendment would be in order in conference excepting one relating to water supply. Then his argument has no force against this amendment, because it is one that affects the water supply of Fort D. A. Russell and provides for a permanent improvement of the same.

Mr. CANNON. Will the gentleman yield?

Mr. PRINCE. I will yield to my colleague [Mr. CANNON].

Mr. CANNON. As I understand the contention of the gentleman from Illinois [Mr. PRINCE], there is an amendment by the Senate which relates to water and sewers at military posts. Then the proviso is:

That no part of this appropriation will be expended for permanent improvements at any of the following-named Army posts.

Now, that was the matter in conference. If the Speaker will turn just across, on page 45 of this document which I hold in my hand, in lieu of the matter proposed in said amendment it says to insert the following.

What is the following? Down in the middle it says:

For the improvement of the Crow Creek, on Fort D. A. Russell target and maneuver reservation—

And not a word about the matter that was in controversy or was submitted—

may be expended by the Secretary of War, in his discretion—

For what?—

in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

It seems to me that that was not in conference either by the House provision or by the Senate amendment.

Mr. MONDELL. Will the gentleman from Illinois yield there for a suggestion?

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question before he sits down. What is the subject matter of the proviso the House put onto that bill?

Mr. CANNON. The subject matter is in the proviso—

that no part of the appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Now, the House disagrees to the Senate amendment, and upon that disagreement the conferees get their jurisdiction. And there is nothing either by a liberal construction, and, it seems to me, a forced construction, that would allow the conferees to purchase the land which the agreement covers. For what? Not for water, not for sewers, or military posts, but for a matter independent of either the House provision or the Senate amendment.

Mr. MANN. Mr. Speaker, will my colleague, in passing, yield to me for a moment?

Mr. PRINCE. Yes.

Mr. MANN. Mr. Speaker, the original proposition in the House bill was an appropriation for certain purposes—water, sewers, and so forth. If enacted in that way, simply as an appropriation, that money could not be expended for any other purpose than the purposes named in the bill. But it could be expended at any Army post, because the appropriation was, generally speaking, for sewers and water supply at the Army posts. Thereupon the House inserted a limitation upon that appropriation, which reads:

No part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Now, the appropriation could not have been used, regardless of this limitation, for any purpose in the way of permanent improvements except water supply, sewerage, and so forth—that is, without the limitation. The purpose of putting that limitation upon the appropriation was to prevent this money being used for water supply and sewerage at these Army posts. The purpose was not to prevent the money being used for the purchase of land or for the construction of buildings or other permanent improvements, because the appropriation could not have been used for those purposes if the limitation had not been put upon the appropriation. It is true that the wording of the limitation is "expended for permanent improvements," and the words "permanent improvements" have a very wide latitude. But the Senate having stricken out the limitation, and the House having agreed to the amendment, the point of difference between the House and the Senate was whether any portion of this appropriation for sewer and water purposes could be used at any of the named Army posts.

The point of difference was not whether this money could be used for the construction of buildings, because it could not have been used for that purpose if there were no limitation on the appropriation. The general law is a limitation itself upon the expenditure for any purpose except the one named in the appropriation.

Now, that being the point of difference between the two Houses, whether this money appropriated for sewer and water purposes could be used for those purposes at those Army posts, the conferees leave that without settling it and bring in a provision providing that a portion of this money can be used for the purchase of maneuvering grounds. Maneuvering grounds have nothing to do with water supply and sewerage, and although the gentleman has suggested that they may aid in water supply, that is purely ephemeral and imaginary. There is nothing in the bill to show that the purpose of the new appropriation is the conservation of the water supply, nor is it confined to the purchase of land for the post. The conference report is for the purchase of maneuvering grounds, regardless of the expenditure in connection with the posts. The language is—

For target and maneuver reservations; and the power of condemnation is granted.

How can it be claimed that a limitation upon an appropriation for water supply, providing that that money shall not be expended for a particular purpose, brings into controversy between the two Houses the question of using that money for the purchase of maneuver grounds? Because, unless that is in controversy and difference, the conferees could not bring in a report upon that. The question of the purchase of maneuver grounds out of this money appropriated for sewerage and water supply was not in difference between the two Houses.

The SPEAKER. The Chair will ask the gentleman a question. What is the subject matter of the proviso?

Mr. MANN. The expenditure of the appropriation at these posts for water supply and sewerage purposes.

The SPEAKER. The Chair will ask the gentleman if this is not true, that the subject matter of that proviso, "that no part of this appropriation shall be expended for permanent improvements," and so on, was permanent improvements or not?

Mr. MANN. Permanent improvements in the way of water supply and sewerage only.

The SPEAKER. But it does not say that.

Mr. MANN. It does not say that in so many words, but that is plainly what it means. It is not to be supposed that they would insert in the bill a provision which means nothing. This money could not have been expended at these posts for any other purpose, regardless of the limitation, and the purpose of the limitation was to limit the expenditure to provide that it could not be expended at these posts for the purpose named in the bill.

The SPEAKER. The contention of the gentleman, then, is that this section was the subject matter and that the subject matter of the section was water and sewers at military posts, and that the proviso does not change the subject matter?

Mr. MANN. It does not, in my opinion.

The SPEAKER. And that the matter which the conferees undertook to insert treats of an entirely different subject?

Mr. MANN. An entirely different subject.

Mr. PRINCE. Mr. Speaker, one further suggestion. On page 37 of the bill, at the top of the page, you will find the question of barracks and quarters. Beginning at line 12, you will find these words:

Of grounds for cantonments, camp sites, and other military purposes.

There was the place for this amendment, if it was germane, because this deals with camp sites, and does not deal at all with water and sewers.

Now, as I said before, the point of difference is in the question of water and sewers, and that no part of this money shall be expended on these particular posts for the purpose of improving the water supply or the sewerage, and the place for the other is at another point in the bill, for barracks and quarters. It is the subject that this would treat of, if it was proper at all, and it is here foreign, and has nothing to do with it, and is outside, and I can not see how it can be called germane to a subject matter to which it is not pertinent, when it is germane to another subject matter that is not in dispute.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

Mr. PRINCE. Yes.

Mr. COOPER. Is it the contention of those who oppose the gentleman from Illinois that under the language "permanent improvements" the Senate amendment is germane which provides for the purchase of new land?

Mr. PRINCE. I presume that is the contention.

Mr. COOPER. Then the question amounts to this, if the gentleman will permit an interruption: The Government of the United States having certain land, can it be held that the purchase of other land is an improvement upon the land which it now holds? If a man has a piece of property and puts permanent improvements upon it, the words "permanent improvements" have a definite meaning, and the purchase of new land is in no sense an improvement of existing property.

Mr. PRINCE. I think that is all I care to say about that.

Mr. MONDELL. Mr. Speaker, the contention is——

Mr. PRINCE. Mr. Speaker, I thought I had the floor.

The SPEAKER. The gentleman did have the floor, but the Chair thought he yielded it to the gentleman from Wyoming.

Mr. PRINCE. No; I said I was through with that section.

The SPEAKER. The gentleman from Wyoming can get an opportunity to express his views on the other side later, if the gentleman from Illinois [Mr. PRINCE], who has the floor, objects to yielding now.

Mr. PRINCE. I will yield five minutes to the gentleman from Wyoming now.

Mr. MONDELL. I do not care to have the gentleman yield to me at all.

Mr. PRINCE. I am perfectly willing to yield. It is no purpose of mine to foreclose discussion.

Mr. MONDELL. The gentleman evidently did not want the other side heard.

Mr. PRINCE. I am perfectly willing to have any side heard. The gentleman can go on.

The SPEAKER. The Chair prefers to hear the gentleman from Illinois make a statement of all these points, and then if the Chair has any doubt in his mind about any of them he will suggest that to the House.

Mr. PRINCE. The next is amendment No. 40, on page 38. I call attention to that because perhaps it may be well to consider it in discussing amendment No. 42. Amendment No. 40 provides:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

Then it enumerates a number of Army posts.

The SPEAKER. The Senate struck that out.

Mr. PRINCE. The Senate struck that out. As to amendment No. 40 I make no contention.

The SPEAKER. What is it that the gentleman is making a point about?

Mr. PRINCE. I am reading amendment No. 40, because I think, in fairness to the Speaker, it should be considered.

The SPEAKER. What is the gentleman's contention?

Mr. PRINCE. My contention is that the conferees have gone outside of their right and have introduced into this conference report matter that is not germane and proper to be considered.

The SPEAKER. What is the matter that the gentleman thinks is not germane?

Mr. PRINCE. On page 39, amendment No. 42, is another proviso that was in the House bill that was stricken out by the Senate:

Provided further, That no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post or a regimental post into a brigade post.

Now, in lieu of these two—No. 40 and No. 42—the Senate having disagreed to them, the conferees put in amendment 42, which is found on page 39. It is as follows:

No. 42. In lieu of the amendment, insert: *Provided*, That a commission, to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally.

Now, what is the point at issue? There are in the United States, not including Alaska, 168 posts. Of these 141 are at present garrisoned. The original bill provided that no part of the appropriation should be expended at any of the 25 posts named therein. Here is an appropriation that no part of which shall be expended upon 25 posts named in the bill. The Senate disagrees to that proposition and a commission is appointed; for what? Now, the question in dispute was, shall any part of this appropriation go to these posts? What posts? Twenty-five specifically named in the bill. The Senate disagrees to that, and the conferees now come in and agree that a commission shall be appointed to consider all the Army posts, 168, of which 141 are at present garrisoned.

Mr. HAY. Mr. Speaker, the gentleman from Illinois does not want to mislead the Chair. There are not 168 mobile army posts in the country. A large number of the 168 are Coast Artillery posts, as the gentleman knows.

Mr. PRINCE. Will the gentleman from Virginia state how many at present are garrisoned that are not coast-artillery posts?

Mr. HAY. About 55 or 60; not over 60.

The SPEAKER. The Chair will ask the gentleman from Illinois to read the first proviso on page 38—the words struck out by the Senate. What does the gentleman say is the subject matter of that?

Mr. PRINCE. The subject matter is that no part of this appropriation shall be expended at any of the following-named Army posts.

The SPEAKER. That is not the whole statement:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service—

and then it goes on to enumerate a lot of posts. What is the subject matter of those lines?

Mr. PRINCE. The abandonment of Army posts.

The SPEAKER. That is it.

Mr. PRINCE. Now, let me answer. The House—and this is supposed to be a part of the RECORD—the House, on December 18, 1911, passed a resolution asking the Secretary of War to give information as to what Army posts he had abandoned or contemplated abandoning. On January 25, 1912, the Secretary of War answered the House upon that question that the number was 25, and these are the 25 mentioned in this provision. Here are the RECORD proceedings of the House asking what the Speaker has asked me, that no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or is going to decide to abandon. He was asked a question by resolution, and replied on January 25. These are the 25 that are mentioned. The chairman of the committee puts it at 60 posts in all, and therefore there are 35 here that were not in dispute at all before the conferees.

Mr. HAY. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. HAY. I understand the gentleman is making a point of order to amendment 42. Now, amendment 42 provides that no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post. That includes every mobile army post in the whole country, and therefore all of the posts are included under this amendment 42.

Mr. PRINCE. Let us understand ourselves, so that we will not present anything to the Speaker that is not in controversy. The gentleman contends that the forty-second amendment, on page 39, is to the proviso on page 39?

Mr. HAY. Yes.

Mr. PRINCE. And it stands or falls on that and not anything prior thereto. Let us see. I want to be fair about it, so that the Speaker will get all the information. I want to be fair with the Speaker, and I do not want to be unfair with the House in any way.

Mr. HAY. Mr. Speaker, I simply state that amendment 42 includes all the posts—that no money shall be expended in any of these posts.

The SPEAKER. But the contention of the gentleman from Illinois is that amendment 42 as recommended by the conferees covers amendment 40, which strikes out the proviso beginning on line 12 of page 38, and also amendment 42, on page 39. The whole thing in issue is the abandonment of Army posts.

Mr. HAY. That is the point.

The SPEAKER. That is the subject matter of that controversy.

Mr. PRINCE. Very well. Then, Mr. Speaker, if the question at issue is the abandonment of Army posts, the question of whether a post shall be enlarged or reduced is not at issue.

The SPEAKER. That is one of the conditions on which they abandon Army posts—that is an incident of the discussion.

Mr. PRINCE. The proviso says that no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post.

The SPEAKER. The Chair will ask the gentleman a question. Undoubtedly the whole controversy at this particular time is the abandonment of Army posts. The Chair has to decide as to whether this amendment suggested by the conferees is germane to that subject. What has the gentleman to say about that?

Mr. PRINCE. My answer to that is this: That if it was confined to the question of the abandonment of Army posts, pure and simple, it might be germane, but here is an Army board or commission created—

To consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone.

As I understand it, the House has asked how many posts do you expect to abandon, and the answer is 25. The House then puts in its bill the 25 and they are in dispute and none other. If there was a commission appointed to determine what to do with those 25, very well.

The SPEAKER. But the gentleman does not state the whole of the proposition. Amendment No. 40 strikes out this proviso:

Provided further, That no part of this appropriation shall be expended in any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

I will ask the gentleman if that is not an unlimited extension to abandon any Army post or to refuse this appropriation to any Army posts that the Secretary of War may hereafter determine to abandon. Suppose we were to pass this bill to-day and leave in the 25 Army posts, if that is the number which the Secretary of War has already determined to abandon, and suppose after the bill goes into effect on the 1st of July, on the 2d of that month, for some reason or other, the Secretary of War makes up his mind that there ought to be one or more of these other posts abandoned. Does not this limitation then apply to those he names?

Mr. PRINCE. It might. We will now go on to the next, Mr. Speaker. On page 67, line 1, the House had a provision to abolish The Adjutant General's Office and the Inspector General's Office, and consolidate them with the Chief of Staff.

Mr. FOSTER. What is the number of the amendment?

Mr. PRINCE. Amendment No. 73. The House sought to consolidate the establishment of The Adjutant General and the Inspector General and the Chief of Staff. The Senate rejected the proposition. The conferees offered in lieu of that an amendment as follows:

SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army, neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, 1 of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the 2 general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States." All officers of the line of the Army now detailed for service in any Staff Corps, or department or in the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, Staff Corps, or staff department from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, Staff Corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, Staff Corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law.

At the bottom of the first page of that amendment will be found the following words:

All officers of the line of the Army now detailed for service in any Staff Corps or department or in the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail.

I object to the words "in any Staff Corps or department" as being new words. The purpose of this legislation is to consolidate The Adjutant General, the Inspector General, and the Chief of Staff. The provision does not consolidate The Adjutant General and the Inspector General with the Chief of Staff. It makes a provision with reference to a detail of officers in the Staff Corps or department. There are 10 Staff Corps or departments in the service, and if this provision of detail applies, it applies to 7 corps not mentioned in this paragraph and that are no part of this section.

The provision in the conference report, lines 5 to 10, that "no officer who shall have served for four years under detail in any Staff Corps or department or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army

in which commissioned, except in time of war or when war is imminent," is new matter so far as the provision is applicable to Staff Corps and departments other than The Adjutant General's and the Inspector General's departments and, of course, the General Staff Corps. See the corresponding provision as passed by the House and rejected by the Senate. The conference report thus makes the provision applicable to the following-named Staff Corps and departments not affected by the provision as passed by the House and rejected by the Senate:

Judge Advocate General's Department, 3 officers (acting judge advocates); Quartermaster Corps, 144 officers; Ordnance Department, 57 officers; Signal Corps, 26 officers; Bureau of Insular Affairs, 2 officers.

Now, the House passed a provision consolidating the Inspector General, The Adjutant General, and the Chief of Staff. The Senate rejected that. They brought back this other provision for a Chief of Staff. They brought back a provision affecting officers of the General Staff which the House never passed upon, which the Senate never passed upon, which was never in conference at all. The question they had before them was section 6, page 67, "That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are hereby consolidated."

The SPEAKER. Where is that language?

Mr. PRINCE. It is at the bottom of page 67 (continued 1):

All officers of the line of the Army now detailed in the service in any Staff Corps or department or in General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps or department or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Now, what was the question of difference? Consolidation of the Adjutant General's Office. There is the other section consolidating the Quartermaster's Department, the Subsistence Department, and the Paymaster's Department, but that is another section. Here is a provision to consolidate the Inspector General, The Adjutant General, and the Chief of Staff Corps. Now, the Senate rejected that proposition and the conferees did not insist upon it, and there is nothing in the provision consolidating these two with the Chief of Staff, but the conferees bring in another matter for the detail of officers which affects not only these departments which they had jurisdiction of, if you please, or the subject matter, but it traveled outside and affected the other departments of the service that I have read about, the Judge Advocate General's Department, the Ordnance Department, Signal Corps, and Bureau of Insular Affairs. There they have gone outside of their right in that and it is new matter, foreign to the question in dispute; new matter, foreign to the subject matter which was the consolidation of The Adjutant General's Office and the Inspector General's Office. Now, further, that is the end of that part. Now, the question in dispute was not in regard to qualifications. There was no dispute as to the qualifications of the Chief of Staff. There was a dispute as to the tenure of office when he got into the office. That was the question of difference, tenure not qualifications. The conferees passed upon the question of qualifications of the Chief of Staff. The law fixes the qualifications of the Chief of Staff.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. In relation to the matter of tenure, was there any different tenure provided in the original section 6 from what is already the law?

Mr. PRINCE. I think not.

Mr. CRUMPACKER. Section 6, you know.

Mr. PRINCE. It is a repetition of it.

Mr. CRUMPACKER. It is simply a declaration as to tenure, so there is no difference of opinion about that. The matter of tenure was repeated in section 6.

Mr. PRINCE. I was going to say that it does not change the law at all. It is simply reenacting the law.

The SPEAKER. Reenacting a law that already exists is not an unparliamentary thing; it is possibly surplusage.

Mr. PRINCE. I want to read the law. Section 3 of the law is as follows:

SEC. 3. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier general. * * * All officers detailed in the General Staff Corps shall be detailed therein for periods of four years unless sooner relieved, * * * and no officer shall be eligible for further detail in the General Staff Corps unless he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

I say to the Speaker that the question of the qualification or the tenure of the Chief of Staff, unless the intention of the law puts it in dispute, was in dispute between the two Houses. The House mentions him and the Senate mentions him not at all, but they come back with a new provision as to the question of his qualifications, changing existing law when the question was not in dispute at all, like a proposition that was not in dispute. Now, let us see if it was in dispute. On page 68 of the bill, beginning with line 20, it says:

The Adjutant General's and Inspector General's departments by the terms of this act.

Now, that is the subject matter—the consolidation of it—that is all. It says further:

And nothing in said sections or in this act shall be held or construed so as to nullify or change any of the provisions of existing law as to the detail of officers for duty as Chief of Staff, or as to the period for which officers so detailed may serve; and no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct.

Now, there was no dispute about the qualification; no dispute, as I can find and understand, about the tenure. Then, if it is not in dispute, why attach any qualification. If you do so, is it not new matter? Is it not subject matter in dispute? Now, what have they done? They have said here, by bringing in new matter—

That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army.

The House bill simply said there was no intention or disposition to change the qualifications of the detail. It was not in dispute. The conferees therefore decided to put in new matter and fix an eligibility that was not in dispute between the two Houses.

I think that is all, Mr. Speaker, that I desire to say. If there are any other suggestions, I will ask the indulgence of the Speaker to present it if anything new should present itself.

Mr. CRUMPACKER. Mr. Speaker, on this amendment I would like to submit some views and a few authorities.

The SPEAKER. Which one is it?

Mr. CRUMPACKER. Seventy-three—the one the gentleman from Illinois has just finished discussing. And in the meantime I shall be very glad if the confusion in the House would abate just a little. It is very difficult to talk on a question of this kind when there is a buzz of conversation all around on the floor of the House.

In the first place, Mr. Speaker, section 6 contained in the House bill was stricken out by the Senate and nothing substituted in its stead. That section provided for the merging of the Adjutant General's Department and the Inspector General's Department with the General Staff Corps. That is the purpose of section 6, and it is the only purpose. It is a long section and everything contained in it belonged essentially to the consolidation of the three departments, and the detail provisions went largely to locate and to fix the status of the offices and officers of the two departments merged into the General Staff Corps. The section expressly declared that nothing in the bill should be construed as affecting in any way the offices or officers of the General Staff Corps. Those officers, including the Chief of Staff, should remain as they are under existing law. It declared further that the provision in relation to the tours of service, the tenure of service, should not be affected, and that those detailed into the General Staff Corps should serve four years and then they should serve an interim of two years in the line somewhere else before they could again be detailed to the Staff Corps. The act of February 14, 1903, defines and fixes the qualifications for the position of the Chief of Staff. That law declares that the Chief of Staff shall be selected from the Army at large among those whose grade is above that of colonel. It includes simply general officers of the Army—lieutenant generals, major generals, and brigadier generals, who are all eligible to detail to the position of Chief of Staff. There is absolutely nothing in the text of the bill relating to the question of qualifications; absolutely nothing in the text of the bill to change, either directly or by implication, the provisions of section 3 of the act of February 14, 1903. Section 6 of the House bill was struck out by the Senate altogether, and the conferees report an amendment as a substitute that has nothing to do with the consolidation of the departments.

That was the only purpose of the original section. Everything else contained in it was but incidental detail necessary to complete and perfect the consolidation. One can not read the section critically without reaching that conclusion. It affected staff officers in no other department, and did not purport to

affect them in any other department. That section was stricken out altogether, and the conferees reported a proposition in its stead to reorganize in a way the entire staff of the Army, without any provision whatever for the consolidation of the departments.

The conferees reported a provision amending section 3 of the act of February 14, 1903, fixing qualifications for those who are eligible to detail as Chief of Staff, and declaring that no person shall be eligible to detail to that important position unless he shall have served at least 10 years in the line of the Army below the rank of or the grade of a brigadier general. That is an amendment of a section of existing law that was not involved, that was not in dispute.

I repeat—and I want to emphasize it, Mr. Speaker—that the question of the authorization of Army officers to be detailed as Chief of Staff was not in disagreement between the two Houses and was not in the original text. It was not put in dispute by the Senate striking out the entire original text. It is substitutive legislation upon a new proposition.

Even the policy of the amendment does not follow the subject matter of the original section—a subject matter that looked toward the consolidation of three departments in the Army, with a view to, perhaps, a better organization and with the avowed object of saving expense to the Government. That was one of its avowed purposes.

Now, in the desire of the committee to emphasize its purpose to allow or require the General Staff Corps to remain as it was it not only embodied in the section a declaration that nothing in the act should change its status, but it went on to recite in substance that the details should be four years, and two years off, declarative of part of the act of 1903.

It is true that if an existing law is reenacted it is subject to amendment, but only the portions that are reenacted. There was not a single word in the original text about the qualifications of officers for detail, not a single word about the question of eligibility.

Now, Mr. Speaker, the general proposition is that the purpose, and the only purpose, of original section 6 was to consolidate the three departments, and the only purpose of the proposed amendment is to change the qualifications of the Chief of Staff which was not touched upon in the bill or any amendment thereto.

The SPEAKER. The Chair would like to ask the gentleman a question. Take section 6 in its entirety, and does not that bring forth to the conferees the entire subject of the staff and these other parts?

Mr. CRUMPACKER. Only to the extent, Mr. Speaker, that it is involved in the section in dispute. The Speaker, of course, has in mind the fact that the power of the conferees is always strictly construed. Here is an instance now of reporting new legislation, legislation that never was considered in the House and that never was considered in the Senate; legislation of great importance; legislation that will result in excluding from the important position of Chief of Staff a large number of distinguished Army officers.

The SPEAKER. The Chair can not take into consideration the motive which prompted anybody, either in the House or the Senate, upon the conference.

Mr. CRUMPACKER. I am discussing now only the question of policy in the construction of the rule. Adding to what I have already said, there is no opportunity to amend a proposition when it comes up in this manner, and matter to be under the jurisdiction of the conferees must not only be in dispute, but it must be germane. It must not only be germane to the text or to an amendment, but it must be in dispute between the Houses. The House might have offered amendments to section 6, but it did not. The Senate might have offered amendments to section 6. But section 6 was stricken out by the Senate.

Is the Speaker ready to decide that the conferees have the same broad scope of amending provisions originally, with even germane amendments, that the House would have or that the Senate would have? The amendments, I repeat, must not only be germane, but they must be subject matters of dispute. This proposition, however, was agreed upon in a sense by both Houses.

The SPEAKER. The Chair would like to ask the gentleman a question. How can the gentleman make that contention, that they agreed upon it, when the Senate struck out section 6?

Mr. CRUMPACKER. I mean the qualifications of the Chief of Staff. The House declared that the law should stand as it is. The Senate struck out the whole section, leaving the law as it is. Can it be said in any proper sense, under those circumstances, that the question of the qualification of the Chief of Staff was a matter of dispute between the two Houses?

The SPEAKER. Now, is not this the truth, that part of that section simply reenacts an existing statute?

Mr. CRUMPACKER. It does not. It is declaratory of some things that are in an existing statute; but I want——

The SPEAKER. The Chair wants to get at the facts. Practically it reenacts an existing statute, and the Senate goes to work and strikes out that section, including this existing statute.

Mr. CRUMPACKER. My contention is that there is no part of the existing statute reenacted; but it declares things that are already the law, and that only the part that is reenacted is subject to amendment or open to question. It did not reenact the statute in relation to the qualifications of the Chief of Staff. That subject is not mentioned in the section at all, and therefore it was not subject to amendment. The House did not declare that the qualifications should remain as they were. Absolutely nothing is said in relation to the qualifications fixed by the act of February 14, 1903.

Now, there is another proposition I want to submit. This matter would not have been germane if it had been offered on the floor of the House.

The SPEAKER. The gentleman does not contend, does he, that the Chair must rule this thing out of order, or any part of it, simply because it could have been ruled out originally in the House on a point of order?

Mr. CRUMPACKER. Most certainly it must be germane.

The SPEAKER. Of course it must be germane. There is no dispute about that.

Mr. CRUMPACKER. And if it is germane it could have been offered in the House.

The SPEAKER. Somebody gets up and offers a proposition, or the committee itself brings in a proposition, that is subject to a point of order—a legislative proposition—and everybody sits here and lets it go through, and it goes over to the Senate, and the Senate does something or other to it, and then it goes to conference. The gentleman does not contend that we can go back now, here in the House, and take cognizance of the point of order that might have been raised against the provision at the right time, does he?

Mr. CRUMPACKER. No, indeed, Mr. Speaker. This is the situation: The House enacted section 6——

The SPEAKER. Yes.

Mr. CRUMPACKER. And the Senate struck out section 6 without substituting anything for it, and therefore the question now is as to whether this is germane to section 6. That is the proposition, and that is the point I want to discuss.

The SPEAKER. That is undoubtedly the proposition that ought to be discussed.

Mr. CRUMPACKER. I made the assertion that if this amendment had been proposed in the House it would have been ruled out on a point of order, because it is not germane to anything in the section.

Suppose a bill is brought up in the House changing the term of service of the Commissioners of the District of Columbia from four years to six years. That would affect the tenure of their service. Would it be in order to propose an amendment that no man shall be qualified for appointment originally to that office unless he be 40 years of age, has lived in the District of Columbia for 10 years, and is a taxpayer? Surely not. The subject of the tenure of office, the length of the term, and the subject of qualifications are altogether different propositions. I want to impress upon the mind of the Speaker the importance of reading analytically and critically the provisions of section 6, so as to know exactly what it contains. Then read along with it the proposition reported by the conferees. I feel an abiding confidence that the Speaker can not reach any other conclusion than that an amendment offered on the floor of the House or reported by the conferees changing the qualifications of the officer who may be detailed as Chief of Staff would not be germane. I said a moment ago that the two Houses had agreed upon that proposition.

But an amendment must not only be germane, but it must be in dispute. The House Manual and Digest, on page 279, paragraph 539, sums up the situation as follows:

> The managers of a conference must confine themselves to the differences committed to them and may not include subjects not within the disagreements, even though germane to a question in issue.

They must be more than germane to the question in issue. They must be matters in dispute, matters in relation to which, in one form or another, one House or the other has taken some action. Of course, when a proposition has been disagreed to and submitted to the conferees they may report a substitute, but it must be confined to the subject matter in dispute. But when, as in this case, the entire text is struck out in the Senate, the conferees have a broad latitude in arranging matters of detail; but they can not report anything except that which pertains to

the subject matter of the original text which was put in dispute by the Senate striking it out.

I repeat that the change of qualifications is a new and substantive proposition. It has no relation to the consolidation of the departments; it has no connection with it, no bearing upon the mere matter of tenure.

A case I want to refer the Speaker to is in volume 5, Hinds' Precedents, page 727, paragraph 6419. That case arose on an omnibus war-claims bill. An omnibus bill went through the House covering a number of war claims and went to the Senate. The Senate struck out all after the enacting clause and substituted an omnibus bill of its own. That amendment was disagreed to by the House, and the subject matter went to conference; and the conferees reported, among other things, three claims that were not in the Senate bill or the House bill. It was admitted on both sides that they were germane to the bill. It was an omnibus war-claims bill, and they were the same class of claims as those embodied in it. They would have been admissible as germane amendments on the floor of the House or in the Senate. Speaker Henderson sustained the point of order to the report of the conferees, because those claims were not in dispute.

Now, on page 720, paragraph 6410, of Hinds' Precedents, at the bottom of the page, is a ruling by Speaker Reed, in which he says:

The Chair dislikes to pass upon such matters as this, but it is a well-established principle that no conference committee can introduce a new subject, one that was not in dispute between the two Houses.

The subject of qualification of an officer to be detailed as Chief of Staff is entirely a new substantive proposition. It bears no relation to the purpose of section 6; it is a new subject, one that is not in dispute between the two Houses and could not have been.

Speaker Reed continued:

And it is evident that everybody in the House realizes that this amendment which has been presented is really beyond the power of the committee of conference. That being so, and the point being made, there is no other course but to sustain the point of order, which the Chair accordingly does.

In that same paragraph is another case where a bill went through the House granting certain privileges to a railroad company, and the Senate amended it by adding two more railroad companies to enjoy the same privilege.

The House disagreed to the Senate amendment and it went to conference. The conferees agreed by striking all of them out, and a point of order was made against the report of the conferees.

Speaker Reed sustained the point of order because the subject matter of the railroad that had already enjoyed and was enjoying the privilege had been agreed to by both Houses, and it was not a subject matter in dispute. They were all connected together, the Senate agreed to leave that one in on condition that the two others should go with it. The conferees, being unable to agree, struck them all out, and Speaker Reed said that the one railroad was not in dispute. It was entirely germane to move to strike it out in the House or in the Senate. Speaker Reed said:

If we were to adopt the idea that when once the subject matter that was to control, and not the difference between the two bodies, we should be likely to enlarge the powers of the committee of conference rather beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it.

Mr. MONDELL. Will the gentleman yield for a suggestion?

Mr. CRUMPACKER. I will.

Mr. MONDELL. Does the suggestion the gentleman refers to have any application to a case like this, where the entire subject matter agreed to by the House was stricken out and therefore everything embraced within that subject matter was before the conferees?

Mr. CRUMPACKER. Yes.

Mr. MONDELL. In the case the gentleman cites, both Houses agreed as to one matter; they had agreed to give one railway certain privileges, so there was one matter agreed upon. Clearly the conferees could not strike that out.

Mr. CRUMPACKER. There is where the gentleman is mistaken. The House put one railroad in the bill and the Senate left it in on condition that two others go with it. How were the conferees going to get together? The Senate did not propose to give up the privilege going to the two railroads if the one railroad should enjoy it, and that could only be done by striking out all the railroads. I do insist that they were connected; they were tied together. The Senate agreement to the one railroad was on condition that two others should enjoy the same privilege.

Mr. MONDELL. But no such decision could apply to a case where all the subject matter was stricken out and there was an agreement upon nothing—a complete disagreement.

Mr. CRUMPACKER. Mr. Speaker, I am using this case to illustrate the fact that even germane amendments can not be put in a measure by conferees unless the subject matter of the amendments is in dispute. There are a number of decisions in Hinds' Precedents on the pages preceding and following the one that I have cited, but what I desire to emphasize in conclusion is the fact that the purpose and object of section 6 was to merge The Adjutant General's staff and the Inspector General's staff in the General Staff Corps, without changing the status or qualification or tenure of the General Staff Corps. That was its purpose, and the conferees reported a measure that is altogether foreign to any purpose of that kind. It does not embody it all. It departs entirely from that purpose. Every provision in section 6 originally is incidental to the purpose of merger or consolidation, and the conferees abandoned that purpose altogether and reported a new substantive proposition that had no relation to it, and one which I think I have perhaps demonstrated to the Chair was not even germane to anything in section 6. I have no doubt about it. I feel that the conferees went beyond their parliamentary power.

The SPEAKER. The Chair is ready to rule on three of these propositions. He will give gentlemen a chance to be heard on the fourth one.

Mr. KAHN. Mr. Speaker, is the Chair ready to rule on amendment 48?

The SPEAKER. The Chair is ready to rule on all of them except the one relating to water and sewers.

Mr. KAHN. That is the one I would like to be heard upon.

Mr. MONDELL. Before the Chair rules I should like to be heard briefly on the amendment just discussed by the gentleman from Indiana.

The SPEAKER. The Chair will state to the gentleman that it is superfluous.

Mr. MONDELL. I should like to be heard also on the water and sewer amendment, No. 48.

The SPEAKER. That is the one the Chair reserved and invited further argument upon. As soon as the Chair rules on the three propositions he has in mind he will hear any gentleman who desires to take one side or the other upon amendment No. 48.

On page 20 of the bill, in line 11, the House inserted a provision:

For travel allowance to enlisted men on discharge, $900,000.

The Senate added a proviso:

Provided, That hereafter when an enlisted man who is enlisted on or before July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind, etc.

All that the conferees did to that Senate amendment was, in line 1 of the amendment, after the word "man," to strike out all down to and including the comma after the word "twelve"; and those words are:

Who is enlisted on or after July 1, 1912.

All that that does is simply to broaden it, and it is not a parliamentary question. It is a question for the court to decide whether those men are entitled to the pay they otherwise would have received. The Chair therefore overrules the point of order.

On page 38 of the bill the House inserted a proviso, beginning on line 12, as follows:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

The Senate struck that out. The conferees then inserted a proviso on the same subject, appointing a commission to inquire into and advise the Secretary of War, or anybody seeking information upon that subject, what Army posts should be abandoned; and the rest of the proviso is simply detail thereof. It has been repeatedly held—I do not know by how many Speakers, but by more than one—that in a case like that, where there is no departure from the subject matter—and the subject matter in this case is the abandonment of Army posts, and the reciting of 25 Army posts was simply a detail—a commission might be appointed. The Chair calls attention to one case where a bill was brought in providing for the construction of a public road. The conferees changed that so as to appoint a commission for a survey of the public road. That was held to be in order. The subject matter of this amendment or proposition is the abandonment of Army posts. The matter that the conferees put into it is simply a detailed arrangement of how to get at abandoning the Army posts.

The Chair therefore overrules that point of order.

The next point of order is the one made to section 6, which treats of the consolidation of the establishments of The Adjutant General, the Inspector General, and the Chief of Staff. It is a very long section. It fixes the term, among other things, of the Chief of Staff. It fixes the length of recess, if the Chair

may be permitted to use that term, that any man who holds that position shall take from that office.

It may be that it is simply the reenactment of an existing statute; if it is not, it is very close to it. Now, it treats of the subject of the General Staff and the Chief of Staff. The Chair has nothing to do, as the Chair stated to the gentleman from Indiana [Mr. CRUMPACKER], with the motives or quarrels that have been going on in the War Department about the Chief of Staff and several other things. It does not make any difference how it got in, and it does not make any difference, so far as the parliamentary situation is concerned, as to the effect of it on individuals. The only question is whether this matter, inserted by the conference committee, is germane to the proposition touching the Chief of Staff. The Chair thinks it is, and the point of order is overruled.

Now, the Chair will hear any gentleman who believes that the matter which the conference committee inserted in lieu of amendment 48 is germane and ought to stay in the bill, but does not care to hear anybody else on the other side unless in rebuttal.

Mr. MONDELL. Mr. Speaker, the paragraph to which the proviso stricken out as amendment No. 48 is attached provides for procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the disposal of sewage, and so on and so forth. Now, the proviso which was striken out, in lieu of which the language in controversy was inserted, provides that no part of this appropriation shall be expended for permanent improvements at, among other posts, Fort D. A. Russell. The subject matter therefore of the language stricken out is permanent improvements at Fort D. A. Russell, and therefore in striking out that provision prohibiting the expenditure of any money for permanent improvements the conferees were within their authority when they inserted a provision for the purpose, after condemnation if necessary, of purchasing certain tracts of land for maneuvering of troops and other military purposes. It has been suggested that purchase of land does not constitute a permanent improvement, but I think it is hardly necessary to argue that matter with the Chair.

The SPEAKER. The Chair will ask the gentleman this question: Suppose the gentleman owned 15 feet of land down here somewhere on some street, and he wanted to build a house that would cover 20 feet. Does the gentleman believe that buying a strip 5 feet wide could be construed as an improvement of that 15 feet?

Mr. MONDELL. I think so. It certainly would improve the property, for anything that is done that tends to its improvement is an improvement of the property. The purchase of an additional strip might be necessary to make possible any permanent improvement. If the Government owned a tract of land in the center of which was some privately-owned property, it might very well be that the Government would hesitate to proceed with the permanent improvement of that property by the erection of buildings or otherwise until it had acquired title to the land which it did not own. It might be an entirely necessary and essential thing to be done in connection with the permanent improvement of the property.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. LONGWORTH. Will the gentleman make this distinction. Suppose the proviso instead of saying "this appropriation" had said "of the appropriation for the above-named purposes," would the gentleman draw the distinction whether that could be said to be a permanent improvement?

Mr. MONDELL. If the Chair will permit further discussion along the line of the question asked by the gentleman from Ohio I will be glad to answer, but assuming now for the sake of argument the subject matter of the provision stricken out is "expenditures for permanent improvements at Fort Russell," the question is raised as to whether the purchase of land is a permanent improvement. I think unquestionably so. In this particular case the Government has a very large reservation, between six and eight thousand acres of the original reservation and some 50,000 or 60,000 acres of the adjacent reservation from which the post receives its water supply, and it is essential in the improvement of this post and its water supply that the Government acquire all privately owned lands within the boundaries.

Mr. KAHN. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. KAHN. The gentleman will note the language of the proviso says:

That no part of this appropriation shall be expended for permanent improvements at any of the following-named posts.

Now, does not the language "permanent improvements" refer back to the heading of the item "water and sewers at military posts"?

Mr. MONDELL. If the gentleman will allow me——

Mr. KAHN. Is not that the question?

Mr. MONDELL. I propose to discuss that, if the Chair will allow me, a little later; but for the present my argument is that the subject matter of the language stricken out is permanent improvements at this and other military posts and no other, and therefore the committee was within its rights when it provided for permanent improvements, to wit, purchase of some land necessary for the enjoyment by the Government of its property and necessary to its enjoyment of the water system on which it has expended several hundred thousands of dollars.

The acquisition of the remaining small tracts is an essential part of the permanent improvement of the Government's property. So much for that.

Now, it has been contended that inasmuch as the section to which this proviso was attached relates to certain specific expenditures or expenditures for specific purposes, the improvements must be improvements in line with the provisions of the section. Taking that view of it, the conferees were still within their authority, and I call the Chair's attention, as having an important bearing on this subject, to the Army appropriation bill of last year, in which this same section, containing the same language, also contains a provision almost identical with this and for the same purpose.

The section down to the proviso is in the identical language of the section now under consideration, and is in part as follows:

That not to exceed $100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell Target and Maneuver Reservation, Wyo., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire, by purchase or condemnation proceedings, certain tracts of land required for the maneuvering of troops and other military purposes.

Following that language is another proviso to the same section providing for the purchase under this appropriation of a quarter section of land located on Dead Mans Creek, S. Dak., adjacent, I presume, to Fort Meade, S. Dak. So, in the same section of the Army bill of last year, written in the identical language that we have now before us is the proviso for the expenditure of $100,000 for this same purpose and for the purchase of land on Dead Mans Creek. The practice, therefore, has been to make the sort of purchases provided by the conference report under this section.

Mr. KAHN. Will the gentleman yield? Was there any point of order against that language last year?

Mr. MONDELL. I do not know as to that. But let me say further, Mr. Speaker, that while the language added by the conferees does not refer to the tract of land proposed to be purchased as land necessary for water supply, the fact is, and I assume that fact was known by the conferees, that the land proposed to be purchased is necessary to the water supply of Fort D. A. Russell, because it is a part of the watershed of Fort D. A. Russell. It refers to the same areas the purchase of which was provided for in last year's bill. So, if we place the narrowest construction on this proviso, to wit, that it must be expended for the purposes of water supply at posts where it is necessary to bring the water from a distance—that is the language, and it applies to Fort D. A. Russell—then the provision inserted by the conferees is in order because it provides for the purchase of a tract necessary for the protection of the water supply of Fort D. A. Russell. That must have been understood by the conferees, because a similar provision was carried in the bill last year under the same heading and for the same purpose. It is true that the words "for maneuvering" are used, but the words "for other military purposes" are also used, and "other military purposes" may well include and do include a water supply. By a necessary implication in this connection they must mean water supply else the provision would not have been inserted by the conferees. The tracts proposed to be purchased are on the watershed of Fort D. A. Russell. It is a part of the land from which the fort receives its supply of water through its extensive water system. There is no other place in the bill where this provision would be germane or, if there be any such place, there is no other part of the bill in which this amendment would be as clearly in line with the purposes of the appropriation, following as it does past precedents and following the provisions contained in the bill of last year. So, from whatever standpoint you view it, whether the subject matter under consideration by the conferees had to do with permanent improvements, in which case this clearly comes within the

rule, or whether you view it from the narrower construction that it must be an improvement, having to do with water supply, in either event the conferees were within their right and acted within their authority in bringing in a provision of this sort.

Mr. SAUNDERS and Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Speaker, the question that is presented to the Chair of course is a parliamentary proposition. The Chair must decide according to the rules and precedents of the House. I would not occupy the time of the Chair if I did not feel that it was of some great importance that this bill should not go back to conference unnecessarily if it could be prevented, as the fiscal year is approaching when this money must be available for the use of the Army.

The question involved is whether the conferees have exceeded their authority or not. That can be the only question that the Chair has to pass upon. The House in this appropriation added a proviso to the provision that had been carried in the bill for many years, providing that no part of this appropriation shall be expended for permanent improvements at certain forts, and, among others, at Fort D. A. Russell. Now, the question is, and I think, Mr. Speaker, the whole question hinges upon it, What was meant by the words "for permanent improvements"—whether the House intended to use the words "for permanent improvements" in order to limit them to permanent improvements in the paragraph preceding, or any other permanent improvements?

The SPEAKER. The gentleman can dismiss one part of the contention from his mind. The Chair does not believe that the words "permanent improvements" in the proviso are intended to limit the preceding part of that paragraph.

Mr. UNDERWOOD. The position I intended to take is the position which the Chair has just announced. That being the case, Mr. Speaker, it brings the question down to a very simple proposition. The words "permanent improvements" not applying to the preceding paragraph, the language of the proviso simply states that none of the money available in the paragraph above shall be available in the permanent improvements at Fort D. A. Russell. It prohibits the use of it. Now, when the Senate knocked that out, so far as this proviso is concerned, it left that money available for any improvement at Fort D. A. Russell, so far as the proviso is concerned. Then the conferees, that being the issue between them—whether there should be a prohibition against using this money for permanent improvements, or whether there should be no limitation, as provided by the Senate amendment—the conferees agreed upon a provision which, leaving out the surplus words, reads as follows:

That not exceeding $1,000 of the sum herein appropriated * * * may be expended * * * in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes at Fort D. A. Russell.

Now, what is the effect? The House put an absolute limitation upon the expenditure of this money not only at Fort D. A. Russell, but also at a number of other forts. The Senate struck out any limitation as to the expenditure of the money. The conferees agree that there shall be a limitation at Fort D. A. Russell; that only $1,000 may be expended for certain purposes, leaving no limitation as to the other forts.

Therefore I say that that being the case, the words "permanent improvements" not being limited by the preceding portion of the section, it leaves the question as to whether there shall be any limitation or no limitation; and between those points it was within the power of the conferees to fix a specific limitation at Fort D. A. Russell and leave it without limitation at the other forts. That clearly comes within the terms of the power of the conferees.

Mr. MANN and Mr. KAHN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Suppose the Senate amendment should be disagreed to entirely and not go into the bill. Could this money be expended for the purpose named in the conference report?

Mr. UNDERWOOD. I did not go into that argument, because I agreed with the Speaker when the Speaker announced that this language is independent of the language of the preceding section.

Mr. MANN. I take it that the point of difference between the two Houses must be on account of the Senate amendments, and that the conference must come within the difference.

The SPEAKER. The Chair would like the gentleman to state the first proposition again.

Mr. MANN. The point of difference must be on account of the Senate amendments. The conference authority must come within the points of difference. Suppose the Senate amendment is entirely disagreed to and goes out, so that there is no point of difference. Could this money have been expended for the purpose named in the conference report? That is the final test.

Mr. UNDERWOOD. No; I do not think the gentleman is right about that; because—suppose the House had written into this bill a new proviso. The gentleman says "the Senate amendment." The Chair presumes he refers to the House proviso.

Mr. MANN. I refer to the Senate amendment striking out the House proviso.

The SPEAKER. The Senate amended it by striking it out.

Mr. UNDERWOOD. There was no affirmative legislation, of course, in the Senate amendment.

Mr. MANN. But the point of difference between the two Houses is based upon the action of the Senate striking out a limitation. Now, supposing the Senate amendment were entirely disagreed to, could this money have been expended for the purpose named in the conference report?

The SPEAKER. The Chair will ask the gentleman a question: What did the House put that proviso in there for?

Mr. MANN. I went over that. They put it in there for the purpose of limiting the expenditure of the money.

The SPEAKER. Now, if they could not have done what you are inquiring of the gentleman from Alabama whether they could do or not—if that proviso had not been put in by the House—what was the sense in putting in the proviso?

Mr. MANN. Of course, if the proviso had not been put in, it is perfectly plain that the unexpended balance of an appropriation not referred to in this bill at all could not have been expended for this purpose or any other purpose. That could not have been in controversy or a matter of difference between the two Houses.

The SPEAKER. Then what did the House put that proviso in for?

Mr. MANN. For the purpose of preventing the money appropriated in this bill being expended for permanent improvements, or, as I think, for permanent improvements in relation to water and sewers at this post.

Mr. KAHN. At these posts.

Mr. MANN. It certainly did not relate to any other appropriation.

Mr. KAHN. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. KAHN. The War Department had sent to the House the names of a number of forts that it proposed to abandon, and the House, as I understand it, decided that none of this money for water and sewers should be expended in permanent improvements for water and sewers at any of these posts, and therefore put in that language.

Mr. UNDERWOOD. I think the gentleman is not entirely right on that question.

Mr. KAHN. I think that was the purpose of the House.

The SPEAKER. The only question in this thing is this: Within reasonable construction does this amount to an improvement?

Mr. UNDERWOOD. Mr. Speaker, the question is this as I understand it: The proposition has been pending before the House that certain forts should be abandoned. The House put in a proviso here to prohibit the expenditure of any further money in permanent improvements at those posts.

The SPEAKER. Yes; and we all understand perfectly well—this is not a parliamentary proposition I am going to lay down—that that proviso was put into that bill as a kind of step toward abandoning a lot of what are considered by various persons to be useless posts.

Mr. UNDERWOOD. Absolutely. It was not put there for the purpose of limiting the specific appropriation above, but it was put there for the purpose of preventing any more money being expended at those posts. Now, the Senate would not agree to that.

Mr. KAHN. Will the gentleman allow me right there?

Mr. UNDERWOOD. Let me finish my sentence, please. The Senate would not agree to that. They would not agree that no more money should be spent at these posts. Now, the question before the two Houses in controversy was the issue on the one side by the House that no more money should be spent in permanent improvements at those posts—Fort D. A. Russell, among others—and by the Senate that that limitation should not be placed there. The conferees met at a common point between the two points at issue and put a limitation on the expenditure at Fort D. A. Russell.

Mr. LONGWORTH. Will the gentleman yield for a question?
Mr. UNDERWOOD. Yes.
Mr. LONGWORTH. Suppose this proviso had never been put in. Does the gentleman believe any money could have been spent at Fort D. A. Russell for any other improvement except one specifically provided?
Mr. UNDERWOOD. That is not the issue; the proviso was put in, it is in here, and it was put in clearly not for the purpose of making a limitation on this paragraph, but was put in for the purpose of preventing in the future——
Mr. LONGWORTH. But the committee says specifically, "This appropriation for water and sewers at military posts." It uses the word "this," and therefore is not a limitation generally, but a limitation on this specific appropriation. Now, then, does the gentleman from Alabama think that if that proviso was not in the bill any portion of this appropriation could be spent at Fort D. A. Russell or any other fort not specifically authorized? It seems to me that is the real point.
Mr. UNDERWOOD. That question is not in issue and is not the one I was discussing. The Speaker had already agreed to the proposition about permanent improvements—that it did not refer to the preceding paragraph. But I will say to the gentleman that this proviso above provides that the money may be spent for repairs to the water and sewer system. The provision that is put in here clearly is connected up with the water and sewer system, and it says it is for other military purposes. The fact that it says it can be used for maneuver purposes and other purposes does not disconnect it for the purpose provided in the last appropriation bill. But take the point of view of the gentleman from Ohio. If that was the point of view the committee and the House had when it wrote this provision, it was clearly to prevent the use of the money in this bill for that specific purpose of broadening the appropriation that already exists. This is only carrying out the existing law, and that was the issue between the two Houses. The House said it should not be used to continue the work and the Senate said it should, and they agree on the point between the two questions in conference; that is, they left all the other forts out, and they provided for the specific limitation in reference to the expenditure of money at Fort D. A. Russell.
Mr. LONGWORTH. The gentleman justifies his position, then, on the theory that this was a permanent improvement for the purpose of adding to the water supply or increasing the water supply at Fort D. A. Russell, when the language says "the purchase of certain tracts of land for maneuver of troops or other military purposes"?
Mr. UNDERWOOD. There is no question but that this is a permanent improvement.
Mr. MANN. Will the gentleman yield?
Mr. UNDERWOOD. I will.
Mr. MANN. Does the gentleman think that under this language in the bill and the Senate amendment that the conferees would have been authorized to increase the amount of the appropriation?
Mr. UNDERWOOD. I do not think the question of increasing the amount of the appropriation was in controversy or is involved here at all.
Mr. MANN. The Senate amendment strikes out the provision that no part of this appropriation shall be expended for certain purposes. If that is to be restored by conference, would they have authority at the same time to make an additional appropriation for that purpose, because that is what they have done?
Mr. UNDERWOOD. They have merely made a limitation on the appropriation that is already to be expended, so far as the appropriation is concerned.
Mr. MANN. Oh, no; they have added to the amount of money.
Mr. HAY. The conferees did not add anything.
Mr. MANN. I beg the gentleman's pardon, the conferees have added to the amount of money.
Mr. HAY. How?
Mr. MANN. Because they say, "together with the unexpended balance heretofore appropriated."
Mr. LONGWORTH. And how much does that involve?
Mr. MANN. About $15,000; but the amount does not make any difference. Here is the limitation on this appropriation. Can the conferees increase the amount of the appropriation?
Mr. HAY. They do not increase the amount of the appropriation.
Mr. MANN. But they do; the gentleman is mistaken. We do not differ as to the facts, but they increase the amount of the appropriation by reappropriating the unexpended balance.
Mr. HAY. We reappropriate the unexpended balance, but we do not increase the amount appropriated.
Mr. MANN. The conferees did not increase the sum carried in the bill because that was not in disagreement, but they increased the amount appropriated because they reappropriated money not available for the next fiscal year.
Mr. MONDELL. Will the gentleman yield?
Mr. UNDERWOOD. I will.
Mr. MONDELL. The House amendment was a prohibition against the use of the appropriation for permanent improvements at this place. That clearly put in conference the question as to whether the moneys could be used for permanent improvements at that post. There was a certain unexpended balance heretofore appropriated for permanent improvements, and having in disagreement the question of permanent improvements, it was clearly within the authority of the conferees to provide that permanent improvements could and should be made of the unexpended balance.
Mr. UNDERWOOD. Mr. Speaker, I agree with the gentleman. I think the real issue before the two Houses was as to whether permanent improvements should be continued at those forts. The House took one position and the Senate another. If the House provision had been agreed to, there could have been no continuation of permanent improvements there. Striking it out, there can be. The real issue between the conferees was the question of the continuation of permanent improvements. The balance was an incident to it. The conferees came to a compromise between the two positions and stated a limitation, that the permanent improvements could be made at Fort D. A. Russell, and it seems to me that this provision is within that limitation when you take the view of the situation from the standpoint of what the House was desiring to accomplish and what the Senate intended to negative.
Mr. COOPER. Mr. Speaker, as has been aptly said by the gentleman from Alabama [Mr. UNDERWOOD], this whole question turns upon the proper construction to be given to the words "permanent improvements" found in this bill. But I disagree entirely with the argument of the gentleman on this point.
It is a fundamental rule of statutory construction familiar to every Member of the House that in making laws legislators are supposed to use words in the sense in which they are commonly understood. Now, the gentleman contends that the words "permanent improvements" when applied to real estate include not only the making of permanent improvements on that real estate but include also the buying of other real estate. That is, if a man owns a piece of land, he makes "permanent improvements" on it when he buys another piece of land. Can it be seriously contended that that is the sense in which the words "permanent improvements" are commonly understood and used? Not at all. I undertake to say that never before in this House has such a contention been made.
If a farmer buys 160 acres of land of the Government, does he put permanent improvements upon it by simply buying an additional 40 acres? No. He enlarges the size of his purchase, but he has made no permanent improvements. That statement clearly shows the sense in which we always understand the words "permanent improvements" when referring to real estate, and that is the exact sense in which the House used these words in referring to permanent improvements at Fort Russell.
A permanent improvement upon real estate is something erected upon, or done to, that real estate itself. It is not another piece of land bought near it, and nobody ever so understood the words until the defenders of this conference report undertook here to maintain that sort of construction.
Let me put this question to gentlemen: Suppose a farmer owns 160 acres of land upon which there is a mortgage of $2,000. He goes to the mortgagee and asks for $2,000 more, saying that he wants it to use in making permanent improvements on his farm. The mortgagee looks at him and says, "Are you going to dig ditches?" "No." "Do you want the money to put in tiling?" "No." "Do you want it to put up a brick silo or any other kind of a silo?" "No." "Do you want it to improve your house?" "No." "Or to build a barn and corn cribs?" "No." "Or to put in electric lights or water works or to construct a sewer?" "No." "Then what permanent improvements do you propose to put on your 160 acres?" "Why, I propose to buy another 40 acres." The mortgagee looks at him and says, "Well, you may call that an improvement, but does it add to my security on the 160 acres which you say you are improving?"
This illustration absolutely refutes the construction put upon the words "permanent improvements" by the defenders of the conference report. No Member of the House, when the bill passed this body, understood the words "permanent improve-

ments" to include a possible purchase of more land at Fort Russell.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. COOPER. Certainly.

Mr. UNDERWOOD. The gentleman states a case, but I would like to state another case and ask him if it does not apply equally well. Suppose the gentleman is the owner of a cotton mill, and his cotton mill covers the whole area of the land that he owns. Suppose he puts a mortgage upon it for permanent improvements in order to build a new cotton mill. Is not the buying of the land adjacent to his property an incident to the permanent improvement that he is going to put on the property?

Mr. COOPER. No; the buying of other land is not in any sense an improvement put upon my first cotton mill nor upon my first area of real estate.

Mr. UNDERWOOD. If you have a sewage system and you have to have additional grounds for the sewer pipe or a drain pipe, is it not necessary as a permanent improvement to Fort D. A. Russell to extend the ground so that you can properly take care of your sewage and buy an additional tract?

Mr. COOPER. No. It might be advisable to buy additional ground in such case, but that is not the question here. The question is whether the words "permanent improvements" when applied to land means the mere purchase of more land. No Member of the House had the slightest idea of giving those words such a meaning at the time the bill went through the House.

The preceding section of the bill, on page 44, provides that no portion of the appropriation in that section for roads, walks, walls, and drainage should be expended at any of the posts mentioned, including Fort Russell; and the next section, that no part of this appropriation for water and sewers should be expended at any of the enumerated posts, including Fort Russell. The proviso to that section provides that no permanent improvements at Fort Russell shall be paid for out of that money. Nobody on this floor understood "permanent improvements" at Fort Russell could possibly mean the buying of additional acres of land.

Mr. MONDELL. Now, will the gentleman yield for a question?

Mr. COOPER. Yes.

Mr. MONDELL. Does not the gentleman consider that it would be an improvement to that watershed, and therefore the post's water supply, to buy a small tract of privately owned lands within the land owned by the Government? That is what is proposed.

Mr. COOPER. I am saying that this language ought to be construed as the House meant it to be understood. When this bill went through the House, the House knew the object of this section and of the previous section was to get rid of these Army posts, including Fort Russell, and therefore that they should not be permanently improved. Of course, no one pretended that the Committee on Military Affairs wished to enlarge the area at Fort Russell at the very time it was advocating that the fort be done away with. Gentlemen on the other side urged we should get rid of these Army posts.

Of course, while refusing to make appropriations for sidewalks or for electric lights or waterworks or sewers or anything of a similar nature at Fort Russell, the House did not expect that any money would be used to enlarge the area there for maneuvering purposes. I understand that at Fort Russell there is abundant land for maneuvering purposes. I understood the gentlemen who argued for this House provision when it first came up here, the chairman of the committee himself, to state that he desired to get rid of Fort Russell. Nobody thought of any enlargement of the area there. I knew nothing about Fort Russell. But every man on that side of the aisle who had contended for the House provision said that this fort was not needed, that it involved a useless expenditure by the Government, and ought to be abandoned, and yet it is contended here now that by using the words "permanent improvements" the House authorized the use of money to enlarge the area of a fort which it was trying to get rid of.

Mr. KAHN. Will the gentleman permit a question?

Mr. COOPER. Certainly.

Mr. KAHN. This bill enlarges the area of that fort in another section, on page 48 of the bill, under the item "Shooting galleries and ranges," where this proviso is put in:

That of this amount the sum of $3,450, or so much thereof as may be necessary, is made immediately available for the purchase of additional land adjoining the military reservation of Fort D. A. Russell, Wyo., for use in connection with the rifle range, $93,366.

Now, that proviso is in its proper place—that is, for shooting galleries and ranges—but this provision that we are now considering is in here under the heading of "Sewers and water supply" and has no part in that specific appropriation.

Mr. HAY. Mr. Speaker, I call the attention of the Chair to the fact the provision just read by the gentleman from California applies to a piece of land for the purpose of target practice, and so forth, at Fort Russell, but does not apply to the water supply, whereas the matter under discussion applies to a part of the military service that has to do with this water supply.

The SPEAKER. The Chair would like to ask the gentleman from California a question in connection with the language he has read, and that is, if that is not rather contradicting and running counter to the argument of the gentleman from Wisconsin, just delivered, that the House had made up its mind that it was not going to increase the possessions of Fort D. A. Russell?

Mr. KAHN. Well, that may be; but the fact of the matter is this item for the purchase of additional land for a target range is provided for in its proper place in the bill under the caption of "Shooting galleries and ranges."

The SPEAKER. The Chair knows; but if the House had made up its mind it was not going to put any more money on Fort D. A. Russell for permanent improvements, would it have put in the clause which the gentleman is talking about?

Mr. KAHN. Well, this was done by the House and the Senate, I presume. Of course the suggestion of abolishing Fort D. A. Russell came from the War Department originally and was agreed to by the House, and the Senate never did agree to it.

The SPEAKER. The Chair will hear the gentleman from Virginia [Mr. SAUNDERS] briefly.

Mr. SAUNDERS. The Chair has indicated that he would like to hear from those gentlemen who believe that this amendment is germane and in order. Firmly believing both propositions, I wish to submit a brief argument in support of them. The substance of the rule as to conference committees, is that the managers must confine themselves to the matters in controversy submitted to them. Having this in mind, they may report new matter within the theme discussed, provided the new matter would be germane to the House bill, or Senate amendment. This is the working principle. Now for the application of the same to the proposition in hand. There are two or three grounds, Mr. Speaker, on which this amendment may be sustained. The House proviso declares that no part of an indicated appropriation shall be expended on improvements on Fort D. A. Russell. It would certainly have been germane to this proviso to have added an amendment to the same to the effect that $1,000 of this appropriation should be expended on improvements at Fort Russell.

No point of order could have been raised against this amendment on any ground, much less on the ground that it was not germane. Suppose in addition this amendment had contained a description of what this improvement should be. The amendment would still be germane, this description not affecting the quality of germaneness. Suppose in addition the amendment provided that certain sums in addition to the $1,000 should be included in the appropriation for improvements at Fort Russell. The amendment would still be germane. It is obvious that the objection, if any, to the amendment would be on the ground that it was new legislation in part, and not that it was not germane. But the point of order can not now be raised in the pending situation. Provided that the amendment proposed by the conferees would have been germane to the House bill, it is a matter of no consequence whether if offered in the House to the original bill, it would have been subject to some other parliamentary objection. Provided it would have been germane, the provision is now in order. Suppose we carry the illustration a little further. The recommendation of the conferees in part is as follows:

That $1,000 of the sum herein appropriated shall be expended by the Secretary of War in his discretion for the acquirement by purchase, or through condemnation proceedings, of certain tracts required for the maneuvering of troops and other military purposes.

The question is raised whether maneuvering grounds are permanent improvements? I think it is a sound proposition that in determining what is a permanent improvement, reference must be had to the purpose for which the subject matter is to be used. Obviously the tract of land for maneuvering purposes would not be a permanent improvement of a tract used for private or high school purposes. But does this objection hold when we have in mind that the ground to be acquired is to be used for purely military purposes in connection with a fort, or

post, and is needed for that purpose. The addition of this ground for this purpose increases the utility of the post for military ends, it so effectuates, and carries out the purpose for which a post in part is created and established, that it may be fairly and properly called an improvement.

But Mr. Speaker, this is not all. As I said, if the amendment which provides for the permanent improvement should define in the body of the amendment what those permanent improvements should be, no objection could be raised on the ground that this amendment was not germane?

It may be objectionable on other parliamentary grounds, but as we have seen these objections can not be raised at this time. The sole inquiry proper to be made by the Chair, with respect to the recommendation of the conferees is, Would it have been germane, if offered to the House proviso?

May I put this matter to the Chair in another way? The House bill provides that no money should be spent on permanent improvements at Fort Russell. A germane amendment could have provided for spending money on improvements at Fort Russell. The inquiry would then have been made, What are the improvements in contemplation? And the answer would have been, any permanent improvements contemplated by the general law or the preceding language of the section. If the general law provided that land could be purchased for a maneuver ground, and considered an improvement, then undoubtedly the money appropriated for Fort Russell by the amendment would have been available for the purchase of maneuver grounds. But if there was no general law, and the amendment itself in substance, provided for maneuver grounds as a permanent improvement, it would have been germane and if not otherwise objected to, would have authorized the appropriation.

The recommendation of the conferees does in substance what the foregoing hypothetical amendment would have done, it supplies the authority that the general law would have afforded, had such a law existed, and is therefore within the authority of the conferees, and in order. Further it is stated that the ground to be acquired is as a matter of fact water-bearing ground, and on the authority of the preceding language of the paragraph, the acquisition of this land could be justified. The securing of water may be either the purchase of water rights, or water-bearing ground, that might in addition be available for maneuver and other military purposes.

Another proposition not to be forgotten in this discussion is that the thing in issue, in controversy, is the whole proviso that was eliminated by the Senate.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. No. The Chair cautioned me to be brief and I am afraid I have already exceeded that caution.

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. No; I do not yield. I have not the time.

Another element proper for consideration, as suggested by one of the gentlemen in argument, is that the real purpose of the House proviso was not to expend any money at the posts indicated, while the recommendation of the conferees is to spend some money at one post. From this viewpoint the recommendation related to the real matter in controversy, the substance of the situation, and was intended to bring the two Houses to an agreement.

I disagree with those gentlemen who undertake to say that these conference reports must be strictly construed. On the contrary, they should be liberally construed, to the end that differences being removed, the Houses may be brought together, and legislation should be enacted. So that from various points of view, Mr. Speaker, I submit that this particular proposition is within the parliamentary precedents, and is, as I said before, germane, parliamentary, and proper to be considered by this body.

Mr. COOPER. Mr. Speaker, will the Speaker permit me a moment?

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. COOPER. In my judgment, to justify such a construction of the words "permanent improvements" as is put upon them by the gentleman from Virginia [Mr. HAY], the bill should in express terms appropriate a sum of money to construct a sewer on the Fort D. A. Russell Reservation and also to purchase such additional land as may be necessary for the completion of the sewer. But never should the mere words "permanent improvements" be construed to authorize not only the construction of a sewer on certain land, but also the purchase of additional land. Such a construction involves a plain perversion of the meaning of the words "permanent improvements."

The SPEAKER. The reason why the Chair invited argument upon this amendment is that day before yesterday, when the gentleman from Illinois [Mr. PRINCE] made his points of order, he very kindly, at the suggestion of the Chair, furnished the Chair with a copy, and the Chair had Judge Crisp, parliamentary secretary, hunt up the authorities and examine them. The Chair had formed somewhat of a general opinion, not fixed, but subject to revision, on the points of order suggested by the gentleman from Illinois [Mr. PRINCE]; but this one, the most difficult of all of them, the gentleman from Illinois had not noted before, and it came on the Chair unexpectedly.

The gentleman from Illinois [Mr. PRINCE] and Members holding his views have argued the question elaborately, and the truth is that the reason why the Chair invited gentlemen on the other side to argue it is that the Chair was very much inclined at that time to hold with the gentleman from Illinois, and did not need any more instruction from that point of view. Now the whole matter has been argued elaborately.

The paragraph over which this controversy arises is subheaded "Water and sewers at military posts."

The proviso which the House put in is as follows:

That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Here follows a list of 25 Army posts, including Fort D. A. Russell. The Senate struck out the proviso, the gist of which is "permanent improvements." The conferees inserted the following words in lieu of the proviso:

Provided, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

There are two general rules governing conferences. The first is that conferees can not inject into a bill an absolutely new subject, and the second is that what they do inject into a bill must be germane. The view of the Chair is that in the ordinary construction of language this proviso is separated entirely from the preceding part of this section. The paragraph is headed, "Water and sewerage at military posts." It treats of that. Then comes the proviso, "That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts."

That introduces a brand new subject, namely, permanent improvements. We have knowledge that what the House was trying to do, or preparing the way to do, was to get rid of these 25 posts. That was the view of the House. The bill went over to the Senate, and the Senate struck out that whole proviso. Some of us know, I think, how it came to be stricken out. Of course, it is not the business of the Chair to comment on the Senate or any Senator thereof, but when you consider what was put in at last, it does not require a very difficult process of reasoning to find out how it happened to be put in. The House conferees had to agree to this proposition made by the Senate conferees, otherwise there would have been no agreement in conference.

During the time that this exceedingly interesting debate has been going on, various gentlemen have suggested various things and cited various authorities. So far as the Chair has been able to ascertain, the authorities he is going to read now seem to be very nearly in point, and these authorities have largely influenced his opinion.

In the second session of the Fifty-eighth Congress (RECORD, pp. 410–411; Journal, pp. 423–424) Mr. Speaker CANNON delivered a very elaborate opinion, and here is the rule which he laid down:

It is true that if the whole paragraph in the bill as it passed the House had been stricken out—

And that part of it is exactly what happened in this case—

and a substitute therefor proposed by the Senate—

That did not happen—

or if the Senate had stricken out the paragraph without proposing a substitute, and the House had agreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane.

That is the general rule, as Speaker CANNON laid it down, and it fits this case. Then in section 6422 of Hinds' Precedents—this is Speaker Carlisle's decision. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill. Mr. William M.

Springer, of Illinois, made the point of order that the conferees had included new matter in their report—the Speaker ruled:

The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause—

Now, that is exactly the same state of case as Mr. Speaker CANNON passed on—

and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments, as was contended for by some gentlemen on the floor at the time.

It was nonconcurred in by the House, and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order.

And in a case almost parallel to this the gentleman from Alabama [Mr. UNDERWOOD] raised the point of order that the conferees had exceeded their authority, and Mr. Speaker Henderson overruled that point of order in an elaborate decision.

During this debate it has been discovered that on the sundry civil bill approved March 3, 1911, in the closing days of the Sixty-first Congress, the House agreed to a bill in which the following language is contained:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance.

That is the very same subject that this disputed paragraph is about—

For the purchase and repair of fire apparatus; for the disposal of sewage; for repairs to water and sewer systems and for hire of employees, $2,250,903.27: *Provided*, That not to exceed $100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell target and maneuver reservation, Wyoming—

Nearly the same item that is being discussed here to-day—

and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

And so on. The Chair does not remember, although he was present at the time, whether the point of order was raised against that or not; but if it was not raised against it, all of us sat here and let it go through without any objection whatever.

Mr. PRINCE. May I be permitted——

The SPEAKER. Judge Crisp informs me that this provision was put on by the Senate.

Mr. MANN. There could have been no point of order raised against it here, if it was a Senate amendment.

Mr. PRINCE. It was put on by the Senate, and we could not raise the point of order. But let me suggest this to the Speaker, that in what he has read there is a specific mention of water supply, but in the amendment under discussion there is no mention of water. This amendment that I am contending is not in order reads as follows:

In lieu of the matter proposed in said amendment insert the following: *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

What the Chair read did specifically mention water supplies which would be proper under water and sewer military purposes, but there is no word of water mentioned in this amendment, which I contend is not in order.

The SPEAKER. The Chair is certainly of the opinion that the first part of this paragraph, down to the proviso, contained one proposition, and the proviso contained an entirely different proposition. While it is a close question, and while it is a very liberal construction, it seems to the Chair that under all the circumstances the point of order ought to be overruled, and it is accordingly overruled.

Mr. HAY. Mr. Speaker, I would like to ask the gentleman from Illinois if he desires any time on the report.

Mr. PRINCE. Mr. Speaker, I have had a number of requests for time on this side and I do not see how I can get along with less than one hour on this side of the House. I am making it as short as I can.

Mr. HAY. Mr. Speaker, I ask unanimous consent that debate on the conference report may continue for two hours, at the end of which time the previous question shall be considered as ordered, and that one half of the time be controlled by the gentleman from Illinois [Mr. PRINCE] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on the conference report shall be limited to two hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. PRINCE]; at the expiration of that time the previous question shall be considered as ordered.

Mr. PRINCE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. If that proposition obtains, would we be permitted to have a separate vote on some of the propositions?

The SPEAKER. No; the conference report is to be voted upon as a whole.

Mr. PRINCE. That was my understanding, but several Members thought they were entitled to a separate vote.

The SPEAKER. As far as the Chair knows the ruling has been continuous and universal that conference reports must be accepted or rejected as a whole. Is there objection to the request of the gentleman from Virginia to limit and divide the time and at the end of two hours the previous question shall be considered as ordered? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I desire to call attention to the provisions in this conference report as briefly as I can, to correct some misapprehension and misstatements which have been made by the newspapers with regard to the provisions of this Army bill. As the bill passed the House it appropriated $87,770,000 for the support of the Army for the next year. As it passed the Senate it appropriated $95,314,710, being an increase of $7,537,000 over the House bill.

The Senate receded from items amounting to $4,660,148, and the bill as it stands now carries $90,654,000, being $1,033,000 less than the amount of the bill carried last year.

I think it can be fairly stated that the House succeeded very well in its conference on this bill so far as the appropriation part of it was concerned.

The bill also carried when it went from the House various legislative provisions. It has been stated by the newspapers, inspired from what source I do not know, that this bill was revolutionary in its character, and that the legislative provisions in the bill were destructive to the efficiency of the Army. I say, without fear of contradiction from any man either here or in the Army, that the bill does not carry a single revolutionary provision, and that it carries provisions that have been recommended by Secretaries of War and by Presidents of the United States for the last 25 years, including the present Secretary of War and the present President of the United States.

It carries a provision providing for the consolidation of the Quartermaster's, the Commissary, and the Paymaster's Departments of the Army. It carries a provision providing for a service corps, both of which have been repeatedly asked for by the War Department. It carries a provision for four years' enlistment in the Army. The bill as it left the House provided for a five-year term of enlistment. That was opposed by the War Department and the Senate struck that provision out of the bill. When that came into conference we agreed upon four years, because it appeared that the enlistments in the Navy are for four years, the enlistments in the Marine Corps are for four years, and we saw no reason why the enlistments in the Army should not be four years so as to make all the services for the same term.

Much has been said of what this bill does to certain corps in the Army. It is stated in an editorial in a morning paper that this bill destroys the efficiency of the Panama Canal organization under Col. Goethals. There is not a word of truth in that statement. There is not a line in this bill which affects the Engineer Corps of the Army in any possible way. The same statement was made in the Washington Herald of yesterday morning, as coming from an officer in the General Staff of the Army. The officer who made that statement and the man who made the statement in the editorial in the paper of this morning were ignorant of what they were talking about, and the

officer does not deserve to be an officer of the United States Army.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. SIMS). Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. HAY. Certainly.

Mr. BUTLER. Then there is not anything in this measure as it is pending here which will remove any of those officials who have been useful to Col. Goethals on the Isthmian Canal?

Mr. HAY. There is not a thing that will remove a single Engineer officer. There may be some captains of the Commissary Department on the Isthmus whose places will be taken by some other captains.

Mr. BUTLER. But none of the Engineer officers?

Mr. HAY. Not one of them.

Mr. MONDELL. Mr. Speaker, does the gentleman know who is responsible for the promulgation of these lies in regard to this measure?

Mr. HAY. I do not know, I will say to the gentleman, and therefore I would not like to make a statement. It is also stated in this editorial that this bill disorganizes the General Staff and makes it impossible to carry on the work of the War College.

The bill, as a matter of fact, does reduce the number of General Staff officers, but it does not affect in any way the Army War College. The Army War College and the General Staff are not the same organization. The War College is a college where officers instruct other officers of the Army, and the officers are detailed there just as they are detailed for duty in other branches of the service. The General Staff has nothing to do with the Army War College except that the General Staff has had so many officers on duty here who had nothing else to do that they had been sent down to the War College to be instructed or to instruct.

Mr. MONDELL. Mr. Speaker, will the gentleman yield further?

Mr. HAY. Certainly.

Mr. MONDELL. Those same officers could be detailed to the War College, even though the General Staff were reduced?

Mr. HAY. Undoubtedly. The details to the War College are details from the Army at large and not from the General Staff.

Mr. MONDELL. And are entirely independent of any changes in the General Staff?

Mr. HAY. Entirely so. The editorial further says that this bill takes from the President and the Secretary of War and the War Department the direction of the general military policy of the Government and places it in the hands of a number of retired officers. Of course, that refers to this commission created in this bill to go into the question of Army posts and to decide what Army posts shall be abandoned and what shall be built up, and whether this concentration of Army posts shall take place. It must be recognized by everybody who is at all familiar with Army matters that it is necessary for this House, in order to intelligently legislate upon this question of Army posts, to have some expert opinion from somebody who knows something about it.

It has been the history of Army recommendations in the past that one Secretary of War recommends one thing and another Secretary of War recommends another, one Chief of Staff is in favor of one policy and another Chief of Staff is in favor of another. What we desired to do by the appointment of this commission was to get from these retired Army officers, who would be uninfluenced from any source because their Army career is ended, who will not be under the influence either of the War Department or of Members of Congress who might aid them in their career, a fair statement of this question as to what would be the best policy for Congress to pursue. We wanted to get their advice and the benefit of their knowledge in order that this House and the Senate together might map out a policy and carry it out, and not be subject to the changing opinions of Secretaries of War and Chiefs of Staff.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. FOCHT. I would like to have the gentleman's opinion in regard to section 5, whether under the provisions here Gen. Wood, Chief of Staff, would not be retired on next March and could not be again returned to the same position?

Mr. HAY. I would state to the gentleman that under the provision to which he has referred Gen. Wood will cease to be Chief of Staff on the 5th day of next March.

And I want to state in connection with this amendment, which seems to have caused a great deal of comment, that it was put in this bill because the conferees believed that it was good general legislation. It was not intended to be aimed at any individual. It was because it was thought that a man who was Chief of Staff should have had some experience in the line as a commissioned officer with troops and not be some one who never had had that experience. Much has been said about Col. Goethals and Gen. Crozier not being able under this provision to be Chief of Staff. I want to point out to this House that under the law as it stands neither Col. Goethals nor Gen. Crozier are eligible to be Chief of Staff. They would have to be promoted to the line of the Army either as brigadier or major general before they could be made Chief of Staff under the law as it now stands, and I have never heard it suggested that men who are in these specialized corps, like the Engineer and Ordnance, should be made Chief of Staff. It was never intended that they should be Chief of Staff. The very staff act itself provides that a Chief of Staff shall be taken from officers in the Army at large and not from these specialized corps, and this provision as it is written does not interfere with the President selecting in time of war anybody he pleases for his Chief of Staff. Nobody can deny the proposition that the Chief of Staff of the Army occupies a position in which he ought to have a large experience of all branches of the Army, experience which can only be had by some man who has served with troops and who is familiar with all the different branches, particularly the line of the Army. He supervises, although he does not command, the various departments in the War Department.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption?

Mr. HAY. Certainly.

Mr. MARTIN of Colorado. If the gentleman did not want to legislate Gen. Wood out of this office, why did not he do what would have been a very simple thing to have done, and that is put in a proviso that it should not affect any general officer now or heretofore occupying the position of Chief of Staff?

Mr. HAY. I will say to the gentleman that in the preparation of this provision, which I prepared myself and for which I take the responsibility, it did not come into my mind as to whether or not it would affect this, that, or the other man, but I prepared it with a view of obtaining hereafter as Chief of Staff of the Army men who had had the necessary experience. [Applause.]

Mr. MARTIN of Colorado. Will the gentleman permit another question?

Mr. HAY. Oh, yes.

Mr. MARTIN of Colorado. Does the gentleman mean to say that he absolutely originated this proposition himself?

Mr. HAY. I certainly do.

Mr. MARTIN of Colorado. And never consulted with anybody or had any advice or assistance or any suggestion about the matter?

Mr. HAY. I certainly do; and I may say to the gentleman that in asking a question of that sort he is stepping a little beyond the bounds of propriety when I just stated I originated the proposition and that I drew the proposition and that I am responsible for it, if there is any responsibility attaching to doing what I have always tried to do ever since I have been on this committee, and that is to do something for the benefit of the Army. [Applause.]

Mr. MARTIN of Colorado. Will the gentleman permit me to further interrupt him?

Mr. HAY. Oh, yes.

Mr. MARTIN of Colorado. The gentleman has also stated to me he originated the proviso with reference to the commission that is to determine what is to be done with these Army posts and that he named the commissioners therein.

Mr. HAY. I did.

Mr. MARTIN of Colorado. I want to say to him instead of putting these men in, if he had just named one of his fellow conferees as a commissioner the result would not be any different, so far as certain recommendations are concerned, from what it will be as it is, and the gentleman will ascertain that fact before he is many months older.

Mr. HAY. Well, I do not regard that as asking me any question.

Mr. MARTIN of Colorado. But I think the gentleman understands it perfectly.

Mr. HAY. Mr. Speaker, I will state to the gentleman, so far as I know—of course I do not know who is to be appointed by the Vice President as members of this committee, nor do I know who will be appointed by the Speaker——

Mr. MARTIN of Colorado. I do not either, but I will tell you what they will do after they are appointed.

Mr. HAY. Well, the gentleman is a prophet, and is far above all the rest of us in knowledge as to what is going to happen in the future.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. I was called out for a moment, and I did not hear the entire controversy. Do I understand the gentleman to say he is responsible for the naming of this commission in the bill?

Mr. HAY. I did so state, in connection with the gentleman from Texas [Mr. SLAYDEN], the other Democratic conferee. I drew the amendment providing for the commission to examine into these posts, and the officers are named as they appear in this bill.

Mr. KAHN. Did the gentleman know that three of these officers named by him made a report in the Fifty-seventh Congress respecting various Army posts?

Mr. HAY. I did not until after the conference report had been agreed upon, and then I had my attention called to the fact that three of these men named on this commission had made a recommendation with regard to Army posts, but I do not think that those three men—Gen. Young, I believe, Gen. MacArthur, and Gen. Randall—would feel that they are bound by that report, as the conditions under which they acted then are not the same as they are now.

Mr. MARTIN of Colorado. How about Humphrey?

Mr. HAY. Well, how about Humphrey?

Mr. MARTIN of Colorado. He is agent of the Powder Trust.

Mr. HAY. Does that make him a dishonest man? I want to say for Gen. Humphrey that he is all right, and as able and as honest a man as there is in this country, and because he happens to represent a powder company or anything else does not disqualify him from doing his duty as an honest man when it is devolved upon him by Congress.

Mr. COOPER. One of the conferees, the Senator from Delaware, is a member of the Powder Trust.

Mr. MANN. I do not want my colleague to understand——

Mr. HAY. The gentleman from Wisconsin [Mr. COOPER] knows it is out of order for him to call the name of a Senator on this floor, and I will say to him that he ought to know, if he does not know, that the Senator from Delaware has no part in the powder company.

Mr. COOPER. I will say to the gentleman from Virginia that I do not know that it is out of order to make a mention of a Senator on the floor, and I will do it whenever I wish.

Mr. HAY. I said in such a connection.

Mr. KAHN. I did not want the House to understand that I desire to impugn the honesty or integrity of any of these gentlemen. But I want to call the attention of the gentleman to this, that three of the commissioners named in this report did pass upon this question. They have made a report, and that report is one of the published documents of this House.

Mr. ANTHONY. Will the gentleman permit me to make a statement right there?

Mr. KAHN. Certainly.

Mr. ANTHONY. In addition to what the gentleman from California has said, they also served on a commission to select a camp of instruction.

Mr. KAHN. Has the gentleman read the report?

Mr. ANTHONY. I have not.

Mr. KAHN. If he will read their report he will find they went fully into the subject of Army posts.

Mr. SLAYDEN. I just wanted to interrupt the gentleman from Virginia [Mr. HAY] a moment or two. Some statements have been flung about recklessly in speaking the names of the gentlemen who are upon this commission to advise with Congress with reference to the policy of maintaining military stations. I was consulted, and I dare say other gentlemen were consulted about that matter. The purpose of everyone seems to be to find gentlemen of experience in the military service who could advise best on the knowledge of the requirements of the situation, and also, if possible, to find gentlemen who were so far removed from current, Government, or political life that the recommendation, when it came to Congress, would receive respectful attention. I was asked if I could suggest the names of gentlemen measuring up with that standard of fitness. I happened to have a personal acquaintance with one man who served for more than 40 years in the Army, beginning his service as an enlisted man, as I believe, in 1861, and serving almost continuously with the line of the Army. Almost all his long military career was with troops. He finally reached the rank of major general on retirement. He is a man of excellent character, and a citizen of the State of Indiana. I selected his name because I believed him in every way qualified and suitable for the work. Certainly gentlemen of such eminence as these, ranging in rank from lieutenant general to major general on the retired list, can not be suspected of having ulterior motives.

Mr. RUCKER of Colorado. Is it not also true, in the selection of these generals whose names have been mentioned, that the committee had also in view the fact that each of them had served at one or the other of these military posts, and therefore were qualified to act in that capacity?

Mr. SLAYDEN. I dare say that most of them have served in the greater part of those posts, because they are all old Indian fighters and were in the Army for more than 40 years, I think, every one of them. Yes; it was their peculiar qualifications for the place that suggested their names.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HAY. Yes.

Mr. BUTLER. Is this one of the officers who joined in the report mentioned?

Mr. HAY. No, sir; he is not.

Now, Mr. Speaker, I have said all I care to say at this time, except that under the provisions of this bill there will be ultimately saved, in my judgment, at least $10,000,000 a year in the Military Establishment; and there can be no question as to the fact that the bill is one that deserves the support of every Member of this House. I reserve the balance of my time.

Mr. SMALL. Mr. Speaker, will the gentleman kindly state to what extent officers in the department of the Commissary General are affected, as I understand, by Senate amendment No. 71, as agreed upon by the conferees?

Mr. HAY. I will say to the gentleman that the officers in the Commissary Department are not affected by the consolidation at all. If the consolidation had never taken place, they would get the same promotion now that they would get after the consolidation has taken place. However, there are some officers of the Commissary Department who will not have the same relative rank as they would have had if this consolidation had not taken place, and for that reason the conferees undertook, in the section dealing with the consolidation of these corps, to provide that they should have such relative rank; but by a clerical error the Army Register of 1912 was inserted instead of that of 1911, and the two committees propose, if possible, to have that corrected on the Military Academy bill.

Mr. SMALL. May I ask the gentleman if there is any legislative difficulty in correcting that clerical error in the future?

Mr. HAY. I think none in the world.

Mr. SMALL. In what way does the gentleman propose to correct it?

Mr. HAY. As I said, on the Military Academy bill.

Now, Mr. Speaker, I reserve the balance of my time.

Mr. PRINCE. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. COOPER] is recognized for 15 minutes.

Mr. COOPER. Mr. Speaker, in view of what has been often printed about Gen. Wood and said about him to-day, I propose myself to say a word concerning him and his record as a man and soldier. I do this without his knowledge, nor is there anybody who knows of my intention. I do it simply because I deem it the duty of somebody to place the facts in the record of the House, where all the people may read them and learn the truth about a man who has served the Nation so well.

In all my experience in public life I have never known a man to be more maliciously misrepresented than has been Gen. Leonard Wood since his return from Cuba at the close of his superb administration of the affairs of that island. An officer of the United States Army repeated to me yesterday what he said to me 3 or 4 years ago and first told me 10 or 12 years ago. Gen. Wood was in this city on a visit from Cuba. During that visit of Gen. Wood this officer of the United States Army said to me: "I heard a Senator"—and he mentioned his name—"I heard a Senator say to Gen. Wood to-day, 'What are you going to do with Rathbone in Cuba?' Said Gen. Wood, 'Senator, I shall prosecute him if he is guilty of crime.' The Senator replied, 'You prosecute him, and you will never get further than captain in the Regular Army.'"

Gentlemen will remember the prosecution and conviction, and I need not remind them of the persistent attacks to which Gen. Wood has been subjected.

In answer to all these I shall read only from the official records of the War Department. Under date of September 9, 1886, is a letter from Gen. Henry W. Lawton, killed in battle in the Philippines, one of the bravest soldiers and noblest spirits the Union Army ever knew.

"(ASM 814 AGO '87. Copy.)

"EN ROUTE TO FORT MARION, FLA.,
"*September 9, 1886.*

"SIR: I have the honor to submit the following report of operations against Geronimo's and Natchez's bands of hostile Indians

made by the command organized in compliance with the following order:

* * * * * * *

"On the 6th of July, 1886, * * * Asst. Surg. Wood was, at his own request, given command of the Infantry.

* * * * * * *

"I desire to particularly invite the attention of the department commander to Asst. Surg. Leonard Wood, the only officer who has been with me through the whole campaign. His courage, energy, and loyal support during the whole time; his encouraging example to the command, when work was the hardest and prospects darkest; his thorough confidence and belief in the final success of the expedition, and his untiring efforts to make it so has placed me under obligations so great that I can not even express them. * * *

"H. W. LAWTON,
"*Captain, Fourth Cavalry.*

"A true copy,
"FRANK R. MCCOY, *Aid-de-Camp.*"

Here is another letter from Gen. Lawton:

"INSPECTOR GENERAL'S OFFICE,
"LOS ANGELES, CAL.,
"*May 13, 1894.*

"Gen. N. A. MILES.

"MY DEAR GENERAL: I inclose a letter just received from Dr. Wood, which will explain itself. When the question of brevets for Indian service was being considered at the War Department, soon after the passage of the act authorizing them, I personally interested myself in behalf of those officers who served under my immediate command, and who had been mentioned for distinguished services in my report; but was met with the argument that the law contemplated only those who were distinguished under fire, or in 'fire action.' I took some pains to look up authorities to show that such a construction was narrow and impracticable, as well as not contemplated by the law. I availed nothing, and at that time the names of none of those who took part in the capture of Geronimo were on the list. Concerning Dr. Leonard Wood, I can only repeat what I have before reported officially, and what I have said to you; that his services during that trying campaign were of the highest order. I speak particularly of services other than those devolving upon him as a medical officer; services as a combatant or line officer, voluntarily performed. He sought the most difficult and dangerous work, and by his determination and courage rendered a successful issue of the campaign possible. Voluntarily commanding the Infantry detachment, there being no other officer present available, he uncomplainingly endured great personal inconvenience and physical suffering, that his example might encourage those under his charge. While I hope every officer mentioned will receive some official recognition, and believe that it is impossible for any to deserve it more, there are none who should be considered before Dr. Leonard Wood.

"Very respectfully,

"H. W. LAWTON,
"*Lieutenant Colonel, Inspector General.*

"A true copy:
"FRANK R. MCCOY, *Aid-de-Camp.*"

Here is a letter from that splendid soldier, Gen. Nelson A. Miles:

"Copy of an indorsement recommending that a brevet be conferred upon Capt. Leonard Wood, assistant surgeon:

"HEADQUARTERS DEPARTMENT OF THE EAST,
"GOVERNORS ISLAND, N. Y.,
"*February 5, 1895.*

"Respectfully forwarded.

"The inclosed letter from Col. Lawton was duly received, but at the time there were objections to granting brevets to some officers that I had recommended, and I delayed sending these papers forward, hoping that I should be able to go to Washington and personally lay the matter before the authorities.

"I now most earnestly renew the recommendation, calling especial attention to the letter of Col. Lawton, which describes one of the most laborious, persistent, and heroic campaigns in which men were ever engaged, and the fact that Capt. Leonard Wood, assistant surgeon, volunteered to perform the extraordinary hazardous and dangerous service is creditable to him in the highest degree. For his gallantry on the 13th July in the surprise and capture of Geronimo's camp, I recommend that he be brevetted for his services on that date.

"NELSON A. MILES,
"*Major General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Another letter from Gen. Lawton:

"(Copy.)

"WAR DEPARTMENT,
"INSPECTOR GENERAL'S OFFICE,
"*Washington, April 15, 1898.*

"To his excellency, ROGER WOLCOTT,
"*Governor Commonwealth of Massachusetts.*

"SIR: Respectfully but earnestly I desire to call your attention to Capt. Leonard Wood, United States Army, a citizen of Massachusetts. Capt. Wood graduated at Harvard University and later from Harvard Medical College, entering the military service of the United States as an assistant surgeon soon after. It is not, however, of his services as a medical officer that I desire to speak. In his profession he has risen to the highest eminence, having the respect and confidence of the most distinguished personages of the country, including the President of the United States, being at the present time attending physician for himself and family. Almost immediately after joining the military service Capt. Wood was assigned to a command organized to pursue and capture or destroy the band of renegade Apaches commanded by the noted chief and warrior Geronimo, who had been terrorizing and devastating the southern portions of Arizona and New Mexico and northern Sonora, Mexico. I had the honor to command this expedition under the immediate direction of Gen. Miles. Capt. Wood, then acting assistant surgeon, developed during this tedious and dangerous campaign (pronounced by the general commanding 'the most remarkable in the history of the United States Army') the strongest elements of soldierly instincts. When through exposure and fatigue the Infantry battalion lost its last officer Capt. Wood volunteered to command it, in addition to his duties as a surgeon."

Listen to these words from one of the bravest of the brave:

"In this duty Capt. Wood distinguished himself most. His courage, endurance, and example made success possible. I served through the War of the Rebellion and in many battles but in no instance do I remember such devotion to duty or such an example of courage and perseverance. It was mainly due to Capt. Wood's loyalty and resolution that the expedition was successful. This acknowledgment was made by the commanding officer in his official report of the campaign, was approved by the general commanding, and Capt. Wood was awarded a medal of honor by Congress as a tribute to his services. Since then Capt. Wood has been conspicuous for gallant and intelligent, faithful services. Now that a war seems imminent, Capt. Wood has determined to leave for the time his professional duties and take service with the fighting line as a soldier proper, and it is in this connection that I desire to recommend him to you as a competent and valuable soldier with field experience. He will be a credit to his State in any capacity of soldierly duty; the higher the position to which he may be appointed the greater will be his value. His connection with the service has prevented him from associating himself with the organized militia of your State, but he is such a valuable man that his State can ill afford to lose his services.

"I make my statement from personal knowledge of the man, both as an inspector and for a time in the field his commanding officer.

"Very respectfully, H. W. LAWTON,
"*Lieutenant Colonel, Inspector General,*
"*United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Lawton says that in all the War of the Rebellion he does not remember such devotion to duty, courage, and preseverance as was exhibited by Gen. Wood. Here is a letter from Gen. Alger:

("File No. A. G. O. 7694. Subject: Medal of honor.)

"WAR DEPARTMENT,
"*Washington, March 29, 1898.*

"DR. LEONARD WOOD,
"*Captain, United States Army Dispensary,*
"*Washington, D. C.*

"SIR: You are hereby notified that by direction of the President and under the provisions of the act of Congress, approved March 3, 1863, a congressional medal of honor has this day been presented to you for most distinguished gallantry, the following being a statement of the particular service, viz:

"'Throughout the campaign against the hostile Apaches in the summer of 1886, this officer, then assistant surgeon and serving as a medical officer with Capt. Lawton's expedition, rendered specially courageous and able services involving ex-

treme peril and display of most conspicuous gallantry under conditions of great danger, hardship, and privation. He volunteered to carry dispatches through a region infested with hostile Indians, making a journey of 70 miles in one night, and then marching 30 miles on foot the next day. For several weeks, while in close pursuit of Geronimo's band and constantly expecting an encounter, Asst. Surg. Wood exercised the command of a detachment of Infantry to which he requested assignment and that was then without an officer.'

"The medal will be forwarded to you by registered mail as soon as it shall have been engraved.

"Respectfully,

"R. A. ALGER,
"*Secretary of War.*

"A true copy.

"C. F. HUMPHREYS,
"*Lieutenant Colonel, Deputy Quartermaster General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

I quote from a letter from a famous fighter, Gen. George A. Forsythe, the intimate personal friend of Gen. Philip A. Sheridan. Who could ask for more convincing praise than this?

"722 TWENTIETH STREET NW.,
"*Washington, D. C., April 9, 1898.*

"TO THE GOVERNOR OF MASSACHUSETTS.

"SIR: I am informed that Capt. Leonard Wood, assistant surgeon, United States Army, is, or will be, an applicant for an appointment as colonel of one of the Volunteer regiments that, in case of war with Spain, it is expected will be called for from your State.

"Capt. Wood served with me on the frontier of Arizona and New Mexico a number of years ago. I have known him well for the past 10 years, and I regard him as one of the very best soldiers I know. I therefore recommend him strongly, in fact most urgently, for the position he seeks. In that capacity he will do honor to his State and prove a credit to the Nation. He has all the sound judgment, good sense, executive ability, experience, and courage requisite to make him one of the very best and safest colonels in the Army. If you see fit to make him a colonel, you will never have occasion to regret your action.

"I am, Governor, very respectfully,
"Your obedient servant,

"GEO. A. FORSYTHE,
"*Brevet Brigadier General, United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Here is what Brig. Gen. Graham says about him:

"HEADQUARTERS DEPARTMENT OF THE GULF,
"*Atlanta, Ga., April 10, 1898.*

"To HIS EXCELLENCY,
"THE GOVERNOR OF MASSACHUSETTS,
"*Boston, Mass.*

"SIR: Learning that Capt. Leonard Wood, assistant surgeon, United States Army, is desirous of exercising the command of a regiment from his State in case of the mobilization of Massachusetts troops in the near future, I have the honor to commend to your excellency's favorable notice this meritorious officer. I have known Capt. Wood intimately since 1889. During four years of that period he served under my command. I consider him one of the most promising officers of our Army and believe him to be thoroughly well equipped to exercise the command of a regiment.

"With a high sense of honor in all the obligations of life, he is the most conscientious and zealous officer in the discharge of duty.

"His physique is superb; his mental qualifications of the highest order.

"I am, sir, with great respect,
"Your excellency's most obedient servant,

"WM. MONTROSE GRAHAM,
"*Brigadier General, United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Next is a letter from Gen. Miles to the governor of Massachusetts, in which he refers to the very exceptional services of Capt. Wood in the terrible campaign against Geronimo and the Apaches:

"HEADQUARTERS OF THE ARMY,
"*Washington, D. C., April 15, 1898.*

"To HIS EXCELLENCY
"THE GOVERNOR OF MASSACHUSETTS,
"*Boston, Mass.*

"SIR: I have the honor to recommend to your favorable notice Capt. Leonard Wood, United States Army. This officer served in the field under my command for several months during the terrible campaign against the Apache Indians under Geronimo. He is one of the most enterprising, intelligent, fearless officers in the service, and competent to fulfill the duties of a field officer, and I earnestly recommend him for such appointment in one of the regiments that may be organized in my native State.

"Very respectfully,

"NELSON A. MILES,
"*Major General, Commanding United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

Another letter from Gen. Alger:

"WAR DEPARTMENT,
"OFFICE OF THE SECRETARY,
"*Washington, April 16, 1898.*

"GOV. ROGER WOLCOTT,
"*Boston, Mass.*

"MY DEAR GOVERNOR: It is with more than common pleasure to me to give to Capt. Leonard Wood, of the United States Army, a letter of recommendation to you. Capt. Wood is especially gifted for the command of men; he is a man of great ability and courage, and his experience in the Indian wars, and bringing with that experience the entire confidence of the Army, confirms all his friends, of whom I am glad to be one, claim for him.

"If, in the trouble that seems to be threatening us, and the furnishing of troops from your Commonwealth, you can grant to the captain a commission, you will give to the Army a most valuable man. I am,

"Yours, very truly,

"R. A. ALGER,
"*Secretary of War.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

"WASHINGTON, D. C., *April 19, 1898.*

"To HIS EXCELLENCY
"THE GOVERNOR OF MASSACHUSETTS.

"DEAR SIR: It gives me great pleasure to state that I have known Capt. Leonard Wood, United States Army, personally and by reputation for several years. He is a man of excellent character and marked ability in every respect. He would be an excellent man in the event of war to have command of Volunteers, and I most earnestly recommend him for such appointment from his State, of which you have the honor to be governor.

"Capt. Wood is what is known as a 'medal-of-honor man,' having won his medal by most ably leading a command of troops when all of its officers had been disabled in one of the hardest and severest campaigns known to the country in Indian warfare.

"Should you appoint him you will find that he will do you credit and honor your State and the United States in case the opportunity comes to his command.

"Very respectfully,

"J. O. GILMORE,
"*Lieutenant Colonel, Assistant Adjutant General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, April 23, 1898.*

"Hon. ROGER WOLCOTT,
"*Governor of Massachusetts, Boston, Mass.*

"SIR: I have the honor to invite the attention of your excellency to the merits of Capt. Leonard Wood, United States Army, who desires an appointment as colonel of a Massachusetts volunteer regiment. Capt. Wood has had more than 12 years' service as a commissioned officer in the Regular Army, and the fact that he has seen arduous service on the frontier

is shown by the medal of honor which he received for conspicuous gallantry in action. He is a man of powerful physique, great intellectuality, and high professional attainments. I can not too highly commend him to the favorable consideration of your excellency.

"Very respectfully,

"ARTHUR L. WAGNER,
"*Assistant Adjutant General.*

"A true copy.

"FRANK R. McCOY,
"*Aid-de-Camp.*"

—

"WAR DEPARTMENT,
"*Washington, April 28, 1898.*

"Capt. Leonard Wood, assistant surgeon, United States Army, is hereby authorized to raise and organize under the second proviso of section 6 of the act approved April 22, 1898, entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' a regiment of volunteers possessing special qualifications as horsemen and marksmen, to be designated as the First Regiment of United States Volunteer Cavalry, under the rules and regulations prescribed by the War Department.

"R. A. ALGER, *Secretary of War.*

"A true copy.

"FRANK R. McCOY,
"*Aid-de-Camp.*"

I ask gentlemen from across the aisle to listen to what I am about to read. It is dated Santiago de Cuba, January 26, 1898:

"GEN. WHEELER'S REPORT.[1]

"HEADQUARTERS CAVALRY DIVISION,
"*Camp 6½ miles east of Santiago de Cuba, June 26, 1898.*

"ADJUTANT GENERAL,
"*Fifth Army Corps, S. S. Seguranca.*

"SIR: * * * Col. Wood's regiment was on the extreme left of the line, and too far distant for me to be a personal witness of the individual conduct of his officers and men, but the magnificent and brave work done by his regiment under the lead of Col. Wood testifies to his courage and skill. The energy and determination of this officer has been marked from the moment he reported to me at Tampa, Fla., and I have abundant evidence of his brave and good conduct on the field, and I recommend him for consideration of the Government.

"Very respectfully,

"JOS. WHEELER,
"*Major General, United States Volunteers, Commanding.*"

Gen. Wheeler was an ex-Confederate general, and it is said of him that he never was so happy as when wearing the uniform of the United States in the Cuban compaign.

"HEADQUARTERS SECOND CAVALRY BRIGADE,[2]
"*Camp near Santiago de Cuba, Cuba, June 29, 1898.*

"THE ADJUTANT GENERAL,
"*Cavalry Division.*

"SIR: * * * I can not speak too highly of the efficient manner in which Col. Wood handled his regiment, and of his magnificent behavior on the field. The conduct of Lieut. Col. Roosevelt, as reported to me by my two aids, deserves my highest commendation. Both Col. Wood and Lieut. Col. Roosevelt disdained to take advantage of shelter or cover from the enemy's fire while any of their men remained exposed to it—an error of judgment, but happily on the heroic side. I beg leave to repeat that the behavior of all men of the regular and volunteer forces engaged in this action was simply superb, and I feel highly honored in the command of such troops.

"Very respectfully,

"S. B. M. YOUNG,
"*Brigadier General, United States Volunteers,*
"*Commanding.*

I append these additional letters, and to them call especial attention. My time has nearly expired, and I can not stop to read them:

"OFFICIAL TELEGRAM.

(Annual Report of the Major General Commanding the Army, 1898, p. 578.)

"JULY 4, 1898.

"Gen. MILES,
"*Washington, D. C.:*

"* * * The turning movement by Gen. Chaffee, terminating in an assault, and the tenacity of Gen. Ludlow were possibly the features of the movements at Caney under Gen. Lawton, where the artillery ultimately was brought up to within 500 yards, as it was also at San Juan, where Col. Wood, who commanded the First Volunteer Cavalry at the Seville fight, was commanding a brigade, and his command here, as before, experienced some of the fiercest fighting, and the charge of Gen. Hawkins and the conduct of Gen. Kent's division displayed gallantry equal to that of the Cavalry.

"BRECKENRIDGE,
"*Major General, Volunteers.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 104.)

"PLAYA DEL ESTE, *July 7, 1898.*

"Hon. R. A. ALGER,
"*Secretary of War, Washington:*

"In absence of full reports I can not at this time make all recommendations for promotion I would like to, but the following officers were so conspicuous for bravery and handled their troops so well I desire to recommend them for promotion: Brig. Gens. Hawkins, Lawton, Chaffee, and Bates to be major generals; Col. Wood and Lieut. Col. McKibbin to be brigadier generals.

"W. R. SHAFTER,
"*Major General, Commanding.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 116.)

"ADJUTANT'S GENERAL'S OFFICE,
"*Washington, July 9, 1898—2.10 p. m.*

"Maj. Gen. SHAFTER,
"*Playa del Este, Cuba:*

"I am instructed by the Secretary of War to inform you that the following promotions have been made among the officers serving with you, to date from yesterday: Kent, Young, Bates, Chaffee, Lawton, Hawkins, to be major generals; Wood, McKibbin, and Carroll, to be brigadier generals. Inform them and extend to each the congratulations of the Secretary of War and myself.

"H. C. CORBIN,
"*Adjutant General.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 203.)

"SANTIAGO, VIA HAITI,
"*August 4, 1898—4.17 p. m.*

"ADJUTANT GENERAL, UNITED STATES ARMY,
"*Washington:*

"* * * I think Gen. Wood is by far the best man to leave in command of this post, and perhaps of the whole district. If he is not to have the entire command, I would suggest Lawton as the only other man there in every way equipped for the position. * * *

"SHAFTER,
"*Major General.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 206.)

"SANTIAGO, VIA HAITI,
"*August 6, 1898—6.42 p. m.*

"ADJUTANT GENERAL, UNITED STATES ARMY,
"*Washington:*

"Have consulted Lawton about staying. He desires very much to do so. Will forward his letter by first mail. Wood also is perfectly willing to stay. They are the two best men in the Army here. There should be three brigadiers, one for the town, Gen. Wood, and one for each brigade. Young and active men should be sent. Suggest that the third battalion of Roosevelt's regiment be sent here and that the horses of the four troops of the Second Cavalry be left for their use. * * *

"SHAFTER,
"*Major General.*"

—

"ADJUTANT GENERAL'S OFFICE,
"*Washington, August 11, 1898—12.15 a. m.*

"Gen. SHAFTER,
"*Santiago:*

"The following order issued to-day:

"'By direction of the President a geographical military department is hereby established, to be known as the department of Santiago, to consist of all that part of the island of Cuba and the islands and keys adjacent and belonging thereto as have or may hereafter come under the control of the United States.

[1] Annual Report of the Major General Commanding the Army, 1898, p. 163.
[2] Idem, p. 333.

The headquarters of the department will be established in the city of Santiago.

"'Maj. Gen. Henry W. Lawton, United States Volunteers, is hereby assigned to the command of the Department of Santiago.

"'Brig. Gens. Leonard Wood and Ezra P. Ewers, United States Volunteers, will report to Maj. Gen. Henry W. Lawton, United States Volunteers, for duty in the Department of Santiago.

"'The officers of the several staff departments now on duty with the general officers above named are temporarily assigned to like duties at their respective headquarters.'"

"You will arrange with Gen. Lawton for him to assume command at such time as you and he shall agree, it being understood that he will have control of only the troops sent to Santiago for garrison duty and the sick and convalescents of your command left there. It is expected that Gen. Wood will be left in command of the city.

"By order Secretary of War.

"H. C. CORBIN,
"*Adjutant General.*"

—

"WAR DEPARTMENT,
"*Washington.*

"These charges, which were received by the Secretary of War on the 21st of March, 1903, will be filed, together with Brig. Gen. Leonard Wood's answer thereto of that date, and no further action will be taken thereon. No answer to the charges was required from Gen. Wood and none was necessary, for it was already known to the Secretary of War that the charges were in every respect without just foundation. The part taken by the military governor of Cuba in the prosecution of the so-called Post Office cases, in which Mr. Rathbone was one of the defendants, had at every step the approval of the War Department, and the military governor exercised no control over the proceedings except such as it was his duty to exercise; and that control in no case went beyond the control which prosecuting officers in the United States lawfully exercise over cases committed to their charge. The 'Jai Alai' Co., referred to in the charges, maintained a court in which a game is played, somewhat similar to our game of racket, and in which the Cuban people are interested, much as our people are interested in the game of baseball. The company included many of the best citizens of Habana, and the gift to Gen. Wood, which was made at the time of his departure from the island, had no relation whatever to any official action of his affecting the company, but was a part of the general expression of gratitude by the Cuban people toward the representative of the United States for the just and beneficent government through which the establishment of the Republic of Cuba had been accomplished, and the chief credit of which was due to Gen. Wood. To have refused this and other gifts made at the same time would have been discourteous, injurious, and unjustifiable. The treatment of the gift at the customhouse was strictly in accordance with law and official propriety.

"The charges have no justification.

"ELIHU ROOT,
"*Secretary of War.*

"MARCH 23, 1903.

"A true copy of official copy.

"HALSTEAD DOREY,
"*Captain, Fourth Infantry, Aid-de-Camp.*"

—

"GENERAL ORDERS, No. 38.

"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, March 25, 1903.*

"The following order has been received from the War Department and is published to the Army for the information and guidance of all concerned:

"WAR DEPARTMENT,
"*Washington, March 25, 1903.*

"By direction of the President, Brig. Gen. Leonard Wood, United States Army, having filed the report which completes his service as military governor of Cuba and commander of the military forces stationed in that island from December, 1899, to the close of the American occupation, is relieved from further duty in connection with the affairs of the former military government of Cuba.

"The administration of Gen. Wood, both as military commander of the Division and Department of Cuba and as military governor, was highly creditable. The civil government was managed with an eye single to the benefits of the Cuban people. Under the supervision and control of the military governor the Cuban people themselves had an opportunity to carry on their own government to a constantly increasing degree, so that when Cuba assumed her independence she started with the best possible chance of success.

"Out of an utterly prostrate colony a free Republic was built up; the work being done with such signal ability, integrity, and success that the new nation started under more favorable conditions than has ever before been the case in any single instance among her fellow Spanish-American Republics. This record stands alone in history, and the benefit conferred thereby on the people of Cuba was no greater than the honor conferred upon the people of the United States.

"The War Department, by direction of the President, thanks Gen. Wood and the officials, civil and military, serving under him, upon the completion of a work so difficult, so important, and so well done.

"ELIHU ROOT,
"*Secretary of War.*

"By command of Lieut. Gen. Miles:

"WM. P. HALL,
"*Acting Adjutant General.*

"A true copy:

"HALSTEAD DOREY,
"*Captain, Fourth Infantry, Aid-de-Camp.*

"The foregoing copies of letters and extracts from official reports are true copies.

"_____ _____,
"*Captain, Third Cavalry, Aid-de-Camp.*"

The SPEAKER pro tempore (Mr. SIMS). The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Speaker, I ask leave to print a list furnished me at the War Department, compiled by Brig. Gen. Mills, showing some of the officers, many of them of great distinction, who would have been excluded under this provision of the conference report from being Chief of Staff; and also some statements of distinguished authorities as to the magnificent services rendered by Gen. Wood in Cuba after the close of the War with Spain.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by printing the papers referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

"WAR DEPARTMENT,
"*May 23, 1911.*

"(Subject: List of prominent officers of Civil War who, in 1860, had served less than 10 years as commissioned officers of the line.)

"Herewith is a memorandum in connection with the amendment of the House and Senate conference committee on the Army appropriation bill prohibiting the detail, after March 5, 1913, of a Chief of Staff who has served less than 10 years as a commissioned officer of the line of the Army.

"Following is a partial list of general officers of the Union Army in the Civil War who would have been ineligible for Chief of Staff had such a provision been in force in 1860:

RANK ATTAINED (SERVICE TO INCLUDE 1860).

"Philip H. Sheridan, major general, second lieutenant Infantry, 1853; first lieutenant Infantry, 1861.

"James B. McPherson, major general, second lieutenant Engineers, 1853; first lieutenant Engineers, 1858; captain, 1861.

"John M. Schofield, major general, second lieutenant Artillery, 1853; first lieutenant Artillery, 1855; captain Artillery, 1861.

"Oliver O. Howard, major general, second lieutenant Ordnance, 1854; first lieutenant Ordnance, 1857; resigned, 1861.

"Daniel E. Sickles, major general, no service prior to 1860.

"John A. Logan, major general, second lieutenant Illinois Infantry, 1847–48; mustered out, 1848; no other service prior to 1860.

"Carl Schurz, major general, no service prior to 1860.

"James A. Garfield, major general, no service prior to 1860.

"Wesley Merritt, major general, commissioned second lieutenant Dragoons, 1860.

"George A. Custer, major general, commissioned second lieutenant Second Cavalry, 1861.

"Nelson A. Miles, major general, commissioned second lieutenant Massachusetts infantry 1861.

"Emery Upton, major general, commissioned second lieutenant 1861.

"Walter F. Halleck, major general, second lieutenant Engineers, 1839; first lieutenant Engineers, 1845; captain Engineers, 1853; major general, 1861.

"George B. McClellan, major general, second lieutenant Engineers, 1846; first lieutenant Engineers, 1853; captain Cavalry, 1855; resigned, 1857; major general Volunteers, 1861.

"George C. Meade, major general, second lieutenant Artillery, 1835; resigned, 1836; second lieutenant Topographical Engineers, 1842; first lieutenant Topographical Engineers, 1851; captain Topographical Engineers, 1856; major Topographical Engineers, 1862.

"William S. Rosecrans, major general, second lieutenant Engineers, 1842; first lieutenant Engineers, 1853; resigned, 1854.

"A. L. MILLS,
"Brigadier General, General Staff,
"Chief War College Division.

YELLOW FEVER.

"Extract from a paper prepared by Walter Reed, M. D., surgeon, United States Army; James Carroll, M. D., and Aristides Agramonte, M. D., acting assistant surgeons, United States Army, read at the Pan American Medical Congress, held at Habana, Cuba, February 4–7, 1901:

* * * * * * *

"'We desire to here express our sincere thanks to the military governor of the island of Cuba, Maj. Gen. Leonard Wood, United States Volunteers, without whose approval and assistance these observations could not have been carried out.'

"Extract from the resolutions adopted at the meeting of the American Medical Association at Saratoga, N. Y., June 11, 1902:

* * * * * * *

"'*Resolved*, That the thanks of this association be tendered the gentlemen who accomplished this brilliant result, and particularly to Drs. Walter Reed, James Carroll, A. Agramonte, W. O. Gorgas, and to Leonard Wood, who recognized the importance of the work and made it possible by his hearty encouragement and assistance.'

"Extract from the sketch of Maj. Reed's work in the discovery of the method of the transmission of yellow fever, by Col. Jefferson R. Kean, Medical Corps, United States Army:

* * * * * * *

"'It was evident to his mind that the solution of this question, which meant so much for the human race, could never be satisfactorily determined without experiments on human beings, and he went to Gen. Wood, the military governor of Cuba, to ask permission to conduct such experiments and for a sum of money to liberally reward volunteers who should submit themselves for experiment. Gen. Wood promptly granted both, with a ready appreciation of the importance of the matter and the force of Dr. Reed's arguments, which will entitle him to no small measure of the glory of this discovery.'

"Extract from a report on Maj. Reed's work on yellow fever, by Maj. W. D. McCaw, Medical Corps, United States Army:

* * * * * * *

"'Application was made to Gen. Leonard Wood, the military governor of Cuba, for permission to conduct experiments on nonimmune persons, and a liberal sum of money requested for the purpose of rewarding volunteers who would submit themselves to experiment.

"'It was indeed fortunate that the military governor of Cuba was a man who by his breadth of mind and special scientific training could readily appreciate the arguments of Maj. Reed as to the value of the proposed work.

"'Money and full authority to proceed were promptly granted, and to the everlasting glory of the American soldier, volunteers from the Army offered themselves for experiment in plenty and with the utmost fearlessness.'

"Extract from editorial, Journal of the American Medical Association, dated July 16, 1910:

* * * * * * *

"'After the capture of Santiago Gen. Wood was placed in command of that district, and in the space of a year his capacity for organization had so clearly demonstrated itself that he was transferred to Habana and made the military governor of Cuba with the rank of major general of Volunteers. In three years he brought Cuba from a naked and devastated land where famine and disease stalked hand in hand to salubrity and plenty. The death rate in Habana fell from 91 per 1,000 in 1898 to 20 in 1902. In the 30 years preceding his appointment as governor there were in the city of Habana 21,448 deaths from yellow fever and 12,722 from smallpox. In the decade since that date there have been 44 deaths from yellow fever and 4 from smallpox.

"'But the sanitary regeneration of Cuba and the support and assistance given to the Reed yellow fever board are only a small part of the creditable work of the military governor of Cuba. In every direction in which constructive statesmanship can influence the destinies of a nation the work of Leonard Wood has left an indelible impress on the government and lives of the Cuban people.'"

Mr. PRINCE. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I wish to discuss the clause which compels the Chief of Staff to have had 10 years' service in the line. I think we all admit that the President should be given just as large and broad a choice for Chief of Staff as possible, so that wherever the best man is he may be brought forward, and consequently the burden of proof is upon those who claim that there should be some limitation. Therefore the committee must prove that the 10 years' service with the line is necessary.

When the General Staff was established there was no proposition that 10 years in the line were necessary. Naturally it could not have suggested itself, experience was against it. Two instances suffice to prove that though there are many others, Gen. Lee and Gen. McClellan at the outbreak of the war would not either of them under this limitation have been eligible for Chief of Staff, and yet no one will deny that these two men were preeminently qualified for that position.

What has happened since, just in this year, to call the attention and convince the committee that 10 years are necessary? It could not have been that the choice has been made too much from the staff and not from the line, because of the five Chiefs of Staff four of them complied with this limitation. The present officer is the only one that does not, and therefore no need has yet been shown, for I am sure that no one will pretend that Gen. Wood's services as Chief of Staff have not compared favorably with others and have not been up to the standard as Chief of Staff. He has made a magnificent officer there.

Why is it, then, that suddenly this proposition is invented? I think it is very unfortunate that there should ever be any dissension between the staff and the line. Each in its place is imperatively necessary for the Army. Each is qualified to produce men for Chief of Staff, and while it may be that under the present conditions the natural tendency is for men with brilliant minds and ambition and enterprise to go to the staff, still both are amply qualified to prepare men for Chief of Staff.

But we know that recently before the Military Committee the Chief of Staff and another general of the Army, who by his position had an unusual opportunity to serve and ingratiate himself with Members of Congress, who seemed to have the sympathy of the Military Committee, and who retired from the Army rather than run the risk of a court-martial, that there was a difference between him and the Chief of Staff, and after that dissension, which seemed to involve members of the committee, a proposition was evolved which prevents the present Chief of Staff being reappointed.

I do not think it requires a very suspicious turn of mind for a Member to guess that there was some connection between them. This is not the first time legislation, apparently general in its scope, has been used to gratify personal resentment. Some years ago a Member of Congress had a grudge against a retired officer who was employed in a manufacturing establishment which had large dealings with the Government, and he introduced in a general bill a clause that no money should be expended in any institution which employed a retired officer; a general proposition, but aimed at one man. It was an attempt and a successful one to prostitute general legislation to personal malice. I have seen since then no occasion when it seemed to me that there were more earmarks of that same purpose than I see here.

Undoubtedly the extraordinary rapidity of Gen. Wood's advancement in the Army has occasioned much criticism and hostility, but I believe no candid Army official will deny his great ability or claim that he has not performed the duties of Chief of Staff with signal success, and I think it is as unwise as it is unfair to make him the victim of this personal legislation. The gentleman from Virginia [Mr. HAY] said that neither Gen. Crozier or Col. Goethals, men whose abilities and achievements would naturally suggest them for Chief of Staff, would be eligible to-day even without this provision. That, of course, is correct because neither of them now possesses the requisite rank, but a President who wished their service could at any time remove that disqualification by promoting them, while this provision would disqualify them forever. I think the suggestion of their names is one of the best arguments against this provision, for they have both proved themselves possessed of qualities infinitely more important to a Chief of Staff than 10 years' service with troops, and are illustrations of the fact that what we need in that position is brains and executive ability far more than 10 years of any one special training.

Mr. MARTIN of Colorado. Mr. Speaker, I do not question the absolute good faith of the chairman of the Committee on Military Affairs of the House in pushing this Army reorganiza-

tion plan, and I do not at all attribute to a lack of good faith upon his part the singular fact that if the two mooted propositions in this conference report, the one in respect to the Army posts and the other in respect to the Chief of Staff, had been written by one of the conferees—and I think I can say, with all due respect to the other members, the principal conferee—the report could not have been more favorable to him and his interests than it now is. The gentleman from Virginia has not in his district a $5,000,000 brigade Army post, the finest in the United States, without a single, natural, artificial, or strategic advantage to justify its existence. The gentleman from Virginia has not a son-in-law whose fortunes on the road of promotion to Chief of Staff are to be advantaged and accelerated by legislation which will disqualify those who are now ahead of him. He has no son-in-law who, in being promoted from captain to brigadier general, was jumped over the heads of more than 700 captains, majors, and colonels.

Mr. BUTLER. Good gracious! Seven hundred?

Mr. MARTIN of Colorado. Seven hundred. Gentlemen talk about Gen. Leonard Wood being promoted——

Mr. BUTLER. Excuse me, Mr. Speaker, but my interest is excited. Who is this captain that the gentleman is speaking of?

Mr. MARTIN of Colorado. We are not mentioning names here at this time.

Mr. BUTLER. That would seem to be a pretty big jump.

Mr. MARTIN of Colorado. I will read a list of names of general Army officers, giving them in the order in which they appear in the Official Army Register for 1912, and the first nine names will suffice to show gentlemen the situation present and prospective with reference to the office of Chief of Staff, the officer filling which is the real head of the Army.

Name.	Year of birth.	Year of retirement.
Maj. Gen. Leonard Wood	1860	1924
Maj. Gen. J. Franklin Bell	1856	1920
Maj. Gen. Thos. H. Barry	1855	1919
Maj. Gen. Wm. H. Carter	1851	1915
Maj. Gen. Arthur Murray	1851	1915
Brig. Gen. Frederick Funston	1865	1929
Brig. Gen. Tasker H. Bliss	1853	1917
Brig. Gen. Albert L. Mills	1854	1916
BRIG. GEN. JOHN J. PERSHING	1860	1924

Two of these nine generals—Wood and Funston—are to be disqualified by this legislation for the office of Chief of Staff. If the remaining seven are to be advanced in the order of their seniority, Gen. Wood would be succeeded by Gen. Bell on March 5 next. When Gen. Bell returns to the line, in March, 1917, four of the six remaining officers, to wit, Gens. Carter, Murray, Bliss, and Mills, will have been retired under the age limit, leaving only Gen. Barry, who retires two years later, and Gen. Pershing in line of promotion.

Singularly enough, the proposition agreed upon by the conferees provides that—

The General Staff shall hereafter consist of two general officers, one of whom shall be Chief of Staff.

Therefore with Gen. Wood, who does not retire until 1924, and Gen. Funston, who does not retire until 1929, out of the way, the remaining two may be simultaneously advanced in the natural order and one of them designated as Chief of Staff. Which will it be? Unless fortune fails him, it should be Gen. Pershing, who, according to the Army Directory of 1906, was advanced from captain to brigadier general over the heads of 110 colonels, 131 lieutenant colonels, 264 majors, and 257 captains, a total of 862 ranking officers.

Gentlemen have talked about Gen. Leonard Wood as the child of fortune and the favorite of influence, but I know of nothing in his career in the way of advancement so utterly extraordinary as that to which I have alluded. I do not hold any brief for Gen. Leonard Wood. I have been rather opposed to him. He has recommended the wiping out of an Army post in my State. He wiped out the Department of the Colorado with headquarters in my State. But I want to say, after sitting across a committee table from Gen. Wood for two hours cross-examining him, that I came out of that committee meeting with the impression, which I still retain, that he is the ablest Army officer I ever met [applause on the Republican side]—the strongest and ablest—and we met in that same committee room some of the other general officers who are on the list with him, including the late lamented The Adjutant General.

I do not carry my feeling with reference to the Colorado Army post to the extent that I am willing to pass legislation to disqualify this man from office on account of his recommendation, and just as sure as you are sitting here, gentlemen, within the sound of my voice, Gen. Wood to-day is paying the penalty for the recommendations that he made to this House of Representatives with reference to Army posts; and I want to say to you gentlemen that if he had made a contrary recommendation in this matter, if he had recommended the retention of some, if he had recommended the retention of at least one of the Army posts whose abolition he recommended, the gentleman from Virginia [Mr. HAY] and the whole House Committee on Military Affairs could have stood here until doomsday before they could ever have prevailed upon the Senate conferees to accept this proposition. [Applause on the Republican side.]

I know what I am talking about. I am on a little bit of a committee that originated this fuss about abolishing Army posts. It was in response to a resolution of a member of that committee, Mr. BULKLEY, of Ohio, that these recommendations of Gen. Wood were made, and I have had occasion to look into this matter pretty closely.

The resolution of the gentleman from Ohio [Mr. BULKLEY], calling for the information furnished by the Secretary of War, upon which information the House Committee on Military Affairs based the provision withdrawing support from 25 Army posts, including Fort D. A. Russell, and providing against the expenditure of any part of the appropriation for permanent improvements at such posts, and for furnishing which information the Chief of Staff is now to be punished, with the consent of the House—this resolution, I say, called for the following information:

1. The names of all Army posts which have been located in their present situations for reasons which are now totally obsolete.

Answer. Fort D. A. Russell, Wyo., established, 1867, to protect the Union Pacific Railroad in this vicinity and the lines of travel south to Denver and north to Fort Laramie and beyond from attacks by the Arapahoe Indians.

3. The names of all Army posts which were originally placed where they are with reference to possible Indian troubles, and the names of such of these as may be placed where such troubles now are no longer possible.

Answer. Fort D. A. Russell, among others.

5. The names of all posts which have been constructed during the 10 years ending June 30, 1911, upon a plan which involved maximum initial cost of construction and maximum cost of maintenance in money and men; the amounts expended on such posts, respectively, for construction purposes during the said period, and what military necessity, if any, suggested the construction of such posts.

Name of post, Fort D. A. Russell, Wyo.

Cost of construction, $4,893,164.29.

9a. The names and cost of all Army posts which would have to be abandoned in order to put an end to the extravagance and inefficiency resulting from improper distribution of the mobile Army.

Names of posts, Fort Mackenzie, Wyo.; Fort Yellowstone, Wyo.

Total cost to date, $1,218,966 and $806,511.51.

9b. Posts not located with a view of securing economy of administration and supply or a full measure of military effectiveness. Their garrisons should not be increased and should ultimately be withdrawn to such concentration centers as Congress may authorize.

Name of post, Fort D. A. Russell.

Total cost to date, $4,925,486.15.

(This post is not located with a view to maximum economy or strategic effectiveness. Its position in a sparsely settled region involves an increased cost for transportation of manufactured supplies, and its distance from recruiting centers makes the recruitment of its garrison more costly. But there are sufficient quarters at the post for a detachment of all arms, with ample facilities for training. There is an abundant water supply at the post, and climate and sanitary conditions are excellent. There is a large maneuver ground within easy marching distance of the post.)

Fort Logan, Colo., located near the suburbs of Denver, is categoried in 9b, along with Fort Russell and 23 other posts, or 25 posts in all, which were recommended for ultimate abandonment.

That this recommendation materially influenced the conferees, and the conferee to whom I refer in particular, is clearly established by his statements regarding it. Speaking of the recommendation, the conferee said:

The Chief of Staff went before that committee and said they were going to propose the abandonment of a good number of the present posts and concentrate the troops in large posts at some uncertain points, and they were going to greatly reduce the expenses of the Army. * * * Subsequently the House, by resolution, requested information as to the posts it was proposed to abandon. The Secretary of War hastened to reply. He gave a list of 25 posts, including some of the largest and newest in the country and covering half of the United States in area, and proposed to remove every post and every place where the United States flag floats over a representative of the Army from a tract of country nearly 2,000 miles one way by about 1,500 miles the other way, including a large number of States entire. The House, taking the Secretary of War at his word, inserted in three different places in the appropriation bill an inhibition against expending a dollar at any one of those posts, although they are occupied by troops and must be so occupied until other arrangements are made. The House also provided that there should be no new posts created and none enlarged without legislation by Congress.

Again the conferee said:

There is no objection to the abandonment of useless posts, but to take one-half of the United States and with one fell swoop take the flag of the United States out of it entirely and leave the militia there with no troops with which to cooperate and with which to go into these great meetings raises a question into which I think the Senators and Members of the House have a right to examine and upon which to express their views.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. PRINCE. Mr. Speaker, I yield three minutes more.

Mr. MARTIN of Colorado. Oh, I can not say anything in three minutes.

Mr. PRINCE. Very well; I yield five minutes to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, since I have been in Congress I have never seen such an abuse, such a gross abuse, I feel tempted to say such a prostitution of legislative power to base personal ends and revenge as that which is confronting this House this afternoon. [Applause on the Republican side.]

And I want to say now that if the House could get a crack at this proposition by means of a separate vote it would overwhelmingly reject it, as it would have been overwhelmingly rejected at the other end of this Capitol under similar conditions. [Applause on the Republican side.] I have been reading the debates which occurred at the other end of the Capitol upon this proposition, and while it is not proper to refer to things specifically, as legislative ethics forbid it, yet if gentlemen will read the debates that have occurred upon the Army post proposition and the question of the Chief of Staff and notice how often and how bitterly the reference to the recommendation of Gen. Wood bubbled up to the lips of certain gentlemen, and to one of the conferees—yes, the brains of the conferees—how often there bubbled to his lips words of resentment over the recommendation of Gen. Wood about the proposed abolition of this magnificent Army post, "leaving fifteen hundred to two thousand square miles of this country absolutely unprotected," they would see then what was sticking in the gentleman's craw. He tries to take the position that this proposition with regard to the Chief of Staff was forced upon him. Well, read what he had to say about it and see how zealously and how quickly he always flew to the defense whenever anything occurred in the debate in reference to it.

Speaking at one time this conferee said:

> We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line.

By the way, these two major generals are Wood and Ainsworth, and the latter, while he may have had no experience in the line, seems to have had sufficient experience to point the way to the reorganization of the Army, including a method of disqualifying the other major general for an office which he himself coveted and hoped to obtain when section 6 of the House bill, consolidating his own office, that of The Adjutant General, with the offices of Inspector General and Chief of Staff, was framed. Both the ambition and the plan of consolidation have gone glimmering, but after hope is dead revenge not only lives but thrives upon the ashes of our dreams.

Section 6 of the House bill, abolishing two establishments in the War Department, was swept out, and in its stead appears a little conference scheme to disqualify the present Chief of Staff from again holding his office. This and nothing more.

The conferee said:

> We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line. We might have a few months hence another man from the Medical Corps, or we might have a Paymaster General selected as Chief of Staff. When it was submitted on the part of the House side and argued it seemed to be that putting myself in the place, or putting any other man in the place, a civilian Secretary of War, who had to take up all these Army matters, would want to have as his adviser a man acquainted with the duties, performances, and responsibilities of the line of the Army, for it is the line of the Army that does the fighting.

It would appear to be useless to reiterate that the Army conferees did not find the advice of officers of the line necessary, and it is more than suspected that their advice came from a former distinguished officer of the staff who never smelled powder.

Again the conferee said:

> It did not seem to me to be an unreasonable restriction that hereafter in appointing new Chiefs of Staff they should have been of the line, so as to be able to give the Secretary of War the information of which he might be most in need. As I said before, the staff officers surround the Secretary of War—close at hand in the big building. It is an easy matter for him to get information from them, but take, for instance, the very able medical officer who now stands at the head of the Medical Department. If a new Chief of Staff was to be appointed, would it be, could it be, as good an appointment as it would be to take some able officer from the line? There are plenty of such line officers.

There are plenty of such line officers, says the conferee, and I have already pointed out who these able line officers are, including the one who was jumped 862 numbers and who is now apparently to be legislated the rest of the way up.

When it was objected by a most distinguished member of another body that—

> This provision excludes Gen. Funston, who was a distinguished volunteer officer of great gallantry in the War with Spain and also in the Philippines. He never served 10 years as a commissioned officer of the line under the rank of brigadier general—

The conferee replied:

> That is true; but that Senator and no other Senator can exceed me in admiration of Gen. Funston. Gen. Funston does not know the line of the Army, however, as do some other officers.

As the late lamented Bill Barlow, the sagebrush philosopher of Rawlins, Wyo., used to say:

> Just let this sorter sink into your soul.

In the same paragraph the conferee remarked:

> I should be very glad to introduce and very glad to follow up a resolution, if Gen. Funston was desired as Chief of Staff by the President, to make an exception in his case.

So, in the opinion of the conferee, Gen. Funston may merit an exception, even though he does not know the line of the Army as do some other officers, and this exception the conferee would be very glad to father, but no such expression can be found with reference to Gen. Wood, also, like Funston, a distinguished soldier in Cuba and the Philippines, and who would already have the benefit of four years' experience in the office itself.

It may be interjected here that all of the proponents of the provision in question lay great stress on the fact that this special qualification imposed upon the Chief of Staff applies only in time of peace, and that in time of war or threatened war the President is given a free hand in the selection of Chief of Staff, the logic of which proposition is that in time of peace, when the duties of the office are largely routine, the President can not be depended upon to make a proper selection, but in time of war, when the honor and preservation of the Nation may be at stake, the President is to be intrusted without limitation with this important function. I do not know but what such military logic as this cleanses its authors of all suspicion of guilt of having acted under military advice.

Another exceedingly distinguished Member of the other body said that the conferees of that body—

> have made a loyal fight for the conference report, including this provision which they did not propose, but to which they have yielded—

thereby bearing testimony to the good faith with which said conferees accepted this bitter dose in consideration, of course, be it always borne in mind, of the elimination of the paragraph in the House bill which provided that no part of the appropriation for Army posts should be expended for permanent improvements at any of the 25 Army posts named in the paragraph, including Fort D. A. Russell, and the insertion in lieu thereof of a commission consisting of three retired Army officers named in the substitute, upon whose recommendations Fort D. A. Russell and other of these posts were greatly improved, and a fourth commissioner, also a retired Army officer, who has been a pronounced partisan of Fort D. A. Russell and who is now the representative and lobbyist of the Du Pont powder interests.

I asked the gentleman from Virginia [Mr. HAY] some questions about this commission, the provisions of which the gentleman claims he wrote himself, as well as the other idea in reference to the Chief of Staff, and I think I commented upon how singular it was that one of the conferees should have been so completely advantaged in the selections made. The gentleman has admitted that he did not know at the time the conference report was agreed upon that the men named had all recommended this particular post. But they not only did that, they made specific recommendations with regard to the post, and this post is the senegambian in the woodpile over which this whole trouble about Gen. Wood arises, and I will prove it. This board upon November 11, 1901, was ordered to consider and report upon the location and distribution of the military posts, and so forth, and to make recommendations in detail as to which of the existing posts should be retained or abandoned, and of those retained which, if any, should be enlarged and to what extent. That is what the board had to do. Among those detailed to the board were Maj. Gen. Samuel B. M. Young, Maj. Gen. Arthur McArthur, and Brig. Gen. George M. Randall. I understand that two of those three men are now retired officers——

Mr. PRINCE. All three.

Mr. MARTIN of Colorado. All three. They are what we call in other lines of business "has-beens," who have been selected to determine upon the plan of reorganization and management of a live Army for live men. Now, after mature deliberation, the report says, they made certain recommendations. What were they? They recommended Fort D. A. Russell, Wyo., as

headquarters, with 12 companies of Infantry and 1 battery of Field Artillery. That to begin with. Read over on page 577, the next page, and you will find they made a supplemental recommendation that provision be made at Fort D. A. Russell, Wyo., for 2 batteries of Field Artillery in addition to the then Infantry garrison of 12 companies at that post. Read down below that about six lines and you will find the following:

NOTE.—Shall provision be made at Fort D. A. Russell, Wyo., for a third battery of Field Artillery?

Well, I should say yes. Now, it is the only complete brigade post in the United States, having one regiment of Field Artillery, one regiment of Infantry, one regiment of Cavalry, one company Signal Corps, one company Hospital Corps, one company Engineers. No other Army post in the United States boasts such a garrison or such equipment as a military plant or approaches in cost the Army post at Fort D. A. Russell.

When Gen. Wood appeared before the Committee on Expenditures in the War Department, of which the gentleman from Kentucky [Mr. HELM] is chairman, on June 26, 1911, he was asked the following question:

What advantages, in your judgment, does it (Fort D. A. Russell) possess for building up such a plant or institution as is there now, costing practically $5,000,000 up to this time?

To which Gen. Wood replied:

It has a good, healthy climate.

At the same hearing the attention of Gen. Wood was called to an article published in the Army and Navy Journal under date of March 25, 1911, commenting adversely upon the fact that 115 hours were required to entrain the troops at Fort D. A. Russell at the time of the mobilization of the Army on the Mexican frontier, in March, 1911, and in response to the request of the committee the War Department furnished the following:

Statement relative to the concentration of the troops composing the maneuver division at San Antonio, Tex., showing time required to entrain, distance in miles from home station, number of hours en route, and rate of travel per hour.

Stations.	Organizations.	Time between receipt of orders and entrainment of troops (approximate).	Distance to San Antonio (approximate).	Time en route (approximate).	Rate per hour (approximate).
		Hours.	*Miles.*	*Hours.*	*Miles.*
Benjamin Harrison	Tenth Infantry	33	1,164	66¾	17
McPherson	Seventeenth Infantry	26	1,067	47	23
Snelling	Twenty-eighth Infantry	52	1,318	84½	16
Leavenworth	Thirteenth Infantry	39	813	54¾	15
Mackenzie	Eighteenth Infantry, 2 battalions and headquarters	61	1,655	109	15
Whipple Barracks	Eighteenth Infantry, 1 battalion		1,193		
Douglas	Fifteenth Infantry	28	1,589	62	26
D. A. Russell	Eleventh Infantry	70	1,187	78	15
Oglethorpe	Eleventh Cavalry	36	1,079	52	20
D. A. Russell	Ninth Cavalry	108	1,187	82½	15
Leavenworth	Engineer battalion	45	813	55¾	15
D. A. Russell	Company M, Engineers	81	1,187	89	15
Do	Fourth Field Artillery	115	1,187	84½	15
Fort Myer	Third Field Artillery	58	1,715	63	28

It must not be understood that Gen. Wood came of his own motion before the Committee on Expenditures in the War Department to volunteer information about this or any other Army post. He was called, as were other Army officers, to be examined by the committee with a view to reductions and economies generally in the War Department. He was specifically asked for information, practically all of which was matter of record, and which he was required to furnish to the committee, just as in the case of the table showing the time required to entrain at the various Army posts for the mobilization on the Mexican frontier.

It may be said, further, in view of the accusations that I have been trying to tear down Fort D. A. Russell, that these quotations from the testimony of Gen. Wood are given only for the purpose of showing the temerity of the Chief of Staff in furnishing any information or making any statement not of the most favorable character to the military post which is to be the monument of a long and powerful public career, and to throw further light upon the motive of this legislation.

Furthermore, the hearings before the Committee on Expenditures in the War Department will show in several places that I had in mind no idea that Fort D. A. Russell should be abandoned. Indeed, I said to Gen. Wood at the hearing before the committee on June 26, 1911, and I quote, that—

The object of my questions is not to lead up to the proposition that a post that has been built up at great expense is to be reduced because some other place was torn down, but the committee, in endeavoring to determine what policy has governed the War Department in passing on these matters, has found it of interest to contrast the differing treatment of Fort Logan and Fort Russell.

Statements from me appear elsewhere in the hearings, which I have not now the time to look up, disclaiming in the strongest terms any idea on my part that Fort D. A. Russell was to be abandoned. I did, however, and do now, point out and emphasize the fact that while Fort D. A. Russell, with its lack of advantages, has been advanced to the finest and most complete Army post, and a brigade Army post at that, in the United States, the Army post at Fort Logan, near Denver, has been reduced from a regimental to a recruiting station, although it is the consensus of opinion in the Army, from the Chief of Staff down to the men in the ranks, that Fort Logan, more completely than any other post in the entire Rocky Mountain region, meets every requirement going properly to determine the location of a military post. It has been my conviction, and I have not hesitated to say, that Fort Logan, with its obviously superior advantages from every standpoint, was a standing menace to its near-by neighbor, D. A. Russell, scarcely more than a hundred miles distant across the Plains. I have yet to find the person in ths Army or out of it, in office or out of it, who has failed to draw the same conclusion as to the cause of the widely differing fortunes of these two neighboring Army posts.

I am in favor of fair play in the matter of Army posts and I am in favor of fair play in the matter of Army officers, and that is my principal interest in this controversy. There are substantial reasons, even if they are not particularly creditable, why Fort D. A. Russell should not be abandoned. One of these is that the Government has expended nearly a half million dollars to build up a water system there, and this expenditure, as well as the millions that have gone into buildings, will be a total loss in the event the Government withdraws. At Fort Logan the Government got a sufficient supply of water for $22,000, and it got this supply in the shape of adjudicated and decreed water rights, which may be sold at any time for what they cost, and which are constantly increasing in value.

It is entirely different with Fort D. A. Russell. In 1884, and long prior thereto, Fort D. A. Russell had drawn its water supply from Crow Creek. It had built a dam across Crow Creek, had run a ditch, and had a sufficient distributing system to supply the needs of the post such as they then were. That right, in its origin, in its perpetual continuance, in its development into a legal and valuable water right, was not dependent on the city of Cheyenne or anybody else. So far as the record discloses, up to this time the Government had done all that any owner or user of water in the irrigated regions is called upon to do in order to acquire title to water.

At this time—that is, on December 2, 1884—the Government, through the officials at Fort D. A. Russell, entered into an agreement with the town of Cheyenne, of which town the principal conferee was then an official, by which agreement the Government conveyed to the town of Cheyenne its rights in and to the waters of Crow Creek, including the right to build and maintain a dam or reservoir, to construct a ditch or pipe line leading from the point of diversion on Crow Creek at which the Government had been for many years diverting its water supply, and to run this ditch or pipe line across the Government reservation. The Government further granted lands

to the city of Cheyenne for the dam and reservoir site. The water right conveyed, it is true, was not an adjudicated decree, but the Government had, by diversion and use, established a claim to the water which was indefeasible, and to which it could at any subsequent time, if its right was ever questioned, go into court and secure to itself forever by decree a title to the water, which would be at this time a very valuable property right. In so far as they could, the officers at Fort D. A. Russell who entered into this agreement with the city of Cheyenne surrendered and gave over to the city of Cheyenne the Government's water rights. I do not take the position that they could effectuate any such waiver or abandonment or alienation of the Government's rights, but what I mean to say is that in so far as they could, and apparently without any realization of what the result of their action was, they sought to do that which, if done by a private individual, would have resulted in the complete divestiture of the Government's water rights established in the way that water rights are established under the irrigation laws, to wit, by appropriation and beneficial use.

Now, notwithstanding the agreement of the city of Cheyenne, in consideration of the Government's conveyance to it of the rights mentioned, to furnish the Army post with a sufficient water supply, there was such failure to furnish sufficient water that in 1902 Gen. Frederick Funston, then brigadier general commanding the Department of the Colorado, with headquarters at Denver, wrote The Adjutant General United States Army, under date of August 25, 1902, that it was evident that the city of Cheyenne had "grossly and persistently violated the terms of the agreement made with the commanding officer of Fort D. A. Russell in 1884," and recommended the suspension of contemplated improvements. This was followed on October 4, 1902, by a recommendation to The Adjutant General from Gen. George B. Davis, Judge Advocate General, that unless the city of Cheyenne furnished the necessary water and entered into another contract specifically binding itself to furnish the United States the necessary water for irrigation purposes, in addition to other purposes, the agreement of 1884 be annulled on the ground of failure of the city to perform its agreement, and that the city's pipe line across the Government reservation be removed.

Through the influence of the conferee this threatening situation was eventually smoothed out, but one can not help speculating whether the action of the doughty commander of the Department of the Colorado has not something to do with the opinion of the conferee that said officer "does not know the line of the Army as do some other officers."

On November 30, 1908, the Government entered into another contract with the city of Cheyenne, whereby, in consideration of the sum of $400,000 appropriated by the Government to build reservoirs to impound a water supply for the city of Cheyenne and Fort D. A. Russell, the said city of Cheyenne agrees in substance to furnish the Army post with water, provided there is any. This is what the agreement legally amounts to, and no more. The Government may abandon Fort D. A. Russell, but it must leave its water investment behind. I can not see that the Government has acquired anything in its dealings with the city of Cheyenne in the way of tangible assets or alienable values, such as it has at Fort Logan. Apparently all that it has acquired is the right to stay in. The Government seems to be in the condition of the man who takes out assessment insurance—he will never get any paid-up values, and he is obliged to stay in the game always. That seems to be the situation of the Government at Fort D. A. Russell in its dealings with the city of Cheyenne.

The Government has paid in nearly half a million dollars there, and I have not yet been able to put my finger on anything that it could sell—certainly not anything it could dispose of in the way of a legal water right. It appears to me that if the Government were to pull out of Fort D. A. Russell tomorrow, under its agreement with the city of Cheyenne it would have to leave everything there that it has invested, and would not have anything it would have the right to require the city of Cheyenne to pay for or that it could sell to anybody else.

It must be admitted, however, that this is a more prudent arrangement than that made by the State of Colorado when it presented the Federal Government with an unconditional deed to a section of land, which is now very valuable, as a site for the Fort Logan Army post. However, I can not undertake to go further into the affairs of these two posts. I have gone into them only for the purpose of contrasting their treatment as compared with their deserts and of exhibiting the true structure, as I see it, of the product of the conference on the Army appropriation bill.

The conference report itself teems with these evidences. On page 45 of the House bill it was provided that no part of the appropriation should be expended for permanent improvements at any of the 25 named Army posts, including Fort D. A. Russell. In the Senate this proviso was stricken out. The conferees agreed to the action of the Senate with an amendment making an appropriation for the purchase of additional lands for Fort D. A. Russell. Such an astounding outcome of the conference not only stamps with utter failure the effort of the House conferees to get anything out of the conference, but goes a long ways toward fixing the authorship of the entire product of the conference upon the Senate conferees and upon the agency through which the Senate conferees worked. The House conferees started out to strike down 25 Army posts in the interest of economy, and they came back bringing with them an appropriation for one of these posts. They came back dangling the scalp lock of the Chief of Staff. They came back with a commission of eight members to pass upon the question of Army posts, a majority of whom are certain to make an influenced report.

Mr. Speaker, I ask consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. I hope gentlemen will vote down the conference report and let it go back and knock these provisions out of it. [Applause.]

Mr. PRINCE. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. KAHN], a member of the committee.

Mr. KAHN. Mr. Speaker, in my judgment, this conference report ought to be voted down. This is not a question of politics. The welfare of the Army should never degenerate into a political question. The proposition that no Chief of Staff should be appointed who has not served 10 years as a line officer, to my mind, is exceedingly vicious legislation. Great military heroes, great military leaders, great military geniuses are found during wars. It is battle that brings to the surface the ability of a military leader, and the wars of this country have always brought from the volunteer ranks of the Army men of splendid military ability. Under the provisions of this conference report, if it be enacted into law, these leaders could never be appointed Chief of Staff. Even if we developed a military genius under this legislation, we would deny him the honor of being appointed Chief of Staff in times of peace. In the history of military affairs the world over we find superior leaders developed in the course of one or two campaigns. Napoleon was discovered in the course of two or three years while serving in Italy. Hannibal—going back to ancient times—developed his wonderful leadership in the course of a very few years. Alexander the Great was only 31 years old at his death. In our own country, if this provision of law had been in effect, such leaders as Washington, Andrew Jackson, William Henry Harrison, Alexander McComb, Winfield Scott, John C. Frémont, Phil H. Sheridan, George B. McClellan, J. B. McPherson, G. K. Warren, George G. Meade, George A. Custer, Nelson A. Miles, O. O. Howard, and a host of others could never have been appointed Chief of Staff. Under this provision all officers of the Engineers, including Col. Goethals, would be barred—and the Engineers are the honor men of the Military Academy. Gen. Robert E. Lee was an Engineer officer. I apprehend that this House does not propose to forever bar the door to any man who is some future war may achieve military distinction and prevent him from holding the position of Chief of Staff. It is an important position. The Chief of Staff represents the fighting force of the Army—the line of the Army. We have other Staff Corps leaders, but they represent the administrative branches of the Army; they do not represent the fighting branch of the Army. The Chief of Staff represents the fighting force. He is also the adviser of the President and the Secretary of War. This legislation, if it be enacted, will forever preclude men like Wood and Funston, who won their spurs in action, from being appointed to that position. And, in my opinion, Gen. Wood has been a most efficient Chief of Staff. Gen. Funston is an exceedingly efficient officer. Among the leaders of the Confederate Army who could never have reached this appointment I may mention Gens. Robert E. Lee, Stonewall Jackson, Beauregard, Forrest, and Joe Wheeler. None of them had the 10 years' experience in the line that this provision requires. Gen. U. S. Grant only had 11 years' line service, and Gen. W. T. Sherman only a little over 10. I believe this provision of the conference report to be vicious in principle, and that provision alone should be sufficient to defeat the report.

There is another provision in the report which is also indefensible. It is that item which provides for the appointment of a commission to pass upon the question of the continuation or abandonment of certain Army posts. The conference report names five officers who are to constitute a part of that commission, and among the five generals named in the report as members of this commission are Gens. Young, MacArthur, and Randall. I have nothing to say about their ability. I do not question their integrity. They are all men of splendid standing. They have all had long military experience, but, as a matter of fact, these generals had this question of Army posts before them about 10 years ago. They have passed upon this very matter. In 1901 they were appointed members of a board to look into the matter of the establishment of four great maneuvering camps. They went beyond their duties in that regard, and passed upon the question of Army posts generally. They presented a very voluminous report, of 856 pages, I believe, with numerous maps. On page 7 of their report they say: "After mature deliberation, taking into consideration the proper disposition of the different arms of the service, based upon strategic, sanitary, and economical considerations, the board recommends the following in regard to the permanent posts, not including the Seacoast Artillery." And then they designate the Army posts which they think ought to be permanently maintained, those that ought to be temporarily maintained, and recommend the establishment of seven new posts and four camp sites. In that list we find these posts that were named in the House bill, and most of which the War Department had recommended to be abolished: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort Wright, Fort Lincoln, Fort Logan H. Roots, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Fort Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

Practically every one of the military posts that were recommended for abolishment by the War Department are recommended in this report made by the board of officers of which Gens. S. B. M. Young, Arthur MacArthur, and George M. Randall were members, for either temporary or permanent occupation—most of them for permanent occupation.

Mr. MONDELL. The gentleman wants to be entirely accurate?

Mr. KAHN. Certainly.

Mr. MONDELL. The gentleman knows, as to five posts named, there never has been any recommendation for abandonment?

Mr. KAHN. I did not say there was any recommendation for abandonment at the hands of the board of officers to which I have referred.

Mr. MONDELL. The gentleman said that a few minutes ago, as I understood him, and said it now.

Mr. KAHN. The gentleman evidently misunderstood me. I say they recommended in this report those that should be permanently established and those that should be temporarily established, and therefore they are in the nature of jurymen who have already passed upon the case. [Applause.] That is the point I desire to emphasize.

Mr. MONDELL. The gentleman would leave the case to other jurymen who have already passed upon them otherwise, would he?

Mr. KAHN. No; I do not think it would be necessary. I think an entirely unprejudiced board could be appointed that would pass upon the merits of this question, a board that would have the confidence of the House and the country. These gentlemen, as I have said before, are very capable military leaders, but they have passed upon this question once, and if I were in their position I would decline to serve upon that board under the circumstances. [Applause.]

Mr. Speaker, there are a number of other provisions in this conference report that are also objectionable. They have been referred to, or will be referred to, by other Members. But the two provisions to which I have made special reference are, in my judgment, so vicious that they ought to insure the defeat of the entire report. I hope the House will send the bill back to the Senate for further conference.

Mr. HAY. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Colorado [Mr. MARTIN] is a disappointed man and bitter in his disappointment. At the beginning of this Congress he became obsessed with the idea that it was his duty in life to do what he could to injure and bring into ill repute the largest, the finest, and the best located Army post in the United States, Fort D. A. Russell, and he set about doing it systematically. The outcome was that when the military bill passed the House of Representatives it carried with it a provision that threatened the abandonment of practically all the military positions in the entire intermountain region in which the gentleman from Colorado lives, and especially and particularly Fort Logan, in the gentleman's own State. In other words, the gentleman has consumed a large portion of his time and energy—I regret he is not here—during this entire session of Congress, with the result of bringing about a feeling in the committee, and largely in the House, that the Army ought to be withdrawn from the interior of the country and concentrated on the coasts.

If the gentleman from Colorado, representing an intermountain State, can find anything in the recommendation for the abandonment of the splendid military posts in the West, including the one in his own State—that brings him satisfaction, that pleases him—he is entitled to whatever consolation he can get out of that condition of affairs, for he is, as he boasts, largely responsible for it.

The gentleman's ire is roused to the point of unjustifiable reflections on members of his own party and Members of the Senate because the provisions in the Army bill which prevented the use of the appropriation on Fort Logan in his own State and on most of the posts in adjacent mountain States has been stricken out, and the question of the retention or abandonment of Army posts which he was instrumental in raising has been referred to a fair and impartial board of qualified men. He seems to be so intent on injuring the posts in a neighboring State that he is willing and anxious to jeopardize the institutions of his own State if by so doing he can inflict injury elsewhere; and he fairly raves because of a provision which will probably result in saving the fine post near the capital city of his State from abandonment. As for Fort D. A. Russell, it is so thoroughly established and so favorably situated that it is safe from the attacks of jealousy and the flings of misrepresentation. Other posts in the same region are more in danger from the misguided activity of the gentleman from Colorado.

The gentleman is not complimentary to the House conferees of his own party. He would have you to believe that the House conferees on his side on the Army appropriation bill were led around by the nose by one of the confereees in the Senate, and that everything that was done was for the purpose of serving the interests of one conferee in another body, and that the House conferees so little understood the situation that they allowed themselves to be trapped by this astute gentleman, who, he insisted, was working only in his own interest and that of those he represents, without regard to the interests of the country at large. I shall not impose upon the House to reply in kind to the intemperate language or baseless insinuation of the gentleman from Colorado [Mr. MARTIN] with reference to my colleague in the Senate. He needs no defense from me or anyone; his faithful and unselfish work for his State and the entire West, his potent and helpful labors and influence in legislation for the benefit of the entire country will be gratefully remembered long after his detractors are forgotten. Nor is it necessary for me to defend that gallant soldier who is now upholding the honor of the flag in the Philippines while the gentleman from Colorado stands here in defense of parade soldiers and carpet knights who never were within the range of a hostile bullet, and who, whatever their qualifications may be, owe their elevation not to tried and proven worth but almost entirely to the friendship and favor of men high in position and power to advance them.

It ill becomes anyone to cast slurs upon men who have been advanced because in the heat and fury of battle they have proved themselves to be good soldiers; to cast aspersions on a man who during his entire military career has been on the fighting line, and who never at any time has been a carpet knight, seeking the favors of those high in power and in influence.

Gentlemen are disturbed because there have been great military leaders in the past, and may be in the future, who, by a provision brought in by the conferees, would not become eligible as chiefs of staff; and by the same token few of them would ever seek the position. Great commanders lead armies in the field. Think of all the armies of Europe as far back as your memories run, and, with the exception of Von Moltke, there has not been a fighting general in the history of modern Europe who has been chief of staff.

The Chief of Staff of the American Army organization should be a man thoroughly familiar with the country; thoroughly conversant with active warfare; a soldier of the battle line; a man in whose mind's eye, reflected by his own experience, are

the men in the trenches, the men on the firing line, the men on the march and in the bivouac, the men making the charge; those who are standing the hard usage of actual warfare.

A man of such experience stands beside the Secretary of War and the President, to consult and advise with them with regard to campaigns and as to the armies in the field: The men who have the genius to command armies are not necessarily Chiefs of Staff. They do not ordinarily seek such an appointment, and no better piece of legislation was ever offered or presented to the House than this one, which provides that the man who shall be Chief of Staff, planning campaigns, adviser of the Secretary of War, adviser of the President, shall be a man who, through experience, has learned what the soldier in the field encounters, and knows by his own experience how to plan and advise in the matters of active warfare. It is high time that it is understood that the road to the post of honor and responsibility is in the field among the men, on the firing line, and in active discharge of a soldier's hard duty, rather than in the line of soft snaps and easy stations under the eye and within reach of the ear of political power and influence.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I am very sorry, but my time is very limited.

Now, in regard to these Army posts, there has been a good deal said here that is half true, and some things said that are not true at all, although gentlemen do not realize it, of course, with regard to the appointment of this board.

For years there has been more or less agitation of the question as to how we should house the Army, as to whether we should concentrate it in a few great centers, the slums of the great cities, or should keep our Army scattered throughout the country in posts of medium size, with here and there a brigade post. Sometimes the War Department has taken one view and sometimes another. At this very time it stands halting between two opinions. The very post that the gentleman from Colorado [Mr. MARTIN] is so disturbed about, because he has not been able to wipe it off the map, and on account of which he is willing to asperse the character of men in the Army and in legislative life, is commended most highly in a report from the Secretary of War, which, I assume, had the approval of Gen. Wood. The present agitation was, as I have stated, largely started by the gentleman from Colorado [Mr. MARTIN] and a few others in the House. No one blames anyone in the Army for it, and, furthermore, no one in the Army has suggested, as some gentlemen seem to think, that these larger western posts should be abandoned forthwith. Many millions of dollars would have to be spent building new quarters before that could be done. Nevertheless, anyone, anywhere, who seriously suggests the abandonment of these posts at any time is sadly lacking in judgment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRINCE. Mr. Speaker, I now yield two minutes to the Commissioner from the Philippines [Mr. QUEZON].

The SPEAKER pro tempore. The gentleman from the Philippines [Mr. QUEZON] is recognized for two minutes.

Mr. QUEZON. Mr. Speaker, I do not propose to interfere with matters which are chiefly the concern of the American people, as is this Army appropriation bill; but I feel it my duty to say a few words here in favor of those Army officers who will be affected by this bill, if it should become a law, and who are serving in the Philippine Constabulary and in the Bureau of Insular Affairs.

I have never believed that the Filipino people needed the assistance of any outsider to run their own affairs. On the contrary, I maintain that they are wholly capable of governing themselves. At the same time I hold that whenever an American official is detailed, though without the consent or advice of the Filipino people, to serve in the Philippine Government, or in the Federal Government in connection with the Philippines, if that official makes a record as a faithful, honest, industrious, and intelligent servant of my people, he is entitled to their applause and even their gratitude. I am standing here now to make a public declaration of my great pleasure at the services rendered to the Philippines by Col. McIntyre and Maj. Sheldon, of the Bureau of Insular Affairs, and Gen. Bandholtz, and Cols. Harbord, Rivers, Hersey, and Bennet of the constabulary, every one of whom, I am sorry to say, will be relieved from their respective positions, if this bill should become law, at a great loss to the islands. In so far as they have been able to do so, consistently with the régime that they are under, these officers have done what they could in the interest of my people, and they have been, without any question, a credit to the American Government.

The Philippines are controlled by the War Department through the Bureau of Insular Affairs. Unfortunately your system of government is such that Secretaries of War, who are supposed to be the men responsible for the government of the Philippines, are appointed without proper regard to their qualifications to deal with the Philippine Islands and their people. A man may be appointed for that high office, having in his hands the well-being of 8,000,000 men, without knowing anything about them. There must be, therefore, in the Bureau of Insular Affairs some official who has devoted a great deal of his time to the study of Philippine questions and is thereby competent to advise the Secretary of War. Col. McIntyre has been detailed in the Bureau of Insular Affairs ever since this bureau was organized and, I dare say, he has been the directing mind of that bureau. Immediately after the passage of this bill he will have to go back to his regiment, and with him Maj. Sheldon, so that there will be left no man in said bureau who knows much about the islands. How, then, will the War Department handle Philippine matters after this bill shall become law?

With regard to the constabulary I have received this cablegram from the Governor General of the Philippines:

MANILA, P. I., *June 1, 1912.*

Bill now pending in Congress requiring return to their respective organizations officers detailed for the Philippine Government if passed would remove the five highest officers in the Philippine Constabulary; impossible to properly fill their places in even one year; their duties here are of character definitely requiring large experience in military lines and understanding knowledge of Filipino people and affairs not possible to acquire except through long contact and, unlike ordinary civil details here, is not loss of touch with Army practice or professional progress. They have essentially military command, and responsibilities are greater than present grades in the Army. Hard to conceive services of these officers as commanders companies or battalions could approximate in value to the United States Government services they are rendering. Military efficiency of the Philippines Constabulary is an essential factor to the continued reduction of the Federal expenses of the Army establishment here. Commissioners present earnestly agree with this view. Mr. Osmena joins in recommendation; leave no stone unturned to avoid what would be little less than a calamity by reason disorganization of a Government unit of prime importance which constabulary is by reason of its mobility and present popularity lending it to constructive and emergency work which has been and is of inestimable value. As far as known to me, no officer here affected by this has expressed any opinion or solicited opposition to the proposed legislation.

GILBERT,
Acting Governor General of the Philippine Islands.

In the five minutes allotted to me I can add very little to what this cablegram says, but I shall ask unanimous consent to extend my remarks in the RECORD so as to enable me to say something more about the Philippine constabulary and the Army officers at the head of this organization who will be affected by the provisions of this bill.

The constabulary is the insular organization responsible for the maintenance of public order throughout the archipelago, and in the performance of this duty it works in cooperation with the municipal and provincial officials, who are native Filipinos. A brilliant Army officer, fully equipped with the necessary qualities to keep the organization in good shape, as an armed body, may fail as a chief of the constabulary for lack of that personal knowledge that he has to have of the Filipino people to cooperate with them. It is absolutely necessary, for an Army officer to succeed in the constabulary, that he shall have been in contact for some years with the Filipino people and he must be, moreover, in sympathy with them.

The success of the Army officers who are now the chief and assistant chiefs of the constabulary is due to the fact that these men are not only very brilliant Army officers, but that they have had a lengthy experience in the Philippines. The chief of the constabulary, Gen. Bandholtz, is the only American who was ever elected by popular vote as a provincial governor in the islands. He was, before entering the constabulary, the governor of the Province of Tayabas, and his success as such had a great deal to do with his promotion in the constabulary. Col. Harbord has been in the islands for many years and his ability and very courteous manner in treating the Filipinos has made him friends all over the archipelago.

Mr. PRINCE. Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. WEEKS] five minutes.

Mr. WEEKS. Mr. Chairman, I am not unmindful of the difficulties of arriving at a conclusion on a conference report. These difficulties are especially enhanced when a supply bill is loaded down with legislation as this one is, legislation of the greatest importance. It is a vicious practice at best to incorporate legislation in appropriation bills, and this bill shows its extreme viciousness, because there is very much legislation in it that, if it were considered on its merits alone, would never be considered favorably by either House of Congress.

Another illustration will possibly illustrate this condition even better than in the cases just cited. The officers in the

Army of the Potomac in active command at the close of the Civil War were the following, and I append their records:

George G. Meade (class of 1835): Seminole War, 1835 and 1836. Resigned October 26, 1836. Reappointed May 19, 1842. War with Mexico. Topographical engineers. Had not served with troops over two years before Civil War.

Governeur K. Warren (class of 1850): Topographical engineers. Chief Engineer of Army, 1863 to 1864. Commanded Fifth Corps March, 1864, to April, 1865.

Andrew A. Humphreys (class of 1831): Artillery, 1831 to 1836. Out of service, 1836 to 1838. Topographical engineers. Second Corps, November, 1864, to January, 1865.

John G. Parke (class of 1849): Topographical engineers until 1861. Commanded Ninth Army Corps from August, 1864, to April, 1865.

Horatio G. Wright (class of 1841): Topographical engineers and Engineer Corps until Civil War. Commanded Sixth Corps from May 9, 1864, until the end of the war.

Ranald S. Mackenzie (class of 1862): Engineer Corps until June 10, 1864. Commanded Cavalry division in campaign of 1865. Appointed colonel Forty-first Infantry in 1867 in permanent establishment. Said by Grant to have been most promising young officer in the service.

These men came to their positions after years of war, and served in the positions indicated immediately under the eye of Grant and with great credit to themselves, yet not one of them could have served as Chief of Staff if this proposed law had been on the statute books.

Von Moltke is the most conspicuous example of what a chief of staff should be. He served with the German general staff for 50 years before the French war and performed his entire service with it, covering a period of some 72 years; he, with the junior members of the staff, developed the plans on which the French war was successfully fought.

I do not agree with my military friend from Wyoming as to the duties of a general staff.

The Adjutant General is properly the military adviser of the President. Neither the General Staff nor the Chief of Staff should perform this duty. It is not in any way an administrative body. Its duty is to collect information, study such information, eliminating such as is worthless, and puting in useful form the part which is valuable. It should make and work out war plans for different localities and under different conditions. It should consider methods or organization and should coordinate the work of the different corps of the Army. In a word, it should do the planning and thinking for the Army under all conditions which may arise and at whatever time they may arise. The capacity of commanding bodies of troops in minor capacities may be of service, but a chief of staff should be an organizer—a broad-gauge, all-around man—the ablest man obtainable for such a position, without regard to his corps or his service. It does not follow because a man is a good handler of troops that he would in any degree be suitable for the position of Chief of Staff. The greatest thinker on naval affairs and the greatest living analyzer of naval actions and the results which have come from them is Admiral Mahan, of our Navy, and yet Admiral Mahan was not conspicuous for his success as a divisional officer or as a commander of a ship.

In fact, considering his great service in other ways, the results which he obtained in these positions were disappointing.

The work of a general staff can not be developed in a month or year, or perhaps not in a decade. It took 30 or 40 years to bring the work of the German general staff up to an efficiency which enabled it to work out its problems effectively. Other European countries are having exactly the same experience and difficulties. To require service with troops in a minor capacity should be treated as among the least of the qualifications required in a chief of staff. The President and, through him, the Secretary of War—and the same reasoning will apply to the Secretary of the Navy—should not be limited in the selection of officers required for special service. It is simply impossible for Congress to make general rules which will not embarrass and possibly cripple the service under such conditions, and while it is true that in some cases favoritism may result from this latitude, it is infinitely better to take this chance than to impose such restrictions as are provided in this legislation.

The Corps of Engineers of the Army are the first men in their classes and are, generally speaking, the most competent men for the kind of service which the General Staff requires. To indicate the injustice, not only to individuals but to the service, which might have arisen if such a provision had been in force in 1865 as is now proposed, it is only necessary to say that it would have disqualified Gens. Sheridan, McClellan, McPherson, and Schofield, of the Northern Army, and Gens. Lee, Stonewall Jackson, Beauregard, D. H. Hill, Forrest, Joe Wheeler, Fitzhugh Lee, J. E. B. Stuart, and every one of the competent officers who graduated from the Military Academy after 1853 or who came into the service as civilians during the Civil War and attained the rank of brigadier general during that service. To bring the possibilities down to the present day, it disqualifies Gens. Wood, Funston, Crozier, Goethals, and many other officers not so prominently in the public eye but who have demonstrated their peculiar fitness for such service. To be sure, it will be said that Col. Goethals has not a rank which would entitle him to this preferment; but I assume that when the canal is completed Congress will take such action that there will be no difficulty about Col. Goethals being given sufficient rank to entitle him to any position of this character. Not only would it exclude these officers, but all other officers in the Ordnance Corps and in the Corps of Engineers. As a general proposition this legislation is extremely unwise, and yet there is a personal element connected with it which can not be overlooked. One can not possibly divorce from his mind the presumption that this legislation is aimed at one man, and that man the present extremely efficient Chief of Staff of the Army.

I have not the time or the inclination to indulge in the justified praise which might be accorded to Gen. Wood's service. The gentleman from Wisconsin has already gone into that in detail. It is sufficient to say that he has demonstrated that he can perform any kind of public service with distinction, and, while it is sometimes said in a slurring way that he is a doctor, it is equally true that he is a capable handler of men; that he was a great administrator in Cuba, and that he has held no position in the Army in which his work has not met the hearty approval of those who are competent to pass judgment on it. There is sometimes in the military service a prejudice felt between those who have graduated from the Military Academy and those who have come into the service through other channels, but if any Member of this House will take the trouble to investigate, by inquiring of graduates of the Military Academy, he will find a general opinion that Gen. Wood is the fittest man in the Army to occupy the position which he now holds, and not only from a technical standpoint is this true, but his service has been so great that the general public has a considerable knowledge of it, and those citizens who have become familiar with it are unstinted in their praise. I quote from an editorial in the New York Herald entitled "Send Wood to Cuba."

SEND WOOD TO CUBA.

Why would it not be a good idea for the Washington administration, instead of sending a brigade of the United States Army to Cuba to supplement the marines and cause actual intervention, to first try the expedient of sending Maj. Gen. Leonard E. Wood, Chief of Staff of the Army, as a peace emissary?

Gen. Wood, during the period of preparation for Cuban independence, was governor of the territory on the south side of the eastern end of the island in which the revolt of the negroes is now spreading. Later he was governor general of the entire island.

He has the confidence of the Cubans. He is a man of talent, quick perception, ready tact, and accurate and extensive knowledge of conditions and character, all of which will count for much. He is regarded as the only man who could accomplish a peaceful settlement without intervention and bloodshed.

The suggestion comes to the Herald from an American now in Cuba. We believe it is too valuable to be passed by, and pass it to President Taft.

I have myself received from citizens of Massachusetts, who have interests of one kind or another in Cuba, letters urging that Gen. Wood be given charge of whatever service our military forces may have to perform in Cuba during the present troubles, basing that request on the service which he performed there when he was governor of Santiago and of the island itself. Undoubtedly there must be some giving as well as taking in a conference, but it is bad enough in a military bill to be obliged to support a proposition which will cripple the Panama Canal service, the Division of Militia Affairs, the Insular Bureau, the Philippine Constabulary, the instructors' service in Army schools, including the War College, and foreign fieldwork and service without being compelled to cripple the General Staff, which has really just commenced the great work which there is for it to do and without embarrassing the Commander in Chief in the performance of his proper constitutional functions, to say nothing of enacting legislation of such a personal character that it throws a stigma around one of the most distinguished Army officers in active service. I hope the President, if this conference is approved by the House, will exercise his constitutional right and veto this bill. If he does, he will, in my judgment, be performing a great public service.

Mr. MANN. Mr. Speaker, I do not believe that Congress ought to wreak personal animosity against a particular individual by general legislation, nor do I believe that in the trades which can affect personal or State interests in a conference we ought to bring out of conference and enact into legislation provisions affecting personal interests instead of the general good. I question the advisability of appointing on a commission to examine into Army posts any retired officer of the Army who is in the private pay and employ of a company engaged in selling supplies to the Army. [Applause.]

Gen. Humphrey was a man and is a man of high character, very popular while he was Quartermaster General in the Army,

and very popular now. It is not his fault that he is named, but he ought not to have been named on a commission to determine in regard to Army posts while he is in the employ of the Du Pont Powder Co. [Applause.]

It is abhorrent to every sense of justice to place any officer or any man in such a position. Working for a company, selling supplies to the Army, whose vote might determine whether an Army post shall be retained in a conflict among Army officers—it seems to me wholly improper that he should be named, whoever suggested it. I regret that an occasion has arisen where the House even is called upon to vote whether we shall endeavor to cast odium upon the present Chief of Staff, Gen. Wood. Why, Mr. Speaker, his reputation is beyond and above our assaults. [Applause.] We cast odium upon ourselves by endeavoring to declare that we wreak personal and private envy and revenge upon this Army officer who has proved his worth both in the field and in his position as Chief of Staff. Enjoying the confidence as he has of two Presidents, enjoying the confidence as he does of the people of the United States, it ought to be beneath us to throw mud at him in this day. [Applause.]

Mr. PRINCE. Will the gentleman from Virginia use some of his time?

Mr. HAY. I do not want to use any more of my time until the gentleman gets through.

Mr. PRINCE. Has the gentleman only one more speech?

Mr. HAY. That is all.

Mr. PRINCE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has five and a half minutes.

Mr. PRINCE. Mr. Speaker, this bill clearly demonstrates to the country the inadvisability of legislation on an appropriation bill. It is filled with bargains; they are on the counter. It is logrolling. The Army is not considered. The question is how to obtain certain advantages here and there. If this bill in its present form should be approved by the President, we will be besieged within six months with requests for legislation to undo this ill-digested and unworthy thing which we are seeking to force through here by the reason of dividing out favors in one form or another. That is the way it is. See what we do. We affect the Philippine service, as the commissioner from the Philippine Islands has said; we affect the Signal Corps; we affect the Panama Canal; we affect the Ordnance Department—all are affected by joker legislation that is put in here to wipe out and fix up in some way something to placate different interests. It is personal legislation for certain Army officers and spiteful legislation against other Army officers. A board has been selected. When I practiced law I used to like to get jurors who were in my favor, but I rarely dared go into court and select a majority of the jury when I knew in advance how they were going to decide a case. Can this Congress stand before the American people as a Congress in favor of economy when they are keeping up these boards? There is no partisan politics in it. The Democratic side of the House put in a provision to abandon certain Army posts. You wanted to do it. The conferees have betrayed the House. I say it with knowledge. They have betrayed the wish of the House. They have thrown down the question of abandoning Army posts. They have consented to it, and distinguished men on the floor have stood and urged that a point of order, which in my judgment was well taken, should not be sustained, to save Fort D. A. Russell, one of the forts that you moved, practically unanimously, to abandon. Here is a great side whirling around, betraying its own action, reversing itself for what? Because of deals made in the bill to carry out certain propositions to do certain things that will eventually come back to plague the men who vote for such legislation as this.

I say it affects the Army. Here is a provision as to a Chief of Staff that he must serve with troops for 10 years. Everyone of us select young men to go to West Point. We say to these young men, be a star graduate, do the best you can, stand at the head of the Army, get distinction, get into the Engineer Corps, and then we turn around and in Congress say to those whom we have encouraged to be at the head of the Army, to be star graduates, "You shall never be Chief of Staff in the Army." What consistency in public men! The brightest, the brainiest, the best young men who are selected in the country go to West Point and stand at the head of their classes, the honor graduates, are to be denied the right to ever be Chief of Staff, because they can not serve in the line with troops for 10 years. Is that fair? What is the legislation for? Apparently to punish one man, as I have read in the newspapers. What has he done to merit it? He was nominated as brigadier general and confirmed by the Senate under the Constitution. He was named as major general and confirmed as major general by and with the advice and consent of the Senate. Since then what has he done to make him ineligible? What act has he committed since he was made major general in the Army to make him ineligible? There has broken out a feud between the staff and the line, a most regrettable thing. We thought when we created the Chief of Staff that we had taken the Army out of politics, but it is now in politics to the regret of the Army. Think of the long line of distinguished soldiers who have been in the Army. Years ago I heard a distinguished gentleman, now an ex-Member, who sits here to-day, Gen. Black, recount that long list of distinguished names, beginning with Washington and going down through Jackson, Scott, Taylor, Grant, Lee, Sherman, and Sheridan, and as he said at that time it is an unbroken line of distinguished men. The great Army of the Republic with its history is to be thrown into politics and kicked back and forth as a shuttlecock to carry out personal spite to take up the cudgels of Army officers. [Applause on the Republican side.] I hope the House of Representatives will vote down this conference report, for it is an insult to the best interests of the Army, of the people, and of the country. [Applause on the Republican side.]

Mr. HAY. Mr. Speaker, the gentleman from Illinois has stated that the conferees betrayed the House, a statement that is absolutely untrue and without foundation in fact. The gentleman from Illinois [Mr. PRINCE] and the gentleman from Massachusetts [Mr. GILLETT] and other gentlemen whose names I do not now recall, have stated that this legislation pertaining to the qualifications of the Chief of Staff is had because of personal spite. I deny the allegation. There was no personal spite about it. It was done because those who had charge of this legislation believed that it was right and proper that the man who is going to serve as Chief of Staff should have these qualifications. I do not want to be personal about this matter at all. I did not want to refer to Gen. Wood or his qualifications as Chief of Staff or as an officer of the Army or as a soldier who, it is alleged, has performed great deeds of valor.

The friends of Gen. Wood have dragged his name into this debate, but there are two sides to this question as to the capacity and fitness and ability of Gen. Wood. There are two sides to the question as to whether or not he is such a brave soldier in the face of the enemy, and upon that I have here before me a letter of an Army officer who served in the campaign about which the gentleman from Wisconsin talked in the Indian country which states that Gen. Wood never saw a hostile Indian nor was within 5 miles of a hostile bullet. [Applause on the Democratic side.]

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HAY. Oh, yes.

Mr. COOPER. Does the gentleman himself believe that falsehood? Does not the gentleman know that Gen. Lawton praised Leonard Wood for his surpassing bravery and declared in a letter that in all the Civil War he never saw such an example of courage?

Mr. HAY. I will say to the gentleman from Wisconsin that is the statement that is made.

Mr. COOPER. Did not your own Gen. Joe Wheeler praise him for his gallantry in battle?

Mr. HAY. Oh, the gentleman has already stated that. The statement I am referring to was made by Maj. H. C. Benson, Fifth Cavalry, in the Army and Navy Journal, on the 3d day of July, 1909. Now, I do not know where else Gen. Wood has been in the face of any danger, and as to his capacity and the great service which he has rendered to this country as the Chief of Staff or in any other capacity, it is not so very long ago when there was in the Senate of the United States a determined fight made against Gen. Wood for promotion to major general by one of the most distinguished Republicans that this country has ever produced, and evidence was shown in that investigation and affidavits were produced from men of the highest character that they would not believe Gen. Wood on oath. It was shown in that investigation that Gen. Wood had been guilty of many things while he was Governor General of Cuba which were not to his credit as a soldier or man; and I ask leave to extend my remarks now, so that I may place in the RECORD the reports made by Senators Hanna and Scott on that occasion.

The SPEAKER pro tempore. Without objection, the request will be granted.

There was no objection.

The reports are as follows:

(Confidential. Jan. 18, 1907, made public.)

[Executive No. 2, Fifty-eighth Congress, second session.]

NOMINATION OF LEONARD WOOD.

Mr. Scott, a member of the Committee on Military Affairs, submitted the following review of the evidence submitted to the Committee on

Military Affairs of the United States Senate in the hearing on the nomination of Brig. Gen. Leonard Wood, United States Army, to be a major general, and especially on two of the charges as a reason for his vote against the confirmation of said nomination:

As a member of the Military Committee of this body it has fallen to my lot to assist in the conduct of the investigation bearing upon the question of whether or not the nomination in this case should be confirmed or rejected. I think it can without doubt be said that your committee has spent much more time and labored more assiduously in endeavoring to arrive at what is proper to be done in the premises than is usual in a case of confirmation, certainly far more so than in any case that has come within my knowledge during my membership in this body. The case is universally recognized as one of more than passing interest. The appointment is that of a major general in the Army, a life position, and of a young man whom it is conceded must in a few years, if confirmed, succeed to the head of the Army of the United States; and by reason of his age, will in that capacity, in the natural course of events, occupy that important and exalted station for well-nigh a quarter of a century. That such confirmation should be made with due deliberation, and that the person to be confirmed should be highly qualified and in every way worthy and above suspicion goes without saying.

An error made at this time can not hereafter be remedied. The people of the United States await our action with the greatest interest, and in what we do the character, good name, and orderly discipline of the Army is involved. If the constitutional requirement that appointments of this character should be made only with the advice and consent of the Senate means anything, and if this body, at any time and under any circumstances, purposes to make effective this part of the organic law by giving or withholding its consent to a nomination of the Executive upon the real merits of the case, and thereby to assume its legitimate responsibility for the country's appointments, such power should be exercised in this case, to the end that the Senate may, in truth and in fact, exercise its prerogative and advise with the President as to the propriety of this appointment, and to give or withhold its assent only according to what is right and proper. To do this is no less a duty to the President than it is to the Army and to the people themselves.

The question of the confirmation of the appointment of an officer of this rank in the Army of the United States is always one of unusual delicacy, and one as to which the Army of the United States particularly has the right to rely upon this body to do more than exercise a mere perfunctory act. The President, the appointive power, is the Commander in Chief of the Army and Navy of the United States, and appointments in either of these services come from him to those under him with peculiar force and power, in that what he says to those under him is to them the law, and even complaint or criticism on their part are really acts of insubordination; hence to us alone this great body of Americans who make up the Army of the United States, loyal, true, and faithful as they have ever proven themselves to be, can look for justice and right should the Executive, their Commander in Chief, either innocently or capriciously make a mistake affecting their welfare. These officers and men, thus cut off from the right of complaint, have a peculiar claim to be heard here in the matter of appointments affecting them, and it becomes and behooves every Senator to exercise his very best judgment and do his utmost to throw every possible safeguard around this class of appointments, particularly when the act of confirmation has the far-reaching effect that this one will have.

This case is unique in that, first, it involves the very objectionable feature in Army appointments of unduly promoting one officer over another, and second, of having an appointee, whose fitness from a military standpoint, is challenged, and third, whose character and good name are attacked. All of these are very serious, the first two charges, if sustained, tending to do injustice to others and seriously affecting the efficiency of the Army, and the last, because it is almost unprecedented in the annals of the country. The question of efficiency and the lack of undue partiality should be made clear, and unless the other charges are disproved, beyond all suspicion even, confirmation should not be seriously considered. Upon consideration of these questions, your committee has spent days of labor; and a large number of witnesses, among them men of the highest character and standing from different parts of the country, have been examined, bearing upon the specific and general objections to this appointee, the evidence covering nearly 900 pages. And for one I wish to say that, however much I dislike to withhold my assent to an Executive appointment, I can not think of giving the same in this instance, and I am loath to believe that many Members of this body would do so if they could carefully review this great mass of evidence, which has been submitted for their consideration, and see and hear the witnesses, as I have done.

I shall not pretend in the limited review that I shall make to even refer to many of the objections brought against the confirmation in this case. I shall, however, refer specifically to one or two of the charges, touching, first, however, upon the propriety of this appointment, irrespective of the particular objections mentioned affecting the conduct and character of the appointee.

Ought Gen. Wood to be confirmed as a major general in justice to the other officers of the Army, and is there any reason existing in this case why this partiality and preferential mark of distinction should be conferred upon him, when it may lead, as it inevitably will, if he lives, to his reaching and holding for years the position of "General of the Army of the United States"? I concede that officers of the rank in question now are not necessarily subject to rotation in the matter of appointments, but they should be unless there is some good reason to the contrary. Civil-service rules even require this, however little respect I may have for that incubus that has engrafted itself upon the administration of our Government, the effect of which is that one set of men earn the honors and emoluments of office and another set receive them.

If the principles of civil service are to prevail anywhere they undoubtedly should in Army appointments. Distinguished services, of course, the exemplification of extraordinary capacity in the art of war, should serve to warrant a departure from the regular mode of making appointments. Had we a Grant, a Sherman, or a Sheridan, or a Lee, a Longstreet, or a Wheeler, men who upon many fields and who during a series of years had demonstrated, by results, their extraordinary skill and capacity as warriors, no voice would be heard to raise a question; but who is Gen. Wood, and what has he done to entitle him to this great preferment, seriously affecting the rights and legitimate ambitions of so many others who have spent their lives in the service of the country and fought its battles on many a bloody battlefield?

In the year of grace 1896 Gen. Wood had attained to the distinction of a surgeon in the Army, and while he doubtless showed capacity in his profession it was simply in that capacity, unless it be that his friends claim for him great services as an officer in the administration of civil affairs, that he can pretend to make any other claim, for surely thus far, however gallant and efficient he might be in battle, opportunity has not yet been afforded him to demonstrate his capacity in this respect. Until it has thus been shown, I earnestly insist that this body ought not to give its consent to the proposed favoritism that has been shown to him. It is true that he was, heretofore, appointed a brigadier general and confirmed as such, due, many believe, to the tender affection and kindness of heart of the beloved McKinley, whose life was so ruthlessly taken; appointed more especially because of the need of one who was supposed to possess qualities for civil government in a territory where the dangers arising from disease were greater than those likely to arise from war.

We are told that Augustus boasted that he found Rome of brick and left it of marble, and so, perchance, may Gen. Wood lay claim to the boast that he found Cuba a den of filth and disease and left it with a sewerage system. This, however, goes to his credit as a physician and as a sanitary officer, and does not, in any sense, show his fitness to command a body of troops. The evidence in this case quite clearly establishes the fact that he was appointed because of his supposed capacity as a civil governor, and there is much to throw doubt upon the question of whether even his appointment as brigadier general was not regretted by the President, and no one will believe that Mr. McKinley would ever have thought of promoting him to a major generalship, certainly not in the light of the present developments.

In support of my criticism of Gen. Wood's appointment to this position I shall refer to the evidence of a witness taken in this investigation, upon whom all will rely, because of his great distinction as a soldier and high character as a man: Maj. Gen. James H. Wilson, now a retired Army officer of the United States, made such by special act of Congress at the end of the trouble in China, having faithfully served his country in the Civil War, in the Spanish War, and in China. At page 523 of the record, relative to this appointment and its effect upon the Army, Gen. Wilson said:

"Q. How many major generals have we now? I have forgotten for the moment.

"Senator ALGER. Six, are there not?

"Senator TELLER. Under this present law.

"The CLERK OF THE COMMITTEE. Six major generals, one lieutenant general——

"Senator TELLER. And how many brigadier generals?

"The CLERK OF THE COMMITTEE. Fifteen brigadier generals.

"The CHAIRMAN. Six of the line.

"Senator TELLER. I do not know but what I would like to ask Gen. Wilson what he thinks of Congress making major generals. I have not much sympathy with that myself, except in extreme cases.

"By Senator TELLER:

"Q. What do you think will be the effect, General, if we have six major generals, if some man who has had neither military experience nor military education shall be put at the head of the six, where he may ultimately command the American Army?—A. According to all precedent, I should regard it as being very detrimental to the public service.

"Q. Are you able to state, General, as to what the feeling is in the Army about the promotion of Gen. Wood?—A. Yes; somewhat fully.

"Q. As to whether it is approved or disapproved.—A. I was on the active list at the time the promotion was made. I have heard the matter discussed in military circles since, both in this country and abroad, and I have never yet seen the man, either of the Medical Corps or of the noncombatant staff, or of the staff or the line of the Army who approved it.

"The CHAIRMAN. You refer to his promotion to the rank of brigadier general?

"The WITNESS. I refer to his promotion to the rank of a general officer—both brigadier and major general."

At page 531, as to why possibly President McKinley appointed Gen. Wood, this same witness says:

"By Senator HANNA:

"Q. When the selection of Gen. Wood was made and he was put over you, it was for civilian duty, and not military?—A. I suppose so.

"Q. There was nothing military in it?—A. No, sir.

"Q. Nothing requiring military genius or military operations?—A. No, sir.

"Q. He was simply in a civic position, and not military?—A. And I was the only major general of the United States Army who had ever commanded in a reconstructed, seceded State. But I never resented it that they had taken a fellow absolutely inexperienced and put him over my head, and it did not make a particle of difference in the performance of my duty, not a particle.

"Senator HANNA. No."

And at page 528 whether he did not probably live to regret the appointment.

"By Senator FORAKER:

"Q. It has always been the custom, has it not, that promotion up to the rank of colonel should go by seniority, and after that, in regard to general officers, the President was free to select whom he saw fit?—A. Certainly. I told the President of the United States when I was ordered up from Cuba for a conference with him and he had me here my views very fully as to the condition of affairs in Cuba, after which he then said to me: 'General, you have shown me how to solve these questions. We have had no policy heretofore. I am under great obligations to you.'

"Senator ALGER. What date was that?

"The WITNESS. That was in February or March of 1900; either February or March. I remarked after he said this to me that he had taken another man to do the job. He stepped over to the mantelpiece with all the deliberation that characterizes him, took his cigar out of his mouth most suavely and pleasantly, and puffed the smoke into the air and said, 'But, General, I did not expect that thrust from you just now.' I replied, 'There is no thrust in that. * * *'"

At page 530 of this same witness's evidence, after having explained that such a thing as this had never been done but twice before in the history of the country, and not at all except during the Civil War, in one of which instances it proved very disastrous, the witness gives a statement of Gen. Wood's fighting experience, as follows:

"By Senator FORAKER:

"Q. Have you given the President the benefit of your opinion?—A. No, sir; I have not. I have not had any conversation with the President on this. Shortly after the occupation of the island of Cuba I had a letter from Col. Roosevelt, as he was then, saying that he had been to the Secretary of War and had urged my appointment as the proper man to command in the island of Cuba. He said he had gone to the President and urged him to make the appointment. The President, for reasons which Col. Roosevelt regarded as being definitive, and

which you, Senator Foraker, confirmed, declined to make the appointment. Later I had another interview with Mr. Roosevelt, after he had been elected Vice President of the United States, at his house at Sagamore Hill.

"The CHAIRMAN. After he became President?

"The WITNESS. After he became Vice President, but before he became President. He began then in rather extravagant terms of praise of Gen. Wood, whereupon I said to him, 'Gov. Roosevelt, I think you are perhaps mistaken about that. If I am correctly informed, Gen. Wood never was under fire in his life until the Spanish War began, either in the Geronimo campaign or at any other time. In the Spanish War he was never in but one battle, and that at Las Guasimas, where but for his rescue and support by the colored troops he would have been badly handled.' 'Oh, yes,' said Mr. Roosevelt, 'he was, at San Juan.' To which I replied, 'I beg your pardon, he was not. You know that he was in the rear looking for ammunition.' 'Yes,' said he, 'but do not tell anybody.'

"Now, why he did not want me to tell anybody I do not know. I did not pursue the subject any further, and that is the last word that has ever passed between us with reference to Gen. Wood."

This statement of Gen. Wilson shows clearly the natural resentment that will exist if this great wrong is perpetrated upon the Army of the United States by the confirmation of Gen. Wood, and its injurious effect must necessarily be very great, affecting as it does the ambitions of scores of young men, which must be nipped in the bud because of the youth of Gen. Wood and the long time that he may remain at the head of the Army.

The specific charges against Gen. Wood are six in number, though in the great mass of evidence taken there are many things which tend to reflect discredit upon him.

"I charge Gen. Wood with issuing orders and instructions to the courts in the postal cases, in violation of article 387 of the Penal Code of Cuba, and in a manner prejudicial to the rights and interests of those under trial.

"The CHAIRMAN. That is one charge, is it?

"Mr. RATHBONE. Yes. Then I charge him with authorizing the use of ex parte depositions in the postal cases, a proceeding which is contrary to the law and the principles of law, and in this case contrary to instructions given by the Secretary of War.

"Senator SCOTT. In other words, that would be disobedience of orders that you charge him with there?

"Mr. RATHBONE. That is what I charge him with. And I charge him with accepting gifts from an organization commonly known as Jai Alia, to which he had granted a 10 years' exclusive concession, the same being a violation of the so-called Foraker law, which prohibited the granting of franchises or concessions during the occupation of the island by the American authorities. The acceptance of these gifts constitutes a violation of article 397 of the Penal Code of Cuba.

"I also charge him with complicity with another Army officer in the preparation and publication of an article reflecting discreditably upon their ranking officer, in violation of an accepted canon of military service, and constituting an offense commonly known as 'conduct unbecoming an officer and a gentleman.'

"I charge him with directing and causing the auditor of Cuba, by a military order, to violate the law in the treatment of accounts.

"I charge him with utilizing the services of an ex-convict, with whom he was in intimate personal association, in an effort to displace his superior officer, and by such means to secure to himself the vacancy thus created.

"Incidental to these there are many minor charges."

I shall not attempt to take up these charges seriatim or pretend to refer to all the unfavorable things said against him in this evidence, and it is only as to the third and fourth charges that I shall comment. I shall leave the remaining charges for others to review; further than in passing I wish to say, in respect to the first and second specifications bearing upon the trial of Maj. Estes G. Rathbone, that while I am not a lawyer and therefore as well prepared to express my views as others of this body, the so-called trial of Maj. Rathbone strikes a layman as a travesty on justice, and that a special military rule should have been directed by our Government to correct so grievous a wrong is but natural; and in justice to the accused, Maj. Rathbone, it should be said that although special provision was made whereby this wrong could be corrected, and the Cuban Government, before the rehearing thereunder was had, had passed a general act of amnesty relieving him from all liability, still as quick as he could come to this country he was found knocking at the door of this body asking that his every transaction brought in question at the so-called trial, while officially connected with the Government, should be fully investigated, to the end that full justice might be done.

This has not yet been accorded him, and until it is the finger of scorn of no American citizen should ever be pointed to him. He justly had the consideration of the committee shown him in fully hearing his every accusation against Gen. Wood, one of the parties claimed by him to be largely instrumental in bringing about the result of the so-called trial; and I desire also to say in this connection that the action of Gen. Wood, relative to this trial, also strikes me, a layman, as being such that it unfits him to deal with men either from a civilian or military standpoint. His conduct in fixing a bond in this case first at $25,000 and then at $100,000 looks like cruelty and it would be so considered in this country, whether it were the act of the Chief Justice of the United States or simply a country magistrate. Few American citizens would have found themselves so fortunately circumstanced as Maj. Rathbone, to have had a personal friend who happened to be a distinguished leader of this body, and able to reach the ear of the Secretary of War and the President, to check the outcome of such a performance, and the pecuniary ability to personally raise $25,000 or $100,000 in cash, as had been whimsically or maliciously demanded.

Referring to the conduct of Gen. Wood to his superior officer, Gen. Brooke, and his disloyalty to him, as covered by the fourth specification above referred to, I submit that no impartial person can review the evidence in this matter carefully without reaching the conclusion that that charge is fully established. Indeed, it is much more clearly proved than is ordinarily possible to establish any fact as to which there is a possibility of doubt. The evidence to support this accusation comes from witnesses of the highest repute, whose statements can not be whistled down the wind or made light of, I may say brushed aside, as is sought to be done here, without even an examination of Gen. Wood himself. Indeed, the circumstances so strongly support the charge and exclude the theory of innocence of Gen. Wood that if he were being tried by a jury of his countrymen for a crime upon like evidence and under like circumstances his conviction would result beyond question.

Gen. Brooke's evidence quite conclusively establishes the lack of loyalty and support of Gen. Wood while under his command, and the evidence tending to show the complicity of Gen. Wood in the attack upon Gen. Brooke's administration, as written by Maj. Runcie and published in the North American Review, is clear. To understand fully this accusation, the relation of the parties one to the other should be borne in mind. Maj. Gen. Brooke was the military governor of the island of Cuba. Gen. Wood was a subordinate officer commanding the district of Santiago. Maj. Runcie was a retired United States Army officer, a close and devoted friend of Gen. Wood, who was in Cuba at Gen. Wood's invitation in an unofficial, confidential capacity, for the purpose of giving him such advice as he was enabled to, lived with the general, and was a personal legal adviser to him.

While these relations existed a certain Mr. R. S. Baker, correspondent of a New York journal, came to Cuba with letters of commendation to Gen. Wood, the object of his visit being to write up a personal sketch of Gen. Wood, and he was introduced by Gen. Wood to his personal friend, Maj. Runcie, and the object of his visit explained. Whereupon he was invited to dine with the two, the general and the major. And it is admitted by all three that he was referred to Runcie as a person entirely familiar with affairs there and who could be relied on to give a correct statement of existing conditions, the point of difference between them being, so far as the article in controversy is concerned, that Runcie claims that it was understood that, as he was thoroughly familiar with Cuban matters, he should write an unvarnished account of affairs, the effect of which was to reflect discredit upon the Brooke administration, which article was to be furnished by him to Baker, to be by the latter published as his own communication, whereas Baker claims that Gen. Wood's knowledge was confined to the personal article which he came to Santiago to secure, and that the other article was one to be written by Runcie himself and to be sent to him for publication in New York, and of which Gen. Wood had no knowledge, so far as he knew.

During Baker's visit of several weeks in Santiago he and Runcie saw much of each other, as he also did of Gen. Wood, but not so frequently. And at the interview between the three it appears that the Cuban situation and status of things in Cuba was fully discussed and free criticism made of Gen. Brooke, though there is no claim that there was anything said at the time of a purpose to remove him. The witness, Baker, who was friendly to Gen. Wood and called in his behalf, at pages 427–428 of the record goes quite fully into the conversation that took place between them and shows at least that there was a free adverse criticism of the administration of Gen. Brooke made to him, a newspaper man.

"By Senator QUARLES:

"Q. I wish to ask just one question. The article that you had in mind to write was not one, as I understand it, that concerned Gen. Wood personally, but Gen. Wood as connected with the administration of Cuba. Is that right?—A. No, sir. I went down there to get an article about Gen. Wood personally, in his work.

"Q. His work where?—A. In Santiago.

"Q. Precisely.—A. Yes, sir.

"Q. Then the information that you were after and the subject that was discussed was the relation of Gen. Wood and his administration to affairs in Cuba?—A. Yes, sir.

"Q. And in that discussion he frankly gave you his divergence of opinion from the administration?—A. Yes, sir.

"Q. On certain points?—A. Yes, sir; he told me about those things.

"Q. Yes.—A. But I did not think—I went to Habana and met Gen. Brooke, and I talked over——

"Q. I am not impugning your motives.—A. Yes.

"Q. I am only trying to get at the scope of that discussion there.—A. We talked very fully about all these things.

"Q. Yes; and he did not hesitate to criticize the administration of affairs there where he thought they were wrong?—A. No, sir.

"Senator QUARLES. That is all.

"By Senator HANNA:

"Q. Did he personally criticize Gen. Brooke?—A. Do you mean criticize Gen. Brooke personally?

"Q. No, no; his administration.—A. Yes, sir; he said things were not going right there, he thought, in all respects. He was frank in his disagreement with——

"Q. Certain things? What things?—A. I can not mention——

"Q. I want to know whether he was criticizing the administration of Gen. Brooke, and specified his administration of affairs which he considered against the interests of the island.—A. He thought, I think, that Gen. Brooke did not understand conditions in Santiago, probably, thoroughly. Gen. Brooke had never been down there.

"Q. Was it simply Santiago he was confining his criticism to—the administration in Santiago?—A. Yes, sir.

"Q. Not in general terms the administration of Gen. Brooke in the island of Cuba?—A. No, sir.

"Q. That was not mentioned, but only Santiago?—A. That is my remembrance of it.

"Q. What was the nature of his criticism?—A. He thought Gen. Brooke had not been at Santiago and did not know the conditions—conditions were quite different at that end of the island—and that some of the appointments he had made there were not good appointments; that he had not taken the pains to make a thorough investigation before making his appointments.

"Q. How was Gen. Brooke to know the conditions there?—A. At Santiago?

"Q. Yes.—A. I do not know, unless he was to go down there.

"Q. He had a representative there, a subordinate officer in charge. If things were not as they should be at Santiago, was it not Gen. Wood's business to so notify the commanding general, the governor general?—A. I suppose it was.

"Q. Had he done so?—A. I do not know.

"Q. Did he say anything about it?—A. I do not recollect that he said anything about that.

By Senator QUARLES:

"Q. Let me recall to you another thing and see whether that was discussed, whether or not Gen. Brooke was criticized for an order he had made requiring the transfer of customs receipts from Santiago to Habana?—A. Yes, sir.

"Q. That was one of the points of criticism?—A. Yes, sir; Gen. Wood thought the money should be expended and was needed there at Santiago.

By Senator HANNA:

"Q. Had he said so to Gen. Brooke?—A. I do not remember; only I know that was one of the points.

"Q. Did he give any reasons why he thought Gen. Brooke's administration was faulty, because he would not let him spend the money instead of directing it himself?—A. I do not remember about that.

"Q. Now, you say that during this interview at the dinner Gen. Wood did suggest that Maj. Runcie should prepare an article?—A. No, sir.

"Q. He did not?—A. No, sir.

"Q. Did he at any time?—A. No, sir; not in my presence.

"Q. I thought you said he told you that Maj. Runcie was the one to consult on certain topics of the judiciary, and so forth.—A. To give me information for my article."

And a further examination of the same witness, at pages 432 and 433, shows at least that the purpose of the article on the part of Maj. Runcie was to attack Gen. Brooke and his administration, which he supposed would inure to the benefit of Gen. Wood, and that he, Baker, while specially careful not to hurt Gen. Wood, shared in this feeling, but that he, in his own article, wrote nothing of the kind.

"By Senator TELLER:

"Q. Mr. Baker, you said that you had a number of conversations with Maj. Runcie. How long were you there?—A. I was there from about October 22 to November 5.

"Q. How often did you see the Major?—A. See Maj. Runcie?

"Q. Yes.—A. I can not tell you. It must have been quite a number of times.

"Q. Every day?—A. I could not say every day; no, sir.

"Q. What were you discussing? You say 'the various discussions you had.' Was it always about this article?—A. Oh, no, sir.

"Q. What was it about?—A. I was getting information about conditions there in Cuba, and about Gen. Wood personally, and Maj. Runcie had been there a long time and he knew affairs very thoroughly and he could tell me a great deal.

"Q. What was Maj. Runcie's attitude toward the then administration?—A. He opposed it.

"Q. He was a friend of Gen. Wood's particularly?—A. Yes, sir.

"Q. What was his purpose in writing the article? What did you gather, now, from what he said to you as to what was his purpose?—A. I gathered that he wanted to relieve his mind.

"Q. That was it?—A. Yes, sir.

"Q. He could have done that by addressing you, could he not?—A. He wanted to have the article published.

"Q. Is it not a fact—you are a newspaper man—that he wanted the public to understand what the situation was in Cuba from his standpoint?—A. From Maj. Runcie's standpoint?

"Q. Yes.—A. Yes, sir.

"Q. And you knew that was the article to be sent?—A. Yes, sir.

"Q. You were in sympathy with that, were you not?—A. Yes, sir; I was, more or less.

"Q. Did you discuss with him what would be the effect of it on the public, what might be the result in Cuba?—A. No, sir.

"Q. You think not?—A. No, sir; I do not recall discussing that subject at all.

"Q. You do not recall any conversation as to what its influence might be on Gen. Wood's future?—A. No, sir. If we had discussed it, surely I should not have printed it.

"Q. Should not have what?—A. I should not have had anything to do with printing it.

"Q. Why?—A. Because I did not want to injure Gen. Wood in any way.

"Q. I am not speaking of that. Was it not the idea that it would help Gen. Wood to have it understood that Gen. Brooke was inefficient?—A. I suppose that was the object of Maj. Runcie's article; but I wrote nothing of the kind.

"Q. You did not write it; but you knew that he was going to write it, you say?—A. Yes, sir; what——

"Q. I want to call your attention to this letter.—A. Yes, sir.

"The CHAIRMAN. Let him finish his answer.

"The WITNESS. That was all I wanted to say."

Upon Baker's return to New York, in the early part of November, he printed a lengthy and most fulsome account of Gen. Wood and an account of his administration of affairs in Santiago, painted in glowing colors. In the latter part of that month the Runcie article, attacking the administration of Gen. Brooke, above referred to, was duly forwarded to Baker, and by him, after some delay, caused to be published in the North American Review for the month of February, 1900, over the signature of Maj. Runcie, bitterly attacking Gen. Brooke and his administration. Some months before, however, Gen. Brooke had been actually removed or relieved from the position of military governor of Cuba and Gen. Wood put in his place. Baker and Runcie are at utter variance with each other as to the manner in which this article was to be published, but the significant and important feature is the emphasis placed by Runcie on the 26th of November, when he wrote Baker of the importance of having the letter then printed where it would be read, and concluding—

"Things here have recently been even worse than when you were here, but there seems to be a dawning light around Washington, and it may be the beginning of a better day for Wood, as well as Cuba."

This letter was written by Runcie, the boon companion of Wood, living with him at the time, and in the light of all the circumstances, with Gen. Wood's well-known attitude with reference to the Brooke administration and his relation to these two parties, the conclusion is irresistible that he knew what was being done and of its purpose and intent. Runcie swears positively that he did; Baker, though favorable to Wood, says he has no knowledge on the subject, and Gen. Wood, though formally denying, has not favored us with his evidence.

Moreover, the circumstances all tend to support the Runcie statement rather than that of Baker in reference to this publication. The article to have come from Runcie would have been directly traceable to Wood, and exceedingly detrimental to him rather than beneficial, which neither Runcie nor Baker would have thought of doing at the time, and had Runcie dreamed that such an article would have been published in his name it can not be conceived that he would have been guilty of such folly as not to have hurriedly withdrawn and recalled such communication after its purpose and effect had been anticipated by the displacing of Gen. Brooke and the appointment of Gen. Wood to the coveted position. And the conduct of Gen. Wood, upon receipt of the letter showing that the War Department had taken notice of the article in question and communicated to him on the subject, as testified to by Horatio S. Reubens, an attorney and a friend of Gen. Wood at the time, and by him for a while placed in charge of the prosecution of Maj. Rathbone, shows his complicity in this transaction.

"Q. That is, you lived in the same house?—A. With Maj. Runcie?

"Q. Yes.—A. And the relations of Gen. Wood and Maj. Runcie and myself were all at that time very cordial. That was at the beginning of his governorship in Habana. Therefore I do not know anything personally about the circumstances at the time of the writing. I do know this, that some time in February of that year, I think it was 1900, Maj. Runcie returned to the house with the magazine article printed in the North American Review, and remarked to me that the fat was in the fire; that this had been published, and——

"By the CHAIRMAN:

"Q. Will you complete your answer?—A. That this had been published, and undoubtedly there would be considerable difficulty arise because of its publication. I heard nothing more about the matter until one Sunday morning I was in my room when one of my Spanish servants came in and announced Gen. Wood, and I sent word that I was still in pajamas, and he came right in. Gen. Wood showed me a communication from the Secretary of War inclosing a copy of a communication of Maj. Gen. Brooke, in which Gen. Brooke complained of the publication of the article, and, as I remember it, asked that the War Department take cognizance of the matter, and action. Gen. Wood seemed disturbed about it, and after I had read it through he said, 'Well, I want to see Runcie about this matter.' He said, 'This places me in a very awkward position.' I thereupon left him in my room and went to wake up Maj. Runcie.

"By Senator QUARLES:

"Q. Is that all that the General said at that time?—A. Yes, sir; at that time. But before I left Gen. Wood I said, 'I am sure Maj. Runcie will not take any position which will be embarrassing to you.' I went to see Runcie and woke him up and told him this communication had arrived, and the gist of it; and I also told him that I had told Gen. Wood that I did not believe that he, Runcie, would place Gen. Wood in any awkward position in the matter, because Wood had a position to lose and Runcie did not, and I thought Wood did not want to take any action in the matter which would hurt him, Runcie; and I therefore suggested that he, Runcie, had better see the best way out of the difficulty. Runcie accompanied me into my room, and the three, Gen. Wood, Maj. Runcie, and I, discussed the matter.

"Q. Was anyone else present?—A. No one was present then. Maj. Runcie said: 'Wood, I have never occupied an official position here, although I have had an official title. You know that I have never received one cent for my services and never intended to receive one cent for my services, so that it is not a question of putting me out, and I want it understood between us here that if any question arises as to my connection with you or the military government, you can say that from this on all official connection has ceased. I would not announce it, if I were you, but you are absolutely free to make this statement if occasion should arise to make it seem useful to you.'

"In other words, Maj. Runcie took the position that it would make trouble in Cuba because he criticized Cuba in this article, and thinking that it would be useful to Gen. Wood to be able to say that he had no longer any connection with the military government, he relieved Gen. Wood from the embarrassment of making the suggestion. That was my idea of it in making the suggestion to Runcie. He had no position to lose, and Gen. Wood had. They discussed the question.

"Q. State what was said, if you can, Mr. Rubens.—A. I took very little part in the rest of the conference except that I heard Gen. Wood say that it was very unfortunate that this thing had been published, particularly after there was no necessity for it, and that it would look as though he (Runcie) was trying to criticize Gen. Brooke even after he had left, and that it was very unfortunate that it had been published at such a time. The remark was made, too, by Gen. Wood, that undoubtedly Gen. Brooke was very much offended, and he would have to see what answer could be made to the War Department. Then, as Gen. Wood's relations with Mr. Runcie were very much more intimate than with me, they discussed the matter in a low tone, and I withdrew to my newspaper."

During this whole time—that is, during the period that it is claimed this attack upon the Brooke administration was being inspired—it must be borne in mind that Gen. Wood was considered by his superior officer, Gen. Brooke, if not engaged in conduct of insubordination, at least was not performing his duty as a loyal soldier should to his superior commanding officer. A careful review of the evidence of Gen. Brooke, whom the partisans of Gen. Wood will concede to be the latter's equal, found in this record from pages 191 to 206, will show that this was the estimate in which this appointee was held by Gen. Brooke at this time. Surely this is not an inviting picture of one who, during the period of six years, has been elevated from the position of surgeon in the Army of the United States to that of major general, and who at no distant day will be placed at its head if this confirmation is made. Condone this conduct and the character and morale of the Army will be gone; a premium placed upon intrigue and a discount placed upon the first and highest duty of a soldier—that of loyal support and unquestioning obedience to the orders of his superior officer.

Coming to the specific charge against Gen. Wood, in reference to his conduct in the matter of concessions to the organization known as Jai Alai (which was at least in part a gambling association on a large scale) and his acceptance from its officers of a valuable present, I desire to say at least a word. The charge is that Gen. Wood gave to this association the exclusive right to maintain an establishment of its kind in the city of Habana for 10 years, and that subsequently he also authorized or approved certain rules and regulations relative to betting. Champions of Gen. Wood's cause insist that all he did, relative to the first permit, was simply to give his approval to a lease under the direction of the War Department, and, as to the latter, he only recognized a preexisting rule theretofore made by the civil governor of the Province of Habana.

Neither of these positions are well taken nor are they in accordance with the real facts. The truth is a request was made to the military governor to approve a certain lease, dated the 27th of January, 1900, granting to this organization the right of occupation of certain lands, belonging to the municipality of Habana, for the term of 10 years, the recorder of deeds having refused to admit such lease to record, as required by the law, because of its lack of approval by the military governor. The question of the legality of the proposed lease was referred by Gen. Wood to the judge advocate general, Col. W. S. Dudley, who was in charge of the civil legal division of the military government, and who had held the same place during the administration of Gen. Brooke. This officer returned the request with his disapproval, on the ground that the same was contrary to the Foraker Act, prohibiting the military government from making concessions of the character indicated. This was about February 25, 1901.

This recommendation, not suiting Gen. Wood, on February 28, 1901, it was again referred to this officer, who again returned it with a similar opinion and without giving his approval to the same. And it was referred to the same officer for the third time with the suggestion that there were certain circumstances connected with the lease which relieved it from the inhibitions of the Foraker law, and that, therefore, the objections made against it were not well taken; but the judge advocate general again refused to recommend it, adhering to his

former rejections of the same, of the 25th and 28th of February, 1901. This will all be found in full on pages 498 and 499 of the record.

Then it seems (see p. 500 of the record) that Gen. Wood, not willing to act on the advice of his own judge advocate general, caused the question to be referred to the Secretary of War for his opinion. In that department it appears to have been referred to a Mr. Magoon, a law officer, who differed with the judge advocate general, and upon his advice, at the direction of the War Department, this 10-year privilege was sanctioned. This strenuous conduct on the part of Gen. Wood, it is submitted, showed an unusual interest in this institution, which, at the least, was one of doubtful propriety; in fact, it is claimed to have been only permitted at all because of the desire on the part of our representatives not to appear too strait-laced, but to afford to those benighted people, whose tastes had led them to enjoy such amusements as bull and cock fights, and performances of like description, some recreation and enjoyment.

Gen. Wood's participation in the games which this institution carried on and his subsequent action in reference to the organization will make his conduct appear even more unusual. The effort to relieve him of the effect of his approval of the betting feature of the games is also without merit, the attempt being to show that he did not give the extension, but merely acquiesced in the same. This will not do. The purpose was to secure an exclusive privilege in the island of Cuba, and the military governor was the chief source of all authority there. While it is true that Gov. Wood did not originally grant the permit, he did what was and is believed to be quite as necessary, and all that was needed of him—that is, he sanctioned the act of his subordinate officer in what he had done. In other words, he adjudged and determined that there was no doubt of the right of this gambling institution to do what it desired.

His conduct in this regard has been referred to as diplomatic, which it may have been, but it none the less relieves him of the effect and force of what he did in the premises, namely, his decision in behalf of this favored institution, and his action was final. Note the language of his communication giving the extension, found on page 773 of the record. It will be observed that he determined and decided that this company already had the rights that it was asking for. Now, remember he had the right to give or withhold the privilege; he had the right to permit if it had not existed; he also had the right to determine what was the effect of the existing conditions, and to modify or qualify the same according to his own caprice or judgment, and he, as the supreme source of authority in the island, adjudged favorably to the organization in question. In other words, no affirmative action was necessary to be had on his part further than to judicially sanction what it had already received from a subordinate, and this he did.

What more was necessary? Who could question his act? The uncertainty theretofore existing, and which made necessary the reference to him, no longer existed, and this institution, confessedly a gambling institution of large proportions, though it is called by several polite names—sometimes even the game of racket—was launched forth under its exclusive privilege of 10 years, and is to this day in full blast in that community, to the degradation and demoralization of its citizens whom the people of the United States thought they were Christianizing, and were performing other philanthropic and humanitarian offices for. This is not all. Gen. Wood otherwise showed unusual interest in this institution. It is not disputed that he was a frequent attendant at the games of the same, and perhaps in this connection it will not be amiss to copy from the evidence a brief description of the game as given by the witness, Alexis Everett Frye, a distinguished educator and superintendent of the schools of the island, who was sent to Cuba by the Secretary of War upon the commendation of President Eliot, of Harvard, and others, and was holding this position in Cuba purely from the standpoint of patriotism, and without compensation.

"By Senator HANNA:

"Q. Did you ever hear anything about the Jai Alai when you were in Habana?—A. I arrived this morning. On December 10 I visited the Jai Alai for the first time. I visited it for the purpose of seeing it.

"Q. What is your impression or your knowledge of it from that visit?—A. In entering the Jai Alai one enters into an immense barroom. On the left there is a regular banking establishment for selling the gambling tickets. You can take your chances upon any of the players. Those quiniela tickets are $1 apiece. The partidos tickets are $2 apiece. Then passing in there are men wearing the red caps, the corredores, who call out on behalf of the bank bets made in gold centenos. There are three methods of betting. The announcement of the bets was made where everybody could read it. In addition to that, there were these red-cap bets made, and I saw one man take 30 of those gold pieces, almost $150, and a number of others were standing in line waiting to receive their money. In the quiniela and partidos bets nearly $9,000 passed openly in the bets by the association, and in addition to that there were the gold bets. What they amounted to I do not know. To my mind it is the most horrible gambling institution I ever heard anything about."

J. O. La Fontisee, a newspaper editor, thus describes Gen. Wood's connection with and conduct in regard to the game:

"Q. Was Gen. Wood a patron of the game?—A. Yes, sir. He used to go there nearly every Sunday, and he used to go there and play the game. I have been out there with him.

"Q. He played the game?—A. Yes, sir.

"Q. With experts?—A. He used to train with them.

"Q. They trained him?—A. Yes, sir.

"Q. What did you know about the features of the game as to gambling?—A. It was very much a gambling game; very heavy gambling.

"Q. When you say "heavy" what do you mean?—A. They would go up as high as 100,000 centenos on a play. They would sell tickets. I never had much experience with race courses here, but they did not seem to sell tickets in the way that they do on horse races in this country. You would give them the money and they would give you a check for it, and you would call at the door after the game was over.

"Q. Did you ever hear what amounts of money would change hands at one of these games of that character?—A. Yes, sir; I have heard. The current reports were that as much as $50,000 would change hands on a single game on Sunday. That was the heavy day.

"Q. On Sunday?—A. Yes, sir.

"Q. Was Gen. Wood there on Sunday?—A. Yes, sir; he was there. He had a box there, and he was nearly always there on Sunday.

"Q. The general impression was that Gen. Wood, being a patron of the game and very much interested in it, had something to do with the establishment of it, was it not?—A. Yes, sir. What caused us to think that was that when anything was going on and they wanted a big crowd they would have Gen. Wood as a patron for it.

"Q. He would draw the crowd?—A. Yes, sir.

"Senator HANNA. That is all I want of this witness."

Gov. Wood was an habitual attendant of this game. He especially spent his Sundays there, on which days the betting would reach as high as $50,000. Again, without stopping to criticize the propriety of the establishment of such an institution or the conduct of the head of the government who would so far forget himself as to select such a place for amusement in lieu of his Sabbath-day exercises, I wish to comment upon his conduct in accepting, under the circumstances herein recited, and shortly after the granting of the favors above referred to, a gift of a $5,000 silver service, which is admitted to have been the case. Can there be any question of the fact that Gen. Wood ought not to have been mixed up with these people at all? His conduct, to say the least, was subject to the gravest criticism. I appreciate that it is a delicate matter, but it is none the less serious, and it shows that Gen. Wood is not a man whose sense of propriety is such that he should have been placed in such a position as that of governor of the island of Cuba, much less at the head of the Army of the United States.

A $5,000 gift from persons whose very existence as an organization depended upon his will and pleasure, and who sought and received favors from him while occupying the exalted and important post of military governor of Cuba! However unpleasant it may be to reject this nomination, this body can not afford and ought not to seriously consider the question of giving its approval to any such transaction. Let it be done and it will serve as a precedent and will be an invitation for all kinds of disgraceful conduct on the part of officers of the United States who have no more sense of propriety than Gov. Wood, and it will ever lie hereafter in the mouth of this body to question the acts of impropriety and indecency on the part of any Government employee or official.

I wish to say just another word. At the conclusion of the evidence of Gen. Wilson the junior Senator from Ohio, Mr. Hanna, asked that Gen. Wood be brought before the committee of this body having this investigation in charge, to the end that he might answer the allegations and accusations made against him and relieve himself from the unjust (as his friends claim to be the case) imputations and criticisms made against his character. And quite a colloquy ensued, it being claimed by some of his champions that there was no reason for him to be heard; that nothing had been proved against him; that there was nothing for him to answer; in a word, that he was self-vindicated.

This, I submit, was to me, and must be to everyone, perfectly monstrous. When did it come about that this individual, a doctor in civil life and a bloodless soldier in battle, if he ever saw a battle, has reached the exalted position that he is unlike other people and is not to be accountable to anyone, not even to the Senate of the United States, and will not even honor it with his presence? Now, for my part, I want to say that it is due to Gen. Wood, it is due to the President of the United States, that he should not only explain, but disprove many of the statements made in the evidence now here for consideration before confirmation should be thought of. The fact that he is willing to let this investigation go on without personally meeting it like a man is in itself strong evidence, to my mind, that he is not made of material that goes to make up soldiers such as we need for our major generals and Chief of Staff.

The talk about the difficulty of his coming here is silly. It is simply evading the question. The truth is a brave and courageous man would rather resign a dozen commissions as brigadier general than allow his character to be besmirched, his conduct assailed, his motives impugned, and his integrity and veracity sought to be impeached, if by giving up the same he could come in person and disprove the accusations made against him. And it is not necessary for him to resign in order to come. Nothing said or proved against Gen. Wood indeed! Six positive and direct specifications, involving the integrity and honesty of his administration as civil governor, some of them against his character as a man and an officer, are made against him. Much evidence is introduced to sustain each of them; many witnesses, men of the highest character, great prominence, and high order of intelligence have been examined, and, at least as to some of the charges, it can not be said that they have not been sustained.

I have particularized the evidence relative to two of the charges which reflect upon his character, the specific charge in this respect being sustained, I submit, by the evidence of no less a person than Maj. Gen. John R. Brooke, of the United States Army, retired. No one can read the evidence of that distinguished soldier without being impressed with the fact that he knew that when his administration was being wickedly assailed by the papers of Santiago, his subordinate, the appointee here, in command of that province, was not engaged, as he should have been, in endeavoring to stop the false clamor, but that, on the other hand, he and those in his confidence were quietly cooperating with and giving aid and comfort to his assailants.

Aside from these specific objections against Gen. Wood, much evidence has been introduced tending to reflect directly upon his character as a man by impeaching his integrity and veracity and showing his general unreliability in the matter of business transactions and in making promises in reference thereto. Two witnesses at least—each a man of prominence, one a newspaper editor and the other the prominent educator hereinbefore referred to, and neither of whom are men other than of the highest character—testify unreservedly that they would not believe Gen. Wood on oath. It is also shown that while governor of the island, as above stated, he so far forgot himself as to spend his Sundays at the gambling institution hereinbefore alluded to.

We also have it in the evidence that there was a newspaper man associated with Gen. Wood who certainly, it was clearly proven, was an ex-convict, and the evidence would go to show that he exploited everything that Gen. Wood did to the general's advantage and preferment, and that after being sent to the Philippine Islands he really tried to displace Gov. Taft and have his friend, Gen. Wood, made governor general of the Philippine Islands. Witnesses testified that they broke with Gen. Wood because of his unreliability, and they were men who had been associated with him, giving as their reason unreliability and unfair treatment. From the testimony of that gallant soldier, Gen. Brooke, it would seem that it was clearly and conclusively proven that Gen. Wood was intriguing constantly against his superior officer.

To my mind a most grievous injustice has been done in the preferment of Gen. Wood over a hundred or more old Army officers—officers who won distinction on many a bloody battlefield—battlefields where more lives were lost and more prisoners taken in one day than during the entire Spanish-American War.

To whom should these old veterans look but to the United States Senate for protection; and I ask my fellow Senators to give thought to the effect that the promotion of a surgeon in the Army to be a major general, and ultimately a lieutenant general, of the Army for many

years, will have upon these brave old veterans, who have been looking forward anxiously for the time when they themselves may receive proper recognition for services faithfully and well done.

—

(Confidential. Jan. 18, 1907, made public.)

[Executive No. 3, Fifty-eighth Congress, second session.]

NOMINATION OF LEONARD WOOD.

Argument of M. A. Hanna, Senator from Ohio, in opposition to the promotion of Gen. Leonard Wood, presented by Mr. Scott, together with several affidavits bearing on the nomination.

The testimony given before the committee has developed points to which no answer is attempted by Gen. Wood in the various communications submitted by him prior to his departure for the Philippines; nor can those communications be accepted as a refutation of testimony given by witnesses under the solemnity of an oath. To accept them as a controversion of sworn testimony would brand those giving such testimony as unworthy of credence. Among those who would be thus branded are men in the military and naval service of the United States. It is impossible to accept the mere statement of Gen. Wood, made prior to his departure for the Philippines, and covering only a part of the matters at issue, in preference to this sworn evidence. Some of the testimony given by these witnesses has cast serious reflection upon the veracity of Gen. Wood, and it would appear that neither he nor the Senate, which is asked to confirm his appointment, should rest content until he has been given opportunity to disprove, specifically and under oath, the damaging statements made on oath concerning his conduct.

The facts to which attention will be called would seem to make this necessary, and the honor of the Army would seem to demand it.

THE CASE OF E. G. RATHBONE.

In the matter of the complaint of E. G. Rathbone, that he was not afforded a fair and impartial trial for the offenses charged against him in Cuba, by reason of the action and interference of the military governor in the judicial processes in Cuba, a vast amount of evidence has been submitted. As parts of the record there appeared a complaint of Rathbone and the answer of Gen. Wood thereto. In many instances Gen. Wood makes no answer, except to rule that the charge is irrelevant. Setting aside these questions, there are several points of prominence and importance which present themselves.

Rathbone charges, in effect, that the direct interference of Gen. Wood, and his active participation in the processes and the course of the prosecution, bearing in mind that the military governor had executive, legislative, and judicial powers, and that he had the power of removal and appointment of all judiciary officers of Cuba, resulted in an unfair trial and to the prejudice of Rathbone.

Rathbone further charges that the most important witness against him was one Reeves, whose testimony on the trial was given without an oath, although it flatly contradicted evidence which he had previously given under oath (p. 231).

The testimony shows (p. 611) that Reeves was promised immunity by Gen. Wood, and was considered by Gen. Wood as a State's witness (p. 356), but was not declared as such to the court by Gen. Wood. As one of the accused he was permitted to give unsworn evidence on the trial. If Reeves was considered by Gen. Wood as a witness for the State, he should have been declared as such and compelled to testify under oath, as was done by Gen. Wood in the case of Corydon M. Rich (p. 760). It appears from the testimony of Fiscal Hevia that he could have been so declared without imperiling the prosecution on the theory of conspiracy (p. 365).

Gen. Wood (p. 357) cites Fiscal Hevia's opinion, which is that "Reeves was not proposed as a witness, nor was it possible (that he could be), being one of the accused." This states the cause of Rathbone's complaint precisely. Reeves was a witness for the State (p. 356), but he was not so declared by Gen. Wood to the court, which, therefore, had to consider him as one of the accused, and not as a witness, thus permitting Reeves to testify against Rathbone without the solemnity of an oath.

Gen. Wood states (p. 357): "Reeves was never promised anything." And yet he admits that he was a witness of the State, and Witness Fisher (p. 611) swears that Gen. Wood promised Reeves immunity before Rathbone's trial. Secretary ROOT, on page 856, flatly contradicts the statement of Gen. Wood on page 357—that "Reeves was never promised anything." The Secretary says (p. 856): "I approved of Gen. Wood giving Reeves immunity if he could get testimony against the principal offenders, the other offenders."

This shows clearly that the promise given, alluded to by Secretary ROOT, was given before the trial, from the fact that it was given for the purpose of getting the testimony of Reeves at the trial. It was an inducement offered before the fact. There is no question that Gen. Wood had communication with Reeves before the trial; that he did consider Reeves a witness for the State, and that he pardoned him as a witness for the State. It therefore seems imperative that we ascertain what actually passed between Gen. Wood and Reeves in order to ascertain whether Gen. Wood, who was bound by the act of Congress of June 6, 1900, to see that Rathbone had a "fair and impartial" trial, failed in such duty, to the direct injury of Rathbone.

Another point of great importance lies in the admission of ex parte evidence, under an order issued by Gen. Wood, by which he failed to carry out the explicit directions of the War Department.

The Cuban attorney, Desvernine, called specific attention to the fact that the depositions taken were for use solely by the court of inquiry, or court of first instance, and that they were used on the actual trial of the case. The Secretary of War had interdicted their use on the trial, saying (p. 314) "such depositions can not be used at the trial," but when Gen. Wood explained to him (pp. 349 and 350) that it ought to be left to the court, the Secretary issued the order of December 6, 1901, which modified his original order in that the question was to be left to the court. Instead of carrying out this order of December 6, the court instructed (p. 315) "that the said letter of the 14th of November, 1901, and the instructions therein contained are by this letter repealed, and that the use of the results of the interrogatory letters are allowed in the trials of the postal cases."

How such directions were considered by the judicial authorities in Cuba is shown by Fiscal Hevia's statement (p. 369) that the request by Gen. Wood for a 10-day extension of time in the case was the act of the military governor "availing himself of the legislative powers vested in him." There can be no doubt that the letter of December 6, which "repealed" that of November 14, by which the use of ex parte depositions in the trial was expressly prohibited, was construed by the court as a legislative act, and, in the absence of the saving clause that the court might receive them or not, that it was considered by the court as an absolute order to receive them. Secretary ROOT admits (p. 766) that this might fairly be inferred by the courts. Fiscal Hevia in referring to this (p. 370) speaks of the order of December 6 as "annulling" the order of November 14.

Gen. Wood, in his answer to the Rathbone charges, states (p. 350) that an "official copy of the above" (referring to the letter of the Secretary of War, December 6, 1901, by which the matter was left to the discretion of the court) "was furnished to the secretary of justice and by him submitted to the court." The record, as shown on page 315, disputes and disproves this statement of Gen. Wood.

We have already called attention to the opinions of the Secretary of War and of Fiscal Hevia, the former that Gen. Wood's direction might be taken as legislative acts and the latter that they were so taken. This should be kept in mind in construing the directions of Gen. Wood to the court, which are cited by Rathbone. There seems to be no question that Gen. Wood knew that he had such powers, and that he exercised them. The fact that in the cases of the extension of time by the courts (pp. 348–349) and of the acceptance of the bond of the surety company (p. 356) as bail, Gen. Wood claims that his action was in favor of the defendant (p. 341), would appear to be beside the point, which is that Gen. Wood's power of interference was recognized by the court.

Gen. Wood claims that in fixing the amount of bail originally at $25,000 he merely made a suggestion (p. 341). In complying with the wishes of the Secretary of War (p. 355) to have the surety company accepted as bail he also made a suggestion, but in both cases they were as effective as orders to the court.

On May 9, 1902, I submitted to the President an application for a new trial for Mr. Rathbone, stating the grounds upon which the application was based. As a result of this the Secretary of War instructed Gen. Wood to amend the laws of Cuba in conformity with the draft sent with the instructions. By this order, which was given full force only upon the day preceding the American withdrawal from the island, the supreme court of Cuba was authorized to act as a trial court in the rehearing of cases of such nature as the postal cases. It is presumable that this order was issued from a conviction that wrong had been done to an American citizen. One of the first acts of the Cuban Congress was the passage of the amnesty bill by which Rathbone and all Americans accused of crime were released.

Gen. Wood's comment upon Rathbone's action to the effect that he should have declined a pardon and should have taken his case on appeal to the newly authorized supreme court shows, at least, a complete ignorance of the conditions obtaining in Cuba. Rathbone declined a pardon and was not pardoned. He declined pardon on the ground that an acceptance of pardon was equivalent to an admission to guilt. Any attempt of Rathbone after the passage of the amnesty act to insist upon a new trial by the supreme court would have been utterly ignored, and he was so informed. No recourse was left him except the application which he has made to the authorities of his own country for an investigation of his acts as an official in Cuba.

As for the judges who constituted the court which tried Rathbone the list on page 777 shows that the only members thereof who were not appointed by Gen. Wood as magistrates, whether from civil life or from subordinate judicial positions, were Aguirre and Demestre.

Ortiz was appointed as president of the Habana audiencia by Gen. Wood.

Demestre was promoted as president of the criminal branch at Habana by Gen. Wood on November 5, 1901. Azcarate was promoted by Gen. Wood to the magistracy and transferred to the Habana audiencia by Gen. Wood and assigned to the criminal branch by Gen. Wood on November 5, 1901.

De la Torre was appointed by Gen. Wood and assigned to the criminal branch at Habana by Gen. Wood on November 5, 1901.

On the same day Gen. Wood revoked order No. 422, series of 1900, which permitted the president of audiencia to assign judges to either the civil or criminal business, and took this power into his own hands, providing (by order 238, series of 1901) that "hereafter, on making the appointments of justices of audiencia of Habana the government will determine the chambers thereof to which they will be assigned."

He then assigned the judges of his selection to the criminal branch. This was only a few weeks before the trial of the postal cases.

Gen. Wood provided further for this trial by order No. 245, series of 1901, November 15, 1901, which states that "presidents of audiencia may form chambers of justice consisting of five judges in such cases as, although not provided for by law, may, in their opinion, having special importance."

Doubtless the postal cases were so considered. By this order (No. 245) of Gen. Wood, Ortiz was permitted to preside in person at the trial, and to select out of those who were in the criminal branch the four judges alluded to for his associates.

That Ortiz (the president of audiencia) took an unusually active interest in the postal cases is shown, when, prior to the oral trial (as the trial before the audiencia is called, in contradistinction to the investigation by the judge of first instance), he asked for a translation (p. 493) of Assistant Postmaster General BRISTOW's report, which gave the latter's opinion as to the guilt of the accused. It is to be further remarked that this opinion of Mr. BRISTOW was received in evidence on the trial, being attached to a deposition taken for use on the preliminary hearing.

It may also be remarked that Mr. Desvernine swears that the defense never consented to the use of the depositions, but only asked that certain documents, which appeared only as attached to depositions, be admitted as evidence.

In order to obtain the modification by the Secretary of War of his order prohibiting the use of ex parte depositions, representations were made by Gen. Wood to the effect that these depositions had been taken in accordance with the provisions of the laws of Cuba. It appears, however, that Fiscal Hevia (p. 369) claims that such use was permissible under Article X of Gen. Wood's military order 181, series of 1900. It was therefore under Gen. Wood's own law that such a practice was admissible. Fiscal Hevia points out that this order makes specific provisions therefor. It is inconceivable that this order 181 would have been issued had the laws in force covered the point.

As part of his statement regarding the conduct of the postal trials, Gen. Wood uses letters which he received from the presiding judge, the secretary of justice, and the prosecuting fiscal. One of these is dated March 11 and the other two March 12, thus showing that they were inspired by a curious unanimity in volunteering their statements in behalf of Gen. Wood. These statements were evidently requested. It could not be expected that they would reply in any other than a manner favorable to Gen. Wood, particularly as a contrary course would be an admission reflecting seriously upon themselves.

It is curious to note that Fiscal Hevia, who goes into a very long and warm defense of Gen. Wood in his relation to the postal cases, even going so far as to vouch for the conduct of the military governor in connection with the judges, should have forgotten to mention so important a matter as that set forth by Gen. Wood (p. 357), where he says:

"My instructions to the prosecuting officer was to always give these men the benefit of the doubt. Especially was this true in regard to Rathbone."

At any rate, in view of the fact that Spanish law under which Rathbone was tried assumes guilt until innocence is proved, thus giving the benefit of a doubt by instructions of the military governor, would have been of no effect.

Why Rathbone was thus particularly mentioned to the fiscal does not appear, but if he had been thus especially recommended to Fiscal Hevia it is curious that the latter makes no mention of it in Gen. Wood's defense.

To show the trustworthiness of the statements adduced by Gen. Wood we have (p. 368) the assurance of Secretary of Justice Varela Jado—

"that I never received any special order from Gen. Wood in reference to the case, and consequently I never issued any order to the audiencia of Habana in the matter."

As a matter of fact, the record shows (p. 315) that the same secretary of justice not only issued the order of November 14, 1901, but also the order of December 6 to the audiencia of Habana.

The real defense maintained for Gen. Wood's actions in connection with the prosecution of the postal cases is that besides being the prosecuting officer he was also the legislative power in the island, and so could do as he pleased. But the point at issue is that he abused his power to the detriment of Rathbone. Regarding the effect of such action upon the interests of the accused, Gen. Wood's own words may be quoted from his report dated October 5, 1899, which is published by the War Department. He there says:

"The present arrangement and distribution of judicial power tends to discourage the investigation of crimes and the punishment of the guilty, and in some cases makes a false accusation of crime an effective means of persecuting the innocent."

Although Gen. Wood, who then commanded the Province of Santiago, inveighed against the system and demanded its reform, it is to be noted that he never did reform it when he had the power to do so as military governor of the island. With the exception of one instance, in 1900, he removed no judges from office. As he himself states (p. 343), "The removals during the entire four years were comparatively few." That the judiciary was unsatisfactory is shown by Secretary Root in his report covering the year 1901 (p. 38), where he laments that—

"the courts are still far from what they should be. One of the greatest dangers which confronts the new Government is the difficulty in obtaining an absolutely sound judiciary."

But Gen. Wood made no changes in the personnel of the judiciary thereafter, and Rathbone was tried under the system criticized by Gen. Wood and under judges considered by Secretary Root as far from satisfactory.

Keeping in mind that the judicial system was the same when Rathbone was tried as it was when Gen. Wood criticized it in 1899, and that few changes had been made by Gen. Wood in the personnel of the courts, let us compare Gen. Wood's assertion that Rathbone received a fair trial (pp. 340, 346, 362) with Gen. Wood's opinion as expressed in his report of October 5, 1899, where he says (see said report, p. 23):

"Under the existing conditions of things in Cuba no means are provided for the trial of officers and soldiers of the Army and civilian employees of the military establishment for offenses not cognizable under the Articles of War except the Cuban courts above described. I do not believe that it is wise or prudent or in any way desirable to subject American citizens who are in the service of their own Government to the jurisdiction and capricious decisions of tribunals composed of persons alien in race and sentiment, administering a system of law with which Americans are entirely unfamiliar, and which would not be tolerated in any American community. * * * Nor do I believe that it is the intention of the United States to subject not only its citizens but its soldiers to such treatment as they may expect in some cases under the law and in the courts as they are now established in Cuba."

Add to the statement of Gen. Wood the fact that in the active prosecution of the post-office cases and in the exercise of his legislative and executive powers he did give directions to the court (pp. 13, 14, 15), which are admitted, and it will be hard for any fair-minded man to say that Rathbone is not justified in his claim that he was not given a fair trial and that Gen. Wood violated the obligation placed upon him by our own act of Congress of June 6, 1900.

QUESTION OF VERACITY.

Several witnesses whose sworn statements are not to be lightly impeached have, in their testimony, reflected directly upon the credibility and veracity of Gen. Wood. Statements made by him in various communications are flatly disputed by witnesses testifying under oath, and documentary evidence submitted by others disputes statements made over his signature. Illustration of this appears in the following extracts from the testimony, reference by pages being made to the printed report of the committee:

Gen. Tasker H. Bliss (pp. 112–113) testified that to him and in his presence Maj. Runcie impugned the veracity of Gen. Wood, and that he made report of the same to Gen. Wood.

Commander Lucien Young (p. 467), referring to an interview given by him to a newspaper correspondent, testified to having met Gen. Wood in Washington:

"He informed me that the authorities were very mad about this conversation, and suggested that I deny it. I told him that I could not do so, and would not do so if I was ordered to the coast of Africa; that I had stated it and would not retract it."

Witness C. E. Fisher, on pages 610, 611, 612, swears that Gen. Wood broke faith with him in a matter of importance, and that he "would not believe him on oath."

Witness Alexis E. Frye, on pages 705, 715, 716, 719, testifies to instances of broken faith and duplicity on the part of Gen. Wood. On page 716:

"Q. Then, as I understand it, you testify to three facts—that you do not believe in his honesty, or his truthfulness, or his ability as an officer.—A. Yes, sir."

Witness Runcie, on pages 126 and 127, flatly disputes statements read to him from letters written by Gen. Wood.

Pages 661 to 675 of the report present a series of communications and extracts from newspapers, all having reference to an interview given by Gen. Wood in October, 1900, in reference to yellow-fever conditions in Habana. Statements said to have been made by Gen. Wood reflected upon the administration of Gen. William Ludlow, a most efficient, honorable, and conscientious officer, now deceased. Gen. Ludlow pronounced the alleged statements to be "wholly false and pernicious," and it does not appear from the matter published in connection with the question that Gen. Wood succeeded in relieving himself of Gen. Ludlow's charge of having perverted the facts and thereby deceived the public. (First paragraph, p. 672.)

On page 357 Gen. Wood states, "Reeves was never promised anything." Witness Fisher (pp. 610 and 611) swears that Reeves was promised immunity from conviction in return for his testimony in the postal cases.

In connection with Gen. Wood's denial of assurance of immunity to Reeves, special attention is called to the testimony of Secretary Root, page 856:

"I approved of Gen. Wood's orders giving Reeves immunity if he could get testimony against the principal offenders, the other offenders."

On page 156 Witness Runcie testifies that Gen. Wood pledged himself to a certain act concerning one Corydon M. Rich upon two specific occasions, and that this pledge was violated.

In his testimony (pp. 474 to 478) Commander Young swears that, to his personal knowledge, Gen. Wood set detectives to spy upon his actions, and also upon various officers of the Army stationed in Habana. Young testifies (p. 477) that when he found that this was being done he intimated to Gen. Wood his suspicions that he (Wood) was the instigator of the surveillance, and that Gen. Wood denied it emphatically.

Regarding the various allegations of Witness Frye (p. 702 et seq.), there is no answer or explanation by Gen. Wood, the only matter which appears being an argument which supposes what were the mental processes of Gen. Wood, as applied to the facts established by documents and the sworn testimony of Mr. Frye. It is important to note that Mr. Frye, under oath, swears that his experience with Gen. Wood proved him (Wood) to be untrustworthy. The main question raised, regarding the order reducing the salaries of the Cuban teachers, is not whether Gen. Wood subsequently rescinded his original order. Frye swears that Gen. Wood told him that the salaries would be reduced, and that he (Frye) repeated this information to President Eliot, of Harvard College. He asserts that when protests were made Gen. Wood prevaricated by stating that he had no such intention, and that the order complained of had been published through an error.

Gen. Ludlow charged Gen. Wood with deliberate dissemination of misinformation (p. 675). He also charged that Gen. Wood (p. 671) "had exceeded both his rights as an individual and his obligation to the military service in seeking to defend himself by impugning the administration of others and furnishing material for misrepresentation."

He also charged (p. 670) that Gen. Wood wrote an evasive and misleading letter. He further charges (p. 669) that Gen. Wood "had gone out of his way to misinform the authorities and the public." Gen. Wood appears never to have made any answer to these charges, nor to have asked for a court of inquiry.

In connection with these written statements of Gen. Ludlow it may be said that a request was submitted to the committee that Mr. Francis E. Leupp be summoned to testify regarding the accuracy of the original interview, for which Gen. Wood sought to evade responsibility by alleging misrepresentation by the newspaper correspondents.

RUNCIE MATTER.

An issue appears between Gen. Wood and Maj. J. E. Runcie regarding the participation of Gen. Wood in the preparation and publication of an article which was published in the North American Review for February, 1900, in which severe criticism was made upon the administration of Gen. John R. Brooke, then military governor of Cuba.

Runcie is a retired officer of the United States Army and is, therefore, amenable to Army discipline. He states positively, under oath, facts and details which make it incumbent upon Gen. Wood to do more than to write mere letters of explanation not under oath. We have no right to assume that Lieut. Runcie, a graduate of West Point, is guilty of gross perjury. As the matter stands, the sworn statement of Maj. Runcie is not controverted by either the unsworn statements of Gen. Wood or by the testimony of the witness, Baker.

It appears from the sworn testimony that the article in question was the outcome of a discussion, at a certain dinner, between Gen. Wood, Maj. Runcie, and Mr. Baker. It appears clearly from the testimony of both Baker and Runcie that during Baker's stay in Santiago there was much of frank and open criticism of Gen. Brooke's administration, and that Gen. Wood participated in the criticism. Runcie swears (p. 688)—

"It was at this dinner that the arrangement first contemplated—that I should furnish the information to Mr. Baker—was abandoned, and the other course adopted as being easier for all concerned; that I should write the article and turn it over to Mr. Baker as his own."

Runcie explains that "by all concerned" was meant Gen. Wood, Baker, and himself. He further testified (p. 689) that the information as to facts and conditions in Cuba was to cover "all Cuba."

Evidence in support of this appears in Gen. Wood's letter to Baker, dated July 29, 1903 (see Appendix A), where Gen. Wood says:

"I hope you will tell him (the President) the purpose of your visit to Cuba in 1899, and why it was that you wanted as much information as you could get on Cuba."

On page 135 Runcie testifies that Gen. Wood knew that such an article was to be written and published. On page 698 he swears that Gen. Wood understood that the article would be a criticism of Gen. Brooke's administration in the island, and that "he could not avoid so understanding it."

Mr. Baker's testimony is less direct, being rather a denial of recollection or knowledge of facts testified to by Runcie than a categorical denial of the points at issue. On page 435 he admits that "Gen. Wood was very frank in his expression of disagreement to certain things that the administration (Gen. Brooke's) was doing," and again, page 429, that as a general result of his visit to Cuba he found that Gen. Wood was "antagonistic" to the administration of Gen. Brooke.

This is confirmed by Gen. Wood's own statement in Gen. Wood's letter to Baker, of July 29, 1903, quoted above as follows:

"I never professed, as you know, to agree with the policy at that time in force in Cuba, but a frank disagreement is a very different proposition from a covert attack."

The testimony of Witness Baker appears to have been given with reluctance and with an apparent desire to escape, as far as possible, any implication of participation in the attack on Gen. Brooke.

That Gen. Wood was interested in the publication of the article in question is declared by Runcie, as shown on pages 136 and 697. Referring to the conversation between Gen. Wood, Baker, and himself, Runcie swears (p. 697) "It was inevitable, as the result of the conversation, that the scope and purpose of that article must indicate a severe criticism of the acts of Gen. Brooke at Habana."

On page 120 Runcie swears that the article written by him correctly reflected the discussion between Gen. Wood, Baker, and himself, and in various parts of his testimony asserts Gen. Wood's knowledge of the preparation and disposition of the manuscript. In a letter dated July 24, 1903 (p. 148), Gen. Wood states:

"I suppose Baker had been given a frank statement of the facts, which he would use as a partial basis for such comment as he might make in writing on Cuban affairs."

From the testimony of Baker himself regarding Gen. Wood's comment upon the administration of Gen. Brooke, it would seem that any "frank statement of facts" would involve very much the sort of criticism expressed in the Runcie article, whether an article were written by Runcie or by Baker himself on information supplied by Runcie and Gen. Wood.

Runcie further swears (p. 125), "I told him (Gen. Wood) that I would defend myself before any court-martial that might be summoned, and what was meant there was that if such a defense became necessary it might bring out facts that would be extremely embarrassing to Gen. Wood," and explained that the "facts" alluded to were "the facts of Gen. Wood's knowledge that the article was to be written."

After an apparent effort to evade a direct admission of the fact, Baker, on page 433, states that he knew that Runcie was to send him an article and that he knew what the tenor of the article would be. He states (idem) that he supposes that the object of the Runcie article was that "it would help Gen. Wood to have it understood that Gen. Brooke was inefficient," and this understanding appears to be reenforced by Runcie's letter transmitting the article to Mr. Baker. That letter closes with the paragraph, "It may be the beginning of a better day for Wood as well as Cuba."

When the article, after its publication, was shown to Gen. Wood, he expressed neither surprise nor indignation. It appears (p. 685) that "he read some of the passages of the article and laughed over them."

Gen. Wood's comments on the contents of the article have been almost wholly confined to the question of the authorization of its publication. It is of no importance whether Maj. Runcie authorized the publication of the article over his signature. The real questions arising out of the testimony, and the only ones which Gen. Wood should be called upon to answer, under oath, would include the following:

Did Gen. Wood criticize Gen. Brooke's administration to Baker in Runcie's presence?

Did Gen. Wood suggest that an article criticizing his superior officer should be published?

Did he understand that Runcie was to prepare such an article and give it to Baker?

Was he in any way accessory to the preparation or publication of such an article?

Did he subsequently ask Runcie whether the article suggested had been written and sent to Baker?

Why did he not have Runcie court-martialed for the contents of the article when he became satisfied that Runcie had authorized Baker to use his name?

Why did he not ask for the punishment of Runcie, who, as a retired officer of the Army, is amenable to discipline under the orders of the War Department, when he was informed by Gen. Bliss (p. 112) that Runcie had asserted his (Wood's) knowledge of the article in question and had charged Gen. Wood with falsehood if he denied such knowledge?

On March 21, 1900 (p. 155), Runcie wrote to Gen. Wood as follows:

"I am perfectly willing to assume my own defense in the matter, though I shall do so with reluctance, if it shall be necessary to do so. I mean that I hope that it will be unnecessary to make public any further details of the case. I am unwilling to embarrass you more than I have done already as to the result of a well-meant effort which has gone woefully astray."

Runcie here alluded to a defense before a court-martial which had been demanded by Gen. Brooke. This is well indicated by the letter written by Gen. Wood to Secretary Root on February 25 (p. 150), saying, "he (Runcie) realizes fully his liability as an officer and the position it places him in."

Runcie's letter, written to Gen. Wood in a friendly spirit, evidently alluded to the fact that in making his defense he would involve Gen. Wood, and the Secretary of War was evidently impressed, as he wrote (p. 155), "I don't like the last paragraph of Runcie's letter to you."

The true point in this whole incident is not whether Gen. Wood authorized or saw this specific article, word for word, or saw it before its publication, but whether he did have previous knowledge of, or give assent to, the preparation and publication of an article criticizing the administration of his superior officer, Gen. Brooke.

The general denial written by Gen. Wood may be taken as an answer to the charges, which he knew would be formulated, but it can not be accepted as the refutation of the testimony of witnesses subsequently given under the solemnity of an oath.

JAI ALAI MATTER.

In the matter of the establishment in Habana of the game known as the jai alai it would appear from the record that there was a suppression of certain important and material facts which were known to Gen. Wood, but which he refrained from communicating to the Secretary of War. The testimony of the Secretary of War clearly demonstrates this. Undoubtedly the Secretary based his evidence on the facts as submitted to him by Gen. Wood orally and in writing.

An attempt has been made to show, in this connection, that Gen. Wood did nothing more than give his technical consent to the leasing of a plat of ground by the municipality of Habana for the purpose of erecting thereon the building in which this game was to be played. It is stated that the betting on the games is merely an incident, like the betting on a horse race, and, in the statement which was submitted to Judge Magoon, of the War Department (p. 507), it was declared to the War Department that the object of the Jai Alai Co. was the erection of a building on said plat of ground, "to be used as a fronton, or handball court, wherein the public are to be permitted to play handball upon payment of a fee."

The rules and regulations (p. 871) clearly show this to be a misstatement, inasmuch as it is there shown to be a game played by professionals as a public spectacle.

It would also appear from the statement of the president of the Jai Alai Co. (p. 510), whom we may presume to be an expert on the subject, that such is not the case, and that he so informed Gen. Wood. Referring to the communication of said president to Gen. Wood (p. 510), dated April 26, 1902, it is made wholly apparent that the only feature of importance to the company was the gambling feature, without which they would not have made the lease, and that the company regarded the betting, or gambling, as an integral part of the game. The president of the Jai Alai Co. cites to Gen. Wood the following reasons why he should ratify the betting rules (p. 510):

"The wagers offered being part of the spectacle of the said game of ball, it is obvious that without them it could have no reason to be.

"That without the complete game, or, say, including the betting feature, it could never have occurred to anyone to enter into a contract with the ayuntamiento (city council) whereunder the cession of an edifice valued at $100,000 to the latter is involved.

"That by virtue of rights and privileges explicitly acknowledged by public instruments of writing which received your approval, the corporation of the Jai Alai fronton properly acquired the concession made unto Tomas Mazzantini by the ayuntamiento of Habana.

"That under the approval of the Secretary of War of the United States you gave your sanction to the aforementioned public instruments of writing, which naturally carried along with it your approval of the regulations which had previously been approved by the civil government on January 31, 1900."

It is also made apparent that the rights and privileges claimed by the Jai Alai Co. consisted of three things, all of which it was necessary to obtain in order to complete the grant:

(1) The agreement that the company was to have a monopoly for 10 years.

(2) The approval of the betting features.

(3) The grant of the municipal plat of land on which the building was to be erected.

It can not be claimed that the whole did not constitute a complete concession.

A certain act, say the approval of the lease, remained to be performed by the military governor, and in granting his approval he completed what had been incomplete. As Judge Advocate General Dudley said (p. 506):

"The concession was never completed by the ratification of the Spanish governor general, as herein asked of the military governor."

For cases of this nature reference may be made to the opinions of the Attorney General (vol. 22, p. 528), where there appears the following:

"Any inchoate rights or grants made by a municipal body in Cuba while under Spanish sovereignty, which for their completion required the assent or approval of the Crown or of the Crown officers, would, in the absence of such assent or approval made prior to the treaty of cession (of Cuba), be ineffective and incomplete."

There is no question whatever that the Jai Alai concession was clearly included in the groups thus characterized as "ineffective and incomplete." That being its status, further reference may be made to the same authority (Opinions of the Attorney General, vol. 22, p. 554), as follows:

"Being incomplete and inchoate, lacking certain public action, * * * it is not a complete and vested franchise or concession, * * * and the War Department is without power to exercise the prerogatives of the Government to grant or complete such concessions."

Upon such authority as the foregoing it is impossible to avoid a conclusion that Gen. Wood did grant a concession or franchise, in the nature of a monopoly and in violation of the Foraker law, to the Jai Alai Co.

It is claimed that the publication of the rules and regulations in the Official Gazette of May 9, 1902, which was in response to the application of the company, made on April 26, 1902, did not operate as the approval of these rules by the military governor. Yet they were published in the official paper, which is issued only in connection with official acts.

The record discloses that the notarial documents of April 27, 1900, and October 16, 1900, were submitted to Gen. Wood, "it being necessary to do so considering the privilege thereby conferred" (p. 510), and that they were approved by Gen. Wood "in all of their parts."

Keeping in mind that on April 26, 1902, the president of the Jai Alai Co. thus writes to Gen. Wood, it will appear to be a mistake to say that the monopoly privilege had been withdrawn. During the consideration of the matter a suggestion was made for the elimination of the monopoly feature (see testimony of Col. Dudley, p. 499), but the mayor of Habana asked (p. 506) on March 26, 1901, that the contract remain unmodified and that it be approved without any limitation. There is no record that Gen. Wood modified the 10-year monopoly feature, but on the contrary the president of the Jai Alai Co. states (p. 510) the documents of April 27, 1900, and October 16, 1900, which granted this monopoly, were ratified by Gen. Wood. He said that these documents "were submitted to your (Gen. Wood's) approval, it being necessary to do so, considering the privilege thereby conferred, and after consulting the Secretary of War of the United States they were expressly approved by you (Gen. Wood) in all their parts (p. 510)."

It is thus made apparent that after the submission of the question to the Secretary of War concerning the right of the municipality to lease its land (that is, after April 16, 1901; see Magoon's opinion, p. 507), and after the question of the monopoly had been called to his attention (February, 1901, p. 499), Gen. Wood approved the documents in their entirety, thus granting the monopoly. There is thus established the fact that he knew of and ultimately approved of the monopoly feature of the concession.

As to his powers in the premises, he knew that he had the power to refuse to give his approval to the monopoly, because at one time he proposed the modification of the concession in this respect.

This suggestion of modification (p. 499) evidently originated with the military governor, but was not carried out by him. At all events, it came from his office. The suggestion proves conclusively his authority over the acts of the municipality and the civil governor. This point finds abundant support in the opinions of the Attorney General (vol. 22, pp. 528–529), where it is stated, in reference to the scope of the powers of the military authorities over municipalities, that "they (the municipalities) may, at the will of the military commander, be restrained, * * * although inchoate or even completed contracts therefor have previously been entered into."

Further light is thrown on this subject by Judge Magoon (p. 507), who states that while a monopoly feature "appears to have been eliminated, it is understood as being included in the request for a report."

Magoon also states:

"The attention of the Secretary is called to the fact that a copy of said proposed agreement is not included in the papers submitted."

In other words, the documents which contained the monopoly provision were not submitted by Gen. Wood to the War Department.

Notwithstanding the opinion of Judge Magoon (p. 509) on the question of the monopoly that "it is probable the Foraker amendment requires the major general in command of the United States forces in Cuba to prevent the municipalities in the island from exercising the police powers in the State in such a way as to grant property franchises or concessions."

Gen. Wood did approve the documents of April 27, 1900, and October 16, 1900, in all their parts, although said documents were grants made after the passage of the Foraker law interdicting them.

The publication was made in the Official Gazette of May 9, 1902 (p. 869), of the rules and regulations of the Jai Alai, which permit the betting, and show the difference between such as is carried on by bookmakers at horse races and the system in operation at the Jai Alai, where the proprietors retain a percentage—in some cases 5 per cent and in some cases 10 per cent—of all bets made.

When action by Gen. Wood on these rules was asked by the president of the Jai Alai Co. he distinctly called attention to the fact that the company had the military governor's approval of the 10-year monopoly of the game, and that the bets were a part of the game.

It is claimed that the communication of May 7, 1902 (p. 511), and signed "by order of the military governor, H. L. Scott, adjutant general," and published in the Official Gazette of May 9, 1902, is a mere letter written by Scott. An examination of the official reports shows that during the entire period of our military government at Cuba all orders, laws, and decrees issued by Gen. Brooke, as well as by Gen. Wood, were in the same form as the one in question, signed by Adjt. Gens. Richards, Chaffee, Hickey, and Scott. There seems to be no question, taking the fact of the actual publication of all the rules and regulations in the Official Gazette in connection with the order of Gen. Wood through his adjutant general, and in the light of the letter of the president of the Jai Alai of April 26, 1902, that these rules and regulations, with full knowledge of what was claimed for them by the company, did receive the official sanction and approval of Gen. Wood.

In this connection the following appears in the testimony of the Secretary of War (p. 800):

"There was a serious difficulty about the acts of the military governor, arising from the fact that he had legislative, judicial, and executive powers, and an attempt by him to regulate the exercise of a franchise or concession might well be deemed to confer a franchise or concession; that is, while he was trying to act as a street commissioner, to regulate a gas company in the exercise of a franchise, the permit that he gave might be construed as a legislative act which conferred the franchise."

Therefore, directions were given to Gen. Wood in the letter from the Secretary of War on June 21, 1901 (p. 534), to the effect that no definite decision was to be made in such matters, but that the indorsement should be either that the United States did not object, or that it did object, leaving the question as to whether it was good under the Spanish laws to the courts (pp. 800–801). Instead of obeying this letter of the Secretary of War, the language used in connection with the publication of the rules and regulations of the Jai Alai Co. in the Official Gazette was that they were "found to have been duly and properly authorized," and "the rights acquired by your company are protected by the laws in force" (p. 511).

This clearly shows Gen. Wood's authority over the municipality and the civil governor, and that the approval of the military governor was necessary to give validity to the concession. It also shows the order of May 7, 1902, as constituting a judicial decision by the military governor and taking from the courts the very point, namely, that of legality, which, under the order of June 21, 1901, was to be left exclusively to the courts. It therefore appears wholly impossible to accept the contention that the order of May 7 was nothing more than a "mere letter" by which a simply "technical" but unnecessary approval was given by the military governor to the act of a subordinate authority.

Viewed in the light of the undoubtedly correct opinion of the Secretary of War, above referred to, this was a decision under the judicial powers of the military governor or a legislative act of approval. It was an act by which validity was given to that which would otherwise have remained invalid and completed that which was otherwise incomplete. It was therefore not only a violation of the instructions of the Secretary of War but also a violation of the Foraker amendment.

Taking into consideration the facts above set forth, the number of times this matter was referred to Judge Advocate Gen. Dudley by Gen. Wood after Col. Dudley had expressed his opinion, the apparent withholding of important facts in the submission of the case to the War Department in connection with the valuable present given to Gen. Wood by the Jai Alai Co., as admitted (p. 794), which was passed through the Cuban customhouse free of duty, at the request of some one, on the claim that it was the property of Gen. Wood, when in fact it was the property of either Tiffany & Co. or of the Jai Alai Co., it would certainly appear that, in the absence of any explanation whatever by Gen. Wood as to his official acts in the premises, we would not be justified in confirming this appointment.

In connection with the present of silverware it is important to note (*a*) that this appears to have been the only gift made to Gen. Wood himself, although other presents were made to members of his household; (*b*) that the donor was the Jai Alai Co., whose directors were Spaniards who were not interested in the establishment of an independent government in Cuba, and not, as asserted, a group of grateful Cubans; and (*c*) that the approval and promulgation of the rules and regulations permitting gambling "as an integral part" of the game of jai alai, as published in the Official Gazette of May 9, was followed on May 10 or May 12 by a cabled order to Tiffany for a $5,000 silver service. (See testimony of Witness Clearman, p. 134.)

It further appears that Gen. Wood knew that charges in connection with this matter would be made, in fact, that they actually had been made, and that he left no word of either defense or explanation.

BELLAIRS MATTER.

In the matter of the Bellairs incident it appears clearly, from the evidence of Witness Fisher, that upon two different occasions, one prior to Bellairs's departure from the island and the other soon after that dpearture, that he told Gen. Wood of the charges made against the character of Bellairs, and that Gen. Wood asked him to suppress the publication of the charges, at the same time refusing to investigate them when Fisher offered to produce the boys (p. 609) who were willing to swear that improper overtures had been made to them by Bellairs.

Witness La Fontisse swears (pp. 628–629) that he also told Gen. Wood of the stories of Bellairs's criminal record before Bellairs left Cuba. He fixes this time indisputably by showing that Gen. Wood had authorized him to offer transportation to the United States to the man Johnson, who had first recognized Bellairs as a former fellow convict in the Florida prison. La Fontisse adds that Johnson refused to accept Gen. Wood's offer on the ground that he was receiving hush money from Bellairs.

The testimony of Mr. Diehl shows that at times he was dissatisfied with Bellairs's excessive zeal in behalf of Gen. Wood. He, as well as Mr. Stone, shows that Gen. Wood, while admitting that he had heard of the charges against Bellairs, stated that he disbelieved them, and that, on Gen. Wood's recommendation, Bellairs was for a time retained in the service of the Associated Press (p. 480).

If there had been mere rumors concerning Bellairs without the offer of evidence to support them, and if there had not been the affirmative action sworn to by La Fontisse of Gen. Wood's offer to furnish transportation from the island to the man who identified Bellairs as a former convict, we might pass this incident as a mere exhibition of the confidence of a man in his friend. But the proffer of the evidence to prove the charges must be taken in connection with the fact that Gen. Wood had an adequate detective force at his disposal. If, as sworn to by Commander Young (pp. 476 and 478), this detective force was used to shadow and report upon the conduct of reputable Army and Navy officers it is somewhat remarkable that similar steps were not taken in connection with the serious charges and the offered evidence against a man who must necessarily have been in daily contact with the military government and who is shown by the evidence to have been on terms of personal intimacy with the military governor. It is not easy to understand Gen. Wood's indifference to the ugly charges against Bellairs in view of his attitude toward another representative of the Associated Press, the man Costello (p. 603), whose removal he requested upon no other ground than that Costello had business relations with the Catholic Church (p. 410).

CHARGES BY GEN. BROOKE.

Gen. Brooke charges Gen. Wood with acts which were subversive of military discipline. The real point brought in issue by Gen. Wood was not the physical withdrawal of the funds from Santiago, but the objection was made to what is called the centralization at Habana; that is, the authority of the general in supreme command of the island of Cuba to control and supervise the character and the amount of the expenditures by Gen. Wood in Santiago. What Gen. Wood desired was that all of the revenues of that Province should be spent by him in the Province. There is no record that either the President or the Secretary of War granted this request to Gen. Wood.

Gen. Brooke cites the instance of the erection of barracks at Santiago without his knowledge, and although ex-Secretary of War Alger states that his conversation with Gen. Wood might have been construed by the latter as an order, it does not appear that Gen. Wood made any report of the matter to his superior officer, Gen. Brooke, as a justification of his actions.

Gen. Brooke further charges Gen. Wood with insubordination (p. 201) in that he interfered with the civil courts of Manzanillo, where he took from that court a prisoner charged with the crime of homicide and set him aboard a ship and sent him out of the country. This was when Gen. Brooke was in command of the island and Gen. Wood in subcommand in Santiago Province and when he had no such power as he saw fit to exercise in the interference with judicial processes.

THE MATTER OF ACCOUNTS.

Considering the question of accounts, it appears (see Rathbone's Exhibits 32 and 33, pp. 318 and 319) that a waffle iron, two punch bowls, and dozens of wine glasses and knives, which "have been used and expended in the palace of the governor general, will not be taken up and accounted for, and the auditor of the island is authorized to pass this voucher as submitted. [This is done] by order of the military governor."

This is a clear violation of the order of the President, which established the rules for audit in the island, and which Gen. Wood had therefore no power to amend or to ignore, and no right to disobey. The passage of these vouchers distinctly stating that the property was already expended, because it was at the palace, and that it would not be accounted for, and therefore presumably be considered as the personal property of the military governor or anyone else who saw fit to take it, and which therefore was exempt from the necessity of being turned over to the Cuban Government; all this constitutes a distinct violation of all rules and all orderly conduct of affairs. These items have been taken as examples which go to prove that the objections to Gen. Wood's accounts are not that they could not be made to balance, but that they were made to balance on insufficient or illegal vouchers, and, in the case of the Santiago 1898 accounts, in the face of the total absence of vouchers in many instances.

Request was made that the committee summon certain witnesses in this matter who would swear to the latter fact, but the committee did not comply with the request.

THE CASTENADA CASE.

That Gen. Wood's actions in the matter of the concession to Castenada were a violation of the Foraker law, of the President's order of December 22, 1898, and of the letter of the Secretary of War dated June 21, 1901, is evident from the cable of Secretary ROOT to Gen. Wood (p. 587), which says:

"This permit would appear to be a concession for 99 years, and to contravene the policy expressed in the Foraker amendment; and the General Order, No. 188, Adjutant General's Office, December 24, 1898, and the letter of the Secretary of War to you, dated June 21, 1901."

Perhaps nowhere in the evidence presented in this case has there been shown more conclusively the habit of insubordination on the part of Gen. Wood than in this instance. Instead of obeying the order of his superior, whose opinions on such a matter would be taken to be final by every civilian, Gen. Wood declines prompt obedience to the military order and disputes the legal knowledge of his superior by his reply of May 12 (p. 587). But when on May 14 (p. 587) Secretary ROOT reiterates his order, it would appear that any officer recognizing discipline and the necessity of obedience to orders in the Army would have yielded ready and cheerful obedience, we find that Gen. Wood does not do so. He chooses to argue, and sends a long cable of explanation and protest, and also sends by cable the opinion of his Cuban secretary of justice to convince his superior that he is in error in his legal opinion. It became necessary for the Secretary of War to send a third command by cable, on the 16th (p. 589), before his orders were carried out by Gen. Wood.

AFFIDAVITS.

AFFIDAVIT OF GEORGE EUGENE BRYSON.

I, George Eugene Bryson, being duly sworn, do depose and say that my name is George Eugene Bryson; that I am a native of North Carolina and a citizen of the United States; that my present place of business is No. 118 Prado, Habana, Cuba; that I am a commissioner for the State of New York and commissioner of deeds for the States of Florida, Alabama, Mississippi, and Louisiana in the Republic of Cuba; that in December, 1900, I was the Habana reporter for the New York World; that on or about the 19th day of December, in the year 1900, I was called to the office of Brig. Gen. Leonard Wood, military governor of Cuba, said office being in the palace in Habana, where a conversation, in substance as follows, took place:

Gen. Wood reminded me that I had refused the overtures made to me through Mr. Bellairs prior to his (Wood's) arrival in Habana, and

a second time after his arrival. I told Gen. Wood that I could not join in the plan of Bellairs, because I believed in the administration of Gen. Brooke and Gen. Ludlow. Gen. Wood added that if I had been willing to join Bellairs it would have won for me his (Wood's) friendship; but that he wished to wipe off the slate and give me a new opportunity to show my loyalty to American institutions in Cuba; that he wanted me to send a cablegram that day to the New York World. Gen. Wood told me that Mr. Frye (meaning the American head of the schools) had made a bad break; that he had just issued a proclamation ridiculing the Anglo-Saxon race and calling upon the Cubans to rise and drive out the Americans. "Make the cable as strong as you can," added Gen. Wood, "and we will make it too hot for Frye to stay here any longer."

I asked Gen. Wood if Frye had really been so unwise as to call upon the Cubans to drive out the Americans. Gen. Wood assured me that the proclamation had been printed; then he told me to hurry and send the cable or somebody would get ahead of me. "By the way, Bryson," added Gen. Wood, "I am going to have you appointed as Associated Press reporter for Cuba."

And I, George Eugene Bryson, do further depose and say that, accepting Gen. Wood's word as true and relying on the honor and good faith of the American military governor in Cuba, I sent the above message to the New York World, and that it was duly published and copied throughout the press of the United States; that later I found that I had been basely deceived by Gen. Wood, as the original document issued by said Frye did not make the slightest reference to the Anglo-Saxon race or to any uprising of the Cubans, but simply recommended to the Cuban people to drop from their national hymn the words referring to the Spaniards as cowards, in order that the song might be used in the public schools without causing quarrels between the Cuban and Spanish children who studied side by side.

And I further depose and say that the incident caused me great regret; that Mr. Frye promptly called the attention of the New York World to the statement sent by me at Gen. Wood's request, with the result that the World published a corrected statement; that Mr. Frye soon after resigned his position as superintendent of schools of Cuba; that I went to Mr. Frye of my own accord and related the entire incident to him; that I now make affidavit to the same effect, with no other motive than to right the wrong I did to said Frye; and that I do this voluntarily, without reward or promise of reward of any kind from any person, but as a simple act of duty.

GEO. EUGENE BRYSON.

CITY OF HABANA, *Island of Cuba, ss:*

On the 31st day of December, 1903, before me, José Ramirez de Arellano, a notary public in and for the city of Habana, island of Cuba, personally appeared George Eugene Bryson, to me known to be the party who executed the foregoing document and who acknowledged to me that he did execute the same.

Subscribed and sworn to before me this 31st day of December, 1903.

[SEAL.] LDO. JOSÉ RAMIREZ ARELLANO.

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CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba, ——— —, ——.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of José Ramirez de Arellano.

And that he is a duly authorized and commissioned notary public of this city and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana this 31st day of December, 1903.

[SEAL.] F. STEINHART, *Consul General.*

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AFFIDAVIT OF ALEXIS E. FRYE.

CITY OF HABANA, *Island of Cuba, ss:*

Alexis E. Frye, being duly sworn, deposes and says that during the entire period of his service as superintendent of schools of Cuba the school laws of the island gave him no power to appoint or dismiss teachers; that he never did appoint, employ, or nominate any man or woman whatsoever for any position in the public schools of Cuba; that never, while in office or afterwards, until the press, on January 5, 1904, published an abstract of the report of the Senate committee in the Wood case, was a single act of immorality on the part of any woman teacher in Cuba brought to his notice; that never a word, written or spoken, passed between Gen. Wood and himself or between any other person and himself (Frye) concerning the immorality of any woman connected with the Cuban school system.

And the said Frye further deposes that the following articles, copied from the school laws of Cuba, were in force during the entire time of his service as superintendent of schools of Cuba.

Order 226, published December 6, 1899, was in force from that date to June 30, 1900. Article 7 of this law (a copy being printed in the report of the Senate committee on the Wood case) reads as follows:

"Boards of education shall make all necessary arrangements for opening the elementary (primary and grammar) schools by December 11, 1899, or as soon thereafter as possible, and to that end will rent rooms or buildings, supply suitable equipment, and employ teachers."

Article 22 of the same law says:

"Boards of education may employ, for a period not exceeding the last day of August, 1900, any man or woman possessing the requisite scholarship and other elements of character to teach in the public schools."

Orders 279, of June 30, 1900, and 368, of August 1, 1900 (a copy of these orders being printed in the same Senate committee report), cover the period from June 30, 1900, to the time of the American evacuation of Cuba.

Article 9 of these orders (both orders being in this particular the same) says:

"The board of education, in cities of the first class, will consist of a school council and school director.

"ART. 18. The council shall appoint and fix the salary of a superintendent (meaning a city superintendent). * * * The superintendent (referring to the city) of instruction shall have the sole power to appoint and discharge, with the approval of the council, all assistants and teachers authorized by the council to be employed.

"ART. 76. Each board of education shall have the management and control of the public schools of the district, except as otherwise provided for boards of education in city districts, with full power to appoint principals, teachers, janitors, and other employees."

And the said Frye further deposes that at no time was he a member of any city or rural district board of education or superintendent of schools of any city, but that during his entire term of service in Cuba he was general superintendent of the schools of the entire island, and that therefore, under the law, he received no power to nominate, appoint, or employ any teachers in any schools, public or private. He further deposes that any statement, by whomsoever made, to the effect that he employed incompetent and immoral teachers is wholly false, and that the same is shown to be false by the published laws of Cuba.

And he further deposes that any statement to the effect that the employment of incompetent or immoral teachers by him in the schools of Cuba was a cause of trouble between Gen. Wood and himself is absolutely false, and that this also is shown to be false by the published laws of Cuba.

ALEXIS E. FRYE,
Former Superintendent Schools of Cuba.

Subscribed and sworn to before me on this 11th day of January, 1904.

[SEAL.] LDO. JOSÉ RAMIREZ DE ARELLANO.

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CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba, ——— —, ——.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing and annexed document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of Ldo. José Ramirez de Arellano; and that he is a duly authorized and commissioned notary public of this city, and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana this 11th day of January, 1904.

[SEAL.] F. STEINHART, *Consul General.*

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AFFIDAVIT OF GEORGE RENO.

REPUBLIC OF CUBA,
City and Province of Habana:

George Reno, being duly sworn, deposes and says: My name is George Reno. During the late Spanish-American War, and for two years previous, I was special envoy on various occasions between the Provisional Government of Cuba and the administration at Washington, as may be shown by the files in the War Department in Washington. I have resided in the island of Cuba for nine years. After said war I was the first chief of the revenué service in Cuba and organized the same under the present Government. I am now the general land and immigration agent in Cuba for the Southern Pacific Railroad and Steamship System, with my office at 21 Obispo Street in the city of Habana.

In the year 1900 I was correspondent of the Indianapolis News, the McClure Magazine Co., and the Review of Reviews, of New York. In the line of duty, while seeking admission to social functions under the patronage of the government of intervention, I was invariably referred by Gen. Wood to Capt. Bellairs, reporter of the Associated Press, who had been designated by said Wood to pass upon the social standing of all the guests to such functions. On February 22, 1900, a group of American correspondents, including myself, were denied the courtesy of invitations to the Washington's Birthday ball of same date, given under the patronage of the military governor. Among the correspondents was the first and only American lady correspondent who penetrated the Spanish blockade of Cuba, and who carried with her the American flag taken from the house of Senator Foraker in Washington, together with a letter of encouragement from said Senator to Bartolomé Masó, president of the Provisional Government of Cuba. By chance Gen. Ludlow, governor of the city of Habana, learned of this act of Bellairs, and of his own volition personally informed these correspondents that within 30 minutes the invitations would be at their hotels, and it is needless to say that the invitations were there. I refer to this circumstance merely to show the social sway which this man Bellairs exercised through the authority of Gen. Wood over social functions under the patronage of the Government.

On or about the 14th day of March, 1900—the day when the Secretary of War, Mr. ROOT, visited the Cabanas fortress, and when Gen. Wood sent all the ladies of the party under the care of said Bellairs—Gen. William Ludlow, Maj. E. G. Rathbone, Col Tasker H. Bliss, Capt. Bellairs, and others, including the deponent, took lunch around the same table in the public restaurant called the Paris Habana. At the close of the lunch said Bellairs arose and made the following statement, significant of the assurance he felt as to his past and future influence over the destiny of his chief:

"I make the following prophecy: In the year 1908, Leonard A. Wood will be elected President of the United States, and I will put him there. You know what I have done for him in the past; mark my words and watch the future."

The deponent further says: On February 23, 1900, while commenting upon the exclusion of the correspondents referred to above, Mr. Frank Cairns, chief of the bureau of secret service of Cuba, told me (the deponent) that he had received information, not only from the secret service in Washington, but also from soldiers of the American Army in Cuba, which led him to believe that said Bellairs was an ex-convict and degenerate of the worst type, and that he had been guilty of the filthiest and vilest of acts with these men and others. Mr. Cairns asked me to assist him in securing a photograph of Bellairs to send to Judge Mitchell, of Tampa, Fla., as a means of identification. I obtained a photograph of Bellairs, and it was sent to said Judge Mitchell, and was by him identified as that of a criminal he had sentenced some years before to the State penitentiary in Florida, as said Judge Mitchell has since certified through the press. All these facts were known to the chief of secret service in Cuba, whose immedite superior was Col. Tasker H. Bliss, while said Bellairs was still in Cuba and enjoying the protection of Gen. Leonard Wood.

And the deponent further says: On or about the 7th day of August, 1900, a man giving the name of Johnson came to me for work and told me frankly that he had served time as a convict; that through the influence of said Bellairs he (Johnson) had been holding a position as watchman in the arsenal in Habana, but that he had been dismissed as soon as Bellairs left Cuba. I finally drew from him the fact that not only he (Johnson) but also two other men then in Habana, whose names

and addresses he gave me, had served a term of years with said Bellairs in the State penitentiary of Florida.

Upon learning the full story of said Johnson, I (the deponent) induced him to go to the office of said Cairns, chief of the secret service, and relate the facts to that officer. At about 11 o'clock in the evening of the same day said Cairns called upon me at the Hotel Trotcha and stated to me that Johnson had told him the whole story; that he (Cairns) had repeated it to Col. Tasker H. Bliss, his superior officer, and that Col. Bliss, realizing the importance of the matter, had informed Gen. Wood of the facts; that Gen. Wood had sent at once for him (Cairns), and in a very excited and agitated manner had asked him (Cairns) who knew the facts besides himself and Col. Bliss; that Mr. Cairns had told Gen. Wood that I (George Reno) knew them; that Gen. Wood appeared greatly disturbed, and told him (Cairns) that as a Government official he (Cairns) must keep quiet, but that I, a newspaper man, might not; that Gen. Wood then told him (Cairns) that this Bellairs matter must be dropped right where it was; that Gen. Wood then ordered him (Cairns) to find me at once, and, if necessary, "bulldoze" me into silence; that he (Cairns) had told Gen. Wood that that would not work; that said Wood then told him (Cairns) to "buy me off"; that he (Cairns) replied that that also would fail; that Wood then said there must be some way to reach me, and he (Cairns) replied that he would appeal to me as an American, would explain to me that the reputations of many excellent people were at stake, owing to their social and political connection with Bellairs; that said Wood ordered him (Cairns) to lose not a moment, but to find me and appeal to me to be silent. And the deponent further says that the above is a true and faithful account of the conversation with said Cairns, and that he (Cairns) is now in the employ of the Government in Manila; also that when said Cairns appealed to him (the deponent) as a friend to drop the matter, he (the deponent) informed Cairns that an account of the facts had been mailed to the States that day and would leave by the next mail boat; that Mr. Cairns replied that Gen. Wood would see to it that the article would not see light in the press, and that the deponent has reason to believe that Gen. Wood did so, as he (the deponent) never heard from the article afterwards.

And the deponent further says that while he was willing at that time to let the matter rest for the sake of many American residents in Cuba who had social and political relations with Bellairs, that now he feels that the truth should come to light as a protection of society against said Bellairs, inasmuch as Gen. Wood has seen fit to suppress the facts and deny knowledge of them.

GEORGE RENO.

Subscribed and sworn to before me this 2d day of January, in the year 1904.

[SEAL.] LDO. JOSÉ RAMIREZ DE ARELLANO,
Notary Public in and for the City of Habana.

CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba, ——— —, ——.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing and annexed document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of Ldo. José Ramirez de Arellano.

And that he is a duly authorized and commissioned notary public of this city and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana, this 2d day of January, 1904.

[SEAL.] F. STEINHART,
Consul General.

—

AFFIDAVIT OF EDWIN WARREN GUYOL.

CITY AND COUNTY OF NEW YORK,
Borough of Manhattan, ss:

I, Edwin Warren Guyol, being duly sworn, say: That I am a native-born American citizen; that during a part of the administration of Gen. Wood in Cuba I resided in Habana and was the editor of the English page of the newspaper then published in Habana called La Lucha; that at various times I criticized Col. William M. Black, United States Army, the chief engineer of the Department of Cuba, in the columns of La Lucha, and much of the information on which I based my criticisms of Col. Black's official acts was furnished me by Gen. Wood.

As a result of some of these criticisms, Col. Black, through the fiscal, requested the judge of first instance of Habana to prosecute me. On learning this fact I immediately sought Gen. Wood.

I found him driving in his carriage, which I stopped at the corner of Cuba and O'Reilly Streets.

I told him that Col. Black had requested the judge of first instance to have me arrested and that prompt action was necessary to prevent my arrest.

In answer to my request he wrote a memorandum in pencil on one of his cards, asking that the judge of the cathedral district be asked to come to the palace to await his return.

He asked me to deliver this card to Col. Richards, his adjutant general, and requested me to wait at the palace until he would return from his drive.

I carried out his directions.

Gen. Wood and the judge arrived almost simultaneously at the palace.

The judge went with Gen. Wood into the latter's private office, and as a result of that conference I was not molested.

I also criticized Gen. William Ludlow's official acts in the columns of La Lucha, some of the material for which criticisms Gen. Wood gave to me for the purpose of having it used in criticism of Gen. Ludlow's administration in Habana.

EDWIN WARREN GUYOL.

Sworn to and subscribed to before me this 7th day of January, 1904.

[SEAL.] CHARLES ALVIN ROGERS,
Notary Public.

The article referred to is as follows:

While it is never necessary to tell a lie it is not always wise to tell all the truth, consequently many facts connected with this campaign will probably never be known; but this much is certain: First, that Lawton and Wood were not the only men who endured the whole campaign; second, water was not scarce nor did the command ever travel where there was no shade nor grass visible; third, that the command was never without supplies; fourth, that no company of soldiers ever became exhausted and were ordered back to barracks for this reason; fifth, that no portion of Capt. Lawton's command, except Troop B of the Fourth Cavalry, ever had a fight with the Indians during the entire campaign, and at this fight Dr. Wood was not present; sixth, that Dr. Wood never saw a hostile Indian from the time he started until Geronimo came into Capt. Lawton's camp to talk surrender, and that he never heard a shot fired at any hostile Indians; seventh, that the nominal command of a few soldiers of Infantry—traveling over a country for a few weeks in the wake of a detachment of Indian scouts commanded by an officer who had, while in command of a troop of Cavalry not connected with the Lawton command, run onto the hostiles, and who, with his detachment, discovered the camp of the hostiles on the Yaqui River when he was 10 miles in advance of Capt. Lawton, Dr. Wood, and the Infantry, and who captured all the property therein an hour before the arrival of Capt. Lawton, Dr. Wood, and the Infantry detachment (the hostiles had abandoned the camp unseen by even the Indian scouts, so that not a shot was fired even by the scouts at any hostiles), and though no fight was had during these few weeks by this Infantry detachment nor a shot fired by them—secured for the person in nominal command a reputation—entirely outside the Army—for command and for capacity in Indian fighting, and also a medal of honor.

H. C. BENSON, *Major, Fifth Cavalry.*

Mr. WEEKS. Will the gentleman yield?

Mr. HAY. Yes.

Mr. WEEKS. I want to ask the gentleman from Virginia if he really believes those statements regarding Gen. Wood are true.

Mr. HAY. That is not a fair question as to what I believe. [Applause on the Republican side.] I am simply stating what was stated by men who filed these affidavits, and which were incorporated in the report made by Senator Mark Hanna to the Senate in this case. [Applause on the Democratic side.]

Mr. WEEKS. I think the gentleman from Virginia ought not to repeat such assertions about an officer of the Army unless he himself really believes they are true.

Mr. HAY. I certainly do think I should do so, when my motives have been impugned by every gentleman on that side of the House.

Mr. WEEKS. They have not been by me.

Mr. HAY. Well, by almost every gentleman who has spoken on that side—that I have been actuated by some personal spite against this Army officer.

Mr. KAHN. The gentleman from Virginia will certainly acquit me of having made any statement of that kind.

Mr. HAY. I will not impugn anybody who did not do it. [Laughter.]

Mr. COOPER and Mr. GILLETT rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. HAY. I yield to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. I would like to ask the gentleman if the gentleman thinks his remarks now tend to destroy that impression of personal spite?

Mr. HAY. Well, that is just as the gentleman chooses to take them. I was going on to show that Gen. Wood, since he has been Chief of Staff, has not been an efficient Chief of Staff; that he has charged in magazine articles and in newspaper articles and has stated before committees of this House matters concerning the Army of a most detrimental character; that he has stated that there is no Army; that the Army was nothing but a collection of fellows who cleaned out front yards, and things of that sort. If that were true, if these abuses of which he complained were true, why is it that during the two or three years he has been Chief of Staff he has not put a stop to these abuses and brought about some reforms? [Applause on the Democratic side.]

Mr. COOPER. Will the gentleman yield?

Mr. HAY. I had no desire to have anything personal injected in this debate about Gen. Wood. In my opening statement I said nothing about him, but gentlemen, by their remarks, have forced me into a discussion of the whole matter. I have nothing against Gen. Wood; I have no feeling against Gen. Wood. He has not done anything to me. He has not suggested that any Army post in my district or in my State should be abandoned——

Mr. COOPER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HAY. What does the gentleman desire to say?

Mr. COOPER. Will the gentleman permit a question?

Mr. HAY. If the gentleman will ask simply a question, I will try to answer it.

Mr. COOPER. Is the gentleman aware of the fact that Maj. Rathbone, who was convicted of embezzlement and sent to the penitentiary for 10 years in Cuba while Gen. Wood was at the head of affairs in that island, was the man charged—I do not know whether truly or not—with having handled the funds by which Mark Hanna was alleged to have been elected Senator from Ohio the first time?

Mr. HAY. I do not know that that has anything to do with this question. The gentleman ought to know more about it

than I do. I am not familiar with Republican activities. [Applause.]

Mr. COOPER. I am only speaking of possible motives behind the charges against Gen. Wood, and the gentleman knows, does he not?

Mr. HAY. The gentleman from Wisconsin is making a speech. He is not asking a question.

Mr. COOPER. Will the gentleman answer one more question?

Mr. HAY. If the gentleman will ask the question briefly, I will yield.

Mr. COOPER. Does not the gentleman know that after the investigation of the charges filed against Gen. Wood he was exonerated, and that ELIHU ROOT, the Secretary of War, wrote a letter saying that other charges against Gen. Wood were absolutely groundless?

Mr. HAY. I know he was confirmed by the Senate. As I said a moment ago, when the gentleman interrupted me, I did not want to get into any personal controversy with Gen. Wood, but his friends have undertaken, through the newspapers and in other ways, to cast aspersions on the conferees of the House and Senate on their honesty and their good faith.

There are two sides to it; and people who live in a glass house ought not to throw stones at other people, and they can not throw stones at me with impunity.

Now, about this commission. Much has been said by our genial friend from California about our having selected a jury to pass upon this case which have already decided what they would do. As I stated when I was up before, I did not know at the time that these officers were selected that any of them had served on a commission having regard to Army posts.

But these three gentlemen to whom allusion has been made are honest, upright, capable men. They are not bound by any decision which they have given heretofore. Their report was merely an incidental one and was not called for under the law under which they acted. Therefore I do not think that we need apprehend they will do otherwise than give an honest, fair decision as to what they believe to be right with regard to these posts.

As to the appointment of Gen. Humphrey, about whom the gentleman from Illinois [Mr. MANN] makes so much, I have only to say that when I suggested his name on that commission I did not then recall the fact that he was in the employ of any powder company. But, as I said before, that has nothing to do with his qualification to pass on the location of Army posts. He is an honest, square, capable, upright man, and because a man is employed by a powder company it does not disqualify him from discharging, with efficiency and honesty, the duties which this act will devolve upon him. Now, Mr. Speaker, in conclusion I want to ask the gentlemen on this side of the House to sustain this conference report. It is the labor and the work of over a year, and it carries in it provisions which will ultimately save in the military establishment $10,000,000 a year. [Applause on the Democratic side.] And to develop an attack of this sort simply because one man chooses to make a fight upon it in order that his individual career or place may be taken care is a very small way, in my opinion, to approach this subject. [Applause on the Democratic side.]

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in order to put in one or two clippings from newspapers. I will not abuse the privilege.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on this conference report may have five legislative days in which to extend their remarks.

The SPEAKER pro tempore. The gentleman from Virginia asks that all gentlemen who have spoken on this conference report may have five legislative days in which to extend their remarks.

Mr. MANN. On the matter involved?

The SPEAKER pro tempore. On the report. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. PRINCE. Division, Mr. Speaker.

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (after counting). Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the adoption of the conference report will vote "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 120, nays 92, answered "present" 10, not voting, 169, as follows:

YEAS—120.

Aiken, S. C.	Evans	Jacoway	Redfield
Alexander	Faison	Johnson, Ky.	Rees
Anthony	Fergusson	Johnson, S. C.	Roddenbery
Bartlett	Finley	Jones	Rothermel
Beall, Tex.	Fitzgerald	Kinkaid, Nebr.	Rouse
Bell, Ga.	Flood, Va.	Kinkead, N. J.	Rucker, Colo.
Blackmon	Floyd, Ark.	Kitchin	Saunders
Boehne	French	Lee, Pa.	Scully
Booher	Gallagher	Lever	Sherwood
Borland	Garner	Lewis	Sims
Burnett	Goodwin, Ark.	Littlepage	Sisson
Byrns, Tenn.	Graham	Littleton	Small
Campbell	Gregg, Pa.	Lloyd	Smith, Tex.
Candler	Gregg, Tex.	McDermott	Stanley
Carter	Gudger	McGillicuddy	Stedman
Clayton	Hamlin	McKellar	Stephens, Nebr.
Cline	Hammond	Maguire, Nebr.	Stephens, Tex.
Conry	Hardwick	Mays	Stone
Covington	Hardy	Mondell	Sweet
Cravens	Harrison, Miss.	Morrison	Talcott, N. Y.
Curley	Hay	Moss, Ind.	Townsend
Davenport	Heflin	Oldfield	Tribble
Davis, W. Va.	Henry, Tex.	O'Shaunessy	Turnbull
Dent	Hensley	Padgett	Underhill
Dickinson	Holland	Page	Underwood
Dickson, Miss.	Houston	Patten, N. Y.	Webb
Dixon, Ind.	Howard	Pepper	White
Doughton	Hughes, Ga.	Pou	Witherspoon
Edwards	Hull	Rainey	Young, Kans.
Ellerbe	Humphreys, Miss.	Rauch	Young, Tex.

NAYS—92.

Ainey	Driscoll, M. E.	Lafferty	Post
Allen	Dwight	La Follette	Prince
Anderson, Minn.	Farr	Lenroot	Prouty
Austin	Focht	Longworth	Reilly
Barchfeld	Foss	Loud	Reyburn
Browning	Gardner, Mass.	McCall	Sloan
Buchanan	Gardner, N. J.	McKinney	Smith, J. M. C.
Bulkley	Gillett	McLaughlin	Speer
Burke, S. Dak.	Good	Madden	Steenerson
Butler	Green, Iowa	Mann	Stephens, Cal.
Cannon	Hamilton, Mich.	Martin, Colo.	Sterling
Cary	Haugen	Matthews	Sulloway
Catlin	Hawley	Moore, Pa.	Switzer
Claypool	Hayden	Morgan	Taylor, Ohio
Cooper	Hayes	Mott	Vare
Copley	Henry, Conn.	Murdock	Volstead
Crago	Howland	Needham	Warburton
Crumpacker	Hughes, W. Va.	Nelson	Wedemeyer
Danforth	Humphrey, Wash.	Norris	Weeks
Davis, Minn.	Kahn	Patton, Pa.	Wilder
Difenderfer	Kendall	Payne	Willis
Dodds	Kennedy	Peters	Wilson, Pa.
Donohoe	Knowland	Pickett	Young, Mich.

ANSWERED "PRESENT"—10.

Foster	Lobeck	Russell	Smith, Saml. W.
Jackson	Parran	Shackleford	
Korbly	Richardson	Slayden	

NOT VOTING—169.

Adair	Draper	Kindred	Ransdell, La.
Adamson	Driscoll, D. A.	Konig	Riordan
Akin, N. Y.	Dupré	Konop	Roberts, Mass.
Ames	Dyer	Kopp	Roberts, Nev.
Anderson, Ohio	Esch	Lafean	Robinson
Andrus	Estopinal	Lamb	Rodenberg
Ansberry	Fairchild	Langham	Rubey
Ashbrook	Ferris	Langley	Rucker, Mo.
Ayres	Fields	Lawrence	Sabath
Barnhart	Fordney	Lee, Ga.	Sells
Bartholdt	Fornes	Legare	Sharp
Bates	Fowler	Levy	Sheppard
Bathrick	Francis	Lindbergh	Sherley
Berger	Fuller	Lindsay	Simmons
Bowman	Garrett	Linthicum	Slemp
Bradley	George	McCoy	Smith, Cal.
Brantley	Glass	McCreary	Smith, N. Y.
Broussard	Godwin, N. C.	McGuire, Okla.	Sparkman
Brown	Goeke	McHenry	Stack
Burgess	Goldfogle	McKenzie	Stephens, Miss.
Burke, Pa.	Gould	McKinley	Stevens, Minn.
Burke, Wis.	Gray	McMorran	Sulzer
Burleson	Green, Iowa	Macon	Taggart
Byrnes, S. C.	Greene, Mass.	Maher	Talbott, Md.
Calder	Griest	Malby	Taylor, Ala.
Callaway	Guernsey	Martin, S. Dak.	Taylor, Colo.
Cantrill	Hamill	Miller	Thayer
Carlin	Hamilton, W. Va.	Moon, Pa.	Thistlewood
Clark, Fla.	Hanna	Moon, Tenn.	Thomas
Collier	Harris	Moore, Tex.	Tilson
Connell	Harrison, N. Y.	Morse, Wis.	Towner
Cox, Ind.	Hartman	Murray	Tuttle
Cox, Ohio	Heald	Neeley	Utter
Cullop	Helgesen	Nye	Vreeland
Currier	Helm	Olmsted	Watkins
Curry	Higgins	Palmer	Whitacre
Dalzell	Hill	Plumley	Wilson, Ill.
Daugherty	Hinds	Porter	Wilson, N. Y.
Davidson	Hobson	Powers	Wood, N. J.
De Forest	Howell	Pray	Woods, Iowa
Denver	Hughes, N. J.	Pujo	
Dies	James	Raker	
Doremus	Kent	Randell, Tex.	

So the conference report was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SLAYDEN with Mr. TILSON.

Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. FORNES with Mr. BRADLEY.
Mr. COLLIER with Mr. WOODS of Iowa.
Mr. FOSTER with Mr. KOPP.
Until further notice:
Mr. DENVER with Mr. LAFEAN.
Mr. DIES with Mr. LAWRENCE.
Mr. DANIEL A. DRISCOLL with Mr. MCCREARY.
Mr. FERRIS with Mr. MALBY.
Mr. FOWLER with Mr. MILLER.
Mr. FRANCIS with Mr. MOON of Pennsylvania.
Mr. GOLDFOGLE with Mr. OLMSTED.
Mr. GOULD with Mr. GUERNSEY.
Mr. HAMILL with Mr. POWERS.
Mr. HUGHES of New Jersey with Mr. PLUMLEY.
Mr. JAMES with Mr. PRAY.
Mr. LAMB with Mr. ROBERTS of Massachusetts.
Mr. LINTHICUM with Mr. SELLS.
Mr. MCCOY with Mr. SIMMONS.
Mr. MOON of Tennessee with Mr. TOWNER.
Mr. NEELEY with Mr. UTTER.
Mr. STEPHENS of Mississippi with Mr. VREELAND.
Mr. SULZER with Mr. WILSON of Illinois.
Mr. THAYER with Mr. WOOD of New Jersey.
Mr. CONNELL with Mr. HARRIS.
Mr. COX of Ohio with Mr. HARTMAN.
Mr. CULLOP with Mr. HELGESEN.
Mr. DAUGHERTY with Mr. KENT.
Mr. CLARK of Florida with Mr. HANNA.
Mr. CARLIN with Mr. GRIEST.
Mr. CANTRILL with Mr. FULLER.
Mr. BURLESON with Mr. DE FOREST.
Mr. BYRNES of South Carolina with Mr. DRAPER.
Mr. BURGESS with Mr. DALZELL.
Mr. BRANTLEY with Mr. CURRIER.
Mr. BATHRICK with Mr. CALDER.
Mr. AYRES with Mr. BURKE of Pennsylvania.
Mr. ASHBROOK with Mr. BOWMAN.
Mr. ANSBERRY with Mr. AMES.
Mr. PALMER with Mr. HILL (with mutual privilege of transfer).
Mr. DAVIS of West Virginia with Mr. SAMUEL W. SMITH.
Mr. SABATH with Mr. PORTER.
Mr. COX of Indiana with Mr. SMITH of California.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. FIELDS with Mr. LANGLEY.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. MURRAY with Mr. GREENE of Massachusetts.
Mr. PUJO with Mr. MCMORRAN.
Mr. GARRETT with Mr. FORDNEY.
Mr. BARNHART with Mr. MCKINLEY.
Mr. BROUSSARD with Mr. NYE.
Mr. SHEPPARD with Mr. BATES.
Mr. CALLAWAY with Mr. THISTLEWOOD.
Mr. RAKER with Mr. LANGHAM.
Mr. HAMILTON of West Virginia with Mr. ROBERTS of Nevada.
Mr. WATKINS with Mr. MCGUIRE of Oklahoma.
Mr. GODWIN of North Carolina with Mr. BARTHOLDT.
Mr. COVINGTON with Mr. PROUTY.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. ADAIR with Mr. HINDS.
Mr. KORBLY with Mr. HIGGINS.
Mr. DUPRÉ with Mr. HOWELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. BURKE of Wisconsin with Mr. MCKENZIE.
Mr. WILSON of New York with Mr. AKIN of New York.
Until June 21:
Mr. BROWN with Mr. HEALD.
Until July 1:
Mr. KONOP with Mr. ESCH.
Mr. SHACKLEFORD with Mr. RODENBERG (reserving the right to vote "present" to make a quorum).

Mr. RUSSELL. Mr. Speaker, I voted in the affirmative. I desire to withdraw my vote and to vote "present."

Mr. SLAYDEN. Mr. Speaker, I notice that I am announced as being paired with the gentleman from Connecticut, Mr. TILSON. As he did not vote and I am paired with him, I withdraw my vote and desire to be recorded as "present."

The result of the vote was announced as above recorded.

The announcement of the result was greeted with applause.

The SPEAKER pro tempore (Mr. SIMS). A quorum is present, and the doors will be opened.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil bill, with Mr. JOHNSON of Kentucky in the chair.

Mr. FITZGERALD. When the committee rose last night it was dividing on an amendment offered by the gentleman from Illinois [Mr. CANNON] to line 8, on page 77. I ask that that amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 77, line 8, strike out the figures "125,000" and insert in lieu thereof "150,000."

The question being taken on the amendment, on a division (demanded by Mr. FITZGERALD) there were—ayes 60, noes 85.

Accordingly the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, an amendment was offered yesterday by the gentleman from North Carolina [Mr. PAGE] to strike out the item for the traveling expenses of the President of the United States. I ask that that amendment be reported. It was passed over, to be taken up the first thing today in the consideration of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 68, strike out lines 6, 7, and 8.

Mr. MANN. I ask that the language proposed to be stricken out be reported.

The Clerk read as follows:

Strike out the following: "For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000."

Mr. PAGE. Mr. Chairman, in offering this amendment to the bill as reported from the Committee on Appropriations, as a member of that committee and as a member of the subcommittee having in charge the preparation of the bill, I wish to say for the information of the Committee of the Whole that both in the subcommittee and in the full Committee on Appropriations I reserved my right upon the floor of this House to move to eliminate this appropriation from the bill.

I have no desire and it is not my purpose to enter into any long discussion of the question that may be involved in this item of appropriation. When this language was written into the appropriation bill some five or six years ago I opposed it, and I have at every opportunity since that time voted against it.

My purpose primarily in this instance is not one of economy. The mere matter of the $25,000 does not influence me in the position I have taken relative to this appropriation. But I do not believe that there is a man upon this floor who will question the statement that the dignity and esteem in which the great office has been held through a century has gone backward in the estimation of the people of the country during the years that this appropriation has been carried more than in all the history of this Government. [Applause.]

In fact, if this paragraph had a caption it should be "To enable gatherings in various places in the United States, including county fairs, to make Exhibit A the President of the United States," and thus to cheapen the great office for which we all have great reverence, no matter who may occupy it.

I do not think there is anyone here who will question the fact, whether he will admit it or not, that the privilege extended through this appropriation has been greatly abused, and I believe it is in the interest of the office itself, as well as of the man who may occupy the office, to say nothing of the esteem in which it is held by the great mass of the people in the country, that this appropriation should be stricken from the bill. [Applause.]

It has been said, and it will be said again, perhaps, during the discussion this afternoon, that this enables the President to accept invitations from various cities and organizations scattered over the country, to visit those cities, and to make speeches to this organization and the other.

I make the statement here to-day that there is not a city or organization in the United States that really desires the presence of the President of the United States and the occasion

for his presence is a fitting one that will not willingly and gladly pay the expense to have him visit the city.

Mr. MANN. Will the gentleman yield?

Mr. PAGE. I will.

Mr. MANN. Does the gentleman think it would be compatible with the office of the President of the United States to let somebody else pay his traveling expenses?

Mr. PAGE. To answer the gentleman frankly, I think it would be much more compatible with the dignity of the office than some things that have occurred under this appropriation. [Applause on the Democratic side.] It is not my intention to criticize the present President of the United States, or any other, and I am making this effort to eliminate this appropriation in face of the fact that I believe and you believe that a Democrat will occupy the White House during the next four years. I make that statement because I want the dignity of the office maintained when he is placed in that high position.

Mr. Chairman, I do not know what the sense of the country is about this matter and I do not care. There are times and there are matters that come before this House in which we are to exercise our judgment as Representatives, not of a particular constituency but as Representatives of the country as a whole, and to do what we can what in our judgment we believe will maintain the dignity of the Chief Magistracy of this great Republic. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I regret that this controversy has arisen in the House. I have a very high estimate of the importance and dignity of the office of President of the United States. It is always unfortunate whenever his conduct is such that it requires a statement of fact which in itself is a severe criticism of his conduct.

Prior to 1906 the President, when traveling, was the guest of various railroads in the United States. About that time the trip of one President of the United States, following the unbroken custom of the country, involved an expenditure by the railroads of this country in excess of $200,000.

Then legislation was enacted which prohibited the granting of free transportation to the President and other public officials. That resulted in an act, approved June 23, 1906, authorizing the appropriation of $25,000 to pay the traveling expenses of the President, which money was to be expended and accounted for upon his certificate solely. The Congress authorized this expenditure and reposed that complete confidence in the President which should be placed in him, and did not require the submission of detailed vouchers.

I supported the legislation at that time because I was one of those who were convinced that the President of the United States necessarily incurs certain expenses in travel that should not be made a personal charge. The limit of $25,000 was fixed because at that time Mr. Roosevelt, as President, sent information to the Committee on Appropriations to the effect that when the President of the United States traveled he could not travel as an ordinary individual; that he could not take a seat in an ordinary Pullman coach, but required certain assistants to travel with him, and very frequently found it necessary to extend invitations to prominent persons or officials or to distinguished citizens to be his guests in traveling from place to place; that what ordinarily would seem to be a very large sum, in view of the circumstances surrounding the President, $25,000 would not be excessive. And since 1906 $25,000 a year has been appropriated. For 1910 the present Chief Executive set a very bad example and a very unjustifiable example of expending in excess of the amount limited by law. It necessitated action by Congress to permit him to expend out of the appropriation made for 1911 a certain portion during the fiscal year of 1910.

I criticized his action at that time because, as I then said, nothing was more important than that the President of the United States should set an example to everybody else in the Government of obeying the law and keeping within the limit fixed by the law. At that time, however, the abuses which have since been disclosed had not taken place; and although grave abuses have since taken place, and although it is to be deplored that a President of the United States should be a party to what has transpired since that time, I have that respect for and confidence in this great office that because of the dereliction of a single individual I am unable to vote to penalize whoever may hereafter be elected to that great and exalted place.

For the current year $25,000 was appropriated. During the present fiscal year I believe that the country has been shocked at the manner in which the Chief Executive of the country has absented himself from this Capital City, traveling about here and there, seeking delegates and votes and denouncing his fellow citizens, members of a different political party or of factions of his own political party not in accord with himself, at the expense of the people of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

[Mr. FITZGERALD asked for and obtained unanimous consent for five minutes more.]

Mr. GILLETT. Will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. GILLETT. Does the gentleman think these political journeys he speaks of had been paid for out of this $25,000?

Mr. FITZGERALD. I have reason to believe that some of these speeches were delivered——

Mr. GILLETT. Then I can tell the gentleman—and I am authorized to do so—that he is mistaken. They were not.

Mr. FITZGERALD. Let us see about that. Last fall the President made a very extended trip through the western part of this country, and it was during that trip that he frequently denounced the so-called progressives or insurgents in the Republican Party. What was done in order to enable him to make that trip? The cost of a special train to be utilized by the President in that trip was figured out in advance. The persons who were to accompany him on the trip were counted.

The pro rata cost of each person was figured out, and every newspaper man who was on the train was requested to pay $1,500 to the man in charge of it in order to pay for expenses. Out of the fund for the suppression of counterfeiting and the protection of the President of the United States $4,500 was taken to defray the expenses upon the train of three employees of the Secret Service, against the protest of the Acting Chief of the Secret Service that to do so would create a deficiency in that appropriation.

I have not been able to ascertain, but from the investigation I have made I am inclined to believe that those Army officers who accompanied the President upon that trip as members of the party contributed their $1,500 each, and if they did so it was because they received 7 cents a mile for their transportation out of the appropriation for the transportation of the Army.

I think it is deplorable that it is necessary to state these facts to the House and to the country, and I do not believe the President's action can be justified in what has been done in this respect. I can overlook the President's statements and denunciations of members of the political party of which I am a member and of his opponents in his own party, because, judging by results, it would pay the Democratic Party to keep him traveling all the year round. [Laughter.] But that does not justify the President of the United States in making a partisan of himself on these trips about the country, indulging, as the Chief Executive, in denunciation of any part of the citizens of the country simply because they are not in accord with him politically.

But, Mr. Chairman, in spite of these abuses, in spite of these conditions, so deplorable, I favor the appropriation of the money necessary to pay the expense of the President in traveling about the country when necessary. I am one of those who believe that, as a result of the occurrences of the present year, hereafter, the President of the United States will not be considered merely as an attraction to make successful every county fair, every charitable entertainment, every banquet, and every other money-making enterprise at which it is necessary to have some superior attraction to bring the people there.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. HARDY. I want information, and that is the reason I ask the question. My recollection is that when the matter of raising the President's salary from $50,000 per year to $75,000 per year first came before the House, the understanding then was that the traveling expenses which had been allowed before that, the $25,000 per annum, would not be asked, if the salary were raised as requested.

Mr. FITZGERALD. That was the understanding of the House.

Mr. MANN. Oh, I think not.

Mr. FITZGERALD. I think yes; but I am not criticizing on that account.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Just one moment. I think that was the understanding of a great many Members, but at the same time I do not believe that a compensation of $75,000 a year, with $25,000 additional for traveling expenses, is an exorbitant or an extravagant amount.

Mr. MADDEN. Mr. Chairman, I would ask the gentleman from New York whether he thinks he could afford to be for an appropriation of $25,000 for traveling expenses of the President of the United States, in view of the attitude which he assumed against the proposition?

Mr. FITZGERALD. Mr. Chairman, the best proof that I can afford to be in favor of it is that I am, and I am saying so.

Mr. MADDEN. If I felt the same as the gentleman from New York does about the proposition, I would vote against it.

Mr. FITZGERALD. Mr. Chairman, if the gentleman cares to he can vote against it. I propose to vote for it; but still, Mr. Chairman, I would not favor the appropriation and support it and at the same time conceal from the House these facts which have come into my possession in the discharge of my official duties as the head of the Committee on Appropriations.

Mr. MADDEN. But the gentleman is trying to make a political speech on the floor of the House in connection with a great appropriation bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANNON. Does the gentleman desire further time?

Mr. FITZGERALD. I might occupy a minute or two more.

Mr. CANNON. I ask that the gentleman's time may be extended five minutes.

The CHAIRMAN. Without objection the time of the gentleman from New York will be extended for five minutes. [After a pause,] No objection is heard.

Mr. CANDLER. Will the gentleman permit me to ask him a question?

Mr. FITZGERALD. Yes.

Mr. CANDLER. Is it not a fact prior to the time that the salary of the President of the United States was increased to $75,000 that there was not any appropriation for traveling expenses at all.

Mr. FITZGERALD. There was an appropriation made in 1906 for traveling expenses, and the increase of the President's salary was made just prior to the beginning of President Taft's present term. The former occupant of the White House could not have enjoyed the increase of compensation during his term of office.

Mr. CANDLER. This increase of the traveling expenses was made, I understood the gentleman to say, just prior to the time President Taft was elected in 1907. Then is it not a fact that at the time the President's salary was increased there was an attempt to increase it to $100,000 from $50,000 and that there was an agreement arrived at fixing it at $75,000 with the understanding that that would be the only compensation which the President would receive?

Mr. FITZGERALD. Mr. Chairman, I have already stated many Members believe that was the understanding. Since that time Congress has appropriated the $75,000 salary and has appropriated the $25,000 for traveling expenses and I do not believe in view of what has happened in that respect that whatever our understanding might have been has much effect.

I stated, Mr. Chairman, that in my opinion neither the compensation nor the allowance for the traveling expenses of the President is either extravagant or excessive, and I believe it desirable that the President be in a position whenever those great occasions arise that it was desirable that he should leave the Capital, or to leave the Capital for any reason, that he should have the means with which to travel. I think it is to be deplored that the course that has been pursued has been followed by the present Chief Executive. I am not indulging in a cheap political speech. I could much more severely criticize the President for his action in this respect than I have done. I regret it not as a partisan, but I regret it as a citizen of the United States that such statements can be made regarding the conduct of any man who happens to be President of the United States, and yet, regardless of what has happened, having that high esteem for this office, respecting every man whom I have had the pleasure or advantage of being personally acquainted with who occupied that position, I believe it would be much better that the President himself should most scrupulously observe the law and not by any indirect or roundabout manner attempt to evade it, particularly in a matter which many believe would result to his pecuniary advantage.

Mr. Chairman, this is not a question upon which men will divide upon partisan lines. It is a question that we must determine regardless of politics. I should prefer to have the President of the United States held in that high esteem that there would never be possible any criticism of his conduct of the office; that whatever differences there might be might be differences regarding matters of policy, matters of administration apart from the individual. It is unfortunate and it tends to the tearing down of the respect that is universally had for important officials of this country and which is so important a need of our system of government that men occupying these very high offices should permit themselves so far to ignore either the letter or the spirit of the law as to make necessary statements about their conduct that all good citizens must deplore. [Applause.]

Mr. CANNON. Mr. Chairman, the salary fixed at the adoption of the Constitution for the President was $25,000 a year. Then we had about 4,000,000 of people in the United States, there was not a mile of railroad, our vessels were small sailing ships, our forebears were awfully proud of what they had achieved in establishing a Republic, weak but hopeful, a bankrupt Treasury, with troubles on the borders with the Indians and troubles at home, war threatened in the great countries in Europe, especially between France and Great Britain, and almost ready to break out, the laughing stock of the rest of the world from their standpoint. The salary remained $25,000 a year until the time of President Grant, when it was increased to $50,000 a year. It remained that until it increased under Roosevelt to $75,000, to take effect under Taft. The practice grew up after the railroads came and population increased until there are now nearly 96,000,000 of people stretching across 3,000 miles from one ocean to the other—the greatest Nation on earth in population, save one, which is Russia, and we are really greater in population than Russia proper. We are the wealthiest Nation on earth. We have half of the railroads on earth. We are a happy and a prosperous people. While we have our disagreements and party peanut politics here and there, and we say the end of the Republic is to come because this thing is to happen and that thing is to happen, some of us grow pessimistic, taking counsel from our fears and others for political effect. Yet we know, in fact, that much of this talk is leather and prunella.

A few years ago by law we prohibited, so far as we had power, under the power of regulating commerce among the States, the granting of free transportation by common carriers. Prior to that time all the Presidents, certainly since 1868, had the courtesy of free special trains and provisions—a great sum. After all, we were glad they could pass about the country, especially if they were poor and not able to pay. But I was glad to vote to prohibit free transportation. A little later on we made an allowance of $25,000 a year to pay the expenses of travel of the President of the United States. Some gentlemen then criticized; some gentlemen now criticize. After all, I am here to say that $75,000 a year and $25,000 for traveling expenses now, all things considered, is not one-half as much as was $25,000 when the Constitution was adopted and Washington was elected.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. CANNON. Mr. Chairman, I would like a few minutes longer; say, about 10 minutes.

Mr. BOOHER. Mr. Chairman, I ask that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. I voted for an increase of salary to the President, and I voted for the travel pay. I am glad of it. He is our President, and whoever may be elected next November will be our President. This is a great Republic. Some gentlemen say, "Oh, I do not like the President to run around." Let me say to you that with this ninety and odd millions of people the great bulk of them will never see a President unless he passes through the country; and I am glad that the Presidents, from time to time, Cleveland, Harrison, Arthur, Grant, McKinley, Roosevelt, and Taft—Lincoln did not travel much; he could not, you know, under all the conditions very well, but was compelled to stay at the Capital—I am glad that they traveled. And I want to look the gentlemen from south of the Mason and Dixon's line in the eye. You have welcomed the President, whether Democrat or Republican, quite as joyously as we north of the Mason and Dixon's line. I believe it is right and proper and sound policy that they should travel, and should travel at the expense of the Government. Think of it! Commander in Chief of the Army and the Navy—a coordinate branch of the Government! It is true he has a house to live in. But I am satisfied, without knowing it, the expenses of entertainment alone come pretty near eating up a large part of the salary.

I know something about it in an humble way. I had the honor to be Speaker for eight years. I have no expensive habits. I fancy I do not put on any style; but even in that position, by the time I had answered the legitimate demands that were made upon me in entertaining, from the public standpoint, people who would come to Washington from the various States and sometimes those who would cross the ocean, I expended in being halfway decent more money than I care to tell. I paid that expense. I am not a rich man, but

I happened to have enough income, with my salary, to do it, and I was glad to do it.

Now, a man in a position like that of the President ought not to be required to have a private income that would enable him to pay from that income the great expenses that the President ought to bear; and if he did not bear them we would be mortified and humiliated all the while.

My constituents occasionally come down here—not often, but once in a lifetime, some of them—farmers and shopkeepers and others. They call on me; they pass to and fro about the city. I visited with one who had never seen Washington before, and I took him over to the Library of Congress here. I had a little leisure. It was an off day. We passed through the Capitol. I wrote him a note, so that he could go through the departments and receive prompt attention; but the day I took him to the Capitol I said, "I want to take you over to the Library of Congress." He had never been in Washington before. He was not worth to exceed $10,000, but he had made it by honest labor on a farm, and he had raised a family respectably, and given his children an ordinary education, and he was one of the most valuable citizens of my acquaintance; and, knowing that he had worked for every dollar that he ever received, I took him over to the Library. We passed through that magnificent building, and he looked at it, and looked at the books and at the works of art, the paintings and frescoes upon the wall.

When we went in, I said, "Mr. Johnson, they say it costs $1.75 every time a book is lifted off these shelves." Said he, "You don't tell?" "Yes," I said; "that is what they say, and I guess that is pretty nearly correct." He said, "I own a little bit of this library, and a little bit of all this public property, as a citizen, and I want to tell you that no matter what it costs, no man can go through the Capitol and go through the Library of Congress who will not step higher and feel grander than before." [Applause.]

Oh, gentlemen, do not mistake public sentiment. Do not mistake and misjudge the man on the farm or the man in the shop or the man in the factory. Do not imagine that they regret the expenditures. Compared with the expenditures elsewhere in the world, they are a mere bagatelle. Where we pay a dollar, substantially all the other great governments of the world—and I do not justify it—pay hundreds of dollars.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. With pleasure.

Mr. PAGE. I quite agree with what the gentleman from Illinois has said of the value of having people come to Washington from other sections of the United States, and I think it helps very greatly to inspire them with patriotism and love of country. I merely wanted to ask the gentleman if he did not think that, instead of making this appropriation of $25,000 to allow the President to make an exhibit of himself in various parts of the country, we should make an appropriation sufficient to bring the people here, and exhibit not only the President, but all the glories of Washington.

Mr. CANNON. Now, let us see about that, and see how much good faith there is in that suggestion. There are ninety-four or ninety-five millions of people in the United States.

Mr. BUTLER. Ninety millions.

Mr. CANNON. Oh, somebody has even said 96,000,000. I suspect there are 96,000,000 men, women, and children. On the average, the earning capacity of these people, I suppose, counting the children, is about a dollar a day; maybe not more than three-fourths of that.

The gentleman well knows it is impossible for great numbers of them to come here, and the gentleman could not have been speaking in good faith when he said he thought we had better appropriate money to bring them all here.

Mr. PAGE. I did not say I thought we had better do it. I asked the gentleman from Illinois to express himself on the proposition.

Mr. CANNON. I have great respect for the gentleman from North Carolina [Mr. PAGE], who is my colleague on the Appropriations Committee and in this House; but I want to say that I can not indorse his motion or his criticisms touching this appropriation. As to my other colleague, Mr. FITZGERALD, I will not say, "Beware of the Greeks bearing gifts," but his advocacy of this appropriation was a Parthian shot.

I want to say that in many things, from the standpoint of policy as a Republican, the President of the United States has not at all times seen things as I have seen them. He has advocated some policies that I do not advocate. But after all, he is my President and our President, and in justice to him I want to say that I think when history comes to write up his part in it it will be said that if he sinned at all it was in not paying proper attention to organization; but nevertheless it will be said that he was an able, an efficient, and a great President. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like a few minutes more. I have just got in the way of speaking, and I should like a little time in which to close.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

Mr. LONGWORTH. I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Illinois be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. He is the only President who in making his nominations for the Federal judiciary has crossed over and found some of his nominees among those who held a different political faith. Some Republicans say he might have found Republicans just as good. Yes, but after all I do not believe any man will arise in his place here and criticize his nominations in the filling of vacancies in that great court of last resort, which is, I think, perhaps as great as it has been in my time, with a Chief Justice quite as strong, in my opinion, as any Chief Justice since the days of Marshall. [Applause.]

The gentleman says that the President exhausted the $25,000 so that the next $25,000 had to be made available a short time before the fiscal year expired. I did not know that, but I suppose he did. It was made available before the fiscal year expired. That very frequently happens. Why, to-day the revenue cutters are on their way with rations galore to the volcano-stricken country in the far Northwest. When the lives of men, women, and children were imperiled and property was endangered by the floods in the Mississippi Valley, there was no money for the purposes of relief, yet the President violated the law with the assent of the gentleman from New York [Mr. FITZGERALD] and with my assent in sending rations to those stricken people, as he is violating the law now with our approval in sending the revenue cutters as fast as they can be propelled up to the scene of the volcanic devastation, having behind him the assurance that that violation of the law will be made good. After all, while I believe in the observance of law, I do not believe in what seems to me to be unfair criticism in the matter. So far as I am concerned, while I am a Member of this House, whoever is President, although I may not be upon speaking terms with him, he will be my President, and he stands for me as he stands for all the people in one of the coordinate branches of the Government; and while I am a Member of this House I will continue to vote for $25,000 a year for his traveling expenses. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the debate on this amendment close at 6 o'clock. [Cries of "Vote!" "Vote!"]

Mr. SHERLEY. Mr. Chairman, I suggest that unless some one else desires to be recognized the gentleman from North Carolina [Mr. PAGE] be given five minutes in support of his amendment, and then I will ask for five minutes in reply.

Mr. MANN. I hope the gentleman will ask unanimous consent that debate on this amendment shall proceed for not more than 15 or 20 minutes.

Mr. GILLETT. I should like five minutes.

Mr. FITZGERALD. Who else?

Mr. MANN. I suggest that the gentleman say not later than 6 o'clock.

Mr. FITZGERALD. I ask unanimous consent that the debate on this amendment close not later than 6 o'clock.

The CHAIRMAN. Unanimous consent is asked that debate upon this amendment close not later than 6 o'clock. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, a speaker in the House of Commons once had supported a measure so half-heartedly and dejectedly that the opponent who followed him suggested that he ought to have used the words of Marc Antony, "I come to bury Cæsar, not to praise him." [Laughter.] I think that is very appropriate to the argument of the gentleman from New York [Mr. FITZGERALD]. While I agree with his conclusion I entirely differ from the logical or rather the illogical process by which he reached it. After his powerful and enthusiastic support of this proposition it is perhaps superfluous to further defend it, but I wish to comment a little on the reasons he set forth for criticizing the President.

His first criticism was for using this money for a political trip. I set him right before he had gone far on that, for it is a fact that the President's trips to Ohio and Massachusetts and New Jersey were not paid for out of this fund.

Mr. FITZGERALD. I did not say that those trips had been paid for out of this fund, but I said, in the President's trips paid for by this fund he had indulged in denunciation of the other party.

Mr. GILLETT. I think the gentleman had these trips in mind from his description of them. The next criticism that he made was that the President was an attraction at county fairs, and so forth. If I wished to be as partisan as he I might respond that if the Democratic Party should elect their President, he probably would not be an attraction at any fair. But I do not wish to be so unfair and fallacious as the gentleman from New York. I think the President of the United States is, and I hope he always will be, an attraction at any and every meeting. I think it is well for the people and for the President himself, and that is the reason I have always supported this travel fund, to traverse the country and become acquainted with the people in the different sections. It is well for the people of the country, it promotes unity and patriotism and nationalism for them to see the President. But it is not seemly I think that the President's expenses should be paid by the cities that he visits. He could not afford to pay them himself, and the cities would doubtless be glad to, but I think it would inaugurate a bad system. I presume every Member of this Congress feels that when he visits towns in his district and attends celebrations he does not want them to pay his expenses. He wishes to be independent and not to have them feel or feel himself that he is under obligations, and the President is in exactly the same condition. If the President is to travel at all, as I think he ought to, it is the Nation that should pay the expenses.

The next criticism was that the expenses of the Secret Service men were paid out of this appropriation.

Mr. FITZGERALD. I did not say, Mr. Chairman, that the Secret Service men were paid out of this appropriation. I said that the Secret Service fund was depleted to pay the expenses of the trip.

Mr. GILLETT. And it ought to be. It may not be technically correct that the Secret Service men, who are nominally employed to prevent counterfeiting, should protect the life of the President; but he must be protected in some way, and for years it has been acquiesced in by this House and by the Appropriation Committee that the fund of the Secret Service should be employed for the protection of the President, although appropriated for a different purpose, and when this trip was made to the far West, if the President had tried to pay the expenses of all the newspaper and Secret Service men out of his appropriation, that one trip would have more than exhausted the whole appropriation. I see nothing improper in arranging that the newspaper men should pay their share of the expenses. The Secret Service men, in going on that trip, should also have their expenses paid out of the Secret Service fund, for it is well understood that guarding the President is one of the purposes of that fund. So it seems to me that all the criticism that the gentleman from New York has made of the President is unjustified and unfair.

It is well for the President of the United States to travel through the country and that he should have a sufficient appropriation by Congress to provide for it. I approve heartily of the payments in this administration, and I trust that the same system will be preserved, no matter who is to be President. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I ask that the gentleman from Massachusetts have one minute more to answer a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM. Does the gentleman think it is fair that the Democrats of the United States and all who are not Republicans should be taxed to pay the expenses of the President's trip during which he made the Winona speech and other speeches absolutely and entirely in the interest of his party?

Mr. GILLETT. We can not expect the President to go on a trip without occasionally making a speech in which he uses political expressions. I do not think a political trip ought to be paid for from this fund.

Mr. GRAHAM. Was not this a political trip?

Mr. GILLETT. I do not remember whether it was or whether it was not, or whether it was paid from this fund.

Mr. LLOYD. Will the gentleman from Illinois yield?

Mr. GRAHAM. Yes.

Mr. LLOYD. Does the gentleman deny that the Winona speech was in the interest of the Democratic Party. [Laughter.]

Mr. GRAHAM. It was not designed to be in the interest of that party.

Mr. SHERLEY. Mr. Chairman, the provision providing $25,000 for the President's traveling expenses was passed through this House in 1906 under a suspension of the rules, thereby requiring a two-thirds vote to carry. I was one of the Democrats who voted in favor of that provision, and the reasons that I stated then for my action appeal to me as strongly to-day as they did at that time, notwithstanding what has been said touching the use that has been made of this fund by the President of the United States. The whole proposition comes down to the question not whether you consider an individual President has properly used this fund, because you should not predicate a policy upon the action of one man, even a President of the United States, but whether you desire the President of the United States to travel about the country during his term of office. I can understand how some gentlemen like the gentleman from North Carolina, Mr. PAGE, may believe that it is more in keeping with the dignity of the Presidency and more in accord with a complete fulfillment of his duties that he should stay at the seat of government. I have no quarrel with that view, though I do not share it. I have always believed that it was of value to the President of the United States and of value to the people of America that he should travel among them during his term of office and should thereby come more in contact with them. I have believed that it would be a good thing if the membership of this House knew by personal contact a little more of the sections other than those they live in. I believe men on that side of the aisle would frequently have a better understanding of our problems in the South if they came there among us, and I am sure that we of the South might have a better appreciation of the viewpoint of the men of the North on some questions if we went among them.

I believe that the American people thoroughly desire the opportunity of seeing their President among them, in their own midst. It may be that invitations have been extended and have been accepted by the President in the past that you and I think ought not to have been extended or accepted, but I repeat that this question should not be determined upon your opinion as to whether the present Executive has wisely or otherwise used this fund.

In all human probability the man who shall occupy the White House in the next four years will not be the present Executive, but whether it be him or some one else I am not willing to force the occupant to either stay in Washington or to travel at somebody's expense. I do not believe that it is in keeping with the dignity of the office that the President should travel at the expense of any person or persons other than the entire people of this country. [Applause.] Only the American people as a whole have the right to pay for the traveling expenses of the President of the United States. [Applause.] If he is not to have this money, then I for one say that he ought not to travel at all.

Something has been said as to the extent of his salary. I have never believed in extravagant government. I believe there is a value in having the official representatives of the people live simply and set an example of simplicity in their lives, but no man knowing the necessary expense connected with the Presidency can allege that we have done aught to bring extravagance or undue expenditure in connection with that high office, and I do not believe that we at this time can afford to adopt the motion offered by the gentleman from North Carolina [Mr. PAGE]. [Applause.]

Mr. PAGE. Mr. Chairman, it is not my purpose to prolong this discussion, and unless I am more successful in obtaining votes than I have been in obtaining the voices of my colleagues in support of my amendment, the votes will indeed be few.

I believe that there are a great many men who think as I do about this question. I disclaim here and now, as I did before, that any political motive has prompted me in offering this amendment. I did not intend to utter one word of criticism even of the abuse in the expenditure of this money that is admitted by other gentlemen, and I should never have done so except for a question by the gentleman from Illinois.

But in conclusion I shall be entirely satisfied when this proposition has been submitted to a vote of the House, and a determination of the House will be final, so far as I am concerned, now that I have expressed my opinion and belief.

Mr. Chairman, I would like to have a vote.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. MANN) there were—ayes 55, noes 63.

Mr. PAGE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. PAGE and Mr. CANNON) reported that there were—ayes 55, noes 78.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of soldiers and sailors of said war;

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands";

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Alabama, for 10 days, on account of important business.

To Mr. VARE, for 10 days, on account of important business.

To Mr. HOWELL, for 10 days, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned to meet to-morrow, Friday, June 14, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (S. 6380) to incorporate the American Hospital of Paris, reported the same without amendment, accompanied by a report (No. 884), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, reported the same without amendment, accompanied by a report (No. 887), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 325) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 885), which said bill and report were referred to the House Calendar.

Mr. CLAYPOOL, from the Committee on the Public Lands, to which was referred the bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz., reported the same with amendment, accompanied by a report (No. 886), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 458) for the relief of the Turner Hardware Co., reported the same without amendment, accompanied by a report (No. 881), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 1754) to correct the military record of William F. McKim, reported the same with amendment, accompanied by a report (No. 882), which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Mississippi, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 879), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 897) for the relief of Alfred L. Dutton, reported the same without amendment, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PEPPER: A bill (H. R. 25305) to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. CARTER: A bill (H. R. 25306) to amend an act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes"; to the Committee on Indian Affairs.

Also, a bill (H. R. 25307) to establish a fish-hatchery and fish-culture station in the fourth congressional district in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: A bill (H. R. 25308) to provide for improvement of the outlet of Au Gres River, Mich.; to the Committee on Rivers and Harbors.

By Mr. PARRAN: A bill (H. R. 25309) requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 25310) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section; to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25311) granting an age pension to widows of deceased soldiers; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25312) to increase the pension of certain pensioned soldiers and sailors who lost the sight of one eye or the sight of both eyes in the service of the United States, and to provide a rate of pension for those who have lost the sight of one eye and partial loss of sight of the other eye; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 25313) establishing the Marvel Cave National Park; to the Committee on Appropriations.

By Mr. SIMMONS: A bill (H. R. 25314) for the protection of certain established societies, fraternal orders, and associations against the unlawful use of the name or names of such

societies, orders, and associations; to the Committee on the Judiciary.

By Mr. CARTER: Resolution (H. Res. 583) providing for the printing of certain decisions of the Supreme Court of the United States; to the Committee on Printing.

By Mr. BURNETT: Resolution (H. Res. 584) setting date for consideration and vote on Senate bill 3175; to the Committee on Rules.

By Mr. BEALL of Texas: Resolution (H. Res. 585) authorizing the Committee on Agriculture to have printed additional copies of the hearings on antioption bills; to the Committee on Printing.

By Mr. SPARKMAN: Joint resolution (H. J. Res. 329) for the relief of P. J. McMahon; to the Committee on Naval Affairs.

By Mr. FERGUSSON: Memorial of the Legislature of the State of New Mexico, praying Congress to levy a specific duty on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying that the United States build a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, asking that additional judicial circuits be created; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking Congress to create two judicial circuits of the State of New Mexico in lieu of one; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that the Navajo and other Indian reservations be allotted and opened to settlement; to the Committee on Indian Affairs.

By Mr. PATTEN of New York: Memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSON of Mississippi: A bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 25315) granting an increase of pension to Lewis Slyker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25316) granting an increase of pension to William Goodin; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25317) granting an increase of pension to Samuel L. Tate; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 25318) for the relief of Robert T. Martin; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 25319) granting a pension to W. S. Miller; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 25320) granting a pension to Keziah D. Cole; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25321) to correct the military record of S. C. Baxter; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 25322) for the relief of Mrs. M. J. Shirley, widow of Dr. John Shirley, and for other purposes; to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 25323) granting an increase of pension to Clarissa J. Freeman; to the Committee on Pensions.

By Mr. PEPPER: A bill (H. R. 25324) for the relief of Mary Abel; to the Committee on Claims.

By Mr. REILLY: A bill (H. R. 25325) for the relief of John G. Chapman; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 25326) granting an increase of pension to Charles A. Lee; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 25327) granting a pension to William Miller; to the Committee on Pensions.

Also, a bill (H. R. 25328) granting an increase of pension to Mathew Burnett; to the Committee on Pensions.

Also, a bill (H. R. 25329) granting an increase of pension to James B. Sheffield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the National Association of Boards of Pharmacy, the American Pharmaceutical Association, and the National Association of Pharmacologists, favoring bill to allow graduated pharmacists of the United States to practice pharmacy in Cuba; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of members of societies of the Polish Roman Catholic Union of America of the States of Michigan, New York, Massachusetts, Illinois, Indiana, and Missouri, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of St. Alberts Society, No. 398, of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the Burrow, Jones & Dyer Shoe Co., St. Louis, Mo., favoring passage of Senate bill 6810; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sutherland, Pedigo, Farwell Shoe Co., of St. Louis, Mo., protesting against the passage of the Thayer-Lenroot bills relative to the United Shoe Machinery Co.; to the Committee on the Judiciary.

Also, petition of the King Brinsmade Mercantile Co., St. Louis, Mo., praying for 1-cent postage rate on letters; to the Committee on the Post Office and Post Roads.

Also, petition of 23 citizens of St. Louis, Mo., protesting against increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Memorial of St. Stanislaus Kostka Society, No. 450, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Versailles Council, Order of Independent Americans, and citizens of McKeesport, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Pittsburgh, Pa., and Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANFORTH: Resolution of St. Joseph Society, No. 555, Polish Roman Catholic Union of America, of Rochester, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of St. Dominic Society, No. 610, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the New Orleans Cotton Exchange, favoring National Government protection of the lives and property of the people of the Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. MICHAEL E. DRISCOLL: Petition of the Women's Auxiliary of the Board of Mission in the Diocese of Central New York, relative to the relief of the natives of Alaska; to the Committee on the Territories.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 25248, for the relief of David Steers; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Thomas J. O'Gorman and Henry Metzger, of Ottawa, Ill., favoring the creation of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Legislature of the State of New Mexico, for the construction of a Government road across the Pecos Forest Reserve, etc.; to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Petition of prominent educators, labor leaders, and financiers of Massachusetts, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Resolutions of citizens of New Britain, Conn., against appointment of commission and appropriation for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, resolutions of St. Lucyana Society, No. 286, of New Britain, Conn., and Immaculate Conception Society, No. 437, of Rockville, Conn., against passage of House bill 22527, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of members of Women's Auxiliary of St. James Parish of Winsted, Conn., relative to improvement of sanitary conditions in Alaska; to the Committee on the Territories.

Also, memorial of citizens of Danbury, Conn., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, memorial of Hebrew associations of Stamford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Military Order of the Loyal Legion of the United States, New York, protesting against Senate bill 2025, for the construction of a memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. LOBECK: Petition of the Omaha Central Labor Union, of Omaha, Nebr., favoring passage of House bill 22339 and Senate bill 6172, against the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LOUD: Petitions of members of societies of Polish National Union of America, of Alpena, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of Tow Sw. Kazimsrza Society, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Liberty Bell Council, No. 76, and James G. Blaine Council, No. 2, Daughters of Liberty, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of the Workmen's Circle of New York, N. Y., and the Jewish Community of New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, Trenton, N. J., protesting against passage of Senate bill 5458, relative to building bridge across the Delaware River south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Civil Service Retirement Association, New York, N. Y., favoring passage of the Hamill pension bill; to the Committee on Pensions.

Also, petition of the Crocker Grocery Co., Wilkes-Barre, Pa., favoring passage of the Stevens weight and measure bill (H. R. 4067); to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Bank of Savannah, Ga., favoring passage of House bill 4726, making railroads responsible for the acts of their agents in connection with bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, to construct a navy memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. RAINEY: Petition of the Woman's Christian Temperance Union of Carrollton, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of citizens of the United States, favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petitions of the Daughters of Liberty of New Haven, Conn., and educators, labor leaders, and financiers of the United States, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: Papers to accompany bill granting increase of pension to Charles A. Lee; to the Committee on Invalid Pensions.

Also, petition of the Albion Malleable Iron Co., Albion, Mich., protesting against the passage of the Borah 8-hour bill; to the Committee on Labor.

By Mr. SAMUEL W. SMITH: Petition of citizens of Michigan, protesting against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Michigan, requesting legislation that will give the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Committee of Wholesale Grocers, of New York City, N. Y., favoring reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, relative to construction of a Navy memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Los Angeles Chamber of Commerce, of Los Angeles, Cal., favoring passage of House bill 22589, for improvement of foreign service; to the Committee on Foreign Affairs.

Also, memorial of the New York City Christian Endeavor Union convention, favoring passage of bill to prohibit interstate sale or rental of moving pictures of prize fights; to the Committee on Patents.

Also, petitions of the Amalgamated Society of Carpenters and Joiners and Allied Printing Trades Council, of New York City, N. Y., favoring passage of the seamen's bill (H. R. 23673) to promote safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Kops Bros., of New York City, N. Y., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, resolution of the Evangelical Ministers' Alliance, of Washington, D. C., against intervention by United States in Cuba; to the Committee on Military Affairs.

SENATE.

FRIDAY, *June 14, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, thanks sincere we render unto Thee that Thou hast brought us to this time when with grateful hearts we commemorate the day that gave to our blessed land the symbol of our Union. We pray, O God, that our flag may ever be unstained and unconquered. May they prosper who put their trust in its benign shadow. May it bring peace to them that are afar and to them that are near. Bless, we pray Thee, its defenders on land and on sea. To our fellow citizens dwelling in city and in country and toiling in the field and in the mine grant, we beseech Thee, that this sacred emblem may be the symbol and the pledge of liberty, of justice, and of union. As we stand in Thy presence, we pray Thee to consecrate us anew to the service and devotion of our country.

And unto Thee, our Father, who rulest over the kingdoms of men and whose dominion endureth throughout all generations, will we offer the grateful praise of adoring hearts now and for evermore. Amen.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WARREN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the waters between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the Woman's Society of the Park Avenue Baptist Church, of Rochester, N. Y., favoring the enactment of legislation prohibiting the practice of polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the National Association Boards of Pharmacy, favoring the enactment of legislation providing for the reciprocal interchange of certificates of the boards of pharmacy of the United States and Cuba, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CATRON presented a petition of sundry citizens of Luna County, N. Mex., praying for the enactment of legislation providing for two judicial districts for New Mexico, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Carrollton, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. POMERENE presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against an appropriation to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. BRIGGS presented a memorial of James Robnowitz Lodge, No. 169, Independent Order B'rith Abraham, of Woodbine, N. J., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Morristown, Jersey City, Upper Montclair, Trenton, Elizabeth, and Camden, all in the State of New Jersey, remonstrating against the proposed reduction of the appropriation for the maintenance of the Bureau of Trade Relations, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Elizabeth, Hopewell, Dutch Neck, Montclair, Jersey City, Trenton, Bordentown, New Brunswick, Hampton, and Swedesboro, all in the State of New Jersey, remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented a petition of sundry citizens of Rutherford, N. J., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented memorials of sundry citizens of West Hoboken, Union Hill, North Bergen, West New York, and Weehawken, all in the State of New Jersey, remonstrating against any reduction of the duty on embroideries and embroidered laces, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Mines and Mining, to which was referred the bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes, reported it without amendment and submitted a report (No. 879) thereon.

Mr. BROWN, from the Committee on Military Affairs, to which was referred the bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army, reported it without amendment and submitted a report (No. 880) thereon.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4900. A bill to provide for the erection of a public building at Altus, Okla. (Rept. No. 884); and

S. 4883. A bill to provide for the erection of a public building at Shawnee, Okla. (Rept. No. 885).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6734) to provide for the erection of an armory in the District of Columbia, reported it without amendment and submitted a report (No. 886) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 6191) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate concurrent resolution 22, to appoint a joint special committee of Congress to investigate rentals paid by the Government and the District of Columbia, submitted by Mr. GALLINGER on the 7th instant, reported it favorably with an amendment.

He also, from the same committee, to which was referred Senate resolution 327, to reimburse the Sergeant at Arms for expenses incurred in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon the subcommittee, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 326, authorizing the Committee on Naval Affairs to employ a stenographer to report hearings on bills or other matters pending before the committee, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 317, authorizing the Committee on Pacific Islands and Porto Rico to employ a stenographer to report hearings on bills or other matters pending before the committee, reported it without amendment.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California, reported it with amendments and submitted a report (No. 887) thereon.

PUBLIC BUILDING AT NARRAGANSETT PIER, R. I.

Mr. WETMORE. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7096) to increase the limit of cost of the public building at Narragansett Pier, R. I., to report it favorably, without amendment, and I submit a report (No. 878) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost heretofore fixed for the erection of a public building at Narragansett Pier, R. I., to $80,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7136) granting an increase of pension to Charlotte M. Snowball; to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 7137) granting an increase of pension to Albert White (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7138) to correct the military record of David C. Slagle; and

A bill (S. 7139) to correct the military record of Harrison D. Burcham (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7140) granting a pension to Maggie Stone;

A bill (S. 7141) granting an increase of pension to Edward Sheahan;

A bill (S. 7142) granting a pension to Sarah Paine;

A bill (S. 7143) granting a pension to Alice H. Robbins;

A bill (S. 7144) granting an increase of pension to James Garrison;

A bill (S. 7145) granting a pension to J. T. Curtiss;

A bill (S. 7146) granting an increase of pension to Abraham Miller (with accompanying papers);

A bill (S. 7147) granting an increase of pension to Levi Nicholson (with accompanying papers);

A bill (S. 7148) granting a pension to Martha J. Curry (with accompanying papers);

A bill (S. 7149) granting an increase of pension to John F. Spence (with accompanying papers);

A bill (S. 7150) granting a pension to Rhoda Ann Maitten (with accompanying papers);

A bill (S. 7151) granting an increase of pension to Jasper Fleener (with accompanying papers);

A bill (S. 7152) granting a pension to Elmira L. Stiles (with accompanying papers); and

A bill (S. 7153) granting a pension to Lewis A. Coffman (with accompanying paper); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 7154) granting an increase of pension to Oswald Ahlstedt (with accompanying paper); and

A bill (S. 7155) granting an increase of pension to Joseph H. Richardson (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 7156) granting an honorable discharge to B. O. Sullivan; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 7157) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 7158) to remove the charge of desertion from the military record of Porter Loumis; and

A bill (S. 7159) to remove the charge of desertion from the military record of Samuel E. Cooper; to the Committee on Military Affairs.

By Mr. DU PONT:

A joint resolution (S. J. Res. 119) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point John C. Scholtz, a citizen of Venezuela; to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. SMITH of South Carolina submitted an amendment proposing to appropriate $6,000 for the construction of a rostrum at the national cemetery at Florence, S. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $150,000 for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $10,000 for paving the public street of the city of Helena, Ark., in front of the Federal Government building, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Arkansas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

LOSS OF STEAMER "TITANIC."

On motion of Mr. SMOOT, it was

Ordered, That the illustrations accompanying the testimony taken in the hearings of the *Titanic* disaster inquiry be printed with the document.

WITHDRAWAL OF PAPERS—GEORGE V. SHAFFER.

On motion of Mr. SMOOT, it was

Ordered, That the papers accompanying the bill (S. 3433) granting increase of pension to George V. Shaffer, Sixty-second Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CIVIL-SERVICE EMPLOYEES FROM NEW HAMPSHIRE.

Mr. GALLINGER. I offer a resolution, for which I ask present consideration.

The resolution (S. Res. 344) was read, as follows:

Resolved, That the Civil Service Commission is hereby directed to communicate to the Senate the number of persons which the State of New Hampshire is entitled to under the apportionment provision of the civil-service law; also the number now actually in the public service from that State, their names, the date of appointment in each case, and the town or city from which such appointment was made.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. OVERMAN. I ask the Senator if he will not accept an amendment to add "North Carolina" after "New Hampshire."

Mr. GALLINGER. I think the Senator had better introduce a separate resolution.

Mr. OVERMAN. I will not insist if the Senator objects, but I should like to have that information in regard to my State.

The resolution was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on June 13, 1912, approved and signed the following act.

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 299) proposing an international maritime conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WARREN. I ask the Senate to take up House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Smith, Md.
Bacon	Curtis	Myers	Smith, S. C.
Briggs	Dillingham	Overman	Stephenson
Bryan	Fletcher	Page	Sutherland
Burnham	Gallinger	Paynter	Swanson
Burton	Gardner	Perkins	Tillman
Catron	Guggenheim	Pomerene	Townsend
Clapp	Heyburn	Shively	Warren
Crawford	Johnston, Ala.	Simmons	Wetmore
Culberson	Jones	Smith, Ariz.	Williams
Cullom	Lodge	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. A quorum of the Senate is not present.

Mr. OVERMAN. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. Without objection, the Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. BRISTOW, Mr. BROWN, Mr. CHAMBERLAIN, Mr. HITCHCOCK, Mr. LIPPITT, and Mr. MCLEAN answered to their names when called.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. WARREN. There are several pending matters—the civil-service matter, the Commerce Court matter, and others—that were reserved. I will ask the Secretary to state the first in order.

The PRESIDENT pro tempore. If the Senator from Wyoming will indulge the Chair for a moment, the Chair will state the status of the bill.

Mr. MARTINE of New Jersey. Day before yesterday——

The PRESIDENT pro tempore. The Senator from New Jersey will indulge the Chair until the Chair states the status of the bill before the Senate. The bill has been reported from the Committee of the Whole to the Senate, but there has been no action taken upon the amendments which were adopted as in Committee of the Whole. It was at that stage that the Senate yesterday afternoon adjourned. The Chair makes this statement for the information of the Senate.

Mr. MARTINE of New Jersey. Day before yesterday I submitted a motion to relieve the Judiciary Committee from the further consideration of House bill 23635, known as the anti-injunction bill. Under objection the motion went over. I now most respectfully renew that motion.

Mr. WARREN. The motion is not in order.

Mr. MARTINE of New Jersey. It will take but a minute. I do not want to interfere with the Senator's bill, but I trust——

The PRESIDENT pro tempore. The Chair will state to the Senator from New Jersey that the Senate has taken up the appropriation bill, and it is now the regular order.

Mr. MARTINE of New Jersey. May I ask the chairman of the committee to withhold for a moment until we can pass on this question?

Mr. WARREN. I can not consent, because I have refused at least half a dozen Senators who wished to call up different

bills, and it is a matter of honor as to the unfinished business. I am not antagonizing the Senator's wish to promote his measure; I am not against him; but the Senator from North Carolina [Mr. SIMMONS] has consented to withhold only for the appropriation bill, and I must insist that the Senate shall proceed now with this measure to its conclusion.

Mr. MARTINE of New Jersey. Mr. President, that being the case, I give notice that I shall call up the motion to-morrow morning immediately after the conclusion of the routine business or at the proper time.

The PRESIDENT pro tempore. The notice will be noted. The question before the Senate is upon concurring in the amendment agreed to as in Committee of the Whole other than those concerning which reservations have been made.

Mr. SMITH of Georgia. I desire to make an additional reservation, which is the provision on page 10, lines 3, 4, and 5, increasing the number of privates of the police force in the Senate Office Building; also on page 12, the provision in lines 12 and 13 with reference to the Maltby Building.

The PRESIDENT pro tempore. If there be no further reservations, notice of which is to be given——

Mr. WILLIAMS. I understand that amongst the reservations that have been made are the amendments to sections 4 and 5, in reference to the tenure of office of civil-service employees.

The PRESIDENT pro tempore. The Chair is informed that those amendments have been reserved. If there are no other reservations, without objection, the amendments adopted as in Committee of the Whole will be considered as concurred in in the Senate. The bill is in the Senate and open to amendment.

Mr. CULLOM. Mr. President, on yesterday there was some discussion in reference to certain officers in the offices of the assistant treasurers at Chicago and at Boston. I said nothing on that occasion because I was not aware of the conditions. I have talked with the chairman of the committee, and I now ask that an increase be made in the case of the vault clerk at Chicago to $2,250, which is the recommendation of the Secretary of the Treasury; and also an increase to $2,500 as to the salary of the paying teller, and that the salary of the assorting teller be increased to $2,000. These are small increases, and I ask that they be made because it is important that it should be done. The Secretary of the Treasury has recommended them, but the House cut them down. It is now in order to offer the amendments. I ask that those three amendments be made. While I shall allow others to go for the present, I feel it very important that these three cases shall be incorporated in the bill.

Mr. WARREN. They are according to the estimates, and are in order.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 62, in the provision for office of the assistant treasurer at Chicago, in line 2, after the words "vault clerk," it is proposed to strike out "$2,000" and to insert in lieu thereof "$2,250."

Mr. CULLOM. That is according to the estimates.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 62, line 3, after the words "paying teller," it is proposed to strike out "$2,000" and to insert "$2,500."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 62, line 3, after the words "assorting teller," it is proposed to strike out "$1,800" and to insert "$2,000."

The amendment was agreed to.

Mr. CULLOM. Mr. President, I desire to say that the office of assistant treasurer at Chicago is the largest office of that character in the country except the one in New York. There are $100,000,000 on deposit there now and the office does an immense business. There ought to be an increase all along the line in the salaries of those connected with that office, but I shall not ask for it at this time.

Mr. CUMMINS. Mr. President, I offer an amendment to section 10, to follow immediately the amendment proposed by the senior Senator from Minnesota [Mr. NELSON], which has already been adopted. In presenting it I desire to say that it is the same amendment that I mentioned yesterday, differing only in form. Instead of applying in general terms section 266 of the judiciary code to these cases, I have written out section 266, so that there can be no misapprehension or misinterpretation concerning it.

The only other change is that I have added a provision which will require the same number of judges to sit and determine such suits upon the final hearing as is required for the issuance of a temporary injunction, and I have provided that from that final hearing the appeal shall lie direct to the Supreme Court of the United States.

Mr. CLAPP. Mr. President, before the amendment is read I should like to suggest that the provision as amended on motion of my colleague [Mr. NELSON] be read, so that it may be again before us. It has been two or three days since it was adopted.

The SECRETARY. In section 10, on page 158, Mr. NELSON offered the following amendment——

Mr. SMITH of Georgia. I wish to suggest that the entire section with the amendment be read.

The PRESIDENT pro tempore. Very well.

Mr. SMITH of Georgia. I do not ask that the whole section be read before the amendment is read.

The PRESIDENT pro tempore. It will all afterwards be read consecutively.

The SECRETARY. In section 10, page 158, Mr. NELSON offered the following amendment, which was agreed to as in Committee of the Whole:

And the procedure in the district courts shall be the same as heretofore in the Commerce Court, and the right of appeal from the district courts shall be the same as heretofore from the Commerce Court.

It is now proposed to add after those words the following:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States or by any judge thereof, or by any circuit judge acting as district judge unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit court judge and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court or to a judge he shall immediately call to his assistance to hear and determine the application two other judges: *Provided however*, That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court or any circuit or district judge may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case, and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa, which has just been read.

The amendment was agreed to.

Mr. CUMMINS. I offer as a further amendment to section 10, to immediately follow the amendment proposed by the Senator from Georgia [Mr. SMITH], the amendment I now send to the desk.

The PRESIDENT pro tempore. On what page does the Senator desire the amendment to come in?

Mr. SMITH of Georgia. It should come in on page 147.

Mr. CLAPP. Mr. President, before the proposed amendment is read, I suggest that the amendment of the Senator from Georgia be read again, as it has been several days since it was adopted.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from Georgia heretofore adopted.

The SECRETARY. The amendment heretofore adopted on the motion of Mr. SMITH of Georgia reads as follows:

The 5 additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint 5 additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

To follow the amendment just read, Mr. CUMMINS offers an amendment to read as follows:

So much of the act of June 18, 1910, as provides or authorizes or directs the said five judges to preside in the circuit courts of the United

States or in the circuit courts of appeal, or to exercise any of the powers, duties, or authority of circuit judges or of said circuit courts or of said circuit courts of appeal is hereby repealed.

Mr. CUMMINS. I was under the impression that the amendment of the Senator from Georgia had been transferred to section 10. However, it is as pertinent on page 147 as though it were incorporated in the other place.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. SUTHERLAND. If the amendment now proposed by the Senator from Iowa should be adopted, and the Senate, upon the separate vote which has been demanded upon the amendment proposed by the Senator from Georgia, should not concur in the amendment proposed by the Senator from Georgia, would it be in order to consider then the amendment proposed by the Senator from Iowa?

The PRESIDENT pro tempore. The Chair will state to the Senator from Utah that the amendment now offered by the Senator from Iowa, while it is an addition, does not, in the opinion of the Chair, appear to be a part of the amendment of the Senator from Georgia, and the amendment offered by the Senator from Georgia having been adopted as in Committee of the Whole, the amendment now offered by the Senator from Iowa would be an independent question. If this were an amendment which changed the terms of the amendment of the Senator from Georgia, the Chair would rule otherwise, but this appears to be simply an addition, without in any manner changing the terms of that amendment.

Mr. SUTHERLAND. So that, if it should turn out that the Senate should decline to concur in the amendment proposed by the Senator from Georgia and adopted as in Committee of the Whole, the amendment of the Senator from Iowa would be in the bill as a separate amendment?

The PRESIDENT pro tempore. Under the ruling of the Chair that would be so; but if the Senate prefers to consider it as a whole the Chair will submit the question in that way.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. Has not the amendment proposed by the Senator from Georgia been concurred in by the Senate?

The PRESIDENT pro tempore. It has not. The Senator from Utah [Mr. SUTHERLAND] gave notice on yesterday reserving that amendment for a separate vote in the Senate.

Mr. CUMMINS. I had forgotten that, but I now remember it.

Mr. SUTHERLAND. I ask the Senator from Iowa whether he will not defer the vote upon his proposed amendment until the amendment of the Senator from Georgia is finally disposed of?

Mr. CUMMINS. I think that is a very reasonable request, for if the amendment proposed by the Senator from Georgia is not agreed to, I would not offer my amendment, inasmuch as it is offered simply to perfect and to carry out the amendment proposed by the Senator from Georgia.

Mr. HEYBURN. Mr. President, before the Senator from Iowa takes his seat, I desire to call his attention to what may be an inadvertence in his amendment. He has omitted to enumerate the district courts; that is to say, the amendment provides that the present Commerce Court judges may not be assigned to preside in the circuit courts of the United States or the circuit courts of appeal, while the act provides that the Chief Justice may assign them to those services and also to the district courts.

Mr. CUMMINS. The Senator from Idaho is right. I will withdraw the amendment I have suggested.

The PRESIDENT pro tempore. The Chair would state that under the statement made by the Senator from Iowa that the amendment now offered by him is not simply an addition to, but is intended to carry out and to make effectual the amendment offered by the Senator from Georgia, it really would be considered as a part of that amendment; and in that case the two would necessarily be considered together.

Mr. CUMMINS. I think the amendment offered by the Senator from Georgia is effectual without my amendment, but in order to foreclose any doubt at all I offered it.

Mr. CULBERSON. Mr. President, I want to call the attention of the Senator from Iowa to a matter which he has probably overlooked. His amendment relates to the act of June 18, 1910, by name. That act was expressly repealed by the one approved March 3, 1911, which incorporates the Commerce Court provision in the judicial code, so that the repeal of the act of 1910 by his amendment is not effectual. What he ought to do is to propose to repeal so much of the act of March 3, 1911, contained in chapter 9 of the act to codify, revise, and amend the laws of the United States as relates to the Commerce Court.

Mr. CUMMINS. I had not noticed the reference, because I did not personally prepare this amendment, but that can be arranged by the withdrawal of the amendment for the time being until the amendment proposed by the Senator from Georgia is disposed of.

The PRESIDENT pro tempore. Then the Chair understands that the Senator withdraws the amendment for the time being, and the question now is upon the amendment offered by the Senator from Georgia. Does the Chair understand the Senator from Utah to ask that the amendment now be acted upon?

Mr. CUMMINS. I ask to withdraw the amendment.

The PRESIDENT pro tempore. The Chair so understood and had so announced.

Mr. CUMMINS. And I give notice that I will offer it if the amendment of the Senator from Georgia is agreed to.

Mr. CRAWFORD. Is it proper now to offer the amendment which I proposed last evening, or a similar amendment?

The PRESIDENT pro tempore. It is, unless the Senator from Utah has called up that amendment. The Chair is in doubt.

Mr. SUTHERLAND. No; I did not call it up.

The PRESIDENT pro tempore. Very well. The amendment is in order.

Mr. CRAWFORD. I offer the amendment I send to the desk, which I propose to add at the end of section 10 as amended by the adoption of the amendment offered by the Senator from Iowa. It will come at the end of his amendment. He redrafted section 266, as I understand. It is to come in at the end of the amendment offered by the Senator from Iowa, which was adopted.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. It is proposed, at the end of the amendment offered by the Senator from Iowa, to insert the following:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

Mr. CRAWFORD. Mr. President, the Senator from North Carolina [Mr. OVERMAN], as he will remember, prepared this draft originally, having in view the requirements of its provisions where the enforcement of a statute of a State is involved.

Mr. OVERMAN. This proposes to extend it to all orders of a commission?

Mr. CRAWFORD. Yes.

I wish to explain that the courts—and it came up directly in a proceeding in my own State—construe that section to apply only to those statutes relating to schedules made in relation to the rates charged by railways and express companies; that it applies only to those statutes which in terms, in the body of the statute, enacted the schedule; and that the language was not broad enough and did not extend to orders made by boards of railway commissioners fixing maximum rates.

For instance, the board of railway commissioners in my own State, acting under a statute of the State, fixed the maximum rate for the express companies upon their business purely intrastate. A district judge issued a preliminary injunction, without reference to this section, and when the matter came before the court upon argument it was held that the statute which the distinguished Senator drew applied only to State statutes which in terms fixed these rates, and was not broad enough to extend to orders made by boards of railway commissioners. So the amendment I offer is to extend its provisions so that they will apply to administrative boards and commissions created by the statute of a State and acting under the statute of the State.

Mr. OVERMAN. I think that is a very wise provision.

Mr. SUTHERLAND. I ask that the amendment be again reported.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. After the amendment of the Senator from Iowa, agreed to, on page 158, it is proposed to insert:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

Mr. SUTHERLAND. Mr. President, I think it is a very unfortunate practice to put upon appropriation bills amendments of this character which put into operation very important rules of law and make very important changes in existing law. I do not think any of us can tell from the reading of the amendment just how wide its scope may be. It refers to any administrative board. It is not confined to a railway com-

mission dealing with railway rates, but it may apply to any administrative board. It may apply to a case where a board by some action is depriving a citizen of his civil rights or to any other case where he would have a right under the Constitution or the laws of the United States to an injunction.

Then, again, the amendment proposes that the provisions of this section as amended shall apply. Among the provisions of the section is that notice shall be served upon the Attorney General of the United States or upon the Interstate Commerce Commission.

Mr. CRAWFORD. I think the Senator will find that the language includes not simply the Attorney General, but in a case where a State statute is involved it provides that notice shall be served upon the officers of the State. This, of course, makes it applicable only so far as concerns injunctions against——

Mr. SUTHERLAND. The Senator's amendment does not make applicable section 266 of the code, as I understand, but it makes applicable the provisions of the section in this legislative appropriation bill.

Mr. CRAWFORD. It could not be construed to make applicable provisions entirely foreign to these orders. That would hardly be a reasonable construction of it.

Mr. SUTHERLAND. I entirely sympathize with the proposition that any application for an injunction against the State or the State officers, based upon the claim that the State statutes are opposed to the Constitution of the United States, should be heard by the three judges. I quite agree to that. And I quite agree that that principle ought to be extended so as to include railway commissions acting under a statute; but I should have to know more about the scope of this amendment—what it is going to result in—before I would be willing to consent to extend that principle to every administrative board in the State.

I think it is a dangerous thing to undertake to put legislation of this character upon an appropriation bill—legislation that has never been considered by any committee of the Senate. Not because I am opposed to the principle, as I have stated, but for the other reason suggested, I make the point of order that it is general legislation.

Mr. HEYBURN. If the Senator will withhold the point of order for a moment, I desire to ask a question which may throw some light upon it. If we abolish this court, will the provisions that existed before the establishment of this court, in regard to appealing from the action of the Interstate Commerce Commission, be in effect or would we be entirely without any provision, having abolished the Court of Commerce, for reviewing the action of the Interstate Commerce Commission?

Mr. SUTHERLAND. No; I understand not. I understand the section as now amended provides for that review being had by these three judges.

Mr. HEYBURN. The original law would not be applicable at all; the original law in regard to reviewing the decisions of the Interstate Commerce Commission is out of effect now, and it would not be revived by anything we do.

Mr. SUTHERLAND. I should say not.

Mr. HEYBURN. Then, should we not confine ourselves to merely substituting the United States district courts with the same rights and powers? And is this an appropriate time to attempt to amend or extend the powers of review? I should think not. I am in accord with the opinion, as I understand it, of the Senator from Utah, that whenever we attempt to enlarge or add anything to the provisions now existing, which are really transferred to another court without addition or subtraction, that that is as far as we should go at this time. We ought not to attempt to legislate beyond the scope of existing powers vested in the court that we abolish.

Mr. OVERMAN. May I ask the Senator from South Dakota a question? I think he has the floor. I want to know if that question has been decided by the circuit court of appeals. Where was that question raised?

Mr. CRAWFORD. In litigation now pending, arising from an act which South Dakota enacted two years ago. It has not been decided by the court of appeals, but was by the circuit court; and the impression is that the decision of the court is well founded because of the narrow language used.

Mr. OVERMAN. Was the case appealed to the circuit court of appeals?

Mr. CRAWFORD. I think it is pending there now.

Mr. OVERMAN. There was a case from Kansas taken up to the circuit court of appeals, and it was finally carried to the Supreme Court, and the law was upheld; and I did not know but that it had the broadening effect the Senator speaks of. I may be mistaken about it. Therefore I do not see why this should not be covered by the amendment. If it is not broad enough it should be broadened.

Mr. CRAWFORD. That is the point. We are not here taking any substantial rights from anybody. We are not even curtailing or limiting in any way the right and power to issue preliminary injunctions. We are simply providing a method under which the courts must act in issuing preliminary injunctions that will protect the States from what appears to have been an abuse.

The amendment I have proposed is no more subject to a point of order than the amendment proposed by the Senator from Iowa which the Senate has already adopted. That simply extends the provisions of section 266 to preliminary injunctions against orders made by the Interstate Commerce Commission. This amendment will simply extend it in the same manner exactly to injunctions against orders made by administrative boards of a State.

Now, there is not any difference in principle or in effect between its requirements as it would apply to a State board of railway commissioners and as it might apply possibly to some other administrative board created under and acting in reference to a State statute. It could involve a constitutional right in one case as in the other, and it seems to me it would be a discrimination that might make it subject to objection that it was class legislation to undertake to specify that it should apply to boards of railway commissioners. The boards of railway commissioners or some other administrative tribunal of a State making these orders under a State law are governed by the same fundamental principles, and the language of the amendment as it is proposed would include one as it would include the other. Undoubtedly in practically all the cases which would arise under it the subject of difference would lie upon the one part with the board of railway commissioners of a State.

It has been a subject of great irritation and annoyance to have solemn acts of the State legislature and orders made by boards under acts of a State legislature rendered ineffective by the hasty arbitrary issuance of preliminary injunctions by district judges. There has been grave abuse in that direction, and the Senator from North Carolina, with whom I had a number of conferences at the time—he drew this provision in section 266 when the railway legislation was up a couple of years ago—was undertaking and intended to cover these orders of State boards, as well as the naked provisions of a State statute. But as the provision has been construed the great majority of the cases which arise are not within it and the purpose of this amendment is to make it include them.

The PRESIDENT pro tempore. What is the point of order made by the Senator from Utah?

Mr. SUTHERLAND. I make the point of order under clause 3 of Rule XVI, first, that the amendment proposes general legislation, and, second, that it is not germane or relevant to the subject matter contained in the bill. Certainly the latter point is clearly good, because there is not a syllable in this bill to which an amendment of this character can by any stretch of the imagination apply.

This is an appropriation bill, and this particular part of it proposes to transfer the jurisdiction of the Commerce Court to certain other courts, and provides that in proceedings involving cases heretofore under the jurisdiction of the Commerce Court a certain number of judges shall act. Now it is proposed to provide, in addition to that, that these judges shall act upon a totally different class of cases, to which class of cases this bill does not in the remotest degree refer.

Mr. CRAWFORD. I simply desire to say that the Senate has already adopted the amendment of the Senator from Iowa, which does put into that law legislation upon this very subject.

The PRESIDENT pro tempore. The Senator from Utah [Mr. SUTHERLAND] raises the question as to whether this amendment is germane to the amendment already adopted. Under the rule of the Senate the Chair is compelled to submit that question to the Senate. The Chair will state that if limited to the question of general legislation, the Chair would rule that it is in order, on the ground that it is an amendment to a subject matter that the Senate has already incorporated in the bill, but the question of its being germane the Chair must submit to the Senate under the rule.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry. In the question the Chair suggests as to whether it is germane, as I understand it, the question is whether it is germane to the subject contained in the amendment already adopted by the Senate which was offered by the Senator from Iowa.

The PRESIDENT pro tempore. The Chair understands that to be the question. The Senator from South Dakota having of-

fered an amendment to the amendment already adopted, or an addition to it, the Senator from Utah raises the question as to whether it is or is not germane, and the Chair submits that question to the Senate under the rule.

Mr. HITCHCOCK. Can the amendment already adopted and the proposed amendment both be read together?

The PRESIDENT pro tempore. They will again be read.

The SECRETARY. The Senator from Iowa [Mr. CUMMINS] offered an amendment, on page 158, to follow an amendment on that page already agreed to, offered by the Senator from Minnesota [Mr. NELSON]. The amendment reads:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit court judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing and interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply.

Mr. HEYBURN. I desire to call the attention of the Senator offering the amendment to the fact that in the earlier part of it he uses the term "judge of a circuit court." There is no such office now.

Mr. CRAWFORD. That is in the amendment already adopted.

Mr. HEYBURN. There is no such court. There are circuit judges who sit in the circuit court of appeals, but there is no circuit court. That can be readily corrected. It should be.

The PRESIDENT pro tempore. The Secretary will now read the amendment proposed by the Senator from South Dakota [Mr. CRAWFORD].

The SECRETARY. At the end of the amendment just read, the Senator from South Dakota [Mr. CRAWFORD] moves to add the following:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

The PRESIDENT pro tempore. The question is, Is the amendment offered by the Senator from South Dakota [Mr. CRAWFORD] germane? Those who consider the amendment germane will say "aye," opposed "no." [Putting the question.] The ayes appear to have it. The ayes have it, and the Senate determines that the amendment is germane and in order. The question now is upon the adoption of the amendment offered by the Senator from South Dakota [Mr. CRAWFORD].

Mr. SUTHERLAND. Mr. President, I wish to call the attention of the Senator from South Dakota again to the fact that his amendment, if adopted, will require in every suit that may be brought under it service of notice upon the Attorney General of the United States and the Interstate Commerce Commission. I do not think he desires that that result should follow.

It still further emphasizes what I have already said as to the unwisdom of undertaking to legislate in this way in the open Senate upon a subject of this far-reaching importance. There is already a bill of this same character, I understand, introduced by the Senator from South Dakota, pending in the Judiciary Committee. The Senator shakes his head, but I understood that such a bill had been introduced. Am I mistaken about that?

Mr. CRAWFORD. No such bill has been introduced.

Mr. SUTHERLAND. Then I am in error about that; but certainly such a bill could be introduced and referred to the Judiciary Committee, and by that committee taken up in an orderly way, and the whole subject considered.

I think, Mr. President, we are doing here an unwise thing in undertaking to pass legislation of this character, the exact scope and effect of which at least some of us have doubts about.

Mr. CRAWFORD. The amendment of the Senator from Iowa provides for the service of notice in each of these cases upon the defendants in the case. It is a pretty far fetched objection to construe the requirements to go so far as to require service upon some one entirely foreign to the case.

Mr. SUTHERLAND. The provision of the section which the Senator from South Dakota now undertakes to make applicable to the class of cases mentioned in his amendment is as follows:

Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit.

It must be given to all. It must be given to the defendants; it must be given to the Attorney General; it must be given to the Interstate Commerce Commission. Suppose a suit is brought against some administrative board of the State not in any manner connected with railroad matters, why should notice be served upon the Attorney General of the United States? Indeed, why should notice be served upon the Attorney General of the United States in a suit against the railway commission in a State? He has nothing whatever to do with it.

Mr. CRAWFORD. I will ask to perfect the amendment by adding "that in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota as modified. [Putting the question.] The ayes appear to have it.

Mr. SUTHERLAND. I ask for a division.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I will transfer that pair to the junior Senator from California [Mr. WORKS] and vote. I vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea." As he is not present, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. On this question I transfer my pair to the Senator from Missouri [Mr. REED] and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH]. I vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. Observing that he is not in the Chamber, I will withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is absent from the Chamber, and I therefore withhold my vote. If he were present, I should vote "yea."

Mr. SMITH of Arizona. I am paired with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Maryland [Mr. RAYNER] and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER]. I understand that I am at liberty to transfer my pair to the Senator from New Mexico [Mr. FALL], which I do, and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote, I

would vote "yea." Observing the pair, however, I withhold my vote.

The roll call was concluded.

Mr. McLEAN. I wish to announce that my colleague [Mr. BRANDEGEE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] and withhold my vote.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. He is not present, and I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS], and therefore I withhold my vote. I wish this announcement to stand for the day.

Mr. WARREN (after having voted in the negative). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], but he will stand paired during the consideration of the bill to-day and on this subject with the Senator from California [Mr. WORKS]. I make this announcement for the day.

My colleague [Mr. CLARK of Wyoming], who is absent on business of the Senate, has a general pair with the Senator from Missouri [Mr. STONE], and I also make that announcement for the day.

Mr. BRIGGS. I transfer my pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. WILLIAMS. Under the provisions of that transfer I am at liberty to vote. I vote "yea."

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired with the senior Senator from South Dakota [Mr. GAMBLE]. If my colleague were present, he would vote "yea."

Mr. JOHNSON of Maine. I wish to announce my pair with the senior Senator from New York [Mr. ROOT].

Mr. JONES. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business. I make this announcement for the remainder of the day.

Mr. CRAWFORD. As the transfer of my pair to the Senator from California [Mr. WORKS] will not stand, I will transfer my pair [Mr. DAVIS], who I am informed would vote "yea," to the senior Senator from New York [Mr. ROOT], which will permit my vote to stand, and the Senator from Maine [Mr. JOHNSON] is at liberty to vote.

Mr. JOHNSON of Maine. I am informed that under the transfer of pairs I am at liberty to vote. I vote "yea."

The result was announced—yeas 32, nays 17, as follows:

YEAS—32.

Ashurst	Culberson	Martin, Va.	Simmons
Bacon	Cummins	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Ga.
Brown	Gore	Nelson	Smith, Md.
Bryan	Hitchcock	Overman	Thornton
Clapp	Johnson, Me.	Perkins	Tillman
Clarke, Ark.	Johnston, Ala	Pomerene	Townsend
Crawford	Jones	Shively	Williams

NAYS—17.

Briggs	du Pont	McLean	Warren
Burnham	Gallinger	Page	Wetmore
Burton	Heyburn	Smoot	
Catron	Lippitt	Stephenson	
Dillingham	Lodge	Sutherland	

NOT VOTING—45.

Bailey	Davis	Lorimer	Richardson
Bankhead	Dixon	McCumber	Root
Borah	Fall	Newlands	Sanders
Bourne	Fletcher	O'Gorman	Smith, Mich.
Bradley	Foster	Oliver	Smith, S. C.
Brandegee	Gamble	Owen	Stone
Chamberlain	Gronna	Paynter	Swanson
Chilton	Guggenheim	Penrose	Watson
Clark, Wyo.	Kenyon	Percy	Works
Crane	Kern	Poindexter	
Cullom	La Follette	Rayner	
Curtis	Lea	Reed	

So Mr. CRAWFORD'S amendment was agreed to.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry. The amendment to the amendment is adopted. Now the amendment as amended, I suppose, is the next question, is it not?

The PRESIDENT pro tempore. The original amendment was adopted. This was an additional amendment.

Mr. HEYBURN. And now it has been amended.

The PRESIDENT pro tempore. But it does not change in any manner the status of the action of the Senate in the adoption of the prior amendment.

Mr. HEYBURN. My purpose in inquiring was that the RECORD might show my justification in asking unanimous consent that in line 10, where the word "court" last appears, that word be stricken out, because there is no such court, and I call attention to the fact.

Mr. CUMMINS. I know that. I followed the language of the judicial code precisely. This will all be in conference, and the conference committee can change the phraseology if necessary.

Mr. McCUMBER. Is an amendment now before the Senate, Mr. President?

The PRESIDENT pro tempore. The Chair has not yet disposed of the request made by the Senator from Idaho [Mr. HEYBURN] for unanimous consent for the striking out of the word "court." Does the Chair understand that to be the motion of the Senator?

Mr. HEYBURN. It not being amendable, I ask unanimous consent that the word "court" be stricken out, it obviously not having a proper place there.

Mr. CUMMINS. I have no objection at all to that.

Mr. NELSON. Mr. President, section 10 was adopted, as in Committee of the Whole, with one amendment, the amendment offered by myself, yet it was excepted when the bill was reported to the Senate. We have amended it by two separate amendments; so the question now before the Senate is upon concurring in section 10 as amended.

The PRESIDENT pro tempore. The Senator from Minnesota is correct as to that. The response which the Chair made was as to the amendment offered by the Senator from Iowa [Mr. CUMMINS]. He misunderstood the Senator from Idaho.

Mr. HEYBURN. And there was no objection to my amendment.

The PRESIDENT pro tempore. There was no objection, as the Chair understood, to unanimous consent to striking out the word "court," as requested by the Senator from Idaho. The question now is upon concurring in the section to which two amendments have been added this morning—section 10 of the original bill as reported from the Committee of the Whole and as amended by the action of the Senate to-day.

Mr. SUTHERLAND. Mr. President, is it now in order to call up the amendment offered by the Senator from Georgia [Mr. SMITH]?

The PRESIDENT pro tempore. Not unless it is an amendment to section 10, the section to which the Senator from Minnesota [Mr. NELSON] has referred.

Mr. SUTHERLAND. I thought that had been disposed of.

The PRESIDENT pro tempore. It has not been.

Mr. SUTHERLAND. Then I misunderstood the status.

The PRESIDENT pro tempore. The Chair understands that section 10 is the one to which the Senator from Minnesota [Mr. NELSON] referred and to which each of these amendments has been added.

Mr. NELSON. Exactly.

The PRESIDENT pro tempore. The question now is upon the adoption of section 10.

Mr. NELSON. As amended.

The PRESIDENT pro tempore. As amended by the action of the Senate to-day [Putting the question.] The "ayes" have it, and section 10 as amended is concurred in.

Mr. SUTHERLAND. I ask now for a vote—I do not now recall in just what part of the bill it occurs—on the amendment proposed by the Senator from Georgia [Mr. SMITH].

The PRESIDENT pro tempore. The Chair is informed that it is under the title of "Judicial," on page 147. The amendment will be reported to the Senate. It is the amendment offered by the Senator from Georgia and adopted as in Committee of the Whole. The question now is upon its adoption by the Senate.

The SECRETARY. On page 147, after line 10, the following amendment was inserted:

> The five additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. McCUMBER. Mr. President, I can not give my consent to the proposition that with the exception of the Supreme Court of the United States it is in the power of Congress to abolish any court, nor that it is in the power of Congress to destroy the term of office of any judge appointed to any of those courts. Believing that this precedent will at some time in the history of the country come back to plague us if adopted, and desiring a record vote directly upon that proposition, I offer the amendment which I send to the desk, as a substitute for the amendment proposed by the Senator from Georgia; and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. In lieu of the words inserted as in Committee of the Whole on the motion of Mr. SMITH of Georgia, Mr. MCCUMBER now proposes to insert the following:

That five additional circuit judges appointed under the provisions of an act to create a Commerce Court, approved June 18, 1910, shall from time to time be assigned by the Chief Justice of the United States for service in any district court or the circuit court of appeals for any circuit.

The PRESIDENT pro tempore. The Senator from North Dakota offers this as a substitute for the amendment proposed by the Senator from Georgia.

Mr. LODGE. It is an amendment to strike out and insert.

The PRESIDENT pro tempore. The amendment of the Senator from North Dakota is to strike out the amendment offered by the Senator from Georgia.

Mr. MCCUMBER. That is the effect of the motion, Mr. President, to strike out the amendment adopted as in Committee of the Whole, known as the amendment offered by the Senator from Georgia, and to insert in lieu thereof the language which has just been read.

The PRESIDENT pro tempore. In order to prevent any misconstruction subsequently, the Chair will state that the amendment offered by the Senator from Georgia [Mr. SMITH] is now before the Senate as if originally offered; in other words, it is an amendment proposed in the Senate.

Mr. LODGE. The amendment was adopted as in Committee of the Whole.

Mr. GALLINGER. And agreed to.

Mr. LODGE. And agreed to.

The PRESIDENT pro tempore. But it has not been concurred in by the Senate.

Mr. LODGE. This is a motion to strike out and insert.

The PRESIDENT pro tempore. It is not a part of the bill as the bill has been reported to the Senate.

Mr. LODGE. Certainly not, but this is a motion to substitute other language for it.

The PRESIDENT pro tempore. That is undoubtedly true, but the Chair desires to recall attention to the fact that it does not occupy the same status that it would if it were an amendment proposing to strike out a paragraph of the bill.

Mr. LODGE. It is to strike out from the report of the Committee of the Whole.

The PRESIDENT pro tempore. Yes; but it is pending now before the Senate subject to all the features which would attach to an amendment offered in the Senate.

Mr. GALLINGER. Exactly.

Mr. PAYNTER. Mr. President, is it in order to submit an observation on the question?

The PRESIDENT pro tempore. It is.

Mr. PAYNTER. Mr. President, I do not intend to enter upon any discussion of this question and I shall only state my conclusions with reference to it. I am fully aware that nothing I may say will have any effect on the action of this body, as Senators have their minds settled as to what they should do.

I was opposed to the establishment of the Commerce Court, and if there was a vote upon that question as a separate measure, I voted against it. I know the record shows that I was opposed to the creation of the court. I voted, however, for the bill which contained a provision for the court, because it had so many valuable provisions in it that I did not think I should allow my opposition to the establishment of the Commerce Court to prevent me from voting for the measure. I believe that Congress is without power to remove from office the circuit judges who preside over the Commerce Court for the time being. The repeal of the act creating the Commerce Court could not have the effect of abolishing the judgeships. They are not judges of the Commerce Court, but circuit judges assigned for a time to preside over that court. The duties they are to thus perform are only part of the duties which they are required by law to perform. The amendment offered by the Senator from Georgia does not attempt to abolish the circuits in the districts from which they were appointed. The circuit courts remain. The practical effect of the proposed amendment is simply to remove from office five circuit court judges. The effect is not to abolish the circuit courts, but to remove the judges. In my opinion, the amendment will be invalid if it passes, and I am opposed to it on that ground. Even if Congress had the power to enact it into a law I would still be opposed to it, because of its revolutionary character. It threatens the independence of the judiciary. Unless the independence of the judiciary is maintained, the right to life, property, and the pursuit of happiness is in jeopardy. If Congress is in political accord with the Executive, every circuit judge might, in the manner here proposed, be removed from office and their places filled by the political adherents of the administration. The effect of such an act would be nothing short of revolution. Therefore I say such legislation has a strong revolutionary tendency, and I can not give my consent to it.

While I was opposed to the establishment of the Commerce Court I would not have voted to abolish it for the reasons which most of the Senators gave who so voted, to wit: That that court had rendered decisions that did not meet with their approval. I had the honor to serve upon a bench for some years, and I know how easy it is for courts to err. I have seen, in my judgment, this great body of men commit as great errors as the courts of the country, including the Court of Commerce, have committed. So it is human to err.

I am opposed to the recall of judges because they may render opinions that may not meet with popular favor; I am opposed to the recall of judicial decisions; and I am opposed to this method of trying to get rid of five judges, who, it seems, are objectionable to many Members of this body. I therefore shall vote against the amendment of the Senator from Georgia [Mr. SMITH]. I shall, however, vote in favor of the amendment proposed by the Senator from North Dakota [Mr. MCCUMBER].

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from North Dakota, to insert the words just read in lieu of the amendment offered by the Senator from Georgia, which has been adopted as in Committee of the Whole.

Mr. WARREN and Mr. LODGE. On that the Senator from North Dakota asked for the yeas and nays.

The PRESIDENT pro tempore. The Senator from North Dakota has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. As I understand, the question is on the substitute amendment of the Senator from North Dakota for the amendment of the Senator from Georgia.

The PRESIDENT pro tempore. It is. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "yea."

Mr. ASHURST (when Mr. CHAMBERLAIN'S name was called). I am authorized to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is paired with the Senator from Pennsylvania [Mr. OLIVER] and that the Senator from Oregon is necessarily absent from the Senate Chamber on official business.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS] and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "nay." In his absence I withhold my vote.

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer that pair to the Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD], and will therefore withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from West Virginia [Mr. CHILTON] and vote. I vote "nay."

Mr. SHIVELY (when Mr. KERN'S name was called). I again announce the unavoidable absence of my colleague [Mr. KERN] from the Senate Chamber, and the fact that he is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the rest of the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the junior Senator from Delaware [Mr. RICHARDSON] and vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber; but I am informed that if he were present he would vote "yea" on this question; so I will take the liberty of voting. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Montana [Mr. MYERS] and will vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED], but I understand that the Senator from Maine [Mr. GARDNER], who is paired with the Senator from Massachusetts [Mr. CRANE], has transferred his pair to the Senator from Missouri, so that I am at liberty to vote. I therefore vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Mississippi [Mr. PERCY] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If he were present, and I were permitted to vote, I should vote "yea."

Mr. CLAPP (when Mr. THORNTON'S name was called). The junior Senator from Louisiana [Mr. THORNTON] is paired on this vote with the junior Senator from North Dakota [Mr. GRONNA].

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. The Senator from New Jersey [Mr. BRIGGS] has transferred his pair with the Senator from West Virginia [Mr. WATSON] to the Senator from Pennsylvania [Mr. PENROSE]. I am therefore at liberty to vote, and desire to vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. As already announced, I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from New York [Mr. ROOT] and vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, is not present and has not voted. I therefore withdraw my vote.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Noticing that that Senator has not voted, I withhold my vote. If I were at liberty to vote, I should vote "yea." I will let this announcement stand for the rest of the day.

Mr. LODGE. I desire to say that my colleague [Mr. CRANE], who is now paired with the junior Senator from Missouri [Mr. REED], if present would vote "yea."

Mr. HEYBURN. When my name was called I announced a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not know how that Senator would vote if present, but I desire to say that were I at liberty to vote I should vote "yea."

Mr. PERCY. I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

The result was announced—yeas 23, nays 25, as follows:

YEAS—23.

Briggs	Gallinger	McLean	Smoot
Brown	Guggenheim	Nelson	Stephenson
Burnham	Jones	Page	Townsend
Burton	Lippitt	Paynter	Warren
Catron	Lodge	Perkins	Wetmore
Cullom	McCumber	Smith, Mich.	

NAYS—25.

Ashurst	Cummins	Overman	Smith, Md.
Bacon	Gardner	Percy	Smith, S. C.
Bristow	Gore	Pomerene	Swanson
Bryan	Johnson, Me.	Shively	Williams
Clapp	Johnston, Ala.	Simmons	
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Culberson	Martine, N. J.	Smith, Ga.	

NOT VOTING—46.

Bailey	Davis	Kern	Reed
Bankhead	Dillingham	La Follette	Richardson
Borah	Dixon	Lea	Root
Bourne	du Pont	Lorimer	Sanders
Bradley	Fall	Myers	Stone
Brandegee	Fletcher	Newlands	Sutherland
Chamberlain	Foster	O'Gorman	Thornton
Chilton	Gamble	Oliver	Tillman
Clark, Wyo.	Gronna	Owen	Watson
Crane	Heyburn	Penrose	Works
Crawford	Hitchcock	Poindexter	
Curtis	Kenyon	Rayner	

So Mr. MCCUMBER'S amendment to the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. SMITH of Georgia. As I understand, the question now is upon the amendment which I reserved.

The PRESIDENT pro tempore. The question is upon concurring in the amendment proposed by the Senator from Georgia [Mr. SMITH], which was adopted as in Committee of the Whole.

Mr. SUTHERLAND. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LODGE (when Mr. CRANE'S name was called). My colleague [Mr. CRANE], who is paired with the junior Senator from Missouri [Mr. REED] would, if present, vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. FLETCHER (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea." In his absence, I withhold my vote.

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer it to the junior Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. JOHNSON of Maine (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT]. I transfer it to the junior Senator from West Virginia [Mr. CHILTON] and will vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. I transfer it to the senior Senator from Maryland [Mr. RAYNER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the senior Senator from Delaware [Mr. DU PONT] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. Under the transfer made by the Senator from Arizona [Mr. SMITH], I understand I am at liberty to vote and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from West Virginia [Mr. WATSON] and will vote. I vote "yea."

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). Inadvertently I voted. I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. Therefore I withdraw my vote.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. I transfer it to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

I make this announcement for the day.

Mr. HEYBURN. I understand I am now at liberty to transfer my pair to the junior Senator from Kentucky [Mr. BRADLEY]. I so transfer it, and will vote. I vote "nay."

Mr. LIPPITT. I again announce the transfer of my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. FLETCHER. In pursuance of the transfer of pairs announced by the Senator from Idaho [Mr. HEYBURN] I am at liberty to vote. I vote "yea."

Mr. CRAWFORD. I desire again to announce my general pair with the junior Senator from Arkansas [Mr. DAVIS].

Mr. SMOOT. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] has a pair with the Senator from Nevada [Mr. NEWLANDS].

Mr. CLAPP. I desire to announce that the junior Senator from Louisiana [Mr. THORNTON] has a pair with the junior Senator from North Dakota [Mr. GRONNA]. I will let that statement stand as to all votes relating to the Commerce Court.

Mr. CRAWFORD. I desire to make the announcement for the remainder of the day that my colleague [Mr. GAMBLE] is necessarily absent and has a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. ASHURST. I have been requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] has a pair with the Senator from Pennsylvania [Mr. OLIVER], and that the Senator from Oregon is necessarily absent from the Chamber.

The result was announced—yeas 28, nays 26, as follows:

YEAS—28.

Ashurst	Cummins	Martin, Va.	Simmons
Bacon	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Ga.
Bryan	Gore	Overman	Smith, Md.
Clapp	Hitchcock	Percy	Swanson
Clarke, Ark.	Johnson, Me.	Pomerene	Tillman
Culberson	Johnston, Ala.	Shively	Williams

NAYS—26.

Briggs	du Pont	McCumber	Stephenson
Brown	Gallinger	McLean	Sutherland
Burnham	Guggenheim	Page	Townsend
Burton	Heyburn	Paynter	Warren
Catron	Jones	Perkins	Wetmore
Cullom	Lippitt	Smith, Mich.	
Dillingham	Lodge	Smoot	

NOT VOTING—40.

Bailey	Crawford	La Follette	Rayner
Bankhead	Curtis	Lea	Reed
Borah	Davis	Lorimer	Richardson
Bourne	Dixon	Nelson	Root
Bradley	Fall	Newlands	Sanders
Brandegee	Foster	O'Gorman	Smith, S. C.
Chamberlain	Gamble	Oliver	Stone
Chilton	Gronna	Owen	Thornton
Clark, Wyo.	Kenyon	Penrose	Watson
Crane	Kern	Poindexter	Works

So the amendment was concurred in.

Mr. CULBERSON. Mr. President, I desire to make a personal statement about pairs. I have a general pair with the Senator from Delaware [Mr. DU PONT]. On the vote on the amendment of the Senator from North Dakota, offered as a substitute, I voted when my name was called, thinking the Senator from Delaware would come in. The matter passed from my mind, and I let my vote stand, although the Senator from Delaware did not come in and vote. The vote was 25 to 23. My vote would not have changed the result, else I should very gladly move to reconsider and have the matter righted.

Mr. CUMMINS. I offer the following amendment to immediately follow the amendment proposed by the Senator from Georgia, just adopted.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 147, following the amendment offered by the Senator from Georgia, just agreed to, insert:

So much of the act of June 18, 1910, and of March 3, 1911, authorizes or directs the said five judges to preside in the circuit or district courts of the United States or in the circuit courts of appeal or to exercise any of the powers, duties, or authority of circuit or district judges or of said circuit or district courts or of said circuit courts of appeal is hereby repealed.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Utah asks that the unfinished business be temporarily laid aside. Without objection it will be so ordered. The question is upon the adoption of the amendment submitted by the Senator from Iowa [Mr. CUMMINS].

The amendment was agreed to.

Mr. WILLIAMS. Mr. President——

Mr. OVERMAN. If the Senator from Mississippi will yield, there is another amendment offered by the Senator from Georgia.

Mr. SMITH of Georgia. And which will perfect it.

Mr. WILLIAMS. I withhold my amendment.

Mr. SMITH of Georgia. I will ask whether the reservation carried with it also the two other amendments, one as to the amount appropriated for the salaries of these judges and the other as to the total. If it did, I ask that they be passed on.

Mr. WARREN. The matter of totals has already been provided for by unanimous consent. The clerk has been instructed on the finishing of the bill to correct all totals.

Mr. SMITH of Georgia. That does not take care of the provision in line 7.

Mr. WARREN. It takes care of the totals only.

Mr. SMITH of Georgia. It does not take care of the provision in line 7, which refers to 34 circuit judges instead of 29, and I call attention to that amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 147, line 7, strike out "thirty-four" before the words "circuit judges" and in lieu insert "twenty-nine."

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer the amendment I had printed and gave notice of on yesterday. I call the attention of the Senator from Iowa to it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. That the Senate amendment striking out the House provision numbered section 5, beginning on line 19, page 152, and including line 21, page 153, be disagreed to, and that the House provision be adopted with the following amendments:

First. After the semicolon in line 1, page 153, all the language in lines 1, 2, 3, 4, 5, 6, and 7, down to the word "provided" in line 7, be stricken out.

Second. That after the word "shall," in line 8, page 153, there be inserted the words "except as hereinafter prescribed"; that in line 12, page 153, the word "fair" be stricken out; and that after the word "efficiency," in line 12, page 153, these words be inserted: "prescribed by the Civil Service Commission," so that the provision as amended shall read as follows:

"SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine: *Provided*, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department."

That in the Senate committee amendment, after the word "promoted," in line 5, page 154, there be inserted the words "or reappointed at the end of his five years' service"; and in line 6, strike out the words "below which no employee may fall without being demoted," and insert, after the word "rating" in line 6, this language, "and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit," so that the amendment shall read as follows:

"SEC. 6. That the Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a service maximum rating below which no employee may fall, without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

Mr. CUMMINS. Mr. President, I am very reluctant to consume any time of the Senate in the discussion of this amendment, but believing that it would be very disastrous to the civil service of this country I feel that it is my duty to record some of the conclusions that I hold with respect to the subject.

I believe that the employees of the civil service of the United States compose as faithful, efficient, loyal, and competent a body as ever served the public in any country of the world. I will go further; I believe them to be as efficient and as faithful as ever served any private enterprise in the country. I do not believe that, as a whole, they are overpaid. I believe that some of them are overpaid and that some of them are underpaid. I believe that owing to a duplication of work, which unfortunately exists in many departments, and owing to a faulty system under which the work is done, we have more employees than we ought to have, and that with proper care with respect to the duplication of labor and proper care with respect to the system under which the work is done we could dispense with a great many of the civil-service employees; and I am heartily for a readjustment which will reach these results.

I believe that in the higher grades of service the United States is paying less to its men and its women than is paid for like service anywhere in the country, and I hope the time will come when we can readjust this system so that every man and every woman will receive that which he or she fairly and honestly earns.

This civil service of ours has five defects, and I feel obliged to speak of them, because the amendments proposed by the Senator from Mississippi will, if not destroy, radically revolutionize the system. The first is that the law should prescribe what employees should be in the civil service or rather under civil service rules, what employees should enter upon merit, upon competitive examination; and that power should not have been remitted to the Executive. I think it is the duty of Congress to speedily take up the subject and prescribe by a statute what employees of this country shall enter upon examination and shall be governed by the rules of the civil service.

Second, there should be a reclassification of the civil service employees in the departments, so that the grade held by a par-

ticular employee would indicate the importance and the quality of the work in which he is engaged. As it is now, promotions are personal. Although I do not say that the power of the head of a department is often misused, nevertheless it is misused. It is not infrequent to see an employee receiving a salary of $1,000 sitting side by side with an employee who is receiving $1,200 or $1,400 per year, and the two men engaged in doing exactly the same kind of work; and it is too often true that the employee receiving the lowest salary does the more work.

Mr. CLAPP. Will the Senator allow an interruption?

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Certainly; I am glad to yield to the Senator.

Mr. CLAPP. If it will not interfere with the course of the Senator's argument, it does seem to me that that very point, the fact that there is no such thing as promotion, but there is merely provision made for increasing certain salaries, the clerks receiving the increased salary still working at the same desk and doing the same work, ought to be emphasized, because there is an impression that there is a system of promotion when in fact it is not promotion, it is merely an increase of salary. If the Senator will pardon me, it seems to me that this is a good place to make that plain to the public in the speech which he is making.

Mr. CUMMINS. I am very glad the Senator from Minnesota has emphasized the thought I had just expressed. One of the manifest defects in our system now is that there is no uniformity in the character or importance of the work that is being done by the employees who receive the same compensation. We ought to have a system into which men and women will enter in the low grades, and as they become more efficient, as their training becomes more perfect, then they ought to be advanced by grades to higher and more difficult work, and their compensation should be increased accordingly.

I may say to the Senate that the committee, of which I have the honor to be chairman, has had that question under investigation for now a year and a half at least, and a bill has been prepared, which would have been introduced long ago had not this session apparently been given over to other subjects, in which provision is made for a reclassification of all the civil-service employees and a readjustment, so that each clerk will take the place which he ought to have.

The third defect in our system, and it is a corollary of the second, is as to promotions. Promotions should be from grade to grade and promotions should be upon merit alone. We have devised a system, so far as I think we can go, requiring that entrances to the civil service shall be upon merit. We need now to devise a system by which, after entrance is successfully made, promotion shall also be made upon merit, and without any regard to political influence or the favoritism of any chief of a bureau or head of a department.

I may say this also is a subject which is under consideration. The committee of which I am chairman will propose presently a system or a plan by which the ratings, the markings of every employee shall be made as accurately as human foresight can make them accurate, and shall be so posted and so exhibited and so dealt with that there will be no possibility that they can be ignored when promotions or changes take place.

The fourth defect is that we have no provision for the retirement of our civil-service employees. We have a great many men and women above the age at which it is possible to do efficient work, and the common sentiments of the human heart prevent heads of departments from dismissing these employees, even although they have become incompetent by age, especially when it is known to the heads of departments that if they are dismissed, having been somewhat improvident during their connection with the Government, they are dismissed to a life of poverty and want. Therefore, I think it is true that every man when he reaches a certain age should be dismissed from the service, and every woman should be dismissed or discharged also upon arriving at an age to be fixed by Congress.

The bill that is now before the Senate on the calendar provides that when a civil-service employee of the first class, which really embraces all the clerical employments, arrives at the age of 70 years he shall retire. There is no discretion reposed in any department for the retention of such an employee except that he may be retained for a period of two years, if especial efficiency or value is shown.

Of the other class—that is, those employees whose service involves severe physical exertion or labor—the retirement is to be at the age of 65 years, and it is mandatory also with the limitation or condition I have just suggested. In this way, Mr. President, the civil service will be purged of its inefficient employees so far as the inefficiency arises from accumulating years.

This measure, to which I have referred, creates a retiring allowance, solely, however, from a fund accumulated by the employees themselves, except as to those employees now in the service and who will retire within a period of 20 years. I do not agree with the Senator from Mississippi that a compulsory saving system will be the forerunner of an unjust increase of compensation. What he says is an impeachment, as it seems to me, upon the resolution and the wisdom and the intelligence of Congress. All compensation should be great enough to enable the person who receives it to live with fair economy and save enough to support himself during those years in which, according to the decrees of nature, he will be incompetent or incapable of labor. I think that when the salaries of our employees are properly adjusted they ought to be compelled to save enough to make a provision for their old age, and I do not believe that the amount which they will be required to save from month to month will be used or can be used as a basis for increase of compensation, assuming always that the compensation is what it ought to be.

Recurring to the statement with which I began, I believe that some of the employees receive too much now; I believe some of them receive too little; and it is one of our highest duties to correct the injustice which now prevails by such a readjustment of salaries as will pay every man and every woman, too, for the work actually done according to the civilized standards of our own country.

The bill to which I refer bridges over the period between the present time and the moment at which the contributory system will become fully effective and fully self-sustaining by making an appropriation looking to a payment to those employees who will retire at the ages which I have already suggested and who can not in the very nature of things create the fund which will enable them to live in decency and comfort after their retirement. That, however, is a mere incident to the plan.

The plan itself is the compulsory contribution of an amount which will accumulate at the retiring age the sum of $5,000, which may be invested in the purchase of an annuity or may be taken as a whole. In either event the retiring employee is left with enough to sustain life in a moderate and comfortable way of living.

I have now suggested the four defects of our present civil-service system. They are all removable with a little diligence on the part of Congress. There is one defect in the system which never can be removed. It inheres in every governmental service. The defect is that young men especially enter the service at 21, or 22, or 23, or 24, or 25 just for the opportunity that is afforded of a training in their somewhat youthful years. They enter it with no intent to remain permanently in the service. They enter it because, first, it gives them the chance to become familiar with Washington or with their country's affairs, and especially because it gives them a chance to complete their education in the schools which are so plentiful in the Capital of the country. They serve a period of three, four, or five years, and having equipped themselves with all the knowledge which they can gather here, they retire from the service and reenter private life.

I do not desire to put a straw in the way of any young man pursuing that course. I think it indicates on his part a high and fine conception, better paths of life, those which lead to greater success and greater contentment; but, nevertheless, it leaves the civil service shorn of the exceptional ability of the young men, who use it simply for the training and education of which I have spoken.

We can never take that difficulty out of the civil service. It will remain under the changes proposed by the Senator from Mississippi. It would remain under the spoils system, and it can not be eradicated from the one we have.

I have given you in this way a hasty survey of what I look upon as the changes that ought to be made in our civil-service laws and rules. I now come to the proposal of the Senator from Mississippi. I premise what I am about to say by expressing the conclusion that if it is adopted it will destroy the essential idea of a regulative, permanent civil service.

Senators have heard his amendment read, but I will take the liberty of describing what I understand to be the changes which he proposes. I have no hesitation in admitting that the amendment of the Senator from Mississippi is much better than the House provision. I would a great deal rather see, however, the bill remain with the amendment proposed by the committee without any change whatever.

The Senator from Mississippi proposes, first, that all appointments shall be for a period of five years—that is, a five-year

term. That is substituted for the indefinite tenure of office which lasts during efficiency or competency under the present system.

Second, the amendment proposed by the Senator from Mississippi compels reappointments at the end of the term if the particular employee holds or enjoys the maximum rating which is provided for in the committee amendment, and which is to be made by the head of the department under rules prescribed by the Civil Service Commission. All those employees who fall below the maximum rating and are above the minimum rating are entirely at the pleasure of the head of the department; that is to say, the head of the department has the power to reappoint, but he is not compelled to reappoint. All employees who fall below the maximum rating of efficiency are dismissed. That is the provision made by the committee, and it is not disturbed by the amendment proposed by the Senator from Mississippi.

My objections to the amendment proposed by my friend from Mississippi are as follows: In the first place, the two sections, namely, 5 and 6, as they would be left if the amendment were adopted, are inconsistent in this, that section 5 would give to the head of the department the discretion generally to reappoint, while section 6 would limit that discretion or destroy that discretion in cases in which the employee held the maximum rating. This repugnance, however, can very easily be removed, and I only call it to the attention of the Senator from Mississippi in order that he may, if his amendment prevails, reconcile it.

Mr. WILLIAMS. If the Senator will pardon me, it does not exist, because in section 5 the language is inserted there by me, "except as hereinafter prescribed by the Civil Service Commission." That was put there for the express purpose of removing the objection of which the Senator speaks. The Senate committee had provided these regulations, and there would have been just this inconsistency between the two except for the insertion of that language.

Mr. CUMMINS. The Senator from Mississippi, Mr. President, may be right about that. I will turn to the language.

Mr. WILLIAMS. It is on lines 12 and 13 of the amendment. This is the language—I will read it to the Senator——

Mr. CUMMINS. I have it now, as it was printed in the RECORD yesterday, and, in order to be sure, I will read it aloud. If I am wrong about it, I will at once say so.

Mr. WILLIAMS. I will direct the Senator's attention to the particular point that I think cures it, and that is the proviso:

Provided, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible—

And so forth.

Mr. CUMMINS. I think, if the Senator from Mississippi will reflect upon that a moment, he will see that I am right. In order to show that I am, as it appears to me, I will read it again:

Provided, That all persons separated hereunder from the classified service shall—

And, of course, all persons are separated from the service under the section—

except as hereinafter prescribed, be eligible—

Those who are ineligible are those who fall below the minimum rating—

be eligible for and may, in the discretion of the head of the executive department, be reappointed.

I read it hastily, of course, but I do not think that the words "as hereinafter prescribed" refer to the discretion exercised by the head of the department at all, but refer only to those employees who fall below the minimum rating, and therefore become ineligible under any circumstances to reappointment. I simply suggest that to the Senator from Mississippi because I believe that to be the true construction of the section.

Mr. WILLIAMS. I would say to the Senator that that is rather a narrow construction, because when it says "hereinafter prescribed" it refers to the whole of section 6, which is the Senate amendment, and is the provision that the Civil Service Commission shall establish a system of efficiency ratings, and so forth.

Mr. CUMMINS. I only suggested it because, if the amendment passes I have not much interest then in what takes place in the civil service—I do not mean that; I have not any right to correct the proposals which are made by the Senator, and I have made this suggestion only to him.

In the next place, the word "maximum," as used in section 6 the last time, in my opinion, should be stricken out, and the word "minimum" should be inserted. I can not believe that it will bear the interpretation which is intended for it if it be permitted to remain. It says:

Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency.

Mr. WILLIAMS. If the Senator will pardon me there, I inserted later in the amendment as it was read to the Senate the word "service," and the words "service maximum rating." They are in the amendment as printed.

Mr. CUMMINS. I do not understand that we are giving the Civil Service Commission the power to make two ratings, one a maximum and one a minimum rating. Those who hold the maximum rating are under the original amendment to receive certain consideration in the way of promotions and those who are below the minimum are to be entirely dismissed from the service. As I read the amendment, it would have that effect after the changes made by the Senator from Mississippi are introduced. However, I only suggest that because, if the amendment passes, we are all desirous that no confusion shall result.

I come now to state in a few words my objection to the substance of the amendment proposed by the Senator from Mississippi. To anyone who is familiar with this matter, as is the Senator from Mississippi, it must be apparent that but few employees will reach the theoretical, abstract maximum rating established by the Civil Service Commission. There are only a few people anywhere who get a mark of 100, it matters not whether or not it is in school, college, business, Congress, or wherever human activity is found. Only a few people attain the maximum. I venture to say that when the Civil Service Commission establishes a maximum rating not 10 per cent of the civil-service employees will reach that maximum.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I thought perhaps some of the Senators might misunderstand the Senator from Iowa, though I do not think that I have misunderstood him. The Senator does not mean, of course, that what I mean by "maximum" there is a rating of 100.

Mr. CUMMINS. The Senator from Mississippi is not prescribing the maximum.

Mr. WILLIAMS. I leave that to the Civil Service Commission.

Mr. CUMMINS. If the Senator from Mississippi was prescribing it, I would have less difficulty about it. The amendment proposed by the committee, which remains so far as this point is concerned, is as follows:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted—

Or reappointed at the end of five years' service. Of course the latter words were not in the original amendment.

It shall also provide a maximum rating—

I had better read, I think, from the amendment proposed by the committee. Taking up this point, it says:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service * * *; it shall also provide a maximum rating below which no employee may fall without being demoted—

I think that that is an erroneous use of the word "maximum," but—

it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules.

If the amendment proposed by the Senator from Mississippi is adopted it will read:

It shall also provide a maximum rating—

That is, the Civil Service Commission—

it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service.

I do not know, Mr. President, just how that would be applied; but I am very sure that it could not be applied so that a very large proportion of the employees would reach this theoretical maximum rating. I assume that it means to make up a sheet in which good conduct shall be counted for so much, faithful attendance for so much, and for accuracy in work so much, and that when we have the aggregate of all of these things their comparison with a perfect standard will determine the rating of the employee whose work is being examined. I do not know what it will be, because that is a mere conjecture; but I do feel sure that a very small proportion of the employees will ever reach that rating. If 90 per cent of the employees fall

below it, or if 75 per cent of them fall below it, then the greater number, by far the greater number, of our civil-service employees will be reappointed or rejected according to the pleasure of the head of the department. We will in that way introduce into the civil service all the objections which were so great to the service at the time when employees were either brought into the service through political influence or through the favoritism of the heads of departments.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. I think the wording of the committee amendment is much preferable to the wording of the amendment offered by the Senator from Mississippi, and yet I can hardly agree with the conclusion just reached by the Senator from Iowa. The word "maximum," as used in the amendment of the committee, virtually means that a rating must not be lower than the one provided by the Civil Service Commission, but that may be, in reality, the minimum rating required to enter the service. In other words, I do not think the word "maximum" in this amendment means that an employee must pass the highest rate possible, namely, 100 per cent; but it means that he must reach the maximum rate fixed by the commission before he can be reemployed.

Mr. WILLIAMS. Mr. President, the idea in my own mind was that if, for example, I myself were the Civil Service Commission—there are three ratings here—I would prescribe, say, merely for illustration, 85 or over as the maximum rating. You might leave out the adjectives "maximum" and "minimum" altogether, if you choose, and the bill would be perfectly plain or just as plain. I put those words in because the Senate had embraced them in the provision. I should have said, if left to myself, "a rating above which" and "a rating below which" and "a service rating at which," but the Senate provision uses "maximum" and "minimum" throughout.

Mr. CUMMINS. I can understand what the Senator from Mississippi says, but I do not——

Mr. WILLIAMS. The word "maximum" does not mean in that case the highest rating, and, of course, it does not mean 100.

Mr. SMOOT. That is what I endeavored to call attention to—that the word "maximum" does not mean that it shall be 100 per cent or 95 per cent or even 90 per cent. The commission may say that the maximum rate at which employees shall be reappointed shall be only 75 per cent, or whatever they choose.

Mr. WILLIAMS. I should think 85 per cent would be a good maximum.

Mr. CUMMINS. Well, Mr. President, I do not know what these words mean as used in this section, and I do not think anybody else does.

Mr. WILLIAMS. Nobody will until the Civil Service Commission fixes it.

Mr. CUMMINS. The explanation of the Senator from Utah [Mr. SMOOT] seems to be what more than once I have heard the Senator from New York [Mr. ROOT] call an attempt to elucidate the simple by the complex. I suppose that what is meant is that the Civil Service Commission shall say that if one does not reach 75 per cent or 65 per cent, according to the marks which it prescribes, then he can not be promoted, but must be demoted, and that if he does not reach 50 per cent of a perfect standard, then he must be dismissed from the service. I do not know, though, what the Senator from Mississippi means when he says that if the employee should have a maximum rating of efficiency, then the head of the department must reappoint him. I would not know what "the maximum rating of efficiency" would mean if used in that way; but I reiterate——

Mr. WILLIAMS. But, if the Senator will pardon me, Mr. President——

Mr. CUMMINS. Yes.

Mr. WILLIAMS. If these words stood alone, and that was the end of it, the Senator would be right; but that is not what the amendment says. It is a certain rating, a maximum rating, to be prescribed by the Civil Service Commission. I purposely did not undertake to indicate even to myself what should be a maximum or minimum, because I thought the Civil Service Commission was the proper body to do that; but whenever it indicates and announces that "the following is to be the maximum rating," "the following is to be the minimum rating below which employees are to be discharged," and "the following is to be the service maximum," then the commission have indicated the three points. I leave it to them, not to myself or to the Senator.

Mr. CUMMINS. Then, does the Senator understand that if the Civil Service Commission should say that employees who attain 25 per cent must be reemployed the head of the department will be compelled to reemploy them?

Mr. WILLIAMS. If the Civil Service Commission was foolish enough to say that, yes; but I have no idea that they would be. Here is the language which, taken in connection with this, explains it:

> If at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed.

If the Senator could conceive that the Civil Service Commission would be so foolish as to prescribe 25 per cent, then, of course, my whole measure would fail by the stupidity of the Civil Service Commission; but I do not think they would do any such absurd thing as that.

Mr. CUMMINS. I simply wanted to know in order to construe it.

Mr. WILLIAMS. I admit that it all hangs upon the wisdom and efficiency of the Civil Service Commission, and if the Civil Service Commission is stupid and foolish, why the whole thing will go by the board.

Mr. CUMMINS. It is a very extraordinary power which the Senator from Mississippi proposes to give them.

Mr. WILLIAMS. They have the same power now.

Mr. CUMMINS. Mr. President, they have no such power now. Of course, they can keep people out of the service, but they can not promote them in the service.

Mr. WILLIAMS. They have not the same power, no; but they have a similar power as to entry into the service; for instance, the Civil Service Commission, if it were foolish enough to do so, could say that anybody obtaining a rating of 15 per cent should be eligible.

Mr. CUMMINS. I understand that.

Mr. WILLIAMS. But they have not done so, of course, because they are not foolish.

Mr. CUMMINS. Of course not. But, Mr. President, although I do not believe that the amendment means what the Senator from Mississippi now believes it to mean, if the Civil Service Commission fixes a low rating that will compel the heads of departments to reemploy employees after the period of five years, we accomplish nothing; and if it fixes a high rating, a theoretical rating, then the measure of discretion that is left with the head of the department is just as large practically under the amendment of the Senator from Mississippi as under the House provision.

What I ask the Senate to reflect upon is this: Does it desire to open up 50 per cent or more—one can not tell whether it will be 25 or 50 or 75 per cent—of employees who will be at the discretion and pleasure of the heads of the departments? Do we want to destroy the existing system and introduce the old methods of reaching the public service? I, for one, do not. I believe that men who do not maintain a fair efficiency ought to be dismissed; but until they are dismissed by reason of a failure in their efficiency, they ought to continue until the retiring age, which I have already suggested.

I believe, Mr. President, that these are all the suggestions which I desire to make with regard to this matter. I simply wanted to point out what I thought ought to be done to remedy the defects of the civil service and to point out the disaster which I think will be brought about if the amendment now proposed receives the approval of the Senate.

Mr. WILLIAMS. Mr. President, the first thing that I want to say is that the period of retirement of an employee from the service ought not to be a period of age at all. It ought to be a status of efficiency or inefficiency. To prescribe that a man shall be separated from the public service when he reaches a certain age is just an awkward way of approximating efficiency. It is better to go to the root of the evil at once and give somebody who is responsible for the success of administration the opportunity to have some discretion, at any rate, about the efficiency of his employees. So much for that.

The Senator from Iowa says that the amendment offered by me would leave things substantially the same as they are left by the House provision with regard to an advance of what is called "the spoils system" and a retrogression of the civil-service system as we know it. The Senator is entirely mistaken. The House provision if adopted—and that was my objection to it—would leave the entire civil service of the United States at each recurring five-year period subject to the discretion of the executive officers as to the retention or dismissal of employees. I have undertaken to cure that by saying, first, that I would leave the question largely to the Civil Service Commission, as being a very much more able body to prescribe ratings than the Congress itself could be, and that those of the public employees obtaining a certain rating should be re-

tained, regardless of the discretion of the executive officers; and those of them falling below a certain rating should be dismissed, regardless of the discretion of the executive officers, and that in between these two ratings there should be, as the Senator from Iowa has said, a very large measure of discretion in the executive officers.

Now, as to what the Civil Service Commission would prescribe as a rating at which and above which men should be retained and a rating at which and below which men should be dismissed is a question for the sound judgment and discretion of the Civil Service Commission, which is a better judge of the ratings to be prescribed than I am, and therefore I have not undertaken to interfere with it in that regard. As between the two ratings, I am of the opinion, and have been for a long time, that there ought to be left to the chief of the bureau, his foreman, and to the department a very large measure of discretion in promoting and demoting for the purpose of getting men who will render good service. There is nothing of the spoils system in it; there is no attack upon the civil service about it.

The Senator from Iowa began his remarks by saying that this would be disastrous. He will pardon me for saying that I never suspected him of being capable of so lame and so impotent a conclusion to so emphatic an introduction. He has pointed out no respect in which it would be disastrous to the civil service. He has pointed out no respect in which it is an attack upon the civil service.

In the first place, no man can gain entrance into the public service if this amendment is adopted any more than he can now, except under the rules prescribed by the Civil Service Commission. That is the first proposition. It does not reduce the pay or the compensation of anybody, nor does it put that matter any more within the discretion of the executive officers than it is right now.

What is the situation right now, Mr. President? To that I call the attention of Senators, especially the attention of the Senator from Iowa, who is complaining that under my amendment a large measure of discretion is left between the two ratings for the executive officer to promote or to demote or to fix salaries.

What is the condition right now? It is that after a man once gets into the civil service he can be transferred, promoted, or demoted without restriction, without any limitation at all from anybody, anywhere. There is not even a maximum at which he must be kept, nor a minimum below which he must be dismissed. Once in, he can stay in forever, and he can be promoted or demoted at the will and at the discretion of the man who is now managing the office.

In a word, Mr. President, if I am correct in the conclusions I have drawn from trying to listen very attentively to the Senator from Iowa, he has made but one attack upon the amendment I propose, and that is an attack growing out of a conviction upon his part that the employees of the Government ought to have a life tenure. That is the difference between us, so far as I can see it. I think they ought to have an efficiency tenure and not a life tenure. He seems to think a man has a right to hold the office for his lifetime, and then to be retired at a certain age—an age so high that superannuation and inefficiency are conclusively presumed. With these exceptions, he seems to think a man ought to have a life tenure of office, and I do not. That is the difference between us.

I think the man ought to have an indefinite tenure, and I think he ought to have an efficiency tenure, and I think he ought to be susceptible of reappointment just as long as he has proven efficiency, and I think when he proves efficiency to a certain marked degree his retention ought to be compulsory.

That is the object of the amendment, as well as I could word it. Of course, as the Senator said, its success or failure depends upon the wisdom, discretion, or folly of the Civil Service Commission. But that is equally true of the present system; and hitherto we have never found that the Civil Service Commission was stupid enough to prescribe impossible, absurd, or ridiculous regulations.

The Senator admits that we have more employees now than are necessary, and he offers but one plan to cure that condition in the bills he proposes later on to submit to the National Legislature. That plan is, at either 70 or 65 years of age, to cut these men out of the service. But that will not cure it.

Under this amendment of mine I am not proposing to take out a single superannuated employee of the Government at this time, except in so far as under the present law he may be taken out. Out of a tenderness of feeling toward the deadwood already accumulated in the departments I have let it alone; and for that reason I struck out so much of the House provision as removed such employees from the service at this time. I am willing to leave them to die out. What I am looking forward to, if this amendment is adopted, is the prevention of any such barnacle growth in the service in the future. But as far as the present barnacle is concerned, I am willing to let him stick to the bottom of the ship. He is there and you can not very well get rid of him; and I knew that if I did attempt to go too far it would create animosity to the provision. But I do attempt to see to it that after the passage of this bill no fresh barnacles shall get themselves attached to the coppers of the vessel.

There is nothing in the bill proposed by the Senator from Iowa, there is absolutely nothing in what he has suggested, that will cure the evil, except by making the taxpayers of the United States contribute to old-age pensions for the tax eaters of the United States, with the tax eaters getting upon the average 50 per cent more annual pay than the taxpayers are getting upon the average. That is all there is to it.

The Senator says he is going to compel the employees of the Government to accumulate this fund themselves. He can not do that. He says that when I say Congress would increase the employees' salaries to make up for the amount that would be thus compulsorily taken away from them, I am impeaching the wisdom or the patriotism of Congress. Perhaps I am. I am not halting about words. But whether I be impeaching it or not, it is a fact—and every Senator will bear me out in it in his own inner consciousness—that if we pass a bill to accumulate retirement or old-age pensions for these employees, and take so many dollars away from them each month in order to do it, they will come here to the Senator from Idaho, to the Senator from Wyoming, to the Senator from Iowa, to the Senator from New Jersey, to the Senator from Ohio, and to the Senator from Mississippi and make our ears ring until we do give them these increased salaries. We know they will do it.

If that be impeachment of my own wisdom and patriotism, and of the wisdom and patriotism of other Senators and Representatives, let it go at that. But I have seen enough of public life to know that when the civil-service employees here in Washington get after anything they are pretty apt in the long run to get it; because while they are only about one-fifth of 1 per cent of our constituents, they are here, and the other 99⅘ per cent of them are at home. Those who are here can come in to see you in the morning, stay with you until late at night, write to you every day, and bring every sort of influence to bear upon you. And that is not all. They bring to bear the influence of the great newspapers of the city of Washington and of the entire commercial population of the city of Washington, all of which are greatly interested in larger salaries for these employees. I know the influence they have.

The Senator says one of the faults of the present system is that there is no provision for retirement. The only provision he offers is one for age retirement, and that at the expense of the tax-paying public of the United States. I think I offer a much better one. That is that at the end of each period of five years there shall be an opportunity to separate the barnacles from the bottom of the ship. I do not leave absolutely free discretion, because a man with a certain rating must be reappointed, and a man below a certain rating must be put out. But between these two ratings there is a certain amount of discretion which can not be avoided, as far as I can see, and which exists under the present law.

I think the distinction between the two plans is just this: The Senator's plan is one of compulsory, paternalistic saving, effected by law. Mine is an appeal to the individual to save for himself, confronting him with the danger of being severed from the public service, and therefore appealing to his selfish interest to take care of himself, instead of looking to the Government to take care of him.

Mr. OVERMAN. May I ask the Senator a question?

Mr. WILLIAMS. Certainly.

Mr. OVERMAN. The Senate having struck out the House provision and substituted in lieu thereof a provision of its own, as recommended by the committee, I was going to ask the Senator whether it would not be possible for the conference committee to agree on something in the nature of the suggestion of the Senator from Mississippi?

Mr. WILLIAMS. Oh, yes, Mr. President; that could be done. That is absolutely true. But I think the Senate has already gone too much on the idea of leaving legislation to conferees. I would rather have the opinion of the Senate, wherever I can get it, especially if the matter be an important one. This is a very important one and a very far-reaching one; and in so far as the Senate has an opinion, I should like to get it. Merely to say that the two Houses disagree, in order that the conferees may legislate, is not, in my opinion, a good way of carrying on public business.

Mr. OVERMAN. Inasmuch as the Senator has made a very wise, interesting, and able elucidation of this matter, I thought perhaps the conferees could take his amendment as the basis of

their agreement. If we should strike out the clause and adopt the Senate committee's amendment, then, having discussed the question as he has in a very able manner, and having thrown a great deal of light on it, I thought probably they might agree to something like that.

Mr. WILLIAMS. They might or they might not. But if the Senate agrees with me about it, the conferees would be much more apt to agree with me than they would without an expression of the opinion of the Senate. I think I have succeeded measurably well in doing what the House wanted to do, cutting out of the House provision so much as really seemed to me to be dangerous to the civil service.

I certainly do not want to go back to anything resembling the old spoils system. In my own interest I would not want to do it. I do not want to turn loose upon myself the brigade of pie hunters. Nobody else with any sense wants to turn them loose upon himself. So I tried to take out of the House provision the part of it that seemed to me to be dangerous to a nonpartisan, nonpolitical public service. I want a nonpartisan, nonpolitical public service. Then I tried to accord the balance with the provisions of the Senate committee, which seems to me to be wise as far as they go, but not to go quite far enough, and, by bringing the two into harmony with one another, to furnish a scheme under which we could have a nonpolitical public service, while at the same time a nondependent public service; and one is almost as important as the other.

I have a perfect horror of having a class of people in Washington and the District of Columbia who feel absolutely dependent all their lives upon the Public Treasury for their support, and who are fed all the time upon the hope that they are to be taken care of by special laws, carrying special privileges to them as a part of the petted population of the United States. I think an independent and self-dependent public service is almost as important as a nonpolitical public service. Both are important; and surely we can manage to obtain both.

The PRESIDING OFFICER (Mr. CLAPP in the chair). The question is on agreeing to the amendment of the Senator from Mississippi [Mr. WILLIAMS]. [Putting the question.] The "noes" appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. OVERMAN. Mr. President, I want to set myself right in some remarks I made yesterday upon a communication I received from the Treasury Department. It came in so late that I did not have time to thoroughly read it, and I have read it only casually. I asked a question in regard to the Santee Competency Commission. I find upon reading the report that that commission expired in April of last year, and so have about three or four of these commissions. But there are others still in existence.

Mr. TOWNSEND. Mr. President, I rise for the purpose of making a parliamentary inquiry. On yesterday I presented three amendments as in Committee of the Whole, two of them relating to the superintendent of the press gallery, and one to a messenger in the same service. At that time the amendments were ruled out of order as violating Rule XVI of the Senate. My inquiry is, Are those amendments in order at this time in the Senate?

Mr. WARREN. The same point of order that was made as in Committee of the Whole would lie against the amendments in the Senate, and would be made.

Mr. OVERMAN. Further, they were not reserved.

Mr. WARREN. No.

Mr. TOWNSEND. I should like to have the ruling of the Chair.

The PRESIDING OFFICER. The question of the Senator from Michigan may be considered from two separate and distinct viewpoints. The fact that the amendments were ruled out yesterday would not prevent their being renewed to-day, if that is what the Senator means.

Mr. WARREN. But, as I understand, the Senate has already confirmed the action of the Committee of the Whole, because that was not one of the reserved amendments.

The PRESIDING OFFICER. The Chair was about to reach that in the next statement.

Mr. TOWNSEND. I think the Senator from Wyoming is entirely wrong about that. The Senate has never acted upon the amendment. This was not an amendment which was adopted as in Committee of the Whole.

Mr. OVERMAN. Did the Senator reserve the right to offer these amendments when the bill came into the Senate?

Mr. TOWNSEND. No, sir; he did not.

The PRESIDING OFFICER. Unless the amendments relate to a provision which the Senate adopted, the Chair is very firmly of the opinion that they can be renewed at this time.

Mr. TOWNSEND. I desire to offer an amendment. On page 9, line 12 of the bill, after the word "gallery," I move to strike out "$1,800" and insert "$2,000."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 9, line 12, after the word "gallery," it is proposed to strike out "$1,800" and insert "$2,000."

Mr. WARREN. Mr. President, I make a point of order on several grounds. The first is that the increase is not estimated for. Second, it was not presented as an amendment, printed, and sent to the committee. Third, it has not the indorsement of any standing committee of the Senate. Fourth, it increases the amount of an appropriation for which no law or treaty or stipulation has been passed at this session, or is in existence, in fact.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order.

Mr. TOWNSEND. Then I refrain from offering the other amendments, because they are exactly like this one.

Mr. JONES. On behalf of my colleague [Mr. POINDEXTER] I desire to offer an amendment on page 96.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 96, line 7, strike out "$2,000" and insert in lieu thereof "$2,200."

Mr. WARREN. That has been estimated for. I will not raise any objection to the amendment.

The amendment was agreed to.

Mr. JONES. I desire to offer another amendment on behalf of my colleague [Mr. POINDEXTER].

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 95, line 3, strike out "$2,000" and insert in lieu thereof "$2,200."

Mr. WARREN. That is estimated for, and I make no objection to the amendment.

The amendment was agreed to.

Mr. JONES. On page 103, line 19, I desire to amend the committee amendment by making it "$3,000" instead of "$2,750." It is for the second assistant commissioner.

The PRESIDING OFFICER. Was the amendment reserved yesterday?

Mr. JONES. Yes, sir. An estimate for $3,500 has been submitted.

Mr. WARREN. The Senator from Washington is right. The estimate for that office is $3,500. The committee did not reach the estimate, and the Senator in his amendment does not now reach the estimate. I do not object.

Mr. JONES. No; the amendment does not reach the estimate.

Mr. WARREN. I make no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 103, line 19, strike out "$2,750" and insert "$3,000."

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, on page 10, line 4, the committee increased the number of privates in the Senate Office Building from 7 to 16. It seems to me that that is a very excessive number. I do not see what possible reason there can be for so many, and certainly 9 policemen would be ample—three watches of 3 each. For what do we need 16 policemen over there?

Mr. WARREN. Mr. President, if the Senator from Georgia will permit me, the increase is not in fact as it appears here—from 7 to 16. We really are not increasing the number now and heretofore employed, but the House cut it down for some reason; I am not quite certain why. I should suppose that the House would refrain from taking charge of the Senate Office Building. But the policemen for the main Capitol building here are under the joint control of both Houses, and perhaps that makes it competent.

There have to be at all those places which are open day and night three shifts, of course. There have to be on the others—there are several other openings—one or two shifts, as the case may be, for the day and evening. Now, given that they work 8 hours on and have 16 hours off, making allowances for the fact that they have to be on duty every holiday and Sunday, the fact that they are entitled to the same leave—30 days—that other employees have, and to sick leave and the consequent necessity of having the absence of one made up for by the presence of another, the Superintendent of the Capitol and also our Sergeant at Arms are of the opinion that we can not properly guard and watch the office building with less than the number of officers we have provided for.

I am not certain how many openings there are in that building which have to be covered by the watchmen; I do not just now remember, but the building covers a whole city square of ground, and there are openings, I think, in every one of

the four corners, and there are openings on the street elevation and also on the lower elevations. Senators and their clerks go in and out of all of them. I do not believe we should reduce the number.

Mr. SMITH of Georgia. I do not think we need a policeman at every opening. Take the large office buildings, into which more people enter than enter the Senate Office Building, and where there are infinitely more offices, and no such number of policemen is maintained. It does seem to me that it is a useless piece of extravagance.

Mr. LODGE. Mr. President, I am rather disposed to think that the Senate has on its rolls a great many needless persons, but in this particular instance I do not think they are needless. It is an enormous building, with rooms filled with valuable papers; it has large corridors; there are four stories to be patrolled; and under the system of having 16 watchmen, if the whole force was always on duty, allowing nothing for the necessary 30 days' leave, it would give at the outside 5 on a shift. Now, as a matter of fact, it is about 4 on a shift, and I really think that for a building of that size 4 officers on duty is a very reasonable number.

Mr. WARREN. Mr. President, the Senator from Georgia speaks of there being no necessity for having an officer at every opening. I think there is no opening for ingress and egress to either the House or Senate Office Building or to this main building that ought to be left without some one on guard. Almost every month in the year—sometimes oftener than once a week—some weak or poor demented individual makes his way in and has to be taken care of. We are subject, of course, to pilfering. There is a great deal of valuable property in the building. The building is a very expensive one. We are not discussing now whether we ought to have built it or not. That does not come up now. But it is a very expensive and complete building, of great size, with a great deal of property in it, and we ought to protect it. There should not be disreputable characters going in there night or day, nor should property be carried away, and there should be nothing carried into it except what is proper. These officers are not only policemen, but watchmen, and I think the Senator upon reflection concerning this public building, with public men from every State in the Union in it and subject to all kinds of interruptions such as I have mentioned, will hardly agree to have an entrance left unguarded and think it safe.

The PRESIDENT pro tempore. The bill is in the Senate and is still open to amendment.

Mr. JONES. Mr. President, yesterday I reserved a point of order against the amendment on page 103, line 17. I withdraw the point of order and will allow the amendment to be adopted.

The PRESIDENT pro tempore. In the absence of objection, all the amendments which have been reserved and which have not been now challenged will be considered as concurred in by the Senate. If there be no further amendments, the question is on the engrossment of the amendments.

Mr. HEYBURN. If I understood the phraseology of the President's statement—that in the absence of objection all other amendments reserved would be adopted—I hardly think he intended to go that far. I reserved two amendments which upon further consideration I concluded not to press. Of course, they are not adopted.

The PRESIDENT pro tempore. The Chair was speaking simply of amendments which had been adopted in Committee of the Whole, and not of amendments which had been proposed by Senators. He referred simply to amendments which had been adopted in Committee of the Whole. The Chair will state that in the absence of reservations the usual course is to say that the amendments made as in Committee of the Whole are concurred in by the Senate.

Mr. HEYBURN. It was only because of the omission of that statement that the Senator from Idaho rose.

The PRESIDENT pro tempore. Possibly the Senator from Idaho is correct in that.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

PERSONAL EXPLANATION—FLAG OF THE UNITED STATES.

Mr. HEYBURN. Mr. President, I desire to send to the desk to have read by the Secretary a matter which is of privilege of the highest order. I have marked the part to be read.

The PRESIDENT pro tempore. The Senator from Idaho asks as a matter of privilege for the reading of a paper sent to the desk. The Secretary will read as requested.

The SECRETARY. From first page of Washington Herald, Friday, June 14, as follows:

SOLON PLACES LAND BEFORE GOD—SENATOR HEYBURN DECLARES NOT EVEN EMBLEM OF CHURCH FLOATS ABOVE THE STARS AND STRIPES—WOMAN'S RELIEF CORPS HOLDS FLAG DAY EXERCISES—PRAISE FOR COUNTRY AND NATIONAL FLAG FEATURE ANNUAL CEREMONIES.

Senator WELDON BRINTON HEYBURN, of Idaho, placed his country before his God last night at the Flag Day exercises in celebration of the one hundred and thirty-fifth anniversary of the birth of Old Glory at the Church of Our Father, Thirteenth and L Streets NW., under the auspices of the Woman's Relief Corps, Department of the Potomac, Grand Army of the Republic, when he declared that no flag floats above the Stars and Stripes.

Mrs. Isabel Worrell Ball, patriotic instructor for the Department of the Potomac, Woman's Relief Corps, had made an address on the "Evolution of the flag," illustrating her remarks with 70 large flags, most of which she made herself, and in concluding had shown a flag of blue bearing a single white cross, which she declared was the flag of the church, and was the only flag which floated above the Stars and Stripes, explaining that when religious services were held on board ship the flag of the church was run up above Old Glory. Immediately Senator HEYBURN, who was sitting on the platform, asked in a voice that was heard all over the church, "By what authority does this flag float above the Stars and Stripes?" And when Mrs. Ball replied that she could not quote the authority, Senator HEYBURN said, "No flag floats above the Stars and Stripes."

Mr. HEYBURN. Mr. President, my object in calling attention to that publication, which I did with reluctance, because of the personal associations with it, was that the Senate might know it is claimed to be the practice in the United States Navy and upon ships of the Government to raise a flag above the Stars and Stripes at the masthead of a ship. I do not believe that any considerable portion of the people understand that this is the practice in the Navy of the United States, or upon Government ships, but I do speak with confidence when I say that no Senator will approve of any such act. No flag, church or state, has a right to be placed above the Stars and Stripes. We do not recognize the precedence or prominence of any church or the flag of any church above the Stars and Stripes.

At another time I will introduce an appropriate resolution in regard to this matter.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 833).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report by the Secretary of State, submitting reports from American consular officers in the German Empire and certain other foreign countries in regard to cooperation and the cost of living.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

[Papers accompanied similar message to the House of Representatives.]

IMPERIAL VALLEY, CAL. (S. DOC. NO. 846).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing an appeal from the board of supervisors of Imperial County, Cal., for further appropriations of money and further works for the protection of lands and property in the United States against the flood waters of the Colorado River.

In my message dated February 2, 1912, transmitting data of the work of the Interior Department, published as House Document No. 504, Sixty-second Congress, second session, there is contained a report of the engineer in charge of the work of protection done under the act of June 25, 1910, appropriating $1,000,000 for this purpose, and also a report of a special board convened, by my direction, to review this report and advise what further work should be done along the lower Colorado River for the protection of the interests of the United States. In this report of the special board, dated June 7, 1911, there will be found a recommendation that certain additional work should be at once executed and an estimate of $1,000,000 as necessary for this work.

In my message I stated that I did not at that time make a definite recommendation for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. As stated in this message, the

matter was being pressed upon the attention of the Mexican Government and favorable progress has been made in the negotiations. However, it is not probable that the negotiations with Mexico can be consummated before the adjournment of Congress, and it is therefore desirable to provide against a possible emergency which may arise after Congress has adjourned.

Since the report of the special board above referred to a part of the work proposed has been executed, and it is believed that the work will prove adequate for the protection of the lands in Imperial Valley against serious overflow during the present flood, which materially exceeds the average flood in volume, but, as shown in the letter of the Secretary of the Interior, the Colorado River, since the date of the report of the special advisory board, began and has continued to cave its banks, until the protecting levee on the Mexican side, about 7 miles below the intake of the Imperial Canal, is threatened, and apprehensions are aroused that the Colorado will again cut a deep channel into the Imperial Canal, and flow again into Salton Sink with disastrous results to American lives and property.

I request that the recommendation of the Secretary of the Interior be followed and that an appropriation of $1,250,000 be made to meet any emergencies that may arise, for the construction of levees and revetments along the Colorado River, and for the protection of property in the United States from damage by the flood waters of that river, and to be expended, in whole or in part, for the purpose stated and under the direction of the President of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

POST-OFFICE FACILITIES IN NEW YORK CITY.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York (S. Rept. 883), and inasmuch as it is an emergency measure, I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I object.

Mr. SUTHERLAND. Do I understand that the Senator from North Carolina objects to the consideration of the bill?

Mr. SIMMONS. I did not understand what the bill is, but I wish to go on with the chemical schedule bill.

Mr. SUTHERLAND. I think the Senator from North Carolina will not object to the bill when he understands the purpose of it, and I can state it in just a word.

Mr. SIMMONS. I will not trouble the Senator to make a statement. I will withdraw my objection to that bill and to two other bills the Senator is about to report.

Mr. SUTHERLAND. Very well. It will not take very long.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SANTA FE, N. MEX.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably with amendments the bill (S. 6269) to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico (S. Rept. 882). I call the attention of the Senator from New Mexico [Mr. CATRON] to the bill.

Mr. CATRON. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Utah.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 12, before the word "thousand," to strike out "four" and to insert "two," and in the same line, before the word "thousand," to strike out "twenty-five" and insert "ninety-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Santa Fe, county of Santa Fe, State of New Mexico, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $295,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT RATON, N. MEX.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 6573) to provide for the purchase of a site and the erection of a public building at Raton, N. Mex. (S. Rept. 881).

Mr. CATRON. I ask for the immediate consideration of this bill also.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Raton, county of Colfax, State of New Mexico, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "DAMARA."

Mr. BURTON. I ask unanimous consent for the immediate consideration of the bill (S. 7015) to provide American registry for the steamer *Damara*.

Mr. SIMMONS. Let the bill be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I will not object, with the understanding that there is to be no debate upon it.

Mr. BURTON. I think it will take but a moment.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I ask that the unfinished business, House bill 20182, be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. JOHNSON of Maine. Mr. President, I realize that the chemical schedule is one of the most intricate and complex of all the schedules of the tariff law, and that in performing the duty which has been assigned me by my associates of the minority of the Finance Committee, I do not bring to the task any extensive knowledge gained from actual experience or from a long study of the schedule. In a very general way, however, I will attempt to present the views of the minority to the Senate, feeling sure that in the matters which I do discuss I have satisfied myself at least of the correctness of the statements which I make.

The revision of the chemical schedule which is proposed by this bill I believe to be in accordance with the wide-spread general feeling throughout the country that there should be a reduction of the duties of the different schedules of the present tariff law. I am aware that the majority of the Finance Committee have said in the report which has been submitted that no representations have been made by the manufacturers engaged in this industry that a revision is necessary, but when have manufacturers ever made any such representations in regard to any schedule of the tariff law? If we are to wait until the beneficiaries under the tariff law themselves ask for a revision we may be sure that no revision ever will be reached.

Whatever the benefits or the merits of a tariff law as it has been enacted and enforced in this country, certainly one of the evils which all now see is that a partnership has been built up between the beneficiaries under that law and Congress, so that business in different industries is made dependent upon legislation, and the spectacle is presented every time a revision is proposed of these same beneficiaries flocking to Washington to protect their interests or fancied interests, for I believe

that in many instances instead of having received a real benefit there has been a stunted growth, which would have been of a larger and wider development if some of the protected industries had been made to depend upon themselves, just as I believe that the child who is taught to stand upon its feet, and the young man who is taught to go forth into the world, depending upon his own abilities, and upon his own manhood, will fight his way better and make greater progress than one who is continually helped and receives the care of fostering parents and is not allowed to develop along the lines on which he can best develop.

It is not wise to leave the revision of any tariff schedule until the beneficiaries under that schedule themselves make representations that it is necessary. To do so has caused the evil which, I say, has grown out of the system, without discussing its merits or its benefits; and I am willing to concede that there have been benefits derived from it. But greed must be guarded against. The States have been compelled to regulate the hours of labor of women and children in factories and in workshops by legislation, and I hope we shall be able to lay before the country information gathered by the Children's Bureau, established by this Congress, which will stir the people of the country to further action. But we have not found it sufficient to leave this question to those alone who are engaged in the employment of women and children. Neither have we found it wise to leave the sanitary conditions of workshop, factory, and mill entirely to those interested. Nor have we found it in the interest of the great public to leave the distribution of food products among the people wholly to those directly interested, and we have been compelled to pass a pure-food law to protect against their greed. So long as greed exists, so long as the interests of the people as a whole are affected by legislation and certain classes are its direct beneficiaries, we have a duty to perform, it seems to me, beyond that of waiting until these beneficiaries themselves call for a revision.

The pending bill has been reported favorably by the minority of the Finance Committee, with certain amendments, and before proceeding to discuss the bill I wish to present these amendments and make some explanation in regard to them.

The first amendment proposed is to amend, on page 3, by striking out, in lines 3 and 4, which constitute paragraph 6, the words:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, ten per centum ad valorem.

In explanation of the amendment I will say that these dyes are used in coloring the cheaper cotton and woolen goods, and the majority of the committee feel that they should be continued upon the free list, where they are to-day, because of this use.

Our importations of alizarin and dyes derived from alizarin and from anthracene for the year 1911 were 3,188,000 pounds, valued at $709,909.

Also, on page 6, lines 16 and 17, amend by striking out the words "anthracene and anthracene oil."

If the first amendment is adopted the second becomes necessary, because alizarin is made from anthracene and anthracene oil.

On page 10 amend lines 9 and 10 by striking out the words "gum copal, one-half of one cent per pound," and the words in line 10 "gum resin, ten per centum ad valorem."

Also, on page 10, line 13, amend by striking out the words "gum kauri and damar."

Gum copal and damar are the imported gums that are used in the manufacture of varnish, and the testimony of the varnish manufacturers before the committee, particularly that given by ex-Gov. Murphy, of New Jersey, was that at the present time no protection is needed upon varnishes provided these gums are admitted without the imposition of any duty.

I read from page 213 of the hearings before the Finance Committee, from the testimony of Gov. Murphy:

Senator SIMMONS. These are your raw materials?
Mr. MURPHY. These are our raw materials.
Senator SIMMONS. The raw materials are not produced in this country?
Mr. MURPHY. They are not, Senator.
Senator SIMMONS. And you want them put on the free list?
Mr. MURPHY. I want them to remain on the free list, where they have been.
Senator SIMMONS. You want them to remain on the free list?
Mr. MURPHY. Yes, sir.
Senator SIMMONS. What duty are you asking for on your finished product? What do you want?
Mr. MURPHY. We do not want anything.
Senator SIMMONS. You do not want anything on varnish?
Mr. MURPHY. We have 25 per cent. It was reduced from 35 per cent in the Dingley bill to 25 per cent in the Payne bill, and it was not objected to.
Senator SIMMONS. Do you want that 25 per cent duty to remain?
Mr. MURPHY. I do not think it is important, Senator. I am willing to have it remain, and I think the industry is, but I think it is quite indifferent about it. I think the industry can stand alone without any duty.

I read that testimony now because by a subsequent amendment the duty upon varnish has been reduced from 25 per cent to 15 per cent, but the gums which are used in the manufacture of varnish, by these amendments, are retained upon the free list.

Amend, on page 8, line 6, by striking out after the words "or conditioned by" the word "peeling," and also amend paragraph 88, on page 22, in line 14, by striking out after the words "or conditioned by" the word "peeling."

This word appears in the paragraph where reference is made to the importation of drugs, berries, barks, woods, etc. Under the present law—the Payne law—if they are not advanced by any process of manufacture they come in free of duty, and in the House bill the words are "if they are not advanced by peeling, shredding, chipping, or crushing," etc., or words to that effect, i. e., woods come in free of duty unless they are advanced by peeling.

We import a good many woods which are used in making extracts for tanning, like quebracho, from South America. If they come in with the bark upon them they would come in free of duty, but if peeled, and the word "peeling" is retained, they would then be subject to a duty. If stricken out of the pending bill the words then remaining would be "advanced in manufacture by shredding, crushing," etc.

Amend on page 10, line 16, by striking out the first word—"indigo."

As indigo is extensively used as a dye in the manufacture of cotton and woolen goods, it was felt by the minority that it should be retained upon the free list, and also because they felt that there should be no excuse at least for adding to the price of cotton or woolen goods because of a duty on it.

Furthermore, because other bills are pending reducing the duties upon woolen and cotton goods, it was felt that those dyes should be retained upon the free list.

Amend, on page 12, lines 19 and 20, after the word "soaps," by striking out the words "containing castor oil, any of the foregoing in whatever form" and insert in lieu thereof the following words, "all the foregoing made from or containing castor oil in whatever form, 20 per centum ad valorem," followed by a semicolon.

At present the duty on these articles in the pending bill is 15 per cent, but as the articles bearing that duty are made in part from castor oil, and castor oil bears a duty under this bill of 20 cents per gallon, it was thought that the duty on articles manufactured from it should be increased from 15 to 20 per cent.

Amend, on page 12, line 25, by striking out the words "and soya-bean," and on page 13, line 1, the first word "oil."

Under the pending bill soya-bean oil bears a duty which by this amendment would be cut out, and it would be left upon the free list.

Amend, on page 13, line 9, by striking out the words "Chinese-nut oil."

Both Chinese-nut oil and soya-bean oil are used by the varnish and paint manufacturers; and as in the bill by a later amendment, which is proposed, the duty upon varnish has been decreased from 25 to 15 per cent, these oils are left upon the free list.

Amend, on page 17, line 21, by striking out the word "twenty-five," and substituting in lieu thereof the word "fifteen," and on page 18, lines 1 and 2, by striking out the word "twenty-five," and substituting therefor the word "fifteen."

The effect of this amendment is to reduce the duty on varnishes from 25 per cent to 15 per cent ad valorem, and this reduction the minority feel the industry can very well bear, in view of the statement of Gov. Murphy and the fact that we export yearly a large amount of varnish—I think about a million dollars' worth in the year 1911—competing in other countries with varnish made elsewhere.

Amend, page 21, line 19, by inserting after the word "gray" the words "carbide of."

Calcium carbide would fall under paragraph 5 of the House bill and bear a duty of 15 per cent ad valorem. Calcium carbide is a material manufactured heavily in the United States from lime and coal, by the use of electric energy, and is principally used as a raw material for the manufacture of a fertilizing substance known as calcium cyanamid or lime nitrogen. This being on the free list, it was thought consistent to put calcium carbide, the raw material, on the free list. Under the present law it bears a duty of 25 per cent, and under House bill 20182 would be dutiable at 15 per cent. The exports of calcium carbide in 1911 were 13,300 tons, valued at $756,000.

Amend, page 21, after paragraph 78, by inserting as a new paragraph the following: "Alizarin and indigo, natural or artificial, and dyes derived directly from alizarin or from anthracene."

This would be an amendment to the special free list which the chemical schedule contains as it appears in the House bill, making these articles which I have read free of duty.

Amend, page 22, in line 2, by inserting after the words "known as" and before the word "napthalin" the words "anthracene and anthracene oil," followed by a comma.

This would place anthracene and anthracene oil on the free list under the House bill.

Amend, page 22, after paragraph 88, by inserting as a new paragraph the following: "Gums, copal, damar and kauri, and rosin."

This would place the gums which I have named in the special free list of the schedule as it appears in the House bill.

Amend, page 22, in line 25, after the word "petroleum" by inserting the following words: "soya-bean oil and Chinese-nut oil."

This would place these oils upon the free list in the special schedule of the House bill.

The amendments proposed by the minority members of the committee would reduce the estimated annual revenues under the House bill $764,577.

In the preparation of the House bill the Ways and Means Committee gave it long and careful consideration through a subcommittee which for nearly a year had the revision of this schedule before it. They had the assistance of a very complete glossary of the schedule prepared by the chemical expert of the Tariff Board, which afforded them most valuable assistance, not only by reason of the information which it contains in regard to the production and nature of the different articles included within the schedule, but by reason of its discussion of the history of the chemical industry in the United States and in Europe and the collection of a vast amount of useful information in regard to the industries to which this industry contributes its products. The same expert was associated with the members of the subcommittee in the preparation of the bill, so that they had the benefit of his experience and knowledge. This glossary appears as an appendix to the very voluminous and exhaustive report of the bill to the House of Representatives by the Ways and Means Committee, and even a casual examination of it will convince anyone that a great deal of time and labor has been spent upon it, and a more careful study, that the statements it contains are accurate and reliable. The report contains many valuable tables relating to the chemical industry; and, as a part of my remarks, I ask that I may be allowed to insert here, without reading, a table in that report compiled from the census relating to the manufacture of chemicals and allied products for the years 1910, 1905, and 1900, showing the magnitude of this industry and its growth.

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). If there is no objection, permission to do so will be granted.

The table referred to is as follows:

Census of manufacture of chemicals and allied products: 1910, 1905, and 1900.[1]

	1910	1905	1900
Number of establishments	11,863	9,689	8,820
Capital invested	$2,053,970,000	$1,521,773,823	$1,180,104,447
Value of products	$1,479,700,000	$1,056,532,195	$757,126,198
Salaried officials, superintendents, managers, clerks, etc	68,576	45,442	34,564
Total salaries	$81,037,000	$50,252,490	$37,253,191
Total average number of wage earners	242,961	[2] 213,041	185,515
Total wages	$116,214,000	$95,739,828	$73,349,687
Cost of raw materials	$903,920,000	$629,609,182	$453,410,783
Miscellaneous expenses	[3]	$129,886,541	$74,254,788

[1] No census previous to 1900 shows classification by subdivision. Figures for 1900 and 1905 from Census of Manufactures, 1905, Vol. I, p. cxxiv; figures for 1910 from advance sheets of census report.

[2] Of these, 20,549 were women 16 years and over, and 1,807 were children under 16 years.

[3] Not given.

Mr. JOHNSON of Maine. It should be observed, however, with reference to this table—which I will say, by way of explanation, is the table which is given in the report of the majority of the Finance Committee—that it includes not only the articles covered by Schedule A of the present law, but articles allied to chemicals which are distributed among other schedules of that law. The glossary prepared by the Tariff Board at page 308 contains a table which covers only those articles included in Schedule A of the present law. This table gives the number of establishments, salaried employees, wage earners, salaries, wages, invested capital, value of product, cost of raw materials, and miscellaneous expenses relating to manufactures directly affected by Schedule A according to the census of 1905 and that of 1910, which I ask permission to insert at this point.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to follows.

Chemicals and allied products directly affected by the tariff law of 1909.

[General statistics as per census of 1910 and 1905.]

Article.	Number of establishments.		Average number of—				Salaries.		Wages.		Invested capital.		Value of product.		Cost of raw materials.		Miscellaneous expenses.[1]
			Salaried employees.		Wage earners.		Expressed in thousands of dollars.										
	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1905
Total	7,620	6,194	41,186	25,350	102,063	80,087	$52,045	$30,555	$53,842	$43,017	$616,470	$420,235	$705,068	$512,890	$395,769	$284,671	$80,059
Axle grease	38	25	145	55	176	119	155	55	88	62	935	608	1,481	879	828	368	206
Baking and yeast powder	144	164	1,266	756	2,155	2,449	1,710	939	1,046	1,042	33,647	13,233	20,775	19,043	9,338	8,940	4,943
Blacking and cleansing and polishing preparations	501	294	1,556	723	2,417	1,782	1,780	774	1,146	738	7,557	4,560	14,679	8,651	6,962	4,383	1,426
Bluing	82	56	138	47	313	206	112	45	114	77	556	570	1,074	679	494	266	166
Bone, ivory, and lampblack	27	25	67	47	228	200	78	48	149	105	1,842	1,663	1,093	648	445	203	69
Calcium lights	10	22	4	16	15	41	4	12	11	24	55	144	52	135	24	35	27
Charcoal	76	74	25	25	631	923	23	22	253	343	641	77	872	1,292	448	642	110
Chemicals	349	275	3,923	2,778	23,714	19,806	6,137	4,048	14,085	10,790	155,144	96,621	117,689	75,222	64,122	42,063	7,593
Drug grinding	25	27	214	107	922	981	268	155	464	483	5,187	4,991	6,007	5,146	3,454	3,024	318
Dyestuffs and extracts	107	98	553	361	2,397	2,707	942	609	1,291	1,264	17,935	14,904	15,955	10,893	9,684	6,829	944
Flavoring extracts	420	377	1,028	672	1,229	1,543	1,082	698	558	653	5,341	4,405	8,828	7,772	4,458	3,936	1,051
Glue	65	58	530	352	3,265	2,864	747	465	1,571	1,529	14,289	10,673	13,718	10,035	7,525	6,186	1,161
Grease and tallow	353	300	783	481	4,357	3,628	991	583	2,629	2,114	16,676	10,284	23,419	18,815	15,543	12,369	1,270
Ink, printing	71	60	695	361	1,121	711	1,092	530	773	475	7,144	4,610	8,865	5,774	4,175	2,613	1,269
Ink, writing	47	42	282	141	505	430	376	191	203	170	2,114	1,287	2,505	1,881	1,078	858	360
Oil, castor	4	4	12	14	54	43	27	27	32	28	1,038	625	905	643	661	487	50
Oil, essential	68	52	45	37	290	132	61	40	123	70	1,365	723	1,737	1,465	1,255	1,110	79
Oil, linseed	29	30	292	156	1,452	1,349	740	423	893	786	18,932	9,850	36,739	27,577	31,035	23,153	2,537
Oil, not elsewhere specified	189	186	1,311	663	1,715	1,305	1,923	882	1,060	752	18,441	11,229	30,865	22,923	21,407	14,438	1,692
Paint and varnish	791	639	7,200	4,408	14,240	11,633	10,378	5,677	8,271	6,264	103,995	75,486	124,889	90,840	79,016	59,827	9,651
Patent medicines and compounds, druggists' preparations, including perfumery, and cosmetics	3,642	2,777	15,404	9,483	22,895	20,472	17,007	9,975	9,897	7,913	99,942	75,607	141,942	117,436	50,376	39,494	33,567
Soap	420	436	5,065	3,058	12,999	11,044	5,506	3,503	6,227	4,763	71,951	54,816	111,358	68,275	72,179	43,626	10,226
Sulphuric, nitric, and mixed acids	42	32	330	308	2,252	2,447	551	556	1,495	1,505	18,726	12,762	9,884	9,053	5,386	4,973	713
Wood distillation, not including turpentine and rosin	120	141	318	301	2,721	2,272	355	298	1,463	1,067	13,017	10,507	9,737	7,813	5,876	4,848	631

[1] Not given for 1910.

Mr. JOHNSON of Maine. While the census of 1910 shows that 11,863 concerns were engaged in the production of chemicals and allied products in this country, with an invested capital of $2,000,000,000, consuming about $900,000,000 worth of raw materials per annum, with an output of nearly $1,500,000,000, and with a total of over 300,000 persons employed, it will be seen from an examination of the table which I have taken from the glossary compiled from the census of 1910 that the number of establishments engaged in the manufacture of those chemicals and articles covered by Schedule A and not contained in other schedules was 7,620, with 41,186 salaried employees, 102,063 wage earners, paying $52,045,000 as salaries, $53,842,000 as wages, having an invested capital of $616,470,000, products valued at $705,068,000, and that the cost of raw materials was $395,769,000. While the figures are not given for the year 1910, it appears from those given in the census of 1905 that of the wage earners employed in these industries 20,167, or 22.6 per cent, were women over 16 years of age.

In speaking of the manufacture of chemicals the author of the glossary makes the following statement upon page 318 relating to the operations of a chemical factory:

> The operations comprising the routine of a chemical factory are mechanically of a very simple nature. Moving solid, liquid, or gaseous masses from one place to another; separating heterogeneous substances by filtration or distillation; crushing, grinding, and mixing materials; heating and drying, together with some few other equally simple operations, are the most frequent, if not the exclusive, task required of a workman in a chemical factory.
>
> The machinery used for these purposes, though varying in capacity and design, is equally simple in character, requiring for attendance no more skill than will be gained after a short experience by any able-bodied, willing, and fairly intelligent workman.
>
> As a rule, there is little necessity to cumulate operations in order to produce a given product from given materials, and therefore the value of the human labor comprised in the value of the chemicals produced constitutes a relatively smaller proportion to the total cost of production than is the case in most other industries.

From the table which has been given, covering only the industries whose products are included in Schedule A, it appears that in 1910 there was paid in wages and salaries the sum of $105,887,000, and that the total product of these industries was valued at $705,068,000. The total amount paid in wages and salaries constituted therefore but 15 per cent and the amount paid in wages alone less than 8 per cent of the entire value of the products; or, if reference is made to the establishments engaged in the manufacture of chemicals and allied products given in the first table which I have inserted and which appears in the report of the committee, it will be seen that in the 11,863 establishments given in this table the wages and salaries paid constitute but 13½ per cent of the value of their products. As the average ad valorem duty of Schedule A under the present law is 25.78 per cent, calculated upon the imports for 1911, and under the duties of the House bill covering exactly the same items based upon imports of 1911, about 22.45 per cent, it can not be urged that the duties of the House bill are not sufficiently high to cover the difference between the cost of production in this country and abroad when the average duty collected is high enough to more than cover the total of salaries and wages paid in this industry. From the standpoint, then, of those who maintain that the duties levied upon imports into this country if like articles are manufactured here should be high enough to cover the difference between the cost of production here and abroad, it would seem that the average ad valorem rate of H. R. 20182 is sufficiently high, and an inquiry into the cost of production abroad can not be important so far as the protection of labor in this industry is concerned.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. I do.

Mr. SMOOT. Of course the Senator knows that the amount of salaries and wages last quoted by him and figured upon a basis of the production of the chemical industry of this country is only upon the finished product.

Mr. JOHNSON of Maine. It is upon the products of the chemical industry made in those establishments given in the table. I understand that; certainly.

Mr. SMOOT. It is on the finished product.

Mr. JOHNSON of Maine. Certainly.

Mr. SMOOT. But, Mr. President, I think the Senator will also admit that in all the intermediate processes of manufacture the wages are not taken into consideration in the figures quoted by the Senator. The same thing applies to the chemical schedule as applies to the steel schedule and as applies to every other schedule in the tariff bill, as is shown by the abstract of every industry in this country.

I merely call the Senator's attention to that fact because he must know that, taking the raw products, converting them into finished products, and including the wages in all the intermediate processes, the wages amount to more by way of percentage than the figures quoted. I will admit, Mr. President, that the figures quoted are correct so far as the finished product is concerned; but the statement I have made, as I have said, applies to this schedule just the same as it does to the metal schedule or to any other schedule in the tariff bill.

Mr. JOHNSON of Maine. Mr. President, I have heard the Senator from Utah make the same argument in connection with the metal bill, and I understand his position. I simply gave the percentage of salaries and wages to the products of the chemical industry, of course, considering only salaries and wages paid in those establishments, and not salaries and wages paid in the manufacture of any of the products which are used in chemical establishments as their raw material.

IMPORTS AND EXPORTS.

The imports under Schedule A for the fiscal year ending June 30, 1911, amounted to $50,736,874, and the duties collected upon the same for this period were $13,082,915, making an average ad valorem of 25.78 per cent, and there were imported free of duty, chemicals and related articles of the value of $68,303,636, making the total imports for the year $119,040,510, less than 50 per cent of which were dutiable. The revenues collected for this year were the largest since the adoption of the schedule.

Schedule A, as it appears in H. R. 20182, is made up not only of articles embraced in Schedule A under the present tariff law, but also of other articles, some of which have been taken from the general free list of the present tariff law, and others from other schedules which would naturally fall under this schedule. Under the bill as reported by the House the dutiable imports upon the basis of those of 1911 would amount to $92,980,535, and would yield in revenue at the rates of duty established by H. R. 20182, $15,448,022, or an average ad valorem of 16.62 per cent. The imports under this schedule, as estimated in the House report, would be $96,768,250, yielding an estimated revenue of $16,254,636 at an average ad valorem of 16.79 per cent.

I am now giving the average ad valorem duty of the whole bill. I gave before the average ad valorem duty upon the same items which are now contained in Schedule A of the present tariff law, but the average ad valorem duty of the whole bill would be 16.79 per cent.

House bill 20182 contains a special free list as a part of Schedule A, which is made up of articles of the value of $26,059,975 on the basis of the imports of 1911. If the amendments proposed by the minority of the finance committee are adopted, articles of the dutiable value of $8,710,083 will be deducted from the dutiable list, making its value $84,270,452, which would yield a revenue under the rates of the amended bill of $14,683,445 on the basis of the imports of 1911, or an average ad valorem of 17.43 per cent. As the value of the articles taken by the amendments from the dutiable list are added to the free list, this as amended would comprise articles of the value of $34,770,058.

At this point I ask leave to insert the following table compiled from reports of the Bureau of Statistics, Department of Commerce and Labor, showing the total revenues of the United States derived from customs duties, the amount of revenue derived from Schedule A, and the per cent that the revenue under it constitutes of the total tariff revenues from 1890 to 1911.

The PRESIDING OFFICER. Without objection, the order will be entered.

The table referred to is as follows:

Tariff and total revenues of the United States, quantity of revenue derived from Schedule A, and per cent that revenue from Schedule A is of the total tariff: 1890 to 1911.

[Compiled from reports of the Bureau of Statistics, Department of Commerce and Labor.]

Year.	Revenue of the United States.					
	Tariff.[1]	Internal.	All other.	Total.[2]	From Schedule A.	Per cent of revenue from Schedule A to total tariff.
1890.....	$226,540,037	$142,606,706	$33,934,240	$403,080,983	$7,006,211	3.09
1891.....	216,885,701	145,686,249	30,040,497	392,612,447	6,086,113	2.81
1892.....	174,124,270	153,971,073	26,842,441	354,937,784	5,959,770	3.42
1893.....	199,143,678	161,027,624	25,648,327	385,819,629	6,429,758	3.23
1894.....	129,558,892	147,111,233	21,051,894	297,722,019	4,649,309	3.59
1895.....	149,450,608	143,421,672	20,517,795	313,390,075	5,575,075	3.73
1896.....	157,013,506	146,762,865	23,199,829	326,976,200	5,619,239	3.53
1897.....	172,760,361	146,688,574	28,272,770	347,721,705	5,440,024	3.15
1898.....	145,438,385	170,900,641	88,982,309	405,321,335	6,146,884	4.23
1899.....	202,072,050	273,437,162	40,451,408	515,960,620	7,009,695	3.47
1900.....	229,360,771	295,327,927	42,552,154	567,240,852	8,184,044	3.57
1901.....	233,556,110	307,180,664	46,948,564	587,685,338	7,415,496	3.18
1902.....	251,453,155	271,880,122	39,144,956	562,478,233	8,499,709	3.38

[1] Unliquidated returns.

[2] Does not include receips from loans, premiums, Treasury notes, or revenues of the Post Office Department.

Tariff and total revenues of the United States, etc.—Continued.

Year.	Revenue of the United States.					
	Tariff.[1]	Internal.	All other.	Total.[2]	From Schedule A.	Per cent of revenue from Schedule A to total tariff.
1903.....	280,752,416	230,810,124	48,834,135	560,396,675	8,980,673	3.20
1904.....	258,161,130	232,904,119	48,651,665	539,716,914	8,813,962	3.41
1905.....	258,426,295	234,095,741	52,084,723	544,606,759	8,845,176	3.42
1906.....	293,910,396	249,150,213	51,657,333	594,717,942	9,664,910	3.29
1907.....	329,480,048	269,666,773	63,978,839	663,125,660	11,124,088	3.38
1908.....	282,582,895	251,711,127	66,766,701	601,060,723	10,530,174	3.73
1909.....	294,667,054	246,212,644	62,709,792	603,589,490	11,217,784	3.81
1910.....	326,561,683	289,933,519	59,016,513	675,511,715	11,072,239	3.39
1911.....	309,965,692	322,529,201	68,877,482	701,372,375	12,570,755	4.06

[1] Unliquidated returns.
[2] Does not include receipts from loans, premiums, Treasury notes, or revenues of the Post Office Department.

Mr. JOHNSON of Maine. From this table it appears that for 1911 the revenues derived from this schedule constituted 4.06 per cent of the total tariff revenue collected that year. Upon the basis of the imports for 1911, the tariff collected under this schedule in the House bill would constitute 5.01 per cent of the total tariff revenue, and if the amendments proposed by the minority of the Finance Committee are adopted it would constitute 4.73 per cent of the total tariff revenue. It is very difficult to give any statement of the exports under this schedule which would fall strictly under Schedule A as it appears in H. R. 20182. The table of exports printed in the report of the Ways and Means Committee covers only a part of the exports of articles included in the dutiable and free lists of this schedule, but, with this explanation, I ask permission to insert it, as it shows the magnitude and growth of our export trade in articles covered by this schedule.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to follows.

Value of domestic exports of chemicals, oils, and paints, etc., during selected years from 1880 to 1911.
[Compiled by Bureau of Statistics, Department of Commerce and Labor.]

Article.	Fiscal years ending June 30—							
	1880	1885	1890	1895	1900	1905	1910	1911
Chemicals:								
Acids	$71,231	$133,589	$98,084	$117,752	$147,233	$325,020	$466,379	$380,437
Baking powder[1]						437,837	529,062	631,690
Bark, extract of	27,350	346,218	263,754	290,362	376,742	552,909	388,448	336,600
Calcium carbide							694,581	755,940
Copper, sulphate of					2,120,745	790,024	188,464	269,684
Dyes and dyestuffs	702,750	656,143	717,128	575,183	498,905	475,334	380,203	325,519
Lime, acetate of					776,413	1,245,776	1,423,337	1,606,979
Medicines, patent or proprietary		1,317,483	1,741,925	1,978,144	2,999,153	4,911,005	5,848,449	6,783,020
Roots, herbs, and bark, n. e. s		116,695	194,912	232,095	237,527	339,083	476,837	563,862
All other	2,756,469	1,793,328	2,840,931	4,429,067	5,540,358	5,924,736	7,807,017	8,880,676
Oils:								
Animal or rendered—								
Lard	$816,447	555,426	663,343	304,093	337,260	154,409	131,241	90,724
All other	859,632	580,562	1,023,300	274,352	381,737	495,083	771,760	682,268
Fixed or expressed—								
Corn					1,351,867	890,937	643,392	1,573,605
Linseed oil	31,214	38,220	55,036	37,363	54,148	125,354	155,858	164,879
All other[2]		33,583	102,792	106,022	554,781	139,219	343,509	292,757
Volatile or essential—								
Peppermint				194,616	90,298	135,060	215,845	269,034
All other[2]	219 612	245,872	223,435	190,798	166,424	215,860	322,634	377,588
Paints:								
Carbon black, gas black, and lampblack					214,559	501,736	679,607	640,911
Varnish	96,062	134,103	216,483	303,959	620,104	791,518	976,238	1,050,290
Zinc, oxide of					474,296	605,526	956,460	999,161
All other	297,843	351,507	578,103	729,706	1,213,512	2,019,055	3,090,498	3,604,384
Blacking	163,021	159,875	238,391	464,707	880,598	599,366	598,744	608,037
Celluloid, and manufactures of				72,926	174,310	294,979	1,189,080	1,694,214
Chalk	1,565				27,469	59,089	110,647	122,490
Glue	22,650	34,988	88,484	114,493	225,844	279,534	261,756	242,755
Ink:								
Printer's		86,114	144,057	154,152	145,321	276,330	325,744	406,672
All other					114,455	162,556	192,862	235,362
Perfumery, cosmetics, and all toilet preparations	302,993	286,231	430,151	338,495	359,827	490,297	824,460	1,009,359
Soap:								
Toilet or fancy	38,567	48,129	67,027	144,656	494,406	888,838	1,479,870	1,741,971
All other	690,122	649,165	1,041,990	947,470	1,279,618	1,781,393	2,140,676	2,305,010
Sponges	4,141	23,480	25,293	8,778	32,199	18,390	225,138	209,311
Charcoal		513		445	1,598	23,479	25,310	27,317
Total	7,101,669	7,591,229	10,754,619	12,009,634	21,891,707	25,949,792	33,864,106	38,882,506

[1] Imported argols are used for this purpose.
[2] The greater part of the imported oil is free of duty and not under Schedule A.

Mr. JOHNSON of Maine. The increase in exports from $21,891,707 in 1900 to $38,882,506 in 1911 furnishes abundant proof of the ability of our manufacturers to hold their own in competition with foreign manufacturers in the production of the articles contained in this table.

REASONS FOR PRESENT REVISION.

The development of the chemical industry in this country has been rapid, due in a large measure to the greater demand created by the constantly increasing size of industries using products of the chemical industry in nearly all of their operations and also to the use of electricity in this industry. The growing volume and changing character of the business were not fully recognized in the revision of 1909, and the classification of the tariff of 1897 was closely followed. This was not as simple or appropriate as it should have been. Many of the ambiguities in classification in the present bill have been corrected in the proposed bill and a more scientific and simpler classification introduced, making use of the knowledge which has been gained in the administration of the customs law and which has been supplied by those intrusted with the administration of the law from their personal knowledge of the difficulties which have arisen in its administration. I will briefly refer to some of the more important of these changes in classification. The most marked is that contained in paragraph 18, which treats of chemicals containing alcohol or in the manufacture of which alcohol is used.

In 1906 denatured alcohol for manufacturing purposes was freed from the payment of an internal-revence tax. Before this date it was necessary, in order to protect not only the Treasury but also the domestic manufacturer, to levy a duty upon all articles containing alcohol or in the manufacture of which alcohol was used in order to compensate the manufacturer of such articles for the internal-revenue tax upon the alcohol used, but by reason of the removal, in 1906, of the internal-revenue tax from denatured alcohol, a compensatory duty to the manufacturer using alcohol became unnecessary in those cases where denatured alcohol can be used. Under the present law no difference in rates according to the percentage of alcohol is made, so that the imports containing a small percentage of alcohol bear the same rate of duty as those containing a much larger percentage or in the manufacture of which a larger percentage is used. The proposed law in its classification lays the duties in accordance with the percentage of alcohol contained therein and, for this purpose, establishes three classes of duties, one for articles containing not exceeding 20 per cent of alcohol, another for those containing not ex-

ceeding 50 per cent, and a third for those containing above 50 per cent. In each instance the duty is fixed so that the internal-revenue tax will be fully covered and yet articles will not be excluded from importation which contain only small percentages of alcohol.

It will also be noticed that in the present law alcoholic compounds are treated in three specific paragraphs, 2, 3, and 65, but that through the classification of the proposed law it is possible to consolidate these three paragraphs into one. The clause used in the old law, "In the manufacture of which alcohol is used," has been omitted, not only because it is difficult of administration, but also for the reason that denatured alcohol upon which no internal-revenue tax is paid is almost exclusively used by manufacturers here in their processes, and so they are not entitled to any compensatory duty because of the alcohol used.

Paragraph 19 of the present law contains a feature not heretofore embraced in any tariff schedule, and which provides that all compounds, etc., whether specially provided for or not shall be dutiable at a rate of not less than 20 per cent ad valorem if imported in individual packages of 2 pounds or less net weight, excepting samples without commercial value sent by mail, whereas the same articles imported in bulk would be dutiable at 15 per cent or less. Such a provision was deemed necessary because a great variety of chemicals come into this country put up in small individual packages which are sold directly to the consumer without any labor being expended on them here. These articles are in many cases trade-marked or otherwise branded, and it would seem only just in consideration of the fact that Schedule A is principally meant to cover merchandise arriving in bulk and used for purposes of further manufacture in the United States, that articles imported in a condition fit to go to the ultimate consumer and which are largely subdivided and have been subjected to processes of refining should pay a duty somewhat higher than the same articles when imported in bulk.

COAL-TAR PRODUCTS.

A wide departure from the present tariff bill has been made in H. R. 20182 in the classification of coal-tar products upon lines conforming to their degree of manufacture which is believed to be rational and scientific. While coal tar itself and some few elementary derivatives therefrom have been left on the free list, products such as benzol, and all other items enumerated in paragraph 23 of H. R. 20182 which are derived by comparatively simple processes from coal tar, carry a duty of 5 per centum ad valorem, and the products enumerated under paragraph 25 of the same bill, the manufacture of which is more complicated and requires more labor than those mentioned in paragraph 23, have been made dutiable at the rate of 10 per cent ad valorem. On the other hand, the products which are manufactured from intermediary products and which are covered by paragraph 22 were made dutiable at 15 per cent instead of 20 per cent ad valorem as in the present law, and the duties upon coal-tar colors representing a high state of manufacture have been reduced from 30 per cent to 25 per cent ad valorem. Upon page 205 of the glossary the value of the imports of coal-tar products for the year 1910 as far as traceable was given as $12,994,860, of which $6,148,305, or 47.3 per cent, were imported free, and products valued at $6,846,555, or 52.7 per cent, were dutiable, yielding in duties that year $2,023,189, an average of 29.54 per cent ad valorem. For the purpose of raising additional revenues from the importation of these products a small duty has therefore been placed upon the intermediary products

GLUE AND GELATIN.

The classification of the articles falling under the glue and gelatin paragraph in the proposed law omits to specify gelatin in sheets and emulsions, which enumeration is contained in the present law and enumerates solely manufactures of gelatin. The reason for this omission is that because of the legal construction given to the term "sheet" a higher rate of duty has been applied to gelatin as commercially prepared, while sheet gelatin is an article manufactured with gelatin as a base combined with glycerin and other substances and used as a transparent substitute for celluloid or mica.

I have here at my desk the commercial gelatin and that in sheets. This [exhibiting] is commercial gelatin, which under the present law bears the higher rate of duty which was intended to be imposed on gelatin in sheets, which is this gelatin [exhibiting] and which has been corrected in the new classification.

In the administration of the law gelatin as commercially prepared and which appears in the form in which I show it here [exhibiting] has been held to be gelatin in sheets and bears the higher rate of duty on gelatin manufactured into sheets.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). Does the Senator from Maine yield to the Senator from North Carolina?

Mr. JOHNSON of Maine. Yes.

Mr. SIMMONS. I want to see if it is not possible to have a unanimous-consent agreement to vote upon the unfinished business.

I should like to inquire of the Senator in charge of the bill on the other side whether there would be any objection to agreeing to a vote on the 2d day of July?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Utah?

Mr. SIMMONS. The Senator from Maine yielded to me. I yield to the Senator from Utah.

Mr. SMOOT. In answer to the Senator from North Carolina, I will say that I do not believe there will be any objection to fixing the date——

Mr. SIMMONS. Then I ask unanimous consent that on the 2d day of July, immediately after the termination of the routine morning business, the Senate resume the consideration of the unfinished business, and that a vote be taken upon the bill and all amendments thereto before the end of that legislative day.

Mr. CURTIS, Mr. LODGE, and Mr. SMOOT. Calendar day.

Mr. SIMMONS. Very well. I like that better; the calendar day.

The PRESIDING OFFICER. The Senate has heard the proposition of the Senator from North Carolina. Is there any objection to it as made? The Chair hears none, and the order will be so entered.

Mr. SMOOT. I should like to ask whether the Senator from Maine desires to continue longer and to conclude his speech to-day or would he prefer to leave it until a later day?

Mr. JOHNSON of Maine. I think I would prefer to defer it, but I am not——

Mr. SMOOT. Of course, if the Senator would prefer to conclude his speech later the Senate can go into executive session at this time.

Mr. JOHNSON of Maine. I think it will take me only about a half hour longer.

Mr. SMOOT. Then there is plenty of time, and perhaps the Senator had better finish this evening.

Mr. SIMMONS. I think if the Senator from Maine can conclude in a half hour he had better go on.

Mr. JOHNSON of Maine. The classification and language used in H. R. 20182 in regard to chalk, glues, gelatin, and particularly in regard to coal-tar products, oils, and soaps is believed to be more specific and more easily understood than that of the present law relating to the same subjects.

Some of the inconsistencies of the present law have also been corrected. Among these may be mentioned the duty of 18 per cent upon phosphorus, while phosphoric acid made from it is on the free list. Hydrochloric acid is also on the free list, although common salt and sulphuric acid from which it is made are both upon the dutiable list. Fluorspar and sulphuric acid are both upon the duitable list, while hydrofluoric acid made from them is upon the free list.

While it is true that in the revision of 1909, as pointed out in the report of the committee, some duties were decreased, it is also true that some were raised, and upon the whole the duties are much higher than are necessary, as they are in many instances prohibitive and do not permit foreign competition, which is necessary to keep down prices to a fair and reasonable level, and even from the standpoint of the protectionist are more than sufficient to cover the difference between the cost of production here and abroad. With a large supply of natural resources at hand, and also supplied as by-products in other industries, the chemical industry, even under the fostering and protecting care of the Government, has not made the advance which should have been made, so that the consumer is forced to pay in this country a largely increased price upon many articles imported for consumption under this schedule without any corresponding benefit in the way of the development of the chemical industry here; and except where needed for the purposes of revenue, reductions should be made and can be made without injury to domestic manufacturers, and in the interests of the consumer. The pulp and paper industries of this country use large quantities of chemicals in the manufacture of their products, the census for 1905 stating the value of the same for that year to be $10,203,340. By reason of the large importations of pulp and paper free of duty from Canada under the reciprocity act they are fairly entitled to a reduction in the duties upon the chemicals which are used by them. In the hearings upon this act in 1911 before the Finance Committee it was strongly urged by these manufacturers that they were at a disadvantage in competition with Canadian

manufacturers of pulp and paper because of the increased cost to them of chemicals by reason of the duties levied upon them.

I will read the testimony of one of these manufacturers as given in the hearings before the Finance Committee on page 159, Reciprocity with Canada. This is from the West Virginia Pulp & Paper Co., furnished by their president in the form of a letter which was presented to the Finance Committee:

"I have likewise prepared a statement," the letter goes on to say, "taken from the books of our company, showing the amount we were obliged to pay during our last year's operations"—that is, one fiscal year—"on account of these tariff charges over and above what the duties would have been on the same items if brought into Canada instead of the United States." That is to say, this table does not show the actual amount paid, but shows what the excess amounts to on these importations over and above what it would have been into Canada, taking into consideration the tariff where any existed on the importations into Canada.

"This company paid last year in excess duty on bleaching powder, $70,000; on alum, $21,000; on aniline dyes and ultramarine and other coloring matters, $5,000; soda ash, $40,000; which would not have been paid or any portion of it would not have been paid had this same company been conducting the same operations on the same scale in Canada last year."

The decreases in duty made by H. R. 20182 on the most important chemicals used in the pulp and paper industries are shown by the following table, which I ask leave to insert.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD.

The table is as follows:

Important chemicals used in paper manufacture.

Article.	Under act of 1909.		Under H. R. 20182.	
	Rate.	Equivalent ad valorem.[1]	Rate.	Equivalent ad valorem.
Sulphuric acid, n.s.p.f.	¼ cent per pound..	.....	Free.....	.....
Alum, etc.....	¼ and ⅜ cent per pound, according to content.	37.46	15 per cent.....	15.00
Chloride of lime.....	⅕ cent per pound..	24.81	1/10 cent per pound.	12.53
Glue size.....	25 per cent.....	25.00	1 cent per pound..	15.00
Blanc-fixe.....	½ cent per pound..	43.07	20 per cent [2].....	[2] 20.00
Chrome colors.....	4⅛ cents per pound.	26.85	20 per cent [3].....	[3] 20.00
Ochery and ochery earths.	⅛ to 1 cent per pound, according to class.	41.21	10 and 20 per cent, according to class.	10.00 20.00
Ultramarine.....	3 cents per pound..	32.25	20 per cent [4].....	[4] 20.00
Vermilion reds, not containing quicksilver.	4⅛ cents per pound.	19.11	25 per cent [5].....	[5] 25.00
Potash:				
Bichromate of....	2¼ cents per pound.	30.30	1 cent per pound..	13.50
Prussiate of—				
Red.....	8 cents per pound..	43.07	2 cents per pound..	10.75
Yellow.....	4 cents per pound..	39.37	1½ cents per pound.	12.50
Soda:				
Caustic.....	½ cent per pound..	20.00	¼ cent per pound...	10.00
Ash.....	½ cent per pound..	22.36	⅛ cent per pound..	11.35
Silicate of.....	⅜ cent per pound..	39.53	⅛ cent per pound..	13.89

[1] Computed on imports of 1911.
[2] But not less than ½ cent per pound.
[3] But not less than 3 cents per pound.
[4] But not less than 2 cents per pound.
[5] But not less than 4 cents per pound.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. JOHNSON of Maine. I do.

Mr. HITCHCOCK. Does the table show that the cost of the raw materials will be any considerably less as the result of the passage of this bill?

Mr. JOHNSON of Maine. It does not. It simply shows the articles used by the manufacturers and the rates of duty.

Mr. HITCHCOCK. What difference is there? Is the cost of the raw material increased or reduced?

Mr. JOHNSON of Maine. The table shows the rates of duty under the proposed act and the rates of duty under the present tariff law. I will read some of them.

Sulphuric acid, which under the present law bears a duty of one-fourth cent a pound, or an ad valorem equivalent of 18 per cent, is free under H. R. 20182. On alum, which bears a duty of one-fourth and three-eighths cent per pound according to content under the present law, the ad valorem has been reduced from 37.46 per cent to 15 per cent. The duty on chloride of lime or bleaching powder, which bears a duty of one-fifth cent per pound under the present law, or an ad valorem equivalent of 24.81 per cent, has been reduced under the House bill to one-tenth cent per pound or an equivalent ad valorem of 12.53. The duty has also been reduced on glue size, chrome colors, ochery, and ochery earths. On caustic soda the duty under the present law of one-half cent a pound or an ad valorem of 20 per cent has been reduced to one-fourth of a cent per pound or an ad valorem of 10 per cent, and upon soda ash from an ad valorem of 22.36 to 11.35.

Mr. HITCHCOCK. So that, as far as the Senator has read, the manufacturers of pulp derive a benefit in that the duty on their raw materials is materially reduced.

Mr. JOHNSON of Maine. It is thought they will derive a benefit, and they so thought, and in appearing before the Finance Committee they represented that the cost of manufacturing in this country was largely increased because of the duties upon the chemicals which they use.

I have read the letter from the West Virginia Pulp & Paper Co. showing the estimate of the excess which they have to pay in this country because of the duties over what their Canadian competitors would have to pay upon the articles named in that statement.

Mr. HITCHCOCK. I notice that by the letter to which the Senator refers there was one item which cost the American paper manufacturer $70,000 more than it would cost the Canadian manufacturer because of the American tariff being higher. If that prevails to any considerable extent that would account——

Mr. JOHNSON of Maine. That article was bleaching powder, which is used to a large extent in the pulp and paper mills.

Mr. HITCHCOCK. So that if that excess prevails upon other articles, the high tariff on chemicals would account in part for the higher cost of manufacturing paper in the United States as compared with Canada, if there is a difference.

Mr. JOHNSON of Maine. That was the claim made by the paper manufacturers in their testimony before the Finance Committee from which I have read.

Mr. FLETCHER. I will ask the Senator if there is any prospect that, if these duties are reduced so that the manufacturers can get their raw materials cheaper, the consumers will get theirs any cheaper?

Mr. JOHNSON of Maine. I can not answer that, except to state my expectation that they will.

Mr. HITCHCOCK. While the Senator is on that point, has he any figures to show what is the total consumption in the United States of the chemicals embraced in Schedule A? He has shown that the amount of imports is something like $119,000,000 a year.

Mr. JOHNSON of Maine. I beg the Senator's pardon. The imports of dutiable and free articles aggregate $119,000,000.

Mr. HITCHCOCK. Yes; there are $119,000,000 of imports of chemicals embraced in Schedule A, either as dutiable or free. But has the Senator any figures to show what is the total consumption in the United States? I ask the question for the purpose of ascertaining what proportion of the chemicals consumed in the United States is imported and what proportion is produced locally.

Mr. JOHNSON of Maine. I do not have those figures.

The cotton and woolen industries are the largest consumers of dyestuffs in this country, many of which are imported, and they also consume large amounts of chemicals; and as doubtless a reduction in the duties upon woolen and cotton goods will soon be made, this furnishes an additional reason why there should be a reduction in the duties upon dyestuffs and chemicals used in the manufacture of textiles. From the census of 1905 it appears that the value of chemicals used in that year by the textile industries amounted to $30,097,685. Some of the reductions made in the chemicals used in the textile industries appear in the following tables, which I ask permission to insert:

Important chemicals used in the manufacture of cotton goods and changes in the duties thereon made by H. R. 20182.

Article.	Under act of 1909.		Under H. R. 20182.	
	Rate.	Equivalent ad valorem.[1]	Rate.	Equivalent ad valorem.
Acids:				
Acetic.....	⅜ cent and 2 cents per pound.[2]	16.07	Free.....	.....
Formic.....	25 per cent.....	25.00	1½ cents per pound.	23.08
Oxalic.....	2 cents per pound.	38.83	1½ cents per pound.	25.00
Tannic	35 cents per pound.	89.52	4 cents per pound..	10.40
Caustic soda.....	½ cent per pound..	20.17	¼ cent per pound..	10.00
Chloride of lime.....	⅕ cent per pound..	24.81	1/10 cent per pound.	12.53
Vegetable dyes.....	15 per cent.....	15.00	⅜ cent per pound..	10.70
Logwood extract	⅛ cent per pound..	15.97	⅜ cent per pound..	6.85
Coal-tar dyes.....	30 per cent.....	30.00	25 per cent.....	25.00

[1] Imports of 1911.
[2] According to specific gravity.

Cost of chemicals and dyestuffs used in all branches of the wool manufacturing industry.

[Compiled from reports of Census Bureau.]

Branch of industry.	1899	1904	1909
Woolens and worsted	$6,595,000	$7,457,000	$8,821,000
Carpets and rugs	1,152,000	1,467,000	1,733,000
Hosiery and knit goods	1,023,000	1,677,000	2,542,000
Felt goods	128,000	190,000	220,000
Shoddy	111,000	142,000	137,000
Total	9,009,000	10,933,000	13,453,000

Some chemicals and dyestuffs used in the wool manufacturing industry and the changes in the rates of duty made by H. R. 20182.

Article	Under act of 1909.		Under H. R. 20182.	
	Rate.	Equivalent ad valorem.[1]	Rate.	Equivalent ad valorem.
Acids:				
Acetic	¾ cent and 2 cents per pound.[2]	16.07	Free	
Oxalic	2 cents per pound.	38.83	1½ cents per pound.	25.08
Bichromate of potash	2¼ cents per pound.	30.30	1 cent per pound.	13.50
Hyposulphite of soda	⅜ cent per pound.	18.10	½ cent per pound.	12.50
Carbonate of soda (crystal)	¼ cent per pound.	18.01	⅛ cent per pound.	9.86
Logwood extract	¾ cent per pound.	15.97	⅜ cent per pound.	6.85
Coal-tar dyes	30 per cent	30.00	25 per cent	25.00
Sulphuric acid	¼ cent per pound.	18.10	Free	
Formic acid	25 per cent	25.00	1½ cents per pound.	23.08

[1] Imports of 1911. [2] According to specific gravity.

In addition to the reduction in the duties under the chemical schedule to meet the requirements of the pulp and paper industries and the textile industries, the unnecessarily high rates of duties upon many articles in this schedule of common use by all classes of citizens call for a substantial reduction of these rates, and in some instances for the abolition of all duties, particularly upon heavy chemicals the materials for the manufacture of which are easily obtained and which are either produced in this country or bear no rates of duty when imported here, and many of which are almost universally used and necessary to the comfort and livelihood of our people, and from which therefore all unnecessary tariff taxation should be removed except so far as the same may be necessary for raising revenue. The articles which have been transferred by H. R. 20182 from the dutiable list to the free list appear in the following table, which shows the rate of duty under the present law, the amount imported for the year 1911, and the duties collected, and which I ask permission to insert at this point:

Articles exempted from duty by H. R. 20182, with the value of imports and duties collected thereon for 1911 and rates of duty under the present law.

Article.	Rates under present law.	Imports.	Duties.
Acid:			
Acetic or pyroligneous	¾ and 2 cents per pound.	$6,172	$992
Chromic	2 cents per pound.	1,456	173
Sulphuric, or oil of vitriol, n. s. p. f.	¼ cent per pound.	526	95
Blue vitriol or sulphate of copper	do	323	22
Borates of lime or soda, or borate material, n. s. p. f.	2 cents per pound.	2,277	262
Charcoal in any form, n. s. p. f.	20 per cent ad valorem.	17,389	3,478
Bone char		22,448	4,490
Blood char		347	69
Copperas or sulphate of iron	1/10 cent per pound.	52	4
Paris green and London purple	15 per cent ad valorem.	2,362	354
Phosphorus	18 cents per pound.	17,783	7,322
Santonin	50 cents per pound.	39,678	2,146
Salt cake or niter cake	$1 per ton	121,218	11,398
Strychnia and strychnine	15 cents per ounce.	144	22
Sulphur, refined	$4 per ton	24,072	3,997
Sulphur, sublimed, or flowers of		27,296	3,877
Total		283,543	38,701

The first article in this table is acetic, or pyroligneous, acid, which bears a duty of three-fourths of a cent and 2 cents a pound under the present law, according to the specific gravity, that having a specific gravity of more than 1.047 bearing the higher duty. It is made from acetate of lime, of which this country is the principal producer and exporter, our exports for 1911 being 35,000 tons, and which under this bill is on the free list, and from sulphuric acid. As sulphuric acid and acetate of lime have in this bill been placed upon the free list and acetate of lime is produced here, no reason seems to exist for leaving acetic acid, which is largely consumed in the textile industry, on the dutiable list. Glacial acetic acid, which bears the higher rate of 2 cents a pound, is merely an acid of higher strength, obtained by rectification, a process which is not complicated, and for this reason it should not be treated differently from acetic acid itself.

In connection with this acid it should be mentioned that in February, 1900, the State Department made an investigation into the possibilities of the exportation of acetic acid, and did this at the solicitation of a leading chemical manufacturing concern, which stated in its request that the manufacture of acetic acid in the United States had reached then a state of development where the exportation of acetic acid would be not only possible but highly desirable.

As acetic acid has a very extensive use in the industries and arts, in the manufacture of white lead, sugar of lead, arsenical insecticides, iron and aluminum mordants, and can be made from raw materials produced here, there would seem to be no reason for maintaining any duty upon it.

The importations of chromic acid are very slight, and its use is confined almost entirely to the laboratory. Sulphuric acid, or oil of vitriol, the most important of all acids, is used in nearly all industries, and its consumption in this country has been very largely increased by the manufacture of superphosphates. It bears a duty under the present law of one-fourth of a cent a pound, or $5 a short ton. Because of its weight and its very corrosive character it can not be easily transported. Iron pyrites, from which it is largely made, is admitted to this country free of duty, as is also nitrate of of sodium, which enters into its manufacture. Upon this subject the glossary of the Tariff Board states (pp. 169 and 170):

Sulphuric acid is to-day one of the absolute prerequisites of civilization, ranging in importance next to if not with pig iron, and therefore justifies a more detailed study than any other item of Schedule A of the tariff law.

In speaking of the difficulty in shipment, this statement appears upon page 170:

The powerfully stimulating influence which the Le Blanc soda process exercised over the production of sulphuric acid in Europe was wanting in the United States, because this process, for reasons purely economic, never crossed the Atlantic. Our soda supply was imported, and the only reason why the same was not done with sulphuric acid was the difficulty in the shipping of the material. Glass carboys had to be used for the purpose, and even with the most careful packing breakage was unavoidable, involving not only loss of material, but very serious damage to cargo and ship or injury to crew, owing to the corrosive and destructive action of the acid.

This difficulty of shipping the acid, which in the early period protected the manufacturer against foreign competition in spite of the prevailing high prices, is even more potent to-day, because the quantities to be transported exclude anything but bulk shipments and the relatively low price of the acid will not permit the additional cost of transportation. This operates to prevent importations. The difference in manufacturing cost at home and abroad is probably not great where modern scientific methods are employed.

* * * * * * *

A very powerful factor in the development of the sulphuric-acid industry in the United States was the extended use made of this acid in refining mineral oils and in the production of superphosphate for fertilizer purposes—two industries which found in the United States their greatest development and which to-day consume beyond doubt the largest part of the total output. In later years the iron and steel industry became the third largest consumer of sulphuric acid. The geographical expansion of the production of the latter followed, therefore, closely the lines of these industries and of course also that of the manufacturing of chemicals generally, the basis of which is and always will be sulphuric acid.

* * * * * * *

In comparison with the enormous quantities used there is only a comparatively small number making sulphuric acid for sale. Many of these, moreover, are consolidated under common ownership of relatively few corporations.

In the brief of the General Chemical Co., one of the largest manufacturers of acids and chemical salts in the United States, filed with the Finance Committee March 19, 1912, this statement in regard to the manufacture of sulphuric acid appears upon page 470 of the tariff hearings:

We believe the domestic manufacture of inorganic heavy chemicals, such as sulphuric, muriatic, and nitric acids, is now firmly established and can hold its own in competition with the world on the basis of cost of manufacture.

Therefore no injustice has been done the manufacturers of sulphuric acid, the basis of all chemical industries, and used in so many other industries, by taking off the duty of one-fourth of a cent a pound, or $5 a ton, when, according to investigations made by the Tariff Board itself, and this admission from one of the largest chemical companies in the United States, the industry in this country is now established upon a firm basis.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Florida?

Mr. JOHNSON of Maine. I do.

Mr. FLETCHER. I should like to ask the Senator if he knows the average rate of duty on an ad valorem basis on the articles embraced in schedule A under the present law, the Payne-Aldrich law?

Mr. JOHNSON of Maine. Twenty-five and seventy-eight one-hundredths per cent.

Mr. FLETCHER. What will be the average rate of duty on an ad valorem basis under the bill as it is proposed?

Mr. JOHNSON of Maine. About 16 per cent. But I will say to the Senator that I have already made the explanation which I ought in fairness to make—that taking the same items which are dutiable under schedule A of the present law, and considering them alone, the reduction upon these items is from $25\frac{78}{100}$ per cent to $22\frac{45}{100}$ per cent, a reduction of nearly 13 per cent. I will say, however, that while the reduction is only about 13 per cent, it would be 25 per cent if it were not for the increases which have been made in the bill on some few items for special reasons.

For instance, upon gum chicle, imported into this country in large quantities, and used in the manufacture of chewing gum, the duty has been doubled, to obtain additional revenue. The duty upon opium also has been increased from $1.50 to $3 per pound; and that upon cocaine has been largely increased, to discourage the importation of both.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. I do.

Mr. SMOOT. The statement made by the Senator is perhaps correct if he does not take into consideration the items that have been transferred from the free list to the dutiable list.

Mr. JOHNSON of Maine. I made that statement, I think. I said I referred to the same items covered by Schedule A as it now is in the present law.

Mr. SMOOT. Then there is not the difference that the Senator says.

Mr. JOHNSON of Maine. Then we differ as to that.

Mr. SMOOT. But I want to call the Senator's attention, and the attention of the Senate, to the fact that about $40,000,000 of chemicals that have been on the free list are transferred to the dutiable list under this bill.

Mr. JOHNSON of Maine. I do not care to have that statement injected at this point. I shall come to that presently in the treatment of the matter.

I return to sulphuric acid and observe that the small amount imported shows that no competition exists. While the present law provides in paragraph 687 that sulphuric acid not exceeding a specific gravity 1.380 shall be admitted free of duty, this provision has not resulted in any free importation, because acid of such strength can not be economically manufactured nor transported.

BLUE VITRIOL OR SULPHATE OF COPPER.

This country is one of the largest producers and exporters of blue vitriol or sulphate of copper. The amount imported is so small that the imposition of a duty serves no useful purpose. What has been said of blue vitriol or sulphate of copper can be said of borates of lime or soda, charcoal, bone char, blood char, copperas, or sulphate of iron.

Paris green and London purple are also placed upon the free list. All the articles which I have been discussing have been placed upon the free list by the proposed law.

Copper sulphate, white arsenic, acetic acid, and soda ash, the raw materials for the manufacture of Paris green, are produced abundantly in this country, and it is manufactured very extensively. Its use as an insecticide has made its price fluctuate very much owing to the excessive demands which are made at times for it when pests infect the crops of any section of the country, but the farmers of this country should be allowed to purchase this almost indispensable product at a price which is not increased for the sole benefit of its manufacturers. Very little London purple is imported and very little is made here.

PHOSPHORUS.

Phosphorus is used extensively in the manufacture of matches and certain alloys. As its sources are abundant in this country and in its manufacture great advancement has been made through the use of electricity, the duty should be removed in the interest of the consumer. Salt cake and niter cake are both made in large quantities as by-products in this country, the former in the manufacture of hydrochloric acid by heating a mixture of salt and sulphuric acid, and the latter—niter cake—in the manufacture of nitric acid from a mixture of nitrate of soda and sulphuric acid. They are extensively used in many industries, particularly in the manufacture of glass, and as they are by-products in the manufacture of acids they are produced here in great quantities and importations are small, and upon no theory is any duty necessary.

The industry of extracting strychnine from nux vomica on a fairly large scale is carried on by some few establishments in the United States, and the domestic production is in excess of the consumption since large quantities of strychnine are exported from the United States and sold in competition with that manufactured elsewhere. The duty therefore of 15 cents an ounce is entirely unnecessary. The duty on strychnine was 30 cents an ounce under the Dingley tariff law, which was reduced to 15 cents in the law of 1909. The large medicinal use of strychnine furnishes as strong a reason for placing it upon the free list, as is furnished in the case of quinine, which has been admitted free of duty for many years.

SULPHUR.

Large deposits of sulphur are found in this country, particularly in Louisiana, and our domestic consumption is more than covered by home production. Large exports therefore are made. The duty of $4 per ton under the present law is entirely unnecessary. A careful investigation of the manufacture of all these articles included in the above table and the uses to which they are put will clearly demonstrate the wisdom of placing them upon the free list in the interests not only of the consumers of this country, but also of the manufacturing industries which use them.

MEDICINAL COMPOUNDS AND DRUGS.

Very large reductions have been made in H. R. 20182 upon medicinal compounds and drugs so that the price of the same might be enhanced as little as possible by the duties which are levied and at the same time those engaged in their manufacture receive due and fair consideration. The duty upon calomel has been reduced from 35 per cent to 15 per cent; that on medicinal compounds containing alcohol, from 55 cents per pound to 10 cents per pound and 20 per cent ad valorem up to 40 cents per pound and 20 per cent ad valorem, according to the alcohol contained in them. On other medicinal compounds not containing alcohol the duty has been reduced from 25 per cent to 15 per cent; upon chloroform from 10 cents per pound to 4 cents per pound; on drugs such as roots, berries, balsams, etc., advanced in value from one-fourth of a cent a pound and 10 per cent ad valorem to 10 per cent ad valorem; on potassium iodide, from 25 to 20 cents per pound; on iodoform, from 75 cents per pound to 25 cents per pound; on sulphuric ether, from 8 cents to 4 cents per pound.

It would be impossible to speak of the many reductions which have been made in the rates of duty under this schedule, but I will briefly explain some of the more important changes. The duty has been reduced in the case of glue and gelatin valued at 10 cents a pound or less, from 2½ cents per pound to 1 cent per pound, and upon that valued above 10 cents per pound and less than 25 cents per pound it is fixed at 15 per cent ad valorem, and upon that valued above 25 cents per pound at 25 per cent ad valorem. These reductions it is believed will work no hardship to those engaged in the manufacture of these articles, and that they will permit importations to keep down prices to a fair and reasonable level. Under the present law, glue and gelatin, valued at 10 cents or less a pound, bears a duty of 2½ cents per pound; valued above 10 cents and not above 35 cents per pound, 25 per cent ad valorem; valued above 35 cents per pound, 15 cents per pound and 20 per cent ad valorem. Glue is made from bones, hides, or similar material, and gelatin is merely a high-grade glue. The uses of glue extend through a great many industries, and is used by furniture makers, bookbinders, veneer manufacturers and paper and wood box makers, piano makers, hat makers, in the textile industries, the printing trade, and many others. It is claimed by those who are acquainted with the glue industry that its manufacture is to a large extent controlled by the meat packers and their associates, the raw materials of which are provided from the by-products of their meat-packing establishments; and while in the brief filed by the National Association of Glue and Gelatin Manufacturers it is stated that not over 35 per cent of the total annual production of glue in this country, amounting to 100,000,000 pounds, is the product of factories owned or controlled by the slaughter-house interests, those who are familiar with the business assert that at least 65 per cent of our annual production is manufactured in factories directly or indirectly controlled by these interests. While some glue stock is imported into this country from South and Central America, India, and Australia, it is all admitted free of duty and costs the American manufacturers of glue no more than the foreign manufacturers. Much of the raw material is obtained as by-products of the meat-packing establishments in this country and is manufactured into glue by them; and certainly their efficiency of operation and organization can not be exceeded anywhere.

The following table, obtained from the census reports for the years 1890 and 1910, shows the number of establishments, salaried persons, wage earners, salaries and wages, capital invested, products, and raw materials for these census years in the glue industry:

Year.	Establishments.	Salaried persons.	Wage earners.	Salaries.[1]	Wages.[1]	Capital.[1]	Products.[1]	Raw material.
1890.....	62	139	1,697	$147	$676	$4,859	$4,270	$2,511
1910.....	65	530	3,265	$747	$1,571	$14,289	$13,718	7,525
Increase, per cent.	5	280	90	408	132	200	221	200

[1] Expressed in thousand dollars.

From an examination of this table it will be seen that there was in 1890 for each salaried person a value of product of $30,800, which fell in 1910 to $26,000. The value of product per wage earner, on the other hand, was, in 1890, $2,510 and in 1910 its value rose to $4,200. In 1890 a sum equal to 3.4 per cent of the value of products was paid out in salaries and in 1910 5.4 per cent. The amount paid in wages in 1890 constituted 15.8 per cent of the value of products and in 1910 11.4 per cent. The percentage cost of raw material relative to the output in 1890 was 60 per cent and in 1910 less than 55 per cent. It is a well-known fact, and will appear from an examination of trade journals, that soon after the passage of the Dingley bill, which increased the duty from 25 per cent ad valorem to a specific duty of 2½ cents per pound, equivalent in the case of the cheaper grades of glue to an ad valorem of 50 per cent or more, the price of glue costing below 10 cents a pound increased very materially and is to-day almost 50 per cent higher than it was before the passage of that act. Under the facts disclosed by these statements, the claim of the National Glue Co. that the American glue industry would be seriously injured by a reduction of the duty from 2½ to 1 cent a pound upon glues costing less than 10 cents a pound is absurd upon its face, as the duty of 1 cent a pound covers the entire wage cost and also part of the salaries paid.

In this connection I will read a statement made to me by one of the independent glue manufacturing companies which has been engaged in the business for about 40 years in this country, as I am informed by one of its officers, and it is as follows:

We submit that the present customs duties on glues and gelatines are extortionate, and notably so on glues below 10 cents per pound.

When the Dingley bill was under discussion an effort was made by the packers and their allied interests to secure a tariff on imported raw material as well as on the finished product.

Failing to secure this protection of their domestic raw material (the bulk of which they produce and continue to control to-day since it is a by-product of their industry) these same packers, with their allied associates, set about to secure such high rates on glues below 10 cents per pound, and which are chiefly made from the grade of stock they produce, as to effectually shut out all foreign glues of similar character, and in this were successful.

The duty on all grades had formerly been 20 to 25 per cent; the above advance of the duty made in the Dingley bill secured them from 30 to 75 per cent duty on glues below 10 cents per pound.

This outrageous and unnecessary protection was secured insidiously and concealed from the knowledge of the other and independent glue makers until enacted and without any public notice being given of the proposed action.

That the packers and their allies controlled and still control powerful influence is well known.

Apart from the great advantage of this special increase of duty enjoyed by the packers and their allies, the effect has been to finally injure the industry in glues below 10 cents per pound, since the resulting high prices have stimulated substitutes for glue, which the consumers are forced to use, though unsatisfactory.

The proposed House bill as passed is an eminently fair and reasonable measure, offering all the protection required to offset the lower cost of foreign labor.

Furthermore, obtaining imported raw material free of duty, the domestic makers are on an even basis with those abroad, and surely require no protection to offset any alleged techinque or inventive genius on the part of foreign manufacturers.

The imported glue stock (raw material) is drawn from South and Central America, India, Australia, in fact, from all over the world, and being free of duty costs the American makers no more than it costs the foreign makers of glue.

CAMPHOR AND CELLULOID.

In the proposed bill a duty of 3 cents a pound has been placed upon crude camphor which heretofore has been upon the free list, and a reduction made in the duty on refined camphor which is reduced from 6 to 5 cents a pound, while the duty upon celluloid into the manufacture of which camphor enters to a large extent, constituting about one-third by weight, has been decreased, and a reduction also made in the duty upon articles made from celluloid. Under the present law celluloid in blocks, sheets, rods, tubes, or other forms, not polished wholly or partly and not made up into finished or partly finished articles, bears a duty of 45 cents per pound, which has been reduced in the proposed law to 15 per cent ad valorem and not less than 15 cents per pound. Articles made of celluloid under the present law bear a duty of 65 cents per pound and 30 per cent ad valorem, and the rate upon these articles has been fixed in the proposed law at 35 per cent and not less than 40 cents per pound. A high duty was placed upon these articles in the Dingley bill because of the alcohol used in their manufacture, but since the passage of the denatured-alcohol act in 1906 the necessity for maintaining so high a duty does not exist. The act of 1909, while making a small reduction in the duties upon celluloid in blocks or sheets, increased the duty upon articles made from celluloid. As denatured alcohol is now used in the manufacture of celluloid there is no necessity for the maintenance of any compensatory duty to the manufacturer for the alcohol used in making it. The duty upon celluloid in blocks and sheets is to-day prohibitive, and very little is imported. The manufacturers of celluloid who appeared before the finance committee claimed that the provisions of the proposed law would work a hardship upon them, because a duty was placed upon camphor and the duty reduced upon their finished product, and that their business would be ruined by competition with celluloid articles manufactured in Japan. In connection with this claim I wish to insert the following taken from the Daily Consular and Trade Reports, page 1202, of the year 1911, as given by the American consul, George M. West, relating to the celluloid manufacture in Japan. In speaking of the celluloid factories being erected in Japan he makes the following statement:

CELLULOID MANUFACTURE IN JAPAN.

[From Consul George N. West, Kobe.]

Supplementing the report in the Daily Consular and Trade Reports for January 10, 1911, I have succeeded in obtaining additional information concerning the celluloid factory being erected at Sakai (and the same information will apply to the Aboshi factory) and the probable effect of their output in the oriental and American celluloid markets.

The normal capacity of the Sakai factory will be 1 ton per day of 10 working hours, or 1½ tons at 14 working hours; of the Aboshi plant, 3 tons per day; but it is not thought possible for them to produce their normal capacity, and 600 to 700 pounds per day will be the limit, at least for the present, of the Sakai factory.

COST OF PRODUCTION.

The output of the factories will be of very medium quality, owing to the inferiority of the materials from which it is made and the lack of skilled labor. Only the cheap qualities of celluloid are used in Japan, and this will be what the factories will produce. The imports in 1910 were about 700,000 pounds, of which 300,000 pounds were reexported to China in a manufactured state.

From the best sources of information obtainable the cost of the ingredients entering into the production of celluloid in Japan, other than camphor, will be as follows: Nitric acid, to be manufactured at the works, 8 cents per pound of about 90 per cent strength; sulphuric acid, $22 per ton of 98 per cent strength; nitrate of soda, $45 per ton; grain alcohol, 96 per cent strength, 8½ cents per pound; wood spirits (American) of 97 per cent strength, 14 cents per pound; tissue paper (cotton), Japanese manufacture, 18 to 20 cents per pound. This paper will be inferior in quality to the American 10-cent grade. The factories are paying 32 cents per pound for the cheaper class of camphor at the present time (January 17, 1911).

While the cost of labor will be low in comparison with the prices paid in the United States, it will take five or more workers in Japan to perform the work done by one person in the United States. The average cost for all classes of labor at these factories will approximate 50 cents per day of 10 hours, overtime being paid for at the same rate. The employees are given two holidays each month with pay; otherwise they work seven days each week.

The cost of maintenance of the factories will be greatly in excess of that necessary in the United States, as the same attention is not paid to the care of machinery and other articles and repairs are not quickly and adequately made, but makeshifts are used to supply broken parts, which soon render machinery useless.

It will be noted that the prices given in the above report for the raw materials used in the manufacture of celluloid are, in some instances, 50 per cent and even, in many instances, close to 100 per cent higher than the American prices for the corresponding articles. These same manufacturers were also before the Ways and Means Committee in 1909, claiming that their business would be ruined by any decrease of duties upon their products and succeeded in obtaining an increase of duties upon articles manufactured from celluloid. The manufacture of celluloid is an American invention, and an examination of statistics shows that quite a large foreign trade has been built up. We exported in the year ending June, 1911, about $1,694,000 of these manufactured products, and in 1907 $444,000, showing an increase of nearly 300 per cent.

As the average price of crude camphor imported in 1911 was about 30 cents per pound, the proposed duty of 3 cents per pound would be equivalent to an ad valorem duty of about 10 per cent. As the duty upon crude celluloid would be at the minimum 15 cents per pound, in which the duty on camphor would amount only to 1 cent, as camphor constitutes, by weight, but one-third of celluloid, and since the duty upon articles manufactured from celluloid in the proposed bill is at a minimum 40 cents per pound, the manufacturers being allowed the use of

denatured alcohol and obtaining nearly all their raw materials free of duty, have no just ground for complaint. Nor does the information disclosed in the consular reports in regard to the cost of manufacture of celluloid in Japan furnish any ground for the claim that their industries would be severely crippled by a reduction of the duties proposed in H. R. 20182, especially so when it is considered that the Japanese factories, as has been stated, are equipped with machinery imported almost exclusively from the United States. At a hearing before the Ways and Means Committee in 1890, page 384, J. R. France, president of the Arlington Manufacturing Co., one of the companies appearing before the finance committee in 1911, in speaking of a bill permitting the use of denatured alcohol in the manufacture of celluloid, said as follows: "The increasing cost of manufacture makes this tax entirely prohibitive to the sale of our goods in all markets except home. There are large fields open to us from which, for this cost, we are entirely shut out. The superiority of American manufacturers in this line is so much in advance of foreign competition that despite the disparity of earnings by employees as compared with foreign labor we could easily compete and that with good profits except for this tax." The tax referred to, of course, is the internal-revenue tax upon alcohol then in existence. In view of this statement by Mr. France, the complaint of his successors before the Finance Committee at this session that they will be subjected to ruinous competition by reason of the reductions in the duties upon celluloid is without any substantial foundation.

PAINTS.

The pending bill recognizes the extensive use of paints and pigments in this country and the established condition of the paint industries and makes a moderate reduction in the duties on their products, as well as on the raw materials from which they are manufactured. Nearly all the raw materials for manufacturing paint are found or manufactured in this country except the finer grades of ochers and earths, which are imported. Statistics show that in 1910 we exported paints and pigments to the value of $4,726,000, and in 1911 $5,240,000. Testimony given before the Finance Committee disclosed that profits were large in this industry, one manufacturer admitting his profits to be about 40 per cent. The duty upon paints, therefore, has been reduced from 30 per cent to 20 per cent ad valorem.

In this connection I will take but a moment to read into the RECORD the testimony of R. E. Armstrong, as found on page 339 of the hearings before the Finance Committee at the present session:

Senator McCUMBER. Will you give the committee an idea of the profit there is in your business?
Mr. ARMSTRONG. In my own personal business?
Senator McCUMBER. Yes; the percentage of profit. I am not asking you to go into the details of your private business at all.
Mr. ARMSTRONG. I understand. I might say before I tell you that, Senator, that I think my business is different from my fellows', perhaps, in this way: If you and I were running peanut stands and you got to your place of business at 10 o'clock and I got to mine at 5, I probably would do considerably more business than you would, and make more money at it.
Senator McCUMBER. Unless you belonged to a labor union. Then, of course, it would be the same.
Mr. ARMSTRONG. I will say that our profits will run, usually, about 40 per cent on the capital invested.

SOAPS.

House bill 20182 also makes a large reduction in the duty upon soaps, that upon common soaps being reduced from 20 per cent to 15 per cent ad valorem, but not less than 1 cent per pound, and upon medicinal soaps from an ad valorem of 73½ to 30 per cent, and upon fancy or perfumed soaps from 50 per cent ad valorem to 40 per cent ad valorem, but not less than 20 cents per pound. While we imported in 1911 common soap to the value of $68,806, we exported soap of the same class of the value of $2,305,010. Of toilet or perfumed or fancy soaps we imported in the same year $380,472 worth and exported $1,741,171 worth. As the production of soaps in this country amounted in value to more than $100,000,000 in 1910, there is no danger that this industry will be ruined by the new rates. A heavy reduction has been made in the duties upon sodas and glycerin, which enter largely into the manufacture of soaps, which will nearly offset the small duty that has been imposed upon some of the oils which enter into their manufacture.

Mr. HITCHCOCK. Mr. President, I should like to recur for a moment to the quotation made by the Senator from Maine from the manufacturer of paint who appeared before the committee. Is there much testimony of that character to indicate that protected manufacturers are earning a profit of 40 per cent annually on their invested capital?

Mr. JOHNSON of Maine. I do not recall any testimony to that effect except that which I have read.

Mr. SMOOT. Mr. President, the testimony from which the Senator read was that of a young fellow by the name of Armstrong, of Chicago. He started in——

Mr. JOHNSON of Maine. I would prefer to give the statement in regard to it, if the Senator from Utah will pardon me. He can make any answer he sees fit in his own time.

Mr. SMOOT. I will be glad to listen to the Senator.

Mr. JOHNSON of Maine. My recollection of him is different from that of the Senator insofar as his being a young fellow is concerned, unless I am young.

Mr. HITCHCOCK. The Senator looks that way.

Mr. SMOOT. Is that the only explanation the Senator desires to make?

Mr. HITCHCOCK. I had some additional questions I wanted to ask. I wanted to inquire whether, in the opinion of the committee, that was the "reasonable profit" mentioned in the Republican platform that manufacturers were entitled to make at the expense of the American people?

Mr. JOHNSON of Maine. I am unable to answer the Senator's inquiry. I have simply read from the testimony of one manufacturer who appeared before the Finance Committee, and the record of his testimony disclosed the statement which I have read.

Mr. SMOOT. Mr. President——

Mr. HITCHCOCK. I presume that manufacturer was anxious to have the tariff reduced?

Mr. JOHNSON of Maine. He complained about placing a duty on certain raw materials used in the manufacture of paint and which by the amendments proposed by the minority of the committee are returned to the free list. His complaint was that we were taxing raw materials and that the raw materials used in the manufacture of paint should be left upon the free list.

Mr. HITCHCOCK. He had no objection to the reduction of the tariff on paint?

Mr. JOHNSON of Maine. I do not recall that he was inquired of in regard to that.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. Yes.

Mr. SMOOT. Mr. President, I remember the testimony of Mr. Armstrong very well. He was a young man who started a business in Chicago——

Mr. JOHNSON of Maine. Mr. President, while I would be glad to yield to the Senator for a question, but so long as he is, as I understand, to present his views to the Senate upon the subject, it seems to me he can very well answer in his own time. I am very anxious, if the Senator will pardon me, to get through with what little I have to say, as the hour is late.

Mr. SMOOT. If the Senator objects, I will say nothing more about it; but will tell the Senate at some later time who Mr. Armstrong is, what capital he has invested, and what sort of a manufacturer he is.

Mr. JOHNSON of Maine. The bill also makes heavy reductions upon soda salts and corresponding heavy reductions upon manufactured potash salts, while the potash salts used for fertilizer purposes have been left on the free list as heretofore, and a small revenue duty has been placed on some of the potash compounds which have hitherto been upon the free list, the manufacture of which has been introduced into this country and which the small duty imposed may operate to stimulate.

The widest departure from previous tariff bills is made in H. R. 20182 in placing a duty upon a large number of articles which have hitherto been upon the free list and many of which are not produced in this country. Many of these are luxuries, and the duty imposed is for the purpose of raising a revenue. The dutiable value of these articles in the imports of 1911 was about $42,000,000, and at the rates fixed by H. R. 20182 would have yielded a revenue of about $4,000,000, at an average ad valorem of 9.55 per cent. By the amendments proposed these dutiable values would be reduced to less than $34,000,000, and the revenue derived therefrom would be $3,300,000, at an average ad valorem of 9¾ per cent. While these are articles of universal consumption and the duty imposed is therefore a tax upon consumption and admitted to be such, nevertheless it is a tax which will be paid by the consumer into the Treasury of the Government for the purpose of its maintenance, and is therefore a tax which every patriotic citizen will readily pay. If any of these articles are used as the raw materials for the manufacture of exports from this country, the duty imposed upon them will not increase the price of such articles, because under the provisions of the present law a rebate of the duty paid can be obtained upon proper ap-

plication. Many of these items which have been transferred from the free list to the dutiable list are used in the manufacture of perfumes and cosmetics, articles which are luxuries, and while the duty upon the finished products has not been increased by this bill, it will be found by reference to importations for the year 1911 that the duties upon perfumes have an ad valorem equivalent of 64.32 per cent, and, as the duties placed by the proposed bill upon raw materials entering into the manufacture of perfumeries and cosmetics is 20 per cent ad valorem, the manufacturer is still afforded a margin of about 40 per cent, which ought to enable him to meet foreign competition. As these perfumes are highly finished products and luxuries, they afford a legitimate opportunity for the imposition of a revenue tax.

In the report of the committee the proposed bill is criticized because a tax is placed upon some raw materials or the present duty upon some increased, while there has been a decrease in the duty upon the manufactured products made from them. This criticism has been answered in the report of the minority of the committee, and I ask permission to insert at this point so much of the report as deals with this criticism. The motive for this course was merely to raise revenue in the case of the raw materials on the one hand and to protect the consumer against unreasonably high prices on the other.

The PRESIDENT pro tempore. In the absence of objection, permission is granted.

The extract referred to is as follows:

BENZOIC ACID AND BENZOATE OF SODA.

Benzoic acid is transferred from the free list to the dutiable list, with a duty of 5 cents a pound by H. R. 20182, and the duty on benzoate of soda made from it reduced from 25 per cent to 15 per cent. No benzoate of soda is now imported, because the duty is prohibitive, and as it is used exclusively as a food preservative, which at present is discouraged, no hardship would seem to fall upon its manufacture because of this change in duties, nor would those engaged in it seem to be entitled to the fostering care of the Government under any theory.

PHTHALIC ACID AND PHENOLPHTHALEIN.

In the case of phthalic acid and phenolphthalein the import price of the latter is between $1 and $1.50 per pound, so that even at the lowest price it would pay a duty of 15 cents per pound, against the proposed duty of 5 cents upon the acid. Moreover, in its manufacture over 50 per cent of the raw material used is carbolic acid, which H. R. 20182 places on the free list. The colors made from phthalic acid will pay a duty of 25 per cent under H. R. 20182, which will afford a sufficient manufacturing margin.

ARGOLS OR CRUDE TARTAR AND CREAM TARTAR AND TARTARIC ACID.

H. R. 20182 increases the duty on argols or cream tartar from 5 per cent ad valorem to 10 per cent ad valorem, and upon tartaric acid and cream of tartar made from the same the duties are decreased from 5 cents a pound to 3 cents and 2½ cents a pound, respectively. Argols or crude tartar, of which we imported 29,269,977 pounds in 1911, at a unit value of about 10 cents a pound, would at the proposed ad valorem duty of 10 per cent, bear a duty of 1 cent per pound, and as cream of tartar, which is made from argols or wine lees by refining, bears a duty of 2½ cents per pound, the difference between the duty on the raw material and that on the finished product will about equal the manufacturing cost, as the process of refining is simple and inexpensive, and consists in boiling the argols in water, thereby separating the cream of tartar from impurities, and obtaining crystals of cream of tartar by evaporation. In this process tartaric acid is one of the by-products, and what has been said of the duty on cream of tartar applies to the duty on that. The present duty on both cream of tartar and tartaric acid is practically prohibitive.

COAL-TAR PRODUCTS AND COAL-TAR DYES OR COLORS.

Strong representations were made by several parties to the Ways and Means Committee in 1908–9 as to the advisability of placing a duty upon certain of the primary and intermediate coal-tar products. It was claimed that this country could now supply these products and would do so with slight protection, and that this would not increase the price to the consumer of the finished product. (See pp. 103–147, Tariff Hearings, Schedule A, 1908–9.)

CAMPHOR, COLLODION, ARTICLES OF COLLODION.

While crude camphor is transferred from the free list to the dutiable list with a duty of 3 cents per pound by H. R. 20182, the manufacture of collodion is not affected thereby, because collodion contains no camphor. Camphor, however, does enter into the manufacture of articles of collodion, of which it constitutes about one-third by weight; the other articles used are nitric acid and sulphuric acid and cotton. As nitric acid and cotton are on the free list and sulphuric acid is placed there by this bill, a duty of 35 per cent ad valorem on articles of collodion or celluloid would seem to afford a large manufacturing margin. The average price of crude camphor imported in 1911 was about 30 cents per pound, and at this price the proposed duty of 3 cents per pound would be equivalent to an ad valorem duty of less than 10 per cent.

GUM CHICLE AND CHEWING GUM.

In the case of gum chicle and chewing gum at the hearing before the Finance Committee the manufacturers declared their willingness to pay a duty of 50 per cent ad valorem, which, at the price given in the imports for the last year, would be more than the duty proposed of 20 cents per pound. They wanted, however, the duty put on an ad valorem basis because they admittedly controlled the market and would be able to determine the price. In 1911 we imported 5,368,567 pounds of chicle, practically all of which was converted into chewing gum, and doubling the duty will have little or no effect upon this import and will yield over half a million dollars additional revenue. No chewing gum is imported. The Chicle Trust is certainly no object of justifiable commiseration.

IODINE AND POTASSIUM IODIDE AND IODOFORM.

Potassium iodide contains 70.5 per cent iodine; iodoform, 95 per cent. There is therefore a large margin left to cover manufacturing differences. Neither potassium iodide nor iodoform are imported, nor are they likely to be under the reduced duty. The duty on iodoform was originally placed high on account of the alcohol used in its manufacture, and since the introduction of denatured alcohol in 1906 the high duty is no longer necessary.

COCA LEAVES AND COCAINE.

The duty on the leaves is increased from 5 cents per pound to 10 cents per pound and on cocaine from $1.50 per ounce to $2 per ounce, a duty claimed by manufacturers and dealers to be prohibitive, which, in the case of a dangerous drug like cocaine, will assist in the regulation of its use. If the duty on the manufactured articles is made practically prohibitive, there should be an increased duty upon the leaves.

CITRATE OF LIME AND CITRIC ACID.

In 1910 we manufactured $77,200 worth of citric acid and imported only $9,940 worth, about 1¼ per cent of our consumption. The duty of 7 cents a pound is clearly prohibitive. The duty of 1 cent a pound upon citrate of lime, which is easily manufactured, is equivalent to about 7 per cent ad valorem, while the duty upon citric acid is over 10 per cent ad valorem.

Mr. JOHNSON of Maine. The General Chemical Co., one of the largest manufacturers of chemicals in this country, in its brief filed with the committee, opposed the reduction of the duties upon some heavy chemicals manufactured by it, among which are alum, sulphate of ammonia, hyposulphite of soda, silicate of soda, and sodium sulphide. In view of the fact that these are all heavy chemicals and their manufacture is protected not only by the duties imposed but by the large cost of transportation, we believe that the reductions in the duties made in the proposed bill are not unreasonable, and a brief examination will disclose the correctness of our position. Alum is made from bauxite which is dutiable under the present law at $1 a ton. This duty has been reduced to 50 cents a ton in the House metal bill which has already passed the Senate. One ton of bauxite will make at least three tons of alum which will sell in the market at the average price of $25 a short ton. In the House bill a duty of 15 per cent ad valorem has been placed upon aluminum compounds equivalent to a specific duty of at least $3 a ton, so that alum would bear this duty under the proposed bill, and as there is no duty upon the other ingredients used in its manufacture this duty surely ought to cover the difference between the cost of production here and elsewhere. Sulphate of magnesia or Epsom salts is manufactured from kieserite which is already on the free list and is continued there by the proposed bill. The duty has been reduced upon sulphate of magnesia or Epsom salts from one-fifth of a cent a pound to one-tenth of a cent a pound, equivalent to a reduction from $4 a short ton to $2 a short ton. As sulphate of magnesia or Epsom salts is used industrially to a very large extent, especially in the textile industries, and no chemicals which bear a duty are used in its manufacture, it would seem as if a duty of $2 a ton added to the sea freight would be a sufficient protection to place the manufacture of it on a fair basis of competition.

The reduction of the duty on hyposulphite of soda from three-eighths of a cent to one-fourth of a cent per pound was made for the reason that under the present duty of three-eighths of a cent per pound there are no importations, as the duty is prohibitive. The reduction of one-eighth of a cent a pound in the proposed bill, making the duty one-fourth of a cent per pound, allows for possible importation to induce some competition. It is very evident, from an examination of the imports under the Dingley tariff law compared with the importations under the Payne-Aldrich tariff that the lower-priced or commercial product is excluded from importation, and that the higher priced is now imported, as under the Dingley tariff law the unit value of importations was 1 cent a pound and in 1910 this was increased to 1.4 cents and in 1911 to 2.1. The rate in the proposed bill of one-fourth of a cent a pound is equivalent to 12.50 per cent ad valorem, a reduction from 18.10 per cent in the present law. Hyposulphite of soda is a heavy chemical, and when the cost of sea transportation is taken into consideration the duty of 12.50 would seem to be sufficient protection.

Soda silicate. In this the reduction has been from three-eighths cent a pound to one-eighth, or from 39.89 per cent to 13.89 per cent ad valorem. This is a heavy chemical, and the cost of transportation is a large factor.

Sodium sulphide. The House bill proposes a reduction from three-eighths to one-fourth of a cent per pound on the crystal. In 1911 not quite 228 tons of both the crystal and the concentrated were imported, so that the competition between the American and foreign manufacturer can not be very keen, in view of the fact that the articles are of general heavy consumption. The duty of one-fourth of a cent a pound is equivalent to an ad valorem of 17.85 per cent. A large cut is made in

all of the soda salts, because of their extreme importance and their use in the industries.

C. E. MOORE.

Mr. LODGE. Mr. President, if the Senator from Maine has concluded, I move that the Senate——

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I yield to the Senator from Kansas.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 5790) for the relief of C. E. Moore.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster General to cause the accounts of C. E. Moore, late postmaster at Cherryvale, State of Kansas, to be credited with the sum of $130, and that he cause that credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of the loss of $130 in postal funds lost by the failure of the Cherryvale National Bank, at Cherryvale, Kans., it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $130 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield to the Senator to make a request.

Mr. PAGE. Mr. President, I stated to the Senate in some remarks I made a few days ago that the Committee on Agriculture and Forestry had prepared a substitute bill for Senate bill No. 3. I now rise, by direction of the Committee on Agriculture and Forestry, for the purpose of asking unanimous consent that Senate bill No. 3, Calendar No. 348, be now laid before the Senate in order that I may ask to substitute for it the amendment proposed by the committee.

The PRESIDENT pro tempore. The Senator asks that the bill which he has indicated be now laid before the Senate in order that he may offer an amendment to it in the nature of a substitute. The Chair lays before the Senate the bill, the title of which will be stated.

The SECRETARY. A bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

Mr. PAGE. I now ask that the amendment reported by the committee be substituted for that bill on the calendar.

Mr. SMITH of Georgia. I wish to inquire whether the acceptance of the substitute would commit the Senate to the substitute without further amendment in any way?

Mr. LODGE. Oh, no.

Mr. PAGE. Not at all. I have no desire to do that, I will say to the Senator.

Mr. GALLINGER. I understand that the Senator asks unanimous consent to substitute the bill to which he refers for the original bill?

Mr. PAGE. That is all.

Mr. GALLINGER. And that it go to the calendar, to take the place of the original bill reported?

Mr. PAGE. That is correct.

The PRESIDENT pro tempore. Without objection, the order will be made.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 15, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 14, 1912.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

First Lieut. Emery T. Smith, Ninth Infantry, to be first lieutenant of Field Artillery, with rank from January 25, 1907.

First Lieut. Charles T. Smart, First Field Artillery, to be first lieutenant of Infantry, with rank from January 25, 1907.

RECEIVER OF PUBLIC MONEYS.

Frank M. Foote, of Wyoming, to be receiver of public moneys at Evanston, Wyo., his term having expired March 30, 1912. (Reappointment.)

REGISTER OF THE LAND OFFICE.

George D. Orner, of Oklahoma, to be register of the land office at Woodward, Okla., his term having expired May 1, 1912. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

H. C. Hollenbeck to be postmaster at Soldiers Home, Cal., in place of Thomas J. Thorp, resigned.

Samuel F. Jenkins to be postmaster at Richmond, Cal., in place of Lizzie McGann.

W. D. Pennycook to be postmaster at Vallejo, Cal., in place of W. D. Pennycook. Incumbent's commission expired May 20, 1912.

FLORIDA.

Elbert A. Froscher to be postmaster at Marathon, Fla. Office became presidential April 1, 1912.

INDIANA.

Andrew F. Gugsell to be postmaster at Jasper, Ind., in place of Winfield S. Hunter. Incumbent's commission expired February 28, 1912.

George E. Spake to be postmaster at Monroeville, Ind., in place of Frank D. Walters, removed.

IOWA.

J. V. Williams to be postmaster at Union, Iowa, in place of Oscar E. Wood. Incumbent's commission expired January 31, 1912.

LOUISIANA.

Earl G. Eagles to be postmaster at Winnfield, La., in place of Edward Eagles. Incumbent's commission expired May 14, 1912.

MARYLAND.

Samuel S. Yingling to be postmaster at Reisterstown, Md., in place of Samuel S. Yingling. Incumbent's commission expired May 26, 1912.

MICHIGAN.

A. Edgar West to be postmaster at Upton Works, Mich., in place of Frank A. Peavey. Incumbent's commission expired February 27, 1912.

MISSOURI.

Charles L. Farrar to be postmaster at Macon, Mo., in place of Charles L. Farrar. Incumbent's commission expired April 22, 1912.

Chester R. Peck to be postmaster at Malden, Mo., in place of William J. Huggins, deceased.

NEW JERSEY.

William E. Bedle to be postmaster at Keyport, N. J., in place of Ellison D. Petteys. Incumbent's commission expired December 11, 1911.

NEW YORK.

David Akers to be postmaster at Hillburn, N. Y., in place of David Akers. Incumbent's commission expired February 10, 1912.

Wilfred A. Robbins to be postmaster at Mexico, N. Y., in place of Webster M. Richardson. Incumbent's commission expired December 17, 1911.

Frank W. Smith to be postmaster at Freeville, N. Y., in place of William E. Stufin, deceased.

Louis M. Spaulding to be postmaster at Albion, N. Y., in place of Samuel P. Milby, removed.

Wilbur H. Wolcott to be postmaster at Crown Point, N. Y., in place of Charles Talbot, deceased.

NORTH DAKOTA.

John W. Doles to be postmaster at Stanley, N. Dak., in place of John W. Doles. Incumbent's commission expired March 17, 1912.

OHIO.

Clifford N. Quirk to be postmaster at Chardon, Ohio, in place of Clifford N. Quirk. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

David C. Blossom to be postmaster at Atoka, Okla., in place of David C. Blossom. Incumbent's commission expired April 28, 1912.

OREGON.

Mabel Miller to be postmaster at Jacksonville, Oreg., in place of John F. Miller. Incumbent's commission expired March 21, 1912.

PENNSYLVANIA.

David A. Moore to be postmaster at New Castle, Pa., in place of John A. McKee. Incumbent's commission expired April 29, 1912.

SOUTH DAKOTA.

Fred C. Bowles to be postmaster at Dell Rapids, S. Dak., in place of Fred C. Bowles. Incumbent's commission expired May 22, 1912.

Robert E. Rogers to be postmaster at Faith, S. Dak. Office became presidential April 1, 1912.

WASHINGTON.

C. J. Casad to be postmaster at Twisp, Wash., in place of Willis R. Hulett, resigned.

William L. Oliver to be postmaster at Rockford, Wash., in place of Lucius L. Wing. Incumbent's commission expired May 26, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14, 1912.

UNITED STATES MARSHAL.

Victor Loisel to be United States marshal for the eastern district of Louisiana.

PROMOTIONS IN THE NAVY.

Capt. Robert M. Doyle to be a rear admiral.
Lieut. Commander Yates Stirling, jr., to be a commander.
Lieut. James C. Kress to be a lieutenant commander.
The following-named ensigns to be lieutenants (junior grade):
Riley F. McConnell,
Robert L. Montgomery,
Ezra G. Allen,
Thaddeus A. Thomson, jr.,
Alfred H. Miles,
Reginald E. Gillmor,
James Parker, jr.,
Schuyler F. Heim,
Newton H. White, jr., and
Burton A. Strait.
The following-named assistant paymasters with the rank of ensign to be assistant paymasters:
Duette W. Rose,
Irwin D. Coyle, and
Paul A. Clarke.

POSTMASTERS.

ARIZONA.

Charles E. Dermont, Metcalf.
Claus V. Meeden, Yuma.
William M. Newell, Mesa.

CALIFORNIA.

Arthur G. Fisk, San Francisco.

GEORGIA.

James F. Boughton, Madison.
William M. Wakeford, Adel.

ILLINOIS.

Archibald B. Campbell, Tolono.

INDIANA.

Harry H. Crooke, Odon.
Anna Egly, Berne.
Emma G. Powell, Montezuma.

IOWA.

William C. Marsh, Aurelia.
W. E. Richards, Edgewood.

KANSAS.

W. S. Lyman, Lewis.

MASSACHUSETTS.

Frank H. Fales, Framingham (late South Framingham).

MICHIGAN.

James Garnsey, Mayville.

MONTANA.

J. Z. Clem, Virginia City.

NEBRASKA.

Joseph F. Hejtmanek, Dodge.
Henry Niebuhr, Winnebago.

NEW YORK.

George F. Odell, Congers.

OHIO.

C. A. Burke, Johnstown.

OREGON.

J. Ralph Woodford, Medford.

PENNSYLVANIA.

David A. Moore, New Castle.

SOUTH DAKOTA.

James D. Stewart, Dupree.

UTAH.

T. G. Wimmer, Greenriver.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 14, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, the inspiration of all that makes life dear, we thank Thee for our Republic, with its splendid traditions, sacred institutions, and incomparable genius; a precious heritage made possible by the heroic sacrifices and daring deeds of our fathers, which challenged the admiration of men everywhere and thrilled the hearts of the liberty-loving people round the world. We thank Thee that its national ensign, designed and carried to victory by our revered Washington, the Father of his Country, will be celebrated today with appropriate ceremonies in song and story. Grant, O most merciful Father, that it may continue to float in peace over a united country and with all the peoples of all the earth, forever and aye. In the spirit of the Prince of Peace, whose advent was heralded by the angelic host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men." And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

GREAT SEAL OF THE HOUSE OF REPRESENTATIVES.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the House resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 586.

Whereas the great seal of the House of Representatives having been in use continually since the year 1830 A. D., and having now become so worn as to make impressions taken therefrom almost illegible: Be it

Resolved, That the Clerk of the House of Representatives immediately procure a new seal for the use of the House of Representatives, which shall possess the same design and description as the present seal, but shall now have 48 stars, emblematic of the 48 States of the Union, instead of the 24 stars now upon the present seal, which represent the 24 States constituting the Union at the time of the adoption of the present seal.

The necessary expense of procuring the new seal to be paid out of the contingent fund of the House.

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose, when the seal is obtained that the gentleman will introduce a resolution similar to the one now in force in reference to furnishing a copy of the impression to the State Department?

Mr. FLOYD of Arkansas. I will state to the gentleman from Illinois that that is the intention. This resolution simply provides for the purchase of the seal. I will state that the old seal is so worn that the impressions from it are almost illegible.

Mr. GARNER. What is to become of the old seal?

Mr. FLOYD of Arkansas. It will remain in the archives of the Capitol, I presume. This resolution does not undertake to dispose of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

INTERNATIONAL MARITIME CONFERENCE.

The SPEAKER laid before the House House joint resolution 299, proposing an international maritime conference, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendments. And in that connection I desire to say that this resolution, for an international maritime conference to pro-

pose laws and regulations for greater security of life and property at sea, was introduced by Judge ALEXANDER, of Missouri. It was unanimously reported from the Committee on Foreign Affairs of the House and was passed by the House unanimously and sent to the Senate. While pending in the Senate the Secretary of State informed the Senate that the German Government had issued a similar invitation for an international maritime conference, and that the President, as I understand it, through the German ambassador, had, on the part of our Government, accepted the invitation. These amendments are to give the United States Government representation at this international maritime conference for the greater security of life and protection of property at sea. I trust the House will concur in the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. SULZER. I do.

Mr. FITZGERALD. The gentleman states that the invitation of the German Government was accepted by this Government, and now an appropriation is sought to be made for the expenses of our representatives at that conference. What right has anybody to accept these invitations without authority of Congress?

Mr. SULZER. Of course, if Congress does not authorize it, it can not be done.

Mr. FITZGERALD. Would it not be a little more deferential to submit the matter to Congress for its assent before the invitation is accepted, rather than to embarrass, sometimes, those who accept these invitations by having it ascertained later that Congress thinks a little differently about it?

Mr. SULZER. In view of the recent terrible catastrophe of the *Titanic* it seems to me that this international maritime conference should be called, and everything ought to be done that can be done to provide better laws and regulations for the security of life and the protection of property at sea. It is a matter of much public moment.

Mr. FITZGERALD. I have no objection, but I simply wanted to admonish those in authority who are too free in accepting invitations.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know whether this resolution, as amended by the Senate, carries an additional appropriation beyond what it carried when passed by the House?

Mr. SULZER. The joint resolution carried no appropriation in the House.

Mr. BARTLETT. Then, I suggest, Mr. Speaker, that the gentleman from New York ask unanimous consent to consider this resolution in the House as in Committee of the Whole, because the rule, as I understand, is that where a House bill or joint resolution is amended and an appropriation added to it or increased, it can not be agreed to except by unanimous consent.

The SPEAKER. This amendment carries no appropriation.

Mr. BARTLETT. I understand it carries $10,000.

The SPEAKER. The bill itself carries an appropriation of $10,000.

Mr. BARTLETT. The gentleman from New York, I understood, stated otherwise.

The SPEAKER. The gentleman from New York is mistaken. The question is on agreeing to the motion of the gentleman from New York [Mr. SULZER] to concur in the Senate amendments.

The motion to concur was agreed to.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in the RECORD, in connection with this matter, two letters from the Secretary of State.

The SPEAKER. The gentleman from New York [Mr. SULZER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letters referred to by Mr. SULZER are as follows:

JUNE 13, 1912.

The Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

MY DEAR MR. SULZER: In order that you may be informed of the reason for the amendment made by the Senate to House Joint Resolution 299, proposing an international maritime conference, I beg to inclose herewith a copy of a letter which I addressed to Senator Cullom on the 11th of this month. I am sure that you will agree with me that, in view of the purpose of the German Government as set forth in the letter, the amendment made by the Senate would seem to be desirable to avoid duplication by this Government of the work already undertaken by the German Government.

I am, my dear Mr. Sulzer,
Very sincerely, yours,
P. C. KNOX.

DEPARTMENT OF STATE,
Washington, June 11, 1912.

The Hon. SHELBY M. CULLOM,
Chairman of the Foreign Relations Committee,
United States Senate.

MY DEAR SENATOR CULLOM: In the belief that the information may be of interest to your committee in connection with the pending legislation now under consideration by it, I have the honor to inform you that this department has recently been notified by the German ambassador that his Government has already ascertained, as a result of informal inquiries, that practically all the important maritime powers of the world would receive with favor a proposal from his Government to join in an international conference to consider the adoption of regulations for safety at sea, and that his Government therefore is about to issue invitations for an international conference on this subject to be held in Germany. It is understood that it is the intention of the German Government to arrange, if possible, to convene the proposed conference before the end of the summer, and in that case the conclusions reached by it will doubtless be available for use by Congress at its next session.

In view of this purpose of the German Government I take the liberty of suggesting for your consideration the advisability of amending the joint resolution (H. J. Res. 299) now under consideration by your committee, so that instead of providing that the President be authorized and requested to ascertain the opinions of the maritime nations upon the desirability of an international maritime conference to meet at Washington on the invitation of the United States (lines 3 to 7), that the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held to consider, etc., as provided in the resolution. Some such amendment as this seems desirable in order that it may not be necessary for this Government to duplicate the work already undertaken by the German Government if the conference to be called by that Government is willing to take up for consideration the several subjects enumerated in this resolution. I have the honor to be, sir,

Your obedient servant,
P. C. KNOX.

LEAVE OF ABSENCE.

Mr. BROWNING, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I desire to ask if this is not the day specially set apart by the rules for the consideration of private pension bills?

The SPEAKER. That is true; yes.

Mr. RUSSELL. I ask unanimous consent for five minutes to explain the present condition of pension legislation, pending this motion.

INTERNATIONAL MARITIME CONFERENCE.

The SPEAKER. The Chair will recognize the gentleman from Missouri in a minute. It turns out that the Chair was mistaken instead of the gentleman from New York. The amendment was on the other side of the sheet of the resolution and misled the Chair.

Mr. MANN. Mr. Speaker, I ask unanimous consent to vacate the vote by which the Senate amendments were concurred in.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the vote by which the Senate amendments were concurred in. Is there objection?

There was no objection.

Mr. SULZER. Mr. Speaker, I now ask unanimous consent that the Senate amendments may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARTLETT. Now, Mr. Speaker, will the gentleman from New York yield?

Mr. SULZER. I will.

Mr. BARTLETT. Where is it proposed to hold this conference?

Mr. SULZER. In Berlin, Germany, the latter part of the summer.

Mr. BARTLETT. And how many commissioners are provided for?

Mr. SULZER. If this resolution becomes a law, no doubt the President will send two or three representatives from the United States. The $10,000 will pay all their expenses.

Mr. BARTLETT. And this resolution provides for their expenses?

Mr. SULZER. That is all.

Mr. GARNER. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. GARNER. Will the amount in this resolution be the limit of their expenses?

Mr. SULZER. Yes; absolutely. I shall oppose any additional expense.

Mr. GARNER. Will they not be here next session with a deficiency?

Mr. SULZER. Certainly not.

Mr. GARNER. It was stated in the House at the time the resolution was reported that the commission would not cost anything. I am asking the gentleman now so that the RECORD may show that there will be no additional expense outside of this.

Mr. SULZER. I will be in accord with the gentleman regarding that.

Mr. GARNER. But the gentleman stated before that he would be with me.

Mr. SHERLEY. If the gentleman from Texas will pardon me, if the RECORD shows it, it does not affect the facts at all; they can come back whenever they want to.

Mr. GARNER. I have observed that, especially with regard to resolutions that come with a proposition for a commission, the thing is authorized, accepted, invitations issued, and the statement is made that it will cost nothing; but they immediately come back with a proposition that costs the Government anywhere from $10,000 to $50,000. I want to find out whether this next Congress will have to appropriate $10,000 or $20,000 more.

Mr. SULZER. The $10,000 will be the limit; there will be no more asked for. That amount should be ample to pay the expenses of our representatives.

Mr. SISSON. Mr. Speaker, this appropriations of $10,000 which was added in the Senate was for the purpose of carrying out some sort of an agreement made by the State Department, I understand.

Mr. SULZER. The $10,000 is appropriated to pay the expenses of the representatives of the United States in case they are sent to Berlin to participate in this international maritime conference.

Mr. SISSON. Who called this conference?

Mr. SULZER. It has been called by the German Government.

Mr. SISSON. And the United States Government signified its acceptance to attend through the State Department?

Mr. SULZER. I understand that was done.

Mr. SISSON. Through the State Department?

Mr. SULZER. Yes.

Mr. SISSON. Mr. Speaker, the State Department and the Executive Department have a habit of incurring certain obligations by entering into an agreement with foreign nations and then coming to Congress and asking Congress to appropriate money in accordance with that agreement. It is a practice that is extremely dangerous, because the Executive Department assumes and arrogates to itself a power to enter into an agreement and then coming and telling Congress that they have entered into an agreement and that there is a moral obligation resting on Congress to provide the funds. It is a practice that is gradually on the increase. It is an encouragement to the Executive Department with a monarchical tendency to create obligations which Congress has no right, they say, to decline to meet. I think the practice has got to be a very wicked one. In this instance they are asking now for $10,000, but that is a mere beginning. I have never known one of them to end, and I am opposed to the Federal Government paying one cent toward this conference. If the ship owners and the people interested in this transportation of passengers across the ocean are willing to do their duty by the public, the Government ought not to be called upon to contribute anything.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. SISSON. Certainly.

Mr. BARTLETT. It is a fact that not only this Congress but the English people have had an investigation of the recent terrible disaster, and all the facts have been developed about it from these investigations already. Laws have been passed by this Congress, and laws are proposed to be passed by the English Parliament and by other Governments that will prevent these disasters in the future.

Mr. SISSON. I think the gentleman from Georgia is right; both Governments have already taken steps, and all the Governments have taken such steps. These international conferences only result, as a rule, in an opportunity for a number of gentlemen to take a junketing trip abroad, and no real good will come from it. These transportation companies across the ocean, those having vast facilities, owned by people who owe obligations to the traveling public, themselves are the ones who ought to have this business meeting and agree among themselves what they ought to do.

Mr. SULZER. Mr. Speaker, just a few words. Let me say to my friend from Mississippi that the House of Representatives through the gentleman from Missouri, Judge ALEXANDER, initiated this movement for an international maritime conference to provide for better laws and regulations for the security of life and for the protection of property at sea. The joint resolution introduced by him passed the House unanimously. It provided that the President of the United States should call this international maritime conference here, and of course if it were held here it would entail on the Government a very large expense to receive and entertain the representatives from foreign countries; but while this matter was pending in the Senate, after it had passed the House, the German Government called a similar conference, and our Government signified that it would be glad to participate. This will no doubt save us thousands of dollars. It will be much cheaper to send our representatives to Germany to attend the conference, instead of having the representatives of all the foreign Governments come to the United States. I think the resolution as amended by the Senate is a good solution of the problem along economical lines.

Mr. SISSON. Mr. Speaker, there never was a proposition to take money out of the Treasury but that the proponents did not think it was a splendid thing and along economical lines. If we all entertained the views of the gentleman from New York, we never could stop it.

As suggested by the gentleman from Georgia [Mr. BARTLETT], the investigations in England and the United States show that, as far as the vessel was concerned, so far as the *Titanic* disaster was concerned, it was due to criminal negligence and criminal carelessness. No amount of law and no amount of regulation will prevent people from being careless and negligent, because the law of negligence can not make people careful. No amount of regulation will bring about any state of affairs which might not be repeated with the same conditions that surrounded the *Titanic*. This proposition is a mere beginning of what will result in a large claim for an appropriation.

Mr. SULZER. This amount of $10,000 is all that will be expended for this purpose. I assure the gentleman of that.

Mr. SISSON. The gentleman can not bind the future action of these men that will meet here, and I expect to hear the gentleman from New York at the next Congress showing how economical it would be to spend $20,000 for the next conference, in view of the magnificent result that was attained by this.

Mr. SULZER. Oh, no. Our representatives can not exceed this appropriation for expenses. If they do, they will have to pay it out of their own pockets.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 71, noes 18.

So the Senate amendments were concurred in.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes in order to explain the present condition of pension legislation.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is it not the intention of the gentleman to endeavor to set aside some other day for pension business?

Mr. RUSSELL. It is; but I want to explain the importance of it, in the hope that no objections be made to the request.

Mr. MANN. I suggest to the gentleman that he better do that on the day he sets apart.

Mr. RUSSELL. Mr. Speaker, then I will now only ask unanimous consent that the day following the completion of the sundry civil appropriation bill be substituted for to-day, with all of the rights that now pertain to this as private pension day.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman allow me to suggest that he except suspension days and Calendar Wednesday?

Mr. RUSSELL. Yes; excepting Calendar Wednesday and suspension day.

Mr. MANN. Excepting Monday, Wednesday, and Friday.

Mr. RUSSELL. I will except all three of them, and in case one of those days should follow the completion of this bill, then the day following that to be substituted for to-day.

The SPEAKER. The gentleman from Missouri asks unanimous consent to set aside and substitute for to-day the first legislative day following the completion of the sundry civil appropriation bill, to be devoted to consideration of pension legislation, excepting Mondays, Wednesdays, and Fridays. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6453. An act to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899;

S. 6414. An act to establish a fish experiment station and fish hatchery;

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield; and

S. J. Res. 114. Joint resolution directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein.

The message also announced that the Senate had passed without amendment the following resolution (H. Con. Res. 56):

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" to strike out, on page 35, line 23, the name "Moffitt" and insert the name "Maffitt."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6414. An act to establish a fish experiment station and fish hatchery; to the Committee on the Merchant Marine and Fisheries.

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield; to the Committee on Pensions.

S. J. Res. 114. Joint resolution directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein; to the Committee on the Public Lands.

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'"; to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, there is business on the Private Calendar which the House has been unable to attend to, many bills that are of importance to the Members and their constituents, and I rise to ask unanimous consent that after the sundry civil appropriation bill is disposed of, not to interfere with the order which has just been made with reference to pension and not to interfere with suspension day or Calendar Wednesday on such other days next week as are available, it shall be in order to consider bills on the Private Calendar which are not objected to, and that after the bills that are not objected to have been considered then it shall be in order to consider the other bills on the Private Calendar, the order to be limited to next week.

The SPEAKER. The gentleman from Alabama asks unanimous consent that next week, after the disposition of the sundry civil appropriation bill and after the gentleman from Missouri [Mr. RUSSELL] has his day for the consideration of pension legislation, such private bills as to which there is no objection shall be considered; that after that any other private business may be called up; this order to apply to next week only. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama if, during the next two weeks, in which will be held two national conventions, when a good deal of politics will be discussed throughout the country, it is the intention for this House not to do anything more than what may be done by unanimous consent?

Mr. UNDERWOOD. Mr. Speaker, if there is objection to the latter portion of the order which I suggested, I shall withdraw that request and simply limit it to the consideration of bills on the Private Calendar to which there is no objection. Next week it will probably be difficult to obtain a quorum. A number of Members will be here, however, and there are a great number of small bills on the calendar to which there really is no objection and which Members are anxious to get through the House. This is an opportunity when that can be accomplished.

Mr. FOSTER. Mr. Speaker, I desire to say that I have no objection to taking up bills on the Private Calendar and to disposing of them, because I realize that during the session there has not been very much attention given to that class of bills. But we have been in session now for nearly six months, and a great many of us have been here constantly—have not missed a day of the session—and it occurs to me that it seems hardly the proper thing for us to remain here for two weeks and do nothing when we might finish up the business of the session, get through, and go home. [Applause.]

Of course I am not charging anything against my good friend from Alabama, but I realize there has been a demand on both sides of the House for this sort of proposition, and it has been openly stated in the other body that they will not transact any business until the 1st day of July.

Mr. MANN. They have entered a unanimous-consent order to that effect.

Mr. FOSTER. A unanimous-consent order has been entered to that effect. But I want to suggest that it seems to me that the membership of the House of Representatives ought to remain here and transact the business of the House and be ready to adjourn by the 1st day of July and let the country know that it is not through any fault of ours that both Houses are not ready to adjourn. [Applause.]

Mr. MANN. Mr. Speaker, I will ask the gentleman from Illinois if he intends to be here every day during the week after next?

Mr. FOSTER. I want to say that I expect to be here every day that my presence is necessary here.

Mr. MANN. Oh, the gentleman's presence is necessary all of the time.

Mr. FOSTER. And I want to say this, that my services are not required in Baltimore or Chicago, but that whatever little service I may be able to give to this House is required right here. [Applause.]

Mr. MANN. I daresay the gentleman's services will not be required in Baltimore, but they will be received.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. CANNON. All of us desire to dispose of the public business, but in view of the fact that the coordinate branch of Congress is not going to do any business for two weeks from next Monday, except by unanimous consent, can my colleague suggest any possible means under the Constitution by which we can forward the public business ourselves?

Mr. FOSTER. Mr. Speaker, I think my colleague's statement is correct, but I want to remind him that this House can say to the people of this country that we have transacted our business and are ready to adjourn and go home. [Applause.] We can let the people know that fact by remaining here in session and keeping a quorum and transacting the business that is necessary to be done.

Mr. MANN. Mr. Speaker, I will guarantee a quorum in the House next week if the gentleman will guarantee a quorum in the House week after next. I do not want any bluffing.

Mr. FOSTER. And that if there be any blame for not adjourning, it will rest upon the body at the other end of the Capitol and not upon us.

Mr. CANNON. If my friend will allow me just one word. In 40 years I have heard the speech of my honest colleague duplicated so many times that I want to suggest to him that, while he does not mean it, it is, in effect, as sounding brass and tinkling cymbals.

Mr. FOSTER. I want to say to my colleague——

The SPEAKER. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield for a minute.

Mr. FOSTER. I want to say to my colleague from Illinois that in his judgment it may be as sounding brass and tinkling cymbals, but I want to say to him that the people of this country realize that the business of Congress should be promptly transacted and it should adjourn and go home. [Applause.] I want to say to him if he will go out among the people of this

country that he will find that they do not regard this as sounding brass and tinkling cymbals.

Mr. UNDERWOOD. Mr. Speaker, the proposition I desire to place before the House is not a partisan proposition. On all questions that come before the House, except the Private Calendar, we have a unanimous-consent day. You can not place bills on the Private Calendar on the Unanimous Consent Calendar.

Now, there are bills on that calendar that may not be of importance to the country at large or to the membership of this House as a whole, but they are of great importance to the individual Members and of great importance to the constituents of individual Members. Now, what I desire to do is to secure a day when we may have a unanimous-consent day practically, or days, for the Private Calendar, and that is what my request is, and if gentlemen want to object to bills on that calendar they ought to stay here, if they think it is of importance enough to object to them. It would not interfere with the conduct of business of the House because, if they want to go away the next week, it is apparent we can not attend to the general public business, and I think this is a good opportunity to dispose of the Private Calendar.

Mr. ANTHONY. I understood the gentleman's request to extend to next week only?

Mr. UNDERWOOD. To next week only.

Mr. ANTHONY. Has the gentleman any objection to including the week following that?

Mr. UNDERWOOD. I will say the week following there will be probably conference reports in here and other public business that can be disposed of——

Mr. MANN. There will be conference reports here in the negative and conferences over in Baltimore.

Mr. ANTHONY. I intend to go to Chicago next week, but be here during the following week.

Mr. UNDERWOOD. I will say to the gentleman from Kansas if he is to be away, and he has a bill on the Private Calendar, he can probably get a friend to look after it.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, does not this mean we will not transact any business for two weeks?

Mr. UNDERWOOD. Not at all.

Mr. SISSON. Well, I understand we have two parties in this House, notwithstanding the fact the gentleman says this is a nonpartisan request. Now, if Republicans should attend pretty largely the Republican convention in Chicago——

Mr. ADAIR. They will not. They are afraid to go.

Mr. SISSON. The gentleman suggests that; I do not know whether they will go there or not, but will assume that they want to go to that convention. Then, if the Democrats go largely to Baltimore the following week you will have a majority of the Republicans absent next week and a majority of the Democrats absent the following week.

Mr. UNDERWOOD. I will say to my friend from Mississippi this has nothing to do with the following week. It will take all of next week on the sundry civil bill, or take a large part of next week——

Mr. FITZGERALD. I hope not.

Mr. UNDERWOOD. It will take a portion of it, at any rate. Monday will be taken up and Wednesday will be taken up, and the day for pensions, and this order will probably be confined to one day.

Mr. MANN. Mr. Speaker, I hope the request of the gentleman from Alabama will not be objected to. It is perfectly patent to everybody that a good many Members from this side of the House will be absent in Chicago next week. It is a courtesy on the part of the majority side of the House that they will not attempt to take up important legislation during the absence of many Members on the Republican side of the House who desire to attend the Republican national convention, and of course it goes without saying that if the House should be in session and the Republicans should have a majority during the session of the national convention in Baltimore that some sort of an understanding would be reached and carried into effect.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Now, the Chair will state it so there can not be any mistake on the part of Members. The request is, next week after this sundry civil bill gets through the House, except Monday and Wednesday, and allowing the gentleman from Missouri [Mr. RUSSELL] a day for pensions, then any bill on the Private Calendar not objected to shall be considered.

Mr. MANN. And that the Private Calendar will be called in regular order.

The SPEAKER. It will be called in regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069—the sundry civil appropriation bill—and I wish to give notice that I shall ask the House to stay late to-night in order to complete this bill before adjournment to-morrow.

Mr. GARNER. What do you mean by staying late?

Mr. FITZGERALD. Ten or 11 o'clock.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069—the sundry civil appropriation bill—with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 25069, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Page 77, line 17:

"Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:

"For pay of inspectors, deputy inspectors, office force, and expenses of office, $10,260;

"For pay of crews and maintenance of patrol fleet, six steam tugs, and one launch, $75,000;

"In all, $85,260."

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations something about this item, which is for "the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City." How far does the jurisdiction of the Federal Government extend in this matter?

Mr. FITZGERALD. Under the river and harbor act either of 1886 or 1888 provision is made for the prevention of deposits in the harbor of New York, and this force is maintained for that purpose. In view of the very extensive building operations that are carried on in the city of New York, and on account of the further fact that the street sweepings and garbage must be taken out to sea, the temptation is so great to shorten the haul and to dump within the harbor limits that it is to the interest of the Federal Government to maintain this supervision and thus avoid a large expenditure that otherwise would have to be made for removing the deposits.

Mr. MOORE of Pennsylvania. Does the act referred to apply specially to the port of New York?

Mr. FITZGERALD. Yes; the river and harbor act either of 1886 or 1888 specifically provides for this service in the harbor of New York.

Mr. MOORE of Pennsylvania. May I inquire of the gentleman how far this appropriation would extend as applied to the Hudson River or the East River?

Mr. FITZGERALD. I do not know just how far it runs up the river. But the difficulty is not up the river. It is more in the upper and lower bays, and the trouble comes from the fact that the scows do not go far enough out beyond the bars. The authorities require these scows to be taken out a number of miles. That is what they wish them to do; but they do not get them out far enough, and some of the men connected with the navigation of ships complain that around Scotland Light now the bottom is shoaling on account of these deposits.

Mr. MOORE of Pennsylvania. The removal of obstructions is for the benfit of navigation. That goes without saying; but I would like to know if there is similar provision for other ports in matters of this kind.

Mr. FITZGERALD. I do not think so.

Mr. MOORE of Pennsylvania. Is the appropriation made on the ground that it is for the benefit of international commerce?

Mr. FITZGERALD. I do not know the reason that was given when the legislation was enacted, except, as I have stated, that there is in New York a large amount of material that must be disposed of, and there exists a very great temptation to those who are compelled to dispose of it to deposit it inside of the limits prescribed by the authorities. It would involve a large expense on the part of the Federal Government for dredging if this service were not maintained.

Mr. MOORE of Pennsylvania. The Committee on Rivers and Harbors has held that the expense of dredging streams which bisect a city should be borne by the municipality. I wish to inquire, if the gentleman knows, why appropriation in this case was made for a particular port? In other ports, more inland than the port of New York, it is expected that the municipality or State shall look out for obstructions of this kind.

Mr. FITZGERALD. I do not think the conditions are the same anywhere else.

Mr. MOORE of Pennsylvania. This appropriation, or the act under which it is made, does not apply to any other port than New York?

Mr. FITZGERALD. No. That is my understanding.

Mr. PADGETT. Mr. Chairman, I wish to ask unanimous consent to extend my remarks in the RECORD by inserting an address made by myself before the bankers' convention at Knoxville, Tenn., recently on the question of banking and currency.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MANN. Will the gentleman insert it in the latter part of the RECORD, after the regular proceedings?

Mr. PADGETT. I think that would be appropriate.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, on yesterday a very interesting argument took place with regard to the allowance of traveling expenses to the President of the United States. I do not know whether the gentleman from North Carolina [Mr. PAGE], who raised the question, is entirely satisfied with the verdict of the House or not, but there were at least 55 Democrats who indicated by their votes that they were willing to appropriate money for the traveling expenses of a Republican President. Whether the votes of those gentlemen are to be taken as evidence that——

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman is not talking to anything that is pending before the House. That matter was disposed of yesterday, and we ought to proceed now with the consideration of the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment to this paragraph.

Mr. SHERLEY. When the amendment is offered the gentleman can proceed in order, but at present we ought to proceed with the bill.

Mr. MOORE of Pennsylvania. I offer the amendment now, and in offering it I want to say——

Mr. SHERLEY. Mr. Chairman, I make the point of order that unless the gentleman offers an amendment and speaks to it he is not in order. He can not rehash something that is passed.

Mr. MOORE of Pennsylvania. I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Office of Speaker: For automoble for use of the Speaker of the House of Representatves, $5,000.

Mr. SHERLEY and Mr. FITZGERALD interposed a point of order against the amendment.

Mr. MOORE of Pennsylvania. The gentleman was going to let me speak on the amendment. I said I was going to offer the amendment, and now that I have offered the amendment he objects.

Mr. SHERLEY. I wanted to see what the amendment was. I object to the discussion of matters that are not germane to the bill.

Mr. MOORE of Pennsylvania. I think it is germane.

Mr. SHERLEY. I make the point of order, and the Chair can determine it. I make the point of order that it is not germane.

Mr. MOORE of Pennsylvania. Will the gentleman reserve his point of order?

Mr. SHERLEY. I will not reserve it.

Mr. MOORE of Pennsylvania. I think the Speaker ought to be permitted to ride once in a while. I hate to see him standing in street cars taking his chances with the other strap-hangers. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Have I not a right to discuss the point of order, Mr. Chairman?

The CHAIRMAN. The Chair has already ruled.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SCULLY having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title on June 14, 1912:

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, $115,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. This is an item of a good deal of importance to the old veterans who have lost a limb. I notice that the current appropriation is $330,000 and in this bill it is reduced to $115,000.

Mr. FITZGERALD. This is the amount requested. Every third year it is much larger.

Mr. WILLIS. I will withdraw the point of order.

Mr. MANN. What is the reason given by the gentleman from New York?

Mr. FITZGERALD. Every third year there is a much larger sum appropriated.

Mr. MANN. Do they lose more limbs every third year? [Laughter.]

Mr. FITZGERALD. They are entitled to a new limb every third year and then a larger appropriation is required. This is one of the lean years.

The Clerk read as follows:

The existing unexpended balance of the appropriation for additional repairs and for furniture and covered way connecting the main building of Garfield Memorial Hospital with the new children's ward is reappropriated and made available for furniture and equipment for the "Henry A. Willard Memorial Building" of said Garfield Memorial Hospital.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the Government owns any interest in the Garfield Memorial Hospital?

Mr. FITZGERALD. It has a lien on the property and buildings for a very large sum.

Mr. FOSTER. What does the gentleman mean?

Mr. FITZGERALD. Just what I say. In the event that they should discontinue this institution, certain sums advanced by the Federal Government for improvements are a first lien upon the real estate and improvements.

Mr. FOSTER. Does the gentleman mean to say that the Government holds an interest in the institution for all the money that has been appropriated for buildings and purchase of grounds?

Mr. FITZGERALD. It has a first lien in the event that it should be discontinued as a hospital. The advances made by the Government for the improvements, purchase of land, and buildings are a first lien.

Mr. FOSTER. Does the gentleman mean to say that the Government has a right to force the collection of moneys that Congress has appropriated for the equipment of the hospital and the purchase of ground?

Mr. FITZGERALD. That is the situation under the law. The Government has that right. It is the same as a mortgage, only the amount does not become due—that is, the contingency under which the amount is to become due is the abandonment of the institution as a hospital.

Mr. FOSTER. Is it the policy of the Government to loan money in that way for such purposes?

Mr. FITZGERALD. Congress has in the past appropriated for a number of institutions in this city certain sums of money for various purposes. This lien is under a general statute.

Mr. FOSTER. Is that the case with all hospitals for which the Government has contributed for the buildings and grounds—that they have a lien on the property?

Mr. FITZGERALD. It is, by general statute.

Mr. FOSTER. And in case the hospital is abandoned——

Mr. FITZGERALD. The Government has a first lien for the amounts advanced.

Mr. FOSTER. I withdraw the pro forma amendment.

The Clerk read as follows:

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, $255,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. The current law provides for $285,000, and this bill carries $255,000. How does it come that there should be such a large decrease in that branch of expenditure? Obviously the number of inmates have not decreased.

Mr. FITZGERALD. The estimates called for $245,000. These figures are based on information furnished by the board of managers. There has been a reduction in the number of inmates of the soldiers' homes, although in some the attendance has been very much larger than anticipated.

Mr. WILLIS. The gentleman says the estimate was for $245,000?

Mr. FITZGERALD. Two hundred and forty-five thousand, but the board of managers before the committee made a statement that they required $255,000. We have endeavored to give all the board needed.

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, $187,000.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman if this is the item that covers the food of the members of soldiers' homes?

Mr. FITZGERALD. It is.

Mr. ANTHONY. Has any step been taken by the committee to improve the rations of the members of these homes? If the gentleman will recall, for the last two years there has been considerable complaint voiced on the floor in regard to the rations of the old soldiers.

Mr. FITZGERALD. The committee has not taken any steps, but it has made inquiries of members of the board when they were before the committee, and the statement was to the effect that the rations were very excellent and sufficient.

Mr. ANTHONY. I want to say for the benefit of the House that I have one of these homes in my district, located in my home town, and I am very familiar with the character of food given them. There is universal complaint that the food is not such as should be given to men of the age of these old soldiers. They are reaching the ages of 75 and 80 years, and the same ration that is meted out to the Army or in a penitentiary or any other public institution is no longer fit for the maintenance of the old soldier. They deserve the very best that can be given them, and it is a fact, and I get it from personal complaint from members of these homes, that while they get an ample supply of food and what they do get is of good quality, it is not sufficient in its class to maintain and properly nourish old men like the majority of the members of these homes. I hope the gentleman will permit a sufficient increase in this appropriation to enable the management to give the men what they require.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will permit, the only justification for any complaint is a complaint that is unavoidable. Whenever food is prepared for a large number of men they become in time tired of the food. Complaint was made as to the character of food in the hospitals, and the president of the board of managers made a statement as to the character of food in the hospitals and the character of food in the homes and respecting the method of determining food that should be used, which would convince anybody that ample food is prepared. The president of the board of managers of soldiers' homes is Mr. Wadsworth, who for a number of years was a Member of this House. He served in the war; is a man of very wide experience and very large capacity and, I think, of very warm and sympathetic heart. He has given very careful personal attention to all of these matters. In view of the statements that have been made in the past about the insufficiency of the food and the character of it the committee made inquiries concerning it, and he assured the committee from his own personal investigation and his own statements that there was no question that the food was ample. There was placed in the RECORD—and it is available for Members—a statement of the menu in these various homes.

Mr. Wadsworth said that he thought the best proof of the character of food furnished was the fact that 75 per cent of the men who entered the homes gained in weight after spending a very short time there. I have here the bill of fare, which I shall be very glad to put in the RECORD, and which is as follows:

BILL OF FARE, GENERAL DINING HALL, FOR QUARTER ENDING SEPTEMBER 30, 1910.

Sunday.—Breakfast: Baked pork and beans, graham and white bread, oleo, coffee. Dinner: Roast beef, baked potatoes, macaroni and cheese, brown gravy, bread, coffee. Supper: Cold meat, stewed fruit, bread, oleo, coffee.

Monday.—Breakfast: Fried bacon, mashed potatoes, fruit, bread, oleo, coffee. Dinner: Roast chicken, browned potatoes, creamed onions, giblet gravy, sage dressing, pickles, bread, oleo, coffee. Supper: Cold meat, sago pudding, fruit, ginger cake, bread, oleo, coffee.

Tuesday.—Breakfast: Beef fricassee, steamed potatoes, bread, oleo, coffee. Dinner: Boiled corned beef, creamed potatoes, boiled navy beans, catsup, rice pudding, bread, oleo, coffee. Supper: Cold meat, mush and sirup, stewed fruit, bread, oleo, coffee.

Wednesday.—Breakfast: Fried pork sausage, mashed potatoes, brown gravy, bread, coffee. Dinner: Roast beef, steamed potatoes, tomatoes, rice, tapioca, pudding, bread, oleo, coffee. Supper: Cold meat, creamed lima beans, fruit, bread, oleo, coffee.

Thursday.—Breakfast: Corned-beef hash, stewed fruit, bread, oleo, coffee. Dinner: Roast beef, mashed potatoes, creamed onions, hot corn bread, bread, oleo, coffee. Supper: Cold meat, mush and sirup, stewed fruit, bread, oleo, coffee.

Friday.—Breakfast: Boiled eggs, fried bacon, creamed potatoes, bread, oleo, coffee. Dinner: Roast beef, creamed codfish, pork rashers, steamed potatoes, bread pudding with raisins, bread, oleo, coffee. Supper: Cold meat, creamed rice, pie and cheese, bread, oleo, coffee.

Saturday.—Breakfast: Corned-beef hash, stewed fruit, bread, oleo, coffee. Dinner: Boiled shoulder, lima beans, steamed potatoes, cream gravy, catsup, bread, coffee. Supper: Cold meat, stewed fruit, bread, oleo, coffee.

Changes are made in the general dining-hall bill of fare by the commissary of subsistence and chief cook, in consultation with the governor and surgeon.

The hospital bill of fare is prescribed by the surgeon.

It is prepared with a knowledge of the fact that most of these men are well advanced in years, and they require a different dietary from younger men.

Mr. ANTHONY. Mr. Chairman, would the gentleman from New York recommend a diet of oleomargarine for old men of 75 years of age who are suffering from indigestion?

Mr. FITZGERALD. Everybody who is at all familiar with the matter knows that oleomargarine is much more wholesome than butter.

Mr. ANTHONY. We do not agree with the gentleman about that.

Mr. FITZGERALD. It is furnished to them for that reason, and the gentleman from Kansas [Mr. ANTHONY] himself would not be able to tell whether he was eating oleomargarine or butter unless he were eating renovated butter; and in that instance he might be quite certain that he was eating butter.

Mr. ANTHONY. Let me make a statement here in regard to the use of oleomargarine. It is not only served three times a day in most of the homes, but it is used as flavoring for cooking. They flavor the potatoes with it in the big steam kettle where they are cooked. It is put in their mush and in everything until every article of food has a flavor of rancid beef fat when it is cooked. I have been there and tasted it and I know. I know it makes those old soldiers sick at the stomachs to have to go up against oleomargarine three times a day, and I want to make an effort here, and I want to ask this House to cut out that imitation of a pure food and give those old men as good food to eat as every American workingman has on his board three times a day, especially a good article of pure butter. I am informed that at some of the homes they get pure butter, they do not get oleomargarine. It is only at certain homes that it is served, and I think it ought to be cut out entirely.

Mr. FITZGERALD. Mr. Chairman, if the gentleman bases his objection to the food furnished to these men upon the fact that they are furnished oleomargarine instead of butter, he has very little justification for any complaint.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more time.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Kansas may be extended for five minutes. Is there objection?

Mr. FITZGERALD. Mr. Chairman, one moment. We should not waste our time here discussing this matter. There is nothing before the House.

The CHAIRMAN. If objection is made, the Chair will recognize some one else.

Mr. ANTHONY. There is something going to be before the House.

Mr. FITZGERALD. Well, let it come before the committee now.

Mr. ANTHONY. In due time I will offer it to the committee.

Mr. FITZGERALD. If the gentleman proposes an amendment, let us have it before the committee.

Mr. ANTHONY. Very well, I will submit the following amendment, Mr. Chairman.

The Clerk read as follows:

Page 84, line 16, insert:

"For subsistence: For the purchase of milk, butter, eggs, and fresh fruits, $250,000, to be apportioned pro rata among the several homes according to membership: *Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order. This provision restricts the discretion which under the law is vested in the board as to the distribution of expenditures of funds for subsistence in these homes.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman to reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. ANTHONY. If the gentleman makes the point of order, I would ask unanimous consent to divide my amendment and have the proviso come in as a second amendment, which I will offer.

Mr. FITZGERALD. Mr. Chairman, the gentleman can offer another amendment if this amendment is defeated.

Mr. FOSTER. Does not the gentleman from New York think that Congress has a right to restrict——

Mr. FITZGERALD. Oh, yes; Congress has; but we are discussing what we can do under the rules upon an appropriation bill.

Mr. FOSTER. He has the right to say that no part of this appropriation shall be expended for certain articles.

Mr. FITZGERALD. That is a different thing.

The CHAIRMAN. The Chair holds that the amendment as a whole is subject to the point of order, and therefore sustains the point of order. The Chair will hold that the amendment as a whole is subject to the point of order.

Mr. ANTHONY. Mr. Chairman, I ask to divide the amendment.

The CHAIRMAN. The Chair would suggest that the gentleman divide it to suit himself.

Mr. ANTHONY. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of line 16, page 84, the following: "*Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. ANTHONY. Now, Mr. Chairman, I ask that the first part of the amendment be reported properly.

The Clerk read as follows:

For subsistence: For the purchase of milk, butter, eggs, and fresh fruits, $250,000, to be apportioned pro rata among the several homes according to membership.

Mr. FITZGERALD. Now, Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The Chair has ruled that the amendment as a whole is subject to the point of order.

Mr. ANTHONY. Mr. Chairman, I divided the amendment and I took out the objectionable proviso.

The CHAIRMAN. What portion did the gentleman offer?

Mr. ANTHONY. I offered the first portion.

Mr. FITZGERALD. I make the point of order against the first portion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANTHONY. I would ask the gentleman from New York on what ground he makes his point of order.

Mr. FITZGERALD. It is not necessary, as the Chair has sustained the point of order; I decline to furnish any information.

Mr. ANTHONY. I simply ask for information, as my amendment as offered simply provides for the purchase of subsistence stores, and names those stores.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's discussion of that is not in order, as the Chair has sustained the point of order.

Mr. ANTHONY. I would like to ask the Chair to state the grounds on which he sustained the point of order.

The CHAIRMAN. That it is legislation.

Mr. ANTHONY. I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection to hearing the gentleman for five minutes? [After a pause.] No objection is heard.

Mr. ANTHONY. Mr. Chairman, two years ago the House adopted a provision appropriating $250,000 additional for the purpose of remedying these complaints against the food served at the soldiers' homes. Although the House increased the appropriation in order to increase the quality of the food which was to go into these homes, the membership have been unable to see where a single dollar of that has been expended to increase the variety of the food served. The facts are, at the Leavenworth Home that the food served the men there to-day, while it is ample in quantity and quality, such as it is, is not a single bit better than the food served at the Federal penitentiary located at the same place. I am not exaggerating in the slightest degree when I make the statement that I believe that the capacity for the serving of proper food for men, with the more modern facilities for cooking and handling it there, are much better at the penitentiary than at the soldiers' homes, and I do hope——

Mr. WILLIS. Will the gentleman yield for a question?

Mr. ANTHONY. I do.

Mr. WILLIS. Does the gentleman know whether this bill of fare that is printed on page 891 of the hearings is applicable to all the soldiers' homes, or does it relate only to that one?

Mr. ANTHONY. I am not informed as to that, but I think they are all about the same.

Mr. WILLIS. If that is true, the statement the gentleman made a little while ago about the use of butter at some homes and oleomargarine at others is not true, because the report shows that in every one oleomargarine is used.

Mr. ANTHONY. If I recall correctly, there was one bill of fare where they used butter.

Mr. BUTLER. Is there any explanation why oleo is used in these homes?

Mr. SLAYDEN. I would like to ask my friend from Kansas if the objection to oleo is not really to the name and not to the substance of the article?

Mr. ANTHONY. I will say to the gentleman it is not. When continually used in cooking the rancid flavor of the beef fat is brought out and permeates the article of food until it becomes nauseous.

Mr. SLAYDEN. I would like to ask the gentleman whether he has used oleomargarine.

Mr. ANTHONY. I have never used it, but I have gone where oleomargarine has been used, and have eaten it and——

Mr. MANN. The gentleman puts himself as a single member as against the world.

Mr. WILLIS. Does the gentleman think that it is a proper ingredient to be used in cooking? I do not.

Mr. ANTHONY. I certainly do not.

Mr. WILLIS. I disagree absolutely with the gentleman from Illinois, and agree with the gentleman from Kansas.

Mr. MANN. Has the gentleman ever used it?

Mr. WILLIS. I never cooked with it, but I have been in places where it has been used.

Mr. MANN. It is from my personal knowledge.

Mr. ANTHONY. The gentleman voices his personal opinion, and not from practical experience.

Mr. MANN. I am voicing my practical knowledge from personal experience.

Mr. ANTHONY. Mr. Chairman, I offer this amendment.

Mr. LOBECK. That will do to tell men, but will not do to tell a good cook or women.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 84, line 16, by adding at the end of the line the following: "*Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. SHERLEY. Mr. Chairman, I make the point of order. The point of order is that it is legislation in that it restricts the discretion now possessed in the board of managers.

Mr. ANTHONY. I insist that it is merely a limitation upon the expenditures.

The CHAIRMAN. The Chair is prepared to rule. The point of order is overruled, and the Chair holds the amendment is in order.

Mr. ANTHONY. Now, Mr. Chairman, I hope that this House will go on record as being in favor of feeding the brave men who went to the front in the days of 1861 and 1865 as well as they do the prisoners at the United States penitentiaries we provide for, and I want to say to this House from my own personal knowledge that if there is one reform needed, one help in the subsistence of the old soldiers' home, it is the elimination of this article of oleomargarine from the regular diet, and I hope the House will adopt the amendment.

Mr. SHERLEY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Without objection the motion will be agreed to. [After a pause.] The Chair hears no objection.

Mr. SLAYDEN. Mr. Chairman, I shall not trespass on the time of the House more than a minute or two. I do, however, want to say a word of protest against what I believe to be an unjustifiable assault on a perfectly wholesome article of food that has been discriminated against by law. If the authorities do serve rancid, unwholesome, and unfit food to the old soldiers or prisoners, it ought to be stopped, but it is not necessary——

Mr. ANTHONY. Certainly, if the article becomes rancid and unwholesome when used in cooking.

Mr. SLAYDEN. Mr. Chairman, there is not any doubt in the world, I think my friend from Kansas must know it, that oleomargarine is a perfectly wholesome food that is used in cooking with great advantage.

The only trouble with oleomargarine to-day is that it has been unfairly discriminated against by laws passed here in the interest of a few butter makers, reserving to them the privilege of coloring their product so as to deceive the consumer and in the same breath denouncing the practice on the part of the makers of oleomargarine as a crime.

Mr. GARNER. And if you used old and rancid butter the same effect would be had?

Mr. SLAYDEN. Yes. Their stomachs would revolt at it just as much, and probably more.

Mr. FOSTER. The gentleman from Texas [Mr. SLAYDEN] makes the statement that oleomargarine has been discriminated against. It occurs to me that the trouble with oleomargarine and with those who manufacture it and sell it to the people is that they want to make as near like good butter as they possibly can in order to get a sale for it.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. FOSTER. Yes.

Mr. SHERLEY. What they want is the same privilege that butter has. The butter makers color white butter yellow because people are accustomed to eating either butter or oleomargarine which has been colored.

Mr. SLAYDEN. If the gentleman will permit, I wish to say that no more fraud is practiced by the oleomargarine manufacturers than by the butter makers.

Mr. FOSTER. The people who make first-class butter do not object to oleomargarine being given its natural color—the color that goes with the oleomargarine.

Mr. SHERLEY. Why do the butter makers color their butter?

Mr. FOSTER. The trouble is that the oleomargarine makers buy in the country a lot of old cows, whose fat is such as to give rise to a large amount of coloring matter when it goes into the manufacture of oleomargarine. They do not get that coloring matter in the fat steer, but they get it in the old cow that comes from the country and that has been a milker. She gives the oleomargarine a higher color than can be obtained from the steer in good condition, and what they can not get in the way of color from the old cow they want to add by additional coloring matter, to make the product look like good butter.

Mr. MANN. Where does the butter come from if it does not come from the same old cow? [Laughter.]

Mr. FOSTER. The old cow no longer serves her purpose as a milk producer. And now she is made to furnish material to the oleomargarine factory and give to the oleomargarine something of the color of butter.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FOSTER. Yes.

Mr. SLAYDEN. I want to ask the gentleman if the butter makers do not use coloring matter in butter?

Mr. FOSTER. Yes, certainly; but that is only done in order to bring the color of the butter to the average natural color that the butter has at the time of year when grazing is the best.

Let me suggest to the gentleman from Texas [Mr. SLAYDEN] this, that in the summer time, when the grass is green and there is plenty of it, the cow gives a richer color of butter than she does in the winter time, when she has more of dry feed. Now, in order to let the butter retain that uniform color the coloring matter is put in. It is not needed in the summer time.

What the oleomargarine manufacturers do with the oleomargarine is this: The oleomargarine has a narrow range of color, and the manufacturers try to get it up to the color of butter, also adding a certain per cent of good butter to give it the flavor, and in that way they are trying to deceive the people in reference to oleomargarine and make the people believe that it looks like butter, and tastes like butter, and is as good as butter.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. FOSTER. Yes.

Mr. SLAYDEN. Then you practice a fraud in the winter months and are honest in the summer time? [Laughter.]

Mr. FOSTER. No. The butter makers give to the butter the color that is natural to the butter on account of the grass that the cow eats, and they give it that color the year round so as to keep it uniform. You are trying to get that color which does not naturally belong to the oleomargarine.

Mr. SLAYDEN. It belongs to it in the summer time, but not in the wintertime.

Mr. FOSTER. You can not get that color with all the old cows you can use without using artificial coloring matter. You use a greater amount of material in order to bring the oleomargarine up to the color that the butter naturally gets in the summer time.

Mr. AUSTIN. Let me suggest to the gentleman from Texas [Mr. SLAYDEN] that he speak of the old cows that are brought up from Texas.

Mr. SHERLEY. Mr. Chairman, it is very easy to make an appeal on behalf of the old soldier, and to gain or supposedly gain credit thereby. There is nobody in this House who desires to see the old soldier treated other than in the best possible manner. But I am not willing on the testimony of the gentleman from Kansas [Mr. ANTHONY] or of the distinguished physician from Illinois [Mr. FOSTER] to determine the controversy between oleomargarine and butter. I do know that the Board of Managers for the National Homes for Disabled Volunteer Soldiers, which controls these homes, is composed of three distinguished Federal soldiers of the Civil War. One of them——

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. No; I can not yield. The gentleman has already spoken in his own time. One of those members of the board has been a Member of this House, and not only a Member, but for years the distinguished chairman of the Committee on Agriculture of this House, and a man who himself has perhaps as much personal knowledge in regard to the dairy business as any other man in this country. He testified before the committee, and his testimony is borne out by the experience of hundreds of men, that the oleomargarine served at the soldiers' homes is wholesome and healthful in every way. That has been tested repeatedly all over the country.

But we have a situation in America where the dairymen have succeeded in the past in using the power of Congress to raise revenue to destroy a competitive business, and they are always anxious in every way they can to prevent competition, and they desire their particular industry to be legislated into a monopoly. This is simply along the line of the restrictive legislation that is born of the greed of dairymen to control absolutely the market and to have no competitor; and this House can not afford, under the specious guise of giving to the old soldier better treatment, to turn down the men who are giving their intelligent and skilled interest in the management of these homes. We have simply the statement of the gentleman from Kansas and of the gentleman from Illinois as a basis.

Mr. CANNON. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CANNON. Under the law oleomargarine can not be colored. Everybody admits that it is a healthful food. It can not be colored to have the similitude of butter when it goes into consumption at the soldiers' homes or anywhere else. If it is a perfectly healthful food, why the amendment?

Mr. BUTLER. Oleomargarine may be colored under the law.

Mr. CANNON. Oh, by paying 10 cents a pound.

Mr. SHERLEY. Yes; it can be colored by paying a prohibitive tax.

Mr. ANTHONY. I should like to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. SHERLEY. No; the gentleman may ask me a question, but I am going to continue to control my time.

Mr. ANTHONY. I should like to ask the gentleman from Illinois——

Mr. SHERLEY. No; the gentleman can not do that in my time.

Mr. BEALL of Texas. Is there anything in the law now that prevents this board of managers from prescribing a diet of butter if they see fit?

Mr. SHERLEY. Not the slightest.

Mr. BEALL of Texas. They are not compelled to use oleomargarine?

Mr. SHERLEY. No. What you are asked to do is to take the offhand statement of the gentleman from Kansas [Mr. ANTHONY], who undertakes to say that these managers of the homes have been derelict in their duty, and that they have given to the old soldiers food that ought not to be given to them.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired.

Mr. MOORE of Pennsylvania. I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend the amendment by adding the words "unless they are free from taint."

Mr. MOORE of Pennsylvania. Unless these various articles mentioned are free from taint——

Mr. SHERLEY. I suggest that debate is out of order.

Mr. MOORE of Pennsylvania. I submit I have the right to speak to my amendment.

Mr. SHERLEY. I submit that the gentleman has not.

The CHAIRMAN. The committee has closed debate.

Mr. MOORE of Pennsylvania. I ask unanimous consent that I may speak for two minutes.

Mr. SHERLEY. I object.

The CHAIRMAN. Objection is made.

Mr. MOORE of Pennsylvania. I wanted to help the gentleman, and I think possibly I could have done so. This is not a question of coloring; it is a question of getting cheaper food for people who are not able to pay for butter.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment.

The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 37, noes 39.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. ANTHONY.

The committee again divided; and the tellers reported—ayes 41, noes 54.

Accordingly the amendment was rejected.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, $86,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

For hospital, including the same objects specified under this head for the Central Branch, $50,000.

Mr. ANTHONY. Mr. Chairman, I should like to ask what line the Clerk is reading.

The CLERK. Page 84, line 23.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I should like to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lieu of the proviso in line 18, page 84——

Mr. FITZGERALD. I make the point of order that we have passed that.

Mr. ANTHONY. Mr. Chairman, there was so much confusion in the House that I was compelled to ask the Clerk what line he was reading on. I was endeavoring to hear, and I scarcely think the Clerk had read a line beyond the paragraph.

Mr. FITZGERALD. We have passed that part of the bill. What is it the gentleman wishes to do?

Mr. ANTHONY. There was a great deal of confusion. I wish to offer an amendment at the end of line 21.

Mr. FITZGERALD. What is the gentleman's amendment?

Mr. ANTHONY. In lieu of that proviso.

Mr. FITZGERALD. Let it be reported.

The CHAIRMAN. The Chair will state that he saw the gentleman from Kansas upon his feet while the Clerk was reading and rapped for order in order that the gentleman might be recognized.

Mr. FITZGERALD. Very well.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas.

The Clerk read as follows:

Insert in lieu of the proviso in line 18, page 84, the following:
"*Provided*, That this appropriation shall not be available for the purchase of fuel oil at the western branch when the cost of the oil equivalent of coal is greater than the cost of coal."

Mr. FITZGERALD. Mr. Chairman, I make the point of order upon the amendment.

The CHAIRMAN. The Chair will hear the gentleman from Kansas on the point of order.

Mr. FITZGERALD. I will reserve the point of order.

Mr. ANTHONY. I do not believe a point of order lies against that proviso, for the reason that it is in line with the proviso that is now in the bill, and exactly similar to what has heretofore been held in order. It is a limitation having for its object economy in the expenditure of public money.

Mr. GARNER. What is the gentleman's purpose in offering this amendment?

Mr. ANTHONY. It makes it a little more explicit. I understand the gentleman from New York has simply reserved his point of order.

Mr. FITZGERALD. I have reserved it.

Mr. ANTHONY. Mr. Chairman, I should like to make a statement in regard to the amendment. The necessity for this limitation upon the bill is that a few years ago the board of managers at Leavenworth commenced to use fuel oil instead of coal. The statement was made at that time that by the installation of oil for fuel it was costing the Government a good many thousands of dollars more each year than it would if they had used coal for fuel. Since the last contracts were made, especially in the last two months, the price of fuel oil has trebled, so that now it will be an absolute impossibility for the board of managers to use oil for fuel there, unless they deliberately squander not less than $20,000 per annum of the public funds. I desire that limitation placed upon this paragraph in order to protect the Treasury to that amount.

Mr. MANN. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. MANN. Is the coal produced right near there?

Mr. ANTHONY. The coal is immediately adjacent.

Mr. MANN. In the gentleman's district?

Mr. ANTHONY. In my district.

Mr. MANN. Is there any fuel oil produced in the gentleman's district?

Mr. ANTHONY. Fuel oil is produced at the refinery of the Standard Oil Co., 20 miles from there.

Mr. MANN. Oh, well, fuel oil is produced out of the ground, in the first place.

Mr. ANTHONY. Yes; but it is refined in the refinery of the Standard Oil Co.

Mr. LOBECK. What of it?

Mr. ANTHONY. What of it? It is very significant when it is the Standard Oil Co., and when it would take over $13,000 more money out of the Treasury to use this by-product of the Standard Oil Co. than to use coal, the product of the labor of the miners near by who go down into the bowels of the earth and toil to produce this coal.

Mr. FITZGERALD. What the gentleman states can not be done and has not been done.

Mr. ANTHONY. Nevertheless it has, and I fear it will be done.

Mr. FITZGERALD. It will not with the provision in the bill, which is the very provision offered by the gentleman himself and adopted by the House.

Mr. ANTHONY. I will say that I have here a statement from the board of managers that it is their intention to use the oil at this branch for the coming fiscal year in spite of the fact of the statement that goes with it that oil costs $13,000 more than coal.

Mr. FITZGERALD. Under the law they can not do that.

Mr. ANTHONY. Nevertheless they are going to do it, and justify it on the ground that it will compel some kind of a change in the steam plant. They expended $10,000 three years ago when they changed the boilers from steam to oil, and now they claim that it will offset the increase in the price of oil if they have to spend a few hundred dollars to change it back.

Mr. FITZGERALD. Will the gentleman have read the letter for the benefit of the committee? Let us see what the board of managers say.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. I would like to know something about the history of this provision that is in the bill. As it appears in the bill, does the gentleman know at whose suggestion it was put originally in the appropriation bill?

Mr. ANTHONY. The present provision was inserted on my motion two years ago and adopted by the House, but it has failed so far to attain the object desired.

Mr. GARNER. Does the gentleman from Kansas undertake to say that they have, in violation of this provision, ordered fuel oil when coal could be used more economically?

Mr. ANTHONY. I believe it has been done in the past, taking into consideration the other expenses, and I know by figures furnished by the home authorities that if they continue it it will cost during the next year $13,000 more than coal. That is shown by figures over the signature of the quartermaster of the home.

Mr. FITZGERALD. Will the gentleman state what the quartermaster says?

Mr. ANTHONY. It is a long statement. This is from Capt. Pearsall, quartermaster of the home. He speaks of the fact that the price of fuel oil has advanced lately to 2.68 a gallon, instead of 1.8, as it was last year. He gives the price at which coal can be purchased, and he says if a modern coal equipment was installed and the use of coal is resumed they could use slack or mine run. The chief engineer is of the opinion that it would be more economical for use under the boilers than screened lump, and that the foregoing estimate shows that it would be $5,800 cheaper than screened lump per annum.

Mr. FITZGERALD. That statement is that certain things would be cheaper if some kind of a modern equipment was installed for mine-run coal. The gentleman has not stated all that is in the letter. Let us have all the facts in there.

Mr. ANTHONY. I will give the gentleman the facts.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

By unanimous consent, Mr. ANTHONY was given five minutes more.

Mr. ANTHONY. Mr. Chairman, this controversy between the use of oil and coal as a fuel has gone on several years. Figures making comparisons have been given by the officials, but the comparisons between oil and coal have been made based on the use of coal three years ago under the old worn-out boilers and under the old system of heat radiation. Three years ago they adopted oil for fuel and they immediately made improvements in the boilers, changing the method in radiation in the home, making a saving of 20 per cent. Then they took the cost of the fuel under the new system and compared it with the cost of the coal under the old worn-out system—an unfair comparison. Now that the price of oil has nearly trebled in value, the statement is made over the official signature of the quartermaster of the home that it is going to cost $13,000 a year more to use oil, as compared with coal. I desire to secure justice for the coal miners of that district, as against the Standard Oil Co., who are trying to sell their by-product to the Government.

[Extract from report made to Board of Managers, showing comparison of coal and oil for fuel for use during the next year, made by Charles M. Pearsoll, quartermaster of the Western Branch.]

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
WESTERN BRANCH,
June 7, 1912.

SIR: I have the honor to acknowledge receipt of letter of the president of the Board of Managers, dated June 3, 1912, with your indorsement dated June 5, 1912, instructing that I proceed without unnecessary delay to make investigations relative to the cost of fuel oil and bituminous coal and report in detail regarding same. In reply, beg leave to submit the following report:

Transmitted herewith is a copy of boiler tests of fuel oil and coal, made by the Lincoln Traction Co., Lincoln, Nebr. The statements contained therein have been substantiated by the Metropolitan Street Railway Co., Kansas City, Mo., and the R. A. Long 20-story building at Kansas City. The Lincoln Traction Co. and Metropolitan Street Railway Co. are burning both oil and coal and have made very accurate and elaborate tests to determine the economies of each, and I therefore feel that the statement transmitted can be relied upon. These tests show the relative values of oil and coal to be 1 pound of oil equals 1.8 pounds of coal, therefore oil at $2.68 per 100 gallons equals in evaporating qualities coal at $4.06 per ton. This price of $4.06 per ton must include all cost of handling coal, ashes, operation, and maintaining. The result of the investigations of the chief engineer and myself are therefore an opinion that coal can be used at the home more economically than fuel oil at the advanced price, provided modern and economical methods were installed for the burning of coal.

The quality of coal formerly used by the home was screened lump, which can now be purchased for $2.54 per ton, delivered in the bins. I find that we can purchase slack or modified mine run (or screenings) for approximately $2.25 per ton, delivered in the bins. According to the tests of the Lincoln Traction Co., substantiated by others, it requires 13.3 pounds of coal to equal 1 gallon of oil. On this basis it would require approximately 14,630 tons of coal to equal the amount of oil it is estimated will be required for the fiscal year 1913, viz, 2,200,000 gallons. However, the tests of the Lincoln Traction Co. and others was made on southern Kansas coal, which is much higher in heat units than Leavenworth coal. I would, therefore, estimate we would require 20,000 tons of coal for the fiscal year 1913, if used under modern conditions. From this I draw the following comparisons:

2,200,000 gallons fuel oil, at $.0268 per gallon	$58,960
20,000 tons slack or modified mine-run coal, $2.25 per ton	45,000
Saving in use of coal	13,960
2,200,000 gallons fuel oil, at $.0268 per gallon	58,960
20,000 tons screned lump coal, at $2.54 per ton	50,800
Saving in use of screened lump coal	8,160

If modern equipment were installed I would recommend, if the use of coal were resumed, that we used slack or modified mine run.

Mr. GARNER. If I understand the gentleman, his contention is that in case his amendment is adopted it will save the Government $13,000 a year?

Mr. ANTHONY. It will.

Mr. GARNER. If it was adopted, could you reduce the appropriation from $87,000 to $74,000?

Mr. ANTHONY. That appropriation could be so reduced, but I will say to the gentleman that it will cost some money to change the steam plant and the boilers over from oil to coal, but in the long run that would be an economy.

Mr. LOBECK. How much would that cost?

Mr. ANTHONY. Not over $1,000.

Mr. LOBECK. You could reduce the appropriation $10,000, then, and save money?

Mr. ANTHONY. Yes.

Mr. BARTLETT. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BARTLETT. This provision in the bill provides that they shall use coal if it is cheaper than oil. Does the gentleman say that the board of managers, in spite of an act of Congress, propose to use oil anyway when it is more expensive?

Mr. ANTHONY. That is my information.

Mr. BARTLETT. What is the use of a law if the board of managers are going to defy it?

Mr. ANTHONY. The proviso in the bill is not explicit enough.

Mr. BARTLETT. It is for men who want to obey the law.

Mr. ANTHONY. Where I say that the oil equivalent must not cost over the coal equivalent the board of managers, then, could not say as an excuse that it will cost so many thousand dollars to change the plant back for the use of coal.

Mr. BARTLETT. But the gentleman said that it would not cost over $1,000.

Mr. ANTHONY. They say that it will cost more; they want to put in new boilers and complete new equipment. They have a lot of smokestacks, and so forth, and a long string of figures that would scare the House to death. But the figures are buncombe.

Mr. BARTLETT. The gentleman's amendment makes it mandatory to use coal?

Mr. ANTHONY. To use the cheapest fuel.

Mr. MANN. With which kind of fuel does it cost the most to feed the fire; with oil or with coal?

Mr. ANTHONY. To feed coal.

Mr. MANN. The gentleman's amendment does not contemplate that feature, does it?

Mr. ANTHONY. I said that there are incidental expenses in the use of coal, but taking into account all of them there would be a net saving to the Government.

Mr. BORLAND. Mr. Chairman, this amendment of the gentleman from Kansas does not seem to me to mean any more than the wording of the bill. But it does seem that its ultimate result would be to restrict the managers of the home in the purchase of coal and probably to the purchase of coal from the interests in the city of Leavenworth. There are three mines in the city of Leavenworth that produce a fair grade of coal, but, as compared with other coals produced in the Mississippi and Missouri Valleys, it is an inferior grade of coal. For all of the Government institutions located in Leavenworth—the soldiers' home, the penitentiary, and others—the coal produced in Leavenworth has a natural advantage in securing the contract, because of the fact of the low cost per ton, as it does not have any freight rate to pay. However, when measured by the heat producing power of the coal it can be competed with by coal or other fuel from the outside.

Mr. ANTHONY. Mr. Chairman, let me interrupt the gentleman there.

Mr. BORLAND. For a question.

Mr. ANTHONY. Is it not a fact that the adoption of the British thermal unit system in determining the value of the coal, such as the Government now uses, has eliminated all of this difference?

Mr. BORLAND. Yes.

Mr. ANTHONY. So that the Government buys only the heat units under any circumstances.

Mr. BORLAND. That is what I was going to say. Heretofore they have been buying coal from the Leavenworth mines because the price per ton was lower than the price per ton of coal that could be shipped in there or oil that could be shipped in there, but now, since the creation of the Bureau of Mines, the Government has adopted the British thermal unit system, by which it tests the value of fuel according to the heat-producing power. Under this British thermal unit system there are a number of coals from territory extending as far east as Illinois that can be put into the Leavenworth Government institutions at a cheaper price, considering the value as a heat producer, than the coal in Leavenworth. This provision in the bill is ample to permit the managers of the home to do that very thing. It says:

Provided, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

The words "more economically" must mean more economically according to the heat value of the coal.

Mr. ANTHONY. The gentleman will admit that there is no restriction that only the local coal shall be used there. It is any coal. That would be a matter to be determined.

Mr. BORLAND. If there is any difference between the gentleman's language and the language of the bill, I will point it out now. The language of his amendment is:

Provided, That this appropriation shall not be available for the purchase of fuel oil at the Western Branch when the cost of the oil equivalent of coal is greater than the cost of coal.

If the gentleman's language means anything different from the present language of the bill, it means that the net price per ton of the coal, regardless of its heat value, is to be taken as the equivalent of oil.

Mr. ANTHONY. Let the gentleman strike out the words "equivalent of coal." I will be glad to accept any amendment in order to clear it up.

Mr. BORLAND. I think what the gentleman wants is entirely covered by the bill. The board of managers have the right to say which of these particular fuels is more economical, taking into consideration the manner under which it is burned and the heat value after it is burned.

Mr. ANTHONY. Let me say to the gentleman that I do not think he will attain that object under the old language, because under the old language the board of managers was able to bring in a whole lot of other incidental expenses and then make a statement that on account of those expenses they can not use coal to advantage. I want to pin it right down to the absolute fuel equivalent of the British thermal unit system, or any system under which the Government can get one more unit of heat. That is what I want.

Mr. BORLAND. I do not know whether the gentleman is aware of it, but I have been fighting for the British thermal unit system for years before the departments, for the reason that the coal from mines located in the towns where the Government institutions are located has a natural advantage over all other coal when it is measured by the price per ton, but when you come to measure the heat unit producing value it does not have that advantage. The Government ought to adopt the same modern method that business men do, and buy its fuel according to its heat-producing value.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FITZGERALD. Mr. Chairman, I would like to ask the gentleman from Missouri a question. I would like to be recognized.

The CHAIRMAN. The gentleman from New York is recognized. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Kansas to ask a question.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman from Missouri if it is not a fact under the Government's present system purchases are made only under the thermal unit system?

Mr. BORLAND. That has been only very recent.

Mr. ANTHONY. So that there is no discrimination in favor of freight rates.

Mr. BORLAND. It is only very recently that the Government has adopted that. The Government penitentiary contract which was let in October or September of last year was let in defiance of the thermal unit system.

Mr. ANTHONY. Let me say that all Government contracts are now let under that system.

Mr. BORLAND. The last contract let by a public institution in Leavenworth was let in defiance of that system.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted, and I base my opposition very largely upon the letter which the gentleman from Kansas [Mr. ANTHONY] used in support of his amendment. Under date of June 7 the quartermaster of the western branch of the National Soldiers' Home, in response to directions forwarded by the board of managers of soldiers' homes, made an investigation and inquiry as to the relative cost of heating this home by oil and gas. Some years ago the home, as I recall, was equipped to heat with coal, and the cost of heating it by coal, because of the conditions in the locality where the local dealers fixed the price to suit themselves, induced Congress to equip the home with oil-heating apparatus. Now, apparently the price of oil has gone up some, and in this letter the matter is gone into thoroughly, and it appears that out of the saving of $13,960 a year which the gentleman states would be made by this change there must be deducted $6,518, the cost of eight additional employees that will be required if coal is used. In addition to that it will require an expenditure of $59,000 to permanently equip the home to use coal, and if it is to use it temporarily it necessitates an expenditure of $16,000——

Mr. ANTHONY. If the gentleman is quoting from the papers I handed you——

Mr. FITZGERALD. I will not yield at the present time.

Mr. ANTHONY. I would like to have those papers back.

Mr. FITZGERALD. I will give the gentleman the papers. I will not yield now. And the quartermaster of the home makes the statement that he would not recommend to the board the introduction of a makeshift equipment in order to temporarily use coal unless there were assurances that the $59,000 additional required for equipment be furnished. Now, it may not please the gentleman to have me quote the facts which I asked him to state to the House——

Mr. ANTHONY. Will the gentleman permit an interruption?

Mr. FITZGERALD. When I finish this statement, and not before——

Mr. ANTHONY. All right.

Mr. FITZGERALD. But the gentleman was basing his statement upon this letter, and as it has never been called to the attention of the committee, as the same provision was continued in this bill that was inserted on the motion of the gentleman himself, I believed the committee at least was entitled to all the information furnished by the quartermaster of the home, and upon that communication this committee would not be justified in making this change in compelling, as it is the intention there, the use of coal and necessitating this additional expenditure, regardless of what might afterwards be necessary. As it appears from this communication, the quartermaster suggested—I am not quoting accurately, and if I do not the gentleman can correct me; I would, if I had the letter, read what he said—the desirability of waiting until the entire matter could be submitted to Congress. Now I yield to the gentleman from Kansas.

Mr. ANTHONY. The quartermaster makes this statement in this letter: That the net saving on coal used during the coming year, compared with oil, will be thirteen thousand and some odd hundred——

Mr. FITZGERALD. Out of which must be deducted the $6,500 for additional employees which the gentleman from Kansas——

Mr. ANTHONY. Will the gentleman permit——

Mr. FITZGERALD. No; I will not permit the gentleman to make a speech.

Mr. ANTHONY. I trust the gentleman will do me the courtesy to allow me to complete my question, and I think the House will agree with my opinion.

Mr. FITZGERALD. Well, I will not permit the gentleman to make the remarks I wish to make. I stated that the gentleman overlooked the $6,500 which was stated had to be deducted from the $13,000, because additional employees would be required; and if the gentleman had been franker with the House when he purported to furnish information contained in that letter, and stated the facts as they were, it would not have been necessary now for him to take the time to furnish the information he suggests when I am making this statement. Mr. Chairman, it appears very clearly that, instead of a saving next year, it would involve a very large expenditure not now contemplated and not provided. The gentlemen in charge of these soldiers' homes, wherever conditions have made it desirable, have presented the facts to Congress showing where economies could be effected, and Congress has never hesitated to authorize the expenditures necessary. In view of these facts, I hope the amendment will not be adopted.

Mr. SISSON. Mr. Chairman, I think the amendment offered by the gentleman from Kansas ought not to be adopted because the language used in the bill is the only sensible language which could be used in reference to the administration of any institution on business principles. If the amendment were adopted in the exact language as I caught it when it was read, if it is adopted, I say, during the few months that the price of coal would be high it would necessitate by a construction of this amendment that you would have to go back to oil. It would necessitate the maintaining of both an oil and a fuel plant. Is not that the amendment of the gentleman?

Mr. ANTHONY. Contracts are made for one year.

Mr. SISSON. If you take the exact language of your proviso it would mean that at any time when coal was cheaper than oil that coal should be used, and that if oil should be cheaper, vice versa. In other words, it means that you should maintain both an oil plant and a coal plant and you would have to keep and maintain a parity between the two all the time when a contract went in.

Mr. ANTHONY. All the large manufacturing institutions in our country do that.

Mr. SISSON. Mr. Chairman, I decline to yield. Now, under the language of this bill, taking all matters into consideration, the management of the homes are presumed to be honest, presumed to do that which is best, presumed to use the money that the Government has given them in order to obtain the very best possible results and the most economical results. Now, they are compelled to do that under this bill as it is drawn; but if you take the gentleman's amendment it would deprive them entirely of any sort of discretion as to the use of fuel, provided the thermal unit cost would be cheaper in one instance than in the other. And as the thermal unit cost would vary you would have to vary the use of fuel which would necessitate the maintenance of both an oil plant and a fuel plant, and for that reason the committee thought it was

wise to leave it just as the language in the bill now is, because we believe by that we will obtain the greatest amount of economy, irrespective of where the fuel might be purchased, irrespective of whom it might be purchased, because the Government wants to get the greatest amount of use out of the number of dollars it expends for the home.

Mr. ANTHONY. Mr. Chairman, I think the statement made by the gentleman from Mississippi is quite correct. It is true under that construction the Government might be required to change from oil to coal and from coal to oil, but let me say that every big manufacturing plant in that part of the country has duplicate coal and oil plants, and when they can manufacture steam cheaper by the use of oil they use oil, and vice versa with coal. Therefore it is good business that the Government should install the same kind of a duplicate plant, so that either oil or coal can be used, whichever happens to be the most economical.

Now, I want to say just a word in regard to the statement made by the gentleman from New York [Mr. FITZGERALD] in relation to the cost of these fuels. I made the statement that if coal were used it would be $13,000 cheaper the coming year. The quartermaster of the home makes the same statement, and also makes the statement that it will be necessary to expend $59,000 to improve the steam plant for the use of coal, and I want to leave it to this House if it is not a good proposition to expend $59,000 to make an annual saving of $13,000. The Government gets a net profit of 20 per cent per annum on the investment, and that is the way to administer the business of the Government.

Now, I do not really believe that it is necessary to spend this $59,000 to improve the steam plant. I believe that it is a straw put in by the men who are advocating the use of oil in order to block the use of coal. I do not think it is necessary to spend more than $1,000 to change the boilers in that institution for the temporary use of coal. I hope the House will go on record for economy.

Mr. SIMS. Why not read that entire statement to the House, so that we can have the whole?

Mr. ANTHONY. I will put it in the RECORD.

Mr. SIMS. But we want to hear it before we vote.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Mississippi?

Mr. ANTHONY. Yes.

Mr. SISSON. Does the gentleman object to having that letter printed in full in the RECORD?

Mr. ANTHONY. No; I will put it in.

Mr. SIMS. The trouble is that we ought to hear it before we vote. It will be too late after it is printed.

Mr. MANN. Oh, if we read everything we will not reach a vote on this bill until September.

Mr. ANTHONY. Mr. Chairman, I have made a charge on the floor of this House that representatives of the Standard Oil Co. originally induced the change from coal to oil in that home. I want to read the statement from the man who was engineer at the home at the time that change was made. That gentleman says:

In 1892 we put stokers under the boilers at the home, and these same stokers worked with good results up to about 1903, when from constant use and hard service they became worn out and burnt, which caused a loss of coal through the grate bars.

In making up my estimate of supplies for 1904, I included in it castings to renew the grates, etc., but either the quartermaster or the governor cut it down to mere nothing, and I had to do the best I could with what was allowed.

In making up my estimate for 1905, I again included castings and repairs for the furnaces, but it was again cut so that I could not do much toward repairing furnaces that had been in use for 13 years.

In making up my estimate for coal this year, I estimated for 18,000 tons, but the governor insisted upon the quartermaster increasing it to 22,000 tons. I protested against this increase and requested that the tonnage be cut and the difference be put in repairs to the plant, but the quartermaster said if we did not use the coal we could use the money otherwise. As I considered this illegal, I still protested, but it went in at 22,000 tons. During this year we consumed about 18,000 tons.

When the board of managers saw the enormous amount of coal estimated for, they decided to make an inquiry into the matter, so they engaged an expert to make some tests.

This expert came to the home on Saturday about noon. All that afternoon he did nothing but walk over the grounds. The next day, Sunday, we spent at Forth Leavenworth sight-seeing, etc. Monday morning about 9 o'clock he came to my office and for several hours we discussed the needs of the plant again. In the afternoon we went over the plant together, and I informed him of a number of improvements I wanted to make in the plant. About 4 o'clock he packed up and we came to Leavenworth to catch a train, but missed it, and we went to the Elks' Club and played pool until the next train, about 8 o'clock p. m.

Before he left the home he picked a bottle of coal from the pile in front of the boilers, and I noticed he was very anxious to select only the worst samples.

During all his conversation his idea seemed to be to recommend that the board expend about $100,000 on the plant, as he said he wanted to make $5,000 out of the job. I insisted that the improvements actually necessary could be done for one-quarter of the amount he proposed to recommend. He appeared to be very much displeased at my remark and said I ought to get all I could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] asks for five minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman right there?

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. ANTHONY. Yes.

Mr. BARTLETT. By whom was the inspector appointed?

Mr. ANTHONY. This was an inspector appointed by the board of managers. He was sent there to lay the grounds for changing from coal to oil.

Mr. BARTLETT. Does he give his name?

Mr. ANTHONY. No; he does not give his name. There was only one inspector ever sent there, that I know of, employed by the board.

Mr. BARTLETT. Only one?

Mr. ANTHONY. Yes.

Mr. BARTLETT. Did the gentleman ever complain to the board of managers about this inspector? Does the board of managers know of the imperfect way in which the inspector has inspected that situation?

Mr. ANTHONY. I think they accepted the report of this inspector at par value.

Mr. BYRNS of Tennessee. Was he regularly employed, or was he a special inspector?

Mr. ANTHONY. I think he was a special inspector. This statement proceeds:

When his report was made there was not one recommendation except those that I had made to him.

In his report he intimated that the plant could not consume the amount of coal purchased. This was investigated by the inspector general and every ton of coal accounted for.

He claimed to have tested the coal, and his report gave the heat units considerable less than other Government tests; in fact, his aim seemed to be to condemn Leavenworth coal, and make $5,000 out of the job of preparing plans for improving the plant. In his conversation with me he said he considered I was doing extraordinary well with such an old plant.

This expert charged the home $50 per day for 10 days, and the only thing in his report that I had not already reported to the local officers was his condemnation of the Leavenworth coal.

There was nothing done in this matter for about six months, when the plan of using oil as fuel was taken up and its use finally adopted.

Now, Mr. Chairman, I believe there are ample grounds for this House taking action and limiting this paragraph in the appropriation, so that the cheapest fuel to the Government shall be used in that institution. I hope the House will stand for its record for economy by putting that limitation on the bill.

Mr. MANN. Mr. Chairman, I have heard the affidavit, if it is an affidavit, read by the gentleman——

Mr. ANTHONY. It is a statement——

Mr. MANN. And I should say it bears upon its face the imprint of a liar. Is the gentleman who made that affidavit now in the employ of the Government or has he been discharged?

Mr. ANTHONY. The gentleman is not now in the employ of the Government, or he undoubtedly would not make the statement. The gentleman from Illinois is entirely unwarranted in imputing the word "liar" to any man mentioned in debate on the floor of this House. It is entirely unbecoming his leadership in this body to stand here and make use of that word.

Mr. MANN. I think the affidavit bears on its face the imprint of exactly what I said, made by a discharged employee. My friend from Kansas has repeatedly, upon the floor of the House, in reference to the Soldiers' Home at Leavenworth, assaulted the board of managers. Whether or not there are any personal feelings involved I do not know, and whether or not his charges are true I do not know.

Mr. ANTHONY. What does the gentleman mean by the word "assaulted"?

Mr. MANN. Exactly what I say.

Mr. ANTHONY. Is it the business of a Member to criticize when he finds ground for criticism?

Mr. MANN. It is perfectly proper.

Mr. ANTHONY. That is the function I assume in this House.

Mr. MANN. It is perfectly proper. I did not criticize the gentleman for criticizing the board of managers from his point of view.

I do not believe that the assaults have been justified. Usually these things come from some personal feeling. Whether that is the reason in this case I do not know. Sometimes they come because Members are not permitted to control appointments in places in their districts. I do not know that that is the fact in this case; but the gentleman from Kansas [Mr. ANTHONY]

has repeatedly, on this and former occasions, made charges against the board of managers which if true ought to have caused the removal of the board of managers; and which if not correct ought not to be made on the floor of the House.

Mr. ANTHONY. I should like to ask the gentleman if there is not a paragraph in this bill that seeks to remove a large part of the board of managers by cutting down the board membership?

Mr. MANN. Yes.

Mr. ANTHONY. Does not that afford ample ground for the assumption——

Mr. FITZGERALD. It does not remove anybody from the board of managers.

Mr. MANN. No; it does not afford ample ground. The paragraph in the bill is for the purpose of reducing the number of managers as vacancies occur, not on the ground of incompetent management, but on the ground that there is no necessity for so many men on the board of managers.

Mr. ANTHONY. Let me say to the gentleman that ample ground exists, and if he wants the ground given here, I can give him the real reason for the reduction in the number of the board of managers. It may reflect on some of his friends from Illinois. I do not desire to be as personal in referring to the friends of the gentleman from Illinois as he has been to my Kansas friends.

Mr. MANN. The gentleman need not hesitate on my account.

Mr. ANTHONY. I have got the goods.

Mr. MANN. The gentleman need not think he will trouble me by naming anyone.

Mr. ANTHONY. I have got the goods on the gentleman from Illinois's member of the board.

Mr. MANN. Produce the goods. I do not even know who the gentleman is on the board of managers. You can not frighten me. I say that in my judgment the assaults which the gentleman has made repeatedly on the floor of the House in reference to the soldiers' home there are entirely unjustified by any evidence which he has produced to the House.

Mr. ANTHONY. I should like to ask the gentleman if it is not true that one of the motives which actuated the Committee on Appropriations in reducing the membership of the board was the misconduct of some of the members of that board.

Mr. MANN. I do not know. I do not know what the motives of the Committee on Appropriations may be or may have been.

Mr. FITZGERALD. Mr. Chairman, there was no such motive or intention. The reduction was made because the statement was made that it would be more desirable and more effective to have a board of five men than to have the present board of nine men. There was no reflection intended on any member of the board. If the committee had believed what the gentleman from Kansas states, it would have abolished all the board to get rid of those men. It would not have hesitated——

Mr. MANN. So far as the administrative features of it are concerned, if I had my way I would completely abolish that board and every other board that has administrative functions under the Government.

The CHAIRMAN. Does the gentleman from New York withdraw the point of order?

Mr. FITZGERALD. Yes; I withdraw the point of order.

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken, the amendment was rejected.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $6,120.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 88, after line 11, by inserting:
"For combined chapel and memorial hall, $37,500."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not authorized by law.

Mr. BURKE of South Dakota. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. I reserve it.

Mr. BURKE of South Dakota. Mr. Chairman, in support of this amendment I want to bring to the attention of the committee what the board of managers of the soldiers' homes have said relative to this appropriation. The item was transmitted in a supplemental estimate by the Secretary of the Treasury under date of January 2, 1912, and with reference to it is a statement from the president of the board of managers, who has been referred to and eulogized here to-day by the distinguished chairman of the Committee on Appropriations [Mr. FITZGERALD], and also by the gentleman from Kentucky [Mr. SHERLEY], a man who was not only for a great many years a Member of this House, but for a long time was chairman of a very important committee, the Committee on Agriculture. That gentleman, Mr. Wadsworth, states as follows:

Referring to section 4 of act approved June 22, 1906, I have the honor to state that this item was omitted from the regular estimate for the support of the National Home for Disabled Volunteer Soldiers for the fiscal year 1913, forwarded August 8, 1911, for the reason that at that time the urgent necessity for the building was not fully apparent. The number of members present at the sanitarium August 8, 1911, the date that the regular estimate was forwarded, was 296. On December 10, 1911, it was 430, an increase of 134. The chapel and the amusement hall are now located in sanitarium buildings and the space thus occupied is urgently needed for the increased number of patients requiring treatment.

The appropriation is believed to be imperatively necessary to carry out the purpose for which the sanitarium was established.

In the hearing before the committee with reference to this home and this item it appears in the testimony of Mr. Wadsworth that in submitting the estimates for 1913 the board reduced the amount $58,122 below the amount appropriated last year for the same purposes. Maj. Harris, another member of the board, testified as to the necessity for this additional appropriation, and I will read a portion of what he stated:

The original plan for the sanitarium as approved did not provide for a chapel. When the necessity for some place in which religious services might be held became evident a room which had been designed as a dormitory for employees was devoted to the purpose. This room is small and inconvenient, as regards location and shape. It is also important that there should be some place in which convalescent patients and those whose ailments do not confine them to their beds can assemble for entertainments. This building is designed to supply these urgent needs. It will also permit the room in which chapel services are now held to be used for the purpose for which it was designed, and for which it is much needed. Gen. Barry is fully conversant with this matter.

A very distinguished member of the board, a gentleman residing in the State of Nebraska, and selected for the position by the present Congress, was before the committee. I refer to Gen. Barry, and he stated:

This building is really a necessity, and it is believed that it will enable us to accomodate 100 more patients. By removing the amusement hall in the basement we think it will accommodate 100 more patients without any increase of cost.

Then he goes on further and states that this additional room will make it possible for the convalescent men to have a quiet place where they may read. Then he says:

This institution has grown to a large membership, because it is peculiarly adapted to the treatment of old men's complaints. It is well adapted to the treatment of bladder troubles, to which old men are subject. This building is really a necessity, and it is believed that it will enable us to accommodate 100 more patients. By removing the amusement hall in the basement, we think it will accommodate 100 more patients without any increase of cost. The same medical staff can care for them. At the present time orders for admission are extended by reason of the crowded condition of the sanitarium. If we had this additional building, we could take care of 100 more men. The library is in the rear of the chapel. We need the room the chapel occupies for a mess room for the civilian employees, numbering about 72, who now dine in the mess hall for members of the home. If we had this room that the chapel occupies now, it would enable us to feed the civilian employees in a mess hall and remove them from the main mess hall. I suppose we will use a part of this building for a library and reading room. The convalescent men should have a quiet place there to read. There is a great deal of reading done there, because these men go there for treatment, and they have to occupy their time in one way or another. Some of them amuse themselves in the amusement hall, but a great percentage of them are readers. The institution has grown a great deal during the last two years, and they cared for in the past year 750 members. The percentage of the improved is 81 and the unimproved is 9 per cent. The sanitarium is a credit to the Government and is doing good work. I think the building asked for is very much needed, and will supply something that is very much required in that institution. At the present time the chapel is unable to accommodate the men who attend divine services there. For that reason we ask this appropriation for the building.

As to what the results have been upon old soldiers that have been in this sanitarium, I want to say that the reports show:

Number of members present July 1, 1910		264
Gained by admission, readmission, and transfer to Mar. 24, 1911		425
Total number cared for from July 1, 1910, to Mar. 24, 1911		689
Number of members present Mar. 24, 1911		288
Number of members discharged and transferred during the above period, with the following results		432
Improved and cured, 370	per cent	0.857
Unimproved, 30	do	0.069
Died, 32	do	0.074
Number of members present July 1, 1911		277
Gained by admission, readmission, and transfer to Mar. 24, 1912		483
Total number cared for from July 1, 1911, to Mar. 24, 1912		760
Number of members present Mar. 24, 1912		392
Number of members discharged and transferred during the above period, with the following results		373
Improved and cured, 304	per cent	0.816
Unimproved, 36	do	0.096
Died, 33	do	0.088

Mr. Chairman, I am in favor of economy. I am in sympathy with the Committee on Appropriations in their endeavor to keep

appropriations down to the lowest possible point, but I do not believe that we ought, in the name of economy, embarrass and cripple an institution that is doing the work that this institution is doing and has done, for the purpose of saving a few dollars, especially when the expenditure of the amount will contribute to the welfare and comfort mostly of survivors of the Civil War.

All of the testimony from those who have been before the committee is in favor of the appropriation, and I hope that the distinguished gentleman who has reserved the point of order will not make it, but that he will permit the amendment to be inserted in the bill.

Mr. FITZGERALD. Mr. Chairman, the action of the committee is not only easily explained, but it is justifiable. The testimony was to the effect that the attendance at the soldiers' homes will fall off very rapidly in the immediate future. One of the arguments made in favor of the increased pension bill was that if men could have a little larger pension they would prefer to live at home rather than in the soldiers' homes. The general attendance at the homes during the last year has been less than the year previous. Congress within a year or two will be facing the necessity of determining what disposition to make of some of these homes. In view of these facts and that the necessity for this particular chapel did not appeal to the board of managers when making up the estimates, and in one other home where a request was made for a chapel, the committee thought it would not be advisable at this time to add any further buildings at any of these homes.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. The gentleman is aware of the fact that this is a sanitarium, and that its attendants come from all soldiers' homes throughout the country, and that it will have inmates just as long as there are homes anywhere in the country.

Mr. FITZGERALD. The gentleman knows that it is in a bleak, cold place. It never would have been put there at all if it had not been for the presence of certain supposedly beneficial springs. It is used now largely as a sanitarium for old soldiers afflicted with tuberculosis, but it is not nearly as desirable or advantageous for that purpose, from the information that the committee has, as the home at Johnson City, Tenn.

Mr. BURKE of South Dakota. I will say to the gentleman that I think it has been fully demonstrated that every claim that has ever been made has been fully justified by the records of the recoveries of those who have been sent there for treatment.

Mr. FITZGERALD. The purpose of the amusement hall and chapel is to provide additional accommodations, to enlarge that particular home, when at present there is ample accommodation even for tuberculosis patients.

Mr. BURKE of South Dakota. The hearings do not sustain that contention.

Mr. FITZGERALD. But that is the fact.

Mr. BURKE of South Dakota. How are we going to ascertain the facts except from the hearings?

Mr. FITZGERALD. I think the gentleman read the portion of the hearings that stated that the building of a combined chapel and amusement hall would furnish accommodations for 100 additional persons, and that the place now utilized for that purpose would be used for other purposes.

Mr. LOBECK. Mr. Chairman, the home at Hot Springs, S. Dak., is one of the later homes. It is where men go to have treated diseases peculiar to old men. They come from all over the West and from all parts of the country. It has been a healthful place to those seeking to regain health. It is not a bleak place, as stated by the gentleman from New York. The gentleman from New York probably has never been there. The recoveries and improvement in health, as shown by the hearings, amount to 81 per cent.

I have known Hot Springs, S. Dak., since it was first opened up as a resort for health, when people had to go 100 miles by stage from the railroad to get there. It has been a resort that is health-giving to all people suffering from disease, and especially beneficial to the old soldiers who go there. It is shown by the hearings here and from what Gen. Barry said, that by erecting a chapel room would be given for 100 more inmates at the sanatorium, and there has been a large increase of patients in the last two years. Any man familiar with the country, with the health-giving properties of the springs, knows that it is a place that men would like to go. The veterans need more room.

I had a letter from Gen. Barry stating the necessity for a chapel; he has had experience for over 20 years with the soldier veterans in Nebraska, holding the position of adjutant general for years. He is a man whose word is good everywhere; he is an old soldier—a battle-scarred veteran of the Civil War. He was twice wounded severely in battle, losing his arm in the defense of the flag, and he is asking for this improvement, this new chapel, for the comfort and the good of the veterans and old soldiers who come to the home for treatment. I hope that the amendment offered by the gentleman from South Dakota will be adopted.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

Mr. BURKE of South Dakota. Mr. Chairman, I make the point of order against the paragraph, lines 12 to 17, page 89, that it is legislation.

The CHAIRMAN (Mr. RODDENBERY). Will the gentleman state his point of order.

Mr. BURKE of South Dakota. It is legislation changing existing law.

Mr. FITZGERALD. Mr. Chairman, it is legislation; but I insist that it is in order under the rule because it retrenches expenditures and reduces the compensation of officers paid out of the Treasury.

Mr. ANTHONY. How much salary do these gentlemen get?

Mr. FITZGERALD. They get nothing, but each has an allowance for clerical service, and the abolition of the place discontinues the clerical service also.

Mr. BURKE of South Dakota. Is there any reduction in the appropriation in the bill for the expenses of the managers of the soldiers' home by reason of this paragraph?

Mr. FITZGERALD. The rule does not require a reduction on the face of the bill.

Mr. BURKE of South Dakota. I am not asking that. I am asking if there is any reduction in the bill on account of this paragraph.

Mr. FITZGERALD. No; because the committee did not want to assume that any of these places would be vacated next year either for unanticipated or natural cause.

Mr. BURKE of South Dakota. I will say that these members receive no salary.

Mr. FITZGERALD. Yes; but in line 5, on the same page, the clerical service for the various managers is provided for at $4,500. By the reduction of the number of managers the compensation of the clerical services must necessarily be reduced.

Mr. BURKE of South Dakota. It is an assumption to say that the clerical services will be reduced. You will have the same organization; you will have a treasurer; you will have a secretary and have the same force that you have at the present time.

Mr. FITZGERALD. Each member is allowed $500 for clerk hire, and a reduction of the membership by four reduces it $2,000.

Mr. BURKE of South Dakota. The clerical services for the managers in this bill is $4,500. If there were three, they would have $1,500 apiece, and if there were five they would have $900 apiece. I do not think there is anything on the face of the paragraph which reduces expenses.

Mr. FITZGERALD. I think the gentleman is clearly mistaken about that.

Mr. BURKE of South Dakota. I will ask the gentleman if he can tell how many members there are on the board at the present time.

Mr. FITZGERALD. I think the number of members authorized is nine.

Mr. BURKE of South Dakota. Are there nine members at present?

Mr. FITZGERALD. I do not recall.

Mr. BURKE of South Dakota. Then there are only seven on the board at the present time, so that they would receive more than $500 a member. If there are only seven members on the board and this item was put in the bill, why was the appropriation for this purpose not made $3,500 instead of $4,500?

Mr. FITZGERALD. Because under the law, unless the law be changed, those vacancies might probably be filled.

Mr. BURKE of South Dakota. But evidently the gentleman expected to put in an item providing for the nine members. Why did he not reduce the appropriation?

Mr. FITZGERALD. If the gentleman thinks that is desirable, we would be very glad to do it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. There is an appropriation, I believe, providing for traveling expenses of this board of managers.

Mr. FITZGERALD. Yes; there is an appropriation for traveling expenses.

Mr. MANN. Do they all travel now?

Mr. FITZGERALD. Every one of them. The result of this provision is not only to reduce the expenditures for clerical services, but, as I have called to the attention of the Chair, it also reduces the expenditure for traveling of the board.

The CHAIRMAN. The Chair will inquire of the gentleman what retrenchment, outside of the item of $16,000, in line 8, page 89, it is the gentleman's contention this would work?

Mr. FITZGERALD. There is the traveling expense of the board. They are all allowed traveling expenses.

The CHAIRMAN. That is the item of $16,000, is it not?

Mr. FITZGERALD. Lines 5, 6, 7, and 8.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard further upon the point of order?

Mr. BURKE of South Dakota. I do not. I think it is legislation, and I do not think that you can assume that it will reduce the expenditure. The expenditures may be more.

The CHAIRMAN. In the opinion of the Chair on the point of order, the Chair taking cognizance of what the existing law is touching the expense of the board of managers, and as it appears in this bill, it appearing that a reduction in the number of the members of the board of managers would carry necessarily a reduction of expenditures to that extent, being measured by the extent to which the number might be reduced, the point of order is not well taken, and it is therefore overruled.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, in lieu of line 12, page 89, up to and including line 17, the following:

"That upon January 1, 1913, after the passage of this act, the powers heretofore vested in the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be vested in the Secretary of War, and the administration of the laws providing for the operation and regulation of said home shall be under the jurisdiction of the War Department. The Adjutant General, Inspector General, Quartermaster General, Commissary General, and Surgeon General, each, under the direction of the Secretary of War, shall perform such portion of the work of administration as shall appropriately fall to the respective bureaus of the War Department; that upon January 1, 1913, after the passage of this act, the terms of office of the various members of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall cease and all title to property and authority heretofore vested in said board shall pass to the Government of the United States; that such provisions of existing law as are in conflict with the provisions of this act are hereby repealed."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. In the first place, it is not germane to the provision in the bill. In the second place, one of the earliest rulings made under the Holman rule was that a provision transferring authority from one officer to another was in conflict with the rule. I refer to the proposed transfer of the work of the Indian Office to the War Department. That decision was made a great many years ago.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. ANTHONY. Mr. Chairman, I believe that if the provision which has just been ruled in order reducing the membership of the board to five members is in order, then the provision which I have offered is also in order. If the previous provision is in order under the Holman rule as effecting an economy of not more than a few hundred dollars, I submit that my amendment which makes an apparent economy at once of $62,500 must be in order under the Holman rule. The objection made by the chairman of the Committee on Appropriations I do not believe to be pertinent. The reference to the previous ruling is upon a transfer of authority from the Indian department to the War Department. That was a transfer from one department of the Government to another. This is a transfer from one bureau of the War Department to another, because the Secretary of War is now an ex officio member of the present Board of Managers of the Soldiers' Home.

Mr. MANN. Mr. Chairman, on the point of order the reference of the gentleman from New York was not a happy one. The fact is that it was ruled in order to transfer the Indian Office to the War Department.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. MANN. I am perfectly willing to argue with the gentleman about that, but I have both rulings in my hand.

Mr. FITZGERALD. I think the Chair has the ruling.

Mr. MANN. I doubt whether the Chair has. A section was offered that the management of all Indian affairs and of all matters arising out of Indian relations be and the same is hereby transferred from the Department of the Interior to the War Department, and was placed under the Secretary of War agreeable to such regulations as the President may prescribe, and so forth. That amendment was held out of order under the Holman rule, but in the same Congress, a new amendment having been prepared, was held in order:

That the office of the Commissioner of Indian Affairs is hereby abolished and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employees of the Indian Bureau are hereby abolished and the salary heretofore paid to such officers, respectively, shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employees of the Army under the direction of the Secretary of War, and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them, etc.

In the one case it was held that the mere transfer of the duties from one office to another, the management of Indian affairs from the Indian Office to the War Department, contemplated additional officers in the War Department, and there was no pretense that it might not cost as much in the War Department as in the Indian Office, but in the other the officers of the Indian Office were abolished, the duties were placed upon the Secretary of War and the War Department, and it was held that the amendment was in order. I do not care to detain the House. I have quite a lot of these precedents here, which I keep for handy reference.

Mr. CANNON. Mr. Chairman, I think this point of order is well taken. The National Soldiers' Home is authorized under law. The board of managers serve without compensation. I do not care to discuss the merits of this amendment if it were in order, but it transfers this service to the War Department. That is legislation, and it does not appear that it reduces expenditures. On the contrary, if it were to enter into the domain of argument it would greatly increase expenditures.

Mr. ANTHONY. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. ANTHONY. Does not the gentleman admit on the face of the proposition that you save the entire expense of the present board of managers——

Mr. CANNON. The entire expense——

Mr. ANTHONY. Amounting to $62,500?

Mr. CANNON. The entire expense of the present board of managers, as the gentleman states, amounts to $62,500; but what is the entire expense, if you transfer it to the War Department, with its extraordinary allowance for travel pay, with its largely increased clerical services? It does not seem upon the face that it will retrench expenditures, and it does change existing law.

Mr. ANTHONY. Mr. Chairman, may I say one word on the question of retrenchment of expenditures to bring it within the rule? It is apparent to all that the abolishment of the board of managers would save every cent of the appropriation for the expenses of the maintenance of this board, the amount carried in this bill being $62,500. My contention is that the work now being done by the board of managers is administrative in its character; that that administrative work could be done by the Secretary of War and his bureau officers without an additional dollar of expense on the part of the Government. For instance, the quartermaster's work of the soldiers' home will be taken up by the Quartermaster General's Department; the Inspector General of the Army would have his share of the work; the Commissary Department would have its share of the work; the Surgeon General's Department would have its share of the work; so there is no question but what there is a marked economy effected under this provision.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Kansas shows a most serious objection relating to its germaneness. In addition to that the Chair is unable to ascertain upon the face of the amendment that it would retrench expenditures. It is clearly new legislation, and unless it can be brought under the provision for the retrenchment of expenditures it would necessarily go out although it might be germane. The Chair finds it does not come within the terms of the Holman rule and that it is further subject to the infirmity of not being germane. Therefore, the point of order is sustained.

The Clerk read as follows:

UNDER THE DEPARTMENT OF THE INTERIOR.

PUBLIC BUILDINGS.

Repairs of buildings, Interior Department: For repairs of Interior Department and Pension Buildings, and of the old Post Office Depart-

ment Building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, $30,000, of which sum not exceeding $7,500 may be expended for day labor, except for work done by contract.

Mr. SHARP. Mr. Chairman, I move to strike out the last word. In connection with this subject, although the matter of appropriation for unfinished public buildings, and so forth, has passed by in reading the bill, I trust I may be permitted at this time to present to the membership of the House some figures I have compiled as a result of my examination of the report of the Secretary of the Treasury made within the past two weeks in answer to the request of the chairman of the Committee on Appropriations, which report seems to me throws a flood of light upon extravagances that we are permitting in the erection of Federal buildings in places not at all justified by conditions. I am not going to name any specific places enumerated in this bill. The report of the Secretary of the Treasury just referred to, setting forth with much completeness this information, has already been incorporated in the RECORD, and those interested can make reference thereto. The chairman of the Committee on Appropriations has just told me that the United States Government to-day is paying for rentals for buildings used under the Department of the Interior about $60,000 a year, and that the total amount of rentals to-day paid for buildings the Government does not own is upward of $600,000 per annum in the city of Washington alone.

Now, it seems to me, gentlemen, that, if we are paying this vast sum of $600,000 per annum in rentals for buildings that the Government ought to own, it is worth our while to turn our attention to the situation so as to provide buildings for our use in the city of Washington, or elsewhere, instead of spending eight or ten millions of dollars per year where they are not justified or needed. Many years ago a distinguished Secretary of the Treasury, who came from the district I have the honor to represent, is quoted as having made a remark with reference to the feasibility of the resumption of specie payments that the way to resume was to resume, and I might say that it occurs to me that the way to economize is to economize. I listened a while ago with considerable interest to nearly one hour's discussion on this floor of an insignificant item which involved a possible net saving of $6,000 a year. That is worth while; and I have no criticism of the gentleman who offered that amendment. It is certainly worth while to save even that amount of money, but it seems to me that if we should turn our attention earnestly and with a full desire to bring about a real economy in the administration of our Government we could easily find a place where we might properly save, not $6,000 a year, not $600,000 a year, but $10,000,000 a year—the upkeep of which amounts to at least $1,000,000 and——

Mr. SIMS. Will the gentleman yield for a question?

Mr. SHARP. Certainly.

Mr. SIMS. Is it or is it not a fact that here the Government makes long leases and provides, perhaps, contracts running into a number of years? As to that, myself, I do not know.

Mr. SHARP. I will refer the gentleman to the distinguished chairman of the Committee on Appropriations, who is more familiar with that than I am.

Mr. FITZGERALD. In one or two cases we have authorized five-year contracts, but in other instances the contracts run from year to year.

Mr. MANN. They are authorized to make leases for 10 years in the Post Office Department.

Mr. FITZGERALD. That is in the postal service. I mean outside of the postal service.

Mr. SIMS. There is a new building now going up right beside the building occupied by the Interstate Commerce Commission, and I am informed, unofficially, that it has been leased for a number of years for the use of the Interstate Commerce Commission. I was curious to know if we had the right to contract for the erection of private buildings.

Mr. FITZGERALD. There is no authority to contract for the lease of that building for more than one year at a time.

Mr. SIMS. In other words, it is an incorrect rumor?

Mr. FITZGERALD. I may say that in one or two instances in this city authority has been given to lease buildings for four or five years, where the Government has obtained reasonable terms. In more advanced conditions it might be advisable to adopt that plan.

Mr. SHARP. I have no feeling of sectionalism at all in this matter, Mr. Chairman, because, in looking over these different items, I find that they come from almost every section of the United States. I have heard but one argument in favor of the erection of this very large number of public buildings in the class of towns to which I refer. It is the only argument outside of a purely selfish motive that has ever been presented to me which may have some merit in it. I have heard this great expenditure justified on the ground that it inspires patriotism; that it furnishes an object of patriotic devotion to our country to find in these small towns throughout the country a public building flying the American flag, maintained by the Government and built at the public expense.

That has some merit in it, sentimentally considered, but I do not know but that, if the argument was based purely on the ground of patriotism, if the American flag should always be placed over our post offices in rented buildings, the same degree of patriotism would be inspired. We certainly would not then have all the time the accompanying thought of the willful, extravagant waste of the public money in expending from three to four times as much a year in each one of these places as we could rent accommodations for almost equally as good.

In looking over and epitomizing the result, I find in the present bill that there are 34 towns having a population of under 5,000 each, of which 19 towns have a population under 4,000 and 11 have a population under 3,000 each. But 2 towns out of the 34 have receipts in excess of $20,000 per annum, while 11 have less than $10,000 receipts per annum.

I may say further, as affecting the fixed charges that the Government has to pay, that I have compiled a brief statement, in which I think the figures are underestimated rather than overestimated. I have made the following estimates, assuming that in all these smaller towns the amount of money expended runs from $65,000 to $75,000. I believe the figures in this very complete statement of the Secretary of the Treasury, covering the last 8 or 10 years, will substantiate what I say, that the average amount of money so invested runs from $65,000 to $70,000. I have included 3 per cent interest on that sum, which amounts substantially, in round figures, to $2,000 per annum. I have allowed $800 for fuel and light; for janitor and other help, $1,200; and for repairs, a thousand dollars. The statement of the Treasury Department estimates a depreciation of 2 per cent, which would make it $1,300 or $1,400 per year. That makes a total expenditure for maintenance, in round figures, of $5,000 per year.

I have a table here showing the present amount of rentals paid by the Government for these different accommodations throughout the country, and where I have charged against the building, as in my estimate, $5,000, the Government is at present paying about $900 or $1,000 a year rental, which in many cases includes light, heat, and janitor care; making, in other words, a loss of nearly $4,000 a year for each building of that kind.

In looking over the statement itself, covering a period of the past eight years, and including the items in the present bill, I find that there are about 300 different towns having a population under 6,000 people each. I find, in addition to that, that there are 70 whose post-office receipts are under $10,000 a year.

I have listened with a great deal of interest to the arguments upon this bill in debate, as they pertain to the public building appropriations. The gentleman from Illinois [Mr. MADDEN] expressed a desire to see a system adopted, as he put it, that would justify the Government in constructing these buildings—that is, a system based either on sufficient receipts or on adequate population. I have given this subject considerable thought and consideration, although I am not a member of that committee, because it has always impressed me as an extremely unwarranted waste of public money. According to the figures before us we shall have approximately 1,000 of these projects at the end of another term of Congress. We have about 900 finished or under way now. I do not know what would be a proper standard to establish. It is hard to determine. I know of my own personal knowledge that there is in my district a town of less than 10,000 people that has over $100,000 annual postal receipts.

The statement of the Treasury Department shows that there are many other towns of 30,000 or 40,000 people which do not have receipts as large. It is very hard to fix a satisfactory criterion, it seems to me, by which the committee can be guided. I understand there is no statute fixing it, but it is a sort of a rule established by the Committee on Public Buildings and Grounds as to the places at which public buildings may be erected, based upon annual post-office receipts of not less than $10,000.

We all know how that is done. I charge no favoritism. I think that committee has been actuated by a sense of justice and fairness. I find that this condition, as it pertains to Federal buildings in small towns, exists all over the country, more especially, of course, in those parts of the United States where the population is less dense. But it does seem to me an appropriate suggestion that if we, as representatives of the American people, really desire to effect a substantial, a big economy, we can with wisdom and good cause save not less than $10,000,000 or $12,000,000 a year by raising our limit not only as to popu-

lation, but as to post-office receipts, far in excess of the present requirement. That is my view of it. I may be mistaken. I may have a misconception of the importance of these marble-fronted buildings with which we have presented so many towns, some of which, according to this statement, have less than 2,000 people and have post-office receipts of less than $3,500 a year. I remember of receiving one day a letter from some official of a town in the far Southwest asking for my vote—we all get such requests—in favor of a proposition for a Government building at that place on the ground that it had finally reached a point where its post office was doing a business of $10,000 a year. At that moment I had in my pocket a telegram from the postmaster in one of my home towns having no Federal building, in which he informed me that the postal receipts for the preceding month alone at his post office were in excess of $11,000.

Mr. SIMS. Are post-office buildings erected for the use of post offices alone in towns where the postal receipts are not over $3,500 a year?

Mr. MANN. Mr. Chairman, this is a beautiful speech, but are we proceeding under the hour rule, or the five-minute rule?

Mr. SHARP. I do not think it is my fault, nor do I think the gentleman can ascribe any blame to me. I will take all the time that is given me.

Mr. SIMS. I want to ask the gentleman if there are any buildings erected by the Government for post-office purposes alone where the postal receipts are only $3,500 a year?

The CHAIRMAN (Mr. JOHNSON of Kentucky). The time of the gentleman from Ohio has expired.

Mr. SHARP. I am very grateful to the Committee of the Whole House for listening to me beyond my allotted time. If I may have two minutes I should like to answer the question of the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. SHARP. I have one place noted here—I will not give the name of the town, but it is in Kentucky—where they have 1,638 population.

Mr. SIMS. What are the receipts?

Mr. SHARP. The postal receipts that year were $3,903.

Mr. SIMS. Was the building used for anything except a post office?

Mr. SHARP. The post office, United States court, internal-revenue collector, and so on.

Mr. GARNER. Does not the gentleman think the United States ought to furnish a building in which to hold the Federal court?

Mr. SHARP. I will give the name of the town, so that gentlemen may know all about it.

Mr. GARNER. I want to get the gentleman's opinion whether or not, when the Congress establishes a Federal court in a town and requires people to come to that town to attend court, it is the duty of the Government to furnish an adequate building for the purpose of holding court and conducting the public business?

Mr. SHARP. That may be. In answer to that question, I wish to say that I am unable to determine from this statement whether the rented accommodations before the public building was erected there were sufficient to enable them to hold court or not, but the rental was only $234 a year, whereas the upkeep of the new building was $2,836.

Mr. SHERLEY. What was the town?

Mr. SHARP. London, Ky.

Mr. GARNER. That may be a case where the county had issued bonds and gone to the expense of building a courthouse, and then as a matter of courtesy had permitted the United States to hold court in that courthouse and had permitted the clerk to occupy an office in the courthouse building.

Mr. SHARP. That may be.

Mr. GARNER. Does the gentleman believe the Federal Government ought to continue to impose on the county to that extent—to use the county property free of charge?

Mr. SHARP. I believe not; but I wish to say, in answer to the gentleman's question, that in a large number of these cases the public buildings are used for post-office purposes only.

Mr. GARNER. I agree with the gentleman fully that wherever a case of that kind is shown, then the Congress ought not to have appropriated the money and the public building ought not to have been constructed; but I wish to suggest to the gentleman that wherever a court has been established it has been the policy in every State in the Union, of every county and every State in the Union, to build a house adequate for the transaction of the business of the court.

Mr. SHERLEY. They get the court established for the purpose of getting the courthouse.

[Mr. CANNON addressed the committee. See Appendix.]

The Clerk read as follows:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that that paragraph just read may be passed without prejudice.

Mr. SIMS. Mr. Chairman, I want to reserve a point of order against it.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order, and the gentleman from Kentucky asks that the paragraph be passed without prejudice.

Mr. MANN. For what reason?

Mr. SHERLEY. The chairman of the committee is now absent for a few minutes, and he made the request that it be passed, as it is the desire to make some change in the language.

Mr. MANN. Is it to be taken up later in this day?

Mr. SHERLEY. It will go over until to-morrow, I think. There will be no desire to take anybody by surprise.

Mr. MANN. Of course not, and I am frank to say that my only object of inquiry is to ascertain whether we can get through the bill to-morrow.

Mr. SHERLEY. In my judgment, we can not get through the bill by to-morrow, but the chairman is hopeful that we may.

Mr. MANN. And as to controverted matters, as far as we can, I prefer to have them disposed of this week rather than next week.

Mr. SHERLEY. I prefer to, too.

Mr. SISSON. Mr. Chairman, I want to reserve the right to object. I want to state for the benefit of the House that I have been opposed to this item. I was opposed to it when it passed the House originally two years ago, after being put in the bill by the Senate. I have no objection to its going over, but I would like to have, if we can, a time agreed upon when the matter will be taken up, because sometimes Members may be out of the House temporarily.

Mr. SHERLEY. I will simply say to the gentleman from Mississippi that we will see to it that when it is taken up he shall have notice.

The CHAIRMAN. The Chair can not hear what the gentleman is saying.

Mr. SHERLEY. I stated there would be no attempt to call the matter up during the absence of the gentleman from Mississippi, and I ask that the item may be passed without prejudice, with the understanding that it will come up to-morrow.

The CHAIRMAN. The request of the gentleman from Kentucky is that the matter be passed without prejudice. Is there objection?

Mr. SISSON. With the point of order reserved.

The CHAIRMAN. The Chair has notice that the point of order is reserved by the gentleman from Tennessee [Mr. SIMS]. Is there objection to the request?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, in connection with the amendment that I offered to the bill for a new building at the Battle Mountain Sanitarium, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read as follows:

PUBLIC LANDS SERVICE.

Salaries and commissions of registers: For salaries and commissions of registers of district land offices at not exceeding $3,000 per annum each, $280,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 93, strike out lines 17 to 19 and insert:

"Salaries and commissions of registers and receivers: For salaries and commissions of registers and receivers of district land offices, at not exceeding $3,000 per annum each, $560,000."

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the discussion of my amendment may go over until the next paragraph is read, as I desire to make a point of order on that paragraph, and that I may discuss my amendment after the point of order is disposed of.

Mr. SHERLEY. I see no reason why we should not dispose of the gentleman's amendment now.

Mr. MONDELL. If the Chair should hold that the following paragraph was subject to a point of order——

Mr. SHERLEY. I can not conceive of the Chair so holding.

Mr. MONDELL. I am not particular, but it seems to me that that is the logical thing to do, to dispose of the point of order first. It is entirely immaterial to me.

Mr. MANN. They are all part and parcel of the same proposition.

Mr. MONDELL. That is the logical way to dispose of the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

Mr. CANNON. It seems to me one depends upon the other, and I do not see any objection to considering them both together.

Mr. SHERLEY. I understand from the gentleman from Wyoming that if the Chair should overrule the point of order as to the matter which he considers new matter, the gentleman would then desire to press his amendment.

Mr. MONDELL. Certainly.

Mr. MANN. He might desire to move to strike out the matter.

Mr. SHERLEY. It seems to me, if we are to have the fight, we might as well have it now.

Mr. FITZGERALD. There may be a different situation arise. If the succeeding paragraph be taken out of the bill either upon a point of order or upon motion, of necessity I would be obliged to ask unanimous consent to offer an amendment increasing the appropriation in the paragraph just read and providing for receivers.

Mr. MANN. The gentleman from Wyoming has offered such an amendment and asked to have it passed for the present.

Mr. MONDELL. Until the point of order could be disposed of.

Mr. CANNON. It is perfectly plain. If the next paragraph is agreed to, then this paragraph is to stand as it is, but if it is not agreed to it should be amended.

Mr. FITZGERALD. If it becomes necessary, the committee itself will wish to do what the gentleman has asked to do.

Mr. MONDELL. Then there would be no objection to my request.

Mr. MANN. Any one person might object. It is the orderly way to dispose of the matter.

Mr. FITZGERALD. I do not think anybody would object.

Mr. MANN. Then there is no occasion for discussing and voting upon it now.

Mr. FITZGERALD. No.

Mr. MANN. What is the use taking up time now until we dispose of the other section?

Mr. FITZGERALD. I ask unanimous consent that the paragraph commencing on line 7 and ending on line 9 be passed temporarily.

Mr. MONDELL. Passed until the succeeding paragraph is disposed of.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

The Clerk read as follows:

The office of receiver of public moneys for land districts, from and after the 30th day of June, 1912, is abolished, and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulations, including the receipt of moneys, and he shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation; but such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction: *Provided*, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1912, be paid to and accounted for by such registers, in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed $3,000 per annum, as now provided by law.

Mr. HAWLEY and Mr. MONDELL rose.

Mr. HAWLEY. Mr. Chairman, I make the point of order against the paragraph just read.

Mr. MONDELL. Mr. Chairman, I asked that the matter go over in order that I might make the point of order. I ask that I be recognized to make the point of order, as I made the request under which it was possible to make the point of order.

The CHAIRMAN. The Chair will state that the gentleman from Oregon has already been recognized.

Mr. MONDELL. Mr. Chairman, I want to suggest to the Chair that it was at my suggestion that we passed over the preceding paragraph, and I then announced that I intended to make the point of order to the paragraph when it was reached. I was on my feet and addressed the Chair.

The CHAIRMAN. The Chair will state that the gentleman from Oregon had already done the same thing.

Mr. FITZGERALD. Mr. Chairman, I suggest that we proceed.

Mr. MONDELL. The gentleman from Oregon did not ask unanimous consent to have the matter passed in order that a point of order might be made, and I did request to have the preceding paragraph passed in order that I might make the point of order.

The CHAIRMAN. The Chair has already recognized the gentleman from Oregon.

Mr. PAGE. Mr. Chairman, I demand the regular order.

Mr. HAWLEY. Mr. Chairman, this paragraph proposes to reorganize the local land offices throughout the country by eliminating one of the positions in them that has been in existence for nearly half a century, namely, the office of receiver, and substituting in lieu of the receiver another official and providing a salary for this new official. It proposes, in addition to that, on page 93, from lines 16 to 23, to add to the duties of registers of the Land Office. That matter is clearly new legislation and has no reference apparently on the face of it to any appropriation contained in this act, and under the Holman rule I think it has been held that the legislation must relate to the appropriation contained in the act in which it appears for the year for which the appropriation is made.

In abolishing the office of receiver these facts should be noted by the Chair:

Under the law, Revised Statutes, paragraph 2237, the salary of the receiver is fixed at $500 per year; and under paragraph 2240 and the preceding paragraphs it is provided that certain commissions and fees may be received by the receiver as a part of his compensation up to the total of $3,000, the law further providing that he shall not receive more than $750 for any quarter.

But the salary of the receiver is fixed at $500 per year in the law. These commissions are varying amounts that may amount in the total for the year to $3,000 or may make his salary amount to $800 or $1,000, depending upon the state of the public business and the activity at the local land office. It is proposed to abolish the office of receiver and to substitute an entirely new official. There is no such official provided for in the law, in the local land office, as a chief clerk, as is contemplated in this bill. It can not be maintained that there are in the Department of the Interior such chief clerks as may be appointed to these places. Every subdivision of the Department of the Interior contains a chief clerk; there is one in the General Land Office, one in the Indian Office, and in the Reclamation Office, and so forth. These are designated in the law to do certain specific work in these subdivisions of the Department of the Interior. It can not be maintained that they are available to be sent to the local land offices. It must then follow that there must be appointed new officials to fill the vacancies caused by taking out of the law this provision respecting receivers, and that, I submit, is new legislation, making a new appropriation and expending additional public funds.

The CHAIRMAN. Where is the description about new officers?

Mr. HAWLEY. It begins, line 22, on page 93:

Instead of the office of receiver of public moneys, hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize.

Now, this chief clerk is to be appointed at a salary of not exceeding $2,000, and under the civil service he would under no circumstances receive as low as $500, and in the grade of clerk, from which this officer would be taken, he would receive not less than $1,600 or $1,800, and probably more, so that makes a distinct addition to the fixed legal or statutory salary paid to the officer charged with the duty of receiving moneys at a local land office. But in addition to that, at the beginning of

line 4 and proceeding down to line 20 on page 94, it proceeds to specially describe the duties of this chief clerk. It provides that he shall perform such duties as the register may direct him to perform, and goes on further to specify that in the case of a vacancy in the office of register, or in the absence of said register, he shall not only perform the duties of the new office created for him, but the duties of the present register in the office in which any particular proposed chief clerk is at work. That is new legislation.

In the first place, there is no chief clerk in any of these offices in the contemplation of the law as described here; and, in the second place, there is no clerk that has any such relation to the law as is described here. It is entirely new law. Nor does it not diminish the pay of officers of the United States. It does not diminish the expenditure, because that depends on how much the actual salary received by the present receivers may be, and no showing is made by the provision under discussion that indicates a reduction. The minimum salary of the present receiver is $500, and under the civil-service regulations and law the minimum salary of the chief clerk to be appointed could not be less than $1,600 or $1,800. Therefore, Mr. Chairman, this provision is obnoxious to the rule on three grounds—that it does not reduce expenditures even temporarily, on the face of the bill; that it does not decrease officers of the United States, because it substitutes one officer for another; that it contains new legislation creating a new office; and not only adding a new office here with new powers, but it is new legislation in the part already recited in the preceding page of the bill defining the duties of the present registers of the local land offices and adding new duties to those now provided in the law.

Mr. MONDELL. Mr. Chairman, paragraph 815 of the rules provides that no part of the appropriation——

The CHAIRMAN. What page?

Mr. MONDELL. Page 400, down about the center of the paragraph:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by a reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States.

The amendment in question does not come within the rule, because, while it does reduce the number of a certain class of officers who only receive $500 per annum in salary under the law, it creates an equal number of officers who receive $2,000 per annum as provided in the amendment.

The CHAIRMAN. The Chair will ask the gentleman to repeat that.

Mr. MONDELL. While it does reduce the number of officers—that is, it strikes out the office of receiver of the land office, and there are approximately 105 of such officers, one in each local land office—it abolishes that position, but it also in lieu of these officers provides a chief clerk, and if the Chair will read at the bottom of page 93 and top of page 94 of the bill he will see provision is made for a salary for such new clerks of not to exceed $2,000 per annum.

The paragraph, therefore, dispenses with the services of approximately 105 officials who, under the law, receive $500 per annum; and I call the attention of the Chair to chapter 2, page 302, of the Revised Statutes of the United States, section 2237, "each register and receiver shall be allowed an annual salary of $500," so that in lieu of officers receiving $500 in salary we are providing officers who may receive $2,000 in salary. I think that one fact makes it very clear the amendment is not in order.

Mr. FITZGERALD. The gentleman does not wish to leave the impression that $500 is the maximum salary of receivers and registers of land offices?

Mr. MONDELL. No; I do not desire to leave that impression. There are registers and receivers who receive more in commissions and fees, but we are talking of salaries.

Mr. FITZGERALD. The very next section of the Revised Statutes provides that in addition to the salary mentioned they shall receive certain compensation in the way of fees.

Mr. MONDELL. Yes; but the Chair can not be expected to investigate as to whether or no these officials receiving a certain fixed salary may or may not also in addition to that, as a matter of fact, receive some commissions. There are some receivers who do not receive any commissions at all who serve for $500 per annum.

Mr. FITZGERALD. But the gentleman knows that if these receivers are reinstated in the bill it necessitates the adoption of the amendment which the gentleman himself offered increasing one item in this bill by $280,000.

Mr. HAWLEY. Will the gentleman from New York yield?

Mr. FITZGERALD. Section 2240 of the Revised Statutes provides that the compensation of registers and receivers, including salaries, fees, and commissions, shall in no case exceed in the aggregate $3,000 a year.

Mr. MONDELL. I would like to have the attention of the Chair on that point, if the Chair considers it of any importance. Of course, if these officials are restored, their salaries must be added to the bill. The next paragraph carries an appropriation to pay the new officers provided for by this new legislation, and if my amendment restoring the receivers and their salaries is adopted I shall offer another amendment reducing the appropriation in the next paragraph for clerks. The gentleman certainly——

Mr. FITZGERALD. By how much?

Mr. MONDELL. The gentleman will know when I offer the amendment.

Mr. FITZGERALD. Will not the gentleman now state it?

Mr. MONDELL. The gentleman certainly will not contend that by simply reducing the amount in an appropriation bill, leaving the public service without adequate funds, he would thereby come within the Holman rule, because the necessity for the expenditure is still there, and the amendment might simply be made for the purpose of attempting to show a reduction of expenditures when as a matter of fact no such reduction was provided for.

The bare question before the Chair is this: This is new legislation wiping out certain offices and creating certain other offices. What are the salaries provided by law for these respective offices? The Revised Statutes give the officer who is deprived of his office, and whose office ceases under the amendment, $500. The amendment gives the officer who takes his place a salary not to exceed $2,000. No one will contend that by reducing Federal officers, on the one hand, by a given number and creating new Federal officers, on the other hand, an equal number with a higher salary, you come within the Holman rule, although there may be another item somewhere else in the bill, not in this paragraph—because this paragraph carries no appropriation at all—there may be an item somewhere in another paragraph which is modified or changed in some way.

But this paragraph carries no appropriation. It is pure legislation. It does not decrease, and does not purport or pretend to decrease, the appropriation, because there is no appropriation carried in this paragraph, and on its face it increases the appropriation, for it provides for Federal officials who will receive $2,000 in lieu of Federal officials whose salary is $500.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. Gladly.

Mr. BURKE of South Dakota. I will call the gentleman's attention to the fact that the paragraph also enlarges the duties of the register to a very great extent, and that would undoubedly necessitate the employment of additional clerical force other than what is employed under the present system.

Mr. MONDELL. Yes. I think the points I have made will be quite sufficient to justify the Chair in holding that the amendment is not in order. But if the Chair will bear with me I will call his attention to the fact that here are two pages of new legislation, changing radically the duties of public officials, wiping out a certain position which has existed since the creation of the Land Office and creating a new position and transferring duties. No one knows what the effect of that transfer may be. In my opinion the transfer of the duty of the receiver to the chief clerk can have no other effect than to compel further clerical service for the register, upon whom the duties now performed by the receiver are largely placed. So that, in whatever way you view it, this paragraph can not come under the Holman rule, and therefore is subject to a point of order.

Mr. LAFFERTY. Mr. Chairman, may I be recognized to say a few words on the point of order?

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Chairman, I merely desire to suggest that this is very important legislation. That is the reason why it should be seriously considered. In the first place, the proposition in the amendment abolishes the office of a receiver of the local United States land office.

The CHAIRMAN. By "the amendment" does the gentleman mean the section in the bill?

Mr. LAFFERTY. Yes. By this proposed provision for abolishing the office of receiver you necessarily create a situation under which you are compelled to create other officers.

The other officers provided for here are chief clerks of the United States land offices, officers which do not exist at the present time. It is a fact, of which the Chair will take judicial

notice, that many receivers throughout the Western States at the present time are not receiving the maximum which they may receive of $3,000 per year. Many of these receivers are not taking in over $1,200 at the present time. Some of them, I know within my own knowledge, when the fees and commissions run down to a certain point, resign their offices, and they get other people to fill them. Therefore it is an open question as to whether or not this proposed legislation would not result in an expenditure of more money than is now being expended. And, if I may be pardoned for saying so, Mr. Chairman, these receivers are local officials. They are appointed from among those within the neighborhood or within the State where these public lands are to be administered. On the other hand, these officers who are to take their places are detailed from Washington, D. C., by the Secretary of the Interior, as here provided, and we are to have saddled upon us in the West some more of these gentlemen who go back and forth across the continent, riding in Pullman palace cars, and telling our people where to head in at. I am in favor of home rule in the matter of administration of public lands in the West as much as my brethren here from the South are in favor of home rule in the South.

I say this is an important matter, and, while I am not so familiar with parliamentary law as these other gentlemen who have spoken, I trust the Chairman will give the subject his best consideration.

Mr. FITZGERALD. Mr. Chairman, in reply to the gentleman from Oregon, I will say that this is a very important matter, and has been recommended for three years by the present administration. The Commissioner of the General Land Office states in his report for 1911—

> The recommendation made in the report for the fiscal year ended June 30, 1910, in regard to the abolishment of the office of receiver is renewed. A far better organization at less expense could be perfected——

Mr. MONDELL. Mr. Chairman, is the gentleman discussing the point of order or the merits of the proposition?

Mr. FITZGERALD. I am discussing the point of order. One of the grounds upon which I base the contention that this provision is in order is that it effects reductions in the amounts carried by the bill, and I intend to demonstrate it, not only from the action of the gentleman himself, but from the recommendations of those who have charge of the service.

Mr. MONDELL. We can see how pertinent they were——

Mr. FITZGERALD. If the gentleman will permit me, I can finish what I have to say more quickly. The Commissioner of the General Land Office stated:

> The recommendation made in the report for the fiscal year ended June 30, 1910, in regard to the abolishment of the office of receiver is renewed. A far better organization at less expense could be perfected. There is no business reason to be advanced for the retention of the present organization of local land offices. It originated in the era of sale, when the money value of the land disposed of was the paramount idea; it was retained without any real reason through the era of development; the coming era should see it abolished. The recommendation last year was as follows:
>
> "The organization of the local land offices should be changed and a great deal of money saved and better administration secured by the abolition of the positions of register and receiver and the creation of one position in lieu of the two. The positions of registers and receivers were created under the original organization when the duties were those of sales agent and recording officer. By additional legislation, as stated above, the duties of local officers have been changed. Under this dual system there is a divided responsibility. The register and receiver have to sign decisions, and they are responsible together for the work of the office. This divided responsibility is not a successful method of management for any office. Experience has shown that there are frequent clashes between the two officers. The simplest organization would be the creation of a new office and the placing of one man in charge of all the work of the local office, and substituting for the receiver a bonded clerk. This bonded clerk could be secured for the work to be performed at a salary ranging from $1,500 to $2,000 a year, and the difference between that and the salary now paid to receivers would amount in saving to the Government, in round numbers, to about $150,000 a year. Better administration would be secured, and the Government would save a considerable sum."

This provision, Mr. Chairman, proposes to abolish the office of receiver in the local land offices. Under the law the receivers of local land offices——

The CHAIRMAN. The Chair did not understand whether the proposed abolishment applies to more than one office.

Mr. FITZGERALD. Yes; it abolishes the receivers in all the local land offices. There are a number.

The CHAIRMAN. The Chair did not at first understand whether the gentleman was using the plural or the singular.

Mr. FITZGERALD. There are 105 local land offices in the United States. This provision proposes to abolish the receiver in each of these offices.

The receiver in a local land office, under section 2237 of the Revised Statutes, is allowed an annual salary of $500. By section 2238, in addition to their salaries, they are allowed certain fees and commissions, and the fees and commissions are set forth. Then, by section 2240, the compensation of the receiver, including salary, fees, and commissions, is limited to $3,000. By the abolishment of these offices and the transfer of their duties to clerks in the office of the register, a saving of $110,000 is effected annually, and that appears from this bill itself.

The paragraph just passed provided for salaries and commissions of registers of district land offices at not exceeding $3,000 per annum, $280,000. The gentleman from Wyoming [Mr. MONDELL] proposes to reinsert in that paragraph the provision for the compensation of the receivers of the land offices and to increase the appropriation to $560,000. On page 95, under the contingent expenses of the land offices, the gentleman from Wyoming [Mr. MONDELL] proposes to offer an amendment, should this provision be eliminated, to reduce the appropriation on page 95, line 7, from $490,000 to $320,000, a reduction of $170,000.

This provision does not authorize any new offices. It provides for the transfer of duties from the receivers, who are abolished, to clerks in the respective land offices. There is very ample authority at present for the discontinuance and transfer of these various offices, and under section 2255 of the Revised Statutes the Secretary of the Interior is authorized to make a reasonable allowance for office rent for the consolidated land offices, and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks at reasonable per diem compensation for such time as such clerical force is absolutely necessary to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 2239, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

Now, the fixing of a limitation upon the compensation of these clerks upon whom the duties of the receiver devolve, is fixing a limitation upon compensation which under the law at present is limited only by the determination of the Secretary of the Interior.

Mr. HAWLEY. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. HAWLEY. In every case where a chief clerk exists in a department, if I am not in error, he is mentioned specifically in the statute, and now to appoint chief clerks in the general land offices would be to create new offices, because the positions of chief clerks have been recognized in all cases as being offices created by statute.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken. The word "chief" does not affect the matter at all. One of these clerks in the office would be considered or designated as of a higher rank or in charge of the other clerks. This was merely a devolving of the duties of the receiver upon the clerk of the highest grade in the office.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. BURKE of South Dakota. As I understand the gentleman, he says that under this provision there is no new position created, but that there would be a transfer of duties to a clerk in the office. I should like to call the attention of the gentleman to line 24, on page 93, in which it says:

> The Secretary of the Interior may appoint or designate a chief clerk for any land office.

That certainly is creating a position that does not exist at the present time, and does create a position.

Mr. FITZGERALD. I think not. I doubt if there is any difference in meaning. The Secretary of the Interior now, within the limits of the appropriation, has authority to provide such clerical force in these different offices of register and receiver of the land offices as he sees fit. He fixes the limit of the compensation. In the transfer of the duties now devolving by statute on the receiver, it is provided that they shall devolve upon the most important clerk, or the person who properly would be designated or characterized as the chief or head clerk of the office.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STEENERSON. How many of these receivers are now receiving the maximum of $3,000 a year? I understand there is a number that receives a great deal less. Many officers are not maximum officers; very few. Some of them only receive $500.

Mr. FITZGERALD. I do not know how many are receiving the maximum salary, but the average compensation is over $2,100.

Mr. STEENERSON. The saving would only be $100 for one office then.

Mr. FITZGERALD. The gentleman is very much mistaken; the saving under this reorganization is $101,000 annually.

Mr. STEENERSON. Besides the $2,000 salary they would have to pay them for traveling expenses, and there would be no saving at all.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. I would like to question the gentleman's arithmetic. As I understood, he said the average register and receiver's compensation was about $2,100 a year.

Mr. FITZGERALD. It is more than that.

Mr. BURKE of South Dakota. That would amount to $4,200 for the two places.

Mr. FITZGERALD. But I was speaking of the receivers alone.

Mr. BURKE of South Dakota. The receivers and registers get substantially the same compensation. Now the gentleman proposes to have a chief clerk at $2,000 a year.

Mr. FITZGERALD. The gentleman is mistaken; there are only two or three of the chief clerks who would get the maximum compensation. The great mass of them are not to receive in excess of $1,600.

Mr. BURKE of South Dakota. That is an assumption.

Mr. BYRNS of Tennessee. Will the gentleman from New York yield?

Mr. FITZGERALD. Certainly.

Mr. BYRNS of Tennessee. The statement in the hearings is that in 1911 there was paid the receivers the sum of $274,047.71. That would make an average salary of $2,600 a year.

Mr. FITZGERALD. I thank the gentleman for the statement. That shows conclusively that this would effect a reduction, as I stated.

Mr. RUCKER of Colorado. Mr. Chairman, I raise the point of order that the point of order made by the gentleman from Wyoming is not being discussed. It is the merits of the proposition that is being discussed.

Mr. FITZGERALD. The gentleman from Colorado is mistaken. One of the grounds upon which it is insisted, Mr. Chairman, that this provision is in order, is that it effects a reduction in the amount carried by this bill. It is impossible to discuss that question without going into the question of compensation and the amounts that would be necessitated if this provision was eliminated from the bill.

Mr. BYRNS of Tennessee. If the gentleman from New York will pardon me further, I want to say that the commissioner states that the total compensation to be paid to bonded clerks under this arrangement would amount to $172,600, leaving a balance of $101,447 as the estimated saving.

Mr. FITZGERALD. That is the statement I recall that was made; that under this reorganization that saving would be effected. Mr. Chairman, I think the question of order is simple. Here are certain offices established with authority of the Secretary of the Interior to appoint clerical services in these offices. This provision proposes to abolish certain officers and transfer the duties to the clerks now authorized, and to put a limitation upon the maximum that can be paid to the clerks, there being no maximum fixed at present. The result is a saving in this bill of $101,000. It seems to me that under these conditions this provision is clearly in order under the rule.

Mr. MONDELL. Will the Chair bear with me a moment?

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. I desire, Mr. Chairman, to emphasize the fact that the paragraph against which I made the point of order carries no appropriation whatever. Therefore it does not come under the Holman rule on the ground that it provides for a reduction in the appropriation. It does not come under the Holman rule, further, because while it is new legislation and creates new offices it does not reduce the number of officers under the Government. It wipes out one set of offices and creates another equal in number, so that it does not decrease the number of offices.

Mr. BYRNS of Tennessee. The paragraph to which the gentleman has made the point of order does abolish the office of receiver and substitutes therefor appointed clerks at $2,000. Does not the gentleman think it is perfectly proper and necessary that the Chair shall look to the bill to see what these receivers will receive under the bill, if retained, in order to determine whether or not it properly comes under the Holman rule?

Mr. MONDELL. The Chair could not go through the entire sundry civil bill to find some reason for supporting this amendment. The amendment must stand or fall by what it says; what it says and what it does, and it does not reduce appropriations. It does not decrease the number of officers; it does not reduce expenditures directly, nor does it reduce them indirectly, because it dispenses with one class of officers the salary of which is $500 per annum, and provides for another class of officers at not to exceed $2,000 per annum.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire to make some suggestions that bear upon the point of order. The first is this: Does not the conferring of the functions of the abolished office of receiver upon the office of clerk created as a substitute make it conclusive that a new office is created? I think that can not be successfully gainsaid.

Now, the second inquiry, which I regard as legitimate for consideration of the chairman on the point of order, is: It is not a legitimate solution of the question of the increase of expenditure in the expenditures that may possibly be made by taking statistics, taking the information which the Department of the Interior has furnished as to the expenditures last year and for previous years. This question is not to be determined by speculation. It is not to be determined upon the fluctuations of one year when it was high and another year when it was low, not upon what may possibly occur, but upon what is essentially certain.

The statute provides that the salary of the receiver shall be $500 a year. In the proposed legislation it is certain that the salary of the clerk must be much greater than that. This question must be solved upon the certainties—and I contend that it is not legitimate to decide it upon speculation, upon uncertainties of what the fees may amount to one year or what they will amount to the next year. I anticipate that the enactment of the three-year residence homestead act will make the fees larger next year than last year. That, however, is speculation, and is not a legitimate consideration. A reliable criterion must be furnished. I contend it must be made to affirmatively appear that retrenchment will result. But, sir, it is only shown to be problematical, and assuredly that will not do.

Mr. HAWLEY. Mr. Chairman, I would like to offer one additional consideration in reply to the statement of the gentleman from New York [Mr. FITZGERALD], the distinguished chairman of the committee, wherein he maintained that this was not a new office. There is no such office as chief clerk in any of the local land offices at the present time. All the statutes making appropriations with reference to a chief clerk in any division of the governmental service have appropriations for a chief clerk by the designation of such office, so making him a statutory officer. It is proposed in this paragraph to make a statutory officer and appropriate for him. That must create a new office. In so creating a new office the amendment, if for no other reason, would be obnoxious to the rule.

The CHAIRMAN. Before ruling the Chair will invite the attention of the committee again to that portion of the rule read by the gentleman from Wyoming, which is as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and the salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

For the purpose of retrenching expenditures the Chair holds that the House unquestionably has the right to legislate through an appropriation bill. In the second line of the rule above quoted we find the expression, "changing existing law." Existing law can not be changed without new legislation. The Chair therefore holds, as just stated, that an appropriation bill can change existing law; and if there is the right to change existing law there must, of necessity, be the right to legislate. That right to legislate, however, is limited by what follows in the rule, and there is real ambiguity in what follows:

The gentleman from Wyoming has said that the section to which the point of order has been raised contains no appropriation. That looks in the direction of retrenchment of expenditures because it does not contain an appropriation. Under the Holman rule an appropriation bill can contain such legislative matter as abolishes an office. The right to abolish an office is unquestioned. Now comes the question of the right of an appropriation bill to contain a provision creating an office. If the abolishment of one office and the creation of another works retrenchment in expenditures, the Chair is of opinion that this can be done, because it is still within the limit provided under the Holman rule of "changing existing law."

The question, therefore, that is uppermost in the mind of the Chair is whether there is at last a retrenchment of expenditures under the paragraph under consideration. Being in doubt, the Chair feels constrained to give some weight to the

report made by the Commissioner General of the Land Office to the effect that it is a retrenchment of expenditures. The chairman of the Committee on Appropriations, which originated this bill, makes the positive statement that $105,000 will be saved by this paragraph. He makes that statement after his own research into the matter and upon the statement of the head of the department or bureau, whichever it may be, which has charge of these affairs, and this statement has gone practically unchallenged.

The Chair therefore overrules the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph on page 93, beginning with line 10, down to and including line 4 on page 95.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend pages 93, 94, and 95 by striking out the paragraph beginning with line 10 on page 93 and ending with line 4 on page 95.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield to see if we can agree upon some time for discussion?

Mr. MONDELL. Certainly.

Mr. FITZGERALD. I suggest 15 minutes.

Mr. MONDELL. This is a very important matter and I should like to have 15 minutes myself.

Mr. FITZGERALD. Oh, we can not consent to that, with the other body in this Congress having served notice on the country that no business is going to be done for two weeks.

Mr. MONDELL. But we had a speech here 20 minutes in length a short time ago in regard to a matter not relating to the bill at all. Here is a proposition to abolish 105 offices.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this amendment close at 4 o'clock.

Mr. MONDELL. I think we could conclude the debate under this amendment in one hour.

Mr. FITZGERALD. Oh, no. We have already discussed the matter for half an hour or more.

Mr. HAWLEY. Mr. Chairman, this affects every settler on the public lands, and I think if the gentleman had been in the West and had to do with the settlers he would be willing to grant an hour.

Mr. MONDELL. I think we should go on this evening with the business and dispose of the bill, and I think the chairman ought to give us a fair amount of time.

Mr. HAWLEY. I will remind the chairman of the committee that while there are many Members who are vitally interested in this matter, their advice or suggestion was never requested in regard to the matter, and this is the only opportunity they will have to present their views in regard to the matter.

Mr. FITZGERALD. Well, I suggest to close debate in 40 minutes.

Mr. MONDELL. I think it ought to be made an hour if possible.

Mr. FITZGERALD. If I can not get an agreement to close debate at the end of 40 minutes——

Mr. MANN. Make it 4.20.

Mr. FITZGERALD. I ask that it be closed at 4 o'clock——

Mr. HUMPHREY of Washington. I suggest to the gentleman that he will not make any time by doing that.

Mr. FITZGERALD. Oh, yes.

Mr. MANN. Make it 4.20.

Mr. FITZGERALD. Well, I will make it 4.20.

Mr. RUCKER of Colorado. I suggest to the gentleman that I want to know something about the division of time.

Mr. FITZGERALD. It will be under the five-minute rule.

Mr. RUCKER of Colorado. Well, I am in this position in this House——

Mr. FITZGERALD. The gentleman can protect himself from assault under the five-minute rule.

Mr. RUCKER of Colorado (continuing). In that I am against both propositions, and therefore I do not want to give away what time I desire. I want five minutes.

Mr. FITZGERALD. The gentleman can get his five minutes. I ask unanimous consent that debate on this amendment close at 4.20.

Mr. MONDELL. Mr. Chairman, there are at least a half dozen gentlemen on this side who want to discuss this matter, and we ought to have at least 40 minutes on this side.

Mr. FITZGERALD. Mr. Chairman, I will serve notice that at 20 minutes after 4 I shall move to close debate, and gentlemen can regulate their conduct accordingly.

Mr. MONDELL. Does the gentleman desire considerable time on his side in favor of the proposition? Does the gentleman expect to consume half the time in favor of the proposition?

Mr. FITZGERALD. I think not; probably 10 or 15 minutes; I would like to have 5 minutes. I do not think there will be any trouble; very little time will be occupied on this side, and we are willing to give the gentlemen opposed to it some of our time.

Mr. MONDELL. I want 10 minutes, at least; but I do not want to deprive gentlemen on this side of an opportunity to be heard.

Mr. FITZGERALD. I do not believe more than 10 minutes will be asked on this side of the House against the proposition of the gentleman. I am willing the gentleman's side shall have 40 minutes in favor of the gentleman's motion.

Mr. MONDELL. That is entirely satisfactory.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this amendment close at 20 minutes after 4 o'clock, 40 minutes of the time to be occupied by those in favor of the motion of the gentleman from Wyoming.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. MONDELL. Mr. Chairman, there are many reasons why this provision should be stricken out. There are many reasons why the office of register should be retained. I propose to discuss first the question of economy. The chairman of the committee has been grievously misled in the matter. I am willing to admit for the sake of argument that there is a bare possibility that a little money may be saved to the Government, but I think I can prove beyond controversy that the saving even under the most favorable conditions will not be more than one-fourth or one-third of that suggested by the commissioner or by the chairman of the committee. There has been a curious difference of opinion as to how much was to be saved by this legislation. A year ago we heard that the abolition of these offices would save upward of $200,000. This year in transmitting the estimates suggestion was made that there would be a saving of $150,000. When the commissioner appeared before the committee he suggested they might save $101,000, and the committee evidently estimate $110,000 as the net amount of saving in the two items of the appropriations relating to this matter. Now, the facts are these: There are 105 land offices. Last year in 61 of those offices the registers and receivers received the maximum salary and therefore those 61 offices cost $6,000, $3,000 to each officer, and in these 61 offices, assuming that the business continues this year as it was last year and there would be a saving of $61,000 under this bill, assuming that the clerks all receive $2,000, as they undoubtedly will, as to 16 of these offices the salaries and fees and commissions last year of register and receiver were between $5,000 and $6,000, but all above $5,000, and the saving in the 16 offices would be $7,767.65, so that in 77 offices there would be, on the basis of last year's business, under the new provision a saving of $68,766, providing no additional clerical help should be required. We all know that at least one additional clerk will be required, in addition to the chief clerk, in all of these offices when a chief clerk is provided.

But there are 25 land offices where last year the registers and receivers together received much less than $5,000. For instance, the register and receiver at Nome—and I ask the attention of the gentlemen of the committee to this extraordinary condition of affairs—the register and receiver at Nome last year received the magnificent sum of $136, and under your legislation next year the Nome office might cost $2,136.44. There are a large number of offices, 25 as I have said, in which the expenditures were much less than they would be under the provisions of this bill for this reason: Registers and receivers receive salaries of $500 and fees up to $3,000 a year, and therefore if the receipts in fees in a given office are only $3,000 a year they are divided between the register and receiver and they receive $1,500 each, but if you abolish one office under the terms of your legislation you double the salary of the remaining officer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I do not want to encroach upon the time of others, but I suggest that I asked for 10 minutes when the limitation of time was agreed upon, and I now ask that I may proceed for 5 minutes further.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] No objection is heard.

Mr. MONDELL. Therefore as to these 25 offices the new policy proposed increases the pay of the register, for it gives him all the fees up to $2,500. In lieu of the receiver, who in many instances only receives from five to fifteen hundred dollars, you provide a chief clerk who is to receive $2,000. I have figured out the matter very carefully on every office in the country and assuming that business shall continue as it was last year and assuming that no additional clerical help will

be required, and that is a violent assumption, assuming all these things, the largest possible saving under this arrangement is $38,712.92. The average cost of offices last year for registers and receivers was $5,306.50. The average cost of offices under the provisions of the bill will be $5,000, and on that basis the saving would be only $32,711 even though no additional expenditure was required.

Mr. PAGE. Will the gentleman yield?

Mr. MONDELL. I must hurry along.

Mr. PAGE. Just one question. The gentleman in his figures evidently places the salary of all these chief clerks at the maximum sum that is mentioned, whereas as a matter of fact the record shows a majority of these men would receive very much less than that.

Mr. MONDELL. Well, the record does not show anything, if the gentleman will allow me.

Mr. PAGE. I mean the testimony taken by the committee from the officers of the Government.

Mr. MONDELL. Oh, the gentleman suggests that the commissioner stated that they might not pay all these clerks $2,000 a year. They have the right to pay them all $2,000 a year; and in all probability they will in a year or two, if they do not, in the first instance, pay them all that they are allowed to pay them under the law, and then we will have this condition: A chief clerk in a land office in the West receiving $2,000, sitting beside an appointee of the President who may be receiving all the way from $500 to $1,500 or $1,800.

The following statement shows the situation as regards the land offices under the policy proposed by the committee:

Land office.	Paid register and receiver 1911.	Pay of register and clerk under this act.	Increase under this act.
Nome, Alaska	$136.64	$2,136.64	$2,000.00
Camden, Ark	4,912.84	5,000.00	88.00
Eureka, Cal	3,450.00	5,000.00	1,550.00
Independence, Cal	3,331.00	5,000.00	1,669.00
San Francisco, Cal	1,000.00	2,500.00	1,500.00
Del Norte, Colo	3,562.00	5,000.00	1,438.00
Leadville, Colo	1,968.00	3,468.00	1,500.00
Baton Rouge, La	1,307.00	2,807.00	1,500.00
Natchitoches, La	1,783.00	3,283.00	1,500.00
New Orleans, La	2,540.00	4,040.00	1,500.00
Marquette, Mich	3,144.05	5,000.00	1,855.05
Jackson, Miss	4,134.64	5,000.00	865.00
Springfield, Mo	4,071.86	5,000.00	928.14
Lincoln, Nebr	2,454.40	3,954.40	1,046.60
Fort Sumner, N. Mex	4,500.00	5,000.00	500.00
Devils Lake, N. Dak	4,099.72	5,000.00	920.28
Fargo, N. Dak	4,443.66	5,000.00	556.34
El Reno, Okla	1,186.45	2,686.45	1,500.00
Guthrie, Okla	4,315.12	5,000.00	684.88
Portland, Oreg	4,671.96	5,000.00	328.04
The Dalles, Oreg	3,980.30	5,000.00	1,019.70
Timber Lake, S. Dak	1,000.00	2,500.00	1,500.00
Olympia, Oreg	1,790.87	3,290.87	1,500.00
Wausau, Wis	4,026.64	5,000.00	973.36
Evanston, Wyo	4,379.02	5,000.00	620.98
Total	76,189.17	.....	29,053.73

Land office.	Paid register and receiver, 1911.	Pay of register and clerk under this act.	Decrease under this act.
Montgomery, Ala	$5,272.48	$5,000.00	$272.48
Juneau, Alaska	5,488.84	5,000.00	488.84
Oakland, Cal	5,000.00	5,000.00	.....
Redding, Cal	5,376.38	5,000.00	376.38
Susanville, Cal	5,169.75	5,000.00	169.75
Durango, Colo	5,229.76	5,000.00	229.76
Glenwood Springs, Colo	5,725.00	5,000.00	725.00
Hugo, Colo	5,500.00	5,000.00	500.00
Topeka, Kans	5,872.68	5,000.00	872.68
Kalispel, Mont	5,431.11	5,000.00	431.11
Missoula, Mont	5,388.80	5,000.00	388.80
O'Neil, Nebr	5,253.34	5,000.00	253.34
Bismarck, N. Dak	5,797.50	5,000.00	797.50
Lawton, Okla	5,905.24	5,000.00	905.24
Burns, Oreg	5,437.10	5,000.00	437.10
Roseburg, Oreg	5,916.67	5,000.00	916.67
Total	.....	.....	7,766.65

Saving, 61 offices, maximum		$61,000.00
Saving, 16 offices		7,766.65
Total		68,766.65
Loss, 25 offices		29,053.73
Total		38,712.92

Fiscal year 1911, 105 land offices, cost, salaries and commissions, $557,183. Average, $5,306.50 each. If new bill made the cost $5,000, the saving would be $32,711.

Now, even though all the sums suggested by anyone were to be saved by this legislation, it should not be enacted, because it is not in the interest of the settler on the public domain nor is it in the interest of the body of the people.

The register and receiver sit in judgment on land cases. They are familiar with local conditions. They are charged with the responsibility of passing upon all the questions of law, of fact, and of equity arising under the public-land laws. It is now proposed to dispense with one of those officials and send a civil-service clerk out there to sit in the place of one of them. And, more than that, the provision which my amendment would strike out gives this clerk the right to exercise all the authority and all of the jurisdiction that is now exercised by both the register and receiver.

Under that condition of affairs what would happen? From the very initiation of an entryman's right to the last judgment in the Secretary's office no individual will pass upon it who is familiar with the country, who is familiar with the conditions, who is in a position to understand the equities of the entryman. Civil-service clerks, from the initiation to the close of the case, are to pass upon the right of American citizens to acquire homes on the public domain under the laws of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I am in favor of the motion of the gentleman from Wyoming [Mr. MONDELL] to strike this provision from the bill, first, because I do not believe that legislation as important as this legislation should be incorporated in an appropriation bill.

It has been suggested that this provision is in order under the Holman rule because it would save expense. In my judgment, Mr. Chairman, it will not save one dollar in the expenses incurred in connection with the administration of the land offices of the country.

I remember only a few years ago when it was proposed by the Interior Department to discontinue the Indian agents, and to consolidate the position of the school superintendent and the agent in one position, and we were assured if that was done we would save a large sum of money.

Mr. Chairman, we did discontinue agents and substituted the school superintendents, but the experience has been it has not saved expense, but simply has put into the classified service positions that theretofore were filled by appointments made by the President and confirmed by the Senate, and we now have at the Indian agencies of the country agents who are charged with great responsibility, who are in some instances clerks sent out from the Indian Office, who never had seen an Indian until they left the District of Columbia and never had had any practical experience in dealing with Indians.

If this provision remains in this bill and becomes a law we will have, as the gentleman from Wyoming states, a clerk detailed or designated and sent to the local land offices from the General Land Office to pass upon questions of great importance.

Under existing law the registers and receivers are appointed by the President and confirmed by the Senate. They are offices of a good deal of responsibility, and as a general rule they are filled by men of a large caliber, men who have had experience, and usually one of them is an experienced lawyer.

Among the duties that they have to perform, as has been stated by the gentleman from Wyoming, is the duty of passing upon questions involving the rights of those who settle upon the public domain, and, in the case of a homesteader who may have a contest filed against his entry, a hearing is had. Before whom? The register and receiver, and they join in a decision and determine whether or not that entryman is to have his land and is to be permitted to keep his home, or whether his entry is to be canceled.

What does this bill do? It not only abolishes one of these places, but it provides that in the absence of the register, or in the case of a vacancy in the office of register, a clerk, who they say may receive much less than $2,000 a year, is going to have the power and authority to pass upon these important questions—questions, as I say, determining property rights, and in many instances rights that are of great value.

I say, Mr. Chairman, that this is only another suggestion that comes from a bureau of the Government to extend the classified service. We have already by legislation made these various bureaus so that they are to-day close corporations, and this is an effort to make them still closer and give them greater power and authority than they now possess. If we get rid of the receivers, it will not be long until it will be proposed to do away with the registers also and fill their places with a civil-service clerk. You might just as well say that we might do away with the positions that we hold here and let the duty devolve upon our clerks, or do away with the Commissioner of the General

Land Office and let the duties that he now performs be performed by the chief clerk of that particular bureau.

I say to you, Mr. Chairman, that from every standpoint, and particularly in view of the fact that the entrymen who file upon the public domain are bound by the decisions of the department and have no right to go into any court, we ought at least to permit them to have men of high character, men of wide experience, and men capable of determining judicial questions, and to have two, as we have heretofore had, to pass upon questions that involve their property rights instead of leaving it to one, and possibly that one a mere clerk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the amendment which I sent up to the desk heretofore.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The Clerk read as follows:

Amend the amendment by adding the following: "All the public domain now undisposed of, or not applied for under applications now pending, shall be turned over to the respective States wherein the same are situated."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. RUCKER of Colorado. Now, Mr. Chairman, I have been quite indifferent about this battle as it has raged around the question of the cost of these receiverships, being a good deal like the sulking Henry the Sixth, who retired upon his mound living upon the frugal curds of his herd and watching the mother sheep to suckle the lamb and with equanimity witness his queen and her advisers upon the opposite mound carry on the battle, because from my point of view it is a matter of indifference to the country if the proper legislation is enacted. Again, because I realize the fact that neither one of these factions know exactly what they are contending for. If I had my memorandum here that I had before the public-land States' convention that met in Denver a year ago, where my friend MONDELL was the chairman, I could demonstrate to you that whatever amount you expend here toward the disposition of the public domain, whether it be by way of receivers or by way of extra clerks, is so much money thrown away, because the United States, every day that it maintains these establishments, is losing money. It is topheavy now, and therefore I am against both the retention of the receivers and the employment of clerks in their places.

If you will disabuse your minds once of the idea that the great West is going to produce revenue enough to run this Government, and that you can fix your tariff rates just as you please, and that it does not make any difference, because the West is going to produce enough revenue anyway, if you will disabuse your minds of that idea, then we can discuss these questions intellectually. Here is the concrete fact. It can be demonstrated that the Government is running behind every day that it maintains these offices to dispose of the public lands. The public land should be turned over to the States, just as it was to a majority of the States in the earlier settlement and building up of the great Commonwealths of this country. Those States had the benefit of the public domain, and though it might be a burden to us for a while, at the same time it would relieve the Government of this vast expense of carrying on these offices and receiving not a dollar of revenue in return.

Mr. BARTLETT. The gentleman does not mean to say that the original 13 States ever got any land from the Government?

Mr. RUCKER of Colorado. They not only got their land, but they gave away all the balance of the great public domain.

Mr. BARTLETT. Virginia and Georgia gave their land to the Government instead of getting anything from the Government.

Mr. RUCKER of Colorado. They did not give to the Government what they themselves retained. They did give away all the balance of the country—all that was west of them.

Mr. BARTLETT. The Government never had any public land in Georgia or Virginia.

Mr. RUCKER of Colorado. It had no public land because it was then all private land, but when the public-land service came in you had already taken your part, and now you ask to participate in what is remaining in the western country.

Mr. BARTLETT. We have not taken our part from the Government, because the Government never had any part of the land in Georgia or Virginia.

Mr. RUCKER of Colorado. To whom did it belong? It belonged to somebody.

Mr. BARTLETT. It belonged to the people of those States.

Mr. RUCKER of Colorado. And the purpose of my amendment is to give to the States the public lands within their borders. And then you should disabuse your minds of the idea that you are going to run this Government upon the great unrevealed resources of the West. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the committee, it is a well-known fact that the registers and receivers of the United States land offices are now receiving a very modest compensation, considering the character of the men who are required to fill those places, the ability that they must have, and the part that they must have played in the upbuilding of the communities before they are permitted to receive appointments of this kind. The maximum compensation is only $3,000 each, and it has been provided that if the business of the office does not keep up, so as to justify that amount of compensation, it shall be cut down accordingly; and for that reason we find here this afternoon that many registers and receivers are receiving less than the maximum, and some are receiving only $500. Now, the practical working out of this matter is this: When the homesteader from the South or East goes to Oregon, Washington, California, or any of the other public-land States, the first thing he does when he gets off the train with his three or four children and the old boxes and baskets that they have carried along with them to eat from during their long and arduous trip, what is the first thing that the homesteader does? Remember, gentlemen, that on their journey across the country they do not eat in the dining car as you and I do. They travel in the tourist cars, and they eat out of a box, and they carry their food with them from their homes in the East. When they arrive at their destination the first thing they do is to go to the office of the register and receiver of the United States land office and ask them for advice as to where the best place is to find a homestead within the land district. Then when they are ready to prove up they come back to those officers who are supposed to be acquainted with local conditions and who have probably been over the land. They make their final proofs, and those two officials pass upon the sufficiency of their acts of residence, improvement, and cultivation.

It is said that we will save $101,000 a year by substituting for the local receivers special agents designated from Washington to go out and sit in their places. If as a result of that change you cancel the homesteads of 1,000 men every year whose homesteads would not otherwise have been canceled, and damage those men and their families $1,000 a piece, the $100,000 saved on the one end will be lost in cash by certain of your fellow citizens upon the other, and in addition the loss in patriotism and love of country will amount to as many millions of dollars. In fact, it can not be measured by any money standard. I say, Mr. Chairman and gentlemen, that you must give to every part of the United States home rule. You must give justice and a square deal to every quarter of this Republic if it is to go on through the centuries as it has for 136 years. We must not consider the saving of a few dollars. We must not be picayunish when it comes to dealing with those who go upon the public domain.

I have had experience along this line, and that is why I take five minutes to address you on the subject. I know that when I was in the General Land Office seven years ago, preparing to be sent to Oregon as a special agent, that I heard from the lips of the bureaucrats that all registers and receivers ought to be appointed from the General Land Office, that these special agents ought to be appointed, and that the time would soon come when they would be. That is why they have slipped in the sundry civil bill a provision to abolish the receivers and put in these special agents, because they are the men that will be designated. You will not save anything.

Mr. PAGE. What does the gentleman mean by "slipped in?"

Mr. LAFFERTY. Because the Commissioner of the General Land Office before the Committee on Appropriations——

Mr. PAGE. It was not slipped in; it was put in.

Mr. LAFFERTY. The commissioner succeeded by gum-shoe methods in having this put on when the Members of the House knew nothing about it until it was reported and on the calendar.

Mr. PAGE. Did the gentleman from Oregon address the committee or make any request of the Appropriations Committee to be heard?

Mr. LAFFERTY. I would have had I known that there was a proposition of this kind.

Mr. PAGE. This item has been proposed time and time again, and the gentleman ought to have expected it.

Mr. LAFFERTY. But it has been so uniformly turned down that I did not think that they could fool the Committee on Appropriations at this late date. [Laughter and applause.] Now, it is said that it will save $10,000 a year. When the chief clerk is appointed at Washington and sent to Oregon or the State of Washington he is sent in grand style, in a Pullman car. I know

many that travel in a stateroom and have a typewriting machine along with them and a lot of records. All that expense has to be paid. The transportation, the expense of the dining car, and all that sort of thing, has to be paid, and by the time you send your chief clerk to Alaska his expenses will be over $1,000. Then he may be transferred to some other land office at the end of the year and that expense of transfer gone over again. Now, you will not save very much in cash.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, the argument in support of this provision in the bill is solely a question of economy. After hearing the gentleman from New York, the chairman of the Committee on Appropriations, the Chair said he was in doubt as to whether or not there was any saving. In fact, I am convinced that it will increase the expenditures of the Government. The gentleman from Wyoming based his calculation on the fact that the business of the Land Office would remain as it was last year, but in the event that the public lands should not be disposed of at the ratio that they were last year or the year before, the expenditures of the department for receivers and registers would decrease. In many instances their salaries would only be $500, so that in the event that there is a decrease, which is very likely to occur, then this provision will result in an increased expenditure instead of a decrease.

But the question of expenditure is not the one which we ought to chiefly take into consideration. I have lived in the West all of my life and am familiar with the conditions of a new country. I know what functions the register and receiver of the land office perform. I know that they have contributed very largely to the upbuilding of the West. They are, as has been stated, men of responsibility, men recommended by Senators and Congressmen, appointed by the President and confirmed by the Senate, and under heavy bonds. They are men usually not only experts in business, but in most cases men learned in the law, and especially in land law. They are able to give advice to intending settlers that desire to take up land. They stand between the settler and the special agents or detectives that are sent out by the Government to see if the settler has complied with the law.

Now, if you turn all these functions over to the detectives, to these special clerks, you simply have the ambition of the detective to make out cases against the settler with no impartial man to stand between him and the Government.

Mr. BYRNS of Tennessee. Why is it that the register in the land office could not perform that particular service?

Mr. STEENERSON. The register does perform it a part of the time, but it needs two.

Mr. BYRNS of Tennessee. I do not understand that it needs two men to give advice.

Mr. STEENERSON. But somebody has got to sit in the office and do the office work. They have to decide cases and read evidence. I have tried cases in the land office for weeks and never saw but one of them; the other was attending to the settlers at the window who wanted to know if there were new lands opened up in another township. He was attending to that while we were trying the case before the receiver who was the judge to pass on the evidence and rule on the objections. They are constantly employed and render high and valuable services.

Mr. BYRNS of Tennessee. I will say that the Commissioner of the Land Office stated that by reason of this dual activity shown by the register and receiver together, it frequently created confusion.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. That is a mistake.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRENCH. Mr. Chairman, those who have spoken have already brought out in the brief time at their disposal the reasons why it is inadvisable to abolish the office of receiver in our public-land offices. There is one observation further, however, that I would make. If I had it in my power I would establish land courts throughout all the public-land States. I would have the land problems as they concern the rights of settlers and the application of the law applied in those courts. However, that is not possible at this time, but the retention of the office of receiver makes it possible for a nearer approach to the condition that I suggest than if the office shall be abolished.

To-day the register and receiver preside over land contests between individuals or between the Government and the individual. The register and receiver consider the evidence submitted and apply the law to the evidence. They join in rendering the decisions, and I say that the weaknesses of our land laws and of their application arise largely through the administration of the laws by those who are not in such close association with local conditions as are the register and receiver of the public-land offices.

It is well that we retain the office of receiver, so that an officer in addition to the register may, in the first instance, hear the evidence, have opportunity to see the witnesses, and apply the law in determining the case.

Of course, under our present system appeal lies to the Commissioner of the General Land Office, and from him to the Secretary. These officers are located in Washington. Only in rare instances can they see or hear testify the applicant for public land, and I submit that they should be guided by the judgment in large part of responsible officials in the local land offices scattered throughout the United States. I submit that the judgment of two officials in the first hearing and trial of every case is better than the judgment of one alone. It is suggested that possibly the Government would save a few dollars by following out the policy proposed by the Committee on Appropriations. That the Government would save by this policy is emphatically denied by others. At any rate, if the Government should save it would be at the expense of the applicant for public land, and it would mean the determination of his interests in larger degree than at present upon ex parte evidence. I am opposed to the proposition advanced by the Committee on Appropriations.

Mr. KINKAID of Nebraska. Mr. Chairman, in the interest of the homestead sections of the United States, and I think in the interests of economy of administration also, I protest against the proposed legislation in the pending bill. I think it is a mistake. I do not think that any economy will be realized by the change contemplated by the legislation that is attempted to be passed by the provision. Therefore, for that reason alone, I should be in favor of the amendment.

Besides this, Mr. Chairman, I think it ill advised after the long-established system of the administration of the homestead law to now interrupt it, to overthrow it and inaugurate a new and untried plan.

Now, it is true that each of these officers exercises judicial as well as administrative and ministerial functions, but they are both required; there is a necessity for each exercising these same judicial functions. As instanced by the gentleman from Minnesota, it is frequently the case that one is to hear contests and will be employed continuously for a week hearing one contest when the other officer must at the same time pass in a judicial way upon filings which are offered.

I am opposed to the legislation because it is against our republican institutions. It is against local autonomy in the administration of our laws. The receiver, as well as the register, is chosen from the people in the States, in the land-office district usually where he officiates. He understands the homestead law. He has lived in the homesteading atmosphere and knows how to apply the law. I think if any mistake has been made in the selection of special agents to go out and inspect how entrymen are complying with the laws, whether they are complying with it, it is due to the fact that they have been chosen from sections of our country where they have not been afforded an opportunity to learn in a practical way anything about homesteading and what might resonably be expected of a homesteader in compliance with the homestead laws. Mr. Chairman, who is asking for this legislation?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. FERRIS. I know the gentleman has had wide experience in public-land matters. Does he not think there is a tinge of duplication in the register and the receivership? And is it not true that either the register or the receiver in the trial of land-office cases invariably sits alone to hear the case?

Mr. KINKAID of Nebraska. Oh, no. In hearing a contest, Mr. Chairman, there is so much work to do that one rarely sits alone. They may sit alone, but they will both review the testimony when it is written out.

Mr. RUCKER of Colorado. And join in the decision.

Mr. KINKAID of Nebraska. Yes.

Mr. FERRIS. Mr. Chairman, I have had some experience before the Land Office myself. I practiced for six or eight years in the land office in my own town.

Mr. KINKAID of Nebraska. But, Mr. Chairman, when my friend, the gentleman from Oklahoma [Mr. FERRIS], asked me to yield I was propounding the question, Who is asking for this legislation? I am sure our constituents have not asked for it. I am sure they do not wish it. I have great respect for the views of the experienced and very capable officials of the Department of the Interior about these administrative matters, but my belief is that the people in homesteading sections are

in general very much attached to the present organization of district land offices, and that they would regard it as a deprivation to their important interests—the interests of their homes, to which they are seeking to perfect title—that the change in contemplation be made.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. That would not leave any time for those who are opposed to the amendment.

Mr. FITZGERALD. Mr. Chairman, has the time been exhausted in favor of the amendment?

The CHAIRMAN. During the pendency of the discussion agreeing upon 40 minutes being granted to one side and 10 minutes to the other 4 minutes were consumed. When it was finally agreed that debate cease at 4 o'clock and 20 minutes, four minutes of that time had already been consumed, so that if those opposed to the amendment consume the time allotted to them there will be only six minutes remaining to the gentleman from New York.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire only to answer the gentleman's question.

Mr. MONDELL. Mr. Chairman, I desire to reserve five minutes on this side.

Mr. FITZGERALD. But the gentleman can not, because it is all gone.

Mr. MONDELL. I think we have five minutes remaining, as I understand it, at the close of the time of the gentleman from Nebraska.

Mr. KINKAID of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the purpose of this provision is to improve the efficiency of the land office and at the same time effect a very considerable economy. This recommendation has been made now for three different years by the Commissioner of the General Land Office, and it has been recommended and approved by the Secretary of the Interior. In the estimates for the fiscal year 1912 there is found this note accompanying the estimates for the salaries of registers and receivers:

> There is no need for two officers of coordinate rank and authority in a United States land office, and it was not contemplated when the office of receiver of public moneys was created that that position should be anything more than that of a fiscal officer. All of the functions strictly pertaining to the office of receiver could be better performed by a bonded cashier or financial clerk under the supervision of one officer as the administrative head of a United States land office. The performance of judicial and quasi judicial functions by receivers has resulted in the unsatisfactory administration of many of the land offices. The joint exercise of judicial duties by both the register and receiver results in many cases in conflicting decisions by them, and the fact that all of the decisions of local land officers are subject to review on appeal by the Commissioner of the General Land Office and the Secretary of the Interior would safeguard all the rights of any parties interested. Quite often there is a lack of harmony, amounting to friction, between the register and receiver, which has resulted in a demoralization of the office in which such condition obtains. The existence of a dual responsibility as to the conduct of an office between the register and receiver tends to prejudice of the conduct of the office, inasmuch as in cases of irregularities or errors in the running of the office each officer attempts to relieve himself of the responsibility therefor and shift the same to the other officer. In addition to this it is a fact, long patent to the General Land Office, that approximately only 75 per cent of receivers personally perform the duties of their office, the remainder leaving the work thereof to a subordinate, thus entailing an unnecessary expense in the conduct of their offices. Further, on account of the limited tenure in office, the receiver does not familiarize himself as fully as he should with the laws and regulations pertaining to his work, with the result that in a great many cases the accounts of receivers of public moneys are so inefficiently handled that the result is an immense burden upon the General Land Office and upon the field service in attempting to correct the numerous errors made. It frequently happens that the changes in personnel of receivers causes much confusion in their accounts for a considerable period until a new officer is acquainted to a certain extent with the duties of his office.

Mr. Chairman, this provision in the bill is to eliminate useless political officers and to substitute in their place men who are selected with regard to their qualifications for the work and to give them a tenure of office that will promote the efficiency of the administration of the public service.

In a majority of the land-office States it is a notorious fact that 75 per cent of the officials whose places are to be abolished by this provision do not personally perform the duties of their offices, but turn it over to a subordinate. In the place of such a condition it is proposed to have appointed officials selected in accordance with the civil-service laws to perform those duties. Now, some gentlemen have been complaining that an attempt was made at one period during this session to strike down the civil service of the country. Here is an attempt, based upon the recommendation of responsible officials, to place in charge of the administration of these offices competent, efficient men, who will be compelled to discharge the duties of the office and not devolve them upon subordinates, which adds to the expense of the offices. This provision will relieve the office at Washington from considerable expense and trouble, as well as the ordinary field force, and greatly advance the interest of those seeking to secure their patents through these local offices. The gentleman from Oregon, and some others, seem to imagine that the designation of chief clerk necessarily means the appointment or sending out from Washington of some officials. The purpose is to give to the clerk in the local office that title so as to differentiate them from the other clerks there. I believe the result will tend very greatly to an efficient administration of these offices, and I hope the amendment of the gentleman from Wyoming will not prevail.

The CHAIRMAN. The hour of 4.20 having arrived, all debate upon this subject is at an end.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Colorado offered an amendment, and I insist upon the point of order on the amendment. It proposes to turn over to the several States the unappropriated public lands in the various States.

The CHAIRMAN. The point of order is sustained. The question now is on the adoption of the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 28, noes 52.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I ask now to go to page 93, lines 8 and 9. The gentleman from Wyoming offered an amendment to that paragraph.

The Clerk read as follows:

> Page 93, strike out lines 7, 8, and 9, and insert "salaries and commissions, registers and receivers; for salaries and commissions of registers and receivers of district land offices, at not exceeding $3,000 per annum each, $560,000."

Mr. MONDELL. Mr. Chairman, I do not want to impose on the patience of the House for a further discussion of this matter, but I want to say one word more. The Democratic Party has always claimed to be in favor of home rule—local self-government. I believe that the party has to a certain extent lived up to that declaration of their principles. But here is a case where they are proposing to radically depart from that policy and substitute in cases in which the people of the country are greatly interested, in cases involving the homes of settlers, for the judgment of local men, the judgment of substantial citizens familiar with conditions and in proper sympathy with the aims and aspirations and ambitions of the home builder, to substitute for the judgment of that class of men in cases that involve law and fact and equity, the judgment of a clerk, admitted to Government service through a civil-service examination, sent from the ends of the country into a region they may know nothing of, to pass upon questions that he can not in the nature of things be familiar with; to pass in judgment upon the property of home builders, upon the rights of men who are seeking to acquire the homes that Congress has provided for them on the public domain. I can not understand how that side of the House can consistently vote for such a proposition.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] very unfairly, I believe, injects into this case a proposition that is not involved. He asserts baldly and boldly that the Democratic Party insists on thrusting upon a local community officers who are not acquainted with the situation and who are not capable of understanding those conditions. The gentleman asserts that this paragraph and this amendment involves that practice. I do not so understand it. Registers and receivers of public land offices are to-day appointed by the President of the United States. Under this language they will still be appointed in Washington through the Interior Department, and I assert from my experience and personal contact with it that the Interior Department has, in fact, been appointing the registers and receivers all the time so far as the real practical side of doing that is concerned. The President of the United States acts upon their suggestion and acts upon their advice. He must of necessity do it, so there is as much bureaucracy in one method as the other. Now, one word——

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FERRIS. In just one moment. Now, as to the proposition that the Democratic Party is going to eternal and everlasting ruin because we voted to abolish receivers of land offices, I live in the West, and I have had some personal contact with public land matters. I have been a homesteader myself within the last 10 years, and acquired title to a tract which I still have. I had appeared before public land offices as a law-

yer in my town five or six years before I came here, and I assert the rule and practice to be that either the register or receiver actually sits and tries the case while the other one does clerical duty, if anything at all. There is no question that in the last 10 years there has been no necessity whatever for keeping two coordinate officers to do one and the same thing. It has resulted invariably in two men standing side by side, each one with equal powers, and there arises invariably friction and trouble between them. One man ought to be the king bee of the land office; he ought to be a strong, fearless lawyer; and the amendment of this committee does nothing more than to say that one man will be supreme and the other shall act in conjunction with and under him, as it ought to be.

Mr. MONDELL. It does substitute civil clerks for local officials, does it not?

Mr. FERRIS. Well, unless the question of civil service is only a bubble you can not well attack that. If the gentleman wishes to assail the civil service, it is up to him to do it. If he wants to assail the civil service and say it is better to have political appointments rather than the merit system, I yield to him a monopoly of that thought, so far as I am concerned.

Mr. MONDELL. The Hall of the House echoed with the eloquent tones of the gentleman from Oklahoma the other day in denunciation of bureau clerks and civil-service clerks in his State. Has the gentleman entirely forgotten that?

Mr. FERRIS. The gentleman has wrongly stated that. My voice echoed here, if it echoed at all, at too much supervision and too many clerks, and it is echoing in the same note to-day. My position is fully consistent. It is a parallel position. I shall assume it in the future.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield?

Mr. FERRIS. I regret I can not. I must proceed a moment further. I refuse to let gentlemen on that side of the aisle get up here and assail unfairly an amendment proposed by this side.

Here is the situation: Here is the case of the homesteader with a contest. He tries his case first between two coordinate officers, standing side by side, equal in power and in practice. One man tries the case while the other performs clerical services only. Only one actually tries the case. I have tried numbers of them myself as an attorney. What next? They send it here to the Commissioner of the General Land Office. He again tries it. What next? They send it across the street to the Interior Department, and the Secretary of the Interior again tries it. It is the circuitous character of the whole performance that is a burden to the homesteader, and I insist that the functions in this regard of either the General Land Office or the Interior Department ought to be eliminated from the equation.

I want to say with respect to the chairman of the Committee on Appropriations that he has not gone far enough. He ought to say that after a case is tried in the local office before the register the function of the General Land Office or the Interior Department in connection with one or the other ought to be eliminated altogether. Both of them in this regard have no mission to fulfill and no purpose to execute.

Mr. RUCKER of Colorado. What does the gentleman say about the proposition of doing away with all these offices and all these expenses in behalf of my amendment to the amendment?

Mr. FERRIS. The gentleman's amendment might seem pretty revolutionary at first blush, but there are things that are worse than that. In fact, it would not surprise me if we all come to it.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. FERRIS. I do.

Mr. BURKE of South Dakota. The gentleman from Oklahoma has told us of his large experience in public-land matters and his long practice before the department.

Mr. FERRIS. I hope the gentleman will not be facetious about that. I have rendered the service I have referred to.

Mr. BURKE of South Dakota. I am not facetious about it. The gentleman also stated that he himself had acquired a homestead under the public-land laws.

Mr. FERRIS. I did.

Mr. BURKE of South Dakota. Now if some little land inspector had reported against the gentleman's entry, as being fraudulent, then a hearing would have been had?

Mr. FERRIS. Undoubtedly.

Mr. BURKE of South Dakota. And a trial had?

Mr. FERRIS. Undoubtedly.

Mr. BURKE of South Dakota. Would the gentleman have cared to have his rights determined by a $1,200 or a $1,500 department clerk in the land office?

Mr. FERRIS. No; I did not say that, but I believe he would be as competent as most of them.

Mr. BURKE of South Dakota. Does the gentleman believe that he would be as competent as the register?

Mr. FERRIS. He would not pass upon it. The register would do that. The clerk would perform clerical duties and not judicial duties, as it should be.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding $25,000 for clerical services in bringing up and making current the work of the General Land Office, instead of $250,000 made available for that purpose for the fiscal year 1912, $500,000: *Provided*, That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the District of Alaska they may be allowed not exceeding $6 per day each, in lieu of subsistence.

Mr. LAFFERTY. Mr. Chairman, I move to amend this paragraph, on line 12, by striking out "$500,000" and inserting in lieu thereof "$100,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The Clerk read as follows:

Amend page 96, line 12, by striking out "$500,000" and inserting in lieu thereof "$100,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LAFFERTY. Mr. Chairman, I desire to be heard on that amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the Committee, the paragraph just read provides for half a million dollars for the coming fiscal year for special agents of the General Land Office to go into the 10 public-land States of this Union and prevent depredations upon the timber and prevent the fraudulent entry of the public domain.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from Texas?

Mr. LAFFERTY. Yes.

Mr. GARNER. Are these land agents appointed through the civil service?

Mr. LAFFERTY. No; they are not.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. LAFFERTY. I should say they have recently been covered into the civil service. But they are temporary employees, depending for their existence upon the life of this appropriation. They live from one appropriation to another and no longer, and whenever the appropriation is exhausted by their expenditures and perambulations over the country they are furloughed until Congress makes another appropriation.

Now, I want to call attention to the history of the rise and progress of the special agent. We have plenty of machinery in this country for preventing frauds and for enforcing the laws in the ordinary course of human events without sending these gentlemen upon these trips of espionage into the Western States of this Union. You have in every Western State your United States district attorneys, your Federal courts, your Federal grand juries, and the registers and receivers, and United States commissioners in every county and precinct, and it is the duty of all these Federal officials to report derelictions in regard to the public-land laws to the Federal grand jury. From the time of the beginning of the disposition of the public lands at the close of the eighteenth century down to the close of the year 1878 no such thing as a special agent of the General Land Office was ever heard of. In the year 1878 the Commissioner of the General Land Office called the attention of Congress to the fact that there had been a number of depredations committed upon the public timber lands of the West, and urged that he needed to employ temporarily a few special agents at

$100 a month and $3 a day for expenses to assist the Federal district attorneys in gathering testimony and in the trial of those cases.

There is where this system first sprang up. Congress made an appropriation of $12,500 for that purpose. That appropriation, in the same language, has been carried in the sundry civil bill from 1878 to the present day. It has grown year by year from $12,500 in 1878 to $1,000,000 three years ago. It had never gotten up to more than $125,000 until five years ago or six years ago, when it was raised to $250,000. Afterwards it was raised to half a million dollars, and it reached its flood tide three years ago, a million dollars for special agents.

Since that original appropriation was made all of the valuable timberlands have been placed in the forest reserves, and there is no longer any need for any special agent at all in any public-land State of this Union. Yet you propose here in this bill to continue the system, with half a million dollars for the next year. My amendment is to cut it down reasonably to $100,000, and I will say that you will never do a better day's work during any session of this Committee of the Whole House on the state of the Union than that which you will do by passing this amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment of the gentleman from Oregon will not prevail. I am somewhat familiar with the history of the appropriation contained in this item. I recall very well that in a period of hysteria the appropriation for this purpose was increased very much over what, in the opinion of the members of the Committee on Appropriations, it should be. I recall that within a few days the President of the United States has pardoned a man convicted under the operation of those employed under this or a similar appropriation, because of improprieties in the conduct of the prosecution, and the charge is made that a certain force was organized so as to result in the conviction of men, regardless of the merits.

Mr. MONDELL. The gentleman uses the word "improprieties." Does not the gentleman think that is a rather mild word in the connection in which he used it?

Mr. FITZGERALD. The gentleman is acquainted with the facts; I think I should be permitted to characterize it in my own way. If the gentleman thinks it is not a sufficient characterization, he is at perfect liberty to use such language as he thinks to be properly descriptive.

Mr. MONDELL. I think the gentleman ought to characterize it properly.

Mr. FITZGERALD. The Commissioner of the General Land Office, in presenting his estimates for the next year, pointed out that certain things had been accomplished. The great increase in this appropriation originally was for the purpose of enabling the office to make this work current. It is now contended that the volume of the work in the office is so great that this appropriation is needed for that purpose. Since the fiscal year ending June 30, 1909, the results attained under this appropriation are as follows: Trespass settlements, $100,868.35 for cutting timber on public lands; recoveries through criminal and civil suits, $110,575.91; area restored to public domain through cancellation, result of special agents' reports, 498,240 acres; area restored through abatement of unlawful inclosure, 755,341 acres; area restored through suits to cancel patents through proceedings by the Department of Justice, 25,729.67 acres. In 1909–10, when the appropriation was $1,000,000, the expenditure was $995,697.26. The trespass settlements were $198,971.17; recoveries through criminal and civil suits, $150,262.84; area restored to public domain through cancellation, result of special agents' reports, 746,400 acres; area restored through abatement of unlawful inclosures, 1,764,073.82 acres; area restored through suits to cancel patents through proceedings by the Department of Justice, 12,065.61 acres.

For 1910–11 the appropriation was $750,000; the expenditure was $714,675.60. The trespass settlements were $100,099.70; recoveries through criminal and civil suits, $129,093.98; area restored to public domain through cancellation, result of special agents' reports, 703,680 acres; area restored through abatement of unlawful inclosures, 1,475,381 acres; area restored through suits to cancel patents, proceedings brought in the courts, 21,340.25 acres.

Mr. GARNER. I understood the gentleman to say, in response to a statement made by the gentleman from Oregon [Mr. LAFFERTY], that these places under the $500,000 appropriation were controlled by the civil service. I notice in the public press the statement that the Burns Agency or some other detective agency ferreted out a lot of frauds, and that the President pardoned one of the convicted men on the ground that there had been the procurement of false testimony, or the influencing of a jury, or something of that kind. I should like to ask the gentleman from New York whether this was done under the civil service or not?

Mr. FITZGERALD. Part of this fund was available for the employment of persons regardless of the civil service.

Mr. GARNER. If I understand the gentleman from New York, his position is that only a part of this fund is used for the purpose of employing civil-service people, and that the other part of it is used by the W. J. Burns Detective Agency for the purpose of sending people to the penitentiary whom the President is compelled to pardon for the reason that they have been falsely imprisoned.

Mr. FITZGERALD. I have not made any such statement, and it would require a very remarkable stretch of the imagination to place any such construction on what I said. I said part of the appropriation originally could be used in the employment of persons regardless of the civil-service regulations. I may be in error, but my information is that this money is now used for employing persons who enter the employment of the Government through the civil service. I referred to the statement, as a matter of common notoriety in the press, that Mr. Burns and his assistants had been active in ways to procure the conviction of persons regardless of the merits of the case. There has been room for criticism on both sides, criticism of those who were attempting to obtain the public domain in violation of the law, and criticism of those who in an effort to show efficient administration of the service have permitted themselves to be misled in a way that has resulted in the conviction of at least one person whom the President was convinced had been improperly convicted, and whom he pardoned within a few days.

Mr. MANN. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. I notice that the bill provides "$25,000 for clerical services in bringing up and making current the work of the General Land Office, instead of $250,000 made available for that purpose for the fiscal year 1912." I take it that the $25,000 is not instead of the $250,000?

Mr. FITZGERALD. This money was given for the purpose of enabling the department to employ persons in the field.

Mr. MANN. That is not the question.

Mr. FITZGERALD. I am coming to what the gentleman wants. The original appropriation was $250,000, to be available for bringing the work up current. A construction was placed on it that the entire sum was available for clerical service in the department in Washington. There have been picked up in the legislative bill $29,000 for clerks put on permanently.

Mr. MANN. I think the gentleman from New York did not catch my question. The bill says $25,000 for clerical services instead of $250,000 made available for that purpose for the fiscal year 1912. The gentleman does not intend to have the $25,000 applied to the current year?

Mr. FITZGERALD. No; it was placed there to emphasize the situation.

Mr. MANN. But that is not what it says. Having emphasized the situation, what the gentleman means to do is to make available only $25,000. I do not know how they construe it, but you appropriate $25,000 there instead of $250,000 now available and you do not say $25,000 for the next year.

Mr. FITZGERALD. But the bill itself carries appropriations for the next fiscal year.

Mr. MANN. I think that ought to be stricken out.

Mr. FERRIS. Mr. Chairman, I move to amend the amendment of the gentleman from Oregon by making it $250,000.

Mr. LAFFERTY. I will accept that amendment.

Mr. FERRIS. I think there are three, and perhaps many more well-defined reasons why this ought to be cut down. The Sixtieth Congress passed a law known as the withdrawal bill, which gave the President full power to withdraw all kinds of timberland, all kinds of water-power sites, all kinds of lands peculiarly valuable for mineral or any purpose. Through the instrumentality of the Forestry Division and other agitation on the subject it is my belief that they have worked the thing overtime and that they have withdrawn more land than should be withdrawn.

Here we have a great raft of agents running across the country who usually know less about the situation than they ought to to carry on that class of work.

The incompetence is not the sole reason why it should be reduced. It is undeniably true that they are unnecessary. First, for the reason that the President has withdrawn the lands that are timber in character which are now in the forest reserve. He has withdrawn every sort of mineral land that is of any value for mineral purposes, leaving only lands agricultural in character, most of which are arid lands now subject to

entry. The policy has always been to get into the hands of the actual settler at the earliest possible moment agricultural lands. The more circuitous you make it the less is accomplished for the homesteader or the country.

The second reason why it ought to be cut down is that it is the law to-day that if the homesteader does not comply with the law every person living in that community who knows the facts has the right to file his contest affidavit against the entryman, try and establish his case, cancel the entry, and get the land himself. Somebody may say that he would not contest his neighbor, but it does not work that way. There is a sufficient reward or incentive to make every man and every neighbor a keeper of the land and a protector of the land as well, and he by far affords superior protection to the public domain than the man who travels in the Pullman palace car across the continent trying to find something out that does not exist. Smelling around, causing trouble to the homesteaders, expense to the Government, and bringing criticism on the Government.

Now, the three reasons, as I have said, are that the timber land is in the forest reserve, the fact that the land of a mineral character has been withdrawn by the President under the bill passed by the Sixtieth Congress, and the further reason, the fact that every citizen can contest his neighbor if he does not comply with the law. With these three restraints, with these three protections afforded him, there is no use sending from one end of the country to another a lot of useless propaganda-smelling agents that have a retarding effect instead of a wholesome effect.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. Does the gentleman wish the House to understand that the Government ought not to have any agent who can visit the property and gather the facts that must be gathered by somebody?

Mr. FERRIS. In every community they have the full quota of officers in the land office. This and the restraints referred to, particularly the right to contest, is fully sufficient.

Mr. MADDEN. But the gentleman says that the whole thing ought to be cut out next year.

Mr. FERRIS. The land office has a register and receiver and a land office force that has the matter in charge, and that is all that is necessary.

Mr. MADDEN. But those men can not go out on the ground.

Mr. FERRIS. They do not have to go out, the contest is brought before them, and they do just what a court would do and decide it. The contestant who is seeking to acquire the land will marshal the facts before the register.

Mr. MADDEN. But the Government of the United States ought to have some agent from whom the Government can get information upon which to base some action as to whether the laws have been complied with or not.

Mr. FERRIS. Well, this amendment provides $250,000 for that purpose. That is plenty and probably too much.

Mr. MADDEN. But the gentleman says that they ought to have no appropriation after this year.

Mr. FERRIS. I did say that, and I believe it. I think next year we ought to eliminate it altogether. Let this be notice to them.

Mr. MADDEN. The gentleman advocates doing away with every agent of the Government to give the facts to the Government upon which the Government may base its action.

Mr. FERRIS. That only applies to the smelling field agents. I say that every one of the field agents that go around over the country should be done away with. The local force of the bureau and the neighbors to make the contests is everything that is necessary.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. FERRIS. Mr. Chairman, I do not care for it, unless the gentleman desires to ask me a question.

Mr. MADDEN. I desire to ask the gentleman from Oklahoma a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, the gentleman stated this proposition, that there was no need for any other protection than the opportunity which might be afforded by the contest which a settler's neighbor might file, did he not?

Mr. FERRIS. Well, that was sufficient for 100 years, and I think, now that the land is practically all taken up, it is still sufficient.

Mr. MADDEN. I do not agree with the gentleman.

Mr. GARNER. Mr. Chairman, will the gentleman from Oklahoma yield?

Mr. FERRIS. Certainly.

Mr. GARNER. Mr. Chairman, a few moments ago I asked the gentleman from New York with reference to information concerning public reports, reports in the newspapers, with reference to the conviction of a gentleman under this provision of law respecting frauds in the public lands, the President being compelled, after thorough investigation, to pardon him because of a miscarriage of justice. I also asked him with reference to the civil service applying to this appropriation, and I understood him to tell the gentleman from Oregon that it did apply, but he qualified that later on by saying that it applied to only a part of it. I would like the gentleman from Oklahoma to tell the committee how the civil service can apply to a part of this appropriation and not apply to all. In addition to that, I want to know if the gentleman knows what is the largest salary paid to any agent or detective agency that undertakes to enforce the law under this provision?

Mr. FERRIS. Mr. Chairman, I do not think I can give the gentleman the best evidence there is upon that, and I therefore do not care to attempt to give anything on the subject. I do not have the hearings before me. Perhaps the gentleman from New York, who is in charge of the bill, can afford the gentleman the information.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. BURKE of South Dakota. Can the gentleman tell the committee how many cases were investigated in the last fiscal year?

Mr. FERRIS. I have not the facts before me.

Mr. BURKE of South Dakota. Can the chairman of the committee, the gentleman from New York, tell the committee how many cases were investigated last year?

Mr. FITZGERALD. The Commissioner of the General Land Office said:

> Last October, for instance, I remember seeing that we had 35,000 cases, and while we have 22,000, we might six months from now have 30,000. It depends very largely on the work that may be presented.

Mr. BURKE of South Dakota. Is it not true that about 25,000 cases were investigated?

Mr. FITZGERALD. I quote from the Commissioner of the General Land Office:

> Mr. DENNETT. Here is a little summary of the cases reported on by months: December, 1910, 30,000 odd; January, 1911, 35,000; February, 36,000; March, 39,000; April, 37,000; May, 39,000; June, 42,000; July, 42,000; August, 40,000; September, 40,000; October, 39,000; and November, 35,000. These figures are all odd. That is for 1911. Just at present we have 22,000 cases, in round numbers.

Mr. BURKE of South Dakota. That is pending cases.

Mr. FITZGERALD. At the time of the hearings he said he had 22,000 cases, in round numbers.

Mr. BURKE of South Dakota. Is it not a fact that they investigated something like 25,000 cases and clear listed about 16,000 of those?

Mr. FITZGERALD. Yes; I think that is about right.

Mr. BURKE of South Dakota. Therefore, the extent of the money we appropriate in investigating 16,000 cases that they clear listed because there was no grounds for it.

Mr. GARNER. Mr. Chairman, I have been very much gratified during this session of Congress at the efforts of the gentleman from New York [Mr. FITZGERALD] to reduce expenditures, and I am a little bit surprised in this instance, when there is a proposition to reduce a lump-sum appropriation of $500,000 to $250,000, that the gentleman from New York should oppose it, especially when the gentleman from New York is unable to give any good reason why this appropriation should not be reduced to $250,000.

Mr. FITZGERALD. Mr. Chairman, let me call the attention of the gentleman to the fact that the very greatest pressure was exerted upon the committee to give $650,000, the same amount as the current year; and after looking very thoroughly into the matter, knowing the agitation that there has been about the matter, realizing how members of the Committee on Appropriations have been denounced in the uplift magazines for their attempt to hold this appropriation down, and the way the House has invariably run over them, the Committee on Appropriations did not feel justified in flying in the face of the inevitable, and we gave what we believed under the showing made was required.

Mr. GARNER. Mr. Chairman, I am delighted to know that the gentleman has made this appropriation against his own judgment and at the behest of the uplift magazines.

Mr. FITZGERALD. But I did not say that.

Mr. GARNER. I realize, if the gentleman from New York states a fact, that he would be perfectly willing and delighted if the committee should agree with him and his Committee on Appropriations that this appropriation should be cut from $500,000 to $250,000, and I hope that the Committee of the Whole will agree with the gentleman from New York and cut the appropriation from $500,000 to $250,000.

Mr. Chairman, it has developed here in the discussion of this amendment that there is no civil service applying to this appropriation, and I want to say in this connection that the Commissioner of the General Land Office has my highest respect. I believe he is one of the best employees in the service of the Government, from what I have been led to understand concerning his office, but I do contend that when you make a lump appropriation of $500,000, without any limit of salary, without any condition as to who is to be employed, that the Committee on Appropriations ought to be able to tell the committee how much of this appropriation has been expended for the purpose of employing private detectives, what the rate of salary has been, what the active members have done, and what the result of their work is. I submit to the committee that the gentleman from New York or any member of his committee has been unable, so far, to point out to the committee the details of the expenditure of the $500,000.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman from Texas that he is talking about information about a number of matters that nobody intimated was desired and which probably it might be possible to furnish if anybody suggested he desired it. The gentleman asked one question about the civil service and it was answered. He should not complain now that information about other matters was not volunteered when nobody had requested it.

Mr. GARNER. May I ask the gentleman from New York how much of this appropriation is utilized for the purpose of employing men under civil-service rules?

Mr. FITZGERALD. My information is that all of this appropriation is utilized for that purpose. The gentleman is confusing the expenditures made at another time and under different circumstances, not with the conditions that exist at present.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. RUCKER of Colorado. I can answer the question the gentleman from Texas propounds to the gentleman from New York, of which he is so very oblivious. I want to say to the gentleman from Texas that in these investigations and criminal prosecutions concerning these land entries that it has cost the Government $10 where it has covered into the Treasury of the United States $1, and the records will show it.

Mr. GARNER. Mr. Chairman, I do not doubt that the statement of the gentleman from Colorado is correct. I thought the strongest argument with reference to the protection of the public domain that could possibly be made, from my experience with public lands in Texas, was made by the gentleman from Oklahoma [Mr. FERRIS]; that is to say, that the neighbors of a homesteader have the right to contest his location, to contest his right to that ground by virtue of his continued citizenship on the land, and it always has occurred to me that in each instance there is some one who is willing to take his place because he has not complied with the law.

Mr. RUCKER of Colorado. Not necessarily that, I understand the contestor has the right; it is not the neighbors who are going to investigate that question, but it is the man who comes along and wants the land, and there is a contest which goes up fairly before the register and receiver.

Mr. GARNER. But, Mr. Chairman, usually you find some neighbor who is willing to take the contest for this land; that is to say, he is willing to contest, and, as has been suggested by my friend from Oklahoma, there is a reward for some one who detects a fraud and there is some one competing for that reward.

Mr. FITZGERALD. The so-called Cunningham claims were investigated and the spoliation of the public domain in Alaska was prevented under this appropriation. I do not know of any neighbors up in Alaska or anybody else in Alaska——

Mr. GARNER. Oh, that was a mineral location and coal lands.

Mr. FITZGERALD. Well, that is all out of this appropriation.

Mr. GARNER. While I am not familiar with reference to——

Mr. FERRIS. And it was withdrawn.

Mr. GARNER. It was withdrawn.

Mr. FERRIS. Withdrawn as a result of this investigation.

Mr. GARNER. I do know that it has developed here that the gentleman from New York or any member of this committee, not only of the Committee on Appropriations, but any Member of this House, has been unable to give the committee any information as to how much has been expended out of this to any one person, detective, or what the salary was. It is simply a lump appropriation on which there is no limit. You can employ a man at $10,000 a year or $20,000, and I do not like that kind of an appropriation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, this item in the bill is for the purpose of protecting the public lands from unlawful and fraudulent entry or appropriation. We all know that the public domain has been robbed right and left in the past, that efforts will continue to be made in the future to rob the public domain. As long as human nature is as it is and the public domain is of value men will endeavor to acquire it without complying with the provisions of the law. They have endeavored to rob the coal lands, they have endeavored to rob the timberlands, they are endeavoring now to obtain possession of the phosphate lands and other valuable lands and the only protection the Government has is the investigations made under the provisions of this appropriation. It is somewhat surprising to me that gentlemen representing public-domain States claim on the one hand that all entries are made in good faith and are valid and on the other hand are objecting to the investigations. Gentlemen say all the timberlands are covered in the forest reserves. They know that is not the case. They say that all the mineral lands are covered. They know that in many cases that requires an investigation to determine the fact. We withdrew phosphate lands or gave the President the authority a few years ago and many claims are pending made before the withdrawal. The phosphate lands are of great value. Men claim that they are agricultural lands on the one side and it is for the Government to determine through its investigators whether the lands are agricultural or whether they are valuable for phosphate; whether we will turn over to private individuals phosphate veins of immense value or whether they will be reserved for the common good. We know if it had not been for the investigations under this appropriation that the Cunningham coal claims would probably have been allowed, of more value to the Government than this appropriation would be for many years. Not only that, when those claims came up in many cases the complaint was made a few years ago that men could not obtain patent to their lands because they were held up pending investigation. They are still being held up pending investigation. If no investigation is made do gentlemen think the Land Office will assume that all of those claims are valid when there is a question, when there ought to be a question, and when there ought to be an investigation?

Mr. RUCKER of Colorado. Will the gentleman yield for a question? The gentleman will not ignore the fact that there must be a publication made always when one seeks to enter a piece of the public domain.

Mr. MANN. I do not ignore that fact, but what has the fact got to do with the question? The gentleman knows that has been the law for many years, and the gentleman knows that in many of these States men have acquired title to vast areas of land when they were not entitled to any of the land.

Mr. RUCKER of Colorado. Then the gentleman must impeach the officers who must give the title to this land.

Mr. MANN. No; I do not impeach the officers. I impeach the men who made the claim.

Mr. GARNER. They ought to fire those fellows who saved the Cunningham claims.

Mr. MANN. The gentleman knows that is a very unfair statement.

Mr. MONDELL. Mr. Chairman, I had not intended to discuss this item in the bill. I have discussed it at considerable length at other times, and I have managed to get myself very much disliked in certain quarters because of the criticisms I have made of the manner in which this fund was expended; and I should have said nothing on this occasion, because of the fact that the committee has reduced the appropriation considerably, if it had not been for the remarks made by certain gentlemen during the debate. While I doubt the propriety under existing conditions of reducing the item to the amount proposed by the amendment, because it would be difficult to adjust the force to the sudden reduction, still I am thoroughly in sympathy with the gentlemen who favor the reduction.

The gentleman from Illinois suggests that we of the West are afraid of investigations. We are not. We never have been afraid of any fair investigation. But there have been things developed within the last few days with regard to men con-

victed of offenses against the public-land laws which ought to bring the blush of shame to the cheek of any American citizen. [Applause.] Jury packing with Federal money and men sent to the penitentiary for crimes that they never committed. And there is much that might be said that has not been said in regard to that matter.

Now, we do not claim that there have not been frauds upon the public domain. There have been, and, to a certain extent, there always will be. But they have been exaggerated more than any other class of offenses that I ever heard of under Heaven.

The gentleman says the appropriation must be large, else the cases will not be passed upon. I have called the attention of this House time and time again to the fact that the more money we appropriated the more cases were made [applause]—not cleaned up, but manufactured. I called the attention of the House several years ago to hundreds of cases made out of the whole cloth and without rhyme or reason at one time. There was no justification for them. They were thrown into the special-service division, a great class of cases, where nobody ever claimed there was any fraud, and where no investigation was necessary; but they all counted as cases.

Why, we have a law under which a man may relinquish all claim to the coal that may be contained in the land that he files upon, and, in many cases, men take advantage of that law to relinquish all claim to the coal, even where there is no coal in the land. You would imagine that that would settle that sort of a case, but such has not always been the fact.

The man's proof is perfect. He relinquishes all right or claim to the only thing that the Government proposes to retain a hold upon. That ought to close the case and bring him a patent. But no. In many of these cases special agents were sent hundreds of miles to investigate the question as to whether the land really did contain coal. If they did not relinquish any claim to the coal the Government said was in the land, no patent would issue, and if they did relinquish no patent would issue until good Government money was spent to ascertain if the thing relinquished existed.

Cases of another class came to my attention the other day. Under a provision by which land may be withdrawn for power purposes—about the biggest fake under Heaven [laughter]—the law provides that if a man is a homesteader on the land in good faith, the withdrawal does not affect his homestead. And yet every homestead settler who resides upon those lands has to wait for a patent until there can be an investigation, after final proof. What can such an investigation develop? The land is withdrawn. The law says the withdrawal shall not affect him. His proof is regular. It is simply an opportunity to spend some public money.

Now, I am glad to be able to say that there has been less of this sort of thing in the recent past than there was some years ago; that the present Commissioner of the General Land Office is endeavoring, honestly and faithfully, to use this organization in a helpful and a useful way, rather than in a way that retards the issuance of patents and makes difficult the acquisition of title to the lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. And because the commissioner is making that earnest and honest effort, I shall not vote to reduce the amount below the amount carried in the bill, although I am in hearty sympathy with all those who have proposed a further reduction. This bill reduces the present appropriation $150,000. That is perhaps enough for one year.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SHERLEY. I thought the gentleman had completed his remarks.

Mr. MONDELL. No. Mr. Chairman, we need a larger sum for legitimate purposes under this item than we did years ago, but we do not need the amount we have been appropriating for the past four or five years. Conditions have arisen requiring further investigation and more detailed investigation than was required at one time.

And yet I am frank to say that if everything were done that ought to be done to protect the public domain this appropriation could be reduced, and ought to be reduced, each year for several years as much as it has been reduced this year, to one-half what it is in this bill.

I hope I shall see the time when this service shall be reduced to about half the present appropriation. Then there will cease to be the temptation to make cases. There will cease to be the temptation to hold up patents simply because the holding up of patents gives the opportunity to send special agents to the field to make examinations that are in many cases absolutely purposeless and that would not serve any useful purpose, no matter what the conditions were found to be.

This last year they have cleaned up a few more cases than they have made, so there is hope for the future, and I trust that the coming year will show a still further decrease in the number of cases pending and a very considerable reduction in the number of cases made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, we have made many mistakes in regard to our public lands, but we have never made any in the direction of too much zeal in protecting them from land thieves, and I for one am not willing to lend my vote to aid such people. Gentlemen may talk all they please about land having been covered in and land not open for entry and about there being no need for the expenditure of this fund, but I say to you that in my judgment no man can read the testimony that came before our committee or make himself familiar with the history of the Land Office for the last few years without realizing that we need to be constantly on guard against the land thieves who are seeking every opportunity to steal what the law does not entitle them to, and the statements that are made here that this money has been wasted are statements that are not borne out by the facts.

It has been true that some abuses have grown up in the past. Secretary Garfield testified some years ago before our committee that one of the things he did in reorganizing the service was to get rid of a lot of detectives who he did not think would know anything about any real question at issue, and to substitute for them men who were trained in the work that they were to perform, and there is not now any such abuse in the Land Office as would warrant this committee in striking down this appropriation.

The testimony shows some very interesting things. It shows that for 1910–11 the appropriation was $750,000, the expenditure $714,675.60. The trespass settlements were $100,099.70. That is not a question of entry, but a question of trespass on Federal lands.

Mr. MONDELL. Will the gentleman yield?

Mr. SHERLEY. No; not now. I want to put this statement into the RECORD.

Mr. MONDELL. The gentleman knows that those items——

The CHAIRMAN. The gentleman from Kentucky declines to yield.

Mr. SHERLEY. The recoveries through criminal and civil suits were $129,093.98. The area restored to the public domain through cancellation, as the result of special agents' reports, was 703,680 acres; the area restored through abatement of unlawful inclosures was 1,475,381 acres. The area restored through suits to cancel patents, through proceedings brought in the courts, was 21,340.25 acres.

Now, I want to read to the committee the difference between the management of the Land Office now and at a time when the public domain was being plundered with impunity:

Act of June 4, 1897 (forest lieu selections).

OLD SYSTEM.	PRESENT SYSTEM.
Under the old method of procedure only a small per cent of this class of cases were examined by special agents, such cases as contained some evidence or suspicion of fraud.	At present about 75 per cent are examined by special agents, because of the fraudulent character of many of this class of cases and because of insufficient data in the Geological Survey in some cases as to the coal, oil, or power-site possibilities of the land.

Mr. MONDELL. Does not the gentleman know that Congress repealed the lieu-land law a number of years ago, and that there are practically no more lieu-land selections, except in very rare cases?

Mr. SHERLEY. I know that there are fraudulent cases under that act which are now under investigation, and others which resulted in recovery of land.

Mr. MANN. And there are many State lieu-land cases yet.

Mr. SHERLEY. I know that.

Mr. MONDELL. Where are they?

Mr. SHERLEY. I can not tell the gentleman offhand, but I know, and the gentleman knows, that there are recoveries being made every day as the result of those investigations.

Mr. MONDELL. The gentleman knows that there are very few lieu-land locations now anywhere.

Mr. SHERLEY. Let me continue, please. The gentleman has made his speech.

Scrip, preemption, and town-site cases.

OLD SYSTEM.	PRESENT SYSTEM.
Under the old method only a very few cases belonging to these classes were examined by special agents.	At present many of these cases are examined in the field as to fraud and coal, oil, and power-site possibilities. It would be difficult to determine the exact per cent of such cases, but it will probably reach 15 or 20 per cent.

Timber and stone entries. Under the old system no appraisal was made. And let me in passing say this: It developed during some testimony that was taken at the time of the conservation commission, of which I happened to be a member, that the department for many years construed the land law so as to make what was stated in the law as the minimum price at which public land could be sold the maximum price; and for years, without regard to the fact that the land was worth many times the minimum price stated in the act, the department so construed it as to make that the maximum price that should be paid in any instance.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. LAFFERTY. Is the gentleman aware that section 4 of the so-called timber and stone act provided that in all cases where citizens had trespassed upon Government land they could, by coming into court and paying $2.50 an acre, settle up all their trespasses?

Mr. SHERLEY. What of it?

Mr. LAFFERTY. The point is that Congress never intended that more than $2.50 an acre should be charged for any land——

Mr. SHERLEY. O Mr. Chairman, I can not yield further.

Mr. LAFFERTY. The gentleman will not allow me to ask him three or four more questions?

Mr. SHERLEY. Oh, the gentleman is going to do what every other Member does, and that is to occupy his own time as he wishes, which no other Member deserving courtesy will try to prevent.

Mr. LAFFERTY. I dare say that my prediction will come true, and that the gentleman from Kentucky will not dare allow me to ask him three or four questions.

Mr. SHERLEY. The gentleman's prediction will come more than true; the gentleman from Kentucky will not yield to anyone so lacking in the courtesy of debate as the gentleman from Oregon has shown himself to be.

Mr. LAFFERTY. I knew that the gentleman would not.

Mr. SHERLEY. Now, Mr. Chairman, returning to my remarks under the timber and stone act, I will continue:

Timber and stone entries.

OLD SYSTEM.	PRESENT SYSTEM.
No appraisal made.	Under instructions of November 30, 1908, the lands embraced in all these applications must be cruised to determine the amount and value of the timber thereon, or examined to determine the amount and value of stone thereon, as the case may be.

Inspection of local land offices.

Formerly made by special inspectors of the department.	Under present practice periodical inspections are made by members of the field force.

Isolated tracts.

Investigated only where special reasons made same desirable.	Under departmental instructions of January 19, 1912, all applications for sale must be investigated to determine the value of the land, so that the Government may receive adequate consideration therefor, and for the further purpose of preventing agreements to refrain from competitive bidding.

The work of investigation made necessary by the present policy of the department to carefully investigate projects under the so-called Carey Act and various acts amendatory thereof, to the end that the settler who relies upon the approval of the Government may be as fully protected as possible, as well as for the purpose of minimizing the segregation of Government lands for speculative purposes, has been materially increased, not only because of the more careful and painstaking investigation of the various projects but because of the large increase in the number of segregation lists and lists for patent predicated on such segregation lists.

Various phases of the Carey Act (act of Mar. 15, 1910, withdrawals).

OLD SYSTEM.	PRESENT SYSTEM.
No examinations were made.	Examinations are now made of all lists where it appears that such examinations are necessary or desirable. At the present time eight lists are being carefully investigated as to all phases of the cases.

Carey Act segregations.

Examination as to desert character of the land only by ordinary special agent or departmental inspector.	Complete and careful engineer's report, comprising— 1. Desert or nondesert character of the land. 2. Sufficiency of the water supply, including full abstract of prior appropriations, stream measurements, if any, precipitation records and run-off, area of watershed, and all other pertinent features. 3. Feasibility of the system, including full and careful description of the proposed works, specifications of dams, canals, laterals, etc., suggestions and recommendations, etc. 4. Financial responsibility of the proposing contractors with the States. This examination is as full and careful as may be, to the end that speculative and "wildcat" segregations be reduced to a minimum. 5. Any other information touching upon the project or its bona fides.

Carey Act lists for patent upon alleged reclamation of the land.

No investigation was made, the certificate of the State engineer that the land was reclaimed being deemed sufficient.	1. Where the segregation list upon which the list for patent is predicated has not been investigated under the present system the engineer is expected to investigate and report upon the same, as in Carey Act segregations above shown, as to sufficiency of water supply and feasibility of the system, in addition to which he reports fully as to whether or not the irrigation works have been completed in a good and workmanlike manner and according to specifications; whether the ditches and laterals have been completed so that water can be turned upon the land at any time required; what portion of each smallest legal subdivision is irrigable under the system and what portion is above ditches; and also as to whether any portion of the nonirrigable acreage is susceptible of irrigation from any other known sources. This report is required to be very full and complete, and upon it is based the patenting of the lands.

Railroad land grants.

Investigations were only made when the office had reason to believe that the lands were mineral in character.	Investigations are now made as to the mineral or nonmineral character of all selected lands before patent is issued.

Individual lieu selections.

No investigations were formerly made of individual lieu selections, nonmineral affidavits by the selectors being considered as sufficient.	Investigations are now made of all individual lieu selections, whether under the act of 1898 or 1899, and upon the reports received the lands are either clear-listed for patent or appropriate action taken.

Right-of-way applications under act of March 3, 1891.

Few, if any, investigations were made except where actual fraud was charged.	Because of the increasing scarcity of water in the Western States many investigations are ordered either by this office or the department touching the available water supply and the feasibility of projects right of way for which application has been made.

Forfeited right-of-way applications under the acts of March 3, 1891, and February 15, 1901.

No investigations were made.	During the past year a large number of approved rights of way of five years' (or over) standing have been investigated, to the end that if the projected works had not been built suit might be recommended to declare the easement forfeited, and thus clear the records. Upon such reports a large number of suits have been commenced and many easements either judicially declared forfeited or relinquished. During the coming year the number of such investigations which should be made will double, if not treble, that of last year.

Railroad rights of way under the act of March 3, 1875 (forfeited under various forfeiture acts).

No examinations made.	It is the intention, if the force of special agents will admit of the work, to investigate this year all approved right-of-way applications over 5 years old and to clear the record of such as have not been constructed.

Power sites, act of February 15, 1901.

No examination.	Owing to the increasing value of water power in the West it is necessary to make careful investigation of many applications asked for under the act of March 3, 1891, but which it is suspected are to be used for power purposes and not irrigation purposes, and should therefore be granted by permit under the act of 1901. It is, further, the duty of all special agents to report to this office any matters relative to power development where it is found that the system is being constructed or construction is contemplated without first obtaining permission from the Government. A number of such reports have been received and have resulted in cessation of the work until application was filed and favorably considered by the department.

Lands withdrawn from power sites.

No examination.	Now all entries upon lands withdrawn for power sites are carefully examined in order that the value of the lands for power purposes, as well as the bona fides of the applicant, may be determined. The area now withdrawn for power sites is 1,515,423 acres.

Until about the middle of last year the work of investigation under the "small-holders" act of April 28, 1904, has been merely superficial. This work has increased very largely during the latter part of the past year, with every evidence of a large increase during the coming year. The special agent is expected to visit and carefully examine both the base and selected lands, which may be hundreds of miles apart, and, after careful investigation, to report whether or not they are of the same quality. One investigation of this character involving a 160-acre tract will often take more time than a straight investigation of a couple thousands of acres which is in a compact body.

Relative to the Carey Act, information received leads to the belief that the State of Arizona will, at the first opportunity, adopt the act and that at least a dozen projects in that State are only awaiting legislative action to file their lists. New Mexico is also in line for aggressive Carey Act work, and from the older Carey Act States lists for patent are now coming in rapidly, which, in view of the old system of meager investigation, means a double investigation before the lists for patent can be approved. In this connection it may be noted that, inasmuch as Carey Act projects are of a quasi public nature, prompt action must be given them, even at the expense of some other public interests.

State selections.

OLD PRACTICE.	PRESENT PRACTICE.
Practically no examination.	Examination of all lands selected by States. Approximately 1,500,000 acres awaiting examination.

Indian allotments.

Practically no examination.	By order of April 4, 1911, all Indian allotments made on public lands are required to be examined and report made as to settlement of Indian and character and value of his improvements; also as to character of land with respect to timber, mineral, coal, phosphate, oil, power-site possibilities, etc. There are about 4,500 of these allotments pending, involving 720,000 acres.

Water companies.

No examination.	Under instructions contained in paragraph 18 of circular dated September 30, 1910 (39 L. D., 253), an investigation and technical report is required to be made of water companies in cases of desert entries where, on annual proof, expenditures for stock or interest in any such company, through which water is to be secured for irrigating the land, is alleged. To date approximately 125 companies have been investigated and reported upon. The reports so far obtained are of material value also in adjudication of desert-land entries upon which final proofs have been made. The office examiners are brought more closely in touch with field conditions, and thus can act more intelligently on the final proofs submitted.

The truth of the business is that there has been in this country an awakening of the public conscience, an awakening that demands efficiency in the public service, particularly in regard to the lands that belong as a heritage to all the people and are not simply the property of the States in which they lie. I am tired of the attitude of men who represent States in which the public lands are situated lecturing Congress because it does not see fit to turn the lands over to them to be used by them as they see fit; and judging by the past history of America in regard to public lands, to be despoiled by men who have no title to them.

If we make any mistake, we make it in lack of vigilance in regard to the public-land service and not in too many safeguards over it. I, for one, would hate to see this appropriation cut a dollar. The committee went to the extreme limit, I think, of conservatism in reducing the estimate asked by the department, $650,000, to $500,000. The testimony before us by those in a position to know and those who talk for the benefit of the Government and not for the benefit of any special or private interest was that this sum was necessary. The gentleman from Wyoming passed an encomium upon the Land Commissioner, Mr. Dennett. If that means anything, it ought to go to the extent of making the commissioner's judgment as to the amount of money that can be honestly spent considered by this Congress and not disregarded.

I agree with all that has been said of these acts that have recently come to public light. I have supreme contempt for the man who under the guise of any law will tamper with justice or with a juryman. But the fact that there have been men in the Government service that have prostituted that service is no reason why we should let down the bars and take away the safeguards, so as to leave looters outside of the service an opportunity to continue their work. [Applause.]

Mr. CANNON. Mr. Chairman——

Mr. FITZGERALD. Let me ask the gentleman from Illinois how much time he wishes.

Mr. CANNON. About five minutes.

Mr. FITZGERALD. If the gentleman will pardon me, Mr. Chairman, I move that all debate on the pending paragraph and amendments be closed in 10 minutes.

Mr. BURKE of South Dakota. Reserving the right to object, I want to offer an amendment, and I will not exceed one minute in talking about it.

Mr. CANNON. I have no objection, if I can be recognized afterwards, to the gentleman from South Dakota offering his amendment now.

Mr. FITZGERALD. I will make it 12 minutes.

Mr. BURKE of South Dakota. Mr. Chairman, I suggest that the request be in this form: That there be 12 minutes' debate on the paragraph and all amendments thereto, and that debate close on the pending amendment in 10 minutes, and then that I may offer my amendment and have 2 minutes.

Mr. FITZGERALD. I have no objection to that.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. CANNON. Mr. Chairman, the appropriation for the service for the current year is $650,000. The estimates for this year are $650,000. I did intend to offer an amendment increasing this appropriation recommended in the bill to the amount of the estimate, making it $650,000 instead of $500,000.

I listened to the examination when this bill was being prepared. I have no business in the Public Land Office except to run an errand once in a while for somebody that has gone west from Illinois or some other State. I know but little of the personnel, but I was very greatly interested and very greatly impressed with the presentation that was made touching this appropriation by the Commissioner, Mr. Dennett, of the General Land Office. I am very glad indeed to hear the tribute given to him for efficiency and integrity by the gentleman from Wyoming [Mr. MONDELL].

Now let me read from the hearings:

Mr. DENNETT. I had hoped to get down to $500,000, but I can not recommend to you gentlemen to cut the appropriation to $500,000 this year. I do not believe it will get down to $250,000 for a good many years. The way in which that work accumulated and the big frauds which existed were because that force was not big enough to watch the work. The Commissioner of the Land Office, as you know, is several thousand miles from most of this work. He must have a sufficient force of representatives on the ground who can see exactly what is being done. The registers and receivers do not go out of their offices. The proofs are submitted to them. They have little more local knowledge, of course, than the Commissioner of the Land Office, but they have not this specific knowledge, and the agents have to supply that to the office.

This appropriation also investigates the entries of lands that are alleged to have been made and are proven to have been made in California that were mineral lands, and the entries made by railway companies. The statement is made that very important investigations are being made in Colorado touching the fraudulent entry of coal lands. I do not know anything about it, but all agree that the Commissioner of the General Land Office is a painstaking, honorable, honest, and efficient man, and he not only wants $500,000, but he asks for $650,000. I shall vote against the amendment reducing it below $500,000.

Mr. PAGE. Mr. Chairman, when the sundry civil appropriation bill was reported to the House in 1910 and was under consideration and this item was reached, an appropriation of $750,000 was carried for the purpose of protecting the public lands. I offered an amendment reducing the amount to $500,000. In the Committee of the Whole the amendment prevailed, but when the bill was reported to the House and a separate vote was taken upon that amendment upon a roll call the original provision of the bill was reinstated and it carried the $750,000.

Serving on another committee of this House just prior to that time I had occasion to investigate some expenditures in the Land Office in its various departments and I found what I supposed at that time, and I believe yet to be, some abuses as to the expenditure of this particular appropriation. For that reason I undertook then to reduce the amount carried in the bill. I believe from the investigation that I made at that time, from the testimony that from time to time has been submitted to the Committee on Appropriations, that there is necessity for the appropriation in the amount that is carried in this bill, namely, $500,000 for the protection of the public lands in the *Western States*. I know that these gentlemen who represent the territory in which this land is situated are extremely anxious to have the land taken up. Sometimes their anxiety has appeared to some of us to be so great that they were not very particular as to how it was taken up, and it is a matter of importance not only to them—that is, the proper administration of the land laws—but to the entire citizenship of the country, because they are our land as well as their lands, and they are a source of considerable revenue to the Government. As was stated by the gentleman from Illinois [Mr. MANN], but for this appropriation carried for the protection of these public lands the Government would have lost immeasurably—not this sum, but this sum a hundred times over in the loss of its public domain by fraudulent entries of public lands.

So far as I am aware I was the first man in this House who made an effort to reduce what I thought was an extravagant amount to be expended for this purpose. I want to say to the committee that I believe to-day that this amount is absolutely necessary to a proper enforcement of the laws against trespass on the public lands, and I hope that the Committee of the Whole will sustain the Committee on Appropriations in the recommendation that it has made with respect to this item.

The CHAIRMAN. The parliamentary situation is this: The gentleman from Oregon [Mr. LAFFERTY] offered an amendment to reduce the appropriation from $500,000 to $100,000. The gentleman from Oklahoma [Mr. FERRIS] offers an amendment to that, to reduce the sum to $250,000. The gentleman from Oregon has indicated his willingness to accept the amendment of the gentleman from Oklahoma. Is there objection to the withdrawal of the amendment of the gentleman from Oregon? [After a pause.] The Chair hears none, and the amendment is withdrawn.

The question now recurs on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 96, line 12, after the figures "$500,000," insert:
"*Provided*, That no part of this amount shall be expended in the investigation of any homestead entry where final proof has been submitted and patent has been issued for a period of two years, unless charges of fraud have been filed against the entry prior to the expiration of that period."

Mr. SHERLEY. Mr. Chairman, on that I reserve the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I do not think the item is subject to a point of order, but I want to say just a word. I do not think any gentleman who is in favor of large appropriations for this special-agent service will contend that any great showing has been made, so far as fraud is concerned, in connection with the public domain, where it has been acquired under the homestead laws.

I am in favor of the most liberal appropriations for this service, so far as the mineral lands, timberlands, and so forth, are concerned, but I do say, so far as the homesteader is concerned, that there ought to be some time after which he will not be annoyed or harassed by an inspector of the General Land Office, and this limitation simply provides that in the case of a homestead entryman who has submitted final proof and has had his patent for a period of two years, in the absence of a charge of fraud against that entry it shall not be investigated by a special agent. In other words, no part of this appropriation may be used in the investigation of a case of that character, and gentlemen from the West know that it has been the practice to investigate cases three, four, and five years after patent has issued, when there were cases where the patent was being withheld under the excuse that they did not have special agents enough to investigate the entry, and therefore the entryman had to wait in an uncertainty of knowing whether he was going to get his patent while the agent was investigating a case that had been patented for three or four or five years. This simply limits the period to two years after patent has issued, in the absence of a charge of fraud, and it is a proper and reasonable limitation, and I hope the amendment will prevail.

The CHAIRMAN. Is the point of order insisted upon?

Mr. FITZGERALD. It is.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. I do not believe we should attempt to interfere in this way with the administration of the General Land Office, which is endeavoring to protect the public domain from being despoiled.

Mr. RUCKER of Colorado. The gentleman wants to humiliate us in the West just as much as possible.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 15, noes 38.

So the amendment was rejected.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, to furnish local land offices with the same, and for reproducing by photolithography original plats of surveys prepared in the offices of surveyors general, $5,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment as a new paragraph following the paragraph just read.

The Clerk read as follows

Insert as a new paragraph on page 97, after line 7, the following: "For the purpose of enabling the Secretary of the Interior to issue two editions per annum of maps showing the lands designated under the enlarged homestead laws during the fiscal year ending June 30, 1912, $1,300."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment. It is not authorized by law.

Mr. MONDELL. Mr. Chairman, I think the amendment is not subject to the point of order. It provides for the issuance of a map. A similar provision has been heretofore carried in the sundry civil bill, and it is almost identical with the paragraph that it follows.

The CHAIRMAN. Because an item has been in the bill heretofore for a number of years does not mean that it is permanent, and the Chair therefore holds it is new legislation and is subject to a point of order.

Mr. MANN. It is not legislation.

Mr. FITZGERALD. There is no authority for the edition of two of these maps.

The CHAIRMAN. The proposed appropriation is without authorization.

Mr. MANN. I think there is authority, and that is the question.

Mr. MONDELL. The Land Office is publishing maps all the time. It published two editions of these very maps last year, and it published one edition of the maps this year, but it so happens, for some reason or other, the item was not in the estimates. The item has been carried in this bill, and the last map was published not over three or four months ago.

The CHAIRMAN. The Chair will say the original appropriation, although carried in an appropriation heretofore a number of times, is still subject to the point of order, because there has never been any authorization for it.

Mr. MONDELL. I will say there is an authorization for the issuance of maps; they are being issued all the time.

Mr. FITZGERALD. The gentleman can not produce the law to sustain his position.

Mr. MONDELL. The chairman of the committee knows very well I can not put my hand on the law at this moment. This is an official publication of the Land Office, showing certain lands, and that office is constantly issuing publications showing locations of public lands. The chairman of the Committee on Appropriations certainly——

The CHAIRMAN. The Chair will state to the gentleman from Wyoming that the Chair has ruled.

Mr. FITZGERALD. I suggest to the gentleman from Wyoming, in relation to this matter being omitted by the department, that if he had called attention in time in the past week it might have been possible to have ascertained the facts. He proposes here, without any knowledge of the law, something, and I have to insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, $2,000: *Provided*, That the notice required by section 1 of the act of June 11, 1906, shall not hereafter be published.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

Mr. HAWLEY. Mr. Chairman, I also reserve the point of order.

Mr. MANN. Mr. Chairman, the proviso proposes to repeal the notice required in the law which permits land chiefly valuable for agricultural purposes located in forest reserves to be settled upon. Now, anyone who takes that law and reads it will find that the notice has to be published. He, I think, would have the right to assume that that is the law. Here comes in the sundry civil bill and in another place repeals the law.

The CHAIRMAN. Will the gentleman from Illinois please repeat that part in regard to the law?

Mr. MANN. Mr. Chairman, it is patent it is subject to the point of order. The proviso provides for the repeal of the law as to the publication of notices required by the act of June 11, 1906.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it does not reduce expenses?

Mr. MANN. It would not make any difference if it did reduce expenses. I am making the application on the merits of the proposition.

Mr. FITZGERALD. The Commissioner of the General Land Office made this statement: This law was enacted in 1906, at a time when very large withdrawals had taken place, and they thought it advisable that the restoration to the public domain should be advertised. That existing condition has practically passed away, and there is no benefit whatever derived from the advertising of the restoration; that it was intended to give some person who might have had a claim notice, and it simply resulted in an unnecessary expenditure of $12,000 or $15,000 a year in advertising, which, in the opinion of the Commissioner of the General Land Office, served no useful purpose.

Mr. MANN. Now, I will say to the gentleman I have been looking up this matter, not in connection with proposed legislation being before the House, but particularly on the agricultural appropriation bill. Under the existing law, where they propose to say that certain land in a forest reserve is chiefly valuable for agricultural purposes and thereby throw it open for homestead entry, a notice is required to be published, so that anyone has possession of that knowledge if they watch the papers in the county in which the land is located, but without that notice they do not have an opportunity to know whether this land has been declared subject to homestead entry, although that is not the point I particularly insisted upon. But there is a good deal of this land being taken up in forest reserves. The person has knowledge of the law of June, 1906. He sees in that law a provision that notice shall be published and relies upon it. Along comes the sundry civil bill, which amends the law, the man does not have any notice, no one reads the sundry civil bill, yet that bill says there shall be no notice. and the man who relies upon the notice finds out that somebody else gets his property.

Mr. FITZGERALD. Suppose it is amended in any other bill?

Mr. MANN. If it was amended in some other bill, it would be an amendment to that section of the law and be published by the department, probably——

Mr. FITZGERALD. The department publishes this as well as any other. This was inserted in accordance with the view of the Commissioner of the General Land Office that it served no useful purpose.

Mr. MANN. Now, the Senate inserted in the agricultural appropriation bill an item which would probably throw open the forest reservations to agricultural settlement and homestead entry, and when that was disagreed to in conference the Senate rejected the conference report because of that fact and the bill is now back in conference. If that item should go into the bill and become a law, any land in a forest reserve which can be said to be suitable for agricultural purposes, although it might now be timberland with great value of forest upon it, would be thrown open to homestead entry. Certainly if that would be the case there ought to be a publication and notice in regard to it. I do not know what disposition is going to be made of the bill at present. I think, therefore, I shall insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1913: *Provided*, That the expenses pertaining to the opening of each of such reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, $20,000.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of saying a word in reference to the timber and stone act that was discussed by the able gentleman from Kentucky [Mr. SHERLEY] a few minutes ago.

The timber and stone act was passed June 3, 1878, and in section 1 it provided that timber lands that were unfit for agriculture, unappropriated, and unreserved might thereafter be sold to the citizens of the United States in tracts not exceeding 160 acres to any one citizen, for the minimum price of $2.50 per acre. The bill went on to provide that any person now being prosecuted in any court of the United States for trespass upon the public lands might absolve himself from further prosecution by coming into court and paying $2.50 an acre and buy all lands by him cut over.

That is one of the reasons why the Secretary of the Interior construed that law to mean that Congress contemplated that the lands should be sold to citizens at $2.50 an acre.

Other reasons were these: For a hundred years lands had been sold by cash entry. They had been sold under various preemption laws for the minimum price of $1.25 an acre, and all the land laws had referred to acts of sale at the minimum price or double the minimum price of $2.50.

Now, here was a proposition to sell these lands at the minimum price of $2.50 an acre. Did that mean that they should be sold at $2.50, or that they should not be sold for any less than that?

There were other provisions like this, that no one citizen should be permitted to buy more than 160 acres, and that he should go in and prove by the testimony of two witnesses that he was not making the purchase for the benefit of any other person or for the purpose of speculation.

Now, by the act of November 15, 1909, as the result, I suppose, of this famous Conservation Commission of which the gentleman from Kentucky [Mr. SHERLEY] was a member, the Secretary of the Interior, Mr. Garfield, issued regulations providing that timberlands under the act of June 3, 1878, should not be sold thereafter to citizens of the United States except at such value as they might be appraised at by these special agents. As a result no timberlands have been sold since, because the special agents appraised them so high that nobody would buy them.

Prior to the issuing of these regulations the Secretary of the Interior had repeatedly asked Congress to repeal the timber-and-stone act of 1878. Congress has refused to do so. That act still stands upon the statute books.

But it is a dead letter there, because the Interior Department, by these recent regulations, has practically repealed it. It may be that Congress failed to do its duty and failed to provide suitable rules and regulations, as it is in duty bound to do under the Constitution, providing for the disposition of the public domain. But when, in report after report, the Secretaries of the Interior asked Congress to make this change in the law of 1878, and Congress, knowing how the courts of the land had been construing it for 30 years, declined to make that change, I say it did not lie within the legitimate jurisdiction of the Interior Department to make that change.

If Congress intended the law to be that a citizen could buy only 160 acres of timberland, and then must pay the full market value, why place that restriction upon him? He could go to the Weyerhaeuser Timber Co. or any other timber company and buy all the land he wanted at the full market value. There was clearly a bounty intended to the citizens of this country who will come from Kentucky or any other State and seek to found a home on the public domain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] saw fit a moment ago to read a lecture to the western Members of Congress in emphatic language because they dared to stand for the rights of their constituents. The gentleman is ordinarily courteous and generally parliamentary, but he was certainly not courteous and scarcely parliamentary when he impugned the motives of western Representatives in gross in the views they have expressed and the efforts they have made to amend this bill. His suggestion was that they took the position they did because they wanted their constituents to have an opportunity to loot the public domain, to rob the people of their landed heritage.

We of the West have heard that sort of thing as long as we care to hear it, and——

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I will be glad to.

Mr. SHERLEY. The gentleman's statement of what I said is in no sense accurate.

Mr. MONDELL. The gentleman thinks it is.

Mr. SHERLEY. I did not imply, and I did not intend to imply, with reference to the gentleman, a desire that he should have his constituents loot the Treasury——

Mr. MONDELL. No; the gentleman did not refer to me by name——

Mr. SHERLEY (continuing). And I regret that the gentleman feels that my remarks, so construed by him, should apply to himself.

Mr. MONDELL. The gentleman's remarks did not worry me. I am perfectly willing to answer to my constituents for my position in these matters, and so far as I am concerned, had I been the only western Member discussing the matter, I should have said nothing.

There is a very great deal of difference between a desire to allow our constituents to loot the public domain and a desire that our constituents shall have their rights under the law. The difference is as wide as the poles are apart. All we stand for and what we insist upon is that there shall not be an administration of the public-land laws that denies to entrymen the rights that Congress has given them; that shall not prevent them from securing the opportunities that Congress expected they should secure, and that it provided for them.

We demand an administration that shall neither deny the right, in the first place, nor delay its fulfillment finally, and we know, for we live out there and we have to do with these cases, that many men have been denied their right to initiate; and having initiated, have had a long and weary road to travel before their rights were consummated. Against that sort of administration we shall continue to protest. It is very well for the department to make up lists of what has been accomplished. We favor a proper public-land service. We know how necessary and essential it is, and within proper limits we are favorable to the proper protection of the public domain. We would be the last people in the world to deny proper appropriations for the public-land service. We know that Congress, in giving larger sums in some cases than were necessary for the field service, has given opportunity for oppression and delay or denial of rights. No good purpose is served by appropriations larger than necessary for the service properly conducted.

Mr. RUCKER of Colorado rose.

Mr. FITZGERALD. We can not debate this thing all night, Mr. Chairman. I ask the Clerk to read.

Mr. RUCKER of Colorado. I move to strike out the last word.

Mr. FITZGERALD. The gentleman is not involved in that controversy.

Mr. RUCKER of Colorado. I think I am—very much.

Mr. FITZGERALD. Mr. Chairman, I insist on the regular order. Debate on the amendment is closed, and if every gentleman now wishes to redebate it we shall never finish this.

Mr. RUCKER of Colorado. I move to strike out the last word.

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The regular order is the recognition of the gentleman from Colorado.

Mr. RUCKER of Colorado. Mr. Chairman, I am not so sensitive as my friend from Wyoming [Mr. MONDELL] is concerning the remarks of my distinguished colleague [Mr. SHERLEY], who comes from the State where both of us first saw the light of day. But indeed I am surprised that my friend from Wyoming [Mr. MONDELL], who was just a while ago so heartily in favor of the proposition to reduce the appropriation from $500,000 to $250,000, should have found it necessary to vote for the $500,000. I agree with everything he has said concerning the situation of the western pioneers. I remember, just after the war, when Federal inspectors went through the South. They were in Kentucky as well as other States, and I could have heard the forebears of my friend from Kentucky [Mr. SHERLEY] declaim as eloquently against them as he now takes up for these people who are upon our backs.

I want to give an illustration in my own district. Upon three different occasions these Federal inspectors, whom the gentleman from Kentucky thinks are absolutely necessary in order to pass the title from the Government to the individual, broke open the doors and searched the cabin, broke open the trunks and searched the correspondence, to determine whether or not a man was a bona fide resident. That incident reminded me of long ago, and the gentleman from Kentucky [Mr. SHERLEY] can not wonder that I rebel against having a Federal inspector upon the back of one of my constituents. I agree with him fully and fairly that there have been frauds committed, but that was years ago, when the railroad companies and great corporations took up this vast domain out there, of which we have been robbed, but that robbery the Congress of the United States was responsible for. All we ask now is to be allowed to contest our rights before a tribunal that is as old as the Government itself, to determine the right between the contester and the contestee as to the piece of land which the homesteader is trying to acquire for a home.

Mr. FITZGERALD. Mr. Chairman, I ask the Clerk to read.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $450,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890; and, second, to surveying under such other acts as provide for land grants to the several States and Territories, except railroad land grants and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of. and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation not exceeding $200 per month as he may prescribe, except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys whose compensation shall not exceed $250 per month each, and except in the District of Alaska, where a compensation not exceeding $10 per day may be allowed such surveyors and such per diem allowance, in lieu of subsistence, not exceeding $3, as he may prescribe, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, examination of unaccepted contract surveys heretofore made and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, the sum hereby appropriated to be immediately available: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable.

Mr. MONDELL. Mr. Chairman, I offer an amendment at the end of line 5, on page 100.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the typographical errors at the end of lines 10 and 11, on page 99, may be corrected by the Clerk.

The CHAIRMAN. If there be no objection, these typographical errors will be corrected.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Page 100, after line 5, insert the following:
"For resurveys and retracements, in Wyoming, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, the same kind of an amendment has always been carried in this bill from time immemorial. The gentleman can make a point of order against anything.

The CHAIRMAN. If it has not been authorized by law, it is still subject to a point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

After "$450,000," in line 11, page 98, insert the words:
"Of which sum not to exceed $50,000 may be used for resurveys and retracements in Wyoming."

Mr. FITZGERALD. I make a point of order on the amendment that it is a limitation upon the discretion of the Commissioner of the General Land Office in expending this money. Under the law the commissioner has the authority to expend this money for surveys and resurveys in public-land States within his discretion. This attempts to control the discretion of the Commissioner of the General Land Office.

The CHAIRMAN. The Clerk will read the paragraph as it would read if amended.

The Clerk read as follows:

Page 98, after the figures "$450,000," insert as follows: "Of which sum not exceeding $50,000 may be used for resurveys and retracements in Wyoming."

The CHAIRMAN. The Chair is of opinion that that is new legislation, and therefore sustains the point of order.

Mr. MONDELL. Mr. Chairman, I will reoffer the amendment that I offered at the end of the paragraph.

Mr. FITZGERALD. I submit to the Chair that the Chair has already ruled that amendment out of order, and it is not in order to offer it again.

Mr. MONDELL. I would like to have the attention of the Chair on that question.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, after line 5, insert the following: "For resurveys and retracements in Wyoming, $50,000."

Mr. FITZGERALD. I make the point of order again so that there will be no misunderstanding about it.

Mr. MONDELL. Mr. Chairman, the item is not subject to a point of order and the gentleman from New York knows that it is not.

Mr. FITZGERALD. I will produce the decision to show the gentleman that he is mistaken.

Mr. MONDELL. Mr. Chairman, this is the part of the bill that provides for the survey of public lands. Nobody denies that the Commissioner of the General Land Office has authority to survey public lands so far as Congress may give him money to survey them with. This is the item in which surveys are provided for. It is not new legislation to add to this appropriation. It is not new legislation to add an appropriation applying to a specific State. It has been done repeatedly. The bill last year carried four items practically identical with this—one for surveys in Alaska, one for resurveys——

The CHAIRMAN. Were there any points of order made to those items?

Mr. MONDELL. I do not know, but such amendments have been placed on the bill from time immemorial. I do not think it ever occurred to anybody that they were subject to a point of order. No one denies the general authority conferred by law for the survey of public lands, and certainly it is in order in the surveying paragraph to add to the appropriation for service in certain States.

As I said a moment ago, the last bill carried an item of $50,000 for Nebraska, $50,000 for Alaska, $50,000 for Utah, and $50,000 for Montana, four different items in the last appropriation bill.

Mr. MANN. Mr. Chairman, the question involved in the point of order is whether where Congress has the power to make an appropriation for surveying the land anywhere in the United States that gives it the power to make an appropriation for surveying the land in a particular place. There is no doubt about the power of making an appropriation for the survey of public lands generally. We require the surveys of public lands in all the public-land States, and requiring that, we have the power to make an appropriation to make the survey. Now, have we not then the power to make appropriations for survey in a particular State or the survey of a particular location or the survey of a particular piece of public domain as long as it is public domain? Of course, we would not have the power under the rule to make an appropriation for the survey of property which is not authorized. But a survey of this land in Wyoming is authorized by law. The law authorizes the land office to survey the land in Wyoming. Now, there being authority to survey the land, is not that authority to make an appropriation for that purpose?

The CHAIRMAN. The Chair is prepared to rule, and in doing so will read a former ruling from volume 4 of Hinds' Precedents, page 577:

On February 24, 1898, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union. The paragraphs relating to the Geological Survey being read, Mr. MARCUS A. SMITH, of Arizona, proposed an amendment to provide that $5,000 of the appropriation should "be expended in the county of Yuma, Territory of Arizona."

Mr. JOSEPH G. CANNON, of Illinois, having made a point of order, after debate the Chairman ruled:

"The Chair understands that the Secretary of the Interior is given a general discretion as to how and in what localities he shall use the appropriation. This amendment would limit that discretion, and therefore the Chair sustains the point of order."

The Chair, therefore, sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to amend by increasing the sum of $450,000, line 11, page 98, to $500,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, at the beginning of this session of Congress I introduced a bill, which was sent to the Committee on Appropriations, providing for an appropriation of $50,000 for resurveys and retracements in Wyoming. I was not given an opportunity to discuss that matter before the committee. Had I had that opportunity it might not have been necessary to take up the time of the committee to-day. I requested that opportunity in person and by letter on several occasions, but the committee was too busy to give me the time to be heard.

This appropriation for public-land surveys is $200,000 less than it was last year. The committee is very generous in giving western people the benefit of the gentlemen who travel about over the West finding fault with their entries, but is very parsimonious when it comes to surveying lands so that settlers can go upon them, so that they can tell where to establish their homes.

It is true that the committee will probably say that the department did not ask for more than this sum. It is also true that last year the general appropriation was only $450,000, but there were four specific appropriations for $50,000, making $200,000 in all, and that reduction of $200,000 by that amount reduces the total appropriation for surveys. With the reduction of $200,000 the public-land service in surveys is going to be crippled in a way that is bound to retard the settlement and development of the country. In the State I represent resurveys are constantly demanded by the people who are seeking homes on the public lands and who find it difficult to locate the boundaries of the lands they desire to settle upon.

Montana needs more surveys, also Idaho, and the settlers are clamoring for surveys all of the time. We need additional surveys and resurveys in Wyoming, and yet we are not given an opportunity to appear before the committee for a moment to discuss these matters, important to our people. Members of the committee may say, if these additional appropriations are necessary, why did not the department ask for them? In former times, when public lands were surveyed under contract, the surveyors general were charged with the duty of seeing that the survey appropriations were large enough so that the work could go on in their States, but two years ago the method of surveying the public land was changed, with the result that the initiation of the work of survey is largely with the General Land Office.

The General Land Office is not as well acquainted with the demands for surveys in the States as the surveyors general were. There is not the same pressure upon the General Land Office, and as long as their force is employed in the field they have no special incentive for insisting upon large appropriations for surveys. But we who are meeting the demand of the settlers for additional surveys feel that the committee ought at least to have given us an opportunity to be heard and to grant reasonable sums for the work.

I propose to increase this appropriation $50,000, which still leaves it $150,000 less than it was last year.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is incorrect in his statements. A large number of Members of the House requested hearings on various matters in which they were interested in this bill. At my direction all of those gentlemen were notified, and the committee gave several days to hearing such Members as were able to avail themselves of the invitation.

The committee has not reduced the appropriation. It has given the sum requested for surveys by the Commissioner of the General Land Office. It is the same amount requested for 1911 and 1912. It is true that there were special items in the bill for the current year for the surveying of public lands. They were special items, put in as a matter of favoritism to aid certain Members of the House, who thought it desirable to have that assistance in order to assist them in their political standing with their constituents.

The Commissioner of the General Land Office was informed by the members of the Committee on Appropriations that it was his duty to render, and the committee would be pleased to have, an estimate for any additional appropriation required for public surveying, in the event that in his opinion a larger sum should have been requested. If sufficient money has not been requested, it is due to the fact that an attempt has been made to mislead the country by keeping the estimates of the public service below the amounts necessary.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. MONDELL. The gentleman is aware of the fact that the four specific appropriations that were on the bill last year—$50,000—were not estimated for by the department?

Mr. FITZGERALD. I understand that, and the Committee on Appropriations desires to break up the practice of exercising favoritism on behalf of certain Members of the House and to make the appropriation for this service in one sum, so that it can be apportioned to the public service as the needs require, rather than to have money appropriated in order to gratify the whim or the wish or the request of some Member. There has been a ruling by the Comptroller of the Treasury that these specific appropriations made in the bill are available until expended. They do not lapse into the Treasury like a general appropriation. More than that, they can be expended in the employment of persons regardless of the civil-service laws, and it has been very desirable to have the specific appropriations for survey and resurveying in the various States made in this

way. The committee gave all the money that was requested. It notified the Commissioner of the General Land Office that if additional money was required he should submit a supplemental or additional estimate, and it does not propose to be coerced into making appropriations for the surveys that are not requested by those responsible for the conduct of the service.

In no other way can the public business of the Government be properly carried on. If additional money is required, it should be estimated for in accordance with the law. We have been for many years endeavoring to put the financial operations of the Government upon such a plane that it would be possible to tell with some approximate degree of exactness the relation of the expenditures and revenues at the outset of the session of Congress. Numerous instances have been disclosed where estimates have arbitrarily been reduced at the direction of the heads of the departments against the protest of those responsible for the service, in order to keep the estimates down in being submitted to Congress. There is but one thing that the Congress can do, and that is to insist that the estimates be submitted in accordance with the law, and if those responsible for the various parts of the public service do not comply with the law, then to assume that any additional sums to those asked are really unnecessary and are simply desired in order to accommodate gentlemen either in or out of Congress. I hope the amendment will not be adopted.

I move that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Without objection, debate on the paragraph and amendment thereto will close in five minutes.

There was no objection.

Mr. PRAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. There is an amendment already pending. Is this an amendment to that, or is it a separate amendment?

Mr. PRAY. It is a separate amendment and is offered as a new paragraph.

Mr. FITZGERALD. Mr. Chairman, that is not in order at this time as there is an amendment to the paragraph now under consideration.

The CHAIRMAN. The question is on the adoption of the amendment which is now pending, offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. The gentleman from New York asked that all debate on the paragraph close in five minutes.

The CHAIRMAN. That is true, and it has been agreed to.

Mr. MONDELL. But that does not preclude the offering of an amendment, and the gentleman from Montana is offering an amendment.

The CHAIRMAN. There has been no decision to the effect that the gentleman from Montana is precluded from offering his amendment. The Chair has asked the gentleman if it was an amendment to the amendment or a separate amendment.

Mr. MONDELL. There is still five minutes for discussion on the paragraph.

Mr. PRAY. It is a separate paragraph at the end of the paragraph which has just been read.

The CHAIRMAN. Then the amendment offered by the gentleman from Wyoming will come first. The question is on the adoption of the amendment of the gentleman from Wyoming.

The question was taken and the amendment was rejected.

Mr. PRAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 100, after the word "practicable," in line 5, insert a new paragraph as follows:

"For continuing the survey of public lands in Hill, Blaine, Choteau, Valley, Dawson, Rosebud, and Custer Counties, in the State of Montana, $150,000, of which amount the sum of not exceeding $3,000 may be expended for the necessary office work in the Surveyor General's Office in connection with this survey.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. PRAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the amendment which I have offered was embodied in a bill which I introduced at the beginning of this session of Congress at the earnest solicitation of hundreds of homesteaders in my State. Later on I appeared before the Committee on Appropriations and submitted letters from the department and made a statement in support of this demand. I believed then and I believe now that I gave a sufficient reason for granting this request. I read at that time before the committee a report on my bill from the Commissioner of the General Land Office, which I desire at this time to submit to this committee, showing the real necessity for an additional appropriation in the State of Montana to meet the needs of settlers in respect to surveys upon the public domain. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 22, 1912.

Hon. CHARLES N. PRAY,
House of Representatives.

MY DEAR MR. PRAY: I am in receipt of your letter dated January 5, 1912, addressed to the Commissioner of the General Land Office, with which you inclosed a copy of a bill providing for an appropriation of $150,000 for the survey of the remaining unsurveyed lands in Chouteau, Valley, Dawson, Fergus, and Custer Counties, Mont., and request information as to the exact acreage of the unsurveyed land in the stated counties, and such other available information as is relative to this matter.

In reply, I have the honor to report that the area of the unsurveyed and unappropriated lands embraced in each of the counties named, as shown by the latest compilation, made July 1, 1911, is as follows:

	Acres.
Chouteau County	2,039,499
Valley County	3,065,787
Dawson County	3,354,710
Fergus County	1,027,360
Custer County	2,339,395
Total	11,826,751

As these counties are composed principally of farming and grazing lands, there has been a large demand for the survey of their unsurveyed areas, and therefore, with the proposed appropriation, this department will be able to meet said demands by bringing about the desired surveys as a necessary prerequisite to the substantial development of the country through entries under the homestead and other public-land laws.

The total area of unsurveyed, unreserved, and unappropriated land in the entire State of Montana is shown by said circular to be 16,746,928 acres, and the apportionment to that State from the regular appropriation for the survey and resurvey of the public lands is insufficient to meet the petitions of bona fide settlers, especially in the five counties mentioned, and the bill therefore meets with the approval of this office.

Very respectfully,

CARMI A. THOMPSON,
Acting Secretary.

Under the present system of making surveys it costs about 5 cents an acre. In other words, we now need $600,000 to complete the surveys in the counties named in this proposed amendment. The request for $150,000 additional and outside of the general appropriation carried in the bill is extremely modest, in view of the necessities of the case. All of these matters were fully presented to the Appropriations Committee, and I regret they failed to respond to the petitions of the homesteaders in the West.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes. This is a very important matter.

The CHAIRMAN. Is there objection? [After a pause.] No objection is heard.

Mr. PRAY. Now, Mr. Chairman, in addition to that letter I have a report here from the surveyor general of Montana, and I want to read some extracts from that report relative to this amendment. The Surveyor general says:

In relation to surveys payable from the regular appropriation made each year by Congress for surveys and resurveys of public lands, I would state that last year's apportionment for this district was totally inadequate to cover the cost of surveys applied for by actual settlers and authorized for survey by the General Land Office. The amount of said apportionment was $20,000 only.

That was the amount apportioned from the general appropriation in the year 1911.

In consequence of which 35 townships authorized and assigned for survey had to be left unsurveyed last year, as is shown in statement No. 1, although many of the townships included in the different groups were authorized for survey upon settlers' petitions two to three years ago. Petitions for the survey of nine additional townships have been filed to date and authority granted to survey same since the last assignments were made. It is expected that this number will be considerably augmented by petitions which will be filed during the coming months.

Mr. Chairman, in 1910, as the gentleman from Wyoming stated a few minutes ago during the course of his remarks, the State of Montana received an additional appropriation of $100,000, which I was fortunate enough to secure through the Committee on Appropriations, but in 1911 we received no special appropriation and only got $20,000 out of the lump-sum appropriation of $450,000. Now, I want to read you what the surveyor general says about the $100,000 additional appropriation made in 1910. He says this:

Of the $100,000 appropriated for the purpose by act of June 25, 1910, there will be on April 1, 1912, an unexpended balance of approximately $24,000, or $26,000 less than enough to care for townships now authorized for survey, as shown by statement No. 2.

Mr. RUCKER of Colorado. That is, in your State?

Mr. PRAY. In my State alone.

Mr. RUCKER of Colorado. As long as I am on the floor, how long has your State been admitted?

Mr. PRAY. In 1889. Now, for a moment to compare the appropriations carried in the sundry civil bill this year with 1910 and 1911. In 1910 the sundry civil bill carried $800,000

for these surveys, and in 1911 $650,000. This question of public surveys in the West to-day is one of the most important to be considered. In nearly every Western State additional sums are necessary to complete these surveys so that the land can be properly occupied by the settlers, so that settlers upon the public domain will be able to ascertain where their corners are, where the boundaries of their claims are, to enable them to make the proper entries at the various land offices and clearly establish their rights. As before stated, the appropriation for 1910 in the sundry civil bill was $800,000; it was $650,000 in 1911, and only $450,000 in the present bill. I claim that we ought to have this increase.

Mr. FITZGERALD. Mr. Chairman, I have only to say that since 1903 Congress has appropriated every dollar the department has requested, and if there is any failure to get funds for this purpose the responsibility is upon the department.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I fully appreciate the position of my friend from Montana, but his State has not been in the Union longer than 23 years. My State has been in the Union for 36 years, and we have got more unsurveyed land than he has got——

Mr. HOWARD. Will the gentleman yield for a question?

Mr. RUCKER of Colorado. Certainly.

Mr. HOWARD. Is not that because a good deal of your land is not good for anything much?

Mr. RUCKER of Colorado. I will say to the gentleman from Georgia that 1 acre of our land is worth more than 10 in Georgia, and all the Georgians who have come out there will testify to that fact.

Mr. HOWARD. I beg the gentleman's pardon. I thought there was a lot of mesquite and other kinds of poor land out there.

Mr. RUCKER of Colorado. Oh, no; all will be occupied. The point I was endeavoring to make was that I was making the same complaint against this committee that the gentleman from Montana was making, and I thought really I had a case against this committee, because I got from the Secretary a letter recommending or advising me to introduce a bill for $150,000 for the survey of our unsurveyed lands.

When I got that letter I supposed, of course, I was fortified and had only to go before this committee to make them realize their dereliction of duty. But when I was faced with the proposition that the chairman here makes—and, by the way, he was in the minority on that day, so far as politics was concerned—I found that something else was necessary. The chairman had more Republicans there than he had Democrats. Otherwise, I would have thought that he was turning me down because I am a Democrat, on the ground that a Democrat had no sort of right to recognition. It did appear, as the chairman of the committee has stated, that this requisition should have been made by the department. Then when I saw myself go up against that kind of a stone wall I immediately wrote to the Secretary, asking him to tell me what he meant by advising me to introduce a bill for $150,000. I told him that it was only necessary for him to make the requisition upon the committee.

I have that letter wherein he declined to do that. It is not in my desk here; it is over in my office. In that letter, I say, he declined to do that and said I had to wait until next year. So that my friends from Montana and Colorado must wait until next year—until this requisition is made upon the committee. Until then we ought not to make any opposition to the appropriation that is here made.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Completing field notes of surveys in Minnesota and North Dakota: To complete the drafting and field-note writing pertaining to the surveys in the States of Minnesota and North Dakota caused by the discontinuance of the offices of the surveyors general in those States, $2,920.

Mr. PRAY. Mr. Chairman, I offer the following amendment, to be inserted as a separate paragraph following the figures $2,920, in line 10, of page 100.

The Clerk read as follows:

That authority is hereby granted the Secretary of the Interior to make examinations and resurveys and retracements of public-land lines in townships 10 and 11 north, range 26 east, and township 7 north, range 24 east, Montana meridian, State of Montana.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

Mr. PRAY. Will the gentleman reserve his point of order?

Mr. FITZGERALD. I will reserve it.

The CHAIRMAN. The gentleman from New York reserves his point of order.

Mr. PRAY. Mr. Chairman, this amendment is offered in perfect good faith and for the reason that while there is existing law allowing the Secretary of the Interior to make resurveys, retracements, and reexaminations, being the act of March, 1909, nevertheless the department is so bound and restricted by its regulations that it is now absolutely impossible to get orders for resurveys, retracements, or reexaminations of the public lands where the disposals in a given township by final entry, approved State school selections, and patent exceed 50 per cent of the total area thereof.

I know of no way to get this authority or to have these resurveys executed than by offering an amendment to the sundry civil bill, because the department has absolutely declined to entertain a request of that character and has referred the settlers to Congress for relief.

The CHAIRMAN. If the gentleman will show the authorization to the Chair, the ruling might be different.

Mr. PRAY. I am unable to do that, except the law already cited providing for resurveys, and so forth, which is to a great extent rendered inoperative by regulations.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, $10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The chairman of the committee announced a few moments ago a very extraordinary doctrine. He does not propose, as I understand——

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not debating the amendment. I do not propose to have the gentleman lecture me. I am willing, however, to have him discuss the amendment.

Mr. MANN The gentleman from New York ought to be willing to accept a mild lecture once in a while. It will not hurt him any.

Mr. FITZGERALD. All right; I shall not object.

Mr. MONDELL. I assure the gentleman it will not be as severe a lecture as might properly be in view of the provocation.

Mr. FITZGERALD. I thought it would save time. The gentleman will not accomplish anything.

Mr. MONDELL. It is a most extraordinary doctrine. His committee does not propose to listen to the mere representatives of the people. They propose to secure their advice and information and suggestions from the bureaus.

Well, I have thought for a long time that this was getting to be altogether too bureaucratic a Government, but I did not think the chairman of the Committee on Appropriations had reached the point where he thought the bureau chiefs were entitled to exercise greater influence before his committee than Members of Congress.

The item we have just passed is a case in point. Several Members of Congress presented to the committee the strongest kind of claims on behalf of their people—on behalf of people seeking homes on the public domain—for additional expenditures. My voice was not joined in that demand before the committee, because the gentleman did not give me an opportunity to be heard. But he said he was going to teach Members of Congress better than to come before the Committee on Appropriations asking for appropriations for worthy objects. They must, hat in hand, go to the departments; they must ask a chief of a bureau somewhere to recommend an appropriation in which they were interested to the Committee on Appropriations. If the bureaus are for it the committee may provide it, but on the request of Members of Congress never. The representatives of the people have no standing before the committee. Their voices are not expected to be heard within the sacred confines of the committee room of the Committee on Appropriations. Our people may seek homes on the public domain and not find them, because the land is not surveyed. That does not matter to the Committee on Appropriations. If the third secretary or the subchief of some bureau has not appeared before the committee and assured the committee that the appropriation is necessary in the public service, no appropriation is recommended, none is secured; that is the policy of this Democratic Committee on Appropriations supported by the Democratic majority in the House.

Great heavens, Mr. Chairman, to what a pass have we come, when the Democratic chairman of a Democratic committee in the House of Representatives declares on the floor of the House that the representatives of the people are no longer to be heard; that the voices of the bureaus are alone potent in the councils

of the high and mighty Committee on Appropriations. I am willing to leave the matter as he has left it.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say, in justification of the action of the Committee on Appropriations, that it appears that on April 1, 1912, there were in the State of Wyoming public lands surveyed and unappropriated to the extent of 30,000,000 acres; and it did seem to the committee, in view of the fact that since 1909 only about 3,000,000 acres have been taken up in that State, that there was not that screaming necessity for a special appropriation for the survey of public lands in the State of Wyoming that the gentleman from Wyoming would seem to indicate.

Mr. MONDELL. Of course the gentleman from New York, by reading those three lines, receives more information with regard to the needs of the State of Wyoming in that regard than I have been able to receive in 20 years of residence in the State.

Mr. FITZGERALD. That may be, but it shows the wisdom of the committee in not relying too much upon the representations made by a representative of the people seeking to get public funds from the Treasury to benefit his particular constituents.

The Clerk read as follows:

For the analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, $135,000.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 103, line 12, after the word "States," insert the following: "Including personal services in the District of Columbia and elsewhere."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. FOSTER. That is elsewhere in the field.

Mr. FITZGERALD. I ask that the paragraph be passed and laid aside with the point of order pending.

The CHAIRMAN. Is there objection to passing the paragraph with the point of order pending?

There was no objection.

Mr. FOSTER. After line 12, I want to offer an amendment to come in as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 12, on page 103, insert as a new paragraph the following: "Inquiries and investigations into the mining and treatment of ores and other mineral substances, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that item that it is not authorized by law.

Mr. FOSTER. Mr. Chairman, the original act contains this language:

The treatment of ores and other mineral substances.

Mr. FITZGERALD. Belonging to or for the use of the United States, and that is provided in the paragraph that we have just read.

Mr. FOSTER. This does not say so, if the gentleman will examine the law. Of course I realize that it was stated when we passed this bill that this was not clearly defined; but I think that under this provision of the law it could be construed as authorizing the work of treatment of ores and other mineral substances.

Mr. MANN. Can we have the amendment reported again?

The CHAIRMAN. If there be no objection, the amendment will be again read.

The amendment was again read.

Mr. MANN. I do not understand that in that amendment there is any limitation upon the appropriation at all. The appropriation under the mining act was, as I understood it, confined in the main to investigations of property owned by the United States, and on the public domain. This is an unlimited appropriation for inquiries concerning ores.

Mr. FOSTER. Concerning the treatment of ores and other mineral substances.

Mr. MANN. Without regard to the question of their ownership. Under that item, if it should go into the bill, the department could undertake the treatment of any person's ores, anywhere in the United States. I do not think that was contemplated by the act, and I do not think it is provided in the act. I do not think it was even covered to that extent by the bill that we passed here the other day, which the gentleman made as broad as he could make it.

Mr. FOSTER. There is a limitation in section 5 of the original act which says that the Bureau of Mines shall not have authority to investigate in connection with the inspection or supervision of mines or metallurgic plants in any State, and there is a limitation which prevents employees of the Bureau of Mines from owning stock or an interest in mines. Of course, I agree fully with my colleague [Mr. MANN] that we ought not to go into the question of examining ores belonging to private persons, but this would be spent in accordance with the authority of the act.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if his amendment would, by implication, repeal the other act?

Mr. FOSTER. I do not think so, because I think that under the provision which defines some of the functions of the Bureau of Mines, one of which is the treatment of ores and other mineral substances, that is one of the things this Bureau of Mines is expected to do, or has the authority to do. Of course, it is not intended that they shall go into any particular mine and examine the value of the ore, or anything of that kind, but it is more in a general way.

For instance, it might be determined that in certain fields where ore is found in quantities it would be necessary for some investigation and laboratory work to discover the best way to extract the metal from that particular kind of ore. I think the Chair will recognize the fact that in agriculture we do that very largely. The Government demonstrates to the people how they can raise certain crops. That is supposed to be in a general way for the benefit of every person in that particular region where these crops can be grown. That might occur in the South, which would not be of much benefit to the North, or it might occur in the West where it would not be of much benefit to the East.

Now, that is true, and true so far as ore is concerned. Then there is a question of investigating the natural gas. In the West there is great waste of gas and ignorance of the proper way to save this waste, which I think would be taken up in a general way under this provision of the law. I assure the chairman of the committee that it is not my intention, and I would be the last person to advocate going into private mines and doing this work under that provision of the law. I have the law here, which I can furnish the Chair.

The CHAIRMAN. The Chair heard the gentleman read it, and there is a limitation in it. In the amendment offered by the gentleman from Illinois there is no limitation, as suggested by his colleague [Mr. MANN]. The Chair is of the opinion that if there was something in the amendment providing that there should be no conflict between the amendment and the original act by way of a limitation, that it should not go to the investigation of ores in private mines, the ruling might be different.

Mr. FOSTER. This does not say in this section of the law that the property shall belong to the United States in particular.

The CHAIRMAN. The Chair understood the gentleman to read in the law a limit to the appropriation.

Mr. FOSTER. The last section of the act does say that it shall not be construed as a grant to any officer employed in the bureau any right or authority in connection with the inspection of mines in any State.

The CHAIRMAN. Does the gentleman think the amendment offered by him is in accord with the original act?

Mr. FOSTER. I think it is, if it comes under the bill at all.

The CHAIRMAN. Does the gentleman think that under this appropriation of $50,000, if the amendment should be agreed to, it would apply to property of private owners?

Mr. FOSTER. Oh, no; I think this does not change the law. I think this simply authorizes an investigation in accordance with the act, and that it would be held that the Bureau of Mines could not go beyond the power granted in the original act.

Mr. RUCKER of Colorado. Mr. Chairman, this is somewhat akin to the bill which came up here the other day. I want to say to the members of this committee that we have very many contentions to face——

The CHAIRMAN. The Chair will ask the gentleman from Colorado to address himself to the point of order.

Mr. RUCKER of Colorado. We have so many contentions in the West with reference to the development of our resources, and I want to say, pertaining to this special amendment, that it seems to me that it is much akin to the one that is now in the bill and that it is germane to the provision.

The CHAIRMAN. The Chair has not any question as to the germaneness of the amendment.

Mr. RUCKER of Colorado. I understand the question is of authorization. I have in mind one case where the gases appeared to baffle all the resources of all the experts of Europe as well as here. The mine is known to contain within it the most precious metals, and yet they have never been able to discover any means of suppressing or overcoming the gas so as

to enable it to be extracted. In this connection I want to say that in Colorado upon the same hill was first discovered radium.

The CHAIRMAN. The Chair will say to the gentleman from Colorado that the merits of the question are not under consideration now.

Mr. RUCKER of Colorado. Then, Mr. Chairman, I will reserve what I have to say in reference to that. I think that this amendment offered by the gentleman from Illinois is germane to the provisions in the bill.

Mr. MONDELL. Mr. Chairman, it seems to me that the amendment is not subject to a point of order. I understand the point of order was made by the gentleman from New York. The amendment provides for inquiries and investigations into the mining and treatment of ores and other mineral substances. It is in almost the exact language of the law which provides for investigations into the methods of mining and treatment of ores and other mineral substances.

The amendment follows closely the language of the organic act conferring authority upon the bureau to do the very thing contemplated by the amendment.

The CHAIRMAN. The Chair is of the opinion that there is a conflict between the amendment offered by the gentleman from Illinois [Mr. FOSTER] and section 5 of the original act. The Chair is also of the opinion, as suggested by the gentleman from Illinois [Mr. MANN], that the amendment offered by the gentleman from Illinois [Mr. FOSTER] is a violation of section 5. Section 5 places a limitation which makes it necessary for the Chair to sustain the point of order made by the gentleman from New York.

Mr. FOSTER. Then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 103, after line 12, insert the following:
"Inquiries and investigations into the methods of mining and treatment of ores and other mineral substances, $50,000."

Mr. FITZGERALD. Mr. Chairman, upon that I make the point of order.

Mr. MANN. Is not that the identical amendment that we have just passed upon?

Mr. FOSTER. Not quite.

The CHAIRMAN. The Chair invites the attention of the gentleman from Illinois to the fact that he has quoted the language in the main body of what has just been termed the original act, but it still does not come within the limitation set out in section 5. The Chair therefore sustains the point of order.

Mr. FOSTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 103, after line 12, insert the following:
"Inquiries and investigations into the methods of mining and treatment of ores and other mineral substances belonging to or for the use of the United States, $50,000.

Mr. FOSTER. Mr. Chairman, of course I thought the other amendment was in order, but I will state that within the public-land States in the West there is a great deal of land belonging to the Government and a good deal of it is mineral land. Under this provision of the appropriation bill the Bureau of Mines would be permitted to make such investigation as it deems necessary into the mineral on those lands. There is a great deal of ore and mineral substances in the public lands that belong to the United States. The Bureau of Mines would be able to make investigations into the treatment of those ores and such other investigations as would develop the mining industry of the United States. We realize that within the last few years in some sections of the country the production of the precious metals has depreciated very much. This would help to stimulate the production upon public lands. This also would give opportunity of finding out more about how to extract the metal from these ores, and I believe would be a start in the right direction. I would state that the people of the West, in the metal-producing States, have asked for a number of years that something be done for that section of the country. When this Bureau of Mines was established, it was done largely for the purpose of investigating coal mine accidents, which was proper and right, and I am glad it was made their special business to look after that feature of the work; but I think we have come to a time when there might be some enlargement of the scope of this bureau, and that we might undertake some useful work which these people in the West have asked for, for so long.

We remember that from the public lands, the mining lands of the United States, the mining industry itself has received very little benefit. The proceeds from the sale of public and mining lands has gone into the Treasury or into the reclamation fund or for agricultural purposes, and really the mining industry has not received the benefit which it ought to have received on account of its importance to the general welfare of the country. I believe the chairman of the Committee on Appropriations, if this matter had been called to his attention a little earlier, would have been willing to place this in the present bill, and I feel that his great desire to do everything he can for the upbuilding of this great industry will prevent him from seriously opposing the amendment. I realize that as chairman of that committee it is necessary for him to make some protest, and I feel that he can not let this go without making a protest in some way, but I feel confident that he will not seriously ask that the amendment be defeated.

Mr. FITZGERALD. Mr. Chairman, the gentleman has not done me full justice. He should have stated that the committee has increased by 33 per cent the appropriation available for practically the same purpose for which the gentleman offers his amendment.

Mr. FOSTER. Oh, no; I think not.

Mr. FITZGERALD. The item just preceding provides for the analyzing and testing of coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, and appropriates $135,000. The appropriation for the current year is $100,000, and the committee has increased it $35,000 in accordance with the estimate.

Mr. MANN. Is the gentleman quite sure about his figures?

Mr. FITZGERALD. My recollection is that I am correct. Considering the liberality of the committee in this respect and its desire to meet the demand for this purpose, it seems that it comes with poor grace from gentlemen who have been treated so well to try and increase this appropriation further by an additional 50 per cent over the appropriation for the current year.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. I think the gentleman will realize that the $135,000 will be all taken up in the testing of coals and lignites.

Mr. FITZGERALD. I am not so sure about that.

Mr. FOSTER. I think the committee has acted wisely in granting this increase, and I want to compliment it for the good work it has done.

Mr. FITZGERALD. Mr. Chairman, I think the gentleman should have profited by the example of the committee and not have attempted at this time to practically repeat the appropriation for the same purpose. The Bureau of Mines has done some valuable work. The disposition of the committee is to give it that assistance that it properly should have, but in view of the fact that the gentleman was really endeavoring to obtain an appropriation for a work not authorized and was unable to do that, he should not attempt to increase far beyond the amount requested by the Bureau of Mines itself the appropriation for another purpose amply provided for.

I ask unanimous consent that all debate on the amendment close in five minutes.

Mr. RUCKER of Colorado. Mr. Chairman, I desire to be heard for one minute.

Mr. FITZGERALD. I ask unanimous consent that all debate on the pending amendment be closed in five minutes.

Mr. MONDELL. I object.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate close in six minutes.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Chairman, I ask to be notified at the end of a minute or two minutes. This appropriation for the Bureau of Mines is apparently increased from $475,500, if my figures are correct, to $536,100, although I think those totals are not quite accurate. Now, the Bureau of Mines is doing very well. It ought to move along somewhat slowly. It can not reform the earth at once or in a minute, and if it makes haste too rapidly it will not make good progress. I do not believe there is any occasion for increasing the appropriation by $50,000, as suggested. I was sorry the gentleman did not offer his proposition to come in under the appropriation carried in the bill. If it is necessary to do that work, it can be done under the appropriation provided in the bill. There is no occasion for expending $50,000 to test metals belonging to the United States. We have them tested now in many places.

Mr. RUCKER of Colorado. Mr. Chairman, if I have the other two minutes I want to say that the gentleman from Illinois is entirely mistaken about that. We have more unoccupied and unappropriated mineral land than is already taken, and the way the titles are obtained to-day to the mineral land is by way of inspection. We can not get our titles to the mineral land like we used to, but the inspector has to come along, and he must take his samples of our prospect holes, and he takes them to the assayer to determine whether we have a mineral

claim that is worthy of obtaining a title, so therefore, as I said the other day, truly this provision is in the interest of the Government to determine whether it will part with its title, and I think, as I said also, it might be extended to the question of air and the gas, and determine about the very valuable minerals that have never been discovered before until they were discovered in the State of Colorado. I think we ought to have an additional appropriation with reference to the metalliferous mines, and it has been determined, as said by the chairman of the committee, that all of this money has been spent in the coal fields. Now let us have some of this appropriation appropriated for the development of the western metalliferous mines. [Applause.]

Mr. MONDELL. Mr. Chairman, I hope the amendment may be adopted. I think the amendment, while it is more restricted than I wish it were, is broader and provides for other work than that covered by the items in the bill. I think it is highly important that the Bureau of Mines should have this sum of money for the purpose of investigating the minerals on the public land and minerals for the use of the Government. The money can be very profitably, properly, and usefully spent. I do not believe that the work contemplated can be carried on under the language in lines 10, 11, and 12, page 103, so that the amendment is necessary in order to have this work carried on at all. The appropriation to which the gentleman from New York referred I do not think is available for the work contemplated under the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. RUCKER of Colorado) there were—ayes 19, noes 19.

So the amendment was rejected.

The Clerk read as follows:

For one mine inspector for duty in Alaska, $3,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. What occasion is there for a mine inspector in Alaska?

Mr. FOSTER. I will state that we have some mines in Alaska——

Mr. FITZGERALD. We have coal mines and placer mines and other mines.

Mr. FOSTER. The great Treadwell mine is there.

Mr. MANN. I judge there is no great occasion in Alaska for anybody investigating placer mines, and I am sure for nobody investigating coal mines.

Mr. FOSTER. It is authorized by law.

Mr. MANN. No; there is no authorization of law for it at all. There was an act in 1891 authorizing two mine inspectors for Territories, who were authorized to inspect coal and other mines of the District of Alaska, but I think not at this salary, and I notice the next item. May I ask the gentleman, in connection with this item about the next item, which is for a per diem expenses of an inspector in Alaska. The per diem is $5 a day for one inspector and his traveling expenses, and carries up a total of $3,500. Of course, if he receives his per diem for every working day it would amount to considerably less than $2,000. How much sleeping-car fares can a man expend in Alaska?

Mr. HAWLEY. They sleep six months up there.

Mr. GARNER. The gentleman from New York can tell you about that; he can tell you how much sleeping-car fares they pay in Alaska.

Mr. FITZGERALD. I do not know; I have never traveled on a sleeping car in Alaska.

Mr. MANN. I have reserved the point of order against the mine inspector for duty in Alaska, and in connection with that item is the other item of $3,500 to pay the per diem of $5 per day and traveling expenses, which seems like a very large sum to pay a man a salary of $3,000 and then $3,500 extra as per diem and traveling expenses.

Mr. FITZGERALD. Mr. Chairman, the law fixes the compensation at $3,000 for one inspector of mines in Alaska——

Mr. MANN. Where is the law that fixes the compensation at $3,000?

Mr. FITZGERALD. There is no law.

Mr. MANN. No; that is it. On the other hand, there is a law, I think, fixing the compensation of a mine inspector in the Territory at $2,500.

Mr. FITZGERALD. Two thousand dollars.

Mr. MANN. Well, the appropriation last year was $2,500, $5,000 for the two.

Mr. FITZGERALD. Five thousand dollars, and this man is now in the service and now doing work. We put a provision in here to prevent certain payments to him which otherwise he would receive. The statement was made that it is very essential in placer mines in Alaska to have an inspector there, more essential than in any other place, and the committee did not feel justified in refusing the appropriation necessary to continue that service.

Mr. MANN. This provision in reference to——

Mr. FITZGERALD. The last provision of $3,000 per year was provided in the last Congress.

Mr. MANN. This provision for mining inspectors in the Territories is under an act passed more than 20 years ago. At that time there was no Bureau of Mines and Mining. There was no appropriation made by Congress in reference to the subject except for two inspectors for the inspection of mines in the Territories, where we had the power. Since that time we have created the Bureau of Mines and Mining, and this bill carries over half a million dollars for the inspection of mines and work in connection with them. I can see no occasion for going back and following after the law of 1891. I supposed that the law gave the Secretary of the Interior the authority for appointing a mining inspector for Alaska. We have come to a more recent date.

Mr. FITZGERALD. I have the provision extending the law to Alaska. It is in the appropriation act for the fiscal year 1911. This provision is:

For salaries of two mining inspectors authorized by the act approved March 3, 1911, for the protection of the lives of miners in the Territories, at $2,000 per annum each, $4,000; and said inspectors are hereby authorized to inspect coal and other mines in the District of Alaska, to which District the provisions of said act are hereby extended and made applicable.

Mr. MANN. I will say to the gentleman that I have the same law in my hand, and not only that law but the current law. But that does not authorize the employment of a mining inspector in Alaska at $3,000.

Mr. FITZGERALD. But it does at $2,000.

Mr. MANN. It would authorize the employment of a mining inspector in the Territories at $2,000.

Mr. FITZGERALD. The compensation paid now is $3,000 a year.

Mr. MANN. I do not know under what authority that sum is being paid. There is no appropriation for it and there is no such officer.

Mr. FITZGERALD. The appropriation is made for a man in Alaska at $3,000. The one who was receiving $2,000 is no longer in the service. This is to provide for the man now in the service who has been receiving $3,000 a year.

Mr. MANN. I think they ought to be provided for out of the lump-sum appropriation that we make for the Bureau of Mines and Mining. That is where it belongs. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $5 per day when absent on official business from his designated headquarters, and for actual necessary traveling expenses of said inspector, including necessary sleeping-car fares, $3,500.

Mr. MANN. Mr. Chairman, I make the point of order against that paragraph. It is in the same condition as the other one.

The CHAIRMAN. The burden is on the committee to produce the authorization for it. The committee producing none, the Chair will sustain the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase or lease of the necessary land, where and under such conditions as the Secretary of the Interior may direct, for the headquarters of five mine-rescue cars and for the construction of the necessary railway sidings on the same, $4,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept any suitable land or lands that may be donated for said purpose.

Mr. FOSTER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

On page 104, line 3, after the word "purpose," insert the words "or the donation of any land or building, or the use of any land or building, that may be suitable for experimental work of the Bureau of Mines, except that such donations shall be reported to Congress and shall involve no expenditure on the part of the Government except as may be authorized by Congress."

Mr. PAGE. Mr. Chairman, I reserve a point of order against that amendment.

Mr. MANN. I make the point of order.

Mr. FOSTER. I do not think that is subject to a point of order.

Mr. MANN. We are perfectly willing to argue it.

Mr. FOSTER. I think the gentleman might have been right in making the point of order against the whole paragraph, but he can not make it now.

Mr. MANN. The item in the bill which is subject to the point of order, and to which the point of order was not made, is the item authorizing the acceptance of land for railway sidings for mine rescue-car stations. Now, it is proposed to add to that a provision authorizing the acceptance or donation of lands or buildings suitable for experimental work.

The CHAIRMAN. To what is the gentleman addressing himself? To the amendment?

Mr. MANN. The point of order to the amendment.

Mr. GARNER. No point of order was made against the paragraph.

Mr. PAGE. There was no point of order made against the paragraph, Mr. Chairman.

Mr. MANN. I was admitting that the paragraph was subject to the point of order.

Mr. CAMPBELL. It is not admitted.

Mr. MANN. If it was not, of course the amendment is out of order. I was admitting that for the purpose of the argument. But the donation that they are authorized to accept in the paragraph which was subject to the point of order was simply land for the purpose of railway sidings in connection with mine and rescue-car stations.

Now, that does not authorize, under the rules, an amendment which covers another subject, and the amendment offered by the gentleman is the acceptance of a donation of any land or buildings for experimental stations. It is an entirely different proposition. The Chair made the ruling the other day that, although an original provision might be subject to a point of order, it did not authorize another amendment on any other subject or extending the scope of the provision.

Mr. FOSTER. I think, Mr. Chairman, that this paragraph being subject to a point of order—the paragraph which has just been read—an amendment which otherwise would be subject to a point of order is not subject to a point of order now. Inasmuch as that point was not made to the paragraph which was not in order, I think this amendment is clearly in order.

Then, this refers to mine-rescue stations, mine-rescue cars, necessary railroad sidings, and so forth. Now, this has reference to the experimental mine stations, and has to do with the same class of work—that is, it is associated with it in that these mine-rescue stations are for the purpose of providing relief in case of mine accidents. What is sought to be obtained in this amendment is that the Government shall have the right to accept certain lands or property that may be offered for the purpose of establishing mine experimental stations in reference to mine accidents. So I think they are very intimately associated, and that for those reasons the amendment should be held in order.

Mr. CAMPBELL. I assume that the idea of the gentleman from Illinois [Mr. FOSTER] is a practical one, the having of this station that he contemplates as an auxiliary to the car on the siding.

Mr. FOSTER. Certainly.

Mr. CAMPBELL. Supplementing the work of the Bureau of Mines in its rescue or relief service?

Mr. FOSTER. Yes; certainly. It is to make experiments along those lines. For instance, at Pittsburgh there is an experimental station. At that station they make experiments in order to determine the effect of explosions, what produces explosions, what prevents them, and so on, and that goes along with the work of the mine-rescue cars and rescue stations.

Mr. CAMPBELL. Mr. Chairman, on the point of order I think there can be no question but that the amendment offered by the gentleman from Illinois [Mr. FOSTER] is germane to the paragraph and supplements it, and really has for its object the carrying out of the intention of Congress in its rescue work for the aid of miners in case of accident; and if it is proper to accept land for sidings for a rescue car, it must follow that it is just as competent to accept land for a shed or a building or a station, in which this kind of rescue work may be had, in connection with the work that is done by the rescue car on the siding.

The CHAIRMAN. The Chair recognizes the principle that although the paragraph itself may have been subject to a point of order, an amendment perfecting it is the greatest extent to which it may go; and while the paragraph itself may be new and unauthorized legislation, additional legislation is not in order. Therefore the Chair sustains the point of order.

The Clerk read as follows:

In all, for the Bureau of Mines, $533,100.

Mr. MANN. Mr. Chairman, the figures on that line need changing, and I suggest to the gentleman from New York that he ask unanimous consent that the Clerk be authorized to correct the totals—that he make that general request.

Mr. FITZGERALD. We always ask that as to all these bills, that the Clerk may have the right to correct the totals.

Mr. MANN. We might as well ask that now.

Mr. FITZGERALD. I ask unanimous consent that at the end of the bill the Clerk be authorized to rearrange the totals to conform to what is done.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000; so much of which sum as may be necessary for the purchase of supplies shall be immediately available: *Provided*, That no person employed hereunder as special agent or inspector, or to perform any special or unusual duty in connection herewith, shall receive as compensation exceeding $200 per month, in addition to actual traveling expenses and per diem not exceeding $4 in lieu of subsistence, when absent on duty from his designated and actual post of duty: *Provided*, That of the sum hereby appropriated not exceeding $7,000 may be expended for personal services in the District of Columbia.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the typographical error at the end of line 4, on page 105.

The CHAIRMAN. If there be no objection, the typographical error at the end of line 4 will be corrected.

There was no objection.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, $5,500.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the paragraph just read may be passed over for a few moments, as the gentleman from Wyoming [Mr. MONDELL] wants to be heard on it, and he is temporarily absent from the Hall.

The CHAIRMAN. If there be no objection, the Clerk will proceed with the reading.

There was no objection.

The Clerk read as follows:

No expenditure for construction of administration or other buildings shall hereafter be made in any national park except under express authority of Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that paragraph.

Mr. FITZGERALD. Mr. Chairman, if the gentleman understands that provision, I think he will favor it. I think everyone interested in the national parks will favor it. In some of the national parks the revenues are permanently appropriated for improvements. Complaint has been made that inadequate appropriations have been made for those improvements, and yet in the Yellowstone National Park it was disclosed that more than $23,000 has been accumulated from the revenues, the intention being to accumulate $50,000 to erect an administration building. The superintendent of the Yellowstone National Park at present resides in the fort with the troops. He is an Army officer. The records are all there. The desire of another department of the Government to eliminate the Army from participation in and control of these parks is responsible for the accumulation of this fund out of the revenues which are supposed to be utilized in maintaining the park, in order that the accumulated fund may be used for the construction of this administration building. At one of the other parks $7,000 or $8,000 has been accumulated for the same purpose. The most important improvements in the park are the building of roads and trails, and it being disclosed that two parks are in a position where these funds have been segregated from the purposes for which they were contemplated, for the erection of very expensive buildings, the committee thought it wise to put this limitation into the bill.

Mr. MANN. As far as I am concerned, I agree with much or all that the gentleman has said. Yet it must be necessary in these parks sometimes to construct small buildings, outbuildings, or something of that kind, for which express authority from Congress would not be asked.

Mr. FITZGERALD. Yes; it would in this way, that the appropriation would include so much for a lodge or something of that kind. That is the only way to prevent this abuse. Here they have been for three or four years accumulating this money——

Mr. MANN. I was going to ask the gentleman whether it would not prevent the abuse if he would put a limitation upon the amount that could be expended for any building? The

gentleman does not desire to make an express appropriation for the building of an outbuilding or some other structure that may cost four or five or six hundred dollars, I take it?

Mr. FITZGERALD. Oh, no.

Mr. MANN. Why not provide that no building paid for in this way shall cost to exceed $1,000 or $500?

Mr. FITZGERALD. That does not do much good, because I have on my desk a request for some four hundred and odd dollars, where a man made a contract with the Forestry Service for a building to cost $900, although the law was that no building should be contracted for in excess of $500.

Mr. MANN. The gentleman is partly correct about that. I know about the case. There was a question whether the law governed that case or cases of that kind. The department made a contract with a man to build a building for nine hundred and odd dollars. The department believed that it had the authority to make the contract, that the $500 provision did not apply, but the comptroller ruled that the $500 limitation did apply.

Mr. FITZGERALD. The genleman knows that if there was any question about it the department, under the law, could have invited the opinion of the comptroller in advance and got a decision.

Mr. MANN. I will say to the gentleman that my knowledge of the case comes from the fact that the Committee on Claims has unanimously reported a bill to pay the four hundred and odd dollars. It seemed to me perfectly plain that no criticism of the department or anybody else could be made.

Mr. FITZGERALD. I think there would be a criticism if there was any doubt about the expenditure of the money when they had the power to call for an opinion of the comptroller in advance and did not do it.

Mr. MANN. That may all be, but they do not call for an opinion from the comptroller every time some one wants to build a $900 building. I suppose the comptroller was right, although I doubt whether the decision was correct, if he had not made it. He settles the law. If we had the provision in the bill before us no one would have supposed that that limitation applied to a building in the case that he held it to apply to. Now, why not put a limitation on this provision?

Mr. FITZGERALD. I have no objection to the gentleman putting in such a limitation.

Mr. RUCKER of Colorado. Mr. Chairman, I am in doubt whether to ask a question of the gentleman from Illinois or the gentleman from New York.

Mr. MANN. The gentleman can ask it of anybody and see if anybody can answer it.

Mr. RUCKER of Colorado. I am much in doubt of getting a correct answer, for the two gentlemen disagree too much. I am under the impression that there is an appropriation asked for to maintain these parks as well as the national monuments. I think the appropriation asked for is $75,000. I see the gentleman from New York shrugs his shoulders. Whenever an appropriation is mentioned the gentleman from New York shrugs his shoulders, and I think it would be the same with 75 cents as if it was $75,000. The gentleman from New York has the atlas of the world upon his shoulders at the present time.

Mr. FITZGERALD. Very few persons can shrug their shoulders with the atlas of the world on them.

Mr. RUCKER of Colorado. It is not because the atlas weighs so much, but because there might be an untoward wind that might drive the atlas off, and then what in the world would become of us?

Mr. FITZGERALD. Oh, ask the question.

Mr. RUCKER of Colorado. Is it not true that there is an appropriation asked for both for the maintenance of parks and national monuments, and would not that cover this appropriation that is in here, and why should you make an exception of national parks?

Mr. FITZGERALD. All of the national parks are specially provided for. There is a special appropriation made for the various national parks and the monuments for which there is any expenditure made.

Mr. RUCKER of Colorado. The point is that there is a bill here asking for a general appropriation for not only the present national parks, but for the future national parks.

Mr. FITZGERALD. I am not familiar with that bill. There is a bill which has been introduced for the creation of a bureau in the Department of the Interior to have charge of all of the national parks, but that would be merely an administrative bureau.

Mr. RUCKER of Colorado. I do not want the gentleman to understand me as objecting to this appropriation. I believe in all appropriations for national parks.

Mr. MANN. Mr. Chairman, will the following amendment be agreeable to the gentleman from New York: To insert, after the word "building," in line 11, "costing in the case of any building exceeding $1,000," so the paragraph would read:

No expenditure for the construction of administration or other building costing in the case of any building exceeding $1,000 shall hereafter be made.

Mr. FITZGERALD. I would make it $500.

Mr. MANN. I do not know that I have any objection to that. Mr. Chairman, I will withdraw the point of order and offer this amendment: In line 11, after the word "building," insert the words "costing in case of any building exceeding $500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On and after July 1, 1912, permanent appropriations heretofore made of revenues derived from national parks shall be expended only for construction, improvement, and repair of roads, trails, and bridges in the respective parks and for no other purposes whatever.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. Does the gentleman think that this provision is desirable?

Mr. FITZGERALD. The revenues do not amount to much, and it is important in this respect. There is a desire to use the revenues where permanently appropriated in the repair of roads; there is a decision of the comptroller that wherever a special appropriation is made for roads the revenues can not be used for that purpose. We wish to do two things by this. We wish to compel the expenditure of the accumulated surplus on these particular things most important, and to make it possible to expend the revenues on roads, trails, and bridges, in this instance, where specific appropriation has been made.

In the Yellowstone Park the appropriation for roads is under the War Department, and the revenues collected are under the Interior Department. The Interior Department wished to transfer a portion of the revenues for making imperative repairs to the roads, and it is impossible to do so.

Mr. MANN. Are the collections used by the Interior Department in payment of the ordinary expenses? Is not a part of the money derived now from the Yellowstone Park used for the ordinary expenses under the Interior Department, or is the entire money turned over to the War Department?

Mr. FITZGERALD. That is what it should be, but I think in the Yellowstone Park there are only two guides outside of the Army.

Mr. MANN. Who pays them?

Mr. FITZGERALD. They are paid out of a special appropriation made for them, which the gentleman will find on page 106, lines 8 and 9, of the bill.

Mr. MANN. That is the administration. I will withdraw the point of order, but, Mr. Chairman, I ask unanimous consent, in line 14, to correct a typographical error.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement of the Yosemite National Park and the construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $50,000.

Mr. NEEDHAM and Mr. SHERLEY rose.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 106, after line 23, insert the following:

"So much of the appropriation of $12,000 made in the sundry civil act approved June 25, 1910, to enable the Secretary of the Interior to examine into the data required to be submitted by the city of San Francisco with reference to a water supply for that city from Lake Eleanor and adjacent watersheds partially within the Yosemite Park, or from any other available sources of water supply, and to collect such independent data and information as may be necessary in the premises, including all incidental expenses of the officers of the Engineer Corps of the United States Army detailed by the Secretary of War as an advisory board to the Secretary of the Interior in connection therewith, as remains unexpended on the 30th day of June, 1912, is hereby reappropriated and made available during the fiscal year 1913 to enable the Secretary of the Interior to continue such work during that period.

Mr. NEEDHAM. Mr. Chairman, I have no objection to that amendment, but I desire to offer one in advance of it affecting the amount of the appropriation. Is it in order now, or would it be in order after this amendment is agreed to?

Mr. SHERLEY. Mr. Chairman, I desire to have this amendment adopted. I do not know what the gentleman is going to propose. This represents the view of the committee and is the extent to which the committee feels justified in going.

Mr. NEEDHAM. I simply desire to offer an amendment adding $50,000 to the amount already appropriated, and thought it better be done in advance of the gentleman's provision. I do not want to lose any of my rights.

Mr. MANN. I think the gentleman would better offer his amendment now.

Mr. NEEDHAM. Then, Mr. Chairman, I move to amend by striking out in line 23, page 106, the figures "$50,000" and inserting in lieu thereof the figures "$100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, line 23, strike out "$50,000" and insert "$100,000."

Mr. NEEDHAM. Mr. Chairman, the estimates submitted by the Interior Department for the Yosemite National Park for the next fiscal year amount to $274,820. The committee has recommended $50,000, which is less than one-fifth of the amount estimated. The situation with respect to the Yosemite National Park is this: Some years ago the Yosemite Valley Railroad Co. built a railroad from the city of Merced to El Portal, which is upon the park line. From El Portal to the Yosemite Valley there was no wagon road to the valley. The railroad company built a wagon road at an expense to them of $100,000, and the Government of the United States has had the use of this road since. The travel which goes into the Yosemite National Park by rail goes over the Yosemite Valley Railroad and thence by stagecoach from the end of the railroad into the valley proper.

The $100,000 which it cost to construct this road was paid by the railroad company. It is not a well-built road. It is narrow and runs along the canyon of the Merced River, and during this past tourist year one person was killed and several were injured in passing over the road. The fact of the matter is that the road is not in a safe condition, and of the estimates submitted a part are for the purpose of making this road safe and the balance for trails and roads to reach the principal scenic features of the park.

I understand the Government, in fixing the basis of concession charges, exacts of the stage company for going over this road $1 for every tourist carried. In other words, the Government obtains for every tourist who goes into the park over this road a concession charge of $1. The Government also receives a concession charge for each tourist from the hotels and camps.

In the year 1915 we expect to have a great number of people who will visit the State of California. Tickets sold to the exposition in San Francisco during that year will include a trip to the Yosemite National Park.

It is in the interest of the Government, in the interest of the revenues of the Government, that the roads of the Yosemite National Park should be put into such condition that the people who will visit the park may do so safely and comfortably. It is imperatively necessary that we begin now to make these improvements. That is the reason why the estimate of $274,820 was submitted by the Interior Department. It will be an investment, in my judgment, and will bring to the Government during the year 1915 alone, over $100,000. It seems to me that the amendment I offer should be adopted without question, because unless we do improve these roads it will be impossible to transport the crowds that will desire to visit the park during that year.

In the five minutes allowed me I can not go into a description of the beauties of the Yosemite Park or the desire of the tourists to visit it when visiting the State of California. Its fame and beauty is such that there is no doubt but that a large number of people who go to San Francisco to visit the exposition in 1915 will desire to include in the trip a visit to this wonderland. I trust the Committee of the Whole will adopt the amendment. [Applause.]

Mr. SHERLEY. Mr. Chairman, the committee has recommended an appropriation of the exact sum that was given last year and the exact sum that was given the year before, if you exclude from it $12,000 that was to provide a part of the sprinkling apparatus which has now been supplied. If the Committee on Appropriations listened to the demands that were made upon it in connection with the public parks, there would be no limit to the sums that we would be called upon to appropriate. There have been asked, not only for this park, but for several others, sums three and four and five and six times the amount heretofore appropriated by Congress. It is a very serious question as to how far we should go in the development of the various park systems that we have. Every time there is discovered in any of the States any property that, by any stretch of the imagination, can be thought to be desirable for a national park and therefore maintained at national expense, local pressure is brought to bear to induce Congress to appropriate, first, money for the purchase and afterwards for the maintenance of it as a national park. Yet the fact remains that a very insignificant number of people, very much less than a fraction of 1 per cent of the people of America, annually visit these national parks. For my own part I believe the time has come in America when we should impose upon those citizens who get the special benefit of the parks some of the burdens of them, and I should like to see adopted a provision by which every person entering these parks would be charged a reasonable entrance fee.

I appreciate that the average Member on first blush would say that we ought not to require a payment to visit a national park, but when you consider the expense in attending a park is such as to make a fee of a dollar or two simply an incident to the other expenses, it would have the effect not of deterring anybody but simply of providing some revenue to enable us to more rapidly improve the park.

Mr. WARBURTON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. WARBURTON. In talking with the superintendent of the parks, and also the man who has charge of the national parks, Col. Thompson, it has been suggested, which I think probably meets the gentleman's suggestion, that when you give a license to hotel men, for instance, in a park, you should require them to collect, say, 20 cents a day from each visitor. Some go into the park to remain there three or four days or a week, and others remain only a day. I think that has been done in the case of Mount Rainier National Park. There is a revenue collected nearly equivalent to $1 from every man, woman, and child who has entered the park ever since it has been established. It seems to me it could be done in that way, and very easily, even if you put it at a small amount, say 10 or 20 cents a day.

Mr. SHERLEY. I have no objection to any plan that will occasion the people who use the park to pay some of the burden of the maintenance of the park. Now, the point is this, that a good deal of the agitation and what you hear described as public sentiment in connection with parks is simply a sentiment of local communities that are beneficiaries of the park system or of the railroads that naturally want to advertise the park and induce travel there in order that they may get the revenues for hauling people across the continent, and at this time there has been an undue pressure under the plea of the exposition at San Francisco that therefore we should make elaborate improvements. Here is an estimate for $274,000 for roads and trails in the Yosemite. Manifestly the committee would not have been warranted, in view of the policy of Congress in the past, in appropriating any such sum. The appropriation in 1903 was $6,000 for the Yosemite; in 1904, it was $6,000; in 1905, it was $5,400; in 1906, it was $5,400; then a special act of $20,000; then in 1907, it was $5,750; in 1908, it was $30,000; in 1909, it was $30,000; in 1910, it was $30,000; in 1911, $62,000, $12,000 of which I have explained; in 1912, $50,000. The committee this year has recommended the maximum sum that has ever been allowed by Congress for the Yosemite if we exclude the $12,000 for the special purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears no objection.

Mr. RUCKER of Colorado. I know the gentleman has traveled extensively. Will he tell this committee where in the world, not only in the world but anywhere in our country, when you went into a park you had to pay an admission fee?

Mr. SHERLEY. Oh, yes; I recall several in England I visited where I paid admission, and I recall one not owned by the Government in Colorado where I paid admission.

Mr. RUCKER of Colorado. Please tell me where in England you went into a park where you had to pay a fee to get in.

Mr. SHERLEY. I can not recall the place, but I recall what is known as the Torrent Walk, in a park in England, I had to pay an entrance fee, and I am quite sure that is true of some places in Switzerland. But that is neither here nor there.

Mr. RUCKER of Colorado. That is, to the guide?

Mr. SHERLEY. No; it was not to a guide. But that is neither here nor there, whether England or the other countries do it or not. If it is right I think it ought to be done, and if it is not right we should not do it.

Mr. RUCKER of Colorado. I do not think it is right here. I do not think there is a necessity for going to that sort of thing, even if other countries do.

Mr. SHERLEY. The proposition is simply this: Here is the Yellowstone, our greatest national park. Last year 23,000 people attended the Yellowstone National Park. Now, out of 90,000,000 people 23,000 enjoyed that park. Does the gentleman think it would be any great hardship to charge those people in addition to the sums that they voluntarily pay to the transportation companies an entrance fee of a dollar a person?

Mr. RUCKER of Colorado. No; I am going to get my friend from Illinois [Mr. MANN] to answer the gentleman upon that.

Mr. MANN. May I ask the gentleman whether, after all, the ques ion is, how will people consider it who will be charged a direct charge. The gentleman of course would not charge United States citizens for coming into the Capitol to inspect it. We would not think of that. I do not think anyone would think of charging people for going to see the Congressional Library, although it is well worth seeing. We would not think of that, not because people might not properly be charged for the maintenance, but because it would appear to them as a niggardly and stingy act on the part of the Government. If it could be done indirectly as suggested by the gentleman from Washington, perhaps——

Mr. SHERLEY. Well, I am not so much concerned about whether it is done directly or indirectly as I am about this. It is perfectly manifest that Congress is not going to be willing with the present light attendance at these parks to expend the money that gentlemen representing these parks insist ought to be expended, and the result is that we must proceed along the lines we are proceeding, which are very slow, or we must provide some other method of adding to the revenues that are to be spent on the parks.

Mr. NEEDHAM. Is it not true we are now getting indirectly this revenue by charging the transportation companies for the privilege of transporting passengers?

Mr. SHERLEY. It is true that last year we got $35,000, all of which is expended, in addition to the money which is appropriated.

Mr. NEEDHAM. That is quite an amount—$35,000.

Mr. SHERLEY. Yes; and that is in addition to what we have appropriated. And yet the estimates call for $270,000 this year for the Yosemite National Park, away beyond anything that the committee would be warranted in giving.

Now, I had the pleasure of visiting the Yosemite. I appreciate the beauty of that park, and I realize how easy it is for any gentleman, knowing its beauty and representing the State in which it is situated, to urge upon Congress the building of any number of roads and trails in that park in order that its beauties may be enhanced and the more easily seen by tourists; and yet I submit to the House that the committee would not be warranted in recommending the appropriation of anything like the sum that is asked for, in view of the policy that has been pursued heretofore.

I agree that in the past there has been an absence of an enlightened policy. We ought, perhaps, to create a head to look after all the national parks and devise a system for their improvement along fixed lines. But under the circumstances the committee did not feel warranted in going fast.

Mr. NEEDHAM. Did not the committee some years ago adopt the policy in regard to the Yellowstone National Park of making a lump-sum appropriation of a million dollars a year, and were not roads built in pursuance of that policy?

Mr. SHERLEY. Congress appropriated at different times large sums for the improvement of the Yellowstone, and yet the Yellowstone people to-day are just as loud, and perhaps a little louder, in their protests against the treatment that Congress has given to that park than the gentleman from California with respect to the Yosemite; and if to-day we gave every dollar that is asked for here, we would still be confronted with just the same number of demands. The fact is that the demand is measured by the liberality, and the more that is given the more they ask. The railroads, that particularly profit by it, and a few magazines that want to publish special articles on the beauties of America continue to present what they claim is public opinion on that subject, and yet in fact there is so little public opinion upon the subject that the attendance in those parks is but a negligible quantity.

Mr. WARBURTON. I want to say, Mr. Chairman, as one of the Members who have a park asking for appropriations, that I agree, in a large measure, with the opinion of the gentleman from Kentucky [Mr. SHERLEY]. As a matter of fact, visitors in the three larger parks now are assessed the equivalent of a dollar a head for every man, woman, or child who enters the park. In the Yosemite Park last year the Government received $3 a head for every man, woman, and child that entered it.

Mr. SHERLEY. If the gentleman will permit, is not this the accurate statement: Not a dollar was charged for entering the park, but a charge was made against the automobiles using a certain road that led to the park?

Mr. WARBURTON. I do not know how that is with respect to the Yosemite, but that is the way it is done in the park I am interested in—Mount Rainier National Park.

Mr. SHERLEY. We do not charge people for entering the parks?

Mr. WARBURTON. No. We are glad to pay for entering the park. We do not object to that, but when we do that we want to have a road improved. Last year 700 automobiles entered the park, to which they contributed $3,500.

Mr. SHERLEY. Where did that $3,500 go?

Mr. WARBURTON. That will go to the improvement of the national park during the coming year.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Texas?

Mr. WARBURTON. Yes.

Mr. SLAYDEN. Does the gentleman think that the contributions of the automobiles equal the damage done by them to the roads?

Mr. WARBURTON. I think they do. In the park I am interested in I am sure it is true. If you give us a road, the park will be self-sustaining from the charges made to people entering the park. It can be done in an indirect way. It is done in that way now. For instance, the hotel keepers in those parks pay so much license for running the hotels. The people who operate a 'bus pay so much for the privilege of operating a 'bus; and if you enter with your own vehicle and drive in with a team or an automobile, you pay so much for entering the park. We are not asking for a reduction on that point at all. The charge is equivalent in the three larger parks to $1 a head. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] offers an amendment, on page 106, line 23, to strike out "$50,000" and insert in lieu thereof "$100,000." The question is on the adoption of the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. SHERLEY. A division!

The committee divided; and there were—ayes 20, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, the question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY], which was read.

The CHAIRMAN. The question now is on the adoption of the new paragraph offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

Mr. MANN. Reserving the right to object, Mr. Chairman, it is a long amendment to reappropriate money for a survey in California for Lake Eleanor.

Mr. CAMPBELL. Then I withdraw my request.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to recur to the provision with regard to the Yellowstone National Park, lines 8 to 12, on page 106. I desire to offer an amendment at the end of line 9.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Page 106, after line 9, insert the following:

"To enable the Secretary of War to prepare an estimate of the cost per mile and the aggregate cost of widening and surfacing the main-traveled roads and bridges of the Yellowstone National Park, to make them suitable and safe for the use of both teams and motor vehicles, $10,000."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The point of order is reserved. The Chair is ready to rule.

Mr. MONDELL. Mr. Chairman, this amendment is asked in order that the roads in the Yellowstone Park may be surveyed and investigated with a view of admitting automobiles to the park. The automobile owners of the country have for years been seeking entrance to the Yellowstone Park and to the system of park roads. The Secretary of the Interior and others having charge of the park have been of the opinion that if motor vehicles were alowed in the park in the present condition of the roads there would be danger of serious accidents. At some points the roads are rather narrow. At some points there are very sharp curves. It would probably be necessary either to provide for additional roads at certain points or for the widening of the roads in order to enable those using the park with automobiles to go through it without interfering with the park coaches and with the ordinary travel of those who use their own vehicles.

This is the largest and the finest of all the national parks. It has a wonderful system of roads and there is a constantly increasing demand on the part of those fortunate enough to own automobiles to be allowed to utilize the park. I think it would greatly increase travel to the park if automobiles were allowed in it. Automobile owners are to a constantly increasing extent making long trips across the country with their machines. The coming of the San Francisco Panama Exposition is going to lead to a largely increased transcontinental travel by the use of automobiles, and it ought to be possible for these owners of automobiles to go through the national park. As the matter now stands, they can reach the borders of the park with their machines. It is impossible for them to go through the park with their machines, and therefore they are required to make a long detour of several hundred miles in order to view the park and proceed on their journey with their automobiles.

I think the amendment is not subject to a point of order. In any event, I hope the point of order will not be insisted upon and that the amendment will be agreed to.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the ground that the amendment is new legislation and not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, after line 9, insert the following:

"For the improvement and repair of the east and south roads into Yellowstone National Park through the national forests, $50,000."

Mr. SHERLEY. Mr. Chairman, I make the point of order that the amendment is not in order; that it is not germane to the bill.

Mr. MONDELL. Does the gentleman make the point or reserve it?

Mr. SHERLEY. I make the point. The appropriations for the building of roads in the forest reserves are carried in the agricultural bill. We are now under the Interior Department, and there is no authority for an appropriation of this kind on this bill at all, and particularly at this place.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I would very much prefer to discuss the merits of the amendment, rather than the point of order. If the gentleman insists on making the point, I want to say that the amendment is clearly not subject to a point of order. It is true that these roads are partly within a forest reserve. The words "within the forest reserves" are used only to indicate a certain portion of these roads. My amendment does not apply to the improvement of the entire length of the east and south roads. It applies only to the improvement of the parts of the east and south roads that are in the forest reserve. The east and south roads are part of the Yellowstone system of park roads. Appropriations for their improvement and repair have been carried in the sundry civil bill for the last 10 years. There has not been a sundry civil bill in that length of time, except this one, which has not carried an item of this kind for the improvement of the east and south roads.

A short time ago the gentleman from New York [Mr. FITZGERALD] objected to appropriations which were simply requested by representatives of the people. He wanted some higher authority for the granting of these appropriations. In this particular case I have a recommendation from the superintendent of the park for this appropriation. It is too long to read, but I shall insert it in the RECORD. He itemizes the needed repairs and improvements, totaling approximately $50,000. It is as follows:

DEPARTMENT OF THE INTERIOR,
YELLOWSTONE NATIONAL PARK,
OFFICE OF SUPERINTENDENT,
Yellowstone Park, Wyo., January 17, 1912.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, transmitting copy of bill (H. R. 14475) appropriating $50,000 for the improvement of the East and South Roads into Yellowstone Park, together with copy of a letter from Hon. F. W. MONDELL in relation thereto, and after conferring with the United States Engineer Department in the park and securing notes on the roads in question the following is submitted:

As to the East Road in the forest reserve:

The East Road, together with the bridges and culverts, were put in a fair condition of repair during the season of 1911. In the regular estimate for park roads for the fiscal year 1913, the sum of $4,500 was included for improvement of this approach, but this amount was calculated to cover the necessary repairs to the road, bridges, and culverts only. To replace the bridges on the North Fork and Elk Creek Fork, as suggested by Mr. MONDELL, by new wooden bridges with concrete abutments would cost about $12,000 additional. This road is used considerably by automobiles, and a few "turning-out" places constructed at frequent intervals along the narrow portion in the passes would add greatly to the safety of passing teams. Much in this line could be done for $1,500. Total needed for East Road, $18,000.

As to the South Road in the forest reserve:

From the southern boundary of the park to Moran, Wyo., a distance of 24 miles, and from Moran to Jackson, Wyo., 24 miles, the roads are in fair condition except that the bridges and culverts need repairing or replacing. From Moran to Dubois, Wyo., 70 miles, the bridges and culverts need repairing, and, in addition, if the road is to be made passable for automobiles the location must be changed in places in order to reduce the grades, and many small streams that are now forded by teams must be provided with bridges. I am informed that this part of the road is in very poor shape; that the grades in many places are excessive—20 to 40 per cent and even as high as 45 per cent in a few places. It is also stated that these grades could be reduced to 15 per cent without increasing the distance appreciably. In the annual estimate for roads and bridges in the park for 1913 the sum of $1,500 was included for these 118 miles of road, but this was intended only to provide for a crew to go over them in the spring and make necessary repairs, and not for material improvement in the way of cutting down grades or supplying new bridges. The Engineer Department estimates that the necessary repairs could be made, the grades cut down to 15 per cent, and new bridges furnished where necessary, so that the road would be passable for automobiles for $30,000.

This makes a total of $48,000 needed for the East and South Roads if they are to be put in condition for automobile travel.

As to the necessity for and advisability of the enactment of the legislation contemplated in the bill, I can only say that the necessity is apparent if it is considered advisable to keep these roads open at all, and it is well known that the more excellent roads there are leading into the park the more popular and accessible the park becomes.

Very respectfully,

L. M. BRETT,
Lieutenant Colonel First Cavalry, Acting Superintendent.

My amendment is drawn for the purpose of providing for the improvements and betterments which the superintendent of the park has recommended. The east and south roads are the most picturesque public roads in the United States. One of them passes through the famous Jacksons Hole country into the park from the south. The other passes into the park from the east, through the Hoodoo Mountain country, past the great Shoshone Dam, the highest in the world; and it is probably the finest 60 miles of road in America, built under appropriations carried in the sundry civil bill and repaired under appropriations carried in this bill.

There is no other way in which the improvements of these roads can be continued except by an item in this bill. For a considerable distance the roads pass through forest reserves. That does not change their character; they are a part of the system of park roads, and appropriations for park roads will be used to a certain extent on these roads. But there is an urgent necessity for improvement of the portion of these roads that lie in the forest reserves. Therefore I have drawn the amendment so it will be in addition to the general appropriation for park roads, but still an appropriation for park roads, and therefore not subject to a point of order.

Mr. SHERLEY. Mr. Chairman, on page 63 in this bill is a provision, under the head of Yellowstone National Park, for the maintenance and repair of improvements, $70,000, which would be the only point, if any point in the bill, where the gentleman's amendment would be in order. But the fact that there has been in this bill in the past various items for the improvement of roads through the forest reserve in Yellowstone Park, while it speaks a good deal for the zeal and diligence of the gentleman in getting appropriations, it does not, in any sense, show the law for the provision.

There is carried now half a million dollars in the argricultural bill for the purpose of improving roads through the forest reserve. It has never been held that any law exists authorizing in this bill such an item, and the gentleman has cited no authority, but simply made the statement that this was in order, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I offer an amendment striking out the words "through the forest reserve."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, after line 9, insert the following:

"For the improvement and repair of the eastern and south roads in the Yellowstone National Park, $50,000."

Mr. SHERLEY. Mr. Chairman, I make the point of order on two grounds; one is, that there is nothing to show that these roads are in the national park, and therefore in order, and the other is that if in order on this bill it would only be in order on page 63 of the bill, where there is provision made under the War Department. The building of roads and the improvement of roads is not under the Department of the Interior, but under the War Department.

The CHAIRMAN. The Chair is of the opinion that the words stricken out do not relieve it from being subject to the point of order. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard. The east road has been so known for years——

Mr. SHERLEY. Mr. Chairman, the Chair having ruled, I demand the regular order.

Mr. MONDELL. I understood that the Chair desired further information. The gentleman said there was nothing in the appropriation to indicate that the roads are in the park. But the gentleman knows that the roads are in the park. East road, I was going to explain to the Chair, begins at the outlet of the Yellowstone Lake, crosses the Yellowstone River on a bridge built under an appropriation identical in language to this, extends from that point easterly through Silver Pass to the eastern border of the park, and thence through the forest reserve. The south road begins at Yellowstone Lake and extends south to the southern boundary of the park, just above Jackson Lake. These roads are a part of the park system. It is true that they extend beyond the boundaries of the park, and if this item were adopted there could be no part of the appropriation used outside of the park, the fact still remains that it would be available for the part of the road within the park, and the gentleman will not deny that the eastern and south roads are within the park as I have stated. They are a part of the park system of roads and are within the Yellowstone Park.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Crater Lake National Park, Oreg.: For protection and improvement of the Crater Lake National Park and repairing and extension of roads, $3,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 107, line 9, add as additional sentence the following:
"For the construction of a wagon road and necessary bridges through the Crater Lake National Park, Oreg., in accordance with the recommendations contained in the report of the War Department, published as House Document 328, Sixty-second Congress, second session, for the commencement of such improvements, $50,000."

Mr. HAWLEY. Mr. Chairman, this amendment is offered pursuant to a survey authorized in the sundry civil bill of 1910 to provide for a system of roads, to make available the natural beauties of this park. The counties on either side of the park have constructed roads through their own lands up to the Government possessions, and these roads are good and efficient roads.

I left Medford one day in an automobile, traveled 84 miles, climbed more than 5,000 feet into the air in less than eight hours' time, and part of the road was new construction. That proves the character of the county roads.

This park is in the southern part of the State of Oregon. It is within 6 miles of the present extension of the Southern Pacific Railroad, and on what will be the main line from San Francisco to Portland, Oreg. It has in it inefficient roads. A large number of people visit the park every year, and a great many more desire to do so if they could get from one side of the mountains to the other side through the park.

The lake itself is located in the ruin of an old volcano. Mount Mazama was formerly a mountain of some 15,000 feet elevation. Some six or seven thousand feet of the top of the mountain have been blown out or have dropped down in some great convulsion of nature, leaving a cavity 4,000 feet deep. This cavity is half full of water, the water being 2,000 feet deep. The surface of the lake is 6,177 feet above the surface of the ocean. The highest point of the rim is about 2,000 feet above the level of the lake—8,000 feet above the surface of the ocean. The lake is about five and a half miles in diameter and covers 22 square miles in area.

The painting exhibited here was made by Miss M. Russell and shows the western portion of the lake, and is an excellent representation of the lake and the western rim. Maj. Morrow, who made the survey, said the lake is the most magnificent sight he has ever seen in his life.

I think that is the unvarying opinion of all who have seen the place. The counties on either side have made the park available as far as they can. They have constructed their roads up to where the Government lands begin. The War Department made the survey authorized in the document referred to. It has recommended a system of roads, including a road around the rim of the crater. From the very highest point of the rim you can not only overlook the lake, but see as well several eternal snow-clad mountains, great valleys on the east, and also one of the most magnificent of our western forests.

During the San Francisco exposition a very large number of people will desire to see what there is in the West in the line of scenic grandeur. The $50,000 I am asking for will put the roads in such condition that the people who go from the railroads can reach the rim of the lake and then return to the railroad or go through to the Southern Pacific line across the mountain. It is said that thousands of our people visit Europe every year, and expend in seeing the parks and grandeurs of the mountains and lakes of Europe millions of dollars. They are not attracted to travel through this country to see what there is to be seen here, because of the inaccessibility of our places of natural beauty. A few hundreds or thousands of dollars, making these places reasonably available, will cause thousands and tens of thousands of our people to visit these parks and to expend in this country the millions of dollars they now expend in Europe. Better than all that, however, it will give them an opportunity to inform themselves of what the United States contains.

I hope the committee will see fit to grant this moderate amount that I have asked. [Applause.]

I earnestly urge upon the Committee of the Whole the adoption of this amendment. It is based upon the report of the engineers of the United States Army. It proposes a system of roads and other improvements so that visitors can secure access to the park and the places of interest in it. These improvements are similar to those made in other national parks. The park can be approached both from the east and west sides, and the construction of the Southern Pacific Railroad to Klamath Falls, and its northward extension will make access to the park comparatively easy. Inside the park are most beautiful and comfortable camping places, with abundant pure water, fuel, and grass. Hotels are being operated and enlarged for transient visitors. But the great hindrance to the use of the park and the enjoyment of the places of beauty and grandeur contained in it is the lack of roads within the park. Our European neighbors have made their wonders of nature accessible by systems of roads, and have found such improvements to be very profitable investments. The United States has done comparatively little in making our wonders of nature accessible.

Large numbers of our people desire to "see America first," but until necessary improvements are made they are precluded from doing so, both on account of inaccessibility and prohibitive cost. It would be of incalculable value to this country if its people could freely visit its places of great natural interest; and when this park is made readily accessible it will become one of the most famous and most frequently visited of our places of scenic grandeur.

It is impossible to adequately describe the wonders of nature in this park, chiefest of which is Crater Lake. It is one of the places that must be seen to be even faintly appreciated.

GEOLOGICAL HISTORY OF CRATER LAKE, OREG.

(By J. S. Diller, United States Geological Survey.)

"Of lakes in the United States there are many and in great variety, but of crater lakes there is but one of great importance. Crater lakes are lakes which occupy the craters of volcanoes or pits (calders) of volcanic origin. They are most abundant in Italy and Central America, regions in which volcanoes are still active; and they occur also in France, Germany, India, Hawaii, and other parts of the world where volcanism has played an important rôle in its geologic history.

"The one in the United States belongs to the great volcanic field of the Northwest. Crater Lake of southern Oregon lies in the very heart of the Cascade Range, and, while it is especially attractive to the geologist on account of its remarkable geologic history, it is equally inviting to the tourist and others in search of health and pleasure by communion with the beautiful and sublime in nature. By the act of May 22, 1902, a tract around this lake having an area of 159,360 acres was set aside as a national park.

"According to W. G. Steel (The Mountains of Oregon, by W. G. Steel, 1890, p. 13) the lake was first seen by white men in 1853. It had long previously been known to the Indians, whose legends have contributed a name, Llao Rock, to one of the prominences of its rim. They regarded the lake with awe as an abode of the Great Spirit. Prospectors were the earliest explorers of the lake. (The discovery and early history of Crater Lake, by M. W. Gorman, Mazama, Vol. I, No. 2, Crater Lake number, 1897, 159 pages. This number contains much valuable information concerning Crater Lake in addition to that referred to.) The first travelers of note who visited the lake were Lord Maxwell and Mr. Bentley, who in 1872, with Capt. O. C. Applegate, of Modoc War fame, and three others, made a boat trip along its borders and named several of the prominences on the rim after members of the party. (The names Watchman, Glacier, Llao, and Vidae, which appear on the map of the lake, have been adopted by the United States Board on Geographic Names.) Mrs. F. F. Victor saw the lake in 1873, and briefly describes it in Atlantis Arisen. (Atlantis Arisen, by Mrs. Francis Fuller Victor, p. 179.) The same year Mr. S. A. Clarke gave an interesting account of the lake in the December number of the Overland Monthly.

"The first Geological Survey party visited the lake in 1883, when Everett Hayden and the writer, after spending several days in examining the rim, tumbled logs over the cliffs to the water's edge, lashed them together with ropes to make a raft, and paddled over to the island. In 1886, under the direction of Capt. C. E. Dutton, many soundings of the lake were made by W. G. Steel, and a topographic map of the vicinity was prepared by Mark B. Kerr and Eugene Ricksecker. Dutton was the first to discover the more novel and salient features in the geological history of the lake, of which he has given from his entertaining pen an all too brief account. (Science, Vol. VII, 1886, pp. 179–182, and Eighth Annual Report of the United States Geological Survey, pp. 156–159.)

"Under the inspiration of the 'Mazamas,' a society of mountain climbers at Portland, Oreg. (The National Geographic Magazine, Vol. VIII, 1897, p. 58), a more extended study of the lake was made by the Government parties from the Department of Agriculture, the Fish Commission, and the Geological Survey. (Crater Lake National Park, United States Geological Survey Professional Paper, No. 3, 1902, 167 pages, 13 plates, by J. S. Diller and H. B. Patton.)

"Crater Lake is deeply set in the summit of the Cascade Range, about 65 miles north of the California line. It may be reached by two routes, one from the Southern Pacific Railroad at Medford or Ashland on the west, and the other from the Southern Pacific at Klamath Falls or Big Spring on the east. Ashland and Medford are in Rogue River Valley, which marks the line between the Klamath Mountains of the Coast Range on the west and the Cascade Range on the east. The journey from Medford by private conveyance 80 miles to Crater Lake affords a good opportunity to observe some of the most important features of this great pile of lavas. The Cascade Range in southern Oregon is a broad, irregular platform, terminating rather abruptly in places upon its borders, especially to the westward, where the underlying Cretaceous and Tertiary sediments come to the surface. It is surmounted by volcanic cones and coulees, which are generally smooth, but sometimes rough and rugged. The cones vary greatly in size and are distributed without regularity. Each has been an active volcano. The fragments blown out by violent eruption have fallen upon the volcanic orifices from which they issued and built up cinder cones. From their bases have spread streams of lava (coulees), raising the general level of the country between the cones. From some vents by many eruptions, both explosive and effusive, large cones, like McLoughlin, Shasta, and Hood, have been built up. Were we to examine their internal structure, exposed in the walls of the canyons carved in their slopes, we should find them composed of overlapping layers of lava and volcanic conglomerate, a structure which is well illustrated in the rim of Crater Lake.

"The journey from Ashland by the Dead Indian road crosses the range where the average altitude is less than 5,000 feet. The road passes within a few miles of Mount McLoughlin and skirts Pelican Bay of Klamath Lake, famous for its fishing. After following northward for some 20 miles along the eastern foot of the range, it ascends the eastern slope, along the castled canyon of Anna Creek, to the rim of Crater Lake.

"From Medford or Gold Hill the trip is a trifle shorter by the Rogue River road. It affords some fine views of the canyons and rapids of that turbulent stream and of the high falls, where it receives its affluents. Striking features along both roads, within 20 miles of the lake, are the plains developed upon a great mass of detritus filling the valleys. Across these plains Anna Creek and Rogue River have carved deep, narrow canyons, with finely sculptured walls, which the roads follow for some distance.

"With the completion of the railroad on the east the approach to the lake was greatly facilitated. Leaving the railroad near Klamath Falls, a small steamer crosses Upper Klamath Lake and connects with automobile stages to the lake.

"Within the park, approaching the lake from any side, the observer sees a broad cluster of gentle peaks rising about a thousand feet above the general crest of the range on which they stand, but not until after he has left the main road, 3 miles from the lake, does he begin to feel the steepness of the ascent. The way winds over a large moraine littered with lava bowlders and well studded with firs. Arriving at the crest, the lake in all its majestic beauty comes suddenly upon the scene, and is profoundly impressive. Descending the wooded slope a short distance within the rim to Victor Rock, an excellent general view of the lake is obtained. Upon the left is the western border of the lake and upon the right its southern border. The eye beholds 20 miles of unbroken cliffs, ranging from over 500 to nearly 2,000 feet in height, encircling a deep blue sheet of placid water, in which the mirrored walls vie with the originals in brilliancy and greatly enhance the depth of the prospect.

"The first point to fix our fascinated gaze is Wizard Island, lying nearly 2 miles away, near the western margin of the lake. Its irregular western edge and the steep but symmetrical truncated cone in the eastern portion are very suggestive of volcanic origin. We can not, however, indulge our first impulse to go at once to the island, for the various features of the rim are of greater importance in unraveling the earlier stages of its geological history.

"The outer and inner slopes of the rim are in strong contrast; while the one is gentle, ranging in general from 10° to 15°, the other is abrupt and full of cliffs. The vertical interval of the contours is 50 feet. Upon the inner slope the contours are crowded close together to show a slope so steep that one needs to travel but a little way to descend 50 feet, while upon the outer slope the contours are so far apart that to descend 50 feet one needs to travel a considerable portion of a mile. The outer slope at all points is away from the lake, and as the rim rises at least 1,000 feet above the general summit of the range, it is evidently the basal portion of the great hollow cone in which the lake is contained.

"In addition to the strong contrast between the outer and inner slopes of the rim the map shows the occurrence of a number of small cones upon the outer slope of the great cone. These adnate cones are of peculiar significance when we come to consider the volcanic rocks of which the region is composed. The rim is ribbed by ridges and spurs radiating from the lake, and the head of each spur is marked by a prominence on the crest of the rim. The variation in the altitude of the rim crest is 1,456 feet (from about 6,700 at Kerr Notch to 8,156 feet at Glacier Peak) with seven points rising above 8,000 feet. The crest generally is passable, so that a pedestrian may follow it continuously around the lake, with the exception of short intervals about the notches in the southern side. At many points the best going is on the inner side of the crest, where the open slope, generally well marked with deer trails over beds of pumice, affords an unobstructed view of the lake.

"Reference has already been made to the glacial phenomena of the outer slope of the rim. There are scattered bowlders upon the surface, and also in piles of glacial moraine, which contain besides bowlders much gravel and sand. Such glacial drift is spread far and wide over the southern and western portion of the rim, extending down the watercourses in some cases for miles to broad plains, through which the present streams have carved the deep and picturesque canyons already observed on the ascent. At many points the lavas are well rounded, smoothed, and striated by glacial action. This is true of the ridges as well as of the valleys, and the distribution of these marks is coextensive with that of the glacial detritus.

"A feature that is particularly impressive to the geologist making a trip around the lake on the rim crest is the general occurrence of polished and striated rocks in place on the very brow of the cliff overlooking the lake. The best displays are along the crest for 3 miles northwest of Victor Rock, but they occur also on the slopes of Llao Rock, Roundtop, Kerr Notch, and Eagle Crags, thus completing the circuit of the lake. On the adjacent slope toward the lake the same rocks present rough fractured surfaces, showing no striæ. The glaciation of the rim is a feature of its outer slope only, but it reaches up to the very crest. The glaciers armed with stones in their lower parts, that striated the crown of the rim, must have come down from above, and it is evident that the topographic conditions of today afford no such source of supply. The formation of glaciers requires an elevation extending above the snow line to afford a gathering ground for the snow that it may accumulate, and under the influence of gravity descend to develop glaciers lower down on the mountain slopes. During the glacial period Crater Lake did not exist. Its site must then have been occupied by a mountain to furnish the conditions necessary for the extensive glaciation of the rim, and the magnitude of the glacial phenomena indicates that the peak was a large one, rivaling, apparently, the highest peaks of the range.

"The Mazamas held a meeting in August, 1896, at Crater Lake in connection with the Crater Lake clubs of Medford, Ashland, and Klamath Falls, of the same State. Recognizing that the high mountain which once occupied the place of the lake was nameless they christened it, with appropriate ceremonies, Mount Mazama. The rim of the lake is a remnant of Mount Mazama, but when the name is used in this paper reference is intended more especially to that part which has disappeared.

"The inner slope of the rim, so well in view from Victor Rock, although precipitous, is not a continuous cliff. It is made up of many cliffs whose horizontal extent is generally much greater

than the vertical. The cliffs are in ledges, and sometimes the whole slope from crest to shore is one great cliff, not absolutely vertical, it is true, but yet at so high an angle as to make it far beyond the possibility of climbing. Dutton Cliff on the southern and Llao Rock on the northern borders of the lake are the greatest cliffs of the rim. Besides cliffs, the other elements of the inner slope are forests and talus, and these make it possible at a few points to approach the lake, not with great ease but yet, care being taken, with little danger. Southwest of the lake the inner slope, clearly seen from Victor Rock, is pretty well wooded, and from near the end of the road, just east of Victor Rock, a steep trail descends to the water. Where fresh talus slopes prevail there are no trees, and the loose material maintains the steepest slope possible without sliding. Such slopes are well displayed along the western shore opposite the island and near the northeast corner of the lake under the Palisades. At this point the rim is only 575 feet high, and a long slide, called from its shape the Wineglass, reaches from crest to shore.

"The best views of the rim are obtained from a boat on the lake, which affords an opportunity to examine in detail the position and structure of the cliffs. They are composed wholly of volcanic conglomerate and streams of lava arranged in layers, as shown in figure 12, that dip into the rim and away from the lake on all sides. Both forms of volcanic material are well exposed on the trail descending the inner slope, and, although most of the cliffs are of lava, many are of conglomerate.

"On arriving at the water's edge the observer is struck with the fact that there is no beach. The steep slopes above the surface of the lake continue beneath its waters to great depths. Here and there upon the shore, where a rill descends from a melting snow bank near the crest, a small delta deposit makes a little shallow, turning the deep-blue water to pale green.

"As the boat skirts the western shore and passes toward Llao Rock the layered structure of the rim is evident, although it is fairly well illustrated on all sides. On the whole the lava streams predominate, although there is much conglomerate. Of all the flows exposed upon the inner slope that of Llao Rock is most prominent and interesting. In the middle it is over 1,200 feet thick and fills an ancient valley down the outer slope of the rim. Upon either side it tapers to a thin edge against the upper slope of the valley. To the lake it presents a sheer cliff—that is, it is abruptly cut off—and one wonders how much farther it may have extended in that direction. Beneath the rock the outline of the valley in cross section is evident. It rests upon pumice and many layers of older lavas, forming the rim down to the water's edge. The direction of flow in this great lava stream forces us to believe that it was erupted from a large volcano which once stood upon the site of the lake. Every layer of lava in the rim is a coulee, dipping away from the lake. This is especially well shown in the canyon of Sun Creek, cut in its outer slope. The sections of these radiating flows exposed upon the inner slope of the rim all tell the same story as to their source. By projectng the lavas in their course toward a common center we can reconstruct in fancy the great volcano, Mount Mazama, which once occupied the place of the lake, and, like Shasta or Rainier, formed a great landmark of the region.

"Proceeding eastward from Llao Rock the rim loses somewhat in height, and at the head of Cleetwood Cove one sees the remarkable spectacle of a lava stream descending the inner slope of the rim. It is the only one that has behaved in this way, and its action throws much light upon the disappearance of Mount Mazama.

"The Palisades are less than 600 feet in elevation above the lake, and are composed almost wholly of one great flow. The streams of lava extending northeast from this portion of the rim are broad and much younger in appearance than those forming the great cliffs south of the lake, where the flows are thinner and more numerous.

"Roundtop is a dome-shaped hill over the eastern end of the Palisades, and is made up chiefly of the lava stream that formed the Palisades, overlain by two sheets of pumice separated by a layer of dacite. The upper surface of the Palisade flow, where best exposed upon the lakeward slope of Roundtop, bears glacial striæ, that extend beneath the layers of pumice and dacite of later eruption from Mount Mazama. It is evident from this relation that Mount Mazama was an active volcano during the glacial period. The occurrence of eruptions from a snowcapped volcano must necessarily produce great floods, and these conditions may account in some measure at least for the detritus-filled valleys of the streams rising on the rim of Crater Lake.

"Returning from this glacial digression to the boat trip on the lake, it is observed upon the eastern side of the lake that Redcloud Cliff is rendered beautiful by the pinnacles of reddish tuff near the summit, where it is capped by a great, dark flow of dacite, filling a valley in the older rim and extending far to the northeast. Here the springs begin to gush from the inner slope and cascade their foaming rills to the lake. They recur at Sentinel Rock, Dutton Cliff, and especially under Eagle Crags, as well as farther westward. Their sources in many cases can be seen in the banks of snow above, but in others they gush forth as real springs, whose water must find its way in from the snow upon the outer slope.

"The boldest portion of the rim, excepting perhaps Llao Rock, is Dutton Cliff, which is made more impressive by the deep U-shape notches on either side. The notches mark points where the canyons of Sun and Sand Creeks pass through the rim to the cliff overlooking the lake. These canyons, due to erosion on lines of drainage, belong to the period when the topographic conditions in that region were quite unlike those of to-day. They were carved out by streams of ice and water descending from a point over the lake, and their presence, ending as they do in the air hundreds of feet above the present water level, affords strong evidence in favor of the former reality of Mount Mazama.

"The Phantom Ship is a craggy little islet near the border of the lake under Dutton Cliff. Its rugged hull, with rocks towering like the masts of a ship, suggests the name, and, phantom like, it disappears when viewed in certain lights from the western rim. Standing in line with an arête that descends from an angle of the cliff, it possibly marks a continuation of the sharp spur beneath the waters, or perhaps, but much less likely, it is a block slid down from the cliff. Whatever its history, it attracts everyone by its beauty and winsomeness.

"At times of volcanic eruption the lava rises within the volcano until it either overflows the crater at the top or, by the great pressure of the column, bursts open the sides of the volcano and escapes through the fissure to the surface. In the latter case, as the molten material cools, the fissure becomes filled with solid lava and forms a dike. The best example of this sort about Crater Lake appears along the inner slope directly north of Wizard Island, and is locally known as the Devils Backbone. It is shown in figure 5 across the left end of Wizard Island, and in figure 18 a nearer view from the island itself. This dike rock, standing on edge, varies from 5 to 25 feet in thickness and cuts the rim from water to crest. Dikes are most numerous in the older portion of the rim under Llao Rock. They do not cut up through Llao Rock, and are clearly older than the lava of which that rock is formed. Dikes occur at intervals all around the lake and radiate from it, suggesting that the central volcanic vent from which they issued must have been Mount Mazama.

"There is another important feature concerning the kinds of volcanic rocks and their order of eruption and distribution about the rim of Crater Lake, as shown on the accompanying reconnoissance map, figure 13, that is of much interest to the geologist. All the older lavas comprising the inner slope of the rim, especially toward the water's edge, are andesites. The newer ones, forming the top of the rim in Llao Rock, Pumice Point, Roundtop, and the Rugged Crest about the head of Cleetwood Cove as well as at Cloudcap, are dacites. Other later flows, all of which escaped from the smaller adnate cones upon the outer slope of the rim, are basalts. The eruptions began with lavas containing a medium amount of silica (andesites), and after long-continued activity lavas both richer (dacites) and poorer (basalts) in silica follow, giving a completeness to the products of this great volcanic center that make it an interesting field of study. Furthermore, the remarkable opportunity afforded by the dissected volcano for the examination of its structure and succession of lavas is unsurpassed. It should be stated, before dismissing the kinds of lava, that there are some dacites in the Sun Creek Canyon south of the lake that appear to be older than those upon the north side, and that the final lava of the region on Wizard Island is andesite.

"The glaciation and structure of the rim clearly establish the former existence of Mount Mazama, but there may well be doubt as to its exact form and size. Judging from the fact that Mount Shasta and the rim of Crater Lake have the same diameter at an altitude of 8,000 feet, and that their lavas are similar, it may with some reason be inferred that Mount Mazama and Mount Shasta were nearly of equal height. The slopes of Mount Shasta may be somewhat steeper than those of the rim of Crater Lake at an equal altitude, but the glaciation of the rim is such as to require a large peak for its source. A restoration of Mount Mazama based on a photograph of the rim of Crater Lake as seen from the southwest is shown in figure 20.

"Wonderful as the lake, encircled by cliffs, may be, it serves but to conceal in part the greatest wonder; that is, the enormous pit or caldera which is half filled by the lake. The caldera is 4,000 feet deep. An impressive illustration of it is seen in figure 21, which was prepared from a photograph of a model of Crater Lake now in the United States National Museum. The water surface is represented by glass, so that one may see through to the bottom and get the full impression of the depth of this tremendous hole in the ground. It extends from the top of the rim, which is the very summit of the Cascade Range, halfway down to the sea level, and nearly a square mile of its bottom is below the level of Upper Klamath Lake at the eastern foot of the range. The volume of the caldera is nearly a dozen cubic miles, and if we add the volume of the lost Mount Mazama that amount would be increased by at least one-half. How was it possible to remove so large a mass and in process develop so great a depression?

"The caldera is completely inclosed, so that it can not be regarded as an effect of erosion. The volcanic origin of everything about the lake would suggest in a general way that this great revolution must have been wrought by volcanism, either blown out by a great volcanic explosion or swallowed up by an equally great engulfment. It is well known that pits have been produced by volcanic explosions, and some of them are occupied by lakes of the kind usually called crater lakes. Depressions produced in this way, however, are, with rare exceptions, surrounded by rims composed of the fragmental material blown out from the depression.

"At first sight the rim about Crater Lake suggests that the caldera was produced by an explosion, and the occurrence of much pumice in that region lends support to this preliminary view; but on careful examination we find, as already stated, that the rim is not made up of fragments blown from the pit, but of layers of solid lava interbedded with those of volcanic conglomerate erupted from Mount Mazama before the caldera originated. The moraines deposited by glaciers descending from the mountain formed the surface around a large part of the rim, and as there is no fragmental deposits on these moraines, it is evident that there is nothing whatever to indicate any explosive action in connection with the formation of the caldera.

"We may be aided in understanding the possible origin of the caldera by picturing the conditions that must have obtained during an effusive eruption of Mount Mazama. At such a time the column of molten material rose in the interior of the mountain until it overflowed at the summit or burst open the sides of the mountain and escaped through fissures. Fissures formed in this way usually occur high on the slopes of the mountain. If instead, however, an opening were effected on the mountain side at a much lower level—say some thousands of feet below the summit—and the molten material escaped, the mountain would be left hollow, and the summit, having so much of its support removed, might cave in and disappear in the molten reservoir.

"Something of this sort is described by Prof. Dana as occurring at Kilauea, in Hawaii. The lake in that case is not water, but molten lava, for Kilauea is yet an active volcano. In 1840 there was an eruption from the slopes of Kilauea, 27 miles distant from the lake and over 4,000 feet below its level. The column of lava represented by the lake of molten material in Kilauea sank away in connection with this eruption to a depth of 385 feet, and the floor of the region immediately surrounding the lake, left without support, tumbled into the depression. In the intervals between eruptions the molten column rises again toward the surface, only to be lowered by subsequent eruptions, and the subsidence is not always accomplished by an outflow of lava upon the surface. Sometimes, however, it gushes forth as a great fountain a hundred feet or more in height.

"The elevated position of the great caldera occupied by Crater Lake makes its origin by subsidence seem the more probable. The level of the lowest bed of the lake reaches the surface within 15 miles down the western slope of the range. That Mount Mazama was engulfed is plainly suggested by the behavior of its final lava stream. The greater portion of this last flow descended and spread over the outer slope of the rim, but from the thickest part of the flow where it fills an old valley at the head of Cleetwood Cove some of the same lava, as already noted, poured down the inner slope. The only plausible explanation of this phenomena seems to be that soon after the final eruption of Mount Mazama, and before the thickest part of the lava effused at that time had solidified, the mountain collapsed and sank away and the yet viscous portion of the stream followed down the inner slope of the caldera. It should be observed also that the lava stream collapsed and formed Rugged Crest.

"It has been suggested, but perhaps not in serious thought, that the cone on Wizard Island may represent the summit of the sunken Mount Mazama projecting above the water. To determine the truth of the matter we must cross over to the island. Wizard Island has two portions—an extremely rough lava field and a cinder cone. These parts may be distinguished in a view of the island from the Watchman, but are more distinct in an illustration as seen from the lake. Only a small portion of the lava field is shown in the foreground. The lava is dark and has a much more basaltic look than any seen in the main body of the rim. It has evidently been erupted from the base of the cinder cone in its present position. The cinder cone, too, is a perfect little volcano, with steep symmetrical slopes 763 feet in height, and surmounted by a crater 80 feet deep. It is so new and fresh that it is scarcely forested, and shows no trace of weathering. Instead of being a part of the sunken Mount Mazama, it is an entirely new volcano built up by volcanic action upon the bottom of the caldera since the subsidence. Were it not for the lake the whole bottom of the caldera could be examined, and it is possible that other small volcanic cones might be found. This suggestion is borne out by the soundings of the lake, which appear to reveal two other cases, but they do not rise to within 400 feet of the surface of the water. It is evident that the volcanic eruptions upon the bottom of the caldera have partially filled it up. Originally it may have been much more than 4,000 feet deep.

"Given the caldera with water-tight walls, there is no difficulty in forming Crater Lake, for in that region precipitation is greater than evaporation. Extensive observations upon precipitation and evaporation have not been made at Crater Lake, but, judging from those made at nearest points, the annual precipitation should be between 60 and 70 inches, while the annual evaporation is about 46 inches. The average diameter of the lake is nearly 5 miles. Its area, including Wizard Island, is about 21.30 square miles. The drainage area inclosed by the rim of the lake, according to Mr. E. C. Barnard, is 27.48 square miles. During the winter great masses of snow drift within the rim, and thus considerably augment the normal precipitation of the lake. The lake does not fill up and overflow. The surplus water must have a subterranean outlet, probably toward the southeast, where the region is traversed by extensive breaks in the rocks, and abounds in excellent springs.

"The color of the lake is deep blue, excepting along the borders, where it merges into various shades and tints of green. It is so transparent that even on a hazy day a white dinner plate 10 inches in diameter may be seen at a depth of nearly 100 feet. The fish it contains have been introduced. A small crustacean flourishes in its waters, and salamanders occur in abundance locally along the shore.

"The level of the lake oscillates with the seasons. During the rainy winter it rises, and in the summer it falls. In August, 1896, observations were made for 22 days, and the lake sank at the rate of 1 inch for every five or six days, depending somewhat on the conditions of the weather. The Mazamas have established a water gauge, and it was hoped that an extended series of observations would be obtained, but the ice broke it off the next winter. The annual oscillation of the lake is about 4 feet.

"The temperature of Crater Lake has been the subject of considerable investigation. While the earlier observations appeared to indicate that the lake received heat from its bottom, later observations show that the temperature of the lake everywhere below a depth of 300 feet is approximately 39° and the bottom contains no appreciable volcanic heat.

"Aside from its attractive scenic features, Crater Lake affords one of the most interesting and instructive fields for the study of volcanic geology to be found anywhere in the world. Considered in all its aspects, it ranks with the Grand Canyon of the Colorado, the Yosemite Valley, and the Falls of Niagara, but with an individuality that is superlative."

The following letter from the Acting Secretary of War explains the feasibility of the proposed improvement:

WAR DEPARTMENT,
Washington, December 18, 1911.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated 16th instant, together with a report from Maj. J. J. Morrow, Corps of Engineers, dated November 21, 1911, with maps, of a survey, with plans and estimates, for roads and trails in Crater Lake National Park, Oreg., made by him in compliance with a provision contained in the sundry civil act of June 25, 1910.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 16, 1911.

The SECRETARY OF WAR.

SIR: I have the honor to submit herewith, for transmission to Congress, a report by Maj. J. J. Morrow, Corps of Engineers, made in compliance with the following provisions of the sundry civil act of June 25, 1910:

"Crater Lake National Park: For surveying, locating, and preparing plans and estimates for roads and trails in Crater Lake National Park, Oreg., and to cover all expenses incident thereto, to be expended under the direction of the Secretary of War, $10,000."

Maj. Morrow estimates the cost of the proposed system of roads and trails at $642,000, with an additional $65,000 for a system of tanks and water-supply pipes to provide for sprinkling. The estimated cost of maintenance, including sprinkling, is estimated at $20,000 annually. He recommends that if the work be undertaken an initial appropriation of $100,000 be made to provide plant, shelter, buildings, and construction. Under the plans proposed by Maj. Morrow it is anticipated that the more important roads would be completed in three or four working seasons; the balance of the system in about seven years.

No estimate of funds for this work was made by the Engineer Department in its annual estimates this year. If Congress should decide to adopt the project, it is recommended that, as recommended by Maj. Morrow, the first appropriation be not less than $100,000, to be followed by others annually with a view to completion in seven years.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

UNITED STATES ENGINEER OFFICE, FIRST DISTRICT,
Portland, Oreg., November 21, 1911.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

SIR: I have the honor to submit the following report on survey, plans, and estimates for roads and trails in Crater Lake National Park.

The sundry civil appropriation act approved June 25, 1910, contained an item in the following language:

"Crater Lake National Park: For surveying, locating, and preparing plans and estimates for roads and trails in Crater Lake National Park, Oreg., and to cover all expenses incident thereto, to be expended under the direction of the Secretary of War, $10,000."

The duty of making this survey was assigned to this office July 15, 1910. Two field parties were organized and sent into the park about the middle of August, 1910, and continued the work until October 6, when further field work was interrupted by the first heavy fall of snow.

The field work was in charge of Junior Engineer H. L. Gilbert. Each party consisted of 1 transitman, 1 levelman, 1 topographer, 2 assistant topographers, 1 draftsman, 1 rodman, 2 chainmen, 1 back flagman, and 1 cook.

The method of the survey was that of a preliminary railroad survey. Control was by azimuth checked by frequent observations of the sun. Y levels were used and bench marks set about every half mile, using United States Geological Survey datum and bench marks. The transit line was referenced at about 1 mile intervals. Topography was taken on both sides of the line to develop a strip within which the final location would fall. Grades sought were maximum of 6 per cent for long distances, 8 per cent for fair distances, and 10 per cent rarely, and only for short distances. Least radius of curvature sought was 50 feet. Discharge measurements were made of springs and creeks within practicable reach of the road location.

The first season's work covered in all about 50 miles of preliminary lines and completed all survey work contemplated excepting about 6 miles of the 36-mile road encircling the lake, the 5 miles of road to the Pinnacles, and the 4 miles of road to the eastern boundary of the park. During the season just closed one party, constituted as each of the parties of the preceding season, was sent into the park in July, under the direction of Junior Engineer W. G. Carroll, and finished the work in about one month of field work.

In the office, after return of the field party, each season, all transit lines were computed and platted to a scale of 1/2400, the location was profiled, and preliminary estimates were made. The finished location was also platted on a map of the park to scale of 1/48000.

DESCRIPTION OF THE PARK AND ROADS DESIRED.

A complete description of Crater Lake Park is found in Professional Papers, No. 3, Department of the Interior, United States Geological Survey, entitled "The geology and petrography of Crater Lake National Park," by J. S. Diller and H. B. Patton: Government Printing Office, 1902.

Briefly, Crater Lake National Park was made a national park by the act of Congress of May 22, 1902. It is about 18 miles north and south by about 13½ miles east and west, and contains 249 square miles. It lies roughly about halfway between Portland, Oreg., and San Francisco, Cal., and about 50 to 60 miles east of the present main line of the Southern Pacific Railroad between those two cities, but not more than 10 miles west of the proposed new main line of the same road, known popularly as the Natron cut-off.

The park is now reached with considerable difficulty. The easiest method is by rail to Klamath Falls (about 88 miles from the main line), thence by boat to a landing on the shore of Upper Klamath Lake, whence the Crater Lake Co. operates an auto stage via Fort Klamath to their lodge on the rim of the crater (a run of about 30 miles). It may be reached by automobile from Klamath Falls or from Bend, Oreg., both approaching via Fort Klamath, or from Medford approaching from the west and about 100 miles distant. Upon the completion of the Natron cut-off the railroad will be within about 10 miles of the eastern boundary of the park, and a road will doubtless be at once constructed toward the lake along the valley of Bear Creek.

The roads now in the park are simple and crude. The headquarters of the superintendent, near the head of one fork of Anna Creek, is at the junction of the roads leading to Medford and to Fort Klamath. From this point about 5 miles of road follows up another fork of Anna Creek to the rim of the crater, just west of Garfield Peak. This road, especially the mile nearest the rim, is exceedingly tortuous and steep, some of the grades being nearly 30 per cent. All existing roads are improved only by sidehill excavation work, with occasional log revetments, are tortuous and narrow, and in the dry summer (the only season) become badly rutted, the soil being a light dry pumice. They are, however, extensively traveled by automobiles, the traffic showing a gradual increase as the beauty of the park becomes more widely known. There are no other roads in the park and but few trails, those that exist being gradually developed by the superintendent of the park for use of his rangers in protection against forest fires.

The central and dominating feature of the park is the lake which partially fills the crater in the wrecked mountain. The following extracts from the Diller and Patton report describe it briefly:

"On the rim of Crater Lake there once stood a prominent peak to which the name Mount Mazama has been given. Mount Mazama is practically unknown to the people of Oregon, but they are familiar with Crater Lake, which occupies the depression that resulted from the wreck of the great peak. The remnant of Mount Mazama is most readily identified when referred to as the 'rim of Crater Lake.' The wrecking of Mount Mazama was the crowning even in the volcanic history of the Cascade Range, and resulted from a movement similar to that just noted in Mount Thielsen, but vastly greater in its size and consequences. This volcanic activity culminated in the development of a great pit or caldera, which for grandeur and beauty rivals anything of its kind in the world.

GENERAL FEATURES.

"The rim encircling Crater Lake, when seen from a distance from any side, appears as a broad cluster of gently sloping peaks rising about 1,000 feet above the general crest of the range on which they stand. The topographic prominence of Mount Mazama can be more fully realized when it is considered that it is close to the head of Rogue, Klamath, and Umpqua Rivers. These are the only large streams breaking through the mountains to the sea between the Columbia and the Sacramento, and their watershed might be expected to be the principal peak of the Cascade Range.

"To one arriving by the road at the crest of the rim the lake in all its majestic beauty appears suddenly upon the scene and is profoundly impressive. The eye beholds 20 miles of unbroken cliffs, the remnant of Mount Mazama, ranging from over 500 to nearly 2,000 feet in height, encircling a deep, blue sheet of placid water, in which the mirrored walls vie with the original slopes in brilliancy and greatly enhance the depth of the prospect. The lake is about 4¼ miles wide and 6¼ miles long, with an area of nearly 20½ square miles."

To supplement this brief description it may be added that the surface of the water on the lake is 6,177 feet above sea level, while the lowest point of the rim is over 500 feet higher. The rim at most points is 800 feet high, rising at some points much higher and almost sheer. Near the western margin of the lake rises Wizard Island, almost a perfect cone with a diminutive crater in its peak, about 800 feet above the water. The Phantom Ship, a small pinnacle of rock near the southeast shore, marks the only other break in the sheet of water, which is of great depth, at points reaching nearly 2,000 feet.

Other interesting features of the park are the canyons of Anna Creek (of which excellent views may be obtained from the existing road to Fort Klamath) and the similar canyon of Sand Creek, where the formation has been given the name of "The Pinnacles."

The only roads at present in the park are the two from Fort Klamath and from Medford, leading to the superintendent's headquarters and thence to the rim of the lake. There are numerous trails constructed by the Forest Service from time to time.

In preparing a plan for improvement, as directed by Congress, it was considered of paramount importance to design a road encircling the crater as near to its rim as topography would permit, in order that the lake might be viewed from all possible points. It was believed to be necessary to construct roads from the rim road to the two existing entrances, utilizing the present existing roads as much as possible, and to provide also for a road to the eastern boundary, as this will shortly be the principal entrance to the park. It was also deemed advisable to construct a road leading to The Pinnacles, which road could later be extended into a fourth entrance if desired. About 100 miles of trails are necessary to connect with existing Forest Service trails and provide additional ones. They would be useful to the Forest Service in coping with fires, as well as facilitating the exploration of the park by camping parties. Trails are needed at three points at least leading from the rim road to the surface of the lake. Along these lines the plans have been prepared.

The road around the lake is planned to cross the face of the Watchman, pass behind the Glacier Peak, return to the rim before again passing behind Llao Rock, thence following the rim fairly close until Cloud Cap is reached. It then passes successively behind the mountainous masses of the inside slopes of Mount Scott and Dutton Cliff, but returns to the rim again at Sun Creek Notch, from which point it recedes, passing behind Vidae and Garfield Peaks. It returns to the rim at the site of the present lodge of the Crater Lake Co., following the rim thence to the Watchman. The total length of the rim road is between 35 and 36 miles. A trail a little over a mile in length is provided for those desiring to leave the road to obtain the view from Kerr Notch.

From about this same point in the rim road a road is planned to reach The Pinnacles. Its length is about 5 miles.

At the base of Garfield Peak the road to the southern and western entrances is planned to leave the rim road. It is a little more than 3 miles in length to the present superintendent's headquarters, where it forks. There are 7 miles more to the Fort Klamath entrance and about 6½ miles to the Medford entrance. These roads all follow fairly close the existing roads.

From near Round Top the eastern entrance road is planned, following the valley of Bear Creek. It is a little over 4 miles in length.

The total length of all these roads is 61.7 miles. All are shown on the map submitted herewith.

About 100 miles of trails are planned, to enable campers to reach adjacent points, taking advantage of water and pasturage for their camp sites. These trails have not been surveyed, as it was deemed unnecessary to locate them any more definitely than they can be located on the map prepared by the Geological Survey two years ago.

The road has been designed to permit of automobile traffic. It is believed that a regulation excluding automobiles from Crater Lake Park would be a grave mistake, as even now, with the poor roads, nearly all the visitors reach the rim of the lake in this way. The park is within fairly easy access by motor of the numerous growing cities between Portland and San Francisco, and the approaches will gradually improve as the country becomes more thickly populated.

CLIMATIC CONDITIONS.

The season for work in Crater Lake Park is very short. The section has a heavy precipitation, which is nearly all snow, as but little rain falls in the summer months. Most of the work, and nearly all of the heavy work, is at a high altitude, nearly 7,000 feet. Only in an unusually early season can the rim be reached by the middle of June, although there are portions of the approaches that could be worked

on in June. July, August, and a part of September will be the usual working seasons, with hardly more than two months available for work on the Rim Road. After completion, similarly, provision will have to be made for watering the road, or for oiling it, as showers are exceedingly rare until near the close of the season.

WORKING CONDITIONS.

In addition to the short season the work of construction will be hampered by the remoteness of the locality, requiring the importation of all labor and a comparatively long haul of all supplies. The latter condition may be improved before the work can be completed, even if started at once, by the completion of the Natron cut-off. The question of water supply is not an easy one, especially for that portion of the rim road on the northeast side of the lake between the Watchman and Round Top (about 11 miles). No water has been located between Lighting Spring, south of the Watchman, and Cascade Spring, east of Round Top, and this latter, while a large spring, is at a level much below the road, besides being nearly 2 miles away. Rock suitable for macadam is plentiful on the south side of the lake, but none has as yet been located convenient for work over the same stretch of road where the water is lacking. The drift sand that is found at numerous locations is suitable for the small amount of masonry work that will be required.

The following springs and streams were gauged, and it is believed can be counted on to deliver water at all times in equal or greater quantity than was determined, the measurements having been made in September, at about low water:

	Cubic foot-seconds.
Spring below Crater Lake Co.'s lodge near mile 32, Rim Road	0.1
Cascade Spring (head of Bear Creek)	5.0
Anderson Spring (head of Sand Creek)	2.0
Sun Creek at elevation 6,000 (near mile 25½, Rim Road)	.3
Spring at elevation 6,850 (near mile 27½, Rim Road)	.1
Springs (near mile 29½, Rim Road), aggregating	.1
Spring at elevation 6,450 (near mile 30, Rim Road)	2.0
Arant Spring, at headquarters	1.8
Anna Creek, at mouth of Bridge Creek	40.0
Bridge Creek, above Fort Klamath Road	1.0
Lighting Springs (near mile 3, Rim Road), not gauged but estimated, about	.4

BASIS OF PLANS AND ESTIMATES.

As stated, the road is designed with maximum grade of 8 per cent, and this only for short distances, and with a minimum radius of curvature of 50 feet. Cross section in earth or rock is as follows: In embankment, width of subgrade, 16 feet; side slopes 2 on 3; in excavation, side ditches 1 foot deep, width at bottom 2 feet, and side slopes 1 on 1. Surface of broken stone 12 feet wide, 7½ inches at center to 3½ inches at edges. On grades of 2 per cent or higher, side ditches to be paved. Small culverts to be of corrugated iron or vitrified pipe 1 foot in diameter; large ones of concrete as required.

The unit prices adopted are as follows:

Grading:		
Earth or sand	per cubic yard	$0.30
Hardpan or loose rock	do	.60
Solid rock	do	1.00
Grubbing and clearing	per acre	75.00
Crushed rock, in place, rolled	per cubic yard	3.80
Paving of ditches	per square yard	.50
Construction of rough pack trails	per mile	150.00

ESTIMATE FOR WATER SUPPLY.

The Rim Road can be supplied with water only with extreme difficulty. The question of water on the approaches is comparatively simple. It is estimated that a system of providing tanks and supply pipe for water, so that the road can be kept watered by carts during the season, will cost $65,000.

MAINTENANCE.

It is estimated that after completion of the work an appropriation of $20,000 annually will be required for repairs and maintenance, including sprinkling.

These estimates may appear high, but experience in road work in Yellowstone and Rainier National Parks, where conditions are not dissimilar, have proved that remoteness, short season due to altitude, and high cost of labor and supplies will all operate to increase the cost of construction. It is believed the estimates are not higher than is required for the character of work desired.

RATE OF PROGRESS AND PLAN PROPOSED.

It is believed that completion of the roads in the park, as herein outlined, can be best and most economically effected by a plan about as follows:

The approach from Fort Klamath to the rim of the lake at the present lodge of the Crater Lake Co. should be first constructed by grading only, and then the grading of the Rim Road from the lodge to near Round Top (about 20 miles) should be completed. (The principal hotel of the Crater Lake Co. will ultimately be located on the Rim Road near Round Top.) After completion of this work, if the Natron cut-off is completed, the Bear Creek Road should be graded and the Medford approach graded. These roads should then be improved by surfacing while the remainder of the Rim Road is being graded. The road to The Pinnacles should be undertaken last of all the road work, as a wagon trail can be easily opened up for use during the early work.

The initial appropriation for the work should be about $100,000 to provide plant, shelter, and camp buildings and stores, in addition to a working fund. For the succeeding two years the annual appropriation should be about $75,000, after which time it should be increased to about $100,000 annually, provided the Natron cut-off is completed, as is anticipated. Under this plan it will require about seven years to complete the work, but the grading from the Klamath entrance to the Bear Creek entrance, including about 20 miles of the Rim Road connecting the two establishments of the Crater Lake Co., together with considerable of the surfacing of this much of the road system, would be completed in three working seasons, and all of this road, together with the Medford entrance, could be graded and surfaced by the end of the fourth season.

It is the opinion of this office that as much of this work as possible should be completed prior to the San Francisco exposition of 1915. If this is done, a visit to this park will be one of the favorite side trips, especially as it can be included with a loss of but one day and at little expense by all tourists making the trip via Portland. More rapid progress than outlined above could be made if the work were authorized under some such system as the continuing-contract system used in some of the river and harbor work.

In closing this report this office desires to state that the improvement outlined herein is an exceptionally worthy one. It is doubtful if any view existing in the world to-day is as impressive and at the same time as beautiful as the view of this lake from its rim. Hundreds of people make the trip now year after year under adverse conditions for the pleasure of this view, and as the railroad approach is improved, as it shortly will be, the park should be made as accessible as possible for the thousands of tourists that annually travel between San Francisco and Portland.

It is desired also to acknowledge the courtesy of helpful advance sheets of survey furnished by the United States Geological Survey and assistance in numerous ways rendered by Mr. Arant, superintendent of the park, and Messrs. Will G. Steel and A. L. Parkhurst, of the Crater Lake Co.

Respectfully submitted.

JAY J. MORROW,
Major, Corps of Engineers, United States Army.

(Through the Division Engineer, Northern Pacific Division.)

The following description of Crater Lake and its surroundings is given by Prof. J. S. Diller, of the United States Geological Survey:

CRATER LAKE NATIONAL PARK ROADS.

STATEMENTS OF MAJ. J. J. MORROW AND MAJ. EDGAR JADWIN, UNITED STATES ARMY.

Maj. JADWIN. Mr. Chairman, you asked Gen. Bixby a few questions about the details of the Crater Lake estimates, and as Maj. Morrow, who made the survey and who has charge of the Portland (Oreg.) district, is now in the city, the general thought that he might give you the information desired.

The CHAIRMAN. "For protection and improvement of the Crater Lake National Park," etc., the appropriation for 1912 was $3,000, and you are asking $15,000 for next year?

Maj. MORROW. That is the appropriation for the superintendent of the park. That is for the maintenance of the present roads in the park. The question I am familiar with is the survey which was specially authorized two years ago for a comprehensive system of roads and trails in the park.

The CHAIRMAN. Will you just make a statement about that survey?

Maj. MORROW. The description of the park and the estimates are all in the document. The survey was completed last summer. These estimates came in about Christmas time. When Congress decided to make this survey they provided that the work of the survey be done under the direction of the Secretary of War. It went to the Chief of Engineers and came out to our office. It was a little late in the season, the season being very short, to complete the work. The appropriation did not pass until the 1st of July, and the notification of the fact that it had passed, which was an entire surprise to the Engineer Department, was not received until a month, perhaps, later. The survey and construction parties in the park had to get out before the 1st of October. It is right in the top of the Cascade Mountain Range. So it took two seasons to complete the survey after the estimate.

Mr. SHERLEY. How long a season have you there?

Maj. MORROW. About three and one-half months.

Mr. SHERLEY. Have you that much of a tourist season?

Maj. MORROW. Yes, sir; about the same thing. Tourists go in there about the 1st of July and they come out about the end of September. It is a little shorter than the Yellowstone season, but is entirely comparable with it.

Mr. CANNON. Is it about as long as the Mount Rainier season?

Maj. MORROW. Probably not quite as long.

Mr. MALBY. Are there any railroads which run near this park?

Maj. MORROW. The main line of the Southern Pacific from San Francisco to Portland runs east of it, north and south. The easiest way to reach the park is to run up to Klamath Falls, which is about 60 miles from the park. The railroad, however, is building what they call the Natron cut-off, and when that road is completed, which they say will be shortly, the railroad will be within a very few miles of the eastern limit of the park.

Mr. SHERLEY. How far?

Maj. MORROW. About 6 miles.

Mr. MALBY. Do you contemplate connecting up with the proposed new road or is it intended to connect up with the existing railroad lines?

Maj. MORROW. It is intended to have the principal entrance on the eastern side of the park, so that will be the place that will connect with this new cut-off line.

Mr. SHERLEY. What is at Crater Lake National Park besides the lake and mountains? Is there any unusual feature?

Maj. MORROW. There is nothing except a couple of gorges, which are very picturesque, precipitous rocks, 200 or 300 feet in height, called pinnacles, but the main feature which is really worth while is the beautiful lake.

Mr. SHERLEY. How large is the park area?

Maj. MORROW. About 250 square miles.

Mr. PAGE. What is the area of the lake?

Maj. MORROW. The lake is about 5 miles across, nearly circular.

Mr. SHERLEY. How many square miles?

Maj. MORROW. About twenty-odd square miles.

Mr. SHERLEY. How much of a road system is it contemplated to construct?

Maj. MORROW. There is a map in the document which shows the road around the lake, going as near to the edge of the crater as can be done at as many points as possible, and roads would go east to connect with the new railroad line and south and west to the present entrances.

Mr. SHERLEY. Is it proposed to run the road through the forest reserve?

Maj. MORROW. That ultimately would be done.

Mr. SHERLEY. Is there any record of the people who have gone there heretofore?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. How many people have gone each season?

Maj. JADWIN. There were 5,000 in 1911.

Mr. SHERLEY. Where from?

Maj. MORROW. They all come in from Klamath Falls or Medford.

Mr. SHERLEY. Mostly from the State of Oregon?

Maj. MORROW. No. They come from Oregon and California. A great many of them are tourists who are coming from San Francisco or Portland and stop over.

Mr. MALBY. What is the elevation of the lake?

Maj. MORROW. The elevation of the lake is a little over 6,000 feet, and the rim is from 500 to 3,000 feet higher.

Mr. MALBY. It is an extinct crater?

Maj. MORROW. Yes, sir; the top blown off the mountain or sunk into the mountain. The water has filled up the lake to a depth of as much as 2,000 feet. It is the deepest body of fresh water in the world, certainly the deepest I know anything about. The sight of it is perfectly magnificent; the most beautiful I have ever seen.

Mr. MALBY. Is there any outlet?

Maj. MORROW. No; except seepage and evaporation.

Mr. MALBY. Is there much of an intake?

Maj. MORROW. It is fed by the snow which falls there during the winter and drifts in during the storms. The wind blows the snow in there and it can not get out.

Mr. CANNON. There is no river running into it?

Maj. MORROW. No, sir.

Mr. CANNON. It is fresh water?

Maj. MORROW. Yes, sir. There are little streams feeding it from the snowdrifts.

Mr. MALBY. Are there any fish in the lake?

Maj. MORROW. Yes, sir. They have a regulation limiting the catch to six.

Mr. MALBY. What kind of fish?

Maj. MORROW. Trout and some bass.

Mr. MALBY. Lake trout?

Maj. MORROW. Yes, sir. Six are about all you want to carry up the hill, climbing right up an incline of about 45°.

Mr. CANNON. Are the fish healthy?

Maj. MORROW. Yes, sir.

Mr. MALBY. This system of roads, does it include a road to the railway 6 miles away?

Maj. MORROW. Here [indicating] is the road which runs right around the lake. The map shows it. Here [indicating] are the three approach roads planned.

Mr. MALBY. Where does it go?

Maj. MORROW. Ultimately to Medford.

Mr. MALBY. How far away is that?

Maj. MORROW. One hundred miles.

Mr. MALBY. Through the forest reserve?

Maj. MORROW. A portion of the distance; yes, sir.

Mr. MALBY. And the balance private land?

Maj. MORROW. Yes, sir.

Mr. MALBY. Has the Government expended any money on that up to the present time?

Maj. MORROW. I think the forest people have improved that road only as much as necessary to get around the range.

Mr. SHERLEY. Is there any reason in the world for building roads other than around the rim of this lake and to a point outside by which the public can get in? There is not anything in particular about the scenery away from the lake that would justify the Government in building an elaborate system of roads for automobiles?

Maj. MORROW. No, sir; but you want one road to get in.

Mr. SHERLEY. I understand; but you do not want several roads to get in.

Maj. MORROW. If the people come in automobiles it is a good thing to have them go out on a different road from the one on which they come in.

Mr. SHERLEY. If it is not too much of an expense for the benefit of a limited number of people wealthy enough to own automobiles and who visit a lake of that kind.

Mr. CANNON. What is the distance to this entrance?

Maj. MORROW. About 6 miles.

The CHAIRMAN. How many miles around that lake?

Maj. MORROW. Thirty-five miles.

The CHAIRMAN. What character of road was the estimate based on?

Maj. MORROW. On a roadway surface 16 feet wide with 12 feet of macadam in the center, the width not entirely covered with macadam, but 16 feet of excavation, principally excavation.

Mr. SHERLEY. You estimate $20,000 annually to maintain these roads after built?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. That contemplates how much mileage of roads?

Maj. MORROW. That contemplates the entire mileage—something like 62 miles.

Mr. SHERLEY. Sixty-two miles of roads and $20,000; that is three hundred odd dollars a mile for maintenance?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. I notice that you contemplate sprinkling. Have you considered or estimated at all on the cost of oiling?

Maj. MORROW. That was gone into to a certain extent. The chances are that at this place oil will be used on the road, either in the shape of a bituminous construction or oil for maintenance.

Mr. CANNON. Is it soft or hard rock?

Maj. MORROW. It is hard rock. It will grind up—all rock will—but it is much better than ordinary limestone.

The CHAIRMAN. This survey which you made contemplates how many miles of road?

Maj. MORROW. 61.7; about 62 miles.

The CHAIRMAN. You spoke about 35 miles; would that cover the entrance?

Maj. MORROW. There are 39 miles, the circle around the lake and the distance to the entrance, to what will be the principal railroad entrance to the park.

The CHAIRMAN. And the total estimate of building that 61.7 miles is what?

Maj. MORROW. $627,000 for the 62 miles.

The CHAIRMAN. What would be the cost of the 39 miles?

Maj. MORROW. $468,000.

The CHAIRMAN. It would take 10 years to complete the entire system, according to your statement?

Maj. MORROW. Not 10 years; about 7 years, altogether.

The CHAIRMAN. Are there any roads there now?

Maj. MORROW. Just mountain roads. You can get over them with an automobile, but they are very kinky and in very bad shape. During the season there are probably now anywhere from three to seven automobiles which go up to the rim of the lake every day, besides the ones run by this company that has a lodge up there.

Maj. JADWIN. Mr. Chairman, you asked Gen. Bixby about the way the estimate was prepared and whether he could handle the work relatively economically. Maj. Morrow may throw some light on that.

Maj. MORROW. That point came up in the hearing with the general the other day as to whether the work of construction should be transferred to the Interior Department. The general spoke to me about it and suggested that possibly there were reasons he had not touched upon why the work might better be constructed by the engineer office out there. There is one point that should be emphasized: I have in the office at Portland an organization for river and harbor work for the Celilo Canal, where we are spending $600,000 to $800,000 a year, and that job contemplates a lot of excavation work. I have four steam shovels and a big land dredge on that work, in addition to the plant for putting in concrete. It just so happens that the high-water season in the Columbia River agrees absolutely with the working season in the Crater Lake National Park. The Columbia River flood begins in May or June and comes down in August. If this work were done there would be the advantage of being able to shift a portion of the force, and in that way enable the parties to get in there with a little more facility and to use part of the plant by transfer at the same time.

The CHAIRMAN. How far apart are these places?

Maj. MORROW. About 300 miles. But I am confronted just at this time and at this season of every year with the proposition of having to reduce the force at Celilo for three or four months; some of the men have to be laid off and are laid off. If this work were going on in the same office there would be that advantage of having a place to shift a considerable portion of them.

The CHAIRMAN. You state that three, five, or seven automobiles go through the park during a day?

Maj. MORROW. I say go up to the lodge.

The CHAIRMAN. Are they private cars or cars operated by the company?

Maj. MORROW. They are private cars; the company operates one and sometimes two automobiles to carry the people up to the lodge; but these are private cars in addition to those operated by the company, and sometimes there are seven or eight up there overnight.

The CHAIRMAN. Does the company carry many people?

Maj. MORROW. They carry anywhere from five to a dozen a day during the season in this machine that runs up from Klamath Falls. They charge $10 for that round trip in the automobile.

The CHAIRMAN. I asked that because I notice the fee paid by that company is $30.

Mr. MALBY. Is it an automobile company?

Maj. MORROW. No, sir; it is the Crater Lake Co., which runs this lodge or camping place at the rim of the lake.

Mr. SHERLEY. And they pay $30 for that privilege?

Maj. MORROW. I did not know they paid anything. They have a dozen or twenty tents there, and a big house which they use as a kitchen and dining room.

Mr. MALBY. And they accommodate anybody who goes there?

Maj. MORROW. Yes, sir.

Maj. JADWIN. Maj. Morrow has made reference in his report to a probable large increase in the number of tourists who will travel at the time of the San Francisco Exposition.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 17, 1912.

Mr. JAMES C. COURTS,
Clerk Committee on Appropriations, House of Reprcsentatives.

SIR: * * * A memorandum, prepared in this office, is attached giving information concerning the cost of maintenance of wagon roads by the use of oil and by sprinkling with water, along lines suggested by questions asked by some of the members of the committee in connection with Maj. Morrow's testimony.

Very respectfully,
W. H. BIXBY,
Chief of Engineers, United States Army.

[Memorandum concerning the cost of maintenance of wagon roads by the use of oil and by sprinkling with water. Prepared in the office of the Chief of Engineers, United States Army, April 17, 1912.]

PARK AND COUNTY ROADS AND SUBURBAN STREETS IN DISTRICT OF COLUMBIA.

The cost of oil constitutes about two-thirds of the cost of work of oiling the county roads and suburban streets in the District of Columbia. Oils of several kinds were used, including a considerable amount of emulsified oil; this latter oil was found to be better adapted to residence streets where there is much pedestrian traffic on account of being less adhesive to the feet when first applied; it is also less expensive. The heavier oils were found to be best adapted to roads having considerable automobile travel and the lighter oils to roads having heavy hauling and where the surface is loose. These oils are used instead of sprinkling with water, with the result that the dust is kept down at all periods of the day instead of drying out at intervals. The cost of laying varied from about 3 cents to a little over 6 cents per square yard; the cost of watering was about 2½ cents per square yard. While the expense of oiling is greater than of watering, the additional advantage of preservation compensated for the increased expense, for the life of the roadway is considerably increased.

WASHINGTON PARK SYSTEM: PUBLIC BUILDINGS AND GROUNDS OF THE DISTRICT OF COLUMBIA.

The cost of treating with oil and tar is, on an average, 2½ cents per square yard, with oil at 6½ cents per gallon. The roads were, in general, good macadam roads. At this price a 16-foot road would cost about $235 per mile per annum for oiling. Average cost of sprinkling with water in past years was 3.2 cents per square yard, or about $300 per mile for a road 16 feet wide.

MISCELLANEOUS NOTES (FROM HANDBOOK OF COST DATA, GILLETTE, PP. 154 AND 155).

Mr. E. W. Howe gives the cost of sprinkling macadam park roads (locality not stated) as follows per mile per year: Water (16 cents per 1,000 gallons), $187; teaming, $533. The road was sprinkled 10 times daily to keep the dust down, a sprinkler with fine holes being used. The cost of maintaining these roads was about $200 per mile per year, distributed thus: Screenings, $130; teaming, $50; labor, $20.

ROADS IN EUROPE, NEW JERSEY, AND MASSACHUSETTS.

Mr. L. Y. Grabill, superintendent of county roads, Washington, D. C., expresses the opinion that the good condition of the ordinary country roads in Ireland and Scotland is due to the character of rock used which, under ordinary travel, keeps well compacted as the result of the high degree of moisture in the climate.

In the New Jersey report for 1907 an estimate is made for cost of maintenance for the entire State of $300 per mile, and the report states that that estimate is considered low. One county in New Jersey in 1907 expended $436 per mile for maintenance. The cost of maintenance of the highways in the vicinity of Newton, Mass., in 1910, was $541 per mile for maintenance only.

YELLOWSTONE NATIONAL PARK.

The estimated cost of oil delivered in the park is about 10 cents per gallon.

An estimate made in 1903 indicated that the cost of oiling a 10-foot road in the park would be approximately $440 a year. The question is now being carefully investigated again. The average cost of sprinkling roads in the park during the past three years has been about $300 per mile.

Mr. FITZGERALD. Mr. Chairman, the report to which the gentleman calls attention recommends that $627,000 be expended in the construction of 62 miles of road in this national park. Last year there were 4,500 visitors at the park, and the receipts obtained from the various concessions in the park by the Federal Government amounted to $389. A 20-year concession has just been granted to the so-called Crater Lake Co., so that if this system of roads that is contemplated is to be constructed at the rate contemplated in the gentleman's amendment it will take 14 years to complete it. The committee believed, in its investigations of these various parks, that before any very extended appropriation should be made for improvements in them it is of the utmost importance that some definite plan of control and development be determined upon by Congress. The estimate for these roads was made under a survey made by the War Department. This appropriation, if granted, would be expended under the Interior Department.

The roads in the Yellowstone National Park have already been built under the Army engineers. This money, if appropriated as now proposed, would be expended by the Interior Department. This park has roads now. Maj. Morrow said they are just marked roads, but that you can go over them with automobiles. Before Congress should undertake to enter upon a scheme of expending $627,000 for roads in this park, to build 62 miles of roads at a cost of $10,000 a mile, some plan should be adopted by which these concessionaires should make reasonable return to the Government, and some fixed policy should be adopted regarding all of the parks. The Federal Government has rather overdone the matter of national parks. Some of them are well worthy of development, but as concerning others very serious questions arise.

In the Glacier National Park, for instance, there are within the limits of the park a number of homestead entries, and one of the most attractive and beautiful lakes in the entire park is surrounded by homesteaders, so that every dollar expended by the Federal Government in the development and improvement of that park prior to the acquisition of these private rights within the park will simply tend to enormously enhance the value of the private holdings in the park.

The committee believed, in view of all the facts developed in the investigations regarding the parks, that it would be unwise at this time, until opportunity has been afforded to consider a plan that had been proposed to consolidate the question of management of these parks and the defining of some policy toward the development, to undertake these very extraordinary improvements. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 20, noes 43.

So the amendment was rejected.

The Clerk read as follows:

Mesa Verde National Park, Colo.: For protection and improvement of Mesa Verde National Park, Colo., including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $7,500.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I do not believe there is anything which so thrills the human body as the contemplation of enjoyment, and commensurately, in opposite degree, disappointment. It does not happen that this gem of creation, the Mesa Verde National Park, is in my district. At the same time, however, speaking for Colorado, as a Member from the West, being looked upon as one of the most voracious individuals, looking for everything that might be had from the Government, looters of the public domain, and so forth, I feel I must raise my voice in favor of one of the grandest sights there is in the Western Hemisphere.

I believe that this Goverment has done a very generous thing to give us $7,500. [Applause.] I am going to disappoint my friends over there in not allowing them to raise a point of order. I consent to the amendment that is offered by the committee for the $7,500, and we are very thankful for them. We hope that they will do the same thing for us next year. [Applause.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Mount Rainier National Park, Wash.: For protection and improvement of Mount Rainier National Park, construction of bridges, fences, and trails, and improvement of roads, $5,400.

Mr. WARBURTON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add the following at the end of line 20, page 107, Mount Rainier National Park: "For the improvement of the Government road between the National Park Inn, in the Mount Rainier National Park, to a point where the Government road leaves the national forest reserve, $35,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. This part of the bill has reference to national parks. The gentleman is speaking of some road leading to the national park.

Mr. WARBURTON. No; the amendment is offered for the appropriation of $35,000 for the improvement of that part of the road in the national park extending——

Mr. FITZGERALD. It is not a Government road; it is not on Government land.

Mr. WARBURTON. But the gentleman is mistaken; it is a Government road.

Mr. FITZGERALD. I reserve the point of order.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. FITZGERALD. The statement made by the gentleman very greatly impressed the committee when it was made on another occasion, and it rather inclined the committee to favorable action upon this improvement or to serious consideration of some relief of the situation. But the committee was subsequently furnished with information which the gentleman has not been kind enough to give to this committee. From the entrance of the park to the limit of the forest reserve there is only one available route for a road, and along that route there was a roughly cut road that enabled the Forest Service to take out timber; and if any road is to be constructed it must be constructed along that line.

It is 3 miles from the limit of the boundary of the park to the boundary of the forest reserve, and practically every foot of that land through which that road must go from the park to the boundary of the forest reserve is in private ownership, having been taken up by homestead entries.

That information did not come from the gentleman who is now offering this amendment. It was furnished by the Forester of the Department of Agriculture, who called the attention of the committee to the fact that this road was just as much a county road as any other road in the county about which the gentleman speaks, as having been improved at the expense of the county, and it would mean that the United States would enter upon the policy of building roads upon private holdings in the several States.

With that information before the committee, the complexion of this entire matter changed very materially. In view of the fact that there was no authority to build roads of this character, that the proposed road was not upon the public domain, and that it was not in a forest reserve, although it would very greatly enhance taxable values in this county, the committee believed it would be absolutely indefensible to make an appropriation for any such purpose.

I insist upon the point of order, Mr. Chairman, in as much as this road is not upon Government land.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. The gentleman from New York said that this 3 miles of road within the exterior limits of the forest reserve and outside of the park was on private land.

Mr. FITZGERALD. It is not in the forest reserve at all, because it had been taken up in homesteads.

Mr. MANN. I say, it is within the exterior limits of the forest reserve, it is not?

Mr. FITZGERALD. Yes.

Mr. MANN. Is there not a road used by the Government?

Mr. FITZGERALD. There is such a road.

Mr. MANN. Does not the road belong to the Government? How could the Forest Service have a road there otherwise?

Mr. FITZGERALD. They were permitted by the people to get through there. It is the only feasible place to do it.

Mr. MANN. If there is a road dedicated there——

Mr. FITZGERALD. It is not a road dedicated.

Mr. MANN. A road dedicated by practical use is a road dedicated, just the same as if it were done by a formal proceeding.

Mr. FITZGERALD. Even if it is a dedicated road, it does not belong to the Federal Government, because they could not give it to the Federal Government.

Mr. MANN. If there is a road within the exterior limits of the forest reserve, and it is a public road, I take it that it does belong to the Government.

Mr. FITZGERALD. The forester states that this is not in the forest reserve. If the land is taken up in homesteads, it is not within the forest reserve.

Mr. MANN. It is within the exterior limits of the forest reserve.

Mr. FITZGERALD. I can not agree with the gentleman's statement that it is within the exterior limits, because the forester says it is not in the forest reserve. It can not be in the forest reserve, because these are homesteads.

Mr. MANN. I do not think there is any difference between us——

Mr. FITZGERALD. These are private holdings, and the Government can not include them in any forest reserve.

Mr. MANN. I understand that in making a forest reserve the President has the power, and exercises it, to cover all the public lands within certain exterior limits.

Mr. FITZGERALD. This is not public land.

Mr. MANN. It covers all the public land within those exterior limits. Now, a road is public land in one sense. If there is a road there, I think we do have jurisdiction.

Mr. FITZGERALD. If the gentleman will permit me, this road is over the private holdings of private individuals.

Mr. NORRIS. Are not these private holdings within the forest reserve?

Mr. FITZGERALD. No; they can not be within it.

Mr. MANN. They are within the exterior limits.

Mr. FITZGERALD. The gentleman is mistaken. I looked at the map.

Mr. WARBURTON. Mr. Chairman, they are within the limits.

Mr. FITZGERALD. They are not within the forest reserve, because the fact that they are taken up by private holdings makes it certain that they are out of the forest reserve.

Mr. MANN. Mr. Chairman, I have the floor, if the gentleman will pardon me.

Mr. FITZGERALD. They are connected right up with the rest of the county there.

Mr. MANN. Now, I should like to ask the gentleman—going into the merits of the proposition—if this road should be constructed, would not the principal beneficiary of it be the Government, which owns the park and the forest reserve?

Mr. FITZGERALD. I am not so sure that it would be. I think the principal beneficiaries would be the owners of the property through which this road would be constructed. It would add immensely to the value of those private holdings.

Mr. MANN. Here are a few quarter sections homesteaded. Those people do not need a macadamized road for automobiles, do they?

Mr. FITZGERALD. No; but, if the gentleman will permit me, they have so located their claims as to take up the only available route for a road. It must have been done with deliberation, to take advantage of the Government in this situation.

Mr. WARBURTON. That is not so.

Mr. MANN. If the gentleman will permit me, it is perfectly apparent, from the statement which was made the other day by the gentleman from Washington [Mr. WARBURTON], that that road, only 3 miles long, ought to be improved to connect with the roads on each side of it. Here is a road—I do not remember how many miles long—outside of the forest reserve, and a road in the park, and for the lack of a connecting link 3 miles long these two roads are unconnected. It is perfectly patent that somebody ought to build the road. Is there not some way of having the Government contribute at least a portion of the cost of the building of the road within the forest reserve?

Mr. FITZGERALD. I suggested to the forester that the Agricultural Department had half a million dollars with which it could build a road in the forest reserve, and the forester made the statement that it is not in the forest reserve.

Mr. SIMS. Was that road built over private land at the expense of the Government, for the purpose of saving a greater expense to the Government in going over a worse or more inconvenient route? That was the statement made by the gentleman from Washington [Mr. WARBURTON].

Mr. FITZGERALD. The so-called road amounts to the cutting and clearing of the standing timber off a stretch through which they can take the cut timber. That is all.

Mr. SIMS. Could the Government have constructed a road that would have answered the purposes of the Government without going over this particular private land?

Mr. FITZGERALD. I think it could, although it would not have been quite as convenient.

Mr. SHERLEY. Will not the people who get the most benefit from this road be the people in the town right near there, who have the advantage of this national park in such close proximity, and who are getting revenues out of it because of the attractions in the park?

Mr. SIMS. I will not controvert that, because I am asking for information; but if the Government built the road through private property at its own request, in order to save money to itself, it does not seem to me that it ought to be regarded as a private enterprise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I should like to have a couple of minutes, just to answer the gentleman's statement.

The CHAIRMAN. The gentleman from Washington [Mr. WARBURTON] asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. WARBURTON. Mr. Chairman, as a matter of fact these settlers went there many years before the park was ever created. They did not go there with any idea of getting in the way of the Government. Nobody could have told at that time where the Government road would go. They took their homesteads along the river, in the valley, as people naturally would do. The Government went to these settlers and asked them for a right of way, on the theory that it was going to build and maintain the road. The Government owns it to-day.

Mr. FITZGERALD. The Government could not take property without special authority of Congress.

Mr. WARBURTON. The Secretary of War has in his possession to-day the deeds of all these roads in forest reserves excepting this 400 feet.

Mr. FITZGERALD. The gentleman is mistaken; the Government can not take it without special authority of Congress.

Mr. SIMS. Mr. Chairman, as I understand, the settlers did not settle there with a view to speculation.

Mr. WARBURTON. No; they did not.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Under the amendment it is proposed to appropriate $35,000 for the improvement of the Government road between the National Park Inn, in the Rainier National Park, and the point where the Government road leaves the national forest reserve.

The question which is most important to the Chair hinges upon the word "improvement." If the word "repair" were used instead of the word "improvement" the Chair would overrule the point of order; but, under the word "improvement" in the amendment, the money could be used in the purchase of ground to widen the road. In the District of Columbia we frequently appropriate money for the repair of streets, but there must be an authorization for the improvement of a road which would necessitate the purchase of ground to widen the road. Because of the word "improvement" in the amendment, the Chair sustains the point of order.

Mr. WARBURTON. Mr. Chairman, I offer the amendment again, substituting the word "repair" for the word "improvement."

Mr. FITZGERALD. Mr. Chairman, I make the further point of order that at this point of the bill we are carrying appropriations for the maintenance of national parks and that the provision for a Government road outside of a national park is not germane to this part of the bill and not in order.

The CHAIRMAN. Now, in relation to the amendment now before the House, which uses the word "repair" instead of "improvement," the Chair invites attention to Hinds' Precedents, volume 4, page 534, where the following language is used:

An appropriation for repair of an existing Government road to a national cemetery is in order on a general appropriation bill as in continuance of a public work.

An appropriation to build a new road to a national cemetery was ruled out of a general appropriation bill as not being a legitimate continuation of the cemetery as a public work.

The Chair therefore holds that this amendment is now in order, and overrules that point of order. The question is on the adoption of the amendment.

The question was taken, and on a division (demanded by Mr. WARBURTON) there were 23 ayes and 43 noes.

So the amendment was rejected.

Mr. WARBURTON. Mr. Chairman, I now move to strike out the words "thirty-five thousand" and insert the words "twenty thousand."

Mr. FITZGERALD. What is the amendment, Mr. Chairman?

Mr. MANN. The gentleman from Washington reoffers the amendment with $20,000 inserted instead of $35,000.

Mr. FITZGERALD. Let it be reported.

The Clerk read as follows:

Amend the bill by adding the following at the end of line 20, page 107:

"Mount Ranier National Park: For the repair of the Government road between the National Park Inn in the Ranier National Park and the point where the Government road meets the national forest reserve, $20,000."

Mr. WARBURTON. Mr. Chairman, I will change that from $20,000 to $15,000.

The CHAIRMAN. The gentleman from Washington modifies his amendment by making it $15,000, and the question is on the amendment as modified.

The question was taken, and on a division (demanded by Mr. WARBURTON) there were 27 ayes and 42 noes.

So the amendment was lost.

Mr. WARBURTON. Now, Mr. Chairman, I desire to offer another amendment.

The Clerk read as follows:

Amend, by inserting immediately preceding line 21, page 107, the following:

"That from and after the date of the passage of this act the wagon road to the Mount Rainier National Park, in the State of Washington, constructed over private and national forest lands under the direction of the Secretary of War, pursuant to acts of Congress approved March 3, 1903 (32 Stat. L., p. 1130), and April 28, 1904 (33 Stat. L., p. 498), shall be, and is, placed under the administrative jurisdiction of the Secretary of the Interior, who is hereby authorized to make and execute rules and regulations for the protection, control, supervision, and maintenance of the said road."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on the amendment. I thank the gentleman for admitting what I have contended for.

Mr. WARBURTON. That is done at the request of the Secretary of the Interior, who inserted the word "private." I did not.

Mr. FITZGERALD. I do not care who requested it. The gentleman from Washington is not to blame. I contend, Mr. Chairman, that that is clearly legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 107, after line 20, insert the following:

"Wind Cave National Park, S. Dak.: For the improvement and protection of the Wind Cave National Park, $2,500."

Mr. BURKE of South Dakota. Mr. Chairman, I do not wish to take up the time of the committee at this late hour. I wish to say that this appropriation has been carried heretofore for the Wind Cave Park, S. Dak. It is estimated for, I believe, at $4,100. I am unable to find any reference to the matter in the published hearings, but in the examination of the bill of last year this seems to be the only park for which an appropriation is not provided for in this bill, and I assume that it was inadvertently omitted from the bill. I therefore hope the amendment will prevail.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Dakota.

Mr. FITZGERALD. Mr. Chairman, I desire to contradict the gentleman's statement that this was inadvertently left out. It was deliberately left out. If there is any excuse for Wind Cave National Park, nobody has ever been able to discover it.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Considering that this is campaign year, does the gentleman not think that we can afford to appropriate something for Wind Cave Park?

Mr. FITZGERALD. No; we do not want the wind confined to that cave.

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from New York that I discovered that Platt National Park is included in the bill, and I could not form any other conclusion than that Wind Cave National Park must have been inadvertently left out of the bill.

Mr. FITZGERALD. The gentleman is aware of the fact that those interested in Platt National Park have not displayed any great enthusiasm over the recommendations made by the committee regarding it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Glacier National Park, Mont.: For administration and improvement of Glacier National Park, the construction of roads, bridges, telephone lines, and the repair of roads, trails, bridges, $50,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. This item provides for the improvement of one of the newest and one of the finest of all of the national parks. I have not offered an amendment increasing the amount because I know that it would be entirely useless to do so.

We have had this evening a beautiful illustration of the way in which this appropriation bill has been prepared. As we have read item after item Members interested in the public service proposed to be provided for have one after another risen in their places and offered reasonable amendments for necessary improvements, and they have all been voted down. I am not a prophet nor the son of a prophet, and yet my guess is that when we again consider this bill after its journey elsewhere practically every item offered this evening will be in the bill, and in the course of time the gentleman from New York in charge of the bill will bring in a conference report agreeing to those items. What is the result of that sort of policy adopted by the committee in connection with this bill? It is to take from the Members of this House whatever influence they may have, whatever standing they ought to have, in the matter of securing needed and necessary appropriations for the public service. The result is to wear out the marble floor between here and another place by the tread of the Representatives of the people going elsewhere to obtain those things which are denied them in the body of which they are Members. So year after year this thing goes on.

I suppose it will go on if the gentlemen in control of this bill continue in their present position, and the prestige of the House falls lower and lower. Who so short sighted, who so foolish as to approach a Representative asking him to secure a needed appropriation for his district, when he knows that there is little possibility of securing it? No; he goes elsewhere to another body, and so the committees of this House deprive the Members of the opportunity to serve the people they represent, and thus enhance the prestige of another body. Incidentally they give us an exhibition of how a committee of this House can and does refuse Members of the House even a decent hearing in regard to the matters of appropriations relating to their districts.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. Is the other body to which the gentleman is referring the one that gave the city of Sundance $175,000 for a post-office building—the aforesaid Sundance having only 275 inhabitants? Is that the body to which the gentleman refers?

Mr. MONDELL. Mr. Chairman, here is another gentleman who has got Sundance on the brain, and I am delighted to have the beautiful city of Sundance receive this advertisement. Come up to Sundance, breathe the pure air of her mountain heights and get a broader view of things. But Sundance is not at issue at this time, and I trust that this committee will in the future mend its ways and give some heed to the amendments of Members for worthy objects.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

Platt National Park: For maintenance, bridging, roads, trails, and sewerage, under direction of the Secretary of the Interior, $5,000.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I desire to offer an amendment increasing the amount to $5,000.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the paragraph.

Mr. MANN. What authority is there for sewerage in this park? Is there any law authorizing the Government to build sewers in Platt National Park?

Mr. FITZGERALD. We are doing our best to prevent it.

Mr. FERRIS. Mr. Chairman, I will say that the amount there is not sufficient to build any sewers, and if the gentleman desires I will consent to have that stricken out.

Mr. MANN. The gentleman can let it go out on a point of order and then reoffer it, or he can ask unanimous consent that the words "and sewerage" be stricken out.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the words "and sewerage," in line 2, page 108, be stricken out, and the word "and" be inserted before the word "trails."

The CHAIRMAN. Without objection, the change will be made in accordance with the suggestion of the gentleman from Oklahoma.

There was no objection.

Mr. FERRIS. Mr. Chairman, I move to increase the amount by striking out "$5,000," in line 3, page 108, and inserting in lieu thereof "$10,000."

This park is estimated for, and the amount of the estimate is $53,455.

I understand from the statement of the chairman of the committee that he does not want to commit the Federal Government to any large expenditures in these parks until some definite arrangement can be arrived at respecting them. I have offered to increase the amount only sufficient to cover little necessary repairs to keep what is there from going to wreck and ruin. As I said before, the estimate is more than $50,000. I have offered only fairly enough to take care of some items that will keep the park from going to wreck and ruin. I hope the chairman will accept the amendment. There is one item of $140 for a revetment wall. There is another item of $50 for improvement of a little spring and another one for $75 and a few little remnant items.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I move to strike out $5,000 and insert in lieu thereof $10,000. It ought to be for the full amount of the estimate.

I am well aware of the value of the time of the House and also the lateness of the hour, and I do not want to yield to anybody. Please permit me to proceed in my own way, at least for the present.

Mr. FOSTER. I have some sympathy with the gentleman——

Mr. FERRIS. I appreciate the gentleman's sympathy. I will also appreciate his vote.

Mr. FOSTER. But if I can not get the information I will have to vote against the gentleman.

Mr. FERRIS. I hope the gentleman will let me proceed, as I do not desire to unduly detain the House. I shall try to give him the information. The situation is this: This park is located in the center of our State and has, approximately, 800 acres. It is an 800-acre park with 33 beautiful mineral springs, with beautiful timber, cataracts, and beautiful hills, in the middle of a prairie State. It is the only institution of the kind in the State or in the Southwest. The Government is not surfeited with parks. We do not get anything for rivers and harbors, we do not get any of the appropriations that most of the States get. We have more than one-third of all the Indians of the United States, whose lands are nontaxable. The recent tax decision has stricken from the tax rolls of our State pretty nearly all of the taxable areas in the eastern part of the State. This is a small item, and I hope the chairman of the committee will accept this amendment. I think it is not too much to ask.

Mr. FITZGERALD. The gentleman says this is the only thing in Oklahoma upon which the Federal Government can expend money. The gentleman understands that is not my fault. I did my best to give this great, magnificent national park to the State of Oklahoma——

Mr. FERRIS. We thoroughly understood the generosity of the gentleman on former occasions.. [Laughter.]

Mr. Chairman, I would ask that the amount be increased for the full amount of the estimate, which aggregates $53,455, but for the fact that the chairman of the committee having charge of the bill has stated that it was not his intention to incur any large expenses in any of the parks until some well-defined and well-mapped-out plan had been adopted with reference to them. Of course I, with others who have been disappointed in the size of their park appropriations in this bill, would like to cure that disappointment by having an amount sufficient appropriated to do the things necessary to make the park what it should be. I am only asking at this time an amount sufficient for the park to make a few needed improvements and keep things in repair until such time as the park may be given a regular status, and properly appropriated for in proportion to her natural advantages.

It has been said by this committee in the past on this floor, and it has been said to me in person when presenting the matter to different members of the committee, that this park had been offered to the State and she had refused to accept it. This is a true statement of the situation, and the State does not now desire to accept it; not because it is not of value, but because it has natural attractions, national in character, that induced the Federal Government to purchase it and establish it in the beginning—to make it a national park, not a State park. It has those same attractions now, and even more; the beautiful city of Sulphur has been built up about it. It has been partially improved and beautified, the value and medicinal qualities of the water are now well and favorably established, and why should the Federal Government now undo or take the back track on their former position?

I know this is a time of intense economy, but surely the time has not arrived when the National Government should purchase and establish a park at great cost in 1902 and later, in 1904, adding thereto by an addition, and then in the good year 1912 throw that away. I do not believe the Appropriation Committee are performing any service in constantly attacking these parks. The State of Oklahoma is proud of the park. The State of Oklahoma appreciates, visits, and uses the park. Her visitors from other States use and enjoy the park. There is no other park near this one. The park was purchased from the Indians to the end that it might not be despoiled. Oklahoma has more than one-third of all the Indians in the United States. I think it is not too much in deference to them alone to beautify, improve, and make something of this park. They were the aboriginal owners of it all once, now we own it all. It is not a large sum.

It has 33 mineral springs of which the whole State and every visitor to the park is thrice proud. During the years of 1910 and 1911, respectively, more than 30,000 visitors visited and were benefited by the waters and the park. This shows it is of benefit. This shows it is appreciated.

The park abounds in beautiful scenery, healthful water, a delightful climate, a hospitable people, and her natural advantages are certainly all that could be asked.

It has been contended by the members of the committee that the park has no nation-wide advantages which entitle it to longer recognition as a national park. On this I join issue squarely. I could insert testimonials from the best physicians of the country as to what the water has and will accomplish, but I will not now detain the House with that phase of the matter.

The park has been estimated for by the department. They recognize its worth. They recognize the necessity for this appropriation. They see no reason to change their view that it is still a park of sufficient proportions and value. I have the Book of Estimates before me, and I will present the items for which the department has estimated that there be appropriated $53,455.

Platt National Park, Okla.:

For protection and improvement of Platt National Park and the construction of a sanitary sewer (acts July 1, 1902, vol. 32, p. 655, sec. 1; Apr. 21, 1904, vol. 33, p. 220, sec. 1; Mar. 4, 1911, vol. 36, p. 1420, sec. 1)	$53,455.60	$10,000.00

Memorandum as to proposed expenditure of amount estimated for Platt National Park.

Sewer system	35,000.00
Revetment wall	300.00
New pavilion, Wilson spring	140.00
Improvement and repair, Wilson spring	50.00
New administration building	10,000.00
Three new barns for park stock	1,000.00
For electric lights in park and superintendent's residence	268.60
Telephone service	102.00
Driveways and trails	1,200.00
Weeds, thistles, and underbrush	200.00
Reenforcement, forest timber	100.00
Miscellaneous and emergencies	150.00
Shoeing of team, repair of tools, etc	75.00
Salaries of park force	4,800.00
Fuel	70.00
Total	53,455.60

Classified statement of receipts and expenditures, Platt National Park, fiscal year 1911.

[Appropriation for protection, improvement, etc., fiscal year 1911, $5,000.]

EXPENDITURES.

Salaries of park employees		$3,935.00
Construction, repair, and improvement of roads and trails; improvement and development of springs and park water system		500.85
For ice, cutting weeds, towel supply and laundry for superintendent's office, repair and sharpening of tools, etc		199.41
Repairs to superintendent's residence and cleaning rest houses		75.00
Electric-light service		112.04
Telephone service		84.00
Fuel		70.00
Miscellaneous expenditures:		
Stationery supplies	$6.26	
Printing and binding	7.74	
Removal of refuse	2.00	
		16.00
Total expended		4,992.30

Platt National Park, Okla.—Continued.

Classified statement of receipts and expenditures, Platt National Park, fiscal year 1911.

REVENUES.

July 1, 1910, balance (after deducting $579.50 for material and supplies furnished and service performed prior to July 1, 1910)		$79.27
Receipts: Fees from licenses and permits granting park privileges, sale of gravel, etc		475.75
Total available		555.02

EXPENDITURES.

Repairs and development of springs	$368.65	
Harvesting alfalfa crop	11.00	
Miscellaneous expenses: Soap, brooms, wire, ice, telegraph and advertising service	13.37	
		393.02
Balance July 1, 1911		162.00

The gentleman from Illinois objected to the item for the sewer and it was eliminated, but it should not have been done. Due to the topography, the park took in the only tangible or, I might say, possible outlet for the city sewer. In creating the park they were compelled to move the town of Sulphur, or at least a large part of it, twice to accommodate the Government and help the Government with the institution, and now they will not allow the city to use the natural sewer that nature gave them, neither will they construct their share of the sewer from the line of the park across and on their own property. However, I consented to allow the word "sewer" to be omitted in deference to the gentleman from Illinois [Mr. MANN] inasmuch as the amount carried would not be sufficient to construct the sewer anyway.

Every item of the estimate is not only needed, but is badly needed. In deference to the statement of the chairman and the general paring down of all the appropriations I am not asking the full amount, but do want to emphatically assert that we do not concede that any of it should go out.

On the subject of the necessity of this item I can not do better or furnish better information on the subject than to quote from a letter recently received from the Hon. C. B. Emanuel, Sulphur, Okla., addressed to me on the subject. I will read it:

The first town of Sulphur was built around the Hillside and Pavilion Springs. There a thriving little village sprang up and everything was growing and prosperous. The agents for the United States Government discovered these springs and their wonderful curative and medicinal qualities, and then came the first segregation. The town builders moved off willingly to a southeastern direction and started a town or town site on the land that I have circled with a pencil. In a few months Sulphur had a population of approximately 3,000. The question of sewerage came up, and from the report of Mr. H. V. Hinkley it was learned that the city could carry its sewerage to a southwesterly direction and by the expenditure of $8,000 empty all of this sewerage into Rock Creek, one-half mile below the Bromide Spring.

As from the second town site the sewage would have a natural drainage in the southwestern direction. From the records of the old city recorder I note that the actual taxable valuation of the real estate of this second town was more than $1,000,000. Just when they were getting ready to vote bonds for a sewer and water system the second segregation came. From the geological lay of the land they could not move any other direction than onto the present town site of this city, therefore there is absolutely no other direction for the city's sewage to flow other than the route it is now going. From the business portion of this city it is uphill both north, east, and west, therefore the sewage must go as it is now going—south. At present this city has a population of 5,000. Its actual taxable valuation is $2,800,000. We have paved streets, $90,000 water system, $56,000 sewer system, and more than $100,000 invested in our public-school buildings. This sewerage system, as I have heretofore stated, is a menace instead of a benefit to this city; for this reason: I have designated by a small square at the entrance of First Street west to the park the east side septic tank, or the place where all of this city's sewage empties. This method of the waste from a city is absolutely a failure. The sewage does not stop in the tank, but goes on down—the ditch I have indicated by a blue line—and empties into Travertine Creek. Last summer the smell or oder from this creek was so bad that one could not go within a block of it. Furthermore, this septic tank is only half block from the business portion of the town. It could not be placed elsewhere on account of the location or lay of the land, and for the reason that the Government would not cooperate with this city. The west side septic tank is located at a point I have indicated just south of the Santa Fe Railroad station, and that sewage also goes into Rock Creek, all of the sewage flowing through the park. What we want the Government to do is to construct an 18-inch sewer along the route indicated by the green line, keep the sewage out of the creeks, and empty it into Rock Creek outside of the reservation down below the Bromide Spring. The city will construct a line of sewerage along the routes indicated by red lines, and deposit its sewage into the Government sewerage, and it can be carried through the reservation to the place I have stated. The $300 item for revetment wall is for the purpose of constructing a cement wall for the purpose of keeping the embankment from caving into the Bromide Springs. I have indicated on this map just where it is to be built. Another very important item is the $10,000 administration building. I have indicated on this map where this building is to be constructed; and if it is built it will certainly be a great addition to Platt National Park and the city of Sulphur. The $1,200 item for driveways and trails is very, very important. I am sorry that it is not $12,000, as that amount will only be a starter that can be used in this direction.

C. B. Emanuel is a bright young lawyer and a member of the legislature from that county, and has the matter well in hand. His law partner, Mr. Broadbent, from Sulphur, made a trip here this winter to assist the committee and the Oklahoma delegation in making known the facts. He has been helpful to us. He has been helpful to the committee. The amount in the bill is the only complaint we have, and it should be enlarged here and now.

One word further about the proposition of ceding the park to the State of Oklahoma. The legislature of the State has spoken upon the proposition by a resolution. I incorporate it here so the House can observe the situation:

Resolution.

Whereas the Legislature and Senate of the State of Oklahoma, by house concurrent resolution No. 13, duly and regularly passed in December, 1910, and signed by the governor, did cede all right, title, and interest that the State of Oklahoma had or might have acquired in and to Platt National Park, by virtue of the supplementary agreement, to the United States of America, copies of which concurrent resolution were duly forwarded to the Secretary of the Interior, to the honorable Speaker of the House of Representatives, and to each member of the delegation in Congress from the State of Oklahoma; and

Whereas up to this time the said resolution has not been presented to the Federal Congress for adoption and acceptance; and

Whereas the Choctaw and Chickasaw Tribes of Indians, by virtue of the supplemental agreement, relinquished, ceded, and conveyed the lands contained in the said park to the United States of America, to be by it held, controlled, and owned absolutely and without any restriction as a national park for the use and benefit of all mankind forever; that the State of Oklahoma is unable financially to hold and maintain said park in a manner in accordance with the original intention of the Indian tribes; and that should the Federal Government not retain said park it must eventually fall into the hands of individual speculators; and

Whereas the patronage from the entire Southwest to Platt National Park has grown to such large proportions as shown by the records of the superintendent of said park for the years 1909, 1910, and 1911 that improvements should be made for the better accommodation of the growing number of annual visitors who avail themselves of the medicinal springs, as well as for the protection of the springs themselves, and that it is meet and fitting that this park, located as it is in the heart of the last home of the red man, should be held and controlled by the National Government: Therefore be it

Resolved, By the people of Sulphur and vicinity, in mass meeting assembled, in behalf of themselves, the Indian tribes, and the entire Southwest:

First. That we earnestly urge the acceptance by Congress of the aforesaid concurrent resolution of the Oklahoma Legislature forever fixing the title to the Platt National Park in the Federal Government; that we request that the appropriation for the park as recommended by the Secretary of the Interior be made by Congress at once; and, in addition, we urge the Congress of the United States to inaugurate such a course as will result in so improving and beautifying the park as to make it a fitting memorial to the Indian race so long as time shall last.

Second. That copies of this resolution be forwarded to Hon. SCOTT FERRIS, Hon. C. D. CARTER, Hon. BIRD MCGUIRE, Hon. DICK T. MORGAN, Hon. J. S. DAVENPORT, our Representatives in Congress; to Hon. CHAMP CLARK, Speaker of the House of Representatives; and to the Hon. ROBERT L. OWEN and Hon. THOMAS P. GORE, our Senators.

H. W. BROADBENT.
N. P. WEGD.
P. S. WILSON.

Unanimously adopted in mass meeting this 1st day of May, A. D. 1912.

GEO. C. BOLEND, *Chairman.*
P. S. WILSON, *Secretary.*

Our State is new, and there are many burdens to carry in a new State. We do not share the usual Government appropriations for waterways, shipbuilding, and so forth. I think it is not too much, with our large nontaxable Indian-land areas, for the new State to respectfully yet firmly ask the Federal Government to retain the park and provide well for it, as they ought to do.

The House ought to afford the park the full estimate of $53,455, but surely it will be entitled to the small increase asked for by my amendment. I ask for a vote and for the adoption of the amendment just offered.

Mr. FITZGERALD. To carry out the good faith in the treaty made many years ago with the Indians. I did so because I believed it desirable to keep faith with these wards of the Nation. According to the statement of residents of Oklahoma, there are in this national park springs of medicinal character unrivaled on the face of the earth. And a prospectus issued by a gentleman living in Sulphur Springs set out how the lame, the halt, and decrepit were carried from railroad trains in the evening to these springs in the park and, after taking one long, exhilarating draft, immediately walked away with the youth, health [laughter and applause] of the most vigorous man that the country possesses.

And this treasure, this very valuable property, the Congress endeavored to give to the State of Oklahoma, and the gentleman from Oklahoma and his colleagues resented any attempt to take from the United States this most valuable possession. Now, I do not believe the gentleman should complain that after the United States endeavored to give this valuable park

to his State that it does not squander any unnecessary money upon it.

Mr. HOWARD. May I ask the gentleman a question?

Mr. FITZGERALD. Certainly.

Mr. HOWARD. Is it not a fact that they moved the town back twice to get this Sulphur Springs Park? I understand the town was lower down and it was moved back to get the benefit of these springs. Now, does not the gentleman think, in view of that fact, the gentleman from Oklahoma ought to have the limit increased?

Mr. FITZGERALD. We have given all the money they can possibly expend in salaries, and there is nothing else to do. There is nothing to protect. The 833 acres of land will not go to rack and ruin. They will stay there and the springs will continue and the grateful multitudes will continue to come to those springs and go away rejoicing, benefited by their sojourn.

Mr. MORGAN. Mr. Chairman, I hope the amendment offered by my colleague from Oklahoma will be adopted.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is there an amendment pending?

The CHAIRMAN. There is an amendment pending.

Mr. MANN. It was not reported.

The CHAIRMAN. It has been reported once, but the Clerk will report it again.

The amendment was again reported.

Mr. MORGAN. Mr. Chairman, the estimate, as stated by my colleague, for the improvement of this park was in excess of $50,000. There is no question but all these improvements should be made. There is no question but what the Platt National Park ought to have the same consideration as other national parks in the United States, and I hope that this little increase of from $5,000 to $10,000 will be carried.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, the request of the gentleman from Oklahoma will be granted. [After a pause.] No objection is heard.

Mr. WARBURTON. Mr. Chairman, I would like to make the same request.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] The Chair hears no objection.

Mr. MORGAN. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] No objection is heard.

Mr. MANN. Mr. Chairman, I ask unanimous consent to pass over the items under the heading of Government Hospital for the Insane, under the head of Howard University, and under the head of Freedmen's Hospital. I ask that they be passed over temporarily.

The CHAIRMAN. Is there objection to the request. [After a pause.] No objection is heard. The Clerk will read.

The Clerk read as follows:

Penitentiary, Leavenworth, Kans.: For continuing construction of the new United States Penitentiary at Leavenworth, Kans., $100,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. ANTHONY. Mr. Chairman, I move an amendment to this paragraph, that the amount of $100,000, in line 25, page 111, be changed to $167,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 111, line 25, strike out "$100,000" and insert "$167,000."

Mr. ANTHONY. Mr. Chairman, this paragraph provides that the sum appropriated shall be expended so as to give the maximum employment of the inmates of the penitentiary. That is a very necessary provision at that institution. The object of it is to keep the prisoners employed. The appropriation as carried in the bill of $100,000 will not do this. The Department of Justice asks for $167,000 with that idea in view, and if the bill is allowed to be enacted into law carrying only $100,000 the project on foot there for construction will be but half completed. During the present year the convicts will be kept in idleness for fully six months in the year and will bring about a condition there that will result in manifest injury to the convicts. It is a well-known fact that a convict maintained in ideness simply rots in his cell. It would be not only an injustice to these poor men confined behind the bars, but it would be a definite loss to the Government in the loss of the labor of these men. The convicts in that penitentiary are now engaged on the work of constructing new buildings. They are constructing a new penitentiary. If they are not given the required amount of money to carry on this work the Government simply loses the result of their labor. Therefore I ask the chairman of the committee if it is not a fact that the department has asked for $167,000 in order to give this maximum of employment.

Mr. FITZGERALD. An estimate of $167,000 was submitted.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. Can the gentleman state how much has been expended at that institution since July 1, 1911, in construction work?

Mr. ANTHONY. I can not give the exact figures. I understand it is considerably more than the amount called for in the present bill.

Mr. BEALL of Texas. I will say this, that I thoroughly agree with the gentleman from Kansas that a sufficient amount ought to be given to utilize the time of the convicts there. I notice, however, that at the beginning of this fiscal year there was a balance on hand of about $120,000, a surplus coming over from the preceding year; and in addition to that an appropriation of $100,000 was made for construction work, which would make about $220,000. I have not any information as to the amount that has been expended or the amount that is likely to be expended during this fiscal year.

Mr. ANTHONY. If that is the case, I should say the amount should be reappropriated in order to carry out the present plans that are under way.

Mr. BEALL of Texas. I think it has been.

Mr. ANTHONY. The gentleman is aware, in his Committee on Expenditures in the Department of Justice, that the department has already purchased there over $100,000 of structural material, which is lying there on the ground and ought to be utilized. This committee should appropriate the amount to enable the men there to work that structural iron into those buildings, and I hope the amount will be raised.

Mr. FITZGERALD. Mr. Chairman, in 1908 and 1909 $100,000 was annually appropriated for this purpose. For the fiscal year 1910 $212,000 was estimated and $100,000 was appropriated. For the current year $125,000 was estimated and $100,000 was appropriated.

There is a very good reason for continuing this work at this rate. It is practically the only work available upon which to utilize the convicts. It is not desirable that the work should be rushed and finished quickly. One hundred thousand dollars a year enables the Department of Justice to furnish employment to the convicts in this prison and to keep the work going on at a rate sufficiently rapid as not to impair the efficiency with which the work is done.

In view of the history of this work, and in view of the fact that the committee believed that it would be advisable, before the work proceeded much further, to recommend or have enacted some legislation that would put an end to the contracts under which the architects are obtaining very extraordinary fees, as appeared to the committee, there is no special reason why more rapid progress should be made in the next year than has been made in the last five years.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. MANN. My information is that these appropriations have been available under the law until expended. Is the gentleman able to say how much of a balance there will be at the end of this fiscal year?

Mr. FITZGERALD. They spend substantially this amount each year.

Mr. MANN. I understood the gentleman from Texas [Mr. BEALL] to say that there was available at the end of the fiscal year 1911 over $100,000.

Mr. BEALL of Texas. One hundred and twenty-one thousand dollars.

Mr. FITZGERALD. What year?

Mr. BEALL of Texas. At the end of the last fiscal year there came over a balance of $121,000, according to my information. Just what that balance will be for the present fiscal year I do not know.

Mr. FITZGERALD. I do not recall; but since 1908 the appropriations have been $100,000 a year. There was no good reason, no good grounds shown, for that increase.

Mr. MANN. May I ask the gentleman from Texas [Mr. BEALL] what is his authority for saying that there was a balance of $121,000 left at the end of the last fiscal year? That is pertinent, as showing how much they need to expend in a fiscal year.

Mr. BEALL of Texas. As chairman of the Committee on Expenditures in the Department of Justice, I have had an extended correspondence with the Attorney General's Office in regard to the construction work at Leavenworth, and from information received from that office I prepared a table that went into one of the hearings. That shows that $121,000 was left over as a balance at the beginning of the present fiscal year.

Mr. MANN. Is the gentleman quite sure that that $121,000 came out of this appropriation?

Mr. BEALL of Texas. For construction?

Mr. MANN. I think there is only the one.

Mr. BEALL of Texas. It comes out a balance, $121,000 of money that has been appropriated for construction work at the Leavenworth Penitentiary. That is my information.

Mr. MANN. If it came out of this item, of course that would indicate that they had not been expending as much as $100,000 a year.

Mr. BEALL of Texas. In some of the previous years there had been appropriations in excess of $100,000. Those appropriations were available until expended, and there was an accumulation.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] stated that the amount appropriated since 1908 was $100,000 a year. Those appropriations remain available until expended, as I recall, under the law.

Mr. FITZGERALD. That is true, and in each instance, with the exception of 1911, the estimate was in excess of the amount appropriated. These appropriations were made immediately available, and continue available until expended. The next bill will become a law before the 4th of March next, and this money will be supplemented by another appropriation at that time. There has been expended about $1,800,000.

Mr. ANTHONY. I want to ask the gentleman from New York if it is not a fact that it is probable that this apparent balance will be taken up when contracts now outstanding are payable? For instance, suppose they make contracts for structural iron and other materials that may not be paid for at the termination of the fiscal year, but will be paid a few months later, if the appropriations are continued?

Mr. BEALL of Texas. If the gentleman will permit me, in the year 1907, for example, appropriations were made to the amount of $300,000. There seem to have been two appropriations. Only $170,000 was spent.

Mr. FITZGERALD. In 1907 the appropriation was $200,000.

Mr. BEALL of Texas. No; it was $300,000. There was one appropriation of $200,000, and on March 4, 1907, another appropriation of $100,000. On May 27, 1908, there was another $100,000. In that year $123,000 was spent. The next year there was $100,000, and $100,000 spent. The next year there was an appropriation of $100,000, and $108,000 spent. The next year there was an appropriation of $100,000, and $120,000 spent. Total appropriation for Leavenworth Penitentiary, $1,789,000. Total expenditures there for construction work, $1,667,000, leaving a balance on hand June 30, 1911, of $112,000, instead of $121,000, as I stated a moment ago.

Mr. ANTHONY. Mr. Chairman, in regard to the necessity for the increase of this amount for construction, I am informed that a reduction of this estimate means that the overcrowding in the institution, which brings about such bad results, will be continued for another year. One of the facts developed in the hearings before the Committee on Expenditures in the Department of Justice was that with the present limited cell capacity there was the necessity for putting two convicts into one cell. That is a practice that is recognized to be a bad one in all penal institutions, and it is a situation that the Department of Justice is very anxious to remedy. This additional money is needed to build a new block of cells there, and I absolutely believe, and I believe that the chairman of the Committee on Expenditures in the Department of Justice believes, and I believe the gentleman from Georgia, who is familiar with the institution in his State, believes that there is the utmost necessity for a cell for each convict in these institutions which are now being constructed by the Government. There is no question but that the additional amount asked for should be given.

Mr. FITZGERALD. The gentleman knows that there is no excuse for crowding these prisons. There is a very large appropriation, $500,000, to provide for them in State penitentiaries.

Mr. ANTHONY. Yes; but the department does not want to scatter all their prisoners in that way.

Mr. FITZGERALD. They ought to do that rather than put them in cells under conditions that can not be defended. Congress gives an appropriaton for that purpose.

Mr. ANTHONY. The addition of about $40,000 more for construction at each of these institutions will obviate that difficulty.

Mr. FITZGERALD. It will not. They could not expend it before the next bill becomes a law.

The CHAIRMAN. The time of the gentleman has expired. The question is on the adoption of the amendment.

The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 15, noes 32.

Accordingly the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the word "penitentiary," in line 3, page 112, the following:

"*Provided*, That not exceeding $3,500 of the above appropriation of $100,000 shall be paid as compensation in any form for the services of any architect or architects."

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, I believe that the amendment offered by the gentleman from Texas is a good one. I believe it is possible to carry on the work of construction at Leavenworth and at Atlanta, and that the amount carried in the amendment will be sufficient to provide necessary architectural superintendence. The fact is that the Government now owns the plans for both of these institutions. As I understand it, it had already, in its previous contracts with these architects, purchased their plans. It has the present working plans, and all that is necessary at either of these institutions now is to provide a sufficient salary to pay a constructing architect to supervise the carrying out of the plans the Government now owns. I do not believe there is the slightest necessity for paying 5 per cent on the cost of construction from this time on.

The facts are, on the other hand, that I do not believe blame can be attached to the Department of Justice for the making of the 5 per cent contract. As I understand it, 5 per cent is the usual fee asked by the American Institute of Architects upon such work. It is the usual fee which the Government pays in the Treasury Department to architects for supervising the construction of Government work.

Take the great work at Annapolis, where the Naval Department has finished the expenditure of $10,000,000 in rebuilding that institution. I investigated that in looking up the developments brought out before the Committee on Expenditures in the Department of Justice in reference to these prisons, and I found that at Annapolis we have paid out nearly $500,000 to architects for fees. I found that at Key West, where the Government has expended about $7,000,000 for new construction work, we have paid out to architects 5 per cent on that amount, nearly $350,000. I consider that an exorbitant charge and extravagant, and yet it is the usual fee that architects are paid for private work.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. That 5 per cent of which the gentleman speaks would be a fee that would be paid an architect when he began the work, for services in planning, designing, and supervising the construction of the building. Here this 5 per cent was agreed to be paid these architects years after the construction of the buildings had begun, when hundreds of thousands of dollars of construction work had already been erected, when the general design must have been adopted, and the general plans and specifications approved.

Mr. ANTHONY. And yet on the other hand the Department of Justice fears that if these architects would withdraw from the work, which they were carrying on at that time, the Department of Justice would be unable to continue with that work. As I understand it, the new contract was entered into on account of a threat of the architects to withdraw from the work.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman that that is entirely new to me. I never before heard a suggestion of that kind.

Mr. FITZGERALD. The new contract was entered into because of the expiration of the old contract.

Mr. MANN. Mr. Chairman, I have a very high regard for both the ability and the fairness of the gentleman from Texas [Mr. BEALL]. I have been impressed with what he has said, and yet my recollection is that the fee now prescribed by the American Institute of Architects is 6 per cent and not 5 per cent. I am not sure about that, but I think that is the case.

Mr. FITZGERALD. It is 6 per cent. That is the rate within recent years that members of the American Institute of Architects are compelled to charge if they enter into competition;

but they are permitted to make any charge they please if they do not do work as a result of competition.

Mr. MANN. Then my understanding that the rate is 6 per cent is correct. It is quite probable that that rate ought not to be paid at the Fort Leavenworth Penitentiary, and very likely the gentleman is absolutely correct in his deduction that $3,500 is sufficient now to pay. I have no doubt whatever, if the gentleman would get all the facts, that he would say that there was nothing improper in entering into this contract, and that probably it was to the interest of the Government where Congress had not acted.

If we say that not more than $3,500 can be paid for architects' services, we take that responsibility, and the administrative officers are relieved from responsibility in case the work does not progress or in case the architect services do not provide a proper building.

Mr. BEALL of Texas. Mr. Chairman, I would state to the gentleman that I have endeavored to ascertain all the facts that can be ascertained in connection with the making of the new contract, and I have never been able to find any reason why the original contract was modified, except the fact that the architect wanted an increase of compensation.

Mr. MANN. I presume that was the reason.

Mr. BEALL of Texas. I never heard any suggestion that there was any threat of their discontinuing their services or of the work being interrupted in any way.

Mr. MANN. Mr. Chairman, I long ago learned by observation, if not by experience, that very few people appreciate the value of professional services, except those who render them. Professional fees always seem high to those upon the outside, and very often to those who pay them. I have heard this question of architects' fees discussed in the House here for a good many years at different times, denunciations of the American Institute of Architects, and it may be that their fees are too high and ought not to be paid.

But they go ahead collecting that, as a rule, from private individuals. As I understand, in the opinion of the gentleman, and as I said before I have a very high regard for his opinion, if this limitation is put on the bill it will not affect the constructon of this work.

Mr. BEALL of Texas. I do not think, Mr. Chairman, it would. In my judgment, instead of appropriating $3,500 a year, we ought not to appropriate anything for architects, because I think the superintendent of construction with the material that he has available will be able to continue the work upon that building.

Mr. MANN. While I have a high regard for the gentleman's judgment, I would not agree with him on that. I believe it is desirable in the construction of a building anywhere to have the services of an architect in addition to the services of a constructor. I think anyone who constructs a building would agree as to that.

Mr. FITZGERALD. Mr. Chairman, I shall not oppose the amendment. The only doubt in my mind is whether it either goes far enough or whether this work should not be done under the control of the Supervising Architect of the Treasury Department.

Mr. MANN. The gentleman will admit that will probably cost more than $3,500 a year.

Mr. FITZGERALD. It will not, and I can explain very easily. The plans have been prepared and all paid for. For the four years from 1909 to the present time $400,000 was appropriated, and the architects got 10 per cent of that amount. Under their contract 1 per cent was for design, 1½ per cent for general drawings and specifications, 1½ per cent, if I recollect correctly, for supervision. Their contract contains some interesting features. They are paid in addition to the fee:

The actual, reasonable, and necessary traveling expenses of the architects or their representatives or employees while engaged in the performance of the work covered by this contract, it being understood that it will be necessary to some extent to travel, especially between St. Louis, Washington, Atlanta, and Leavenworth.

Telegraph, telephone, and messenger service reasonably necessary to conduct by the architect of the contract service.

The reasonable expense of surveys and of chemical and mechanical tests.

Franked envelopes and wrappers and official stationery, reasonably adequate to the needs of the architect to perform the contract work, shall be furnished to them by the United States, to be used by the architect only in accordance with the law and with the regulations of the Post Office Department.

The feature of the contract which I believe is open to the most severe criticism is the manner in which the value of the building is reached in order to estimate the compensation of the architect. They do not figure upon the material and value of the labor put into the building, convict labor being used, but the contract provides for the payment of compensation on the market value of the completed building. Gentlemen can easily understand what a margin there may be for estimation as to what may be the market value of a building when completed. Now, under this contract the United States is required to employ and pay at both of these penitentiaries competent superintendents of construction to carry out the plans and designs of the architect. It is very easy, it seems to me, to put this work entirely on the Supervising Architect of the Treasury, but it was because the committee was not in a position to come to some definite conclusion as to the wisest course to pursue that no recommendation was contained in this bill. The gentleman from Texas [Mr. BEALL] last summer went into the matter exhaustively, and I am prepared to follow whatever his judgment may be in this matter.

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, will the gentleman permit me to state there is a very good reason for ordering that steel in advance? Now, it takes three or four years to build one of these steel houses, and when you order the steel it is necessary, as I understand it, to order the entire amount of steel that will be needed for one of these houses. They can not order the amount which will be needed for one year only, but the entire amount of steel must be fabricated at once, and I understand that is the reason why they have that steel on hand that will not be used for a year or two.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Texas that there is 1½ per cent under the contract for superintendence and 1 per cent for detailed plans. That would make 2½ per cent of the 5 per cent, and under the gentleman's provision they might pay as much as 3½ per cent out of this appropriation.

Mr. BEALL of Texas. At least we will have the assurance they will not get but $3,500 during the next 12 months, and we would not repeat the experience that we had of paying $32,000 in eight months.

Mr. SHERLEY. Will the gentleman answer me this? I am in thorough sympathy with this and I think the gentleman is right, yet we have this contract. It may be the Attorney General had the right to make it. How are we going to get away from it?

Mr. BEALL of Texas. I do not imagine they will receive the appropriation unless Congress makes the appropriation for it.

Mr. SHERLEY. I understand that, but they would have a claim against the Government which having once been decided by the Court of Claims would probably be paid as we pay other claims.

Mr. BEALL of Texas. I will state to the gentleman I understood that there are many thousands of claims against the Government, and it is a very difficult and strenuous undertaking to get one of them adjudicated with the Court of Claims.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. In order to make the record complete I shall ask permission to insert in the RECORD the contract itself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears no objection.

Mr. SHERLEY. The contract is as follows:

1. This agreement, made this 1st day of April, 1910, by and between the United States of America (hereinafter referred to as the United States), party of the first part, acting through its Department of Justice, and William S. Eames and Thomas C. Young, architects, being copartners practicing their profession under the firm name "Eames & Young" (hereinafter referred to as the architects), parties of the second part, witnesseth: That—

2. Whereas the architects are now under employment by the United States as architects for the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., under contract which expired by limitation on June 30, 1909, the buildings are not yet completed, and it is the mutual desire of the parties to renew said employment until said buildings shall be completed;

3. Now, therefore, it is hereby mutually contracted and agreed between the parties hereto, as follows:

4. The United States hereby reappoints and reemploys the architects (who accept said employment) as architects for the buildings hereinafter described, and for the period of time beginning January 1, 1910, and continuing until the construction of all of said buildings has been completed, provided that Congress shall make the necessary appropriations to continue said work.

5. The buildings, in connection with which architectural services are to be rendered under this contract, consist of the main cell wings, the administration building, the hospital building, wall surrounding prison, and addition to stables at Atlanta, Ga.; and the main cell wings, rotunda, administration building, and the hospital building at Leavenworth, Kans.

6. The professional services to be rendered by the architects shall consist of:

7. The necessary conferences, the preparation of preliminary studies, working drawings, large scale and full-size detail drawings, specifications, and of the general direction and customary supervision of the work. This is understood to mean the usual architectural services in connection with said construction.

8. The architects shall furnish specifications from time to time when necessary for the proper letting of contracts for materials, etc., and also such oral or written instructions or directions as are necessary for the proper information of the superintendents of construction.

9. The United States will advertise for and obtain the necessary proposals for materials, contract work, or things as may be required under the specifications, and shall receive and open same on the specified date. Such proposals may, in the discretion of the Department of Justice, be referred to the architects, who shall carefully consider them and recommend the acceptance of the one which, in their opinion, is the lowest and best, with a view solely to the interests of the United States in connection with its use for structural purposes.

10. The architects shall issue certificates of payment to contractors, upon written notice from the wardens that the materials or things have been duly received and checked by the superintendents of construction, according to the terms of the contract.

11. The supervision or superintendence to be furnished by the architects shall consist of such inspection, by themselves or their authorized representative, of the buildings and works in process of erection, completion, or alteration as may be necessary to ascertain whether the work is being executed in general conformity with their drawings, specifications, or directions. This embraces schedules of materials in such form that proposals may be obtained thereon; estimates of quantities where necessary, approval of materials, approval of shop drawings; expert advice, all necessary correspondence.

12. The architects shall have authority, and it shall be their duty, to reject any part of the materials or work that they find does not conform to the said drawings, specifications, and instructions, and to order its removal and reconstruction. They shall also have authority to act according to their judgment in all emergencies that may arise during the construction, and to order such changes in the work as they may consider necessary, and to determine and define the meaning of the drawings and specifications.

13 The architects shall furnish two sets of blue prints of all scale drawings needed for use at each penitentiary, but the cost of all additional blue prints and of all reproductions of drawings or specifications for the use of intending bidders or contractors shall be paid by the United States.

14. The working drawings, which shall in general conform to approved preliminary studies, with such minor or incidental modifications as may be necessary or desirable to carry them out to their best conclusions, shall be subject to the approval of the Attorney General.

15. After a definite scheme as to any part of the work has been approved by the United States, any changes in drawings, specifications, or other working papers or documents that may be required by the United States, shall be considered extra work and compensated as such. Any extra labor or expense which may fall upon the architects as the result of the delinquency, insolvency, or bankruptcy of any contractor or material man shall be considered extra work and compensated as such.

16. The drawings and specifications, as instruments of service, are and shall remain the property of the architects; and the United States, though retaining said blue prints, shall not use them for any other building.

17. The compensation for the contract services to be rendered by the architects shall be ascertained as follows:

It is agreed that the estimate of cost of completing said buildings under present plans from the continuation of the date of this agreement by any party other than the Government would be as set forth below, the Government being enabled, by the use of convict labor, to complete said construction at a less sum; and it is further agreed that the architects shall be paid a commission of 5 per cent on the amounts herein estimated as the value of said completion, as set forth in detail in the following table:

United States Penitentiary, Atlanta, Ga.

Main cell building:		
Brick—		
Common, 1,820 M, at $17	$30,940	
Enamel, 24 M, at $90	2,160	
		$33,100
Granite, 84,200 cubic feet, at $3.25		273,650
Structural steel and iron, 285 tons, at $70		19,950
Other steel and iron—		
1,280 linear feet gallery, complete, $3.50	4,480	
Grilles and gates	9,250	
Miscellaneous	400	
		14,130
Roof slab, 33,000 square feet, at 35 cents		11,550
Slate, 330 squares, at $18		5,940
Copper ridge, gutters, cresting	4,020	
Copper lantern	4,800	
		8,820
Floor construction—		
42,800 cubic feet concrete, at 30 cents	12,840	
54,800 square feet finish, at 15 cents	8,220	
		21,060
Cells (no design), steel frame, concrete floors and partitions—		
Steel frame	16,000	
Concrete	24,000	
Steel fronts, including locking device	64,000	
Galleries, stairs, etc	6,400	
Plastering	4,800	
		115,200
Marble		2,000
Plastering—		
3,400 square yards furring and lathing, at 35 cents	1,190	
7,400 square yards plastering, at 50 cents	3,700	
		4,890
Carpentery, joinery, and millwork		11,400
Hardware, including operating devices for large windows		3,700
Glazing		4,250
Painting		4,800
Plumbing		61,000
Heating and ventilating		17,800
Electrical work		3,200
Immediate approaches		1,000
Miscellaneous		5,000
Market value of uncompleted work		622,440
Administration building:		
Brick—		
Common, 335 M, at $17	$5,695	
Enamel, 17 M, at $90	1,530	
		$7,225
Granite, 14,800 cubic feet, at $3.50		51,800
Structural steel and iron, 60 tons, at $65		3,900
Other steel and iron—		
Grilles	800	
Stairs	1,500	
2 lamp standards	1,600	
Miscellaneous	200	
		4,100
Roof—		
Concrete, 3,900 cubic feet, at 30 cents	1,170	
Tile, 39 squares, at $30	1,170	
Copper	400	
Skylight	350	
		3,090
Floor construction, concrete, 11,100 cubic feet, at 30 cents		3,330
Floor finish—		
Cement, 4,400 square feet, at 15 cents	660	
Granitoid, 3,800 square feet, at 20 cents	760	
		1,420
Marble		3,100
Vault doors		400
Plastering—		
Furring and lathing	420	
4,600 square yards plaster, at 45 cents	2,070	
Ornamental	800	
		3,290
Carpentry		1,500
Millwork, joinery, flooring		7,000
Hardware		850
Glazing		1,000
Painting		1,200
Plumbing		2,500
Electrical work, including fixtures		1,750
Heating and ventilating		4,900
Miscellaneous		2,000
Immediate approaches		16,400
Market value of uncompleted work		120,755
Hospital building:		
Brick—		
Common, 610 M, at $17	10,370	
Face, 102 M, at $22	2,244	
		12,614
Stone Mountain granite—		
2,500 cubic feet, at $3.25		8,125
Structural steel and iron, 185 tons, at $65		11,825
Other steel and iron—		
Grilles, grates, sun room, etc	3,250	
Stairs	1,360	
		4,610
Roof—		
Concrete, 12,000 square feet, at 20 cents	2,400	
Slate, 120 squares, at $18	2,160	
Copper	2,950	
		7,510
Floor construction—		
Concrete, 34,200 cubic feet, at 30 cents		10,260
Floor finish—		
Cement, 10,700 square feet, at 15 cents	1,605	
Granitoid, 3,800 square feet, at 20 cents	760	
Asphaltic, 4,600 square feet, at 25 cents	1,150	
		3,515
Structural terra cotta—		
15,200 square feet partitions, at 15 cents		2,280
Marble		3,150
Plastering—		
Furring and lathing	340	
Plastering 9,400 square yards, at 45 cents	4,230	
Rough cast (exterior)	280	
		4,850
Carpenter work		2,650
Millwork, joinery, flooring		8,400
Hardware		1,140
Glazing		1,610
Painting		1,940
Plumbing		6,400
Heating and ventilation		8,100
Electrical work, including fixtures		2,200
Elevator		3,000
Immediate approaches		1,000
Miscellaneous		2,000
Market value of incompleted work		107,179
Inclosing wall:		
Concrete, 2,140 cubic yards, at $9		19,260
Gallery		1,400
Steel and iron		1,200
Copper		1,000
Miscellaneous		500
Market value of uncompleted work		23,360
Addition to stables:		
Market value		11,200

United States Penitentiary, Leavenworth, Kans.

Main cell wings:		
Brick—		
Common, 2530 M, at $18	$45,540	
Enamel, 13 M, at $100	1,300	
		$46,840
Batesville limestone, 85,400 cubic feet, at $3.60		307,440
Structural steel and iron, 860 tons, at $70		60,200
Other steel and iron—		
1,600 feet gallery, complete, at $3.50	5,600	
Grilles and gates	5,580	
Miscellaneous	340	
		11,520

Main cell wings—Continued.		
Roof, slab, 46,000 square feet, concrete, at 35 cents		$16,310
Slate, 466 square feet, at $20		9,320
Copper ridge, gutters, flashing		4,960
Floor construction—		
59,000 cubic feet, concrete, at 30 cents	$17,700	
76,400 square feet, finish, at 15 cents	11,460	
		29,160
Cells (no design), steel frame, brick-partition walls, concrete floors—		
Steel frame	20,000	
Brick	22,000	
Concrete	15,000	
Steel fronts, including locking device	80,000	
Basement doors	6,000	
Galleries, stairs, etc	8,000	
Plastering	6,000	
		157,000
Marble		3,000
Plastering—		
4,600 square yards furring and lathing, at 40 cents	1,840	
9,200 square yards plastering, at 50 cents	4,600	
		6,440
Carpentry, joinery, and millwork		14,200
Hardware, including operating devices for large windows		4,100
Glazing		7,000
Painting		6,500
Plumbing		69,000
Heating and ventilation		25,800
Electrical work		4,200
Immediate approaches		1,600
Miscellaneous		5,000
Market value of uncompleted work		789,590
Rotunda:		
Brick—		
Common, 850 M, at $18	17,000	
Enamel, 18 M, at $100	1,800	
		18,800
Batesville limestone—		
32,800 cubic feet, at $4	131,200	
8,800 cubic feet, at $5—curved work	44,000	
5,300 cubic feet, at $6—dome roof	31,800	
Centers and special scaffolding	4,500	
		211,500
Structural steel and iron—		
Floors and roof, 160 tons, at $70	11,200	
Inner dome, 50 tons, at $100	5,000	
		16,200
Other steel and iron—		
Grilles and gates	2,700	
Gallery	2,100	
Staircases	4,500	
Miscellaneous	2,000	
		11,300
Concrete, etc.—		
Floors, 27,000 cubic feet, at 30 cents	8,100	
Roofs, 4,000 cubic feet, at 30 cents	1,200	
Cement finish, 5,000 square feet, at 15 cents	750	
Granitoid, 10,500 square feet, at 20 cents	2,100	
Composition, 4,000 square feet, at 30 cents	1,200	
		13,350
Skylights		2,460
Copper lantern and flashings		3,100
Plastering—		
Furring and lathing, 1,800 square yards, at 50 cents	900	
Plain plastering, 6,500 square yards, at 50 cents	3,250	
Ornamental	5,000	
Inner dome	4,000	
Scaffolding for dome	2,200	
Caen stone plaster up to cornice (1,700 yards at $5)	8,500	
Miscellaneous	1,200	
		25,050
Marble—		
Floor of rotunda, 3,400 square feet, at $1	3,400	
16 columns, at $280	4,480	
Railing of balcony	3,200	
Wainscoting, 4,400 square feet, at $2	8,800	
		19,880
Carpentry, joinery, and millwork		6,200
Hardware		1,050
Glazing		1,200
Painting		2,500
Plumbing		4,100
Heating		11,300
Electrical work, including fixtures		6,250
Miscellaneous		5,000
Market value of uncompleted work of rotunda		359,240
Administration building:		
Excavation		500
Concrete foundations, 135 cubic yards, at $7		945
Brick—		
Common, 495 M, at $18	8,910	
Enamel, 24 M, at $100	2,400	
		11,310
Batesville limestone—		
38,200 cubic feet, at $4		152,800
Structural steel and iron, 180 tons, at $70		12,600
Other steel and iron—		
Grilles	1,750	
Stairs	1,800	
Miscellaneous	300	
		3,850
Roof—		
Concrete, 4,400 cubic feet, at 30 cents	1,320	
Composition, 4,400 square feet, at 30 cents	1,320	
Copper	725	
Skylights	420	
		3,785
Administration building—Continued.		
Floor construction—		
Concrete, 28,200 cubic feet, at 30 cents		$8,460
Floor finish—		
Cement, 13,500, at 15 cents	$2,025	
Granitoid, 5,000, at 20 cents	1,000	
		3,025
Marble		4,800
Vault and fittings		1,800
Plastering—		
Furring and lathing	200	
Plastering, 8,200 square yards, at 50 cents	4,100	
Ornamental	1,100	
		5,400
Carpentry		1,800
Millwork, joinery, flooring		8,200
Hardware		1,100
Glazing		1,350
Painting		1,400
Plumbing		2,500
Electrical work and fixtures		2,100
Heating and ventilation		6,260
Miscellaneous		2,000
Immediate approaches		10,200
Market value of uncompleted work		246,185
Hospital building:		
Brick—		
Common, 680 M, at $18	12,240	
Face, 120 M, at $23	2,760	
		15,000
Batesville limestone, 3,500 cubic feet, at $3.60		12,600
Structural steel and iron, 190 tons, at $70		13,300
Other steel and iron—		
Grilles, gates, sun room, etc	3,290	
Stairs	1,360	
		4,650
Roof—		
Concrete, 10,800 square feet, at 20 cents	2,160	
Slate, 108 squares, at $20	2,160	
Copper	2,640	
		6,960
Floor construction—		
Concrete, 30,800 cubic feet, at 30 cents		9,240
Floor finish—		
Cement, 10,000 square feet, at 15 cents	1,500	
Granitoid, 3,500, at 20 cents	700	
Asphaltic, 4,200, at 25 cents	1,050	
		3,250
Structural terra cotta—		
14,300 square feet partitions, at 15 cents		2,145
Marble		2,950
Plastering—		
Furring and lathing	320	
Plastering, 8,200 square yards, at 50 cents	4,100	
Rough cast (exterior)	250	
		4,670
Carpenter work		2,300
Millwork, joinery, flooring		7,700
Hardware		1,030
Glazing		1,580
Painting		1,900
Plumbing		6,400
Heating and ventilation		7,850
Electrical work, including fixtures		2,040
Elevator		3,200
Immediate approaches		1,000
Miscellaneous		2,000
Market value of uncompleted work		111,765

Payments to be made to the architects of such commission shall be apportioned as follows:

For design	1 per cent.
General drawings and specifications	1½ per cent additional.
Details and specifications	1 per cent additional.
Superintendence	1½ per cent additional.
Total	5 per cent.

The said respective commissions of 1 per cent "for design," 1½ per cent for "general drawings and specifications," and 1 per cent for "details and specifications," shall be due when said "design," "general drawings and specifications," and "details and specifications," respectively, shall be completed and delivered by the architects. The commission of 1½ per cent on account of superintendence shall be due quarterly as the work proceeds in proportion to the amount of work done. And the commissions as herein set forth shall be paid as they severally become due, except when, in the opinion of the Attorney General, to make such payments would so deplete the available appropriations as to cause delay or interfere with the progress of the construction work, in which event payment shall not be made until sufficient funds are available for the purpose. In no event shall a greater amount be paid the architects than is actually due them at the time of payment for services actually performed.

18. With respect to any building or work not included in this contract the construction of which shall hereafter be directed by the Attorney General, it is agreed by the parties hereto that no commission for architectural services shall be paid under this contract. Architectural services for such building or work shall be subject to a new contract, if the parties hereto mutually desire to enter into the same, based upon an estimated value as in the case of the buildings covered by this contract.

19. It is mutually agreed by the parties hereto that the terms of a certain contract between Eames & Young and Charles J. Bonaparte, former Attorney General, which covered the employment of Eames & Young as architects for the penitentiaries herein mentioned for the fiscal year ending June 30, 1909, are hereby extended to cover the period between the expiration of that contract and the time when this contract goes into effect.

20. In case any part of the work covered by this contract shall be changed then the estimate of the value of the same, as it appears in the foregoing tables, shall be revised so that it shall represent the cost of completing said work according to the changed plans, were said work to be performed by any party other than the Government.

21. In case any part of the work covered by this contract shall before completion be abandoned, or indefinitely postponed by the United States, the compensation of the architects shall be in accordance with the schedule hereinbefore mentioned showing the apportionment of their commission of 5 per cent for such services as shall have been actually performed by them.

22. The United States will pay for the services of two competent superintendents of construction, one for each of said penitentiaries, who will conduct and execute the work according to the plans, specifications, and directions of the architects, and in other respects under the supervision and orders of the warden, acting as the local representative of the United States on the works.

23. The United States shall, in addition to the compensation herein provided, pay the following expenses:

24. The actual, reasonable, and necessary traveling expenses of the architects, or their representatives or employees, while engaged in the performance of the work covered by this contract, it being understood that it will be necessary to some extent to travel, especially between St. Louis, Washington, Atlanta, and Leavenworth.

25. Telegraph, telephone, and messenger service reasonably necessary to the conduct by the architects of the contract service.

26. The reasonable expense of surveys, and of chemical and mechanical tests.

27. Franked envelopes and wrappers, and official stationery, reasonably adequate to the needs of the architects in performing the contract work, shall be furnished to them by the United States, to be used by the architects only in accordance with law and with the regulations of the Post Office Department.

28. It is further covenanted and agreed by and between the parties hereto that in case both of said parties of the second part shall through any cause become unable to complete the foregoing contract, or if the conduct of the said parties of the second part is such that the interests of the United States are thereby likely to be placed in jeopardy, or if the said parties of the second part violate any of the conditions or stipulations of this contract, the Attorney General, acting for and in behalf of the said party of the first part, shall have the right to revoke this contract and the commission awarded thereunder as to the portion then unperformed, and to complete or cause to be completed said contract; and he may, in his discretion, use for that purpose all designs, plans, details, drawings, specifications, etc., which may have been prepared by said parties of the second part, provided, in such case, however, that the parties of the second part shall receive equitable compensation for all services properly performed under this contract up to the date of its revocation, such compensation to be fixed by the Attorney General upon the basis of the percentages herein provided for. It is agreed, however, in order to prevent the suspension of the contract services through a dissolution, by death or otherwise, of said firm, parties of the second part herein, that the services hereunder may and shall thereafter be rendered by the survivor or successor in practice of said firm, and such dissolution shall not be construed to constitute inability to complete this contract within the meaning hereof.

29. It is an express condition of this contract that no Member of or Delegate to Congress, or other person whose name is not at this time disclosed, shall be entitled to any share in this contract or to any benefit to arise therefrom; and it is further covenanted and agreed that this contract shall not be assigned.

30. In witness whereof the parties hereto have signed triplicate copies hereof, by their respective authorized representatives, the day and year first above written.

THE UNITED STATES OF AMERICA,
By GEO. W. WICKERSHAM,
Attorney General.

EAMES & YOUNG,
By T. C. YOUNG,
Member of firm.

Witnessed:
JAMES H. HENNESSY.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Penitentiary, Atlanta, Ga.: For continuing the construction of the United States Penitentiary at Atlanta, Ga., $75,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman from Georgia [Mr. HOWARD] how much time he thinks this item will take with his amendment?

Mr. HOWARD. I do not think it will take over 10 or 15 minutes. It will depend on how much time the committee might want.

Mr. MANN. Will it be perfectly agreeable to the gentleman to offer it to-morrow?

Mr. HOWARD. Perfectly.

Mr. MANN. The gentleman might offer the amendment now and let it be considered to-morrow.

Mr. HOWARD. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amend, line 6, page 112, by striking out "$75,000" and inserting in lieu thereof "$179,900."

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. PETERS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Robert Downing (H. R. 15220), Sixtieth, Sixty-first, and Sixty-second Congresses, no adverse report having been made thereon.

SALTON SEA (S. DOC. NO. 846).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Rivers and Harbors:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior inclosing an appeal from the board of supervisors of Imperial County, Cal., for further appropriations of money and futher works for the protection of lands and property in the United States against the flood waters of the Colorado River.

In my message dated February 2, 1912, transmitting data of the work of the Interior Department, published as House Document No. 504, Sixty-second Congress, second session, there is contained a report of the engineer in charge of the work of protection done under the act of June 25, 1910, appropriating $1,000,000 for this purpose, and also a report of a special board convened by my direction to review this report and advise what further work should be done along the lower Colorado River for the protection of the interests of the United States. In this report of the special board, dated June 7, 1911, there will be found a recommendation that certain additional work should be at once executed, and an estimate of $1,000,000 as necessary for this work .

In my message I stated that I did not at that time make a definite recommendation, for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. As stated in this message, the matter was being pressed upon the attention of the Mexican Government and favorable progress has been made in the negotiations. However, it is not probable that the negotiations with Mexico can be consummated before the adjournment of Congress, and it is therefore desirable to provide against a possible emergency which may arise after Congress has adjourned.

Since the report of the special board above referred to a part of the work proposed has been executed, and it is believed that the work will prove adequate for the protection of the lands in Imperial Valley against serious overflow during the present flood, which materially exceeds the average flood in volume, but as shown in the letter of the Secretary of the Interior the Colorado River, since the date of the report of the special advisory board, began and has continued to cave its banks, until the protecting levee on the Mexican side, about 7 miles below the intake of the Imperial Canal, is threatened, and apprehensions are aroused that the Colorado will again cut a deep channel into the Imperial Canal and flow again into Salton Sink, with disastrous results to American lives and property.

I request that the recommendation of the Secretary of the Interior be followed and that an appropriation of $1,250,000 be made to meet any emergencies that may arise for the construction of levees and revetments along the Colorado River and for the protection of property in the United States from damage by the flood waters of that river, and to be expended, in whole or in part, for the purposes stated and under the direction of the President of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands";

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 833).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Ways and Means.

To the Senate and House of Representatives:

I herewith transmit a report by the Secretary of State submitting reports from American consular officers in the German Empire and certain other foreign countries in regard to cooperation and the cost of living.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

LEGALIZATION OF CERTAIN CONVEYANCES, UNION PACIFIC RAILROAD CO.

Mr. NORRIS. Mr. Speaker, I ask that the bill H. R. 16689 be laid before the House. It is on the Speaker's desk.

The SPEAKER laid before the House the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., with Senate amendments.

The Senate amendments were read.

Mr. NORRIS. Mr. Speaker, I move to concur in the Senate amendments.

Mr. MANN. Mr. Speaker, may I ask the gentleman a question?

Mr. NORRIS. Certainly.

Mr. MANN. As I understand it, the Senate amendments propose to strike out the entire House bill and insert a new one in its place. Has the gentleman carefully examined the Senate amendments?

Mr. NORRIS. I have.

Mr. MANN. Is the gentleman able to give any reason why the Senate took the action that it did?

Mr. NORRIS. Well, in regard to some of the provisions I can say to the gentleman that they were put in to satisfy some of the members of the Senate committee who were doubtful as to the constitutionality of the bill. My own judgment is that they have not improved it in that respect. I had no doubt about it before.

Mr. MANN. Is there any change from the House bill by the Senate amendment that affects the purpose of the House bill?

Mr. NORRIS. No, sir; none whatever.

Mr. RUCKER of Colorado. I want to say to the gentleman from Illinois that, after the bill passed the House, the Kansas question came in, so that that had to be covered.

Mr. MANN. I think that came up in the House.

Mr. NORRIS. Yes; but it was changed somewhat in the Senate. Now, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I should like to ask the gentleman from Nebraska about how much land is involved here the titles to which will be quieted and settled by this proposed legislation?

Mr. NORRIS. There could be the possibility of conflicts of title involving a strip running along the Union Pacific Railroad through Nebraska and through Kansas, and from the Kansas and Nebraska lines to Denver, and from Denver to Cheyenne. I can not give the gentleman, and I do not think anyone else can, the exact number of acres involved, because it is not the same in all cases. This simply validates any conveyances that have been made of portions of the right of way by the railroad company, or validates the title to any other portions that have been held by the settlers adjoining the right of way, sufficiently long, and under the proper circumstances, to give them title by adverse possession.

Mr. FINLEY. Does this legislation cover anything more than the right of way and town lots adjacent?

Mr. RUCKER of Colorado. Not at all.

Mr. NORRIS. It does not.

Mr. FINLEY. It does not cover the land grants generally?

Mr. NORRIS. Oh, no; it has no reference to them whatever. There was a dispute between the railroad company and the settlers, both in the country and in the towns, about a strip of land on each side. Recently the railroad company has been claiming a 400-foot right of way, and through the State of Nebraska, for instance, the settlers claimed it was only 200 feet. In parts of Colorado the settlers claimed that it was only 100 feet, and the same in Kansas.

Mr. FINLEY. This is one of the land-grant railroads?

Mr. NORRIS. Yes; it is. All the land involved was originally granted to the railroad company by Congress.

Mr. FINLEY. The Senate amendment does cover more land and validates more titles than the bill as it passed the House?

Mr. RUCKER of Colorado. No.

Mr. NORRIS. I think not, although there is a difference in the width. The House provided as to a portion of this right of way that it should not be less than 200 feet, and that in Colorado it should not be less than 100 feet. The Senate amendment changes that and leaves it the same in all the States.

Mr. FINLEY. I will say to the gentleman that I served in two or three Congresses on the Pacific Railroads Committee, and I obtained some little knowledge of land grants to the railroads, and their conveyances, and so forth. Of course, I personally know nothing of this question, and I understand the gentleman is unable to give the House any definite information as to how much land is covered or what titles are validated outside the right of way.

Mr. NORRIS. There is not anything outside of the right of way.

Mr. RUCKER of Colorado. It is all a part of the right of way.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Saturday, June 15, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting estimate of appropriation for completion of post-office and courthouse building at Grand Rapids, Mich. (H. Doc. No. 831); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting deficiency estimate of appropriation for relief of special fiscal agent of the Reclamation Service (H. Doc. No. 832); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LAFFERTY, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, reported the same with amendment, accompanied by a report (No. 888), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24028) authorizing and permitting the Tennessee Hydro-Electric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the House Calendar.

Mr. DODDS, from the Committee on the Judiciary, to which was referred the bill (S. 5935) to fix the terms of the district

court for the western district of Michigan, reported the same without amendment, accompanied by a report (No. 889), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn., reported the same with amendment, accompanied by a report (No. 890), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23284) to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill., reported the same with amendment, accompanied by a report (No. 891), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24067) providing for the construction, erection, maintenance, and operation of a dam across the Osage River, in Miller County, Mo., for the purposes of improving navigation and the development of water power, reported the same with amendment, accompanied by a report (No. 892), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23571) authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River, in Anderson County, State of Tennessee, reported the same with amendment, accompanied by a report (No. 893), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24196) to authorize the construction of a dam across the Kootenai River, in the State of Montana, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 2809) granting an increase of pension to W. S. Hardin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7208) granting an increase of pension to William McCoy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25048) granting an increase of pension to Charles B. Daniel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7331) granting an increase of pension to Harry L. Vance; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22398) granting a pension to Darius E. White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24840) granting a pension to Ward Pine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3739) granting a pension to James Lawton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9287) granting a pension to James Duffy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24687) granting a pension to Grace E. Benford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21134) granting a pension to Hughie C. Thomas; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14373) granting a pension to Cornelius Conly, alias Cornelius Conley or Connelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11638) granting a pension to William P. Barlow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2404) granting a pension to B. E. De Vall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 544) granting a pension to Eden N. Dailey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 25330) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 25331) regulating charges for transportation of parcels by express companies engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 25332) for the purchase of a site and erection of a public building in the city of Somerville, Fayette County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25333) to construct a road from the national cemetery in Shelby County, Tenn., to the eastern boundary line of the city of Memphis, Tenn.; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 25334) to authorize the extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 25335) to amend an act entitled "An act to regulate the immigration of aliens into the United States"; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: A bill (H. R. 25336) to provide for the erection of a public building and site at Charlotte, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25337) for the purchase of a site and the erection thereon of a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. WILDER: A bill (H. R. 25338) to provide for the purchase of a site for a public building at Leominster, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25339) to provide for the purchase of a site for a public building at Framingham, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25340) to provide for the purchase of a site for a public building at Gardner, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 25341) to amend section 2 of an act entitled "An act fixing the compensation of certain officials in the Customs Service, and for other purposes," approved March 4, 1909; to the committee on Ways and Means.

By Mr. HARRISON of Mississippi: A bill (H. R. 25342) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBSON: A bill (H. R. 25343) providing that certain professors at the United States Naval Academy shall be commissioned as professors of mathematics, with the rank of lieutenant commander; to the Committee on Naval Affairs.

By Mr. CLAYPOOL: A bill (H. R. 25371) granting a pension to certain soldiers and sailors of the Civil War who were confined in Confederate prisons; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25372) granting public lands to the city of Phoenix, State of Arizona, for public park purposes; to the Committee on the Public Lands.

By Mr. DAVENPORT: A bill (H. R. 25373) to provide for the payment of drainage assessment on Indian lands in Wagoner County, Okla.; to the Committee on Indian Affairs.

By the SPEAKER: Memorial of the Legislature of the State of New Mexico, asking Congress to set aside $6,000,000 to dam and levee the Rio Grande River; to the Committee on Rivers and Harbors.

By Mr. CALDER: Memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25344) granting a pension to Willis F. Goodhue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25345) granting a pension to George C. Dale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25346) granting a pension to Joel S. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25347) granting a pension to John G. O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25348) granting a pension to Henry C. P. Roebling; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 25349) granting an increase of pension to Samuel H. Sturgeon; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25350) granting an increase of pension to David R. Beavers; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 25351) granting a pension to Roscoe Worthen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25352) granting a pension to James Campbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 25353) granting a pension to Mary E. Howell; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25354) granting an increase of pension to Charles Logan; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25355) granting an increase of pension to William W. Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25356) granting an increase of pension to Lillian M. Dayton; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 25357) for the relief of the Western Grain & Sugar Products Co., of California; to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25358) granting a pension to Emma J. Winchell; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 25359) granting a pension to Samuel J. Orendorf; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 25360) for the relief of Edward Tighe; to the Committee on Military Affairs.

Also, a bill (H. R. 25361) for the relief of George Gardells; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25362) granting an increase of pension to Susana A. Turner; to the Committee on Pensions.

By Mr. POU: A bill (H. R. 25363) for the relief of Emma H. Ridley; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 25364) for the relief of George R. Phyles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25365) to correct the military record of John Daly; to the Committee on Military Affairs.

Also, a bill (H. R. 25366) granting an increase of pension to Alfred M. Howard; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 25367) granting an increase of pension to Mary Ann Thompson; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 25368) granting an increase of pension to Ada Cummins; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 25369) granting a pension to Lydia M. Jacobs; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25370) granting a pension to Frank O. Scott; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 25374) granting an increase of pension to Mary J. Hatfield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of societies of the Polish Roman Catholic Union of America of the States of New York, Illinois, Minnesota, Pennsylvania, and West Virginia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of St. Anthony Society, No. 569, Chicago, Ill., and St. Joseph Society, No. 551, Hance, Okla., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BERGER: Petition of citizens of the United States, favoring passage of House bill 13114, known as BERGER's old-age pension bill; to the Committee on Pensions.

Also, petition of 116,852 individuals, favoring a constitutional amendment enabling women to vote on the same terms as men; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of citizens of New Jersey, favoring passage of the old-age pension bill for pensioning deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. BULKLEY (by request): Petition of the Law and Order Reform League of Cleveland, Ohio, favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of St. Vincent Society, No. 146, and St. Stanislaus Society, No. 124, of the Polish Roman Catholic Union of America, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, relative to Navy memorial at Vicksburg, Miss.; to the Committee on Military Affairs.

Also, petition of William Sayer, jr., favoring continuance of economy and efficiency work in Government departments; to the Committee on Appropriations.

Also, petition of citizens of Bay Ridge, South Brooklyn, N. Y., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Methodist Episcopal Hospital at Brooklyn, N. Y., favoring bill empowering the Public Health and Marine-Hospital Service in establishing the hospital bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of St. Hedwig's Society, No. 324, and St. Casimir's Society, No. 72, of St. Louis, Mo., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Aero Club of Illinois, favoring the passage of the military aviation bill; to the Committee on Military Affairs.

Also, petition of the Chicago Federation of Labor, of Chicago, Ill., favoring passage of House bill 23673, to prevent unskilled manning of American vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Petition of the Chamber of Commerce of Milwaukee, favoring investigation of all fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against the passage of House bill 22527, relative to labeling all patent medicines; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of House bill 20487, known as the workman's compensation act; to the Committee on the Judiciary.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bill proposing change in present patent laws; to the Committee on Patents.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of the Page bill, known as the vocational education bill; to the Committee on Agriculture.

Also, petition of the Mutual Benefit Association, Fifth Division, surveyor's office, United States customs, port of New York, favoring passage of House bill 23241, relative to pay for customs watchmen; and of the American Thread Co., of New York, favoring downward revision of the tariff; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Washington, D. C., favoring passage of House bill 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of 70 railroad employees of Yuma County, Ariz., protesting against the Federal accident-compensation bill (S. 5382); to the Committee on the Judiciary.

By Mr. HAYES: Petition of Charles Hagmaier, of San Francisco, Cal., and of David S. Jordan, Stanford University, Cal., favoring passage of House bill 19857, relative to conservation of the public grazing range; to the Committee on the Public Lands.

Also, petition of Sign and Pictorial Painters' Local No. 510, and of C. D. McKenney, of San Francisco, Cal., favoring passage of House bill 16844, to compel manufacturers to place their names on goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Gilroy, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Gilroy, Cal., favoring passage of bill regulating express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of the Trenton Chamber of Commerce, protesting against passage of Senate bill 5458, relative to building of bridge across the Delaware River south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Charles W. Fisher, San Francisco, Cal., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sign and Pictorial Painters' Local No. 510, of San Francisco, Cal., favoring passage of the Campbell bill (H. R. 16844) to compel manufacturers to place their names on goods; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of the Daughters of Liberty of Mahanoy, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Order of Independent Americans, Coaldale Council, No. 29, of Coaldale, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of citizens of Greenpoint, N. Y., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Memorial of the Metz Branch of the Polish Roman Catholic Union of America, of Metz; the Sacred Heart of Jesus Society, No. 316, of Bay City; and the Polish Roman Catholic Union, of Posen, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of citizens of Illinois, favoring passage of House bill 17470, for pensioning widows and orphans of veterans of the Spanish-American War; to the Committee on Pensions.

By Mr. McCALL: Petition of Fred S. Scales and others, of Winchester, Mass., against passage of bills proposing change in patent laws; to the Committee on Patents.

By Mr. McDERMOTT: Memorial of Sacred Heart of Jesus Society, No. 92, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Local Union No. 101, Rumford, Me., favoring passage of House bill 19133, for creation of a postal express; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of the Daughters of Liberty of Lakewood, N. J., favoring passage of bill relative to denominational garb for Indian schools; to the Committee on Indian Affairs.

Also, petition of the Daughters of Liberty of Oakhurst, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of citizens of Lincoln, Ill., favoring passage of bill providing for building of battleship in Government navy yards; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of the Journeymen Barbers' International Union of America, and Machinists Lodge, No. 398, and citizens of Trenton, N. J., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on the Judiciary.

Also, petition of members of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of the Mann bill for Sunday rest for post-office employees, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of the fourth congressional district of New Jersey, of Washington Camp, No. 43, Patriotic Order Sons of America, of Somerville, and of citizens of Clinton, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *June 15, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Eleanor L. and Henry C. Lovell, sole heirs of Henry C. Lovell, *v.* United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 847);

Richard Allen *v.* United States (Washington Navy Yard) (S. Doc. No. 849); and

No. 23, Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased; No. 27, Margaret A. Norton, widow of Daniel C. Norton, deceased; No. 32, Emma S. Wherren, administratrix of James W. Wherren, deceased, *v.* United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 848).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I submit a conference report on House bill 17681, the District of Columbia appropriation bill, being a full agreement, and I ask unanimous consent for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its amendments numbered 1, 3, 5, 6, 7, 9, 12, 14, 15, 16, 17, 18, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 95, 96, 97, 98, 99, 101, 102, 103, 104, 106, 108, 113, 114, 117, 121, 126, 137, 138, 139, 141, 148, 150, 154, 155, 156, 162, 174, 178, 179, 193, 194, 198, 199, 206, 207, 208, 209, 210, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 291, 295, 296, 297, 298, 299, 300, 301, 302, 304, 305, 307 310, 311, 313, 315, 317, 318, 319, 320, 321, 324, 225, 326, 327, 331, 332, 333, 336, 342, 343, 344, 345, 351, 358, 359, 362, 363, 364, 365, 367, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 391, 393, 394, 395, 396, 404, 405, 406, 407, 408, 409, and 420.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, 19, 23, 24, 25, 27, 58, 60, 61, 77, 88, 92, 93, 100, 105, 111, 112, 116, 119, 120, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 142, 143, 144, 145, 146, 147, 149, 152, 157, 159, 160, 163, 164, 168, 169, 170, 171, 172, 175, 177, 180, 183, 185, 186, 187, 188, 189, 192, 195, 196, 200, 202, 203, 204, 205, 230, 233, 234, 275, 293, 294, 303, 312, 316, 322, 328, 330, 335, 338, 339, 346, 349, 350, 353, 354, 355, 356, 357, 361, 366, 384, 385, 387, 388, 389, 390, 397, 398, 399, 400, 401, 402, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 423, and 425; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 2 of the bill, in line 3, strike out the word "dollars" and insert in lieu thereof the words "so much as may be necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$114,846"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an

amendment as follows: In lieu of the number proposed insert "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two at $1,400 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,410"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,725"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 18 of the bill, in line 17, after the word "binding," insert the following: "by contract or otherwise, including necessary personal services"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "purchase" in said amendment insert the following: "or exchange"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$129,525"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to enable the Commissioners of the District of Columbia to make a thorough investigation of the desirability and cost of establishing a municipal asphalt plant, including personal services and necessary expenses, report to be made to Congress at the beginning of the next session: *Provided further*, That the facts upon which the conclusions are based shall be fully stated in said report: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized to purchase from this appropriation a portable asphalt plant at a cost not to exceed $7,500 and to operate said plant under their immediate direction in doing such work of repairs to asphalt pavements as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for this purpose is hereby made available for such work"; and on page 28, in line 25, and on page 29, in line 1, of the bill strike out the words "of which sum $60,000 shall be immediately available, three hundred and ninety thousand" and in lieu thereof insert "three hundred and sixty thousand"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: On page 30 of the bill in line 3, strike out the word "two" and insert in lieu thereof "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$140,000"; and on page 30 of the bill, in lines 5, 6, and 7, strike out the following: ", of which sum $20,000 shall be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$265,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: In line 6 of the matter inserted by said amendment strike out the following: "on either side of such crossings"; and in line 11 of the matter inserted by said amendment, after the word "appropriation," insert the word "available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: On page 34, in lines 14 and 15, of the bill strike out the following: "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,830"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "dollars," insert the following: ", which sum shall be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ", the appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,825"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase and maintenance of one motor vehicle for the use of the electrical department, with extra tires and equipment, $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and eighty-four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That all teachers of manual training, drawing, domestic science, domestic art, music, and physical culture in the normal, high, and manual-training high schools now in the service of the public schools and hereafter to be appointed, shall be placed in class six, group A: *Provided further*, That no such teacher shall receive a salary less than that received at the time of the passage of this act: *Provided further*, That hereafter no teacher of any of these subjects shall be appointed without like qualifications to those required of teachers of academic and scientific subjects in the high schools, and that teachers of these subjects now in the service of the public schools and those hereafter to be appointed shall receive their longevity increase according to their previous number of years of expe-

rience in teaching in accredited normal, high, and manual-training high schools"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and eighteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four hundred and fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and thirty-seven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,354,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$319,365"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: Add at the end of said amendment the following: " : *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the matter stricken out insert the following:

"Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: *Provided*, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "Hereafter no" and in lieu thereof insert the word "No"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "one," insert the word "motor-drawn"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "five" and insert in lieu thereof the word "two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "two" and insert in lieu thereof the word "one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,540"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 323, and agreed to the same with an amendment as follows: In lieu of the sum proposed insert "$13,225"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and new bids received or the purchase made in open market, as may be most economical and advantageous to the District of Columbia: *Provided further*, That hereafter formal written contracts with bond for work or the purchase of supplies and materials for the District of Columbia shall not be required in cases where the cost of such work or supplies or materials does not exceed the sum of $1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 334, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,135"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For hospital furnishings, including bedsteads, mattresses, ward and bedside tables, and chairs, $1,000.

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session as to the cost and feasibility of adapting one or more of the vacant buildings upon the site of the Washington Asylum and Jail, reservation No. 13, for use for municipal hospital purposes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: Transpose said amendment to follow line 11, page 91 of the bill, amended as follows: In line 1 of said amendment strike out the word "The" where it first occurs and insert in lieu thereof the words "Hereafter the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$113,635"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,872"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session whether or not there is a necessity for the construction and operation within the District of Columbia of a reform school for white girls; and in this report the commissioners shall state what facilities now exist in public or private institutions for the care of wayward white girls and the cost of their maintenance in such institutions, and shall also state the estimated cost of constructing and maintaining a reform school for white girls"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "salaries"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with

an amendment as follows: In lines 3 and 4 of said amendment strike out the words "one hundred thousand dollars" and insert in lieu thereof the words "fifty thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 369, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,030"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 374, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,320"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "construction work to be done by contract or otherwise"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$199,330"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following separate paragraphs:

FORT DAVIS AND FORT DU PONT PARKS, AND SO FORTH.

"The Commissioners of the District of Columbia are hereby authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE., between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide proper connection with the new location of Alabama Avenue: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to preserve the sites of Fort Davis and Fort Du Pont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia. There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That if the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized plus the costs and expenses of the proceedings, not less than one-third and all in excess of $21,334 shall be assessed by the jury as benefits, which when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

"Hereafter, the United States shall not bear any part of the cost of the acquisition of land for street extensions, but when the condemnation of any land for such purpose is authorized by law the total cost of the land and the expenses of the condemnation proceedings shall be assessed as benefits; in any case where land is condemned for a parkway, including a street or streets, where such parkway is of considerable length with relation to its width, not less than one-half of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits; and in any case where land is condemned for a public park, not less than one-third of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits.

"The public parks authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, restore the matter stricken out by said amendment amended as follows: Renumber the section to read: "SEC. 8."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 424, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 10. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public convenience stations; fees for tax certificates; fees of the municipal court; and fees collected by the building inspection division on account of permits, certificates, and transcripts of records issued by the inspector of buildings; and the surplus fees of the recorder of deeds and register of wills, together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles."

And the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, JR.,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of state of New Mexico, transmitting a certified copy of house joint resolution No. 30, adopted by the legislature of that State, memorializing Congress to appropriate $6,000,000 for dikes and levees on the Rio Grande River, which, with the accompanying resolution, was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint resolution 30, memorializing Congress to appropriate $6,000,000 for dikes and levees on the Rio Grande.

Whereas the present flood in the Rio Grande, which has destroyed bridges, inundated cultivated fields, and caused great property loss, recalls the fact that such floods have been of almost annual occurrence in the past; and

Whereas the Government of the United States has never appropriated any moneys for the construction of dikes and levees upon the banks of said river: Therefore be it

Resolved by the legislature of the State of New Mexico, That the Congress of the United States is hereby memorialized to appropriate and set aside the sum of $6,000,000 to be expended as by law provided in the construction of dikes and levees upon the Rio Grande with a view to restraining its waters to its natural channel; and be it further

Resolved, That the secretary of state of New Mexico be, and he hereby is, directed to transmit authenticated copies of this memorial to

the Vice President of the United States, and to the Speaker of the House of Representatives.

E. C. DE BACA,
President of the Senate.
JOHN JOERNS,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House.
FRANK STAPLIN,
Chief Clerk of the House.

Indorsed: Filed in office of secretary of state of New Mexico, June 7, 1912, 6 p. m.

ANTONIO LUCERO, *Secretary of State.*

CERTIFICATE OF COMPARISON.

STATE OF NEW MEXICO,
Office of the Secretary.

I, Antonio Lucero, secretary of state of the State of New Mexico, do hereby certify that there was filed for record in this office at 6 o'clock p. m., on the 7th day of June, A. D. 1912, house joint resolution No. 30, memorializing Congress to appropriate $6,000,000 for dikes and levees on the Rio Grande, and also that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on the 10th day of June, A. D. 1912.

[SEAL.] ANTONIO LUCERO, *Secretary of State.*

The PRESIDENT pro tempore presented petitions of the officers of Ridgefield Park Post, Daughters of Liberty, of New Jersey, praying for the adoption of the so-called illiteracy-test amendment to the immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted by the American Society of Tropical Medicine, favoring the creation of a national commission for the study and prevention of malaria, which was referred to the Committee on Public Health and National Quarantine.

Mr. HITCHCOCK presented a petition of the congregation of the Emmanuel Baptist Church, of Mead, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Gage County Medical Society, of Nebraska, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Bear Mountain Grange, No. 62, Patrons of Husbandry, of Harrison; of Barbers' Local Union No. 101, of Rumford; and of sundry citizens of Rockport and Canton, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the incorporation of the Virginia Terminal Co., which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyoming, reported it without amendment and submitted a report (No. 888) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 2953) to grant an honorable discharge to George P. Chandler, reported it with amendments and submitted a report (No. 889) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 4973) authorizing the President to appoint Rudolph Ullmer a first lieutenant on the retired list, submitted an adverse report (No. 890) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 891), accompanied by a bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 449. Susannah Roberts.
S. 1531. John Hedge.
S. 1777. Albert Whitehead.
S. 2614. Henry Ackerman.
S. 2739. Edward S. Clithero.
S. 2978. Almond Partridge.
S. 3786. Gustavus A. Kindblade.
S. 4063. Martin Parker.
S. 4082. Augustus A. Nauman.
S. 4072. Benjamin F. Adams (alias Franklin B. Adams).
S. 4187. Mary Byrne.
S. 4491. Mary C. Smith.
S. 4556. E. Leora Norris.
S. 5411. Augustus C. D. Wilson.
S. 5509. Alice O. Lord.
S. 5590. Julius T. Morse.
S. 5647. Henrietta V. Hawley.
S. 6038. Charles E. Sherman.
S. 6290. Jennie M. Smalley.
S. 6324. Samuel N. West.
S. 6660. James V. D. Ten Eyck.
S. 6947. Nellie L. Davis.
S. 6985. Jerome S. Pinney.
S. 7066. James E. C. Sawyer.
S. 2640. Julius E. Henderson.
S. 6861. William L. Baird.

Mr. SMITH of Michigan, from the Committee on Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported it with amendments.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 106) creating a joint commission on public highways, and for other purposes, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 3132) granting a pension to Deborah B. Roman, reported it with amendments and submitted a report (No. 895) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho, reported it without amendment and submitted a report (No. 896) thereon.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, to report it with amendments, and I submit a report (No. 897) thereon.

Mr. HEYBURN. Mr. President, that is not a unanimous report.

Mr. SMOOT. I did not say that it is; I said that it is a report from the Committee on Public Lands.

Mr. HEYBURN. I merely want the RECORD to show that I made the statement; that is all.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

UINTAH INDIAN RESERVATION LANDS.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, with an amendment in the nature of a substitute, the bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation, and I submit a report (No. 893) thereon. I ask for the immediate consideration of the bill.

Mr. CULBERSON. Let it be read.

The PRESIDENT pro tempore. It will be read for information before the request for unanimous consent is acted upon.

Mr. SMOOT. The committee amendment proposes a substitute for the bill.

The PRESIDENT pro tempore. The substitute will be read.

The SECRETARY. The committee report to strike out all after the enacting clause and to insert:

That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation, in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension, and no more.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation."

Mr. SMOOT. I should like also to have the report of the committee accompanying the bill printed in the RECORD.

There being no objection, the report this day submitted by Mr. SMOOT was ordered to be printed in the RECORD, as follows:

[Senate Report No. 893, Sixty-second Congress, second session.]

EXTENSION OF TIME FOR PAYMENTS ON HOMESTEADS, UINTAH INDIAN RESERVATION.

Mr. SMOOT, from the Committee on Public Lands, submitted the following report to accompany S. 6934:

The Committee on Public Lands, to which was referred the bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation, having given the same careful consideration, beg leave to recommend that the following substitute be adopted in its stead:

"*Be it enacted, etc.*, That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension and no more."

The purpose of the bill is to relieve settlers on the former Uintah Indian Reservation from the necessity of paying for their homesteads at the present time. Conditions are such that it would be impossible for a large majority of the homesteaders to make the required payment this year, and consequently, unless some relief is accorded them, their homesteads will be forfeited to the Government. Since the opening of this reservation the settlers have had an exceedingly difficult time to eke out an existence, owing to a number of reasons. Before the land can be made productive at all water must be put upon it, and most of the settlers have expended practically all their means in doing this and in making other necessary improvements upon their homesteads. Senator SMOOT, who introduced the bill, presented a number of petitions signed by most of the settlers on the Uintah Indian Reservation, praying for the relief which this bill gives them. The bill will be a great boon to these settlers, and the committee recommends that it be passed.

The following report on the bill was submitted by the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, June 8, 1912.

Hon. REED SMOOT,
Chairman Committee on Public Lands, United States Senate.

SIR: I have the honor to acknowledge receipt of your request for a report on S. 6934, "A bill to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation."

The statutes under which the Uintah lands were opened (act of May 27, 1902, 32 Stat., 263; act of Mar. 3, 1903, 32 Stat., 998; act of Mar. 3, 1905, 33 Stat., 1069) do not provide for payment of installments; the homestead entrymen must, at time of submitting proof, pay $1.25 per acre, which is the entire price of the land. Consequently, the language of the bill referring to installments is not properly applicable.

These lands were opened to entry under the proclamation of July 14, 1905, and the first entries were made between August 28 and October 26, 1905. The seven-year period allowed by section 2291, Revised Statutes, for submission of proof on these entries, will therefore expire within the current year. The relief it may be desired to afford these homesteaders could be granted by simply extending the time allowed for submitting their proofs.

Information has been received regarding the very hard climatic conditions encountered by these people, and there appears to be no doubt that they are entitled to some relief. However, it is suggested, as in the report on the Coeur d'Alene bill (H. R. 18661, 62d Cong., act of Apr. 15, 1912, Public, No. 120), that it would not be wise to grant an extension of two years; the preferable course would be to allow an extension for one year, subject to a single renewal of a like period.

Moreover, since the present laws do not provide for interest on the price of these lands, it is thought that in justice to the Indians, to whom the money is ultimately payable, the entrymen securing extensions should be required to pay, in advance, interest on said price. This interest has, in the recent Coeur d'Alene act, been fixed at 5 per cent per annum.

Consonant with the above suggestions, the department respectfully recommends that the bill be amended before enactment in accordance with the draft herewith submitted.

Very respectfully,
SAMUEL ADAMS,
First Assistant Secretary.

JOSEPH B. FORBES.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (S. 421) to correct the military record of Joseph B. Forbes, and I submit a report (No. 892) thereon. It is a short bill, and I ask for its consideration.

Mr. CULBERSON. Is it intended to reinstate a deserter?

Mr. CHAMBERLAIN. There is a charge of desertion, and the committee have reported favorably on the bill.

Mr. CULBERSON. Is it a unanimous report of the committee?

Mr. CHAMBERLAIN. It is. I do not know how many members of the committee were present when it was considered, but no one objected to a favorable report.

The PRESIDENT pro tempore. The Senator from Oregon asks for the present consideration of the bill. Is there objection?

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. The bill will be read for information.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That in the administration of the pension laws Joseph B. Forbes, who was a second lieutenant of Company H, Second Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on the 10th day of November, 1862: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. I will inquire what Senator reported the bill.

Mr. CHAMBERLAIN. It was reported by myself as a member of the committee, though the soldier is not a constituent of mine, but a constituent of the Senator from Utah.

Mr. GALLINGER. The Senator from Utah has looked into the matter, I suppose.

Mr. SMOOT. I have, and also every member of the committee. It follows the same mode that has been followed by the committee in many, many other cases.

Mr. GALLINGER. I suppose the soldier's record is not clear in the department.

Mr. SMOOT. It is not, Mr. President.

Mr. GALLINGER. But if the committee has examined it I will not object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph B. Forbes."

PORTRAITS OF JUSTIN S. MORRILL AND JOHN TYLER MORGAN.

Mr. WETMORE. From the Committee on the Library I report a resolution, which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 347) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Senate Committee on the Library is hereby authorized to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Gutherz, at a cost not to exceed $1,000 each, the same to be paid from the contingent fund of the Senate.

Mr. WETMORE. I ask that the report of the committee, No. 894, accompanying the resolution be printed in the RECORD.

There being no objection, the report this day submitted by Mr. WETMORE was ordered to be printed in the RECORD, as follows:

[Senate Report No. 894, Sixty-second Congress, second session.]

PORTRAITS OF SENATORS JUSTIN S. MORRILL AND JOHN TYLER MORGAN.

Mr. WETMORE, from the Committee on the Library, submitted the following report to accompany Senate resolution 347:

The Committee on the Library beg to report the following Senate resolution and recommend its passage:

"*Resolved*, That the Senate Committee on the Library is hereby authorized to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Gutherz, at a cost not to exceed $1,000 each, the same to be paid from the contingent fund of the Senate."

In the history of the United States only four men have been elected to the Senate for six full terms—John Sherman, of Ohio; Justin S. Morrill, of Vermont; William B. Allison, of Iowa; and John T. Morgan, of Alabama.

In 1909 the Senate purchased a portrait of Senator Allison, and the opportunity is now presented of securing at a reasonable price the portraits of Senators Morrill and Morgan, painted by Carl Gutherz, an artist of high reputation.

Justin S. Morrill, of Vermont, was born April 14, 1810, and died December 28, 1898, aged 88 years 8 months and 14 days.

He entered Congress March 4, 1855, near the end of his forty-fifth year, and served in the House of Representatives 12 years—to March 3, 1867. His service in the Senate commenced March 4, 1867, and continued to the time of his death—31 years 9 months and 24 days.

Senator Morrill was elected to the Senate six times, and at the time of his death was the oldest Senator and had a longer period of service consecutively than any other Senator. Since the death of Senator Morrill his record of continuous service in the Senate has been surpassed by Senator Allison.

Senator Morrill had a longer continuous service in the Senate and House of Representatives than any other person since the organization of the Government.

Senator Morrill became chairman of the Committee on Finance in 1877, and retained that chairmanship until his death, with a hiatus

of four years only—from 1879 to 1881, when Senator Bayard was chairman, and from 1893 to 1895, when Senator Voorhees was chairman.

He was the author of the Morrill Tariff Act of 1861, and had a conspicuous part in all the fiscal and tariff legislation during his nearly 44 years in Congress.

He formulated and secured the enactment of the land-grant agricultural college act of 1862, and its amendatory acts, resulting in the founding of colleges of agriculture and mechanic arts in all of the States.

John Tyler Morgan, of Alabama, was born June 20, 1824, and died June 11, 1907, at the age of 83 years, less 9 days.

Senator Morgan's term of service in the Senate began March 4, 1877, and was continuous for 30 years 3 months and 7 days. He was six times elected to the Senate, and died in the fourth month of his sixth term.

He became a member of the Committee on Foreign Relations December 5, 1878, and served on that committee to the time of his death, as its chairman from 1893 to 1895, and for 22 years as the ranking minority member.

Almost in the beginning of his service in the Senate Senator Morgan became the advocate of an interoceanic canal to connect the Atlantic and the Pacific, and he more than anyone else contributed to the accomplishment of this great enterprise.

Senator Morgan was appointed by President Harrison a member of the Bering Sea Arbitration Tribunal which met in Paris in 1893, and the portrait proposed to be purchased was painted in Paris during the sittings of the tribunal.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 7161) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on Finance.

By Mr. SUTHERLAND:

A bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Arizona:

A bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State, charitable, penal, and reformatory institutions; to the Committee on Public Lands.

By Mr. BROWN:

A bill (S. 7164) granting an increase of pension to William W. Lane; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7165) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; to the Committee on the District of Columbia.

By Mr. KERN:

A bill (S. 7166) granting an increase of pension to Job S. Sims (with accompanying paper); and

A bill (S. 7167) granting an increase of pension to Rachel B. Purdy (with accompanying papers); to the Committee on Pensions.

A bill (S. 7168) for the relief of Dudley Simms (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRIGGS:

A bill (S. 7169) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

A bill (S. 7170) granting a pension to Emma W. Lloyd; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7171) for the relief of Dora D. Walker; to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARDNER submitted an amendment proposing to appropriate $43,880 for additional quarantine facilities at Portland, Me., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—MICHAEL R. SHULTZ.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying the bill (S. 640, 62d Cong., 1st sess.) granting an increase of pension to Michael R. Shultz be withdrawn from the files of the Senate, no adverse report having been made thereon.

EDWARD W. WHITAKER.

Mr. BRANDEGEE submitted the following resolution (S. Res. 348), which was read and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a full and detailed statement of the military history of Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general United States Volunteers, such statement to show the promotions he received, the recommendations therefor, a list of the engagements in which he participated, the recommendations on which he was tendered an appointment as captain in the Seventh United States Cavalry, copy of his letter declining such appointment and of accompanying papers, if any; also copies of orders and other papers connected with his military history.

FLAG OF THE UNITED STATES.

Mr. HEYBURN submitted the following resolution (S. Res. 345), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether or not at any time or under any circumstances any flag, emblem, or banner is raised above the Stars and Stripes on any vessel, building, or ground under the jurisdiction of the Navy Department of the United States.

Mr. HEYBURN submitted the following resolution (S. Res. 346), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether or not at any time or under any circumstances any flag, emblem, or banner is raised above the Stars and Stripes over any fort, encampment, building, or ground under the jurisdiction of the War Department of the United States.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. I send to the desk a resolution, and ask for its present consideration.

The resolution (S. Res. 349) was read as follows:

Whereas the Senate requested certain information of the President regarding the profits and business of certain corporations for the year 1910 and 1911, as specified in Senate resolution 321; and

Whereas the President, in a message on June 11, indicated that the statistics relating to said corporations could not be furnished until the Senate indicated more specifically what corporations should be included: Therefore

Resolved, That the President be, and he is hereby, advised as follows:

First, that the corporations engaged in the iron and steel industry, regarding which information is desired, are the 1,048 corporations embraced in the census report for 1910;

Second, that the corporations engaged in the woolen industry, concerning whose business and profits the Senate asks information, are the 1,050 corporations embraced in the report of the Census Office of 1910;

Third, that the corporations engaged in the cotton industry, concerning whose business and profits the Senate asks information, are the 1,328 corporations embraced in the report of the Census Office of 1910;

Fourth, that the corporations engaged in the sugar-refining business, except beet sugar, concerning whose business and profits the Senate asks information, are the 233 corporations embraced in the report of the Census Office of 1910;

Fifth, that the corporations engaged in the beet-sugar industry, concerning whose business and profits the Senate asks information, are the 58 corporations embraced in the report of the Census Office of 1910;

Sixth, that attention is also called to the fact that Bureau of Corporations has such information as will assist in the compilation of these statistics and the classification of corporations; and

Seventh, that the President is requested to have the Bureau of the Census and the Commissioner of Corporations cooperate in preparing the information requested in Senate resolution 321.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. Mr. President, I did not hear the first paragraph or two of the resolution. The Senator has heretofore submitted a resolution asking for information, which was agreed to. Is the Senator now instructing the President what procedure he shall take to collate and transmit the information? Is that the purpose of the resolution?

Mr. HITCHCOCK. The President replied to that resolution in a message on June 11 by stating that he was not in a position to furnish the information unless the Senate would indicate more specifically the corporations for which the statistics were desired.

Mr. GALLINGER. That is entirely satisfactory, if the President sent such a communication, but I was not aware of the fact.

The resolution was considered by unanimous consent and agreed to.

THE "TITANIC" DISASTER (S. DOC. NO. 850).

Mr. CURTIS. At the request of the Senator from Colorado [Mr. GUGGENHEIM], I ask that the document which I send to the desk be printed as a public document in the type in which it is now printed.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the printing of the speech of the Senator from Michigan [Mr. SMITH] on the *Titanic* disaster as a public document in the same type in which it is now printed. Is there objection to the request?

Mr. SMOOT. I am not going to object to this request because of the fact that there are Members of the Senate who are especially interested in having this particular document printed in this particular way, but I wish to say that I hope it will not be considered as a precedent for similar requests hereafter. This is the first time that such a request has been made. I recognize, however, that it is a case that perhaps never will happen again. Therefore I shall not interpose an objection.

Mr. McCUMBER. Mr. President, I will say to the Senator from Utah that while a case similar to the *Titanic* disaster

may never again happen, I am not prepared to say that there will not be very many cases where it will happen that it would be better to have a speech of a Senator printed in different type from that usually employed. While the Senator from Utah says it may not become a precedent, I ask him why the same privilege should not be accorded any matter that is published as a public document? Why should it not be printed in the same type?

Mr. SMOOT. Mr. President, what appeals to me more than anything else is the fact that the brother of one of our Senators was lost in that frightful disaster, and he asks that this be done. So I do not feel like interposing an objection.

Mr. McCUMBER. With the Senator's explanation, I would not oppose the request.

The PRESIDENT pro tempore. Without objection, an order therefor will be entered.

THE CHEMICAL SCHEDULE—UNANIMOUS-CONSENT AGREEMENT.

Mr. HEYBURN. Mr. President, I find in the RECORD this morning that yesterday, during the temporary absence of some Senators from the floor and in the midst of a speech upon the chemical schedule (H. R. 20182) without any general knowledge to even the scant attendance of Senators, it was undertaken to enter into a unanimous-consent agreement as to the vote to be taken upon House bill 20182, and the RECORD recites that it was agreed, by unanimous consent—

that on the 2d day of July, immediately after the termination of the routine morning business, the Senate resume the consideration of the unfinished business, and that a vote be taken upon the bill and all amendments thereto before the end of that legislative day.

Mr. LODGE and Mr. SIMMONS. The calendar day.

Mr. HEYBURN. I was coming to that. It appears also from the RECORD that the word "calendar" was substituted for "legislative" in describing the day. I regret very much that any such action was taken, because we have a unanimous-consent agreement that practically precludes any opportunity to any Senator to discuss any measure prior to the 1st day of July. The recesses provided for in the unanimous-consent agreement already entered into—and, I think, concurred in by the House—will render it impossible for any Senator to have opportunity for discussing the chemical schedule. I think it is very unfortunate, and it may possibly prove somewhat embarrassing in the future, if it is insisted that a unanimous-consent agreement can be entered into in the midst of a speech, when Senators had a right to expect that no such proceeding would be undertaken during a Senator's speech. I say that it is most unfortunate.

No Senator has a right to assume that any other Senator is as indifferent as to the necessity for discussing a measure as he is. Senators may feel indifferent in regard to the necessity or the propriety of discussing proposed legislation, but they have no right to assume that any other Senator is indifferent to the necessity or the duty of doing so.

Unanimous-consent agreements should only be proposed when there is a quorum of the Senate present and when there is a normal attendance of the Senate; and there should be a rule, if there is none, that would prevent the granting of unanimous consent to take a vote upon a measure in the midst of a speech being made upon that measure.

I do not feel that I am called upon to express myself as strongly as I feel in reprobation of such a practice. If there is any one act that is performed by the Senate that more than another demands perfect candor and a spirit of perfect fairness, it is the act of obtaining unanimous consent for the disposition of pending legislation; and just as soon as it becomes apparent that this parliamentary proceeding is to be used for the purpose of gaining an undue advantage, that will be the end of unanimous-consent agreements in this body.

I feel that any Senator who desires to discuss that measure has been unfairly treated. I am a member of the committee that reported the bill; I had already given notice that I intended to discuss it, and yet we are to be confined to the calendar day of July 2 to discuss one of the most important tariff schedules that has come before the Senate at any time, and all through taking advantage of a time when there were perhaps not to exceed six or seven Senators on the floor to obtain a record unanimous-consent agreement.

I realize the delicate position in which Senators are placed who object or who feel compelled to object, as I do this morning, to this action; but to those who do not know from actual observation the conditions under which this unanimous-consent agreement was obtained, any effort to change it would be charged by such persons as an attempt to avoid an agreement based upon the honor of Senators, so that it is readily to be seen that we have been placed in an embarrassing position. We have taken away the opportunity to debate this question up to a period only a few hours prior to the time fixed for its ultimate disposition. My mind questions the reasons that impel the change from the legislative to the calendar day.

Has any Senator the right to assume or to presume that Senators not present and Senators who are absent with the consent of the Senate have no interest in this legislation because they have not? They have given Senators a just cause of complaint. I will not be personal in this matter, but I want to try to impress upon the minds of Senators that they have posted a watchman, they have set a picket who will be on duty against a repetition of such injustice.

It could not have been done upon the assumption that when those who did it had spoken the end of reason had been attained, or that they stand recognized as holding the proxy for every other Senator to participate in legislation upon this subject.

Have I said enough to impress upon the minds of Senators my views in regard to this way of making an agreement that rests upon the honor of every Senator in the body? Have I said enough to impress my views that the usurpation of the right of another man to participate in an agreement resting upon the honor of that other man is not permitted or recognized among men?

The unanimous-consent proceeding in this body is one resting upon the principle of individual respect for the honor and conscience of each Senator. I give notice now that when the next tariff bill is before the Senate, which will be Calendar No. 675, House bill 21213, I shall object to the fixing of a time for a vote upon the bill by unanimous consent, and I will expect that fair treatment, not only for myself but for every other Senator, by those who shall then assume to be in what is sometimes called the control of the bill.

Under the rule there seems to be no way of avoiding the evil act of yesterday.

Mr. NELSON. Mr. President——

Mr. HEYBURN. I yield.

Mr. NELSON. I thought the Senator from Idaho was through.

Mr. HEYBURN. With all due courtesy to the Senator, that occurs sometimes when Senators in their individual judgment think another Senator has talked as long as they think he ought to have talked, and they assume that he is through. It is a bad habit. I am through.

Mr. NELSON. I ask unanimous consent for the present consideration of Calendar No. 750.

Mr. SIMMONS. I ask the Senator from Minnesota if he will not withhold the request to permit me to make some observations with respect to the matter on which the Senator from Idaho addressed the Senate.

Mr. NELSON. Certainly; I withdraw the request.

Mr. SIMMONS. Mr. President, the request for unanimous consent was made by me. It was made, as the Senator from Idaho suggests, during the speech of the Senator from Maine [Mr. JOHNSON]. I did not make the request until I had conferred with Senators on this side of the Chamber and with Senators on the other side of the Chamber. It had been represented to me that no Senator on this side of the Chamber, except the junior Senator from North Carolina and the Senator from Maine desired to speak upon the bill. The Senator from North Carolina advised me that his speech would probably not occupy more than 10 minutes. I was not aware of the fact that the Senator from Idaho had given any notice that he desired to discuss the bill. No notice to that effect appears upon the calendar, and I was out of the Chamber when the Senator stated his purpose to discuss this schedule. I was advised that there would probably be no speech made on the other side of the Chamber on the bill except one. Under these conditions it was thought, after conference, that we could easily reach a vote and allow every Senator who desired to speak an opportunity to speak on the second day after we reassemble.

My request, Mr. President, was for unanimous consent that we take a vote upon this bill during the legislative day of July 2. A suggestion was made from the other side of the Chamber that I change the request from the legislative to the calendar day, and I made that change in compliance with that suggestion from the other side of the Chamber.

I am sure I have no desire to interfere with the freedom of debate upon this question, and if I had supposed that more time was necessary in order that Senators who desire to speak might have an opportunity to do so, I certainly would not have felt like limiting the time to one day, and I suggest to the Senator from Idaho that we meet again on the 1st day of July, and I shall be very glad to ask that the bill be laid before the Senate on the first day. I do not think there is anything in the way. If there is, it can easily be gotten out of the way, because this

has the right of way, so that we may have not one, but two days for its discussion. I am quite sure that during two days every Senator will have full opportunity to speak.

I want to assure the Senator from Idaho, for myself, that I had no purpose to take any snap judgment in the matter. We conferred about it. The Senator did not happen to be in the Chamber. If he had been, he probably would have been spoken to about it.

Mr. HEYBURN. I suggest to the Senator from North Carolina that the Senator from California [Mr. PERKINS] has already given notice that on Monday, July 1, he will ask the Senate to proceed to the consideration of the naval appropriation bill.

Mr. SIMMONS. That will not interfere with the unfinished business.

Mr. HEYBURN. The naval appropriation bill or any other appropriation bill has certain rights of way.

Mr. SIMMONS. I think the Senator is mistaken——

Mr. HEYBURN. I am reading from the calendar.

Mr. SIMMONS. As to the bill having the right of way against the unfinished business. It would have the right of way, probably, against other matters, but this bill is the unfinished business of the Senate, and at 2 o'clock it would be the regular order.

Mr. GALLINGER. If the Senator will permit me, I think we might relieve the situation somewhat by keeping in mind the fact that we can meet at an earlier hour on that day. We could meet at 10 o'clock, if need be, or 11 o'clock at any rate, and thus gain an additional hour. That would enable the Senator from Idaho to occupy such time as he may wish.

Mr. SIMMONS. I certainly have no objection to meeting at an earlier hour on both the 1st and 2d of July, so as to give ample opportunity for discussion. I must confess that I did not know the Senator desired to speak. I had been advised repeatedly that there would be only one speech on the other side of the Chamber, and that it would not occupy more than two hours.

Mr. HEYBURN. Mr. President, I can understand that the Senator might have received that impression, because, when the metal schedule had been reported and the question was being discussed as to when a vote might be had upon it, it was stated that only two Senators—naming them—would speak on the bill. Of course, that was an irresponsible statement, but it was probably based upon just such an assumption. To be perfectly candid, so far as I am concerned, I intend that the habit which seems to be growing up in this body of certain Members arrogating to themselves an assumed leadership and dictatorship without consulting with all other Senators shall be broken up.

Mr. SIMMONS. The Senator——

Mr. HEYBURN. I am not including the Senator from North Carolina in that.

Mr. SIMMONS. I wanted to say to the Senator——

Mr. HEYBURN. The Senator from North Carolina, representing this measure upon the floor, of course is justified in seeking to get it to a vote. What I object to is an attempted assumption of power which in this accidental case was realized. I desire to see that all Senators in this body stand one the peer of the other. This thing of looking at the almanac to see how long some one has been here, looking at the Congressional Directory to see in what class of service a Senator is, is a piece of impudence; it is unworthy of a Senator. I do not believe that Senators, like some other things, ripen with age, always. Sometimes they do, but not always.

Now, Mr. President, I acquit the Senator from North Carolina of intentionally having sought to shut out any Member from discussing this bill, but it was the result of the action. No request for unanimous consent should be made except when a quorum of the Senate is present. The mere accident that a Senator takes advantage of an opportunity to go to lunch, or that many do, should not be taken advantage of either to call up a measure or to agree by unanimous consent during his absence, because it might get through then and would not at another time.

I say all this in good temper, but I say it within my rights, and I say it with the hope that it may find others in this body who approve of it. I regard the action of yesterday as one that will undermine the orderly procedure of this body and the possibility of getting unanimous consent for anything.

Mr. SMOOT. Mr. President, I was in the Senate Chamber when the unanimous-consent agreement was made, and I wish to assure the Senator from Idaho that if it had not been for a conference held with him I never would have agreed in his absence to a request fixing a time for a vote.

Mr. HEYBURN. If the Senator will permit me, I am a member of the Committee on Finance. I sat with the Senator in the meetings of that committee, and there is no member of that committee who was not advised of my position in regard to every one of these tariff schedules.

Mr. SMOOT. I will remind the Senator of the conference I refer to.

On Thursday, the Senator will remember, the question arose as to whether we could get a vote upon the bill to-day, and as I understood him at that time he was perfectly willing that a vote should be taken upon it to-day.

Mr. HEYBURN. I expressed my dissent in unqualified terms. I said—and I am going to be perfectly candid now, and I hope the Senator will not consider it a breach of confidence—I said whenever we had votes enough to beat the bill, without discussing it, I was willing to have a vote, but I wanted something more than the conjecture of somebody upon which to base it, because, so far as I am concerned, I am opposed to this measure and I am ready to vote upon it whenever a vote will beat it, and I am ready to discuss it until there are votes enough to beat it.

Mr. SMOOT. I think the Senator from New Hampshire heard what was said at the time we were discussing it, and I take it for granted——

Mr. HEYBURN. The Senator will take my word for what I say, regardless of what he takes for granted. He need not refer to the Senator from New Hampshire or anyone else.

Mr. SMOOT. I was going to say, if the Senator will allow me, that it was my fault, not his, if I misunderstood his position on this particular bill. I do not want to shirk any responsibility, if there is any personal responsibility, for securing a unanimous-consent agreement. It was furthest from my mind to agree to anything that would prevent any Senator from saying just what he wanted to upon this bill. I knew that it could be discussed on July 1. I had it in my mind, and so stated to the Senator from North Carolina, that we could meet early upon July 2, if necessary, and could remain in session till 12 o'clock midnight. That was before the Senator from North Carolina made his request for a vote on that legislative day.

I suppose that is why the Senator from Massachusetts and myself suggested that it be the calendar day.

I want the Senator from Idaho to understand that in his absence, and I recognize that he is a member of the Finance Committee, I would not have agreed to a specific time to vote if I had thought for one minute that he would have interposed an objection to it. I will say that I do not want to take a minute's time of the Senate to discuss the bill if there is not time for all Senators who want to speak on the 1st or 2d of July, and as far as I am concerned it would suit me if the Senator from Idaho would start the discussion on the bill, and if he could not get through on the first day that he should take all the time on the second day.

Mr. HEYBURN. Mr. President, I sincerely hope that many others will discuss this bill than myself. I am not promising that I will occupy any given time or at any time speak upon the bill. A Senator is not compelled a week ahead to say whether he will speak upon a measure or how long he will speak. You have foreclosed not only the senior Senator from Idaho, but you have foreclosed three-fourths of this body who were absent.

Mr. SMOOT. Mr. President, that would be true if all the three-fourths desired to speak.

Mr. HEYBURN. They have the right to speak.

Mr. SMOOT. They have the right to speak, but a great many of them have told me they did not intend to speak on the measure. I simply wanted to say, and I say it now to the Senator from Idaho, that, so far as I am concerned, I shall claim no time in the two days in which the bill can be discussed to speak unless there is a chance to do so without limiting the time desired by the Senator. I do not want to interfere with the right of any Senator to have all the time to speak that he desires, not only upon this measure, but every other measure. I can assure the Senator that there was no intention on anyone's part to foreclose him or any Senator from saying what he wishes to upon this particular measure.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain

soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

ANTI-INJUNCTION BILL.

Mr. NELSON. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, under Rule VIII.

The PRESIDENT pro tempore. The Chair will ask the indulgence of the Senator to state that morning business has not yet been closed.

Mr. NELSON. I supposed it was closed.

The PRESIDENT pro tempore. There is a matter which it is the duty of the Chair to bring to the attention of the Senate. The Chair finds upon the desk a resolution which came over from a former day, which should have been laid before the Senate day before yesterday. The present occupant of the chair did not occupy it the day preceding and had not information of the fact that the resolution was on the table. The Chair thinks it is entitled to its day in court, and it will now be laid before the Senate. It is the resolution offered by the Senator from New Jersey [Mr. MARTINE], and the Chair will lay it before the Senate for such disposition as the Senate sees proper to make of it.

Mr. MARTINE of New Jersey. Mr. President, I will say that I presented the resolution seriously and in good faith, and I desire a vote on it. But I am assured by Senators on the other side that in the event of pressing the resolution at this time the question of a quorum will be raised, and therefore I would be practically legislated out and would interfere thereby with the progress of business at this stage. In deference to that thought, I will consent that it may remain on the table, with the assurance to the Senate that I shall bring it up later in the day.

The PRESIDENT pro tempore. If there be no objection, that direction will be given to the resolution offered by the Senator from New Jersey.

THE CALENDAR.

Mr. NELSON. I renew my request.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consid-

eration of unobjected cases on the calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order on the calendar.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SIMMONS. If it is not out of order, I should like to ask unanimous consent to call up a bill.

The PRESIDENT pro tempore. The Chair would state that the unanimous consent just entered into under Rule VIII would require that each case be considered in its order, and only unobjected cases will be considered under the unanimous-consent agreement.

Mr. SIMMONS. The Chair holds it would not be in order to ask unanimous consent to consider a bill out of its order on the calendar?

The PRESIDENT pro tempore. If it had been taken up on motion, undoubtedly it could be considered, but the unanimous consent would preclude any other action by the Senate except that expressed in the terms of the unanimous-consent agreement. The Secretary will proceed with the calendar.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDENT pro tempore. It will go over.

VOCATIONAL EDUCATION.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. PAGE. I feel like being considerate with all Members of the Senate and I do not wish to press Senate bill No. 3, now in order, but I should like at some time during the afternoon, if possible, to have it read and have it progress so far. With the understanding that later on I may take it up, after other important matters have been considered, I will make no objection to its going over.

Mr. GALLINGER. I will ask the Senator if the bill was not read some days ago?

Mr. PAGE. It never has been read.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. LODGE. Let it go over now.

The PRESIDENT pro tempore. The Chair will state that the Senate is proceeding under a unanimous-consent agreement.

Mr. PAGE. I merely wanted to make the statement; that is all.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The resolution (S. Res. 242) directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, was announced as next in order.

Mr. SMOOT. I ask that this bill may go over, and that all these Indian bills shall go over.

The PRESIDENT pro tempore. The bill will go over. It will be necessary to indicate each one as we reach it.

The bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4536) to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. OVERMAN. I move the indefinite postponement of the bill.

Mr. CRAWFORD. I do not think that would be quite fair, because this bill is to be considered in connection with the omnibus claims bill, and I assured the Senator from Pennsylvania, who is interested, that it would remain until some time when he is present.

Mr. OVERMAN. Then let it go over under Rule IX and be taken off this calendar.

The PRESIDENT pro tempore. Without objection, the bill will be transferred to the calendar under Rule IX.

Mr. SMOOT. I should like to have it remain on the calendar under Rule VIII, because the omnibus claims bill is liable to come up at any time.

Mr. CRAWFORD. I think that is true.

Mr. SMOOT. The omnibus claims bill is under Rule VIII, and this bill should also be under Rule VIII.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4159) for the relief of F. M. Lyman, jr., was announced as next in order.

Mr. CRAWFORD. The bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4230) for the relief of Robert F. Scott was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 364) for the relief of Ranney Y. Lyman was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

The PRESIDENT pro tempore. This bill has been read as in Committee of the Whole and certain amendments have been agreed to.

Mr. HEYBURN. Let it be read for information.

Mr. OVERMAN. Let the bill go over. I think the Senator from Maryland [Mr. RAYNER] wants to discuss it.

The PRESIDENT pro tempore. The bill will go over.

THOMAS MARCUS MOLLOY AND JOSEPH HENRY CROZIER.

The bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, by placing their names in the order in which they are set forth herein on the official register of the service next after the name of First Lieut. William Henry Munter. But nothing in this act shall be construed to increase the number of officers allowed by law in the Revenue-Cutter Service, nor shall the officers whose rank is restored in part by this act be entitled to any back pay or emoluments on account thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETTY OFFICERS, ETC., OF NAVY AND MARINE CORPS.

The bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. LODGE. I wish to ask the Senator from North Carolina if he will not be willing to allow the bill to be considered. It has been read and amended. It is simply to give a very small number of survivors of the Civil War in the Navy and Marine Corps rank and rating to the next higher grade. It has been granted in the Army and it has been granted to the commissioned officers. These are noncommissioned officers and enlisted men of the Navy. There are very few remaining.

Mr. OVERMAN. About how many are there?

Mr. LODGE. I think it is stated in the report. I will look at the report. There are very few. It seems to me not unreasonable for them to receive it.

Mr. OVERMAN. The Senator, as I understand, says it has been done in the Army.

Mr. LODGE. Yes.

Mr. OVERMAN. If it has been, I raise no objection to the consideration of the bill.

Mr. LODGE. This bill is aimed merely to give these men what all other officers of the Army and Navy receive because of Civil War service. About 115 enlisted men in the Navy and Marine Corps now on the retired list would be affected by it.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws his objection, and the Secretary will read the bill.

The Secretary proceeded to read the bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade.

Mr. LODGE. The bill has been heretofore read and amended, Mr. President.

The PRESIDENT pro tempore. The Chair is informed that there are no amendments.

Mr. LODGE. I know the bill has been read.

The PRESIDENT pro tempore. If it is not desired that the bill shall be reread, it will not be. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins was announced as next in order.

Mr. McCUMBER. In the absence of the Senator from Delaware [Mr. DU PONT], who reported that bill, I ask that it may go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. McCUMBER. I also ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

ENTRIES ON ALASKAN COAL LANDS.

The bill (S. 5860) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The Chair is informed that the bill has been heretofore read.

Mr. SMOOT. The bill has been read.

The PRESIDENT pro tempore. If the rereading is not desired, as the title has just been read, the Chair will not direct that the bill be again read.

Mr. HEYBURN. I think I shall have to ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, I only asked for the rereading of the bill in order to be certain as to a part of it that was being passed over so rapidly that I did not have time to examine it. I now move to strike out the word "public," in lines 3 and 4, on page 1. Of course, if they are reserved lands, they are not public lands under the statute.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 1, in line 3, after the word "unreserved," it is proposed to strike out the word "public."

Mr. HEYBURN. The very class of lands there described are held not to be public lands.

Mr. SMOOT. Let the section be read as it is proposed to be amended.

The SECRETARY. If amended as proposed, the section will read:

That from and after the passage of this act unreserved lands of the United States in Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, and all applications to make entry under the homestead laws upon such lands shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

Mr. SMOOT. If they were reserved lands, I would have no objection to the amendment offered by the Senator from Idaho.

Mr. HEYBURN. Of course, I should like to see the words "reserved" and "unreserved" in the proposed amendment, because it has been held and sustained that lands withdrawn from settlement are not public lands and not included within the designation of public lands in the statute. Of course, this ought to read "reserved and unreserved," but I shall not enter into that contest to-day. I will only deal with the one word.

The PRESIDENT pro tempore. The amendment offered by the Senator from Idaho will, without objection, be agreed to. Does the Senator from Idaho desire the further reading of the bill?

Mr. HEYBURN. No; I do not insist upon it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy was announced as next in order.

The PRESIDENT pro tempore. The Chair is informed that this bill was read in full on the 11th of May.

Mr. BRISTOW. I should like to inquire what the bill proposes to do, if any member of the committee from which it was reported is present?

Mr. LODGE. It proposes to establish a medical reserve.

Mr. PERKINS. The report will show, I think, Mr. President, the object of the bill, and I should like to have the report read.

Mr. CRAWFORD. Let us hear the report.

Mr. LODGE. It does not propose to increase expenses.

The PRESIDENT pro tempore. The report will be read.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDENT pro tempore. The bill goes over.

Mr. BRISTOW. I remember the bill now, and I have no objection to it. I do not ask that it go over.

Mr. HEYBURN. I have objected to its consideration.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 20182) to amend an act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, approved August 5, 1909, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDENT pro tempore. The joint resolution goes over.

REWARDS FOR IMPROVEMENTS IN MANUFACTURING PROCESSES, ETC.

The bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant, was announced as next in order.

The Secretary proceeded to read the bill.

Mr. HEYBURN. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill goes over.

Mr. BRISTOW. I hope the Senator from Idaho will not object to the consideration of that bill.

Mr. HEYBURN. Probably a minute's consideration might obviate my objection, but there arose in my mind from the reading of the clause that a gross appropriation of a thousand dollars a year might all go to one person. There is no limitation as to the amount that may be given as a reward for these suggestions, or "series of suggestions," or whatever they may be. There should be a little more careful provision in regard to that point. Then this exemption of the United States in the last clause is, of course, quite far-reaching. This might go to an extent that would be the basis of a change in the whole system of the ordnance of the United States.

Mr. BRISTOW. I think I can explain the bill to the Senator. The purpose is to encourage employees of the Government to suggest improvements and economies in operation, manufacturing processes, and so forth, and to provide rewards therefor the same as is done by the great corporations. The exemption of which the Senator speaks is simply this: If an employee makes a suggestion which results in economy and saving, he is given a reward; and he can not make a future claim on the Government for additional compensation for the use of his suggestion.

Mr. HEYBURN. Can he patent it?

Mr. BRISTOW. Oh, no.

Mr. HEYBURN. Can he patent it for sale to the general public outside of the Government?

Mr. BRISTOW. That, of course, is not covered; that would be between him and the public; but he can not receive from the Government anything additional, because he voluntarily gives this suggestion to the Government, and if, in the judgment of the Secretary of War and the board which examines it, it proves to be useful, he is given a reward for his industry, his thoughtfulness, and his ingenuity.

Mr. HEYBURN. I think that is all right and I am thoroughly in sympathy with it, but the question is whether or not, after he has received a reward, he may still patent the invention and compel the general public to pay for the use of it?

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him in this connection?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. When a man has allowed the Government, voluntarily, to use a suggestion or invention of his, he has made it public, and he can not afterwards secure a patent on it.

Mr. HEYBURN. But he might at the same time, or immediately prior thereto, file his caveat in the matter and thus secure himself. I was prompted to object to the consideration of the bill, because I thought it involved a number of points that ought to be considered. I am in sympathy with the spirit of the legislation; I only would like to see that we do not pass it so hastily as not to secure efficient and good legislation.

Mr. BRISTOW. The Committee on Military Affairs went into the subject very thoroughly, conferred with the War Department about it, and they think that it will result in an increased efficiency and encouragement to employees, and that the public, as well as the Government, is amply protected.

Mr. HEYBURN. It will accomplish that, but the question is whether it affects the rights of the general public outside of the Government? Of course, when you cover inventions affecting machinery and methods of employing machinery, probably the largest users of those things are individuals and firms outside of the Government. We have in our great machine shops to-day a number of articles similar in use and construction to those used by the Government which are the basis of vast manufacturing enterprises.

I know the Senator from Kansas would not desire to pass an imperfect piece of legislation merely to get it through to-day.

Mr. BRISTOW. Oh, no; it has been on the calendar for a long time.

Mr. HEYBURN. That is the reason my mind was directed to it, because it has been so long on the calendar.

Mr. BRISTOW. It went over once before on the objection of the Senator from Idaho, and I had hoped that in the meantime he had probably considered the bill.

Mr. HEYBURN. I have, and what I say is the result of the consideration I have given it since that time.

Mr. BRISTOW. Of course, no one has any interest in it except the interest of the general public in promoting efficiency on the part of Government employees.

Mr. HEYBURN. I see it comes here as a House bill.

Mr. BRISTOW. Yes.

Mr. HEYBURN. That makes it all the more important to give it consideration. There being, of course, no matters to go

into conference, it makes it very important that we give the measure careful consideration, otherwise it just steps right from here onto the table of laws.

Mr. LODGE. The Government is protected, as I understand.

Mr. HEYBURN. Yes; but how about the public?

Mr. LODGE. The public is protected, of course, because by giving the suggestion to the Government the patent is made public.

Mr. HEYBURN. Not if the inventor had filed a caveat the day before it was given to the Government.

Mr. LODGE. I think that is pretty remote. An employee of the Government can not sell a patent to the Government.

Mr. HEYBURN. He does not have to sell it to the Government, but he may sell it to the public.

Mr. LODGE. He has a right to do that; if he is outside he can do that.

Mr. GALLINGER. To cover that suggestion, I feel sure the Senator from Kansas would have no objection to adding after the word "assigns," the words "and that application for patent has not been made on the invention."

Mr. HEYBURN. The amendment removes my objection.

Mr. BRISTOW. That is satisfactory.

Mr. GALLINGER. I suggest that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "assigns," in line 16, it is proposed to insert a comma and the words "and that application for patent has not been made on the invention."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6497) to protect migratory game and insectivorous birds in the United States was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

The OVERMAN. Let that bill go over also.

The PRESIDENT pro tempore. The bill will be passed over.

ENLARGED HOMESTEADS.

The bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. LODGE. Mr. President, I see that this bill and the next number but one on the calendar are bills to amend the same act—the act to provide for an enlarged homestead. I do not profess to understand either of the bills.

Mr. NELSON. I will explain the bill to the Senator. Some years ago we passed a law providing for 320-acre homesteads in the semiarid States, where they could not irrigate the land and had to resort to dry farming. That law originally was applied to Montana. The purpose of this bill is to extend that law to the State of Colorado; that is all. One peculiarity about these homesteads is that they can not be commuted. The people taking them up have to comply with the homestead law.

Mr. LODGE. I have no objection. Is the subsequent bill, No. 628 on the calendar, the same kind of a bill?

Mr. NELSON. Yes; it is of the same nature.

Mr. LODGE. Very well. I have no objection.

The Secretary resumed and concluded the reading of the bill.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 8, to strike out the words "in the same land-office district as" and insert "within 6 miles of."

Mr. HEYBURN. Mr. President, I wish the Senator in charge of the bill were present. It presents this problem: A man may have part of his tract entered in one land office and part of it in another, and they may be 300 miles apart. I can call up in my mind instances of that kind. I regret that the Senator from Colorado is not here.

Mr. NELSON. The amendment removes that objection. It limits it to within 6 miles of the original homestead.

Mr. HEYBURN. Suppose the first homestead is within a mile or half a mile of the line between the land districts, then the man will enter part of it in one land district and part of it in another.

Mr. NELSON. This takes the place of that, as I understand.

Mr. HEYBURN. It is very unfortunate. I am not going to block the passage of these bills. They were considered in the committee of which I am a member. But I think it no more than fair, on the floor, that Senators should have the benefit of the suggestions that were made in the committee. It is a very awkward provision. In the first place it permits a man to obtain a homestead without living on it. Then it permits him to have one homestead in one land district and another homestead in another land district.

Mr. NELSON. But he has to live five years on either the original homestead or the additional land.

Mr. HEYBURN. Of course, that is applicable to all.

Mr. NELSON. He can not commute.

Mr. HEYBURN. No.

I have said about all I want to say, I think, in regard to this law, which in my judgment was a very bad one, and is being made the subject of a good bit of graft right now. I introduced a resolution, which was passed by the Senate, calling upon the Secretary of the Interior for a statement as to the number and area of additional homesteads. Senators have copies of it in their desks or at their disposal. They will be astonished at the result of this enlarged homestead legislation. I want people in the country, and I do not want one man to have it all.

However, I expressed myself fully on that subject on a former occasion, and I merely call attention to the matter at this time. I will not raise any objection to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLLECTION OF TAXES.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

Mr. BROWN. I trust the Senator will not insist on that course.

Mr. SUTHERLAND. I know there is at least one Senator who wants to be here when the bill is considered. I think, myself, there ought to be an amendment suggested to it. I have not formulated in my own mind just what it should be. I do not make any objection to the bill itself.

Mr. BROWN. I very much regret it has to go over again. It went over on a former occasion.

The PRESIDENT pro tempore. The bill will go over, under objection.

ENLARGED HOMESTEADS.

The bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," was announced as next in order.

Mr. SMOOT. Mr. President, in the enlarged-homestead bill the provisions of this bill were included. Therefore it is not necessary to enact this bill into law. The Senator reporting the bill is not here, however, and I shall therefore ask that it go over under Rule IX.

The PRESIDENT pro tempore. The Senator from Utah asks that the bill be transferred to the calendar under Rule IX. Without objection, it is so ordered.

WIRELESS TELEGRAPHY IN THE PHILIPPINES.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. OVERMAN. What is the amount proposed to be appropriated?

The PRESIDENT pro tempore. One hundred and fifty thousand dollars.

Mr. OVERMAN. Let the bill go over, Mr. President.

Mr. McLEAN. I should like to inquire whether the Senator from North Carolina asks for a postponement because of the absence of some Senator interested in the bill or because he is personally opposed to it?

Mr. OVERMAN. I am opposed to the Government spending any more money in the Philippines. The Philippine government have plenty of money of their own. They have $14,000,000 a year. Let them erect their wireless apparatus themselves. That is my idea. Instead of the Government spending $150,000 on its insular possessions, as long as they are now on their feet, let them erect the apparatus themselves. I object to the bill.

Mr. McLEAN. As I understand, when there is objection made to a bill by a Senator, it is not in order to move its consideration notwithstanding the objection.

The PRESIDENT pro tempore. It is not, under the unanimous-consent agreement.

HEIRS OF JOHN W. WEST, DECEASED.

The bill (S. 1231) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. OVERMAN. I object to the consideration of the bill at this time. I want to know more about it.

The PRESIDENT pro tempore. The bill will go over.

RETIRED OFFICERS OF THE NAVY AND MARINE CORPS.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. GORE. I object to the consideration of the bill.

The PRESIDENT pro tempore. It will go over.

PHARMACISTS IN THE NAVY.

The bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy was announced as next in order.

Mr. PERKINS. The bill should be passed over temporarily, for the reason that its substance is included in the naval appropriation bill.

The PRESIDENT pro tempore. The bill will go over.

TESTAMENTARY DISPOSITION OF INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

COAL MINING IN OKLAHOMA.

The bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

WILLIAM E. FARRELL.

The bill (S. 4331) for the relief of William E. Farrell was considered as in Committee of the Whole.

It proposes to authorize the President to appoint William E. Farrell, late midshipman, an ensign in the United States Navy, and to place him upon the retired list as such with three-fourths of the pay of his grade.

Mr. OVERMAN. I will not object to the bill, but I should like to know if there is any reason for providing for this officer in this manner.

Mr. PERKINS. I think the letter from the Acting Secretary of the Navy will explain that. It is printed in the report.

Mr. OVERMAN. Is it recommended by the Acting Secretary?

Mr. PERKINS. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN subsequently said: Mr. President, I think the Senator from California [Mr. PERKINS], upon looking at the report, will see that the Acting Secretary of the Navy does not approve the bill. I think he has another bill in mind.

Mr. SMOOT. This is what the Acting Secretary of the Navy says:

There is no provision of law which covers the conditions existing in the case under consideration, and while the department realizes the fact that the disease was contracted in line of duty, yet it feels constrained not to give its approval to special measures, particularly in view of the fact that the object sought is to place upon the retired list of the Navy one who is not now connected with the service.

Mr. OVERMAN. I think we had better reconsider that bill, Mr. President.

Mr. LODGE. I supposed it had been approved by the Acting Secretary of the Navy.

Mr. SMOOT. As a matter of fact, just the reverse is the case. He disapproves it.

Mr. CRAWFORD. I move that the vote by which the bill was passed be reconsidered, and then that it go over.

The motion to reconsider was agreed to.

Mr. CRAWFORD. Now let it go over, Mr. President.

Mr. OVERMAN. I ask that it be placed under Rule IX.

Mr. PERKINS. I have no objection, Mr. President.

The PRESIDENT pro tempore. It will be so ordered, without objection.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

FRANKLIN PIERCE.

The bill (S. 5806) to correct the naval record of Franklin Pierce was announced as next in order.

Mr. LODGE. There is an adverse report from the committee, and the bill ought to be indefinitely postponed. I move that it be indefinitely postponed.

The motion was agreed to.

BILLS OF LADING.

The bill (S. 957) relating to bills of lading was announced as next in order.

Mr. CRAWFORD. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

PUBLIC BUILDING AT SANTA BARBARA, CAL.

The bill (S. 6330) increasing the cost of erecting a public building at Santa Barbara, Cal., was considered as in Committee of the Whole.

It proposes to increase to $120,000 the limit of cost heretofore fixed for the erection of a public building at Santa Barbara, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OCONTO, WIS.

The bill (S. 5354) to acquire a site and for the erection thereon of a public building at Oconto, Wis., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out, on page 1, line 11, the word "seventy-five" and insert "seventy," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire a site and erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Oconto, in the State of Wisconsin, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALISBURY, MD.

The bill (S. 6413) for the purchase of a site and erection of a Federal building at Salisbury, Md., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Salisbury, county of Wicomico, State of Maryland, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $90,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CRISFIELD, MD.

The bill (S. 6178) for the purchase of a site and erection of a Federal building at Crisfield, Md., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Crisfield, county of Somerset, State of Maryland, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $65,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF WINNEBAGO INDIANS.

The bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CHEMICAL SCHEDULE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONTRACTS FOR FUTURE COTTON DELIVERY.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. OVERMAN. Let that go over, in the absence of the author of the bill, the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. The bill will go over.

Mr. PERCY. If there is no objection, I ask that it go to the calendar under Rule IX.

The PRESIDENT pro tempore. The Senator from Mississippi asks that the bill go to the calendar under Rule IX. Without objection, it will be so ordered.

MRS. C. N. GRAVES.

The bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, was considered in Committee of the Whole. It proposes to pay to Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, the sum of $7,000, being the amount assessed for the use and occupation of the property of said R. F. Graves, jr., in Prince George County, Va., by the board of survey appointed for that purpose May 30, 1865.

Mr. GALLINGER. In line 6, after the word "junior," I move to strike out the word "deceased," and likewise in the title when that is considered. Being a widow, the presumption is that the husband is deceased.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr."

PUBLIC HIGHWAY IN CADDO COUNTY, OKLA.

The bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 7, after the word "erect," to insert the words "and maintain," so as to make the bill read:

Be it enacted, etc., That a tract of land 66 feet wide and about three-fourths of a mile in length, situate in Caddo County, State of Oklahoma, described as follows, to wit: Beginning at the point where the south line of the right of way of the Chicago, Rock Island & Pacific Railway crosses the section line between sections 14 and 15, township No. 7 north, range 10 west of the Indian meridian, thence south along said section line 66 feet, then easterly along a line parallel with the right of way of said railway for a distance of about three-quarters of a mile to the west line of the public highway, running north and south, thence north along the west line of said public highway 66 feet, thence westerly along the south line of the right of way of the aforesaid railway to the place of beginning, be, and the same is hereby, set apart as a public highway for the use of the public as such, on condition that the city of Anadarko, Okla., erect and maintain a substantial and suitable fence along the south side of the road hereby set apart, subject to the approval of the Secretary of the Interior: *Provided*, That should said highway ever be abandoned or vacated by any competent authority the title to the said described tract of land shall inure to the then owner of the tract of which it formed a part by the original survey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals game resources was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

FISH-CULTURAL STATION IN NEW MEXICO.

The bill (S. 6590) to establish a fish-cultural station in the State of New Mexico was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of New Mexico, including purchase of site, construction of building and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

Mr. CATRON. There is no amendment to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING IN LAS VEGAS, N. MEX.

The bill (S. 6744) to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex., was announced as next in order.

Mr. CATRON. At the request of my colleague [Mr. FALL], who introduced the bill, and who is now necessarily absent, I ask that it may go over until his return.

The PRESIDENT pro tempore. The bill will go over.

TERM OF PRESIDENT OF THE UNITED STATES.

The joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over.

NAVAL MILITIA.

The bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

CHARLES C. CROWELL.

The bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay $36 to reimburse Charles C. Crowell, late sergeant, Company B, Thirty-fifth Regiment United States Infantry, for two months' extra pay in lieu of traveling expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADULTERATED SEEDS.

The bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United State of certain adulterated seeds and seeds unfit for seeding purposes was announced as next in order.

Mr. LODGE. Let that go over.

PERSONNEL OF THE NAVY.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. PERKINS. That is provided for in the naval appropriation bill and can be passed over.

The PRESIDENT pro tempore. The bill will go over on the request of the Senator from California.

BIG SANDY RIVER BRIDGES, KENTUCKY.

The bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAKE ERIE AND OHIO RIVER CANAL.

The bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 7, to strike out "perform the engineering work necessary for" and insert "supervise and direct"; in line 9, to strike out "a" and insert "the"; on page 2, line 6, to strike out "and" and insert "or"; in line 7, after the word "them," to insert "make request therefor"; in line 14, after "authority," to insert the following proviso:

Provided, That the work shall be executed under the direction of the Secretary of War and provision of the Chief of Engineers—

And to strike out section 2 of the bill; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and instructed, as recommended in the report of the National Waterways Commission, to direct the Chief of Engineers to detail, without charge for services, such officers from the Corps of Engineers as he shall deem requisite to supervise and direct the construction of the proposed waterway suitable for the transportation of steamships, steamboats, barges, or other vessels from the junction of the Ohio and Beaver Rivers, in Pennsylvania, by way of the Beaver and Mahoning Rivers, to a point at or near Niles, Ohio; thence to a terminal on the shore of Lake Erie at the mouth of Indian Creek, whenever the States of Pennsylvania, Ohio, and West Virginia, or certain counties therein, or any of them, make request therefor, and have available for the construction of said waterway the sum of $10,000,000 in cash and have authorized the issue of bonds to the amount of $50,000,000, or to such further amount as is necessary, in the opinion of the Secretary of War, to insure the completion of said waterway, and the legality of such bonds has been certified by competent legal authority: *Provided*, That the work shall be executed under the direction of the Secretary of War and supervision of the Chief of Engineers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to supervise and direct the construction of a canal between Lake Erie and the Ohio River, and for other purposes."

HENRY O. SLAYTON.

The bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "number," to strike out "seven" and insert "eighteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the active list of the Revenue-Cutter Service Henry O. Slayton, first lieutenant of engineers, United States Revenue-Cutter Service, retired, as an extra number, to take rank as No. 18 on the list of first lieutenants of engineers: *Provided*, That said Henry O. Slayton is found physically fit for active duty by a medical board appointed by the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TARIFF DUTIES ON WOOL.

The bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will go over.

JOHN W. SAVILLE.

The bill (S. 171) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank was considered as in Committee of the Whole. It provides that John W. Saville, passed assistant engineer, United States Navy, retired, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with rank and retired pay of one grade above that now actually held by him, and that this promotion and the increased pay incident thereto shall take effect from and after the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. W. BRANSON.

The bill (S. 4693) for the relief of R. W. Branson was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 2, line 1, before the word "dollars," to strike out "fifty" and insert "thirty"; and in line 2, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to R. W. Branson, of Blackland, Okla., formerly postmaster at Cherokee, State of Kansas, to reimburse said R. W. Branson for damages suffered by him on account of the destruction caused by the blowing open of the safe in which were deposited the postal funds, stamps, etc., of the post office at Cherokee, State of Kansas, it appearing that said loss was without fault or negligence on the part of the said postmaster, the sum of $230; and the sum of $230 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIENS OF JUDGMENTS AND DECREES.

The bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States" was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, on page 1, line 6, to insert:

This act shall take effect on and after January 1, 1913.

Mr. CLARKE of Arkansas. Let the bill go over with the amendment pending. I object to its present consideration.

The PRESIDING OFFICER. The bill will go over.

Mr. THORNTON. I think if the Senator from Arkansas will observe the bill he will see that it is purely a local matter.

Mr. CLARKE of Arkansas. The Senator is evidently mistaken as to the particular matter that is before the Senate. The measure to the consideration of which I object is House bill 18017, to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

Mr. THORNTON. I call the attention of the Senator from Arkansas to the fact that the bill has only a local effect with reference to the recording of judgments of the United States District Court for the Eastern District of Louisiana.

Mr. CLARKE of Arkansas. The title of the bill as given on the calendar indicated its scope, and as we are not considering matters likely to provoke debate I thought the shortest way out of it was to object to its consideration. If the Senator from Louisiana gives assurance that it is a local matter exclusively, although the title indicates otherwise, I withdraw the objection.

Mr. THORNTON. That is my understanding.

Mr. CLARKE of Arkansas. Unless the Senator is entirely certain about it, I would not like to repeal an existing law on the subject of liens of judgments and decrees in the Federal courts. It had better go over and I will look into it.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, was announced as next in order.

Mr. LODGE. Let the bill go over. It is a very important and serious bill. It ought to be under Rule IX. I want to be heard when the bill is taken up.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, was announced as next in order.

Mr. SMOOT. The bill will go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN LAWRENCE AND PENNINGTON COUNTIES, S. DAK.

The bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands

within forest reserves," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOUNT RAINIER NATIONAL PARK.

The bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

NOTARIES PUBLIC IN THE DISTRICT OF COLUMBIA.

The bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WESTON, W. VA.

The bill (S. 6341) to provide for the erection of a public building at Weston, W. Va., was announced as next in order.

Mr. SMOOT. I notice that there is no report accompanying the bill and for that reason I should like to have it go over to-day.

The PRESIDING OFFICER. The bill will be passed over.

JOSEPH B. RILEY, ALIAS THOMAS B. KEESY.

The bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws Joseph B. Riley, alias Thomas B. Keesy, who was a private of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, and Company D, Eleventh Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, on the 14th day of February, 1863, and to have been discharged honorably from that service as a member of Company D, Eleventh Regiment Michigan Volunteer Cavalry, on the 24th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MULLALLY.

The bill (S. 1485) for the relief of William Mullally was announced as next in order.

Mr. POMERENE. I suggest that that bill go over, in the absence of members of the Committee on Military Affairs.

The PRESIDING OFFICER. The bill will be passed over.

WIDENING AND EXTENSION OF SPRING ROAD.

The bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, page 2, line 2, after the word "avoid," to insert "substantial," so as to read: "That the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare a new highway plan for Spring Road, between New Hampshire Avenue and Twentieth Street NW., so as to avoid substantial improvements lying in said road as now proposed," etc.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 15, after the word "road," to insert:

Provided further, That in the new highway plan the north line of Spring Road at New Hampshire Avenue shall conform approximately to the present north line of Rock Creek Church Road at that point, and that Spring Road, as laid down in the existing highway plan between Sixteenth Street and Spring Place, shall be abandoned between these points.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 11, after the word "herein." to insert "for the widening of Spring Place between Fourteenth Street and Sixteenth Street to a width of 90 feet."

The amendment was agreed to.

Mr. HEYBURN. In section 2, page 3, line 3, before the words "to condemn," I move to strike out the words "proceeding in rem" and to insert "proper proceeding."

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 2, page 3, line 3, before the words "to condemn," it is proposed to strike out the words "proceeding in rem" and to insert "proper proceeding."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2451) providing against the abandonment of destitute, infirm, or aged parents was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GAS MAIN ALONG CONDUIT ROAD.

The bill (S. 6672) to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads, to the District line, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 5, after the word "empowered," to insert "subject to and in accordance with such regulations as may be prescribed by the Secretary of War," so as to make the bill read:

Be it enacted etc., That the president and directors of the Georgetown Gas Light Co. be, and they are hereby, authorized and empowered, subject to and in accordance with such regulations as may be prescribed by the Secretary of War, to lay a gas main for the purpose of conducting gas in and along the Conduit Road from a point beginning at the existing gas main belonging to said company in Foxhall and Conduit Roads and extending therefrom in a northwesterly direction in and along said Conduit Road to the District line, the same to be subject to existing laws governing the manufacture and sale of gas for light, heat, and power in the District of Columbia; and all work in laying said main to be done under the supervision of the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DUGGAN.

The bill (S. 6682) for the relief of John Duggan, alias John McCarty (or McCarthy) was considered as in Committee of the Whole. It proposes that in the administration of the pension laws John Duggan, alias John McCarty (or McCarthy), shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Troop K, Sixth Regiment United States Cavalry, on the 27th of July, 1865, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

GEORGE W. BROWN.

The bill (S. 4675) for the relief of George W. Brown was considered as in Committee of the Whole. It proposes that in the administration of the pension laws George W. Brown, who was a captain of the Fifty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that regiment on the 1st of February, 1864; but no pay, bounty, back pension, or other emolument shall accrue or become payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM Z. NORMAN.

The bill (H. R. 16493) to correct the military record of William Z. Norman was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws William Z. Norman, who was enrolled in the service of the United States on the 18th day of January, 1862, at Spencer, Va., and assigned as a private to Company C, Eleventh Regiment Virginia Volunteer Infantry, which regiment afterwards became the Eleventh Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been

captured by the enemy and shot and killed on or about the 1st day of December, 1862, while in the line of duty: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 4355) incorporating the National Institute of Arts and Letters was announced as next in order.

Mr. HITCHCOCK. I think that bill had better go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4356) incorporating the National Academy of Arts and Letters was announced as next in order.

Mr. HITCHCOCK. I ask that that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

ALIENATION OF ALLOTTED LANDS IN CHEROKEE NATION.

The bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised, through the United States Indian agent at the Union Agency, Okla., the tracts of surplus lands which were allotted to the Indians of the Cherokee Nation of Indians in tracts of 30 acres or less, and which tracts are now unoccupied and do not adjoin the homesteads of said allottees. Each tract shall be appraised separately and at its actual value, and the United States Indian agent at said Union Agency may cause a reappraisement of any tract if in his judgment the circumstances warrant such action. After such appraisal the allottee of any of such tracts is hereby authorized to sell and dispose of any of such tracts of 30 acres or less allotted to him which does not adjoin his homestead: *Provided*, That such sale shall not be for less than the appraised value of such tract; and such sale shall be approved by the United States Indian agent at the Union Agency, but the Secretary of the Interior may from time to time designate any other person to so act in lieu of or in addition to said United States Indian agent: *Provided further*, That such purchase price shall be paid to the allottee through said United States Indian agent, and in case the allottee is an Indian of three-quarters blood or more the money received from the sale of any tract allotted to such Indian shall be used for the benefit of such allottee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF OSAGE ALLOTMENTS.

The bill (S. 6686) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve; but where a homestead or homesteads pass in the exchange, in whole or in part, an equivalent in value of land suitable for agricultural purposes shall be furnished, to be designated as a homestead, the new homestead to be subject to the same restrictions as the original homestead; and the Secretary is authorized to do any and all things necessary to make these exchanges effective.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES ACROSS TUG FORK OF THE BIG SANDY RIVER.

The bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

The bill (H. R. 24665) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

PUBLIC BUILDING AT RIPON, WIS.

The bill (S. 6650) for a site and the erection of a public building at Ripon, Wis., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire a site and erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Ripon and State of Wisconsin, the cost of the building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW FLOYD.

The bill (S. 1001) to correct the military record of Andrew Floyd and grant him an honorable discharge was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Andrew Floyd, who served in Company I, Thirty-fifth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of May, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Andrew Floyd."

FLORIDA EAST COAST RAILWAY CO.

The bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States was considered as in Committee of the Whole. It empowers the Secretary of War to exchange conveyances with the Florida East Coast Railway Co. for the adjustment of a boundary line between the military reservation of Key West Barracks, on the island of Key West, Fla., and the land in front of the reservation filled in by the railway company under permission of the Secretary of War, as authorized by law, in accordance with the memorandum of agreement between the railway company and Maj. George G. Bailey, quartermaster, United States Army, dated December 5, 1910, which agreement is ratified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. CHASE.

The bill (S. 2147) for the relief of James L. Chase was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James L. Chase, now a resident of Ayer, Mass., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Third Regiment New Hampshire Volunteer Infantry, on the 14th of April, 1864; but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.

The bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indians Affairs with an amendment, in section 1, page 2, line 8, after the word "sell," to insert "the live stock"; and in line 9, after the word "either," to strike out "the," so as to make the section read:

That the Secretary of War is hereby authorized to remove to and establish on the Mescalero Apache Indian Reservation, in New Mexico, all persons now held as Apache prisoners of war on the Fort Sill Military Reservation, in Oklahoma, who may desire to go to said Mescalero Apache Reservation. The desires of said Indians shall be ascertained by a commission of two persons, one a representative of the War Department and one a representative of the Interior Department, to be selected by the heads of said departments, respectively. The personal effects, including horses, cattle, farm implements, and household goods, of those electing to remove to said Mescalero Apache Reservation shall also be removed and delivered to the respective owners on that reservation. The proportionate share of those removed in the common property

of the tribes or band shall be segregated and administered for their common benefit. The Secretary of War may, in his discretion, if he deems it advisable, sell the live stock, either individual or common property, and pay over the proceeds of such sale to the Secretary of the Interior, to be by him invested in property suitable in character for the use and benefit of those whose property is sold.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK, WASHINGTON HEIGHTS, D. C.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park, to be known as McClellan Park, was announced as next in order.

Mr. GALLINGER. Mr. President, before asking that this bill go over I want to make a brief statement, directing my remarks particularly to the Senator who reported the bill.

This bill is for a park that is to cost $180,000, immediately north of the Highlands Apartment House. It is a beautiful lawn owned by somebody who can afford to keep up a large establishment. I do not object to it on that ground, however; but in the District of Columbia appropriation bill we have established two parks in the southeast section of the city, where many poor people live, and we have levied benefits upon the adjoining lands. There are no benefits levied in this bill.

Again, in the appropriation bill which passed the Senate this morning, and which doubtless will pass the House in a day or two, we have inserted a provision as to how the expense of purchasing parks shall be divided. As I recall, the Government is to pay one-third, the District of Columbia one-third, and the abutting landowners one-third. That will become a law in two or three days, but the provisions of that law will not apply to this bill as it now reads.

Again, Mr. President, I do not find that anybody has recommended the establishment of this park. There is nothing in the report to show that either the Commissioners of the District of Columbia or the official having in charge the reservations in the District of Columbia have been consulted. Possibly they have been, but the report does not so show.

Mr. MARTINE of New Jersey. Mr. President, I will say, with the Senator's permission, that the bill may not conform to any order or suggestion of the District Commissioners, but the matter was presented to the Committee on Public Buildings and Grounds, and it was referred to a subcommittee of which I was a member. We visited the plot, and were much impressed with the wisdom and desirability of its being made a park. It is a triangular plot, situated in the midst of a very thickly settled portion of the city.

In answer to the Senator's suggestion that it is now a beautifully kept lawn and will likely be kept so, I have to say that the probability is that if it is not purchased by the Government it will be cut into small plots. It would be a great advantage, I believe, and the committee so believed, to that section of the city.

Mr. GALLINGER. I was going to ask that the matter go over.

Mr. SUTHERLAND. I hope the Senator will not ask that the bill go over.

Mr. GALLINGER. He certainly will, because there will be a law on the statute books within the next two or three days providing how parks shall be acquired and how the payment shall be made. This levies the payment upon the District of Columbia and the General Government—$90,000 each.

Mr. SUTHERLAND. Let me ask the Senator a question. Did I understand him to say that provision is made by law as to abutting owners?

Mr. GALLINGER. That they shall pay one-third.

Mr. SUTHERLAND. What does the Senator mean by "abutting owners"?

Mr. GALLINGER. I mean that the benefits shall be assessed in the judgment of the jury.

Mr. SUTHERLAND. Is it simply that one-third of the cost of the park shall be assessed against the owners of property immediately adjacent to the park?

Mr. GALLINGER. Not necessarily. It is in the province of the jury to determine how far the benefits extend.

Then, again, I do not agree as to the great necessity for this park. However, I will look into that. This park is to be established about a half mile from the Zoological Park, on the south, and on the north about a half mile from Dupont Circle. It may be that there is a great necessity for it, but I think it ought to be further inquired into, and for that reason I ask that the bill go over.

The PRESIDING OFFICER. It will go over.

THE COMMERCE COURT.

The motion entered by Mr. POINDEXTER on the 7th instant, that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297, to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate, was announced as the next business in order on the calendar.

Mr. SMOOT. I ask that it go over.

The PRESIDING OFFICER. It will go over.

MAJ. BUTT AND F. D. MILLET.

The joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet was announced as next in order.

Mr. BRISTOW. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will go over.

INTERSTATE TRANSPORTATION OF PRIZE-FIGHT PICTURES.

The bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, was considered as in Committee of the Whole.

Mr. SIMMONS. Mr. President, when this bill was called up several days ago there was some objection to its phraseology, and it went over for the purpose of correction, to supply certain omissions which were deemed necessary. The same identical bill was introduced in the House, and a substitute was prepared for it which covers the objections made the other day, and it was reported by the committee to which it was referred in the House. I move to strike out all after the enacting clause and to substitute what I send to the desk.

After the objections were made to which I have referred the Committee on the Judiciary informally considered the substitute which I now offer.

The PRESIDING OFFICER. The substitute will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

SEC. 2. That it shall be unlawful for any person to take or receive from the mails, or any express company or other common carrier, with intent to sell, distribute, circulate, or exhibit any matter or thing herein forbidden to be deposited for mailing, delivery, or carriage in interstate commerce.

SEC. 3. That any person violating any of the provisions of this act may be proceeded against by indictment and tried and punished either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried, or in which it is delivered; and any person violating any of the provisions of this act shall for each and every offense, upon conviction thereof, be fined not more than $1,000 or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court.

Mr. HEYBURN and Mr. SUTHERLAND addressed the Chair.

Mr. HEYBURN. I was merely going to suggest an amendment—to insert the word "knowingly" before the word "received."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment of the Senator from North Carolina.

Mr. SUTHERLAND. I have no objection to that amendment.

Mr. HEYBURN. I move that the word "knowingly" be inserted.

The SECRETARY. In section 2, line 16, before the word "receive," insert the word "knowingly."

Mr. SUTHERLAND. I suggest, however, to the Senator from Idaho that in view of the fact that this section provides that it shall be done with a specific intent——

Mr. HEYBURN. I intend to make it go further, so that they can not receive it knowingly for their own amusement—to prevent getting a mailing list. Of course the word "knowingly" is necessary, because we do not know what we are receiving in the mail until it is opened.

Mr. SUTHERLAND. The point I make is that the provision "that it shall be unlawful for any person to take or receive from the mails" any of these articles is qualified by the further provision that it shall be "with the intent to sell, distribute, circulate, or exhibit any matter herein forbidden to be deposited," and so forth. Of course, if the article was taken

from the mails innocently, it could not be taken with that intent.

Mr. HEYBURN. I want to include those who take it from the mail for their own amusement, in addition to the provision that it shall be for the purpose of sale. Not having the amendment before me, I am not able to suggest the proper point at which it should be inserted.

Mr. SUTHERLAND. I do not think the Senator would accomplish that. That is the very point of the suggestion I am making—that notwithstanding his amendment the provision is that this shall be with the specific intent.

Mr. HEYBURN. I want that to remain in.

Mr. SUTHERLAND. I think it ought to remain in.

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. Therefore he is by that amendment making the law more drastic than it ought to be and making it more difficult to prove the offense.

Mr. HEYBURN. It may so appear, but we will see how it fits into the text. I merely want to add an additional class. If I may have the amendment, I will determine where it should go in.

Mr. SUTHERLAND. While the Senator is looking into that, I call attention to another matter.

Section 3 of the proposed substitute provides:

That any person violating any of the provisions of this act may be proceeded against by indictment and tried and punished either in the district—

This is the part I call attention to—

either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried or in which it is delivered.

Now, the offense consists in depositing or causing to be deposited in the United States mails or with any express company or other common carrier, or in taking the prohibited matter from the mail or from these carriers, with the specific intent provided. Those are two separate and distinct offenses. It is a complete offense under this proposed law when the forbidden matter is deposited for carriage. Now, under the terms of section 3, that offense which may be committed and be a complete offense in the State of New York may be prosecuted in the State of California; and it seems to me it would be in direct violation of the provision of the Constitution which declares that all persons accused of crime shall be prosecuted in the district and State where the offense was committed. So it seems to me the Senator had better take that out of the section.

Mr. HEYBURN. I withdraw the amendment, in response to the suggestion of the Senator from Utah, and as soon as I can find the place where it should be inserted, I will reoffer it.

Mr. SUTHERLAND. I suggest that, beginning in line 21, page 2, after the word "act," we strike out down to and including the word "act," in line 25, and after the word "each," in line 25, strike out "and every." Then it will read:

That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined—

And so forth.

Mr. SIMMONS. I think that would accomplish the purpose.

Mr. SUTHERLAND. There is no need of providing where the offense shall be prosecuted, because that is a matter of general law.

Mr. HEYBURN. This could all have been accomplished by amending section 211 of the Criminal Code, because it does cover everything except the enumeration here, and I am not sure that it would not be included within the language of that section. I do not know the history of this bill. Let us see. It was introduced by request by the Senator from North Carolina [Mr. SIMMONS]. We already have very complete laws in regard to this matter, and I presume the only question was whether or not they were broad enough to cover the films. But the words "paper," "writing," "advertisement," "device," or "substance," I think, would be held to be broad enough to cover these films. It says, in the beginning, that the transportation of "every * * * filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character" is prohibited.

I think the word "picture" is comprehensive enough to cover it. They are pictures; they are photographs.

I ask the Senator from North Carolina whether or not, in his judgment, the existing law is not broad enough to cover that which is sought to be accomplished? The provisions there against mailing and against receiving through the mails were given very thorough consideration both in the preparation and in the enactment of the code—of course, this is a recent enactment—and the scope of the language was intended to be wide enough to cover it.

Mr. SIMMONS. I fear the general law does not cover this specific case. The substitute was drawn not by me, but by some one in one of the departments, I have been advised, with a view to making the present law fit this particular case.

Mr. HEYBURN. Mr. President, I can readily understand how, a person's attention being directed to an existing evil ever before him, he might overlook the fact whether or not we had a law already on the statute books sufficient to cover it. I doubt if anyone would have drawn this bill had he read section 211 of the Criminal Code, because that section is very comprehensive. Every possible device of the kind was intended to be covered and, I think, is covered; and I think there is an adequate foundation upon which to prosecute these people.

The act specifically uses the word "picture"; and then the matter would be covered by the words "other publication," and by several other phrases. It provides that they shall not be sent through the mail, that they shall not be received in the mail, that they shall not be distributed if they are received, and it provides a penalty both for the party depositing and the party who knowingly receives them.

Whoever * * * shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000, etc.

The penalty is heavy. The law would cover the operators of the stand or whatever it may be termed.

Mr. SIMMONS. Is the Senator reading from the present law?

Mr. HEYBURN. I am reading from the law.

Mr. SIMMONS. Does the Senator mean that the present law would cover the case of transmitting these films through the mails?

Mr. HEYBURN. Yes; it is most specific. It would cover the making of them, the sending of them, the receiving of them, or the use of them. I think now any person can be prosecuted in this city under that statute for operating these establishments, whatever they are called, on the Avenue or elsewhere, where films of this class are used, because the law specifically uses the word "picture."

Mr. SIMMONS. Mr. President, I think the general language used in the existing act could not possibly cover this specific case. The language is:

Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use.

I do not think that would cover the specific case to which this bill addresses itself—that of preventing the use of the mails, or of the express companies, for the purpose of transmitting pictures of prize fights.

Mr. HEYBURN. The latter part of the section covers the transmission of immoral matter.

Mr. SIMMONS. Yes; but there is nothing here that would cover a picture of a prize fight. I do not think it would come under any of the general designations used in the law.

Mr. HEYBURN. It says "any picture."

Mr. SIMMONS. Yes; but it says "any picture" of a certain character. I do not think these pictures would come under the general designation used in the act.

Mr. BACON. Mr. President, if the Senator will pardon me, this is a matter of very considerable importance. It is one in which a great many of the very best people in the land are deeply interested. They regard prize fights as brutalizing to the last degree, and they think the transmission of these films or pictures and their use in moving-picture shows is second only in degree to the actual witnessing of two human beings standing in a ring and beating each other into bloody insensibility.

It is in response to this laudable desire on the part of the best people in the land that these things shall not be encouraged, and that our young women and our young men, to say nothing of older and more mature people, shall not be brutalized and demoralized by the exhibition of such pictures as these that the bill has been introduced.

Of course, the suggestions of Senators as to whatever is objectionable in the bill will be respected and acquiesced in. But the contention of the Senator from Idaho that possibly the existing law might be used to cover the case does not seem to me sufficiently well founded to justify a refusal at this time to pass the bill.

I do hope that no slight consideration will induce the Senator to object, because the matter is really most deeply at heart with a very large part of the religious and moral and respectable element of the whole country, and they desire the passage of the bill.

Mr. HEYBURN. The Senator can not be more zealous than I am in regard to this matter. We had it under consideration in the Joint Committee on the Revision of the Laws for perhaps as great a length of time as any other provision of the laws. Through every available agency we gathered the information that might be had touching upon the matter, and we certainly intended to cover every phase of it.

I will call attention to part of the section. It is not that I desire to prevent legislation, if it is desirable, but that we should not duplicate it.

I call the Senator's attention to this phrase:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery anything declared by this section to be nonmailable—

These pictures are declared to be nonmailable; so that covers it—

or shall knowingly take or cause the same to be taken from the mails.

Of course that is comprehensive enough to cover everything that is referred to here, and the only question, then, is whether the language in the early part of the section covers it.

Mr. SIMMONS. If the Senator will pardon me, any pictures covered by the general terms of the act would be forbidden admission to the mails by the law he has just read. But what term, what word, what language there is broad enough to include these pictures?

Mr. HEYBURN. The word "picture." It says the picture shall not be mailable.

Mr. SIMMONS. But the word "picture" there has qualifying words. They are described as pictures of certain characters, of certain kinds—lewd pictures, obscene pictures. I think none of those words would cover a picture of a prize fight.

Mr. HEYBURN. That would depend upon the estimate placed upon it, of course.

Mr. SIMMONS. In itself a picture of a prize fight would not be obscene, nor would it be vulgar.

Mr. HEYBURN. It is immoral; and pictures of an immoral nature are nonmailable.

Mr. SIMMONS. Nor would it be embraced, in my judgment, in any of the words that are used there to qualify the word "picture."

Mr. HEYBURN. Then, on that suggestion, not having the slightest desire to defeat the purpose sought to be accomplished, which I would much prefer to have in the nature of an amendment to this section of the code by adding a word or two, I will raise no objection to the bill as it is presented, except that the word "knowingly" should be inserted at the proper place.

Mr. SIMMONS. I have no objection to the insertion of the word "knowingly."

Mr. HEYBURN. That is to say, a person does not always know what he is receiving through the mail, so "knowingly" or "with intent" should be inserted at the proper place.

Mr. SIMMONS. I have no sort of objection to the insertion of that word.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Idaho to the fact that unless we put in the law a specific provision that these representations of prize fights and encounters of pugilists shall be denied the mails there will be no general word of description in the existing statutes which will cover them, because people differ as to the character of these exhibitions. A great many people defend them and say they are exhibitions of the manly art. It might depend upon the taste of the judge before whom the case came as to whether he would say the pictures came within the general description of being an indecent exhibition or an exhibition of any other offensive character under the general words used in the statute. So it seems to me it is absolutely necessary, in order to cover pictures and films of this class, that they should be described in precise terms.

Mr. HEYBURN. Mr. President, I would not want to have any misunderstanding as to my views in regard to the matter. I regard a prize fight as being as brutal and disgraceful a thing as can be engaged in by humankind.

Mr. SUTHERLAND. So do I.

Mr. HEYBURN. I despise a man who will not fight when he has a fight coming, and I despise just as much a man who will fight when he has no fight coming. The man who goes out and fights for the amusement of some one is a contemptible creature, I do not care what his name may be nor his assumed standing.

I have no desire at all to give such pictures or anything pertaining to them the right to go through the mail. I have stated on this floor that I would limit to three lines the reference to a prize fight in any newspaper going through the United States mails. I would not allow a paper that published more than three lines describing or mentioning a prize fight to go through the mails at all.

Mr. SUTHERLAND. I entirely agree with the Senator's characterization of this sort of thing. But at least one State in the Union has passed a law legalizing encounters of this very character. In the face of laws of that kind certainly it is safer to particularize these objectionable things by name.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SUTHERLAND] to the amendment offered by the Senator from North Carolina [Mr. SIMMONS]. The Secretary will report the amendment to the amendment.

The SECRETARY. On page 2, line 21, after the word "act," it is proposed to strike out all down to and including the word "act," in line 25; and on page 2, line 25, it is proposed to strike out the words "and every," so that if amended it will read:

SEC. 3. That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined not more than $1,000, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment as amended. The Chair understands that the Senator from Idaho withdrew his amendment?

Mr. HEYBURN. I withdrew the amendment.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from North Carolina [Mr. SIMMONS] as amended by the amendment of the Senator from Utah.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

The bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. WARREN. That goes over.

The PRESIDING OFFICER. The bill will be passed over.

SUITS BY ATTORNEY GENERAL.

The bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. It will go over.

CHOCTAWHATCHEE RIVER DAM, ALA.

The bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE PANAMA CANAL.

The bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

JOHN J. FLYNN.

The bill (S. 2697) for the relief of John J. Flynn was announced as next in order.

Mr. CULBERSON. Does that tend to establish a pensionable status for a man who was a deserter from the Army?

The PRESIDENT pro tempore. The Secretary will read the bill, which will show the character of the measure.

The Secretary read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, John J. Flynn, late a sergeant in Company E, Twenty-fourth Regiment Pennsylvania Volunteer Infantry, and subsequently a sergeant in Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and whose name is borne on the records of both organizations as John Flynn, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry on the 18th day of February, 1863: *Provided*, That no pay, bounty, back pension, future pension, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. CULBERSON. I have no objection to the consideration of the bill.

The bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAVE HILL CEMETERY, LOUISVILLE, KY.

The bill (S. 2928) appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., was announced as next in order.

Mr. WARREN. I do not understand that number. On my copy of the calendar order of business 774 is a pension bill.

The PRESIDENT pro tempore. This is a bill reported by the Senator from Nebraska [Mr. BROWN] from the Committee on Military Affairs June 13.

Mr. HEYBURN. You have two bills in the same condition. Evidently there has been a confusion in printing. The same number, 774, on the calendar is a bill granting an increase of pension to Marion Cunningham.

The PRESIDENT pro tempore. Evidently there is mistake in the calendar.

Mr. HEYBURN. It is a mistake.

Mr. SMOOT. The bill was reported from the Committee on Military Affairs and the calendar states that the bill was reported by the Senator from Nebraska [Mr. BROWN] from the Committee on Pensions. It is a mistake in the calendar.

Mr. WARREN. But the title of the bill on the calendar is wrong.

Mr. HEYBURN. The title of the bill is a mistake.

The PRESIDENT pro tempore. The calendar number indicated on the bill, the number of the Senate bill, and the name of the Senator reporting it all indicate that Senate bill 2928 is the proper bill.

Mr. HEYBURN. So the record does not get awry.

The Senate, as in Committee of the Whole, considered the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, to strike out "$12,828.40" and insert "$25,656.80," and, in line 11, page 1, before the word "feet," to insert the word "square," so as to make the bill read:

Be it enacted, etc., That the sum of $25,656.80 is hereby appropriated, and the Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay the same to the Secretary of War (which sum is to be paid by the Secretary of War to the Cave Hill Cemetery Co., of Louisville, Ky.) for the purchasing of 32,071 square feet of land adjoining the national cemetery grounds in said Cave Hill Cemetery, for the interment of soldiers of that vicinity who served in the Union Army in the late Civil War and the War between Spain and the United States.

SEC. 2. That the Secretary of War is authorized to make the purchase aforesaid: *Provided*, That on examination the title to the land is in all respects good and a proper deed can be and is made for same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I think probably, to save confusion, the calendar should be corrected now, because the title of the bill is reversed. The bill that we have just passed should have been on the calendar as Order of Business 774, and it should be ascertained whether or not we have dealt with the bill given that number on that calendar.

The PRESIDENT pro tempore. The calendar is re-formed each day, and doubtless the correction will be made in the next calendar.

Mr. HEYBURN. The RECORD will show that attention was called to it.

Mr. WARREN. Has the Secretary this pension bill on his list? Is it included in the file? It appears on the calendar as having been reported from the Committee on Pensions by the Senator from Nebraska [Mr. BROWN].

The PRESIDENT pro tempore. There is no question but that the bill just read and passed is the bill which should be on the calendar of that number.

Mr. WARREN. That is true, but we would like to locate the bill described on the calendar.

The PRESIDENT pro tempore. The Chair is informed that there is no bill on the calendar of that title and number.

Mr. HEYBURN. Has no such bill been passed?

The PRESIDENT pro tempore. Senate bill 2928 was passed.

Mr. HEYBURN. I know; but I refer to the bill granting an increase of pension to Marion Cunningham. Has that bill been passed?

The PRESIDENT pro tempore. No such bill, so far as the Chair is informed, is on the calendar.

Mr. HEYBURN. I should like to look at the RECORD of June 13, where it is stated the Senator from Nebraska reported the bill, and it is Report No. 876.

The PRESIDENT pro tempore. The Chair holds in his hand Report No. 876, June 13, 1912, "Mr. BROWN, from the Committee on Military Affairs, submitted the following report." It is a report on Senate bill 2928.

Mr. HEYBURN. All right.

MINING EXPERIMENT STATION IN WYOMING.

The bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. WARREN. Will the Senator allow the bill to be read?

Mr. HEYBURN. I have no option about allowing it to be read.

HAROLD HANCOCK TAINTOR.

The bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army was announced as next in order.

Mr. GALLINGER. As the Senator who reported the bill is not in the Chamber——

Mr. WARREN. Will the gentleman withhold for a moment? I understand the bill is merely to provide for a little matter of age. A man was traveling and on his way when the age limit was reached.

Mr. BRISTOW. I will state that he took an examination in the Philippines, and there was a delay in the transmission of the papers.

Mr. GALLINGER. I do not object to the bill under that statement of fact.

The bill was considered as in Committee of the Whole. It authorizes the President, by and with the advice and consent of the Senate, to appoint Harold Hancock Taintor to the grade of second lieutenant in the United States Army, with lineal rank in accordance with his rating at the competitive examination held under the law by the War Department in January, 1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ALTUS, OKLA.

The bill (S. 4900) to provide for the erection of a public building at Altus, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 1, page 2, before the word "thousand," to strike out "one hundred and twenty-five" and insert "sixty"; and in line 1, page 2, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other offices of the Government at Altus, Okla.; the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $60,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SHAWNEE, OKLA.

The bill (S. 4883) to provide for the erection of a public building at Shawnee, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "thousand," to strike out "seventy-five" and insert "forty-five," and in line 1, page 2, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, included fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other offices of the Government at Shawnee, Okla, the cost of said building, including said vaults, heating and ventilating apparatus, and aproaches, not to exceed $145,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMORY IN THE DISTRICT OF COLUMBIA.

The bill (S. 6734) to provide for the erection of an armory in the District of Columbia was considered as in Committee of the Whole. It directs the Secretary of War to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission, to bring it within a cost not to exceed $1,750,000, of which sum $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications and the starting of work upon the foundations of said building.

Mr. CULBERSON. I will ask the Senator from Utah in charge of the bill how much money under the latter part of section 1 can be used by the Secretary of War in obtaining plans and specifications for the building? There is an appropriation of $50,000. I have not read the bill, but from the reading at the desk I gather that the amount which may be used for that purpose is very indefinite.

Mr. SUTHERLAND. As much of $50,000 as may be necessary.

Mr. CULBERSON. Does not the Senator think that is very indefinite?

Mr. OVERMAN. If I heard the reading correctly I think the plans and specifications have been already prepared.

Mr. SUTHERLAND. That amount is simply made available for the purpose.

Mr. CULBERSON. Will the Senator allow the Secretary to reread that part of the section?

Mr. SUTHERLAND. I have no objection to inserting words so as to read "a sum not exceeding $50,000" or "$50,000, or so much thereof as may be necessary."

Mr. CULBERSON. That is the way it reads now.

Mr. OVERMAN. The plans have already been specified.

Mr. WARREN. The amount would be governed by the regular architects' percentage.

Mr. CULBERSON. May I ask that that portion of the bill be read again?

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To bring it within a cost not to exceed $1,750,000, of which sum $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications and the starting of work upon the foundations of said building.

Mr. CULBERSON. The Senator will observe that the sum of $50,000 is appropriated to be immediately available and there is no limit placed upon what the Secretary of War may use for plans and specifications.

Mr. SUTHERLAND. As I understand it, it covers not only the plans, but the work on the foundations of the building as well. I am willing that it shall be limited in any way the Senator suggests.

Mr. CULBERSON. How much does the Senator from Utah think the Secretary ought to pay for the plans and specifications of this building?

Mr. SUTHERLAND. I have no information upon that subject.

Mr. CULBERSON. It is suggested by the Senator from Wyoming [Mr. WARREN] and the Senator from North Carolina [Mr. OVERMAN] that these plans have already been prepared.

Mr. OVERMAN. It says "in accordance with the plans."

Mr. SUTHERLAND. The general plans have been prepared.

Mr. SMOOT. But not detailed plans.

Mr. SUTHERLAND. Not the details and specifications.

Mr. GALLINGER. If the Senator will permit me, the appropriation is $1,750,000, and $50,000 would be a little less than 3 per cent. I think the usual fee is at least that much, and sometimes 5 per cent.

Mr. SMOOT. However, that can cover superintendence.

Mr. CULBERSON. It seems to me, with all the architects employed generally by the Government of the United States, $50,000 is an extraordinary sum to pay for the plans and specifications of this building.

Mr. OVERMAN. The bill says—

That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908.

So they have submitted plans.

Mr. SUTHERLAND. Those are only general plans. The specifications have not yet been prepared. I understand the appropriation of $50,000 is to be used not only for the purpose of preparing detailed plans and specifications, but also for the purpose of starting the work upon the foundations of the building.

Mr. SMOOT. That is what it says.

Mr. SUTHERLAND. The matter is left in the hands of the Secretary of War. He must approve whatever contract is made.

Mr. SMOOT. The bill does not state that the appropriation of $50,000 is to be for payment of plans only.

Mr. SUTHERLAND. Not at all. If the Senator from New Hampshire, who is the author of the bill, sees no objection to it I have no objection to inserting a provision that not to exceed $10,000 shall be used for the preparation of plans and specifications.

Mr. GALLINGER. I think that would be a very small amount for a building of this magnitude.

Mr. CULBERSON. Mr. President, as a matter of inquiry, we have a Supervising Architect of the Treasury, who has in charge the construction of all the public buildings of the United States, and why can not these plans be drawn by him and his assistants in the office? Why do we want to pay out extra money every time we construct a public building when we have a corps of architects employed there to do such work?

Mr. GALLINGER. If the Senator from Utah will permit me to answer, I will say to the Senator from Texas that we have a corps under the Supervising Architect of the Treasury Department, and the fact is that a very large part of the work that is done under the Supervising Architect is done by outside architects in the construction of public buildings; that the office is overworked; that they are about three years behind time now; and I think it is utterly impossible to load that office down with work of this kind. I think it ought to be done by outside architects.

But as to the matter of compensation for the preparation of plans, it is an important question. I do not know how much work is involved in the term "the starting of work upon the foundations of said building." I do not know exactly what that means. While I introduced the bill, I will say that I did not write the bill.

Mr. SUTHERLAND. Let me suggest to the Senator that the matter might be taken care of if we would provide that the amount to be paid for the preparation of detailed plans and specifications shall be fixed by the Secretary of War.

Mr. GALLINGER. I think that would probably do.

Mr. OVERMAN. I would not fix it that way. I would rather limit the amount. I understand that in the construction of some of the great buildings, for example, at West Point and Annapolis, the architects have been paid $250,000 or $300,000.

Mr. SUTHERLAND. We fix the limit at $50,000.

Mr. OVERMAN. That is for the foundation and plans also. It looks to me like we could get a good architect to do this work for $25,000, anyway.

Mr. GALLINGER. The Architectural Association, if that is the proper term, have an agreement whereby they have a certain percentage. I do not know how much that involves, whether it is simply the preparation of the plans and specifications or the supervision of the construction of the building, but I know that from 3 to 5 per cent is about what is paid the architects.

Mr. CULBERSON. Is not that charge made when they also supervise the construction?

Mr. GALLINGER. I just remarked that probably it involves the construction.

Mr. SUTHERLAND. The superintendence.

Mr. GALLINGER. The superintendence. I think instead of saying "starting of work on the foundations of said building" we should make it read "the preparation of detailed plans and specifications and the superintendence of the construction of the building," and then fix a sum, whatever is thought proper. I will ask the Senator from Utah how that strikes him?

Mr. SUTHERLAND. I did not catch the Senator's remark.

Mr. GALLINGER. Instead of saying "starting of work upon the foundations," say "the superintendence of the construction of said building," and then fix the amount, whatever we think is proper, whether $50,000 or less.

Mr. SUTHERLAND. I have no objection to that if it is agreeable to the Senator from New Hampshire.

Mr. GALLINGER. I will move to strike out the words "starting of work upon the foundations of said building" and insert "superintendence of the construction of said building."

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. In section 1, page 2, line 5, strike out the words "starting of work upon the foundations" and in lieu insert "superintendence of the construction," so as to read:

Preparation of detail plans and specifications and the superintendence of the construction of said building.

Mr. OVERMAN. That would allow them $50,000.

Mr. GALLINGER. Yes; and that is less than 3 per cent on the cost of the building, which I think is less than is ordinarily paid in any case. That is my judgment.

Mr. CULBERSON. I move to amend by striking out "$50,000" and inserting "$25,000."

The PRESIDENT pro tempore. That is not an amendment to the amendment. The Senator from Texas will withhold it until the amendment of the Senator from New Hampshire has been acted on.

Mr. CULBERSON. Yes.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from New Hampshire, which has been read by the Secretary.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Texas moves to further amend the bill. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "thousand," strike out "fifty" and in lieu insert "twenty-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. GALLINGER. The amount having been reduced so violently, I now move to reconsider the vote whereby the amendment I submitted was agreed to, and I will let the text stand as it is in the bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to reconsider the vote by which the amendment previously offered by him was adopted.

The motion to reconsider was agreed to.

Mr. CULBERSON. My amendment was only intended to limit the amount we should pay an architect to $25,000. The amount appropriated also covers the beginning of the work of construction. I do not care to limit the appropriation to $25,000 when it has these two purposes in view. So I move to reconsider the action of the Senate in reducing the amount from $50,000 to $25,000.

Mr. GALLINGER. If the Senator wishes that simply to be paid as a fee to the architect, he would reach the same purpose by striking out the words "and the starting of work upon the foundations of said building." Then that would leave it as an architectural fee.

Mr. CULBERSON. The Senator can make that motion.

Mr. GALLINGER. Then I do make that motion. I move to strike out, in lines 5 and 6, the words "and the starting of work upon the foundations of said building."

The PRESIDENT pro tempore. The Senator from New Hampshire moves to strike out, in lines 5 and 6, the words "and the starting of work upon the foundations of said building."

The amendment was agreed to.

Mr. CULBERSON. Now, may we have the section as amended read?

The PRESIDENT pro tempore. The Secretary will read it as amended. The Chair understands the Senator from Texas to withdraw his motion to reconsider.

Mr. CULBERSON. Yes.

Mr. GALLINGER. Let the section be read as amended.

The SECRETARY. Section 1 as amended reads:

That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission, to bring it within a cost not to exceed $1,750,000, of which sum $25,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications.

Mr. SMITH of Georgia. I should like to ask the Senator whether this entire sum is to be paid out of the National Treasury?

Mr. SUTHERLAND. The entire sum is to be paid out of the National Treasury. It is essentially a piece of Federal work for the benefit of the Federal Government.

Mr. SMITH of Georgia. It is the National Guard, is it not?

Mr. SUTHERLAND. It is the National Guard.

Mr. SMITH of Georgia. Is it merely for the National Guard of the District of Columbia?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. We have our National Guard everywhere else, but the Government does not pay for the armories.

Mr. SUTHERLAND. The Government, as I understood the Senator from Wyoming [Mr. WARREN]—if he were here he could explain it better than I can—but, as I understand, the whole cost of maintaining the National Guard here has been borne by the General Government. I know I have had occasion to go about the city to look at these various so-called armories with a view to determining the necessity for the erection of this building, and I find they are scattered in some 10 or 15 different places in all sorts of poor quarters. The Government property is in fire traps; in one building there is over a hundred thousand dollars' worth of Government property that is at the mercy of any fire that might come along. To my mind, to provide for this armory is one of the most necessary things to be done.

Here is the National Government, which is responsible for the national defense, which is cooperating with the various States of the Union in the building up of the National Guard, and yet this is the one place in the United States where no adequate quarters are provided. In the neighboring city of Baltimore there is a great armory erected at great expense by the State of Maryland, which is so fine, so large, and so commoidous that the Democratic national convention is to be held in it.

Mr. SMITH of Georgia. If the Senator will allow me, the State of Maryland and the city of Baltimore alone paid for that——

Mr. SUTHERLAND. Yes; that is quite true.

Mr. SMITH of Georgia. And none of the money came from the National Treasury. It was local taxation and local subscriptions that paid for it. Take any of the cities and you will find that the armories are in no way built for them by the National Government. We raise our money locally; we obtain appropriations from the State legislatures and we subscribe locally for them. The officers of the National Guard in part raise the money, and the cities in part contribute to the fund. Why should the District of Columbia put the entire tax on the National Government—which is the people of the entire country outside of the District—when in all other parts of the country they locally bear the expense themselves? Why is it not properly an expense of the District of Columbia rather than an expense of the whole country?

Mr. SUTHERLAND. I think the National Guard in the District of Columbia is essentially a national organization, intended for the national defense.

Mr. SMITH of Georgia. They all are.

Mr. SUTHERLAND. They are militia in the States, intended as well for the State defense as for national defense. These buildings referred to are used by the State militia.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me, the Senator from Utah fell into a little error in saying that the General Government pays the whole expense of the militia in the District of Columbia. That is not correct. The appropriation is made in the District of Columbia appropriation bill; and while it is not very large, it is paid in equal parts out of the Treasury of the United States and the revenues of the District of Columbia.

While I introduced this bill, I confess I did not examine it very carefully, and I think there is a great deal of force in the suggestion that the District of Columbia ought to make a contribution toward this armory. In my own little State we have six armories that I can recall, and the State made the appropriations for them. They were built by taxation of the people.

Mr. SMITH of Georgia. If the Senator will allow me, we have just finished a large armory in the city of Atlanta, and even the State did not contribute to that. The city contributed about $150,000, and we raised about that much more through the efforts of the National Guard by local subscription. Not a dollar was contributed by the National Government.

Mr. GALLINGER. In this case I assume that the Government will give the land on which the armory is to be erected. It is to be located on public property. The Government makes that contribution, to begin with; but I really think it would be only a matter of equity to amend the bill so as to require this money to be paid in equal parts out of the public Treasury and out of the revenues of the District of Columbia. I will ask the Senator from Utah if he does not feel that that would be right?

Mr. SUTHERLAND. The Senator from New Hampshire is chairman of the Committee on the District of Columbia and is much better informed about District matters than am I. I defer to his judgment. I have no objection to such an amendment as he suggests, if he wishes it.

Mr. SMITH of Georgia. Mr. President, this seems to me a very important question as to whether the Government should be involved in this expense, and while I do not like to object, I should be glad for the matter to go over, so that I may look into it a little further. If it is pressed now, I should feel constrained to vote against the bill, and even to ask for the yeas and nays upon it.

Mr. SUTHERLAND. Would the Senator object if we provide that one-half of the expenditure shall be borne by the Dis-

trict of Columbia, the same as is the case in all other expenditures for the District?

Mr. SMITH of Georgia. I think that would undoubtedly be much more equitable.

Mr. SUTHERLAND. I have no objection to that amendment.

Mr. NELSON. Mr. President, I entirely agree with the Senator from Georgia [Mr. SMITH]. I trust this bill will be amended so that the District of Columbia will at least be compelled to pay one-half. I should not feel like supporting the bill otherwise. I trust the friends of the bill will agree to such an amendment.

Mr. SUTHERLAND. That is agreed to.

Mr. GALLINGER. I will, then, offer an amendment, on page 2, line 2, after the word "appropriated," to insert the words "in equal parts," and then I will follow that with another amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In section 1, on page 2, line 2, after the word "appropriated," it is proposed to insert the words "in equal parts."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. NELSON. How will it then read?

Mr. GALLINGER. I have another amendment to offer. After the word "appropriated," in line 3, I move to insert, "and the revenues of the District of Columbia," so that it will read:

Appropriated in equal parts out of any money in the Treasury not otherwise appropriated and the revenues of the District of Columbia.

Mr. NELSON. I should like to hear the whole provision as amended read.

The PRESIDENT pro tempore. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. In section 1, page 2, line 3, after the word "appropriated," it is proposed to insert "and the revenues of the District of Columbia," so that if amended it will read:

To bring it within a cost not to exceed $1,750,000, of which sum $25,000 is hereby appropriated in equal parts out of any money in the Treasury—

Mr. GALLINGER. No; that is a mistake. The words inserted should come after the full amount, so as to read:

Not to exceed $1,750,000, in equal parts, is hereby appropriated.

The SECRETARY. After the word "dollars," in line 1, on page 2, it is proposed to insert "is hereby appropriated in equal parts."

Mr. GALLINGER. "In equal parts"—exactly the words that were there before:

In equal parts out of any money in the Treasury not otherwise appropriated from the revenues of the District of Columbia, of which sum $25,000—

We have got it right now. Now, let it be reported as amended.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To bring it within a cost not to exceed $1,750,000 is hereby appropriated in equal parts out of any money in the Treasury not otherwise appropriated and the revenues of the District of Columbia, of which sum $25,000 is hereby appropriated, to be immediately available, for the purpose of the preparation of detailed plans and specifications.

Mr. CULBERSON. Mr. President, I am a member of the Committee on Public Buildings and Grounds; but in consequence of another official engagement I did not attend the meeting of that committee yesterday when this bill was considered. I ask the Senator from Utah [Mr. SUTHERLAND], who has charge of the bill, whether $1,750,000, in his judgment, is not a rather large sum for the construction of a mere armory?

Mr. SUTHERLAND. The evidence before the committee was to the effect that it was not. I know nothing personally about the cost of these buildings; but the general plans were submitted to the committee. Testimony was submitted to the committee bearing upon the subject. It is to be a very large building.

Mr. CULBERSON. The building will not be used except for an armory, will it?

Mr. SUTHERLAND. It may be used for other public purposes; it may be used as a building for inaugural balls, if we care to so use it.

Mr. CULBERSON. Is there an assembly hall in it for the public?

Mr. SUTHERLAND. Yes; there will be a very large hall, a drill hall. For example, I call the attention of the Senator from Texas to the fact that the drill hall of the armory at Baltimore is to be used for the Democratic national convention.

Mr. CULBERSON. This probably, then, is to be an armory and a public auditorium.

Mr. SUTHERLAND. It may be used for that purpose; yes.

Mr. GALLINGER. Beyond question this building will provide the District of Columbia with what is so much needed, and which has been so greatly agitated from time to time; that is, a great assembly hall. We ought to have it; and beyond doubt, if this building is constructed, it will provide such a hall.

Mr. SUTHERLAND. It was so stated before our committee.

Mr. CULBERSON. I wanted to bring that out. That was my understanding in a general way in reading over the public prints. I think it puts a different face on the amount, when the building is to be constructed to be used for these two purposes.

Mr. GALLINGER. As an illustration, at each inauguration the Government loses $30,000 by giving up the use of the Pension Office. It was with a great struggle that we secured it for the last inauguration. I do not know what we will do when we come to inaugurate the next President, whoever he may be.

Mr. CULBERSON. We want a great hall for that, Mr. President.

Mr. SMITH of Georgia. And we do not want to wait until this hall is finished to inaugurate him.

Mr. GALLINGER. We shall cross that bridge when we come to it. What I wanted to emphasize, however, was that this will solve a problem which has been agitated for a great many years; and that is one reason why I am so warmly in favor of this bill.

Mr. HEYBURN. The size proposed for the drill hall is 350 by 243 feet, as will be found on page 15 of the report.

Mr. GALLINGER. That is enormous.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I should like to put into the RECORD, in connection with the armory-building bill, this very brief statement:

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SUTHERLAND subsequently said: At the suggestion of some Senators, I ask to have printed in the RECORD, in connection with the discussion on the armory-building bill, the report of the committee on that bill.

Mr. GALLINGER. Following the passage of the bill?

Mr. SUTHERLAND. Yes.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

The report referred to is as follows:

[Senate Report No. 886, Sixty-second Congress, second session.]

ARMORY IN DISTRICT OF COLUMBIA.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany S. 6734:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6734) to provide for the erection of an armory in the District of Columbia, having considered the same, report thereon with the recommendation that the bill pass without amendment.

The bill authorizes the Secretary of War to enter into contracts for the construction of an armory for the National Guard of the District of Columbia, at a cost of not to exceed $1,750,000, upon the site bounded by B Street north, B Street south, Twelfth Street west, and Fourteenth Street west, in accordance with the plans of the commission appointed under the act of Congress approved May 30, 1908 (35 Stat., 540). This commission reported to Congress and submitted plans (H. Doc. 860, 61st Cong., 2d sess.), and the proposed legislation carries into effect the recommendations of this commission. The site recommended by that commission has since been set aside for other purposes and is no longer available, but the proposed site is near the armory site recommended in the report of the McMillan Park Commission, and is adjacent to the White House ellipse, so that that tract is available for drill purposes when large formations are desired. The building on the proposed site will not encroach upon the Mall, but will be upon a line with the south building line of the National Museum.

The building recommended by the commission provides accommodations for two full regiments of Infantry, a Cavalry troop, four companies of Coast Artillery, one battery, one company of engineers, one signal corps, hospital corps, brigade staff, etc., and will have a drill hall 243 by 350 feet in area, thus affording ample space for drills in extended order. The architecture of the armory is of classic type and will harmonize with the other Government buildings now built and already planned, and will at the same time be amply safeguarded against the attack of a mob in time of riot, and will afford other advantages, which are pointed out in the report of the Chief of the Militia Division of the War Department in his report for 1911.

"The armory serves a twofold purpose: First, it provides storage facilities, protecting Government property from loss, damage, deteriora-

tion; and, second, it provides instruction facilities for the personnel. All instruction, of course, should be progressive, passing from the individual to the largest unit. In theory this idea is carried out by giving certain instruction in the armory, which is then supplemented by summer State encampments and which culminates in the combined field exercises with the Regular Army. The instruction in the armory, beginning with the individual, is in all the minutiæ of a soldier's life which can be given indoor. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundations of this instruction is weak, necessarily the entire structure is unstable. This is exactly the situation which prevails at the present time. The armories generally throughout the country are inadequate and unsuited for their purpose, and in many States there are no armories at all, but buildings or rooms are leased for the purpose. It is gratifying to state, however, that there is an awakening interest in this subject and that in a number of States legislative enactments have been passed looking to the ultimate erection of armories. In this connection, I desire to call attention to the statement of my predecessor relative to the totally unsatisfactory condition of the armory of the District of Columbia. The fact of the National Government, in the one place where it is to provide armories, failing to appreciate the necessity therefor, can not but have a very deleterious effect upon the States."

At the present time the National Guard of the District of Columbia is quartered in eight rented structures, none of which is safeguarded against fire, all of which are inadequate and unsightly, and for which the Government is paying an annual rental of $16,440. Within these buildings is stored Government property estimated to be worth $200,000, and it was stated in the hearings before the committee on the proposed bill that in case of fire in any of these buildings it would be absolutely impossible to arrest it. As indicating the disadvantages under which the National Guard is at present working, we quote from the statement of Col. William E. Harvey, of the Second Infantry, National Guard of the District of Columbia, as follows:

"Some of the men have to double up and put the equipments of the two men in one locker. The standard locker adopted by the Army is 6 feet high, 24 inches wide, and 18 inches deep. The lockers which we have—80 per cent of them—are not half that size. We can not put all of a man's equipment in them. Take, for instance, our equipment of overcoats. We have not any place to put a man's overcoat to keep it, except in packing boxes. We have stored in our main armory stack upon stack of big chests containing the overcoats. If a company is ordered out in winter, a man has to go to the armory superintendent, draw his box of overcoats, give a receipt for it, take it out, and issue it to the men. You can see how absolutely impossible it is to make a quick movement with that kind of accommodations.

"The same is true of blankets. We can not keep individual blankets where they are available. They have to be kept in bulk—boxed up and stored away. The same is true of shelter tents and the field equipment, consisting of haversacks, canteens, and so on. So that we are in a bad way as to equipment; and the first thing that the armory commission took into consideration—the one standard unit which was adopted to work from—was the individual locker for the equipment. We planned it with a view to having the company room large enough to accommodate standard lockers for the entire command."

The danger from fire and its effect upon the National Guard organization was emphasized by Gen. Robert K. Evans, General Staff Corps, United States Army, in the following language:

"It is not extravagant to say that a combination of evil-disposed people could destroy the equipment and armament of the militia very easily in an hour or two by just going around to these wretched hovels that the armament is now stored in, some of which are really inflammable and not much better than chicken coops.

"A mob could burn that equipment and arms up in one night, and if a general condition of unrest or railway disturbance occurred the guard could not get rearmed in several weeks, I think. We would be compelled to get the armament and equipment from the Springfield Arsenal, or one at Rock Island, out there on the Mississippi River, so that your guard, just because of the inflammable nature of the buildings where the equipment is stored, would be put out of business."

The necessity for adequate armory facilities in the District of Columbia is emphasized in the report of the War Department, which is as follows:

WAR DEPARTMENT,
Washington, May 23, 1912.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: I have the honor to return herewith Senate bill No. 6734.

1. The National Guard of the District of Columbia at present consists of the following organizations: First Infantry, of 12 companies; Second Infantry, of 11 companies; First Separate Battalion, of 4 companies; First Battery Field Artillery; Company A, Signal Corps (field company); 1 ambulance company, Hospital Corps, which are provided with armory facilities as follows:

At the Center Market, Pennsylvania Avenue, between Seventh and Ninth Streets: Ten companies of the Second Infantry, eight companies of the First Infantry, one company (ambulance) Hospital Corps.

At the Oyster Building, corner Pennsylvania Avenue and Ninth Street: Four companies (First Battalion, First Infantry).

At Twelfth and U Streets NW.: Four companies (First Separate Battalion).

At Y. M. C. A. Building: One company (Company K, Second Infantry).

At 473 Missouri Avenue NW.: First Battery Field Artillery; Company A, Signal Corps.

At 469 Missouri Avenue NW.: Storehouse for quartermaster and ordnance supplies.

At 621 B Street NW.: Storehouse for subsistence property.

These places are rented.

2. These armories are entirely inadequate and unsuitable in the following particulars:

They are small and are now badly crowded with all of the organizations below the minimum authorized strength. Were the organizations recruited to the minimum authorized strength, the armories could not accommodate the guard at all.

The storage space is entirely inadequate and in many cases insecure, which results in much damage and loss to the Government property.

The Center Market, where most of the organizations are quartered above the market, is an old building, the plan of which is not at all suitable. It smells of bad odors from the market below and the gases from an ice plant in the building and is most unattractive in its surroundings, plan, and condition of repair, due to its age.

The Oyster Building, where the First Battalion of the First Infantry is quartered, is even less suitable than the Center Market Armory.

3. An armory serves a twofold purpose. First, it provides storage facilities, protecting Government property from loss, damage, or deterioration, and, second, it provides instructional facilities for the personnel. The instruction of the individual begins in the armory and is in all the minutia of the soldier's life which can be given indoors. This instruction in the armory is then supplemented by summer State encampments, and culminates in the combined field exercises with the Regular Army. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundation of this instruction is weak necessarily the entire structure is unstable. Acknowledging these facts, most of the States are now providing armory facilities. The National Guard of the District of Columbia is essentially a Federal force, having been created under an act of Congress and having the President as the commander in chief. An adequate armory provision is therefore the duty of the Federal Government.

4. Recognizing these facts, Congress appointed a commission, consisting of the Assistant Secretary of War, the general commanding the Militia of the District of Columbia, the officer in charge of public buildings and grounds, Washington, and the Superintendent of the Capitol Building and Grounds, to cause plans and estimates to be prepared for a suitable armory. This commission made its report, which is published in the Sixty-first Congress, second session, House of Representatives Document No. 860. It is believed that the armory recommended therein is suitable, and its erection is urgently recommended.

5. Not only is a suitable armory needed for the protection of the Federal equipment stored therein, and for the instruction of the District Guard itself, but also such armory would serve as a model for the States, as many militia authorities visit this city, and the inspection of such an armory would enable them to obtain correct ideas and thus facilitate the work generally throughout the States of securing model armories.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

The following extracts from the reports of officers of the United States Army show the armory facilities for the District of Columbia National Guard:

"Armory facilities are inadequate and the guard labors under many disadvantages for this reason." (Annual Report on the Organized Militia of the United States, 1905, p. 112.)

Maj. Lloyd M. Brett, First Cavalry, United States Army:

"The buildings now in use as armories are unsuitable and inadequate. Within them public and private property is insecure and they do not offer proper facilities for military work. They are the best accommodations that can be secured in the District.

"When the Congress of the United States passed the militia act of 1903 it assigned to the National Guard of the country an important place among its military forces, and the National Guard will have to work hard to realize expectations. It would appear to be the part of wisdom for the General Government to set the example to the States by housing the National Guard of the District of Columbia, for the maintenance of which it alone appropriates the funds, in an armory that will stand the scrutiny of the many visiting guardsmen and that will serve as a model for the States to follow." (Annual Report on the Organized Militia of the United States, 1906, p. 148.)

Maj. Lloyd M. Brett, First Cavalry, United States Army:

"A suitable armory continues to be the crying need of the National Guard of the District of Columbia. A bill for such a structure is again before Congress and has the earnest support of the War Department. Congress has in many ways expressed itself unequivocally as favoring the proper support by the Federal Government of an efficient Organized Militia. No troops have shown themselves more deserving of encouragement than those in the District of Columbia, and it is believed that Congress will come to their relief as soon as it is realized that they have no fit place in which to do the military work necessary to qualify them for their country's service." (Annual Report on the Organized Militia of the United States, 1908, p. 188.)

Maj. S. L. Faison, Twenty-fourth Infantry, United States Army, reports, in connection with annual inspection of 1910:

* * * * * * *

"The companies of the First and Second Regiments, except Company K of the Second Infantry, each has an office and a very small storeroom over the cold-storage plant at Center Market. The lockers of the men are in the smaller of these rooms and a closet of about 6 feet square is cut off in the latter and serves as a storeroom for company property not actually issued to the men.

"The lockers of the men are placed one above the other and are about 2 feet wide. Fumes of escaping ammonia rust everything in the way of metal unless it be constantly covered with a thick coating of oil. All of the men of any one company can not dress or undress at the same time.

"The companies of these two regiments assemble weekly by battalion for instruction and are assembled in one large hall in the same building. There is just barely room for the battalion at full strength to stand in line in this hall. When in column the companies stretch almost entirely across the whole width of the hall. Under such trying, not to say demoralizing, conditions it is surprising that the companies present as brave a front as was observed. An armory built on modern plans would put new life and hope into this body of men, and it is urgently recommended that immediate steps be taken to provide one."

Incidentally, the proposed armory building will furnish a hall suitable in every way for the inaugural ball which is held every four years, and which has been heretofore held in the Pension Office, at a cost of about $50,000 for the preparations which are necessary, and with the suspension of public business in that building for several days.

This matter has been before Congress for a number of years, and the history of prior legislation relating to it, together with other valuable information, is contained in the following memorandum which was filed with the committee:

MEMORANDUM RELATIVE TO SENATE BILL 6734.

The bill authorizes the Secretary of War to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia in accordance with plans submitted by the commission created by the act of Congress approved May 30, 1908 (35 Stat. L., 540), or such modified plans as may be approved by the Secretary of War and said commission, to bring it within the limit of cost of $1,750,000. Fifty thousand dollars is made available for the preparation of detailed plans and for starting work on the foundations. It dedicates the northern part of the Mall, between Twelfth and Fourteenth Streets, for this purpose, and provides that the construction of

the building shall be under the officer in charge of public buildings and grounds, and that the plans shall be approved by the Secretary of War and the commission authorized by the act of May 30, 1908.

PRIOR ACTION.

Bill H. R. 21897, Sixtieth Congress, first session, as it passed the House of Representatives May 12, 1908, contained the following provision:

"SEC. 17. That the northerly portion of the Government reservation bounded by B Street north, B Street south, Seventh Street west, and Sixth Street west, in the District of Columbia, known as Armory Square, comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby, selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore & Potomac Railroad Co. from said square.

"That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

"And for the expense of said commission a sum not to exceed $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission."

The first paragraph of section 17 dedicating the site was stricken out in the Senate and the Superintendent of Public Buildings and Grounds was added to the commission, and in that form it became a law as the act of May 30, 1908 (35 Stat. L., 540).

On April 30, 1910, the commission created by said act made its report, submitting the plans which had been prepared for the armory by Tracy, Swartwout & Litchfield, architects, and was printed as House Document No. 860, Sixty-first Congress, second session. This report shows that the commission had the plans prepared with the idea of locating the building on the same site that the House of Representatives dedicated for that purpose, namely, the site of the old Pennsylvania Railroad Station on the north half of the Mall between Sixth and Seventh Streets. The commission says:

"As the National Guard of the District of Columbia is a Federal organization exclusively under the control of the War Department, it is presumed that the armory will be a public building under the charge and control of that department, and therefore available for the use of United States troops and for the storage of military supplies in case of war, riot, or other emergency. This possible use has been borne in mind in the planning of the building."

The plans of the building have been referred to the Fine Arts Commission and have been approved by them with some suggested modifications, and the bill is drawn so that the views expressed by the Fine Arts Commission can be met.

NEED OF AN ARMORY.

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department. For a quarter of a century it has struggled along without any proper provision being made for housing it. It has been quartered in rented buildings of various sorts, none of which have afforded the requisite facilities for training the troops and caring for the equipment which is property of the United States.

The entire unsatisfactory and even descreditable accommodations for this organization have been commented upon year after year by the inspecting officers of the United States. A personal inspection of the buildings discloses the fact that these reports are not exaggerated, but are well founded in fact.

The organization at the present time is scattered about the city in eight different buildings, none of which are fireproof and none of which afford enough room for the keeping of the equipment. Some of the buildings have no provision at all for drilling the troops, and the troops are compelled to drill in the streets. For these unsatisfactory, uninviting, and inadequate buildings an annual rental of $16,440 is paid.

Notwithstanding the lack of armory facilities, the National Guard of the District of Columbia has kept up a force which has worked diligently to conform to the requirements of the War Department at a very great sacrifice on the part of the officers and men, who have devoted their time and energy and in many instances money to promoting the welfare of the organization and bringing it to a point where it could be considered as efficient.

Since 1887 about 33,000 individuals, officers and men, have served in this organization. The training which they have received in some instances has been thorough and others not, but all of them have received some instruction which would be valuable in the event that the United States was forced to call for a large force of volunteers. The value of this military training may be very great to the country in time of stress.

At the outbreak of the Spanish War the entire National Guard volunteered and one regiment was permitted to enter the service. It served creditably in Cuba, and was present in the trenches when Santiago surrendered. In addition to this regiment it furnished officers and men to some of the so-called "immune" regiments and to the United States Volunteer Engineers, and during the Philippine insurrection it furnished many officers and men to the United States volunteers organized for service in the Philippines.

At the present time there are more than 25 officers in the United States Army serving there creditably, who received early military training in the District of Columbia National Guard. One of them has been awarded the congressional medal of honor for distinguished gallantry, and two of them have been selected to captain the Army Infantry team in the great rifle competitions.

Past duty well done, as well as future activity in the training of citizens to defend the flag in time of national danger, justifies the expenditure for a complete armory in the District of Columbia—one which will adequately provide for this brigade of troops and serve as a model to the State organizations.

The United States has not established a precisely formulated military policy, but it can be said that in so far as public sentiment is expressed in the halls of Congress, it is committed to the plan of keeping a relatively small but highly efficient Regular Army and relying upon the militia and volunteers for national defense. Realizing the futility of relying upon unorganized and untrained men who constitute the militia in its broad sense, Congress has, by the acts of January 21, 1903 (32 Stat. L., 775), and May 27, 1908 (35 Stat. L., 399), undertaken to promote the efficiency of the Organized Militia or National Guard of the several States, and to bring it into one uniform and homogeneous mass to supplement the Regular Army as our first line of defense. The importance of the National Guard organizations and of this legislation is apparent from the following extract from the report of the then Secretary of War, Mr. ROOT, for 1903:

"Of equal importance with the General Staff act in its relation to the general military efficiency of the country is the act to promote the efficiency of the militia, approved January 21, 1903, supplemented by an appropriation of $2,000,000 in the Army appropriation act of March 2, 1903. A copy of the statutes is annexed hereto as Appendix F. The militia act had its origin in an agreement between the Regular Army, represented by the War Department and the National Guards of the States, represented by a convention which met in Washington in January, 1902, upon the main and fundamental provisions necessary to give vitality and effectiveness to our militia system. Upon the presentation of these provisions to Congress the Committee on Militia of the House took up the subject with great public spirit and industry and on that basis wrought out a bill which, with but few changes, was passed and approved in the form of the present act. The act proceeds upon the following ideas:

"That whenever the United States becomes involved in war the Regular Army will form but a small part of its armed force; and the country must also rely, for immediate and special exigencies, upon militia; and for service going beyond the proper limits of militia duty, upon volunteers.

"That it is of vital importance to have a trained force of militia ready for instant service when called upon and also to have a large number of citizens sufficiently instructed and exercised in the art of war to organize, train, and command volunteer forces.

"That the best way for the National Government to secure both these requisites is by turning to the National Guards of the States, which have grown up as State organizations intended for State purposes, but are composed of citizens liable to be called upon by the National Government for military duty, and willing to devote a considerable part of their time to fitting themselves for the performance of that duty.

"That, without at all interfering with the services of these organizations to their respective States in time of peace, they can be treated as a national militia to be called into the service of the United States in time of war; and that it is for the interests of the National Government to make these organizations as effective as possible, having in view their prospective national service as militia and their immediate service as the school of the national volunteer soldier."

Experience has shown that adequate armories are a prime necessity to these National Guard forces, and it is so recognized by the War Department, which has made great efforts to prevail upon the State organizations to provide themselves with the proper armory facilities. Upon this subject the Military Secretary has reported:

"The duty imposed upon the governors of the States and Territories by section 1661, Revised Statutes, as amended, and by the militia act of January 21, 1903, of accounting for public property issued under authority thereof, presented immediately the question of providing adequate facilities for the storage and protection of such property.

"Diligent inquiry has developed the fact that, while in the larger cities of the more populous States there are buildings excellently adapted to the purposes for which they are designed and used, there is in general a lamentable lack of proper armory accommodations in the smaller cities and villages.

"This is an evil which can be remedied only by liberal appropriations by the States and Territories or by private contributions. The department is encouraged to hope that the State and local authorities are awakening to the importance of this subject; and it is known that in many instances where armory facilities have been found palpably deficient temporary accommodations have already been provided, with the ultimate object of supplanting these makeshifts by substantial structures owned by the State or by the bodies corporate of the organizations themselves. In mitigation of any blame that may be attached to the military organizations, it is to be remarked that the most convenient and in every respect the most suitable armories are those owned by such organizations, constructed from funds raised by private subscriptions and practically without State aid.

"Experience has demonstrated that there is no element more effective in promoting the organization of National Guard companies and in sustaining the interest of their members, thus contributing to their efficiency as component parts of the National Guard, than the providing of attractive and suitable buildings for their accommodations and the safe storage of their supplies and equipment."

The Chief of the Militia Division of the War Department, in his report for 1909, says:

"Much difficulty is met in the matter of armory instruction, due to the fact that in many of the States suitable armory facilities are not provided. In this connection, attention is invited to the quotations from the reports of officers submitted hereinafter in this report, which show, in detail, in the several States and Territories, the unsatisfactory status of the armory question. The policy of the War Department in reference to this is that inasmuch as the United States issues to the States and Territories valuable armament, equipment, and military stores for the Organized Militia, the latter should provide adequate and secure storage facilities for these stores, and equally adequate facilities for drilling and conducting the training of the troops under cover. Some of the States have been fully cognizant of their obligations in regard to armories and have provided ample facilities both for storage and training. The example of these States is little by little beginning to have effect in other States. It is hoped this movement will proceed more rapidly and progressively accomplish a satisfactory solution of this difficult problem."

In his report for 1911 he says:

"The armory serves a twofold purpose: First, it provides storage facilities, protecting Government property from loss, damage, deterioration; and second, it provides instruction facilities for the personnel. All instruction, of course, should be progressive, passing from the individual to the largest unit. In theory this idea is carried out by giving certain instruction in the armory, which is then supplemented by summer State encampments, and which culminates in the combined field exercises with the Regular Army. The instruction in the armory, beginning with the individual, is in all the minutiæ of a soldier's life which can be given indoor. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundations of this instruction is weak, necessarily the entire structure is unstable. This is exactly the situation which prevails at the present time. The armories generally throughout the country are inadequate and un-

suited for their purpose, and in many States there are no armories at all, but buildings or rooms are leased for the purpose. It is gratifying to state, however, that there is an awakening interest in this subject, and that in a number of States legislative enactments have been passed looking to the ultimate erection of armories. In this connection, I desire to call attention to the statement of my predecessor relative to the totally unsatisfactory condition of the armory of the District of Columbia. The fact of the National Government, in the one place where it is to provide armories, failing to appreciate the necessity therefor can not but have a very deleterious effect upon the States."

If the United States is to rely in large part upon the militia; if the militia of the several States is maintained and trained to the standard of efficiency which the military authorities of the United States deem necessary; if, as experience has shown, adequate armories are an absolute necessity in that maintenance and training, it would would seem the part of wisdom on the part of the Federal Government to supply its own Organized Militia in the District of Columbia, which is within the exclusive jurisdiction of Congress, with an armory which will be a model in every way and which can stand as an object lesson to the many State national guardsmen who visit the National Capital, that they may take home with them ideas as to what is desirable in armory construction.

THE EXAMPLE OF THE STATE OF NEW YORK.

New York has demonstrated the difference between a wise and liberal policy and the "penny-wise, pound-foolish" policy adopted in some places. She has treated her militia seriously, provided for it thoroughly, going on the idea that what is worth doing is worth doing right. Long ago she decided that her soldiers should be quartered in buildings owned by the State or county, and not rented from individuals or corporations. She built armories, handsome, commodious, well-planned structures, and the result of this wisdom is shown in the fine organizations of citizen soldiery. She maintains an organization of 963 commissioned officers and 13,688 enlisted men, a total of 14,651 soldiers, an entire division.

She maintains 13 regimental armories, 4 battalion armories, 3 two-company armories, 2 armories for one company and one troop, 4 armories for mounted troops, 2 armories for the signal companies, 31 armories for separate companies, and 3 armories for the Naval Militia, in all 59 armories, of which but 1 is a rented building. The rest are owned by the public, with the exception of one building, which is owned by the organization itself.

From the report of the commission appointed pursuant to chapter 261 of the laws of 1907 to inquire into the conditions of the National Guard of New York in 1908, the following detailed information relative to New York armories is taken (pp. 214, 125):

Armory condition of the National Guard of New York in 1908.

Location of armory.	Organization.	Drill-floor space.	When built.	Built by—
	REGIMENTAL.			
		Sq. ft.		
Brooklyn	Thirteenth Regiment	80,000	1892	County.
Buffalo	Seventy-fourth Regiment	72,924	1889	State.
Do	Sixty-fifth Regiment	72,000	1906	Do.
Brooklyn	Twenty-third Regiment	60,000	1894	Do.
Do	Forty-seventh Regiment	59,000	1883	Do.
Do	Fourteenth Regiment	52,000	1895	County.
New York	Seventh Regiment	50,000	1875	Regiment.
Do	Twenty-second Regiment	41,125	1890	County.
Do	Ninth Regiment	40,700	1895	Do.
Do	Twelfth Regiment	37,774	1886	Do.
Do	Seventy-first Regiment	36,480	1903	Do.
Do	Eighth Regiment	35,904	1889	Do.
Do	Sixty-ninth Regiment	23,750	1906	Do.
	BATTALIONS.			
Albany	Tenth Battalion	41,650	1889	State.
Do	Troop B	8,400	.....	
Rochester	Third Regiment	31,500	1906	Do.
Troy	Second Regiment	27,875	1884	Do.
	TWO COMPANIES.			
Schenectady	Second Regiment	13,100	1899	State.
Newburgh	First Regiment	10,336	1878	Do.
Utica	....do	9,600	1883	Do.
	DOUBLE, HORSE AND FOOT.			
Binghamton	Company	15,100	1904	State.
Do	Battery	9,894	.....	
Syracuse	Company	15,100	1907	Do.
Do	Troop	15,100	.....	
	MOUNTED TROOPS.			
Brooklyn	Squadron C	57,459	1906	County.
New York	Squadron A	16,554	1894	Do.
Brooklyn	Third Battery	18,400	1870	Do.
New York	First Battery	11,200	1902	Do.
	SIGNAL CORPS.			
Brooklyn	Second Company	10,000	1884	County.
New York	First Company	2,310	1903	Do.
Medina	Twenty-ninth Separate Company	15,100	1902	State.
Elmira	Thirtieth Separate Company	14,692	1888	Do.
Kingston	Fourteenth Separate Company	13,025	1879	Do.
Olean	Forty-third Separate Company	12,690	1890	Do.
Saratoga	Twenty-second Separate Company	12,500	1881	Do.
Oswego	Forty-eighth Separate Company	12,100	1907	Do.
Watertown	Thirty-ninth Separate Company	11,200	1874	Do.
Poughkeepsie	Fifteenth Separate Company	10,988	1891	Do.
Auburn	Second Separate Company	10,925	1872	Do.
Gloversville	Nineteenth Separate Company	10,800	1895	Do.
Oneonta	Third Separate Company	10,800	1904	Do.
Whitehall	Ninth Separate Company	10,800	1900	Do.
Middletown	Twenty-fourth Separate Company	10,650	1891	Do.

Armory condition of the National Guard of New York in 1908—Contd.

Location of armory.	Organization.	Drill-floor space.	When built.	Built by—
	SIGNAL CORPS—continued.			
		Sq. ft.		
Walton	Thirty-third Separate Company	10,330	1895	State.
Flushing	Seventeenth Separate Company	10,230	1906	Do.
Amsterdam	Forty-sixth Separate Company	9,600	1894	Do.
Hornell	Forty-seventh Separate Company	9,600	1895	Do.
Hudson	Twenty-third Separate Company	9,600	1898	Do.
Mohawk	Thirty-first Separate Company	9,600	1891	Do.
Niagara Falls	Forty-second Separate Company	9,600	1895	Do.
Ogdensburg	Fortieth Separate Company	9,600	1897	Do.
Tonawanda	Twenty-fifth Separate Company	9,600	1896	Do.
Yonkers	Fourth Separate Company	9,548	1886	Do.
Geneva	Thirty-fourth Separate Company	9,375	1892	Do.
Glens Falls	Eighteenth Separate Company	9,000	1883	Do.
Hoosick Falls	.....	8,360	1888	Do.
Cohoes	Seventh Separate Company	8,250	1894	Do.
Jamestown	Thirteenth Separate Company	7,700	1890	Do.
Catskill	Sixteenth Separate Company	7,500	1889	Do.
Malone	Twenty-seventh Separate Company.	7,500	1892	Do.
Mount Vernon	Eleventh Separate Company	6,750	1889	Do.
White Plains	Forty-ninth Separate Company	(1)	.....	
New York	Second Battery	(2)	.....	
	NAVAL MILITIA.			
New York	First Battalion	(3)	.....	State.
Brooklyn	Second Battalion	28,000	1905	County.
Summerville	Separate division	(4)	.....	State.

[1] No armory.
[2] Rented armory.
[3] Training ship, Granite State.
[4] Boathouse, 80 by 125 feet.

The adjutant general of New York states that the average cost of the separate-company armories is $75,000 each. From the report just quoted is taken the following as to the cost of regimental armories located in the city of Greater New York:

MANHATTAN AND THE BRONX.

Seventh Regiment (built 1875):		
Site	$1,300,000.00	
Building	600,000.00	
Repairs, supplies, etc	38,268.50	
		$1,938,268.50
Eighth Regiment (built 1889):		
Site	350,000.00	
Building	328,672.00	
Repairs, supplies, etc	43,064.96	
		721,736.96
Ninth Regiment (built 1895):		
Site	437,062.08	
Building	342,310.12	
Repairs, supplies, etc	30,025.85	
		809,398.05
Twelfth Regiment (built 1886):		
Site	208,000.00	
Building	344,751.31	
Repairs, supplies, etc	33,824.24	
		586,575.55
Twenty-second Regiment (built 1890):		
Site (old)	265,000.00	
Building (old)	318,318.46	
Site (new)	381,000.00	
Building (new)	685,000.00	
Repairs, supplies, etc	40,139.82	
		1,689,458.28
Sixty-ninth Regiment (built 1906):		
Site	8792,028.00	
Building	724,940.02	
Repairs, supplies, etc	22,996.82	
		1,539,964.84
Seventy-first Regiment (built, new, 1903):		
Site	445,829.00	
Building (old)	413,813.70	
Building (new)	716,917.70	
Repairs, supplies, etc	32,011.10	
		1,608,571.50
Squadron A:		
Site (bought with Eighth Regiment site)		
Building	164,275.97	
Repairs, supplies, etc	39,391.88	
		203,667.85
First Battery:		
Site	116,422.73	
Building	201,509.80	
Repairs, supplies, etc	13,564.27	
		331,496.80
Second Battery:		
Site	85,000.00	
Building	450,000.00	
Repairs, supplies, etc	13,975.00	
		548,975.00
First Signal Corps (quarters in Seventy-first Regiment Armory):		
Repairs, supplies, etc		9,114.00
Field Hospital (quarters in First Battery Armory):		
Repairs, supplies, etc		2,000.00
First Battalion Naval Militia:		
Improvements	15,339.65	
Repairs, supplies, etc	20,344.89	
		35,744.54
Total		10,024,972.84

BROOKLYN.

Thirteenth Regiment (built 1892):		
Site	$120,000.00	
Building	555,000.00	
Extension (site)	114,068.18	
Extension (building)	170,264.00	
Repairs, supplies, etc	48,236.24	
		$1,007,568.42
Fourteenth Regiment (built 1895):		
Site	85,000.00	
Building	615,000.00	
Repairs, supplies, etc	29,744.00	
		729,744.00
Squadron C:		
Site	58,500.00	
Building	486,882.40	
Repairs, supplies, etc	26,296.69	
		571,679.09
Third Battery:		
Site	35,200.00	
Building	164,800.00	
Repairs, supplies, etc	25,883.54	
		225,883.54
Second Company, Signal Corps:		
Site	6,000.00	
Building	64,000.00	
Repairs, supplies, etc	10,467.80	
		80,467.80
Second Battalion, Naval Militia:		
Site	125,000.00	
Building	437,448.91	
Repairs, supplies, etc	20,500.00	
		582,948.91
Total		3,198,291.76

STATE ARMORIES.

BROOKLYN.

Twenty-third Regiment (built 1894):		
Site	$125,000.00	
Building	575,000.00	
Repairs, supplies	27,289.85	
		$727,289.83
Forty-seventh Regiment (built 1883):		
Site	151,000.00	
Building	399,000.00	
Repairs, supplies, etc	23,497.00	
		573,497.00

QUEENS.

Seventeenth Separate Company:		
Site	8,500.00	
Building	80,000.00	
Repairs, supplies, etc	10,925.00	
		99,425.00
		1,400,211.83

RECAPITULATION.

Borough.	Sites.	Buildings.	Repairs, etc.	Total.
Manhattan and the Bronx	$4,380,342.21	$5,290,509.65	$354,120.98	$10,024,972.84
Brooklyn	543,768.18	2,493,395.31	161,128.27	3,198,291.76
Expenditures by city for State armories			61,711.83	61,711.83
Grand total	4,924,110.39	7,783,904.96	576,961.08	13,284,976.43

The report of the New York commission, above quoted (p. 110), shows that the cost of the Sixty-fifth Regiment Armory at Buffalo to date of report was:

Building and equipment	$1,154,316.92
Cost of site	220,000.00
Total	1,374,316.92

The new armory provided for the Eighth Artillery district of New York is to cost $1,286,500. (Report of Armory Board, New York City, 1911, p. 41.)

The armory of the Seventh Regiment has recently been enlarged and remodeled to meet the requirement of the War Department as to 12 companies to the regiment instead of 10, and the city has expended on this $382,209.99. (Ib., p. 40.)

The following details will give an idea as to the space provided in some of the armories in New York for single regiments:

Regiments.	Location.	Size of lot.	Size of drill hall.
		Feet.	*Feet.*
Sixty-fifth	Buffalo	578 by 780	336 by 240
Seventy-fourth	do	256 by 624	236 by 309
Forty-seventh	Brooklyn	211 by 623	197 by 300
Twenty-third	do	219 by 501	197 by 297
Seventh	New York	200 by 400	200 by 300
Eighth	New York (old building)	200 by 300	200 by 200
Do	New York (new building)		

This last-mentioned armory is being built for the eighth artillery district of New York, and has been reported as being the largest armory constructed to date. Its cost is over $1,000,000.

New York is not the only State which has followed the plan of providing public buildings in preference to rented quarters, but detailed information relative to other States is not as complete.

Massachusetts has a number of fine armories.

Connecticut has recently completed a very fine regimental armory at Hartford, having as much space in it as some of the largest armories above referred to.

Rhode Island has within the past few years erected at Providence a very fine structure, making provision for a regiment of Coast Artillery and a battery of Field Artillery. The building alone cost $488,000. The dimensions are 381 by 167. It contains two drill halls, one 233 by 167 feet and the other 231 by 89 feet.

Pennsylvania has a number of fine armories, and is engaged at the present time in a progressive policy of building armories. A very fine armory has recently been erected at Pittsburgh for the Eighteenth Regiment, the details of which are not at hand.

Maryland: The armory of the Fifth Regiment at Baltimore is a large and commodious structure. The site cost $125,000. The building cost $350,000. The size of the building is 336 by 300. The drill hall 300 by 200.

PLANS SUBMITTED BY THE ARMORY COMMISSION.

The plans submitted make provision for a brigade of practically three regiments, namely, two regiments of Infantry, a battalion of Coast Artillery, a signal company, an engineer company, ambulance company, a troop of Cavalry, and a battery of Field Artillery. The organization is equal to that housed in three of the New York regimental armories. The best military administration can be obtained where the entire organization is together, as well as greater economy in the construction of the building and the better safeguarding of public property.

The plans as prepared call for a building 480 by 380, as no larger building could be erected on the site between Sixth and Seventh Streets. The main drill hall is 243 by 350 feet. In addition to this, there is a small drill hall provided for mounted troops. The following are some of the features of the building:

In the basement there are storage rooms for the Engineer and Signal Corps, ambulance and hospital, first regiment, second regiment, and for the general supplies of the brigade. A room for the armorer, a magazine, a reloading room, a swimming pool, gymnasium shower bath, the riding hall, and mechanical plant, lavatories, etc.; also a shooting gallery, gun-wagon park wherein to keep the wheeled transportation.

On the main floor is the great drill hall above referred to, and at each end locker rooms for 12 companies of Infantry. The fixed unit which was worked upon was the standard locker which has been designed by the Army to accommodate a soldier's equipment. It is planned to have enough of these to equip a company at war strength. The District of Columbia is the only National Guard organization having provision for a reserve, and it is planned to keep the equipment for the reserve in the individual lockers, where it will be immediately available. On this floor also is the model room for the Coast Artillery Corps, lockers for the Engineer and Signal Corps, and an examining room, a room for the surgeons, a guardroom, a room for the superintendent, an issue room, and a room for clothing storage, and a tailor shop.

On the next floor will be the company room for 12 companies of Infantry, 4 Coast Artillery, the necessary office rooms for the regimental and brigade administration, and the gymnasium.

On the next floor are two company drill rooms, a squad drill room, practice room for the band, instruction room, a dispensary and ward, lyceum, a memorial hall, kitchen and dining room, library, billiard room, bowling alleys, boxing and fencing rooms.

All of these rooms will present features which are important. It is contemplated that field ranges will be set up in the kitchen, where the cooks can be taught how to prepare the field rations. A number of the cooks of the District of Columbia National Guard have in times past attended the Army Cooking School at the Washington Barracks, and it is plain that there is no one element of military training more important than to have enlisted men trained to cook for their companies.

The memorial hall is intended as a place where patriotic societies, as well as the Grand Army of the Republic, Loyal Legion, etc., can deposit their relics.

The drill hall will afford an ample place in which to hold the inaugural balls, which for many years past have been held in the Pension Office Building at a cost to the Government which has been estimated as high as $50,000, for it involves the closing of the office to business for a week or 10 days, and the loss in clerk hire is very great.

The estimated cost is not excessive when it is taken into consideration that the building is to house virtually three regiments, and must architecturally conform to the scheme for the public buildings of Washington. By reference to the cost of armories erected for single regiments, where no special attention has been paid to the architectural features of the exterior, it is plain that this sum is not too large for the erection of a proper building.

PARK COMMISSION PLANS.

The plans of the Park Commission, Senate Report No. 156, Fifty-seventh Congress, first session, show that an armory for the District of Columbia Militia was one of the public buildings which the commission planned for. On the subject of the location of public buildings the commission reported:

"The location of public buildings has received the very careful consideration of the commission. In general terms, their conclusions are * * *

"Fourth. That the northern side of the Mall may properly be used by museum and other buildings containing collections in which the public generally is interested, but not by department buildings.

"Fifth. That the space between Pennsylvania Avenue and the Mall should be occupied by the District Building, the Hall of Records, a modern market, and armory for the District Militia, and structures of like character" (pp. 28, 29, of the Report of the Park Commission).

Speaking of the area south of Pennsylvania Avenue, the commission says:

"Within the same general area should be constructed an armory sufficient in size to accommodate the brigade of District Militia; and since the inauguration of the President of the United States is regarded as a municipal and not as a national function, the armory should be of a character to accommodate the inaugural balls now given in the Pension Bureau to the disturbance of public business." (Ib., p. 70.)

On the diagram showing sites for future public buildings, printed in the report facing page 28, is shown a long building occupying the space from Pennsylvania Avenue to B Street, between Fourteenth and Fifteenth Streets. It is understood that this represents the Park Commission idea as to the location of the District armory. That site, however, has been taken for departmental buildings, namely, for the Department of Commerce and Labor and Department of Justice.

PROPOSED SITE.

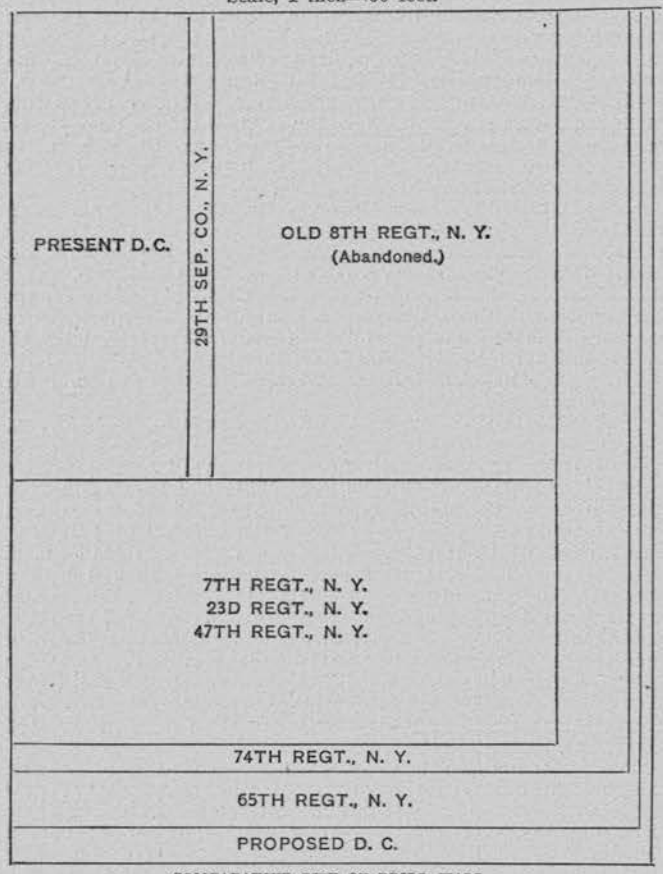
The proposed site for the armory is on the north side of the Mall, between Twelfth and Fourteenth Streets, north of a line established for the New National Museum Building. This tract is immediately adjacent to the one suggested by the Park Commission for the armory. The

Park Commission plans call for a large building on this site. It is at present occupied by greenhouses and some sort of a machine shop. The erection of an armory on this site fully conforms to the views expressed by the Park Commission and is in harmony with those plans.

The building which was designed pursuant to the act of May 30, 1908, contemplated putting the building five squares east of this on the north side of the Mall between Sixth and Seventh Streets, but that site has been dedicated by the Senate for the erection of the George Washington Memorial. The site proposed in the pending bill, while not quite so accessible, is larger, and the grounds themselves will adapt themselves better to the erection of an armory than would the Sixth Street site. The Park Commission plans call for the erection of a very large building on this site, and the plans have been prepared for the armory with a view to conforming fully to the views of the Park Commission as to the type of building to be erected.

Diagram showing relative size of present drill hall for the District of Columbia brigade and New York halls for a single company and single regiments.

Scale, 1 inch=60 feet.



COMPARATIVE SIZE OF DRILL HALL.

	Feet.
Present District of Columbia	200 by 68
Twenty-ninth Separate Company, New York (15,000 square feet)	200 by 75
Eighth Regiment, New York (old building)	200 by 200
Twenty-third Regiment, New York	297 by 197
Forty-seventh Regiment, New York	300 by 197
Seventh Regiment, New York	300 by 200
Seventy-fourth Regiment, New York	309 by 236
Sixty-fifth Regiment, New York	336 by 240
Proposed District of Columbia (for brigade)	350 by 243

GOVERNMENT RENTALS IN THE DISTRICT OF COLUMBIA.

The concurrent resolution (S. Con. Res. 22) to appoint a joint special committee of the Congress to investigate rentals paid by the Government and the District of Columbia was considered by unanimous consent.

The concurrent resolution was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 1, after the words "District of Columbia," to insert: "with the view of ascertaining by what bureaus, departments, and individual representatives thereof contracts for these rentals were made, and with the view of ascertaining further how the rents paid by the Government for premises in the District of Columbia compare with rents previously or subsequently paid for the same or for similar premises," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That a joint special committee of the two Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the Presiding Officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed, by subcommittee or otherwise, to sit during the sessions or recess of Congress, to carefully inquire into the possibility of better utilizing space in the several departments of the General Government and the District of Columbia, and also to make a thorough investigation of the rentals paid by the Government and the District of Columbia, with the view of ascertaining by what bureaus, departments, and individual representatives thereof contracts for these rentals were made, and with the view of ascertaining further how the rents paid by the Government for premises in the District of Columbia compare with rents previously or subsequently paid for the same or for similar premises. Said committee is authorized to employ a stenographer and such other assistants as may be necessary, and shall conclude its investigation and report to the Sixty-third Congress the result thereof, together with its recommendations concerning such legislation, if any, as may be advisable. The expenses incurred by said committee shall be paid equally out of the contingent funds of the Senate and the House of Representatives upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

The amendment was agreed to.

Mr. CULBERSON. I will ask why this resolution went to the Committee to Audit and Control the Contingent Expenses of the Senate? The proposed committee being a joint committee, will the expenses be paid out of the contingent fund of the Senate?

Mr. GALLINGER. No; the expenses will be paid jointly from the contingent funds of the two Houses.

Mr. CULBERSON. Very well.

The concurrent resolution as amended was agreed to.

EXPENSES OF "TITANIC" INVESTIGATION.

The resolution (S. Res. 327) to reimburse the Sergeant at Arms for expenses incurred in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon the subcommittee, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be reimbursed, out of the contingent fund of the Senate, an amount not to exceed $566.71 additional expenses necessarily incurred by order of the subcommittee of the Committee on Commerce in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon said committee.

HEARINGS, COMMITTEE ON NAVAL AFFAIRS.

The resolution (S. Res. 326) authorizing the Committee on Naval Affairs to employ a stenographer to report hearings on bills or other matters pending before the committee was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS, COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

The resolution (S. Res. 317) authorizing the Committee on Pacific Islands and Porto Rico to employ a stenographer to report hearings on bills and other matters pending before the committee was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate. This resolution to take effect from the beginning of the present session.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION CO.

The bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, page 1, line 4, after the word "Company," to insert "or such successors or assigns as may be approved by the Secretary of War," so as to make the section read:

That the consent of the United States is hereby given the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, to locate, construct, maintain, and operate a railroad and tunnel upon and across the property belonging to the United States at Fort Mason, in the State of California, upon such location and under such regulations as shall be approved by the Secretary of War.

Mr. CULBERSON. I will ask the Senator in charge of the bill why is that provision inserted which limits the right of succession to those who may be approved by the Secretary of War?

Mr. BRISTOW. This exposition company will probably cease to exist after the exposition is over; but the tunnel will be a permanent structure, running to the docks of the Government there.

The War Department is anxious to have such a tunnel and railroad, and the exposition company desires their construction. The amendment is simply to provide for their continuance under some possession after the exposition ceases to exist. Any transfer that might be made will be subject to the approval of the Secretary of War, and then the right is reserved to repeal the act at any time if Congress shall so desire, so that I think the Government is amply protected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation in California."

STATISTICS OF COTTON.

Mr. GUGGENHEIM. Owing to the absence of the chairman of the Committee on the Census, I have been requested by the members of the committee to report favorably the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton. I call the attention of the Senator from Georgia to the bill.

Mr. SMITH of Georgia. Mr. President, the bill which has just been reported is quite similar to a bill which the Senate has already passed. The Committee on Agriculture and Forestry had before them the bill which the Senate passed, and I believe were not aware of the fact that the House had already passed a similar bill, that it was in the Senate and was pending before the Census Committee. Our lack of information on the subject was due to the fact that the Census Committee had not had a meeting this year. The bill passed by the House provides that the Director of the Census shall furnish the Bureau of Statistics, Department of Agriculture, such information as he can gather with reference to the volume of cotton in existence and requires that facts covering the volume of cotton on hand be published at the same time crop reports are published with reference to the new crop.

The bill carries no appropriation. It has been submitted to the Senator from Rhode Island [Mr. LIPPITT], who has taken it up with the manufacturers. It originated with the cotton growers, but the Senator from Rhode Island has taken it up with the manufacturers, and they have suggested an amendment which the committee reports and to which I am prepared to agree. The amendment limits the frequency of the reports from the manufacturers to quarterly periods. This being the situation with reference to the bill, I do not think there will be any objection to it; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Census with an amendment, in section 2, page 2, line 6, after the word "hand," to insert "and"; and in line 7, after the word "spindles," to insert "shall be ascertained quarterly in each year," so as to make the section read:

SEC. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to September 1, September 25, October 18, November 1, November 14, December 1, December 13, January 1, January 16, and March 1, and shall be published as soon as possible after these respective dates. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, and the number of active consuming cotton spindles shall be ascertained quarterly in each year, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity of cotton ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported. All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Bureau of Statistics of the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Bureau of Statistics shall publish the same in connection with each of its reports concerning cotton.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ANTI-INJUNCTION BILL.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I will withhold the motion, and yield to the Senator.

Mr. MARTINE of New Jersey. I renew my motion to discharge the Committee on the Judiciary from the further consideration of House bill 23635.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution of the Senator from New Jersey, which the Secretary will state.

The SECRETARY. To discharge the Committee on the Judiciary from further consideration of the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. GALLINGER. Mr. President, had I known the purpose of the genial Senator from New Jersey, I would not have yielded, because, manifestly, his motion will adjourn the Senate, and we shall lose an executive session, which we ought really to have; but, of course, I did yield.

Mr. MARTINE of New Jersey. Mr. President, this matter has been hanging now for three or four days. I could have pressed my motion this morning, which would perhaps have resulted in no quorum and discontinued all legislation for the day; but, yielding to the suggestion made by Senators upon the other side, I deferred my motion until this time. I feel, however, that in justice to the demand that is behind this great question I should press it at this time.

Mr. GALLINGER. I have, of course, no fault to find with the Senator.

The PRESIDENT pro tempore. The motion is before the Senate.

Mr. SUTHERLAND. Mr. President, I want to make a very brief statement about this matter. This is what is known as the anti-injunction bill. It originated in the House, having been introduced by Mr. CLAYTON, and passed the House, I think, on the 15th of last month—a month ago. It came to the Senate—I do not remember the particular day—and was referred to the Committee on the Judiciary. It was recognized as an exceedingly important measure and was referred to a subcommittee of five, of which I am a member. The other members of the committee are the Senator from New York [Mr. ROOT], who is chairman of the subcommittee; the Senator from Minnesota [Mr. NELSON], the Senator from New York [Mr. O'GORMAN], and the Senator from West Virginia [Mr. CHILTON].

The subcommittee has endeavored to have meetings, and has held a number of meetings for the purpose of hearing those who were either opposed to or in favor of the bill; and thus far we have heard quite a large number of persons. During the last three or four days we have held some hearings, but at no meeting have we been able to secure a quorum of the subcommittee. But, notwithstanding that, we have proceeded with the hearings. I personally sat one whole afternoon alone hearing the arguments presented. The Senator from Minnesota [Mr. NELSON] sat another afternoon alone because I could not be present.

The motion to discharge the committee comes from the minority side of the Chamber. The two minority members of the committee have not been able to be present with us at all. I do not complain about that, because I know they have been engaged elsewhere and have been necessarily absent. We all know that at this particular period it is exceedingly difficult to get the members of any committee together, and I think a motion of this kind ought not to be pressed at the present time.

The subcommittee intends to go ahead with this matter just as rapidly as possible, and intends to make its report to the full committee, and I hope the full committee will act upon it and report to the Senate before the session adjourns.

Mr. President, the measure is an exceedingly important one. It involves substantial and vital changes in existing law. There are a very large number of persons in the United States who are interested in it; a very large number who are insisting upon its adoption and another very large number who are very much opposed to the measure; and a measure of such far-reaching importance ought to be given due consideration. It ought not to be hurried through without careful consideration and without giving everybody who is interested, within reasonable limits, an opportunity to present his views.

Mr. MARTINE of New Jersey. Mr. President, I have no desire at all to be unreasonable in the proposition, but I do

insist that while there is a large element in our population opposed to this bill there is, on the other side, an exceedingly large element in favor of it. This proposition or a similar one has had the indorsement of two Republican Presidents. Such a measure passed the House by an overwhelming majority, and there is a powerful public sentiment behind it; and inasmuch as we will next week simply convene for the purpose of recessing and then convene again for the purpose of recessing, and there is no reasonable probability of a declaration being made on this question one way or the other, I feel that in justice to the demand behind this measure I am justified in pressing this question at the present time.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

COAL MINING IN OKLAHOMA.

Mr. GORE. Mr. President, I should like——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. GALLINGER. I yield.

Mr. GORE. When the calendar was under consideration this afternoon Order of Business 645 went over on the objection of the senior Senator from New Hampshire. He has since very kindly assured me that he would not press the objection if the bill came up again.

Mr. GALLINGER. That is correct. I looked for the Senator's colleague, and did not see him, and neither did I see the Senator in the Chamber, and for that reason I asked that the bill go over. I have no objection whatever to its present consideration.

The PRESIDENT pro tempore. The Chair will state to the Senator from Oklahoma that there is pending a resolution offered by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I will defer to the Senator from Oklahoma, but I should like a vote on my proposition.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The PRESIDENT pro tempore. Is there objection?

Mr. HEYBURN. Let the bill be read.

Mr. GORE. I should like to say it is a measure which was introduced by my colleague, and in the passage of which he is vitally interested. I do it on his account.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 1, line 4, after the words "grant to," to insert "the operator of"; and in line 8, after the word "Oklahoma," to insert "not to exceed in any case 640 acres of land," so as to read:

That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal lands of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "faith," to insert "and in only such cases as may be found necessary for the successful administration of such mine," so as to read:

And provided further, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. I rise to a point of order. I insist that there is not a quorum present. I ask that the roll be called.

Mr. GALLINGER. That ends both of us.

Mr. MARTINE of New Jersey. All right.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Smith, Ariz.
Bacon	Gallinger	Martine, N. J.	Smith, Ga.
Bristow	Gardner	Myers	Stephenson
Bryan	Gore	Nelson	Sutherland
Catron	Heyburn	Page	Thornton
Culberson	Jones	Pomerene	Wetmore

The PRESIDENT pro tempore. Twenty-four Senators have answered to their names. A quorum of the Senate is not present.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, June 17, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 15, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee O God our heavenly Father to renew our vows and consecrate ourselves to Thee, and by the uplift of prayer receive strength for the duties which wait upon us. We realize that whatever else is of value in life character rises superior to all. Help us, therefore, to add day by day to our character until we reach that perfection in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. GREEN of Iowa, by unanimous consent, was given leave to withdraw from the files papers relating to bill H. R. 22346, the same not having been acted upon by the committee to which it was referred.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The question is on the pending amendment offered by the gentleman from Georgia last night, which the Clerk will report.

The Clerk read as follows:

Amend, line 6, page 112, by striking out "$75,000" and inserting in lieu thereof "$179,900."

Mr. HOWARD. Mr. Chairman, last night at the adjournment I introduced this amendment to strike out, in line 6, page 112, "$75,000" and insert in lieu thereof "$179,900." The situation, Mr. Chairman, is this—and I have no criticism to make of the Committee on Appropriations for cutting this appropriation to $75,000, because in the year 1910–11 the appropriation was for the identical sum that is carried in this particular bill. But on June 30, 1911, this prison had to its credit the sum of $171,449.05. During the current year from 1911 and 1912 up to the present time the Federal prison in Atlanta had expended $226,449 in construction, and at this time they have a balance on hand amounting to $20,000.

Now, Mr. Chairman, every gentleman on the floor of this House is interested in this appropriation, because every Member has constituents either in Atlanta or at Leavenworth, and when we are legislating for this prison you are legislating for your own constituents.

Mr. SIMS. Desirable citizens? [Laughter.]

Mr. HOWARD. The result is that if this appropriation remains at $75,000 it will be impossible to carry out the provisions of this particular section, because it says that this amount of money "shall become immediately available and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary."

Now, the result of this particular amount being carried, and no additional amount, the prisoners at Atlanta could not be worked up to their full capacity for a period longer than four months. I have a statement from the warden and from the Department of Justice. The Attorney General just a few days ago wrote me this letter. Now, this is a matter of importance to the department, and I do not know as much about it as they do, but the Attorney General says under date of June 5, 1912:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 5, 1912.

Hon. WILLIAM S. HOWARD,
House of Representatives.

MY DEAR MR. HOWARD: You are very familiar with the condition of things at the Atlanta Penitentiary and the needs of pushing the construction of the new buildings there. We estimated for the next year's work for continuing that construction $179,900; in the sundry civil bill as just reported (p. 112, line 6) that estimate has been reduced to $75,000.

I would be very much obliged for such assistance as you might give in bringing about an increase of that amount. You will find in the printed hearings before the subcommittee of the Appropriations Committee in charge of the sundry civil bill, part 2, pages 1448 to 1452, the statement made by the assistant superintendent of prisons as to the needs of construction for the next year.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

Now, here are the actual necessities at this prison. The estimate included $61,000 for general construction, which is needed for the purchase of all necessary materials for supervision not otherwise specifically provided for in other items; $4,500 for lumber and other materials for finishing the building and approaches thereto—the hospital building, which is very much needed at Atlanta. This work ought to be pushed to conclusion as rapidly as possible because of the fact that when the estimates were made for 1913 they only had 600 prisoners at Atlanta, and now we have 946 prisoners there, or the daily average of 835, and the hospital is very much needed. The estimate for that building is $28,900.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HOWARD. That includes all materials necessary for constructing the building, but does not include the amount necessary for furnishing it. At Atlanta they are very much in need of a laundry building. The estimate for that is $20,000. That is a new building, and the amount of the estimate is for material for carrying forward its construction during the coming fiscal year. The residence of the deputy warden is estimated for at $7,000. The construction of that has been commenced. This is for materials and civilian labor for building the deputy warden's residence.

Additions to the power house. The power house was constructed in 1897. They want new boilers, and they need new machinery. It is absolutely essential for the work that is being done at that prison. That is estimated at $45,000. The warden and the Attorney General say that the present power house is inadequate now for the needs of the prison, and they estimate for the cost of installing new boilers and machinery.

Prison dining room, $1,500. The floor there, by the continual use of the prisoners going into their meals and going out, has been worn very much. It is rough and accumulates dirt very rapidly. They need $1,500 for a new floor in the dining room, and that ought to be immediately available. This is to cover the cost of materials for installing a new floor in the dining room. This new floor is absolutely necessary for the health of the prisoners.

This makes an aggregate of $199,900, from which may be deducted $20,000, the available balance on hand at this time. The estimate was submitted, leaving the total necessary appropriation of $179,900. This estimate does not include $61,000 and $64,000 for installing cell fronts and cell plumbing in the new cell blocks.

Mr. Chairman, I do not think that this committee really realizes the importance of making this appropriation available at once. The Atlanta Federal Prison—and I am also informed the same is true of Fort Leavenworth—is, I suppose, the most model prison in the world. The work that is being done by the warden in Atlanta is of the most commendable character. It is really a prison in which the spirit of the law in administering punishment to a man for infraction of the law is being carried out—that is, imprisonment and punishment for the sole purpose of reformation. There are over 30 men in that prison who have life terms to serve, and in 17 years those men have not had even a reprimand for an infraction of the least rule in that prison. The whole system inaugurated by the warden in Atlanta is modern. It is up to date, and he has proven himself to have unusual executive ability, a wonderful control over men, great sympathy for the unfortunate, and we hope that the work of carrying on the construction of this prison in Atlanta will not be retarded by the failure of this committee at this time to make sufficient appropriation for the work to be continued.

I know, as a matter of fact, that the Committee on Appropriations, having a multiplicity of items before them in making up an appropriation bill, can not give to every item thorough consideration, and it is a wonder to me that they do not have more complaints registered by Members as to the amount of appropriations than they do. But I feel they have made this time too small an appropriation for Atlanta. I hope that the gentlemen on the floor and in the committee will vote to give us $179,900. We need it.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FITZGERALD. Mr. Chairman, the gentleman is very much mistaken when he says that the committee does not have information about this item.

Mr. HOWARD. Mr. Chairman, I beg the gentleman's pardon. I did not make that statement. I complimented the committee on making so few mistakes, and I said I thought this was one of them.

Mr. FITZGERALD. Let me say what I desire to say. I said the gentleman is mistaken when he states that we did not have information about these matters. Here was a prison estimated to cost $500,000. There has been expended upon it already the sum of $1,440,000. A firm of architects, under the same kind of contract that was discussed last evening, has received altogether on account of this work $95,203.18. The building of these two prisons at Atlanta and Leavenworth are two of the most interesting governmental enterprises that have ever been undertaken.

Mr. HOWARD. Will the gentleman yield for a minute there, in respect to the architects?

Mr. FITZGERALD. Oh, the gentleman is not interested in the architects.

Mr. HOWARD. I just wanted to ask the gentleman if he did not think that because the architects had gotten these enormous sums of the money instead of its going into the buildings we ought now to have some which we can put into the buildings?

Mr. FITZGERALD. Will not the gentleman permit me to proceed? He has had all the time he wished. The history of these two enterprises is very interesting. They were designed to accommodate at first certain military prisoners. They have been changed and enlarged until over $3,000,000 had been expended upon the two prisons, and nobody has yet been able to determine when they are likely to be completed or what the total expenditure upon them is likely to be.

The reason for the change from one prison to another was the necessity of providing the convicts at these prisons with some sort of work to keep them occupied. It was believed by keeping these prisons under construction at such a rate as would enable the convict labor to be utilized to the largest possible extent that not only could the prisons be completed within some reasonable degree of cost, but that thereby one of the very difficult problems in prison management would be solved. The Attorney General, apparently, has an entirely different notion. He seems to imagine that it is necessary to complete these buildings with a great rush, to finish them as quickly as possible, and after that is done we will be confronted with one of the most troublesome problems that occurs in prison management, and that is to find some means of keeping occupied the prisoners. In the year 1912 the appropriation was $75,000; it was $75,000 in 1911; it was $100,000 in the years 1908, 1909, and 1910; it was $80,000 in 1907; $50,000 in 1906; $200,000 in 1905; $60,000 in 1904; $100,000 in 1903. In this bill there is carried $500,000 to enable the Attorney General to care for the convicts of the United States in State prisons and penitentiaries, in so far as there are insufficient accommodations in the Federal penitentiaries. There is no necessity for crowding these prisoners in these two prisons. The intention of the law is not that they should be crowded, and ample means are given to the Department of Justice to properly care for all the convicts of the United States that have to be cared for. It would be unwise, in my opinion, to attempt this work at the speed which the Attorney General now desires. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 8, noes 22.

So the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "penitentiary," in line 9, page 112, add the following: "*Provided*, That of the appropriation of $75,000 herein made not exceeding $3,500 shall be paid as compensation for the services of an architect or architects."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. BEALL of Texas) there were—ayes 24, noes none.

So the amendment was adopted.

The Clerk read as follows:

(1) Miscellaneous objects, Department of Justice.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after line 13, page 112, the following: "*Provided*, That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits in claims against the United States; detection and prosecution of crimes; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General in United States courts and their officers shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALL of Texas. Mr. Chairman, I do not think it is subject to the point of order. It is clearly a limitation on the appropriation. Mr. Chairman, in my judgment there are certain abuses which have arisen in connection with the expenditure of these various lump-sum appropriations, and this amendment is intended to correct these abuses and these evils. It is aimed at two practices that prevail to a greater or less degree in the Department of Justice. The one is taking a district attorney or an assistant district attorney who was already drawing a salary from the Government and designating him as a special assistant to the Attorney General, perhaps taking him out of his district and out of his State and giving him large compensation for this additional service. Let me call the attention of the committee to one instance in which that has occurred, and while, perhaps, it is the most flagrant case, yet it typifies the practice that is prevailing.

Marion Erwin for many years was district attorney for the southern district of Georgia. As district attorney of that district he received a salary of $3,500 per year. In 1901 he was appointed special assistant to the Attorney General and given charge of the prosecution of the litigation against Carter, Greene, Gaynor, and others. That employment as special assistant to the Attorney General carried with it a salary of $5,000 per annum, and in addition to that a commission of, I believe, 10 per cent upon the net amounts that might be recovered as a result of that litigation. That employment began in 1901. Mr. Erwin continued to be district attorney for the southern district of Georgia until about April, 1912, and during all that time continued his connection as a special assistant to the Attorney General at the salary that I have named.

Mr. SIMS. And collected both salaries?

Mr. BEALL of Texas. And collected both salaries.

Mr. SIMS. His regular salary as district attorney?

Mr. BEALL of Texas. His regular salary as district attorney of $3,500 a year and this additional salary of $5,000 a year. During most of that time, I think I am justified in saying, the duties of his position as special assistant to the Attorney General required his presence in other places than the district in which he was district attorney.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Texas have five minutes additional.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, his salary as district attorney for the 11 years amounted to nearly $40,000. His salary as special assistant to the Attorney General for 11 years amounted to $55,000. In addition, he was paid $2,500 for services antedating his regular appointment and was given a large allowance for expenses, and, in addition to that, a commission upon the total collections made by him in the Greene and Gaynor cases. Mr. Erwin received a total of $100,602 cash up to June last year out of the Greene and Gaynor cases, and about $40,000 for his services as district attorney for the southern district of Georgia.

Mr. SIMS. How much of that sum was commission?

Mr. BEALL of Texas. I can not tell the gentleman the precise sum, but at that time the commissions paid him were about $25,000.

Mr. SIMS. I thought possibly you had it right there.

Mr. BURLESON. Can the gentleman give us the aggregate salary he received during the 11 years, including his special compensation and the commissions?

Mr. BEALL of Texas. In addition to the amount of $100,602 just named he had received the salary of $3,500 per annum, and estimated that about $20,000 would be due him when certain other property had been disposed of. His employment as special assistant still continues and that of district attorney until about April of this year. For the 11 years' service his total payments will probably exceed $150,000. And while we are on the Greene and Gaynor cases let me call the attention of the Committee to another thing. One Edward I. Johnson was a bank examiner at the time the Greene and Gaynor cases came to the front. He was employed by the Department of Justice as a special accountant at $20 a day and expenses, beginning in 1901. That employment continued at that rate until about 1908, when his allowance was increased to $25 a day and expenses. Of course, I have no desire to reflect upon the services of Mr. Johnson. In all probability they were extremely valuable. The record discloses the fact that he was an unusually industrious and diligent man, because during those many years he worked practically all the Sabbath Days. The Fourth of July found him at work. Thanksgiving Day he labored; he did not observe Christmas Day always or all of the other numerous holidays that Government employees usually observe and respect. Incidentally it might be said that on these holidays when he worked he received his usual allowance of $20 a day and expenses and, later, $25 a day and expenses.

Mr. PUJO. Will the gentleman from Texas yield for a question?

Mr. BEALL of Texas. With pleasure.

Mr. PUJO. I desire to call the gentleman's attention to section 1763 of the Revised Statutes of the United States, which reads as follows:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall receive compensation for discharging the duties of any other office unless expressly authorized by law.

And I would like to ask the gentleman whether or not the employment of these gentlemen in other capacities was in his judgment or not a violation of the section just read from the Revised Statutes of the United States?

The CHAIRMAN. The time of the gentleman from Texas [Mr. BEALL] has expired.

Mr. BEALL of Texas. Mr. Chairman, if it does not trespass too much on the indulgence of the committee, I would like another five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. BEALL of Texas. I will state to the gentleman from Louisiana [Mr. PUJO] that it was undoubtedly the intention of Congress when it enacted that statute to prevent just such occurrences as we have witnessed in the Erwin case and in a number of other cases. But between the Supreme Court of the United States and the Comptroller of the Treasury what appears to me to be the plain meaning of the statute has been construed away, because they have held that these other appointments did not constitute the appointee's offices, and they held that the law applied only to prevent the holding at the same time by any one individual of two offices and that the appointment as special assistant to the Attorney General was not an office in the meaning of the statute.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. BEALL of Texas. Certainly.

Mr. SIMS. What does the gentleman think of the practice of permitting an officer of the law, whose duties are specified, to resign that position and then afterwards to be employed to do the same service at a greatly increased salary?

Mr. BEALL of Texas. I am coming to that proposition. While I am on the Johnson case, I will state that Mr. Johnson received at the time these figures were given, about the middle of last year, for his services in connection with the Greene and Gaynor cases and expenses $126,140.94, and so far as I am advised, the employment of Mr. Johnson in the Greene and Carter cases still continues.

Now, gentlemen, I do not want to have any misunderstanding. I am not seeking to convey the idea that these men have not rendered valuable service. It was an extremely difficult case, and so far as I can judge from the record, these men have prosecuted this case with great diligence and with a considerable degree of success.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. BEALL of Texas. I yield to the gentleman from Illinois.

Mr. CANNON. How many years did this litigation run?

Mr. BEALL of Texas. It has continued from about the year 1901 up to the present time.

Mr. CANNON. And it involved litigation in the United States and in Canada, did it not?

Mr. BEALL of Texas. Yes.

Mr. CANNON. About what was the recovery, finally?

Mr. BEALL of Texas. Well, up to June last there had been recovered in cash $273,372.85. In addition to that, certain property and securities were recovered, the total estimated value thereof being $493,963.90.

Mr. CANNON. And the parties were convicted, were they not?

Mr. BEALL of Texas. Yes. Carter was convicted by court-martial and Greene and Gaynor by the courts.

Mr. CANNON. I know nothing about the case, except that the newspapers were full of it.

Mr. BEALL of Texas. It was a very celebrated case, and I do not doubt but that these officials used their utmost exertions not only to vindicate the law by convicting the violators of it, but also to make recovery in behalf of the United States. The total expenses of the Carter, Greene, and Gaynor cases up to the time this tabulation was made amounted to $381,387.01. The estimated value of the recoveries was $493,963.90.

But that is getting off, Mr. Chairman, from the latter part of the amendment. The latter part of the amendment is intended to correct another abuse that I think is more flagrant and more unjustifiable than the one to which I called your attention, and that is the practice of men holding positions, such as district attorneys or assistant district attorneys, after it has been developed through their offices or otherwise that the Government has a sufficient basis for a prosecution in some particular case, resigning their positions as district attorneys or as assistant district attorneys, with the salaries that are attached to those positions, and then being immediately reemployed by the Department of Justice to perform the very work that they would have been under obligation to perform had they retained their official positions.

Let me call your attention to some of these cases: Some years ago Mr. McReynolds was serving the Government in some capacity at a salary of $5,000 per annum. On the 1st day of January, 1907, he resigned. On the 1st day of February, 1907, he was reemployed by the Department of Justice at a salary of $16,000 and rendered the same character of service to the Government that he was rendering under his appointment at $5,000 per year.

Mr. Stimson was district attorney of the southern district of New York at a salary of $10,000 per year when the sugar-fraud cases came to the surface. Mr. Stimson resigned his position as district attorney of the southern district of New York and was immediately appointed as a special assistant to the Attorney General. Had he remained district attorney for the southern district of New York it would have been his duty as an official to have performed the very service for the Government that he did perform as a special assistant to the Attorney General. Now, I am willing to assume that the service he rendered was an efficient service, and that it brought substantial returns to the Government of the United States.

Mr. CLINE. What was his salary?

Mr. BEALL of Texas. As district attorney his salary was $10,000 a year. As a special assistant to the Attorney General in prosecuting the sugar-fraud inquiries he received $83,000, of which $69,000 was a fee and $14,000 his expenses.

Mr. SIMS. Covering what time?

Mr. BEALL of Texas. Covering probably a year or a year and a half of actual and active service in the prosecution of those cases.

Mr. SIMS. What position does he now occupy?

Mr. BEALL of Texas. Mr. Stimson is now Secretary of War under the present administration, and he was appointed this special assistant to the Attorney General by the present Attorney General of the United States.

Now, Mr. Chairman, I think the most flagrant case is yet to be mentioned. Mr. Winfred T. Denison was assistant to the district attorney for the southern district of New York, Mr. Stimson. As such assistant he received a salary of $4,000 a year, I believe.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask unanimous consent that the gentleman from Texas have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. On March 27, 1909, Mr. Denison resigned as assistant to the district attorney for the southern district of New York. On March 29, 1909, he was appointed special assistant to the Attorney General, his compensation to be determined by the Attorney General on the completion of service, to assist in conducting investigations into the sugar frauds and prosecutions which might result therefrom in the southern district of New York, eastern district of New York, and New Jersey, with authority to conduct grand-jury proceedings, the very character of service that he would have been obligated to perform as assistant to the district attorney of the southern district of New York, and his salary as assistant district attorney was $4,000 a year.

On January 28, 1910, Mr. Denison was appointed Assistant Attorney General at a salary of $5,000 per annum. Between these dates, in March, 1909, and January, 1910, Mr. Denison performed services for which he received the sum of $28,750, together with his expenses, which were small. In other words, he resigned a place paying him $4,000 a year, was immediately appointed to do the very work that he could have done as assistant to the district attorney [Mr. Stimson], who had also resigned to be reemployed, and for that work of about 10 months received $28,000 compensation, and upon the completion of that service returned to the service of the Government at the annual salary of $5,000. Now, I think that presents a condition that requires correction at the hands of Congress, and I offer the amendment, which I trust will be adopted. [Applause.]

Mr. MANN. Mr. Chairman, as I remarked yesterday, the charge for professional services usually seems high to those who do not render the service; but the gentleman only half states the case. I have not personally practiced law very much since I became a Member of Congress, but my junior partner has a very large portion of his time been engaged in the practice of the law on the basis of $100 a day, with extra pay for extra time occupied for long hours of day or evening work. Now, that does not mean that he only renders his services, and it does not mean in these cases that the gentlemen referred to by the gentleman from Texas simply gave their own services. It means that the services of a law office with its clerks, its stenographers, its experts looking up the law, its experts examining into the evidence, from that law office, are brought into play.

Very often there are additional charges for certain work, but in the general class of work the office renders certain services. That is the case with all large firms in every great city. The individual member of the law firm, paid at rather a high rate, does not intend to look into all the details either of the law or the facts in the first instance. I have known my junior partner to keep three stenographers and a number of clerks busy day after day under his supervision with the work which he was doing in court and for which he was paid. Doubtless that is the way in all these cases.

Let us see what the effect of the gentleman's amendment would be. Take the Greene and Gaynor case, a very celebrated case. The main work which was done in that case was not in the recovery which the gentleman refers to, but in the prosecution which resulted in conviction, and which added a great deal to the moral effect of honesty in public life. In that case the district attorney became involved and interested in the prosecution of the case. No reasonable man would expect a district attorney in Georgia to continue the prosecution of that case with the diligence which he ought to use, for the ordinary district attorney's salary. One of two things would be necessary, either that they should engage other counsel in his place or else should pay him in some way additional compensation.

Now, the gentleman proposes by his amendment to insert a provision by which he could not be paid additional pay while he was district attorney, and if he resigned he could not be retained in the case at all. It is an unreasonable proposition, and the district attorney there or anywhere else, engaged in a case of that kind which requires work both night and day and Sunday and holidays, should be allowed extra compensation. The district attorney would not have remained in the case unless he could be paid for extra work performed, if he is the ordinary district attorney or lawyer. No lawyer of ability can afford to give the gray matter in his brain in a great case,

constantly working at all hours in the day, year after year, perhaps, on the basis of $3,500 a year. Nor can the Government expect to obtain the best results by such a course.

A portion of the Greene and Gaynor case was tried in Chicago. The gentlemen on the other side had engaged the best counsel which they could procure. The Government was entitled to have the services of just as eminent counsel and to pay a reasonable sum for those services. The final result in that case justified, in my judgment, what the Government did. But even if the prosecution had not been successful the Government still ought to have had the services of able counsel.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BEALL of Texas. I call the gentleman's attention to the fact that, in addition to the services of Mr. Johnson and Mr. Erwin, the Government paid about $84,000, according to a hasty calculation I have made, for services of other persons, and some of these services, I have no doubt, were rendered in the case at Chicago.

Mr. MANN. Certainly; the man who has charge of a great litigation has to have the services of other lawyers in connection with himself. With half a dozen lawyers representing the other side of the case no lawyer of standing will go into court on a great case and rely solely on his own work and his own ideas and his own judgment in the trying of a lawsuit.

Mr. BEALL of Texas. I want to put a specific case to the gentleman. Does the gentleman believe that it is good public policy—take the condition as it existed with respect to Mr. Erwin—to hold the office of district attorney from 1901 to 1911, and still accept and enjoy this employment, which necessarily carried him out of his district and interfered with the performance of his duties there?

Mr. MANN. I believe that Mr. Erwin, in the work which he did in connection with the case, was entitled to reasonable compensation, and the amount that was paid him was not more than a reasonable compensation. As to whether the district attorney should be paid extra services, instead of resigning the services of the Government, depends upon the facts of each particular case. In this case I think it was far better for the Government to have him retain his office of district attorney and to pay him the extra services, instead of employing outside counsel entirely at a far higher rate of pay.

Mr. BEALL of Texas. My criticism of Mr. Erwin is that he accepted employment in the Green and Gaynor cases, and continued in that service for so many years without resigning his office of district attorney.

Mr. MANN. Whether he neglected any of the work as district attorney, I do not know. The gentleman does not claim that he did. If he had resigned, under the gentleman's amendment he could not have been retained by the Government in charge of this prosecution.

Mr. SIMS. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. SIMS. Like the gentleman, I prefer to do as Mr. Erwin did, but are we not all serving for something beside the mere dollar-and-cents compensation while in office? Should not the district attorney have pride of position and patriotism and love of achievement in mind, and not merely the cold dollars that he gets out of it?

Mr. MANN. A district attorney or any other Government official except Members of Congress is employed upon the basis that he works about so long in the day, and is not expected to do extra work which comes with the management of a great lawsuit. There is no design that he should. Of course we are supposed here to work about 16 hours a day, but we pay ourselves fairly well for it after all. The gentleman refers to the New York case. Of course I do not have the facts except as the gentleman states them, but I have no doubt that in that case the man who resigned in the district attorney's office and was retained, probably upon a per diem basis, did a great deal of work for the Government which in fact was performed by clerks under him whom he privately paid.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman that in addition to the salary he was paid $14,000 for expenses. While I am on my feet I would like to ask the gentleman if he approves the practice of a district attorney developing some great case like the sugar case and then resigning his position as a district attorney and immediately accepting employment at a very greatly increased compensation, or resigning the position of assistant district attorney, with a salary of $4,000 a year, in order to immediately accept a position that paid him $28,000 in just a few months, and then returning to the service of the same Government at a salary of $5,000 a year? I would like to know if the gentleman approves that sort of practice.

Mr. MANN. It depends on the particular case. When the Government has in its employ in the district attorney's office some one who learns the facts and gets the run of a lawsuit which will never be tried in the ordinary course by the district attorney's office, and it is believed the man has the capacity to do that, I do approve of letting him resign from the district attorney's office to take charge of the case, instead of doing what they used to do and what would otherwise be done, namely, employ outside counsel altogether.

It is a familiar fact with every lawyer's office that frequently when a lawyer's office gets control of a big case the lawyers of that office do not try the case, or else one of them disassociates himself entirely from the law work in the office to devote his attention to the particular case. I have known lawyers connected with a law firm who did not go to the office of the law firm—that is, the regular office—for more than a year, because, taking hold of a particular piece of litigation, they organized an outside office for that purpose and gave no attention at all to the ordinary business of the law office. Let us take the case which, I presume, has occurred to the gentleman's mind, though it has not been mentioned, of the distinguished gentleman from Tennessee, who has recently been employed in the Steel Trust investigation. I do not undertake to say whether Mr. Dickinson should have resigned as Secretary of War and should thereafter have been appointed in charge of the Government's case against the Steel Trust, and yet, when it is perfectly patent that somebody would have to be employed, if the executive authorities believed that Mr. Dickinson was the man to be employed, I can see no reason for not employing him and no reason for paying him less than would be paid to other competent counsel.

Mr. SIMS. Mr. Chairman, as a Tennesseean I feel proud of Mr. Dickinson, but at the same time I want to say to the gentleman that if, when a member of the Cabinet, he resigned with an understanding at the time that he was to receive a more lucrative appointment, it is something that ought to be severely condemned. But I do not believe that such were the facts in that case. However, that case is not upon a parallel with the case of the present Secretary of War, who was in office on a salary as district attorney of $10,000 a year, and who resigned that office and was immediately employed to do just what he would have done as district attorney for a period of one year, during which time he was paid about $70,000, and then after that special service expired accepted a $12,000 seat in the Cabinet.

Mr. MANN. However that may be, I know this, that you can not try these great lawsuits in the great cities of the country upon the basis which used to obtain in trying a lawsuit as it is tried in a small country town. You have got to meet the great lawyers of the country in the lawsuits, and the Government ought to meet them with competent counsel.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending amendment close in 10 minutes.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

Mr. SAUNDERS. Mr. Chairman, this debate has illustrated the fact that there is no condition of things however scandalous, that will not find a defender. The material brought to our attention by the gentleman from Texas [Mr. BEALL] discloses a most anomalous and outrageous state of affairs in the administration of one department of our Government. It has been suggested in the course of this argument that a Government employee, such as a district attorney who had been appointed to the Government service with the idea that he will discharge whatever duties may properly attach to his office, is under no obligation to afford his best service in the conduct of a case of unusual difficulty, unless he is afforded additional compensation, so as to make his total allowance commensurate with the fees of the high-priced counsel to whom he may be opposed. This is as much as to say that a soldier who is confronted for the first time with a service of real danger, is justified in refusing to go forward against the enemy unless his pay is then and there advanced. Mr. Chairman, such a doctrine is a reflection upon every Government official in the United States, and if there is any district attorney, or other prosecuting officer who holds to such a view, and claims that with respect to any prosecution of unusual difficulty arising within his district, or fairly appertaining to his discharge of duty, he is under no obligation to render the best service of which he is capable, without thought of additional compensation or regard for the fees of

opposing counsel, then such an official is an unworthy member of the prosecuting branch, and should be dismissed from the Government service. [Applause.]

Such an attitude can not be too strongly condemned as vicious per se, and demoralizing in the extreme. Permit me to give an illustration on this line. In the State of Virginia, from which I come, the attorneys for the Commonwealth prosecute every form of crime. They receive from the State a fee of $10 in a case of felony, and an allowance from the county of from $300 to $1,000 a year.

In many counties the allowance is not as much as $500, and I know of no county in which the allowance is more than $1,000. Yet the very best lawyers in my State are in many cases prosecuting attorneys. Not infrequently they are opposed in felony trials by counsel of the very highest ability who will receive anywhere from $1,000 to $2,500 for their services. It is news indeed to me that in these, or any other prosecutions, the State is not entitled to expect the highest service of which her prosecutors are capable, unless they are afforded a supplementary allowance for the particular case, so as to make his fees measurably equal to those of opposing counsel. As yet we have not reached that attitude, or come to regard the duty of our prosecuting officials from that point of view. Having taken the offices with full knowledge of the compensation attached, these officials prosecute all cases alike, and when opposed by high-priced counsel of exceptional ability, they regard the circumstances as a challenge for the utmost exercise of their powers, rather than an occasion for a demand for additional compensation. I have in mind one Commonwealth's attorney who was promoted from that position to be a judge of the supreme court of my State.

During a long term of office, he rendered services of the highest quality, and prosecuted many of the most important criminal cases in the State of Virginia, for the supposedly pitiful and inadequate compensation I have mentioned. When an attorney is appointed one of the district attorneys of the United States, he is expected to prosecute all the cases arising within his district, whatever their kind, or quality, may be and without regard to the number, mental quality, or caliber of the counsel who may be opposed to him. If it is considered in respect of some particular case that the district attorney ought to give all of his time to it for any considerable proportion of his term, it would be far better and more desirable in every way, including the detail of economy, for the Government to give him an additional assistant at the salary that goes with that appointment, and permit the regularly appointed district attorney to devote himself to the particular subject, or case requiring his undivided attention.

The illutrations that have been furnished by the gentleman from Texas show, as I have said, a most scandalous, outrageous, and I might almost say, disgraceful condition of affairs in connection with official prosecutions by this Government. I am astonished that there could be found anywhere in the United States a district attorney who having been appointed upon the theory that his whole time and his highest service to the fullest capacity of his intellectual make-up should be rendered to the Government which for the time being, is his client, should disregard the plain call of duty, and when confronted with some case of unusual difficulty, should be languid, or indifferent in the discharge of that duty, until his interest is quickened, and his energies stimulated by additional compensation so manipulated and afforded by indirection that in the result it is measurably equal to the fees of counsel for the adversary interest.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. I for one will never admit that such an attitude is a proper one, or that there has been any justification in reason or propriety for the course that has been pursued by the Department of Justice in the cases which have been called to our attention by the gentleman from Texas. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations went very extensively into this matter. Gentlemen will find in the hearings 10 pages of printed matter in which these cases are given. I have never criticized the extent of fees paid in some of these cases. They are very difficult and involved cases, requiring the services of the most eminent lawyers in the United States, who practice law in places where the remuneration is very high and where, if it be necessary for the Government to obtain services of such men, no criticism can be indulged in for the payment to them of the ordinary compensation that would be paid by private individuals. The practice against which the gentleman from Texas [Mr. BEALL] complains is a practice which I believe deserves severe condemnation. I do not agree with the gentleman from Illinois [Mr. MANN] that after a man has been employed as a public servant and in the performance of his duty obtains information of peculiar advantage to the Government he is then justified in resigning from his position and practically blackjacking the Government into employing him at a much larger compensation.

Let me call attention to a case not mentioned by the gentleman from Texas:

Townsend, Burdette D.: Assistant United States attorney, North Dakota, August 12, 1904, $1,200; resigned May 31, 1908.
Special assistant attorney, Oregon, September 26, 1907, case against Southern Pacific Railway Co., re land grants, etc. No additional compensation, but to be allowed expenses and $6 per day in lieu of subsistence.
Special assistant attorney, Oregon, December 24, 1907, being amendment of appointment of September 26, 1907, to the extent that compensation will be determined.
Special assistant attorney, Oregon, June 1, 1908, $4,500 and expenses.
Special assistant to Attorney General, June 8, 1910, coal-land cases in Colorado, etc.; compensation to be determined.
Special assistant to Attorney General, Oregon and California land-grant suits, June 16, 1910; until July 1, 1910, compensation to be at rate of $4,500 per annum; after July 1, 1910, to receive $450 per month on account and final compensation to be determined. Appointment extended from time to time to cover other public-land cases, etc.
Still in service.
Compensation, $31,775.

Here was an attorney who was glad to be an assistant to the United States district attorney, at $1,200 a year for four years, and then by the favor of some high official he is given special appointments which net him in excess of $8,000 a year during the next four years.

The New York cases I have discussed on other occasions. I do not believe that what was done there can be justified. Here were two gentlemen occupying official positions, and they did what they were justified in doing. They announced that at a certain time they could not accept reappointments, and that it was imperative that they retire from public service in order to practice their profession. That, owing to conditions, they were under obligations to their families and themselves to retire from public service and to practice law privately. So they retired, but they were immediately retained in the cases upon which they had be engaged, and after a year one gentleman received $69,000 and the other $28,000 for their services. The unfortunate part of the situation is this: One of these gentlemen who resigned immediately upon the completion of the special work accepted a position at $5,000 a year in the Government service. One gentleman, who asserted that it was absolutely essential that he should quit public life and devote himself to the accumulation of money for his family, became a candidate for high public office in New York State, in which, if he had been successful, he would have had placed upon him financial burdens greater than ever. Having failed in that contest, he accepted a position in the President's Cabinet at $12,000 a year, with burdens which are largely in excess of any that could possibly have fallen upon him in the other position. Of course the unusual distinction of occupying either office might impel sacrifices that otherwise would not be made and perhaps accounts for this action.

Something should be done, however, in my opinion, to reform what I believe to be a grievous abuse. If this amendment will accomplish that result, I shall be glad to see the amendment adopted.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired. The question is on the amendment of the gentleman from Texas [Mr. BEALL].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I notice the amendment commences with "*Provided*," so and so.

Mr. BEALL of Texas. I intended it as a limitation on those appropriations.

Mr. MANN. It is not a proviso, and it is not required to commence with a proviso in order to be a limitation. I suggest to the gentleman to strike out the proviso.

Mr. BEALL of Texas. It is entirely agreeable to me, Mr. Chairman.

The CHAIRMAN. Without objection, the correction will be made.

Mr. MANN. If the Chair understands, the motion is to strike out the proviso.

Mr. BEALL of Texas. I ask that it be simply inserted as a new paragraph.

The CHAIRMAN. The motion is to strike out the word "*Provided*," and insert that which follows as a new paragraph. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask to return to page 34, under the Bureau of Engraving and Printing. A point of order was pending against the provision.

The CHAIRMAN. Beginning on line 12?

Mr. HUGHES of New Jersey. Yes; beginning on line 12. I reserved a point of order against it, and I now make the point of order, Mr. Chairman, if there is no objection to returning,

and ask for a ruling. I do not think it will be contended that it is not subject to a point of order. It is clearly a change of existing law. First, I want to get unanimous consent to return to page 34.

The CHAIRMAN. We have already returned to page 34 for the purpose of considering the point of order.

Mr. HUGHES of New Jersey. Then, Mr. Chairman, I make the point of order which I reserved on the paragraph, beginning on line 12, page 34. The point of order is that the language therein contained is clearly a change of existing law, beginning with the words—

Hereafter the proviso of the act of July 1, 1898 (30 Stat. L., p. 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the back and tints of all United States bonds, and the backs and tints of all United States paper money—

shall not apply, and so forth. I ask for a ruling.

Mr. CAMPBELL. How far down on the next page?

The CHAIRMAN. To what portion does the gentleman make the point of order?

Mr. HUGHES of New Jersey. To the whole paragraph.

Mr. CAMPBELL. Ending on line 4, page 35?

Mr. HUGHES of New Jersey. Ending with line 4, page 35. I make the point of order.

The CHAIRMAN. The Chair is of opinion that at least one part of the paragraph is subject to a point of order, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Miscellaneous objects, Department of Justice.

Mr. MANN. Mr. Chairman, the Clerk just read line 13. The amendment offered by the gentleman from Texas [Mr. BEALL] came in after line 13. I do not know whether the Clerk has it that way or not.

The CHAIRMAN. The Clerk will read, beginning on line 14, page 112.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, to be expended under the direction of the Attorney General, $400,000.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, petitions and resolutions from organizations representing over 30,000 men and women of California, urging an appropriation at this session of Congress sufficient to insure the enforcement of the white-slave-traffic act of June 25, 1910, furnish evidence of the great interest manifested in my State touching the activities of the Department of Justice in this work. I have frequently conferred with the able chairman of the committee, the gentleman from New York [Mr. FITZGERALD], and consulted with the Department of Justice in relation to the amount to be carried in this bill under the head of "Detection and prosecution of crimes."

It was my purpose, in case the appropriation carried was not ample, to offer an amendment from the floor providing a sum fully adequate to carry on this important work, which so vitally concerns the welfare of the women and girls of my native State and of the entire Nation.

My correspondence with the department, however, and the statements of the chairman of this committee satisfy me that the committee has granted the amounts asked for which will permit those in charge of prosecutions under this act to continue in their efforts to wipe out this infamous traffic—a traffic which strikes at the very foundations of the home. I can not too strongly commend the committee for its action. Under the head, "Detection and prosecution of crimes," the last sundry civil bill carried an appropriation of $350,000. Of this amount I am informed that $75,000 was used for the prosecution of violations under this act. The present paragraph carries an appropriation of $400,000, $50,000 greater than the amount carried last year, all of which increase is to be used for the investigation and prosecution of white-slave cases. This will make available a total of $125,000 for this particular work during the fiscal year ending June 30, 1913, an amount which, I am informed by Mr. Finch, is fully adequate to carry on the prosecutions under this act, and which is the full amount that the department has asked for.

I was a member of the Committee on Interstate and Foreign Commerce at the time the white-slave traffic act, the author of which is the gentleman from Illinois [Mr. MANN], then chairman of that committee, was reported, and I am proud to say that I supported that act both in the committee and on the floor of the House, and I propose, as long as I am a Member of this body, to urge at each session appropriations ample to prosecute violations of this act in every section of the country until this terrible traffic is eradicated. [Applause.]

I will ask the Clerk to read a letter that I have received from the department signed by Mr. Finch, special commissioner, showing that this appropriation is ample for the work in the coming fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF SPECIAL COMMISSIONER FOR THE
SUPPRESSION OF THE WHITE-SLAVE TRAFFIC,
Washington, D. C., June 3, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have the honor to acknowledge receipt of your letter of the 31st ultimo, which has been referred to me by the Attorney General, regarding the additional funds needed by this department for its work in connection with the suppression of the white-slave traffic.

In reply I beg to advise you that the sum of $50,000 is the full amount which the department is asking, in addition to the amount being expended during the present fiscal year from the appropriation detection and prosecution of crimes, for the purpose above mentioned. It is believed that our expenditures for investigation work in connection with the prosecution of violations of the white-slave traffic act during the present fiscal year will amount to approximately $75,000, so that if the additional $50,000 is provided $125,000 will be available for such expenses during the fiscal year ending June 30, 1913.

As to just what sum will be needed during the coming year it would, of course, be difficult to state at the present time, and it may be that a sum considerable in excess of the amount above stated could be used to advantage. We are, of course, desirous of pushing our work for the suppression of the white-slave traffic with the utmost vigor. It has been thought, however, that we could well undertake our plans for the coming fiscal year with the sum above mentioned, and if it is found as the work progresses that an additional amount will be necessary, a deficiency appropriation might then be requested.

In this connection, I desire to say that the interest which you have taken in the matter of providing additional funds is very heartily appreciated.

Yours, very sincerely,

S. W. FINCH,
Special Commissioner.

Mr. MANN. Mr. Chairman, I think I may be pardoned for saying a word on this subject. As the author of the white-slave law, I have had my attention directed many times to its enforcement, and because of that fact have also consulted with the Attorney General and with Mr. Finch, in the Department of Justice, who had charge of the enforcement of the law. Some of the things which have been revealed, and which were beyond control by the States, are utterly unbelievable, and unless presented in a form where the information must be considered truthful, no one would suppose that conditions could exist which have been proven to be quite common. I said to the gentlemen in the Attorney General's office quite awhile ago that if they would go to the Committee on Appropriations and tell that committee some of the things which they have told me I thought there would be no difficulty in their securing all the money which that committee thought could be properly expended. Whether they did give this information to the Committee on Appropriations I am not informed; but I do believe that the committee have reported a sufficient sum of money to enforce that act properly with all the machinery that will be available during the coming fiscal year.

Mr. FITZGERALD. Mr. Chairman, a statement was made to the committee in line with what has been indicated by the gentleman from Illinois, and the committee inquired how much money could properly be used, and gave the sum that the department said could properly be used.

Mr. BARTLETT. We gave them all they asked for this purpose.

Mr. FITZGERALD. The hearing was not printed. The gentleman understands why.

Mr. MANN. Of course it could not be printed and circulated.

Mr. FITZGERALD. Everybody who heard it felt, I think, that whatever the department said it could efficiently use in this work ought to be appropriated; and as long as it was not conducting a careless or improper campaign, but was working legitimately, the committee felt that it should be given, and it has been given, the sum requested.

Mr. BARTLETT. Mr. Chairman, since the matter of the enforcement of what is known as the white-slave act is under discussion, I desire to say this: I did not agree with the gentleman from Illinois [Mr. MANN] or the other members of the Committee on Interstate and Foreign Commerce of the House, of which for many years I was a member, in the presentation of the bill which passed Congress, nor did I vote for it. Together with the gentleman from Alabama [Mr. RICHARDSON] and the gentleman from Georgia, my colleague [Mr. ADAMSON], I opposed it, not because I was not in favor of prosecuting

crimes of this sort vigorously and efficiently, but because I thought it was an unauthorized and unconstitutional exercise of power by the Congress to enact such a law. I believed then, and I am of that opinion still, that the punishment of all crimes of this character in the various States was a function that did not devolve upon the General Government, but was specifically lodged in the State governments and reserved there for all time by the Constitution and the tenth amendment to that instrument.

My opinion upon that proposition was not sustained by the House or by the Congress. It is true I found myself in the minority upon the subject, as I have often found myself upon questions of this character, but I did not hesitate even on so important legislation as this, which had behind it the influences that it had, to voice and to vote my opinion upon the subject. We are yet awaiting the final decision of the Supreme Court of the United States upon the constitutionality of this statute, because at the last term the Supreme Court granted certiorari in a number of cases to be brought before that court in which the constitutionality of this act is involved, and we are at last to have it determined.

I will not say, Mr. Chairman, that I hope the Supreme Court will sustain the constitutionality of the act, but I will not regret it if it shall be upheld, thereby enabling the courts of the country to eradicate and destroy this great evil.

I believe the duty of protecting the morals, the health, and the general welfare of the particular localities in a State is lodged with the State, and ought to remain there and be enforced by the State. I note from the hearings that there have been in the last 9 months prosecutions of 219 indictments; that there have been 135 convictions, 9 verdicts of not guilty, 12 cases nolle prossed, and there are still 63 cases pending. The total penitentiary and jail sentences amount to 241 years 6 months and 27 days.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I should like two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. These sentences are not too severe for the punishment of this crime, if it shall be determined that the Congress of the United States and the courts of the United States have the proper jurisdiction.

The States have attempted to enforce the laws and have enforced the laws. There never was any opposition on my part to this legislation except that it was founded in the conviction that the State and not Congress have the sole power to protect its communities and localities from immorality and vice. I have never come to the conclusion—and I shall be very slow to come to the conclusion—that immorality and vice are commerce within the meaning of the interstate-commerce clause of the Constitution.

I gladly approve, Mr. Chairman and gentlemen, of the efficient and prompt enforcement of this law as it now stands on the statute book. I will cheerfully vote for the full amount that the Department of Justice has asked for the enforcement of the law against that great crime and evil, and if it should require more I would give my vote for a larger sum. As long as the law is on the statute book until it shall be declared not within the power of Congress to pass it I shall vote to do all that can be done to efficiently and radically stamp out this great crime against the morals of the people. [Applause.]

The Clerk read as follows:

Traveling and miscellaneous expenses: For traveling and other miscellaneous and emergency expenses, including advances made by the disbursing clerk, authorized and approved by the Attorney General, to be expended at his discretion, the provisions of the first paragraph of section 3648, Revised Statues, to the contrary notwithstanding, $10,000.

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if it would not be possible in the arrangement of this bill to incorporate in a single paragraph all the appropriations that might be available for the purpose of travel. In this item there is carried $10,000. Large sums are used out of lump-sum appropriations for identically the same purpose. It would be much better and wiser, and I think more economical, if a separate paragraph might include all the appropriations for traveling expenses.

The same thing is true of expenses for printing done in the Department of Justice. The direct appropriation is made for printing for that department, and yet all these various lump-sum appropriations can be drawn upon, and many of them are drawn upon, for the purpose of paying the expenses connected with the printing in that department. No Member of the House looking at this bill can form any conception as to the actual amount of expenditure that is possible for the purpose of travel, or for printing, or for perhaps some other purpse. I should like to have the opinion of the chairman as to whether or not that condition might not be corrected so that Members might know and so that the department might know just the amount that the department would be permitted to expend for each of these several items.

Mr. FITZGERALD. Mr. Chairman, it is very difficult to determine which is the better way to arrange these appropriations. At present they are arranged for the particular service, and they include all of the various matters that may be necessary to be performed in connection with that service. The Department of Justice, I believe, is the only department which is authorized to have printing done out of these appropriations in addition to the allotment for the department. It is because of the peculiar situation in the Department of Justice. In the conduct of law business of the United States it is practically impossible to make any estimate in advance as to what cases will be taken up—the extent of the briefs and matters of that character—that may be necessary to be appropriated for. Printing is authorized to be done because it is printing for that peculiar class of business covered by this item.

Travel is another item that it is difficult to appropriate for. We appropriate, for instance, $10,000 to enable the Attorney General to conduct a certain class of cases. That includes compensation of the attorney, certain clerical services, the printing that is to be done; and if it is necessary for the attorney to travel the item is so framed as to permit the payment of the traveling expenses out of that appropriation. In that way it is possible to keep track of the cost of certain services. It prevents the grouping of all transportation items and all printing items and all items for clerical services; but the experience of the past has shown it to be the best way to enable Congress to determine the extent to which each appropriation should be made for special services. Sometimes it is difficult to tell which would be the better way, but I think the experience of the House has been that it is necessary to adopt this method of keeping track of certain incidental expenses, and no feasible method has ever been determined upon for the adoption of any other system.

Mr. BEALL of Texas. Mr. Chairman, I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5790. An act for the relief of C. E. Moore;

S. 7096. An act to increase the limit of cost of the public building at Narragansett Pier, R. I.;

S. 7015. An act to provide American registry for the steamer *Damara;*

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York;

S. 6573. An act to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; and

S. 6269. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe., in the State of New Mexico.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $200,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 115, line 5, strike out "$200,000" and insert "$250,000."

Mr. CANNON. Mr. Chairman, this is an appropriation for the enforcement of the antitrust laws. Originally this appropriation was a continuing one. It is no longer a continuing one. It is an annual appropriation. In 1904 in the legislative bill the appropriation was for $500,000. In 1908 it was for $250,000;

in 1909, $250,000 with a reappropriation of unexpended balances of $100,000. The appropriations for 1911 were $200,000 and for 1912 $200,000. The estimate is for $250,000.

Mr. MANN. There was a supplemental estimate of $50,000.

Mr. CANNON. Yes. For the purpose of what I desire to say I shall read from the hearings at page 1505. Mr. Fowler represented the department, at the direction of the Attorney General. After speaking of the steel case and various other cases, he said:

Mr. FOWLER. In nearly all of those cases there is quite a number of them. Take the Lake Shore & Michigan Railroad case, about which I spoke. We did not employ special counsel in that case—it was in charge of one of our salaried attorneys, who was being paid $4,500—but we did not hesitate to put it in his charge, because he is an able young lawyer. But on the other side was Mr. Maxwell, of Cincinnati, who is one of the ablest lawyers at the American bar, and two or three lawyers from Cleveland, Ohio—Mr. Squires, and Hoyt, Dustin & Kelly, and, I think, three or four lawyers in addition to those. There were three railroad defendants, and each railroad had its lawyers. Those are the kind of lawyers we meet in all of those cases. And if you can see your way clear I would much rather you would increase that appropriation than to reduce it.

The CHAIRMAN. We can not increase it if you do not estimate for it.

Mr. FOWLER. If we had it to do over, we would ask for it, and I am asking for it now.

The CHAIRMAN. That is not the way to do it; you should estimate for it.

Mr. CANNON. Well, how much do you need?

Mr. FOWLER. I think the appropriation ought to be $300,000.

The CHAIRMAN. Then you should have sent in such an estimate.

Mr. FOWLER. This estimate was made six months ago. At that time we did not realize what the additional expense was going to be, or that there was going to be this heavy increase in litigation.

[The time of Mr. CANNON having expired, by unanimous consent he was granted leave to continue for five minutes longer.]

Continuing from the middle of page 1506, I read the following:

Mr. CANNON. What I want to know is this: Have you several hundred thousand dollars unexpended from former appropriations or have all of the balances been covered into the Treasury?

Mr. FIELD. Those balances were all exhausted one or two years ago.

Mr. CANNON. So that everything is exhausted except for the current year?

Mr. FIELD. Yes, sir.

Mr. Chairman, there are many very important cases, and sometimes criticism has been made that ought not to have been made. Criticism has been made sometimes that some of these cases ought not to have begun, as in the case of the United Shoe Co. and various others. Without expressing any opinion, because I do not know whether these prosecutions are well founded or not, there is the law, and the department asks for $300,000 for the enforcement of the law. The country is interested in the enforcement of the antitrust law. Much of criticism has been made in former years against nearly all of the administrations, because of the fact that these prosecutions have not been efficient. Criticism was made against the Cleveland administration, against the McKinley administration, and against the Roosevelt administration.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. BARTLETT. The gentleman recalls that in 1902 the first appropriation was made specifically for this purpose.

Mr. CANNON. Precisely, I do. But there is much of criticism that with the funds available under the appropriations this act was not enforced. I am not going to say, and it is no part of my purpose at this time to raise the question of whether the criticism was well founded or not. Political platforms of all parties have demanded the enforcement of this law. I believe it is true that the prosecutions under the present administration have been more frequent and greater success has attended them than at all times heretofore since the enactment of the law. Instead of giving $300,000, which was $50,000 over the regular estimate that was submitted, the committee proposes to give and recommends $200,000, which is $50,000 less than the estimate, less than the amount which the department says is absolutely required. This amendment is to increase this $50,000, to bring it up to the amount of the estimate.

Mr. BARTLETT. Mr. Chairman, it may be well to recall the history of this specific appropriation for the enforcement of the antitrust law. For years we had in the Republican platform and otherwise a declaration that the Republican Party was in favor of the vigorous enforcement of what is known as the Sherman antitrust law, but very little fulfillment of the promise contained in the platform. No very serious effort was made for years to enforce the law. The first effort was made when Attorney General Harmon proceeded against the Trans-Missouri Association and the Freight Traffic Association and the Addystone Pipe Co. For years the law slumbered upon the statute books. In 1901 the President of the United States sent to this Congress a message in which he specifically requested that funds be appropriated specifically for the enforcement of that law. The Republican Party was then in power in this House and in the Senate and in all the branches of the Government, yet it took no steps to answer that demand of the President and appropriate the funds necessary to enforce vigorously the law.

In December, 1902, when the legislative, judicial, and executive appropriation bill was being considered by this House, when the paragraph pertaining to the Department of Justice was reached I offered upon the floor of the House an amendment appropriating $250,000 for the purpose of prosecuting violations of the antitrust law and violations of the interstate commerce act, at the same time directing that the Attorney General proceed against all violators of those two laws. The distinguished gentleman from Illinois [Mr. CANNON] was at that time chairman of the Committee on Appropriations. The gentleman from Pennsylvania, Gen. Bingham, was in charge of the bill upon the floor. He promptly reserved the point of order against the amendment, but, at the suggestion of the chairman of the committee, the point was not made or even reserved. The proposition made from this side of the House to appropriate $250,000 for that specific purpose, at the suggestion of the chairman of the committee, the gentleman from Illinois, Mr. CANNON, was increased to $500,000.

So that whatever credit there may be of inaugurating this particular item in an appropriation bill, whatever credit there may be of first providing a specific sum for the prosecution and the enforcement of this law, belongs to this side of the House, and was offered by the gentleman from Georgia—myself.

Mr. CANNON. Was the point of order sustained?

Mr. BARTLETT. It was not made.

Mr. CANNON. Oh, it was not made.

Mr. BARTLETT. And the gentleman from Illinois, if he will recall the incident——

Mr. CANNON. I do not recollect about it.

Mr. BARTLETT. The record shows, and I will produce it——

Mr. CANNON. What is the fact about it?

Mr. BARTLETT. The fact is that the gentleman from Illinois was so anxious that the point of order should not be made that in hot haste he rushed from his seat over to where Gen. Bingham was and caught him by his coat and said, "You must not make it." That is the incident.

Mr. CANNON. I am perfectly willing that the gentleman from Georgia should have all the credit in the world.

Mr. BARTLETT. And I am perfectly willing the gentleman from Illinois should have the credit of not opposing it, too.

Mr. CANNON. All right. Now, then, if the gentleman will allow me——

Mr. BARTLETT. Surely.

Mr. CANNON. Just at this point, because the gentleman will get more time if he desires it.

Mr. BARTLETT. Thank you, sir.

Mr. CANNON. That appropriation was $500,000.

Mr. BARTLETT. Yes.

Mr. CANNON. On the legislative bill. It really belonged on the sundry civil bill, but that makes no difference. Now, then, this appropriation with the Democracy in power in this House is not $500,000. The estimate is $250,000, and you report $200,000. Will my friend be halfway as anxious now as he was then?

Mr. BARTLETT. I will vote every dollar necessary to carry out this law. [Applause.]

I will quote from the CONGRESSIONAL RECORD, which shows the following facts relative to the incident I have referred to.

PROSECUTION OF THE TRUSTS.

On December 17, 1902, when the legislative, executive, and judicial appropriation bill was before the House and the item making appropriations for the Department of Justice had been read, Mr. BARTLETT offered the following amendment:

"For the purpose of enforcing the antitrust laws of the United States and to enable the Attorney General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of $250,000, or so much thereof as may, in the judgment of the Attorney General, be necessary, to be expended under the direction of the Attorney General, and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States." (Vol. 36, CONGRESSIONAL RECORD, p. 410.)

Mr. Bingham, in charge of the bill, said:

"I will make no point of order against that proposition."

Mr. Overstreet said:

"There is no such law known to the statutes as the antitrust law."

Mr. UNDERWOOD said:

"I understand that the disposition here is not to create a new statute, but to provide the Attorney General with the necessary funds by which he can enforce the law now on the statute books."

Mr. Hepburn offered the following as a substitute for the amendment offered by Mr. BARTLETT:

"That for the enforcement of the provisions of the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, and sections 73, 74, 75, and 76 of the act entitled 'An act to reduce taxation, to provide revenue for the

Government, and for other purposes,' approved August 27, 1894, the sum of $250,000 is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying" (p. 411).

Mr. CANNON said:

"But the gentleman from Georgia moved his amendment; no point of order was made upon it—the point, I think, being properly withheld—and that proposition is now before us for consideration. For one I am quite willing to settle it here, so far as we can, and would suggest to the gentleman from Iowa that he increase the sum from $250,000, as proposed in the substitute he moves, to $500,000, and that he make the appropriation immediately available."

Mr. Hepburn accepted these suggestions, and his substitute was amended accordingly.

Mr. BARTLETT said:

"The committee of which the gentleman from Indiana [Overstreet] is a distinguished and honored member has not for a number of years reported any bill or done anything else to relieve the country from the exactions of the trusts, not even when the President of the United States, in his message of December of last year as well as the one delivered to the House at the beginning of the present session, has recommended that some resolute and practical legislation should be enacted to correct the evil of the trusts. And I say that the gentleman does not stand in a position to complain when other Members of the House see fit to propose that funds be put at the disposal of the Attorney General with which to prosecute the trusts of this country. * * * I offered this because it did not appear that any member of the majority intended to do anything to aid the Attorney General or do anything toward prosecuting the trusts of this country or to carry out the recommendation of the President."

Further on he said:

"The Republican Party has been masquerading sufficiently before the country on the subject of their opposition to the trusts, and for one I want to put this amendment before the House, that it may be voted on."

Mr. UNDERWOOD said:

"In fact, he [Grosvenor] points with pride to one or two cases where the Republican Party has actually used the law on the statute books to suppress certain trusts that it was not in partnership with, but I want to ask him, if the law that he takes so much pride in, the law that he says is effective and can suppress trusts, is on the statute books, Why has not the Republican Party, which has been in power since 1896 and which has had absolute control of the legislative and executive branches of this Government since 1896, suppressed the trusts? I would ask him, Why, since the Republican Party has had complete control of the Executive—the President, the Attorney General, and Congress, with the power to provide money—it has not suppressed the trusts? Enumerate in your own mind and before the people the trusts that are a living menace to the people to-day, and yet, according to the confessions of your own leader, you have had the law in your hands and have had the power and the ability to suppress those trusts since 1896 and have not done it."

"Now, I congratulate the gentleman from Iowa [Mr. Hepburn] and the gentleman from Illinois [Mr. CANNON] that when this side of the House offers an amendment to this bill to aid the Attorney General and the Executive of this great Government to enforce the law against the trusts they had the manhood to stand up for the masses of the common people of this country; that they have had the manhood and the courage, notwithstanding the political line, to come across and accept the proposition we made and aid us in the enactment of this legislation, which will do something toward suppressing the evils the people are crying against."

The substitute was then adopted and the amendment as amended by the substitute adopted without division. (Vol. 36, p. 419.)

But, Mr. Chairman, a very distinguished Republican who is now a militant candidate for the Presidency before the Chicago convention, who seems to have forgotten the dignity and the propriety incident to even a candidacy for the first time by those who desire to become the Chief Magistrate of this country, in a message in 1908, which I hold in my hand, recommended to the House that this law should be superseded by some other law which would take away from the courts the right to decide these violations and place it with the Executive, and in speeches made in recent months this same militant candidate for the Presidency has said that it is farcical and useless to undertake to enforce that law, and proposes now as a part of his political creed upon which he proposes to seek the nomination, and, if nominated, to seek election at the hands of the American people, that you supersede this law, proposes to create a commission by which the antitrust law shall be enforced, not by the courts but by a commission or Executive order.

And we find the remarkable spectacle presented in American history that a former President of the United States, who was vigorous and violent in his denunciation of the violation of the laws of the country by the great combination of the criminal rich, to-day the chosen candidate of the greatest industrial combination on the face of the earth; and the millions of dollars that have been spent in the primaries and the millions of dollars more that will be spent in the coming election, should he be nominated, is being furnished by two of these so-called alleged violators of the antitrust law, and Perkins of the Steel Trust and McCormick of the Harvester Trust have contributed of that sum, so we are informed in the press of the country, nearly half a million dollars. So that, Mr. Chairman, I have called attention to the fact that in 1902 the then President of the United States demanded of the Congress that we furnish a sufficient sum to prosecute the violators of the antitrust law. I call attention to the fact that later, in 1908, he recommended that that law be superseded by some other law, because it was idle to undertake to enforce it. I call attention to the fact that he now claims that business, good trusts, should not be prosecuted, but we should have a commission not only to regulate their business but to fix their prices. And when that announcement has been made I call attention to the fact that this commission, as first suggested by Judge Gary, of the Steel Corporation, the idea of an industrial commission to regulate the sale, the manufacture, and the conduct of the business of these great corporations, and who first suggested that the prices even of their products be regulated, I call attention to the fact that since one of the candidates for the Presidency, a former President of the United States, advocated that measure, he has forgotten all he had said about combinations of wealth and "the criminal rich."

I here present the testimony of George W. Perkins, at that time an officer in the United States Steel Corporation, as given before the committee to investigate the said steel corporation on August 11, 1911, in detailing the circumstances of the promptness with which President Roosevelt acquiesced in the absorption of the Tennessee Coal & Iron Co. by the Steel Corporation in 1907:

Mr. PERKINS. I got the telephone to the White House opened about 9.30 o'clock on Monday morning, and talked with Mr. Loeb, and found that Judge Gary had just come in, and that he and Mr. Frick were with the President. I asked him if he could not find out before time for the trust companies to open and the exchange opened what the President's view was likely to be. Judge Gary came on the phone about a quarter of 10 and said that the President was considering it, and that he would call me again in a few minutes. At five minutes of 10, as I remember it, he came back to the phone and said that the President felt that under all the circumstances he had no right to interfere, and that therefore he and Mr. Frick were willing to report to us that they would come back to New York and vote with the committee to acquire that stock. I immediately let that be known—it was just three or four minutes of 10 o'clock—for the effect that was to have on the trust companies' opening and on Moore & Schley's loans. I simply state that to show you how close, to almost minutes, this thing had resolved itself to.

Mr. BARTLETT. You got into communication with the Executive Office at about 9.30 a. m.?

Mr. PERKINS. Yes, sir.

Mr. BARTLETT. And you were informed that Judge Gary and Mr. Frick were in conference with the President?

Mr. PERKINS. Had just come in to see him.

Mr. BARTLETT. And about 10 minutes to 10, 20 minutes thereafter, you got this message that loosened up this whole matter?

Mr. PERKINS. It was very close to 10 o'clock. How long they had been with the President at that time, I do not know.

Mr. BARTLETT. This question, which had troubled your lawyers and eminent counsel, was decided by the Chief Executive in less than 20 minutes?

Mr. PERKINS. I beg your pardon, but I do not think that is the situation at all. I never thought that the President was passing on the technical legal question.

Mr. LITTLETON. I do not think anybody thought so.

Mr. BARTLETT. No; I do not think he thought he was. I do not think he paid any attention to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I will ask for 10 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that he be given 10 minutes more? [After a pause.] No objection is heard.

Mr. BARTLETT. And these criminal rich are now contributing fabulous sums to his campaign funds. I read from the Washington Post of recent date:

$1,250,000 TO BOOM T. R.—WALL STREET HEARS THAT SUM HAS BEEN EXPENDED IN PRIMARIES.

[Special to the Washington Post.]

NEW YORK, *June 4*.

Wall Street to-day heard from what is regarded as authoritative sources that the Roosevelt campaign managers had dispensed more than $1,250,000 in connection with the primaries up to the close of the work in New Jersey. Principal contributors to this fund, it was declared, were George W. Perkins $200,000, Frank A. Munsey $70,000, and certain interests in connection with the Steel Trust, the Harvester Trust, and the anthracite roads.

Who are the men? We hear him now advocating the different methods of conducting this great business and controlling it, and we find lined in his defense men who have in former years received his denunciation, calling them violators of the law and belonging to the criminal rich. Judge Gary, president of the steel corporation, in testimony before that committee, was the first man that officially came before a committee of Congress and suggested the proposition that Congress ought to permit these corporations to be controlled by a commission and their prices be regulated.

I have them, and I will put them in the RECORD, statements from the public prints of the sums contributed to Mr. Roosevelt's campaign. There was contributed by Mr. George W. Perkins, $200,000. The steel corporation contributed $75,000, through

Mr. Munsey, a stockholder of that corporation, and large sums by Mr. McCormick, the Harvester Trust man. You speak about the enforcement of this law. Let me tell you some of the elements that are now published with reference to the prosecution of the Steel Trust—and I call it a "trust" for short.

But, occupying the position that I happen to occupy on this floor, I do not care to denominate it as a "trust" for the present, and therefore if I use that term I do it not with a view of saying that is my position now, because I may be called upon officially to render an opinion upon that. But there came a time when it was important to the steel corporation to secure, if it could, a monopoly—in 1907—by the purchase of the Tennessee Coal & Iron Co. They said they could not do it unless they had the assurance of some one in authority that it was not a violation of the law. And after making all arrangements they chartered a special train, and they sent the president of the steel corporation, Mr. Frick—and you must remember that Mr. Frick made another voyage in 1904, not for the purpose of protecting the steel corporation, but for the purpose of finding out if contributions could be made to campaign funds in 1904—and the President of the United States met Mr. Gary and Mr. Frick and Mr. Root in the Executive Mansion at 9.30 a. m. Perkins stood listening in New York with a telephone receiver at his ear in order to learn what decision the President of the United States had come to.

And, waiting, he received the information from Loeb, the clerk, at 9.30 that Mr. Gary and Mr. Frick had just come in to see the President according to the agreement made on Sunday, the day before, and that he would hear from them in a few minutes. At 8 minutes to 10 Perkins, with the telephone still to his ear, with the line chartered and waiting, received the information that the President had said that the proposed purchase of the only great rival of the steel corporation by that corporation would not be interfered with by him, and the news was then flashed to the stock exchange that the President of the United States had agreed not to interfere then or thereafter with the prosecution of the steel corporation for purchasing the Tennessee Coal & Iron Co. property. And it was purchased.

I will not go on here in detail, but later on it may devolve upon me to say to the House whether that was a violation of the law or not. But I do know that the then President of the United States, in November, 1907, decided in 10 minutes that that was not a violation or was not such a violation of the law as would require him to interfere, when it had taken the lawyers of the Government and the Supreme Court of the United States nearly 18 years to determine the law of the country.

Now, Perkins and Gary and Frick got the acquiescence of the then President of the United States in 15 minutes, after submitting the case to him, to purchase the Tennessee Coal & Iron Co.; and for that or some other reason with immense millions these immense corporations are backing the then President of the United States, who is now endeavoring to violate the rules and precedents of this great country to become for the third time the President of the United States.

Mr. Chairman, the country can not attribute to patriotism or to love of country or to a desire for good government the action of the interests represented by Perkins and by McCormick in spending their money in behalf of Mr. Roosevelt's campaign. Well can they afford to pay his campaign expenses, both in the primary and in the election, and take the only chance that seems to be left to them to secure the abandonment of the prosecution of the United States Steel Corporation, now being vigorously prosecuted by the present fearless and able Chief Executive. [Applause.]

I am not his political defender. I do not expect to vote for him should he be nominated. But I have admiration for a man of courage and of will. I have admiration for—

> Men who possess opinions and a will;
> Men who have honor; men who will not lie.

[Applause.]

But whatever his fate politically may be in this contest, I have this to say of him: That I believe if this country is to be afflicted with any Republican President, the interests of the people who love the Government and its institutions, the interests of the people who are devoted to that form of Government that was cemented with the blood of the fathers and builded, I hope, on the eternal rock of right and justice, will be subserved by him better than his opponent, and my people prefer him to any other Republican candidate. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JACKSON. Mr. Chairman——

Mr. BARTLETT. Does the gentleman want to interrupt me?

Mr. JACKSON. No. I wanted to say a few words in my own time.

Mr. BARTLETT. Now, Mr. Chairman, another thing. This paragraph is for the enforcement of the antitrust law. I have shown you where the former President once stood and I have shown you where he stands now. I have shown you that it was left for the Democratic minority to answer his demand that funds be appropriated to carry on these prosecutions.

But there is another thing that I desire to call to your attention. In the enforcement of this law there was employed as a special Assistant Attorney General from this trust appropriation made in 1905 an eminent lawyer for the prosecution, specifically, of the Atchison, Topeka & Santa Fe Railway, the compensation to be thereafter determined, and $1,000 was paid him as retainer. That able lawyer, that great man who was sought to be employed, and who was employed in the prosecution of this alleged criminal violation of the law, was the present governor of Ohio, Judge Harmon.

He began to prosecute that suit, and when it was developed that instead of being a mere violation of the law, a mere proceeding where directions were given to file proceedings in the equity side of the court, it was an altogether different sort of a case, he used this famous expression to the President, that "Guilt is personal," and that personal guilt in the violation of the statute was brought directly home to a former Secretary of the Navy in the administration of President Roosevelt; whereupon Mr. Harmon and Mr. Judson, who had been employed by the Department of Justice to prosecute these violators of the law, because they claimed that a mere punishment by fine and taking money out of the coffers of these corporations was not a proper enforcement of the law, and asserted that this guilt was personal, were directed to discontinue the prosecution and were discharged as attorneys for the Government.

Oh, it is great to parade around the country, booted and spurred and topped with a cocked hat and armed with "the big stick," proclaiming that one stands for what is good and against what is wrong as our former President is doing. It is great to talk to the crowd and declaim against "the criminal rich." But whenever the criminal rich are his personal friends and contributors to his campaign funds in the past and in the present and are expected to contribute further campaign funds in the future, this great apostle of "the people's rights" and opponent of "the criminal rich" and "the criminal corporations" either forbids the prosecution or acquiesces in its abandonment and directs its discontinuance.

O Mr. Chairman, I repeat again, in this hour not only the Republican Party but the country needs—

> Men whom the lust of office does not kill;
> Men whom the spoils of office can not buy;
> Men who possess opinions and a will;
> Men who have honor; men who will not lie.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I shall not at this time take the trouble to reply to the irrelevant remarks of my friend from Georgia [Mr. BARTLETT] concerning ex-President Roosevelt. The fact is that we have heard a good many references of this sort recently on the Democratic side of the aisle. All of them are inspired by pure fear. [Applause on the Republican side.]

Mr. GARNER. That is the gentleman's theory.

Mr. MANN. The Colonel has got the Democratic side scared to death.

Mr. BARTLETT. He has got you standpatters skinned to death.

Mr. MANN. I do not propose to discuss the question as to who should be the nominee at the Chicago convention, but whoever is the nominee——

Mr. FITZGERALD. Will not have a chance. [Applause on the Democratic side.]

Mr. MANN. I have been here a good many years, and have heard that same statement every time on that side of the House, and every time the result has been the same. We have licked you to death, and we will do it again. [Applause on the Republican side.]

Mr. BARTLETT. Hope springs eternal in the human breast.

Mr. MANN. I hope I may be pardoned now for referring to the subject matter under consideration. This item in the bill has been referred to by the gentleman from Georgia [Mr. BARTLETT]. I remember when he offered on the floor an amendment, I think, for $250,000——

Mr. BARTLETT. That is right.

Mr. MANN. For the enforcement of the antitrust law. Smart, keen, and bright as he is, the gentleman from Georgia was endeavoring to put the Republican side of the House in a hole.

Mr. BARTLETT. Oh, no; if the gentleman will permit me.

Mr. MANN. The gentleman was trying to put the Republican side of the House in a hole, and that is no reflection on the gentleman.

Mr. BARTLETT. Will the gentleman permit an interruption? I do not want to make another speech.

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman will not charge me with that. While I would be very glad at all times——

Mr. MANN. I will withdraw my statement that he was trying to put the Republican Party in a hole. He came very near putting the Republican Party in the House in a hole. As I recall, the gentleman from Iowa, Mr. Hepburn, came back with a proposition to increase the amount to $500,000, and that coming from the Republican side of the House, the Republicans voted it into the bill, and then they were the ones who had proposed half a million dollars, instead of giving the credit to the gentleman from Georgia [Mr. BARTLETT] of proposing a quarter of a million dollars.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman from Georgia promptly called the bluff of the gentleman from Iowa, Mr. Hepburn, and accepted the amendment, and the next year they spent $20,000 of the $500,000.

Mr. MANN. Which showed that that amount was not necessary at that time.

Mr. BARTLETT. Not when you did not try to enforce the law.

Mr. MANN. But here is the fact: The Sherman antitrust law had been on the statute books for many years. All of the time we were hearing from gentlemen who were complaining that the administrations had not enforced the law. There was complaint from this side of the House that the Cleveland administration had not enforced the law and complaint from that side of the House that the McKinley administration had not enforced the law and that the Roosevelt administration was not enforcing the law, when the fact was that Congress had not made the appropriation necessary for the enforcement of the law. Then we made the appropriation. Now the law is being enforced.

Mr. GARNER. In spots.

Mr. MANN. What is the situation? I propose to give some information to gentlemen on that subject in the very slight hope that the information will be able to penetrate their brains far enough to make a difference in their votes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARTLETT. I ask that the gentleman have more time. How much time does the gentleman want?

Mr. MANN. I only want five minutes.

Mr. BARTLETT. Does the gentleman want 10 minutes?

Mr. MANN. No; I want to get through, if I can.

The CHAIRMAN. Unanimous consent is asked that the gentleman have his time extended 10 minutes.

Mr. MANN. I only asked for five minutes.

The CHAIRMAN. If there be no objection the gentleman's time will be extended five minutes more.

There was no objection.

Mr. MANN. In this case this year the estimate was $300,000 for the enforcement of the antitrust laws, not exceeding $25,000 of which should be for salaries for necessary employees in the District of Columbia.

The bill as reported carries $200,000, with not exceeding $10,000 to be expended in the District. The estimate was for $325,000 for payment of regular assistants, United States district attorneys. The bill only carries $315,000 for that purpose. So that, if these two appropriations go through as they are provided for, no increase can be made in the force of regular assistants, the United States attorneys, and the department will be restricted to the $200,000 for the enforcement of the antitrust law.

To give some idea of what this means, from the enactment of the Sherman antitrust law until March 4, 1909, the beginning of the present administration, only 62 proceedings, civil and criminal, were brought under that law, of which 16 were pending when Presdent Taft took office. Now, remember that the law was passed in 1890. From that time up to 1909 there were only 62 proceedings commenced, both civil and criminal, and since President Taft assumed office there have been brought 65 proceedings, civil and criminal, besides the 16 proceedings which were pending when he took office. Of these 16, all have been disposed of except 1 now under advisement in the Supreme Court and 1 on advisement for application for final decree in the circuit court.

At the present time there are pending 18 criminal proceedings and 21 civil proceedings. Among these are the civil prosecutions of the American Sugar Refining Co., the United States Steel Corporation, the International Harvester Co., the United Shoe Machinery Co., the National Cash Register Co., all of them difficult, complicated cases, involving a large amount of testimony and the services of the most competent counsel procurable.

Among the criminal proceedings pending are the indictments of the officers of the National Cash Register Co., the so-called Bathtub Trust, the United Shoe Machinery Co., some of the lumber companies, and some transportation companies between the Pacific coast and points in Alaska, all of these involving a great deal of evidence in detail and much labor in the preparation of the cases for trial.

These big corporations and their friends now under prosecution in the civil courts and under prosecution in the criminal courts are all opposed to the enforcement of the Sherman antitrust law, are all opposed to the amendment offered by my colleague to increase the fund which the Government can use in the prosecution of these cases. They are all in favor of the proposition from the Democratic side of the House that there shall not be money enough appropriated by the Government for the Department of Justice to permit that department to vigorously prosecute these trusts. For years you gentlemen on that side of the aisle have howled at the administration because you said they were not prosecuting violations under the Sherman antitrust law, and now when you find that they are vigorously prosecuting them you seek to deprive the Government of the United States of the means to carry on these prosecutions. [Applause on the Republican side.]

We shall charge on our side, we will charge on every stump in the land during the campaign, that you have endeavored to throttle the efforts of the Republican administration to put down the trusts and the combinations, and to prevent the criminal prosecution of the officers who have been guilty of a violation of the law. [Applause on the Republican side.]

Mr. JACKSON was recognized.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. JACKSON. About five minutes.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending paragraph and the amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending paragraph and amendments close in 10 minutes. Is there objection?

There was no objection.

Mr. JACKSON. Mr. Chairman, I desire to say a few words in support of this amendment. As was so well said by the gentleman from Illinois [Mr. MANN], it is not necessary to attempt to answer any of the things that were stated by the gentleman from Georgia [Mr. BARTLETT]. The people of the country well know that Col. Roosevelt has thrown the entire Democratic Party of politicians into hysteria, and it is therefore easily explainable that the scene which has occurred here did occur. I will say this, however, that whatever may occur at Chicago, the colonel will not so far forget himself as to enact so unseemly, not to say so unparliamentary, a scene at Chicago as we have witnessed on the other side in the debate on this question.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman for a moment?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Georgia?

Mr. JACKSON. Mr. Chairman, I do not care to yield. I have only a few minutes.

Mr. BARTLETT. But the gentleman has charged something unparliamentary to this side.

Mr. JACKSON. Mr. Chairman, I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTLETT. I do not blame the gentleman.

Mr. JACKSON. Mr. Chairman, there is one commendable thing about the Democratic Party, and that is its unwavering faith in the Republican Party, and the gentleman in his history of the trust law forgot to remind the House that the Sherman law, which he was so highly praising, originated upon the Republican side. That law was a Republican law. A committee of a Democratic Congress had considered the trust question before the Congress which passed the law of 1890 convened, and the result of that investigation was that the Democratic

committee reported to Congress that it referred the question of the regulation of combinations and trusts to the Congress which was then convening, a Republican Congress. That Republican Congress, under the leadership of John Sherman and William McKinley, vindicated the faith that the Democratic Party had in the Republican Party. And so President Taft needs no vindication or praise from that side of the House. I think it is true that the law is being faithfully enforced by the present administration.

But there is one point to which I desire to call attention now, and that is that in all of the 60 proceedings which have been mentioned by the gentleman from Illinois [Mr. MANN], or at least in a good part of them, equity decrees have been procured. The force of an equity proceeding or its decree depends entirely upon the watchfulness of the Government in the enforcement of that decree after its rendition. What is the cause of the complaint in these trust proceedings? It is that the decrees in equity have not all been enforced. They have been useless, because the interest in the transaction has dropped as soon as the decree was obtained. The country is now watching as to what the effect of the decree in the Standard Oil case will be. If it is followed up and enforced, it will come to something; if it is left where the decree in the Ohio case was dropped 20 years ago, it will amount to nothing to the people of the country. Is this House and is this administration willing to go on record publishing to the country that the Department of Justice has asked for $300,000 and that we will only vote them $200,000? Nothing could occur which would cause more delight in the hearts of the lawbreakers of the land.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. JACKSON. Certainly.

Mr. FITZGERALD. Where is there any request of the Department of Justice for $300,000?

Mr. JACKSON. The gentleman from Illinois [Mr. CANNON] has just said here that the officer of the Department of Justice asked for that sum.

Mr. FITZGERALD. Is that what the gentleman relied upon?

Mr. JACKSON. Certainly.

Mr. MANN. The gentleman can always rely on any statement that I make on the floor of the House.

Mr. FITZGERALD. But he did not refer to the gentleman from Illinois, Mr. MANN. The gentleman from Kansas referred to the gentleman from Illinois, Mr. CANNON, who read from the hearings.

Mr. JACKSON. Both the gentlemen from Illinois, Mr. MANN and his colleague, Mr. CANNON, said that the department asked for this money. Mr. CANNON said that Mr. Fowler asked for $300,000.

Mr. CANNON. The regular estimate was for $250,000. The recommendation of the committee is for $200,000, and the examination of Mr. Fowler, from the Attorney General's office, disclosed the necessity for $300,000.

Mr. JACKSON. That is the way I understand it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. JACKSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

I have heard a good part of the testimony relied on by the Government in the lumber cases, which has been referred to, and in my judgment, and I have had some experience in such matters, the testimony can not be taken in this case alone for one-eighth of the whole amount allowed in this bill. I venture the opinion that the attorneys' fees which will be paid by the defendants in this lumber case, or in any one of a half dozen cases now pending, will equal the whole amount of this appropriation.

Mr. FITZGERALD. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the statement of the gentleman is the greatest justification for refusing to give the Department of Justice what they request. If any department of the Government is expected to know the law it is the Department of Justice. Informal statements as to the amount of money they think they might be able to use when they do not submit requests in conformity with the law is the best proof that they do not know what they are talking about. If they needed the money and they know the law, then they would estimate in accordance with it. Why is not this money granted?

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. There is a regular estimate transmitted under the law through the Secretary of the Treasury for $250,000.

Mr. FITZGERALD. I admit that. I am talking about the $300,000 which the gentleman mentioned, and which was stated would be necessary, merely as an excuse to try and force out of the committee a larger appropriation than had been made for any one year in several years. Since this special appropriation was made in 1904 the department has had $1,500,000 especially for this purpose. In addition they have for this year $325,000 for the pay of regular assistants to the United States district attorneys, $200,000 for the pay of assistants to the Attorney General, and $500,000 for district attorneys and their assistants.

If the Department of Justice would employ men who would produce results, instead of seeking lawyers in different employments of the Government anxious to be put upon the pay roll at much higher compensation without producing results, they would get much better results with less expenditure. After the 4th of March, Mr. Chairman, these pay rolls will be cleaned out. [Applause on the Democratic side.] Many of these inefficient men, many of these so-called high-class counsel, who have been attending on these appropriations without producing results, will be eliminated, and competent men will be employed to do the work of the Department of Justice, and do it successfully and efficiently. Let the gentleman from Illinois go to the country, as he states, speaking from every stump, telling how the Democratic Party has endeavored to prevent the Department of Justice enforcing the antitrust law——

Mr. MANN. That is what I will do.

Mr. FITZGERALD. I hope he will be accompanied by the distinguished former President of the United States, who may have an opportunity to repeat how ineffective and futile and idiotic has been the conduct and progress made under the present administration [applause on the Democratic side], and together they may succeed in convincing——

Mr. MANN. The gentleman agrees with the former President and takes his side.

Mr. FITZGERALD (continuing). They may succeed in convincing the country that the Democracy, which originated this appropriation, has been compelled to-day to adopt regulations to prevent the continuance of the abuses which have existed since the appropriation has been made to have the expenditures made properly; that they have attempted to prevent or to stifle the enforcement of the Sherman antitrust law. Let the Department of Justice employ competent and efficient men; if they do, there will be no complaint about the adequacy of the appropriation. I believe we have given all that can be expended, should be expended. Having given as much as was asked last year, the hearings not disclosing any necessity for additional money except to pay exorbitant and indefensible fees, no more should be given. The committee could not increase the item.

The CHAIRMAN. All time has expired and the question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired and debate has been closed. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. CANNON) there were—ayes 20, noes 36.

Mr. CANNON. Tellers, Mr. Chairman.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. May I inquire the exact amount of the amendment?

The CHAIRMAN. The bill proposes an appropriation of $200,000 and the amendment increases it to $250,000.

The committee again divided; and the tellers (Mr. FITZGERALD and Mr. CANNON) reported that there were—ayes 28, noes 49.

So the amendment was rejected.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Having fully set forth my views on these suits in the past, I do not desire to go into an extended discussion into the merits or demerits of same at this time. But I would like to ask the gentleman in charge of this bill for some information, if I can get his attention.

Mr. FITZGERALD. I am listening to the gentleman.

Mr. CARTER. On page 1510 of the hearings I notice Mr. Knaebel, in his statement, says that there is already a balance on hand of $58,000. Later on in the same statement he contends that all this sum can be used for the continuation of the work in these suits. Am I correct in that?

Mr. FITZGERALD. They had a balance of $58,000 and expected to spend $30,000 altogether this year, leaving $28,000 at the end of the year.

Mr. CARTER. Then what is the necessity of appropriating the additional $20,000 which the gentleman has in this bill?

Mr. FITZGERALD. They will need $48,000 next year.

Mr. CARTER. They will need $48,000 next year? They were given $50,000 by the act of May 27, 1908, authorizing the suits, then in 1909 another $50,000, in 1910 another $50,000, and in 1911 another $50,000, making in all $200,000 that will be spent by the 30th day of this month, which is the end of the fiscal year. Now, you have given the Department of Justice $20,000 more, and toward the bottom of the same page I see another item of $15,000 for "suits affecting title to Seminole allotted lands in Oklahoma," making a grand aggregate of $235,000 appropriated by Congress, and yet very few of these suits seem to have reached any definite conclusion. Now, will the gentleman enlighten this House and the country by telling us when there is any likelihood of any considerable portion of these suits being settled?

Mr. FITZGERALD. The gentleman himself knows the United States Supreme Court within the year has decided two or three of them.

Mr. CARTER. The Supreme Court has, if my memory serves me right, decided five of the cases, as follows: The Marchie Tiger case, the Deming Investment Co. case, the Goat case, the Mullen and Jansen case, and the Heckman-Owen case.

Mr. FITZGERALD. Those suits have been carried up to the Supreme Court of the United States, and under these decisions of the court certain questions now necessarily being sent back for trial of a great many of these cases he can estimate as easily as I can how long it will take to finish those suits which are brought to protect the Indians from the rapacity of these dishonest whites.

Mr. CARTER. The gentleman's remarks about protecting an Indian from the rapacity of dishonest whites are superfluous and unnecessary. I am seeking light and information and not accusations. I want simply to say to him that I myself am one of these helpless wards of the Government for whom one of these very suits was brought to set aside a conveyance.

The gentleman from New York may differ with me on the subject, but I have a stealthy, sneaking notion that I am as capable of taking care of my own affairs as the gentleman from New York, the Secretary of the Interior, the Attorney General, or any other man under heaven's canopy.

Mr. FITZGERALD. That is true, and the gentleman knows, too, that the conditions were such that, in order to protect those Indians who were not competent and who have been defrauded and who have been despoiled of the lands or property, the Department of Justice was compelled to include a great number of transactions which, because of the limitation of 60 days, if I recall correctly, it was unable to investigate. There are over thirty and odd thousand cases, and I prefer to embarrass the gentleman from Oklahoma just a little bit, rather than to have all the Indians who are incompetent defrauded of their property by dishonest men who have been seeking to take advantage of their incompetency.

Mr. CARTER. The gentleman from New York can not possibly embarrass the gentleman from Oklahoma in this respect. Myself and my people—competent though many of us claim to be—have been so unjustly held in a state of pupilage that embarrassment from additional abuse of our liberties is impossible.

I again insist that I am only seeking information and not a discussion of the moral phase of this question, though I would be very glad to take that issue up with any man with sufficient time and proper conditions. Neither do I care at this time to burden this committee with any further discussion as to the manner in which these suits were brought.

The gentleman in charge of the bill says the department was only given 60 days. I deny it, and I defy the gentleman from New York or any other person to show me any limitation in the face of the law about the bringing of these suits.

Mr. FITZGERALD. Not about bringing the suits. Sixty days were provided, I think, on the Indian appropriation act that certain conveyances should be validated, and it was the opinion of the Department of Justice—I have not looked it up, but undoubtedly the gentleman knows it better than I do—that unless suits were entered at the expiration of the 60-day period it would be too late, and the action would not lie, and, if I am not mistaken, the department has been somewhat sustained in that by some of the cases that have been adjudicated up to this time.

Mr. CARTER. The gentleman is badly mistaken. I have never heard of any Supreme Court decision holding that these suits must be brought within a limited time. Department of Justice officials themselves certainly do not contend that. When they were brought to time by your committee for the reckless and wholesale manner in which these suits were instituted, they offered as an excuse that the restrictions would be removed within 60 days, and that some of the invalid transactions made in the past might be validated by the removal of restrictions. The answer to that is that the very restriction act itself prohibited the validating of any theretofore invalid transactions. Section 4 of this act—the very one which provided for the bringing of these suits—contains the following language:

> That allotted lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.

Now, with a good lawyer, like the gentleman from New York, I think that provision ought to forever settle that question, so that it will not be raised in future debates.

Mr. FITZGERALD. The Department of Justice, charged with the responsibility of conducting these suits, was of the opinion that it was necessary to bring them in advance, and I am inclined to think that they were wise in that case. One of the grounds upon which the suits were antagonized was that the department had no power to bring action in the name of the United States. Even a technicality like that was resorted to, and I have no doubt astute lawyers would easily have taken advantage of the other suggestion. I do not think we can criticize the Department of Justice in going in as they have to protect these Indians from the consequences that the gentleman and myself know.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Oklahoma be extended for five minutes. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Chairman, I repeat that I shall be very glad at any appropriate time to go into a full discussion of the merits of these suits or of the demerits of the manner in which they have been brought and prosecuted by the department, but there is much to be said on my side, and it seems, too, that the gentleman must know that the discussion on my side of the case might be prolonged indefinitely. I again insist that I am trying to get some definite information. Since, however, this question of the manner in which these suits have been brought has arisen I do want to make this statement: Any fair, unbiased man, having the least bit of familiarity with the action of the Department of Justice and the Interior Department with relation to these suits in Oklahoma will be forced to admit that it is one of the most notorious pieces of incompetency and infringement upon the rights of the people of which any government has ever been guilty, and it ought to cause the blush of shame to mantle the cheek of every department official who has had a part in delaying these matters, tying up the business interests of our State, and placing an embargo on the price of the Indians' property.

The restriction bill, approved May 27, 1908, authorized the institution of these suits, and the gentleman from New York [Mr. FITZGERALD] and I took part in its passage. The gentleman from New York made a speech against the bill and I made a speech for it, not that I favored this provision, but because of the many valuable enactments contained therein. In the public hearings which were held on this bill department officials appeared before us and asked that $50,000 be given for clearing up titles to restricted lands in Oklahoma. We all knew that some fraudulent deeds had been given and realized the importance of removing every cloud from the title before the lands were finally offered for sale, but we also had a mortal fear of having these suits brought without proper investigation. These suits could have been brought under the general law anyway, and these department officials seemed to think that they had sufficient machinery with which to bring same. But hearings will show that these same officials stated that they wanted $50,000, not for the purpose of bringing suits but for the purpose of making an investigation so that suits could be brought intelligently and not in a wholesale manner. Now, let us see if these gentlemen have kept faith with this Congress. To fully elucidate this argument it will be necessary to repeat here what I have said on two former occasions on the floor of this House, and that is the necessary procedure for making an investigation preparatory to properly bringing these suits.

The same law which appropriated this $50,000 provided that the tribal rolls, as prepared by the Dawes Commission, should be conclusive evidence to the age and quantum of Indian blood. The test of the allottee's right to convey was the quantum of Indian blood and age. These rolls are indexed in alphabetical order, so that the only thing necessary would be to go to the records of the county in which the land was located, get the name of the vendor, run down the alphabetical list of the rolls, and right beside the name of the allottee you would find his age and quantum of blood. This investigation should require not to exceed five minutes to the name. So that all necessary examinations could have been made prior to the 60 days, if, indeed, that had been necessary, which it was not. Not only that, Mr. Chairman, this investigation could have been made and all spurious suits dismissed, even after they were brought; but was any of these precautions taken? Not on your life, because the moment the suits are dismissed that moment their tenure of office expires. You do not expect one of these fellows to work himself out of a job, do you? Instead of that, they brought suits in a wholesale manner. Hoping to bolster up their own incompetent and disgraceful acts by insidious attempts to discredit some of our State officials, unwarranted suits and criminal prosecutions were attempted, only to be dismissed by the Federal court.

More real harm was done, however, on the converse side of this proposition. Suits were brought to set aside conveyances of allottees, of whose competency there was not a particle of doubt, and who were fully authorized to alienate their land at the time the transfers were made.

Now, this is our side of the case very briefly told, and no one seems safe on either side of the question from the rapacity of this bunch of officials. All seem fish that come into their net.

Now, let me ask the gentleman one more question before I am through. As stated heretofore there is an item at the bottom of the same page providing for the payment of expenses incident to suits brought affecting the title of Seminole lands. Can the gentleman tell us the difference between this and the other suits? Are they not of the same character, and is not that an ingenious way to impose upon the Committee on Appropriations to the extent of getting an additional appropriation?

Mr. FITZGERALD. No. I think they are a different character of suits.

Mr. CARTER. Well, I think the gentleman will find that they are all the same. And since $48,000 is left with which to prosecute these suits, this $15,000 additional would make $63,000 for the ensuing year as against $50,000 appropriated heretofore, which is an increase of $13,000. Mr. Knaebel states in the hearings that of these suits some six or seven thousand have been dismissed. So it would seem that as the cases narrow down the appropriation must be increased.

Mr. FITZGERALD. That statement is hardly fair. The gentleman knows that there are about 30,000 suits. In the first action brought in the district court a demurrer was sustained to the bill, and that case was appealed to the circuit court of appeals and the circuit court of appeals reversed the decree of the district court and held the bill to be good. Then Congress, by legislation with which the gentleman is familiar and with which I am familiar, authorized an appeal to the United States Supreme Court of certain typical cases, in order, if possible, to shorten and prevent as much of the litigation as possible. Four cases, at least, have within a very short time been decided by the Supreme Court. Some of those defendants have been sentenced. The trial of the others will result later, and in the meantime much of this litigation is discontinued. After these actions have been dismissed in which the department is convinced that there is no ground for recovery, pending an appeal to the United States Supreme Court, all of these other cases have been held in abeyance; but now that certain important questions have been settled, it will be possible to prosecute these suits, and many of them will be handled, and a much larger expenditure will be required than if they were all in the same state of suspense as they have been heretofore. Now, relative to the Seminole cases, Mr. Gresham, who is in charge of that, states——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. Mr. Gresham states:

This office was established about one year ago, and while we realize that the work is only fairly begun, we have accomplished much good. The office has been instrumental in removing clouds from title by quit-claim deeds and judgments of approximately $200,000 worth of allotted land; 8 persons have been convicted of deed forgeries, and 23 similar prosecutions are now pending in the State courts with many others for forgery and the embezzlement of funds derived from the sale of minor and inherited lands in prospect. A number of civil actions in ejectment and for the cancellation of illegal deeds are now pending, and many others of a similar character will be instituted in behalf of allottees during the next year. Practically every adult member of the tribe, both Indian and freedman, has called at the office and sought advice or assistance in relation to allotted or inherited land.

In view of such statements as that, the committee could not possibly refuse to recommend the appropriation of the money necessary for this service.

Mr. CARTER. Mr. Chairman, it is not my purpose to criticize the committee any further than this: These matters are so complicated that they will fool even as an astute accountant as my distinguished friend from New York. They are so involved that unless a man is thoroughly acquainted with all the details he is very apt to be imposed upon in these different amounts expended, which may be for similar purposes. I am reasonably certain that this money for the Seminole prosecution is to be used for the same purpose as that of the item under discussion. What is the distinction? The Seminoles are a part of the Five Civilized Tribes and the suits are of practically the same nature. The only difference is that the Seminoles' deeds have not yet been delivered, while patents have been delivered to the others.

Now, in conclusion, I want to say this: If my memory serves me right, the law points in these numerous suits were 14 in number. The five cases spoken of before in this discussion have settled all those points except two and—again resorting to my memory—those two relate to inherited estates, and in one of these cases a decision has already been rendered by the United States Court in the Eastern District of Oklahoma and the supreme court of the State, and this decision has not been appealed from. So these suits have been resolved into a question of classification and clerical work. That is to say, as soon as it can be determined to what class a case belongs it should either be dismissed, settled, or prosecuted to a final determination without much delay.

I am willing that the department shall have the necessary funds to make this classification, and live in hopes that some reasonable dispatch will be used in the disposition of these suits within the next year. But I warn the gentleman that the people of Oklahoma have suffered long and greatly from the clouds that these suits have brought upon the Indian lands, and I think this House ought to take a hand in the matter, not only for the benefit of the business interests and the white people of Oklahoma, but for the sake of the Indians themselves. The value of those lands have been almost completely destroyed by the clouding of titles which this wholesale bringing of suits has caused, and unless some reasonable dispatch is made before the meeting of the next Congress, I am going to ask the intelligent membership of this House to take this matter in hand and make some intelligent settlement of it, regardless of what any department says.

Mr. BURKE of South Dakota. Will the gentleman yield to a question?

Mr. CARTER. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I should like to ask the gentleman whom he means by "us." He makes the statement that when two of these points are decided by the Supreme Court he thinks that court will decide against "us." What does he mean by "us."

Mr. CARTER. I think I qualified that statement immediately afterwards by saying I meant the defendants in the suits. I do not happen to be one of the defendants, although a great many of my constituents are. I was one of the incompetents for whom suit was brought, so instead of saying "we-uns" I should have said "you-uns."

Mr. FITZGERALD. Mr. Chairman, I simply wish to say this, that everybody knows that very considerable inconvenience has been occasioned to a great many innocent persons, and I think the desire of the Department of Justice is to clean up that situation as much as possible.

Mr. STEPHENS of Texas. Mr. Chairman, the amendment under consideration reads as follows, viz:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

It clearly appears from the first sentence that this law can be and, in fact, it has been made an engine of oppression to the Indians as well as the white citizens of Oklahoma. It authorizes suits to be brought to set aside conveyances of allotted lands of the Five Civilized Tribes.

If it had stated that the appropriation was made to set aside "fraudulent sales" of Indian lands I would have no objection to the appropriation. The language in this bill authorizes suits to be brought without alleging or proving frauds in purchasing lands from an Indian. Such sales are and were authorized by law, and not unlawful per se, yet this law authorizes suits against any person having any deed of conveyance to Indian lands, and such suits have been brought to the ruin and detriment of hundreds of innocent men in Oklahoma, and many of them have been pending for years; and the result of these suits has been to prevent the Indians from selling their surplus lands for anything like their true worth. No white man would buy land from an Indian, who knows that the Government could and would sue for the next day.

These Indians are land poor. They must sell some of their land to improve their homestead, which they can not sell. The employment of these attorneys and the authorizing of these suits prevents the development of that country. Thirty thousand of these suits have been brought already, and but few have been disposed of, as is shown by the following evidence given before the Appropriation Committee by Mr. Knaebel, the attorney in charge of these Indian suits in Oklahoma:

The CHAIRMAN. What has been done under this appropriation?
Mr. KENDALL. Shall I go back and briefly rehearse it from the beginning?
The CHAIRMAN. Yes, sir.
Mr. KNAEBEL. That appropriation originated in 1908. It grew out of the fact——
The CHAIRMAN (interposing). In 1909, was it not?
Mr. PAGE. The appropriation was made for the fiscal year 1909.
Mr. COURTS. But it is probable that the act was approved in 1908.
Mr. KNAEBEL. It was found in that year that a vast number of unlawful transactions with Indians in Oklahoma had occurred, and this appropriation became necessary to meet the expenses of the endeavor to set them aside. Three hundred and one suits were begun in the eastern district of Oklahoma, involving about 30,000 different alleged unlawful conveyances, and there were some 16,000 different parties defendant. A great deal has been said since to the effect that the litigation has resulted in casting clouds upon titles in that State and tying up the development of the country. In reply to that I will simply say that there has been no desire upon the part of the department to delay the litigation in any respect. The department was always ready and, with this money, able to go ahead with it and try the cases and dispose of them upon their merits, but the effort was blocked by demurrers raising the question of the right of the Government to represent the Indians and the question of the right to join different parties having distinct interests in the same bill. The lower court sustained these objections, which put a stop instantly to any further progress until that ruling was reviewed.

Typical cases were taken to the circuit court of appeals, and the Government there succeeded in overturning the decision of the court below. By a provision annexed to the appropriation bill of that year jurisdiction was given to the Supreme Court to review these cases, and some of them were brought to the Supreme Court. Meanwhile we could do nothing but tighten up in Oklahoma, maintain supervision over the litigation, and attend to such settlements as were possible. The Supreme Court has very recently ruled sustaining absolutely the right of the Government to bring these suits, and putting aside the objection of multifariousness. In the case in which these questions were first passed upon, it also ruled that the conveyances involved were unlawful. That case rules a number of similar cases pending in the courts below, both as to the right of the Government to prosecute and as to the invalidity of the conveyances. In another case, more recently adjudicated, the court held that the conveyances there involved were not unlawful. Many distinct questions of alienability arise in these transactions, because of the differences of tribes, degree of Indian blood, and character of the land; that is, whether homestead or what is called surplus land, or directly allotted or inherited from deceased allottees. The bills are drawn so that each one may embrace only transactions of the same legal character, and, of course, it is possible that the Government may be wrong in respect to some of the classes; but we believe that we are right in a large majority of the contentions made in these cases.

The CHAIRMAN. One of the complaints or objections urged to this appropriation was the charge that the department had instituted indiscriminately a great number of cases without any investigation. Will you state the circumstances under which these suits were initiated, and explain the limitation that was fixed upon the time in which they should be brought? I want you to explain the reasons the Government had to exercise some haste in filing these cases.

Mr. KNAEBEL. The act of May 27, 1908, was passed shortly before this litigation was instituted. It made new provisions as to the right to alienate allotments, and these provisions were to go into effect within 60 days after the approval of the act. The question arose as to whether, upon the expiration of that period, certain transactions, invalid at the time of the passage of the act, might not become so valid as to render any attempt to set them aside futile, if the suits were not previously begun. For that reason, and to avoid any question as to the timeliness of the suits, the work had to be done with enormous haste, and all the facilities then available were used to assemble the data to be gotten from the records, and it was obtained, as far as time would allow, and the greatest care was taken that could be taken to avoid mistakes. Notwithstanding that care, some of the reports relied upon were erroneous, and some transactions were included in the suits that ought not to have been included in the litigation, but these have been largely eliminated since. That has been a large part of the work of this force of representatives we have had at Muskogee during the period of quiescence, and in making these eliminations it has been open to anybody to show where mistake has been made, and in all cases the mistakes have been promptly rectified as established. Then a great many of the transactions have been settled by parties when they have been shown that they were in the wrong, giving quitclaim conveyances. Still others have been settled through the cooperation of the Secretary of the Interior by adjusting the transactions in accordance with the law and in accordance with what was fair and equitable so far as the Indians were concerned.

Mr. Chairman, the Seminole Indians of Oklahoma are one of the Five Civilized Tribes, and the provision of this bill relative to this tribe is as follows, viz:

Suits affecting title to Seminole allotted lands in Oklahoma: For the payment of necessary expense incident to any suits brought, including the salaries of attorneys specially employed to set aside illegal conveyances of Seminole allotments, to protect the possession of Seminole allottees in their allotted lands, or in the prosecution of any criminal proceedings based on frauds perpetrated upon Seminole allottees with respect to their allotted lands, to be expended under the direction of the Attorney General, $15,000.

Mr. Chairman, the language in this Seminole paragraph is entirely different from the first one that I objected to; this authorizes suit to be brought to set aside illegal conveyance only, the other one authorizes suits to set aside any conveyance, as I have fully shown. The first language applies to all of the Five Tribes, the last only to the Seminoles. Why this difference? I have no objection—neither will any citizen of Oklahoma have any objection—to suits to set aside illegal conveyances made by Indians, where the Indian would be compelled to refund the consideration paid him for his land by his purchaser. I do, however, insist that the first provision in this bill, permitting these suits to be brought to set aside all conveyances of land heretofore made by all the Five Tribes except the Seminoles, is an unqualified outrage, if not a crime against the citizens of Oklahoma, especially those who have lawfully purchased lands from Indians.

If the conveyances were illegal, as in the Seminole cases, then I, as in the Seminole cases, would not object to these suits to set them aside. But this outrageous provision permits a citizen to be sued and harassed simply because he has bought land from an Indian and has a conveyance from him, without alleging or proving that it is an illegal or fraudulent sale.

The Seminole Indians are bitterly complaining of their treatment by the Government for withholding from them their patents or deeds to their lands. The law directs the Secretary to do this. He has refused, as I will show, without cause, in my judgment, to do so, and the only reason for his refusal suggesting itself to me is that time may be given to bring more of these unjustifiable suits against the purchasers of these lands.

On April 11, 1912, Mr. DAVENPORT introduced the following bill on this subject, namely:

A bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however,* That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

This bill was favorably reported May 14, 1912, by the Committee on Indian Affairs of the House and is on the Union Calendar of the House, No. 239.

The said report is as follows, viz:

(Union Calendar No. 239.)

[House Report No. 698, Sixty-second Congress, second session.]

PATENTS TO SEMINOLE ALLOTTEES.

Mr. FERRIS, from the Committee on Indian Affairs, submitted the following report to accompany H. R. 23184:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes, having duly considered the same, report the bill without amendment and recommend that it do pass.

The Seminole Tribe of Indians is one of what is known as the Five Civilized Tribes, all of the Five Civilized Tribes having taken their allotments, and the patents or deeds to the same having been delivered to the Choctaws, Chickasaws, Cherokees, and Creeks, but there has only been three patents or deeds delivered to the members of the Seminole Tribe of Indians.

In the Seminole Nation, the withholding of patents or deeds from the allottees has been, as shown by the testimony presented before the committee, detrimental to the allottee as well as detrimental to the honest farmer who desired to go into the Seminole Nation and purchase a home for himself and family, since the allotting of the Seminole lands.

Congress passed an act April 21, 1904, whereby it removed the restrictions from the surplus lands of adult freedmen in the Seminole Nation. May 27, 1908, Congress passed another act with reference to removing restrictions upon alienation upon lands of allottees in the Five Civilized Tribes, of which the Seminole Tribe is one. The provisions of that act removed all restrictions upon all allottees who were not Indians by blood, and upon the lands of all allottees who were Indian by blood but who were less than half blood, and upon the surplus allotment of allottees who were one-half blood or more and less than three-fourths Indian by blood. The act also gave the Secretary of the Interior, in his discretion, the right to remove restrictions upon application by the allottee from the lands of either the homestead or surplus allotments of those who are one-half blood or more than one-half blood and up to full blood.

In view of the fact that Congress has passed the acts of April 21, 1904, and May 27, 1908, removing restrictions from certain lands of allottees in the Seminole Nation and from a portion of allotments from other allottees, the committee believes that the patents or deeds to the lands should be delivered.

It will be noticed from the provision of the bill that the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to

avoid the same or serve to remove restrictions that have not heretofore been removed by express act of Congress.

In the hearings before the committee it was further shown that because of the failure to deliver the patents or deeds to the allottees of the Seminole Nation that various parties who had purchased lands in the Seminole Nation and the allottees themselves were refusing to pay taxes on the land from which restrictions had been removed, thereby leaving the county without any funds for its running expenses and greatly reducing the school funds in said county.

The committee recommends that the bill pass.

Mr. Chairman, as chairman of the Committee on Indian Affairs of this House I have received many interesting letters favoring the passage of this bill, and among them was the following letter from John W. Willmott, an able and trustworthy attorney of Wewoka, in the Seminole country. This letter and the accompanying one written by the same writer to Senator OWEN are as follows, viz:

WEWOKA, OKLA., *March 9, 1912.*

To the honorable CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives, Washington, D. C.

SIR: A great injustice is being done the Seminole Indian Tribe and the white people of Seminole County, Okla., by the withholding of all patents to Seminole lands because a few frauds and forgeries have been committed. The Secretary of the Interior and the Attorney General have taken the view that all conveyances made of lands in Seminole Nation are void, notwithstanding the acts of Congress expressly removing the restrictions. An injunction against the collection of taxes has been obtained in the Federal court, and the county is in a very deplorable condition; and the delivery of patents, while it would not make valid a single invalid title or remove a single restriction that is not already removed, at the same time it would make titles merchantable where restrictions have been removed, and would make it so that in the future perfect titles could be obtained.

You will be surprised to learn that since the act of May 27, 1908, not a single restriction has been removed by the Secretary of the Interior as to Seminole lands, and not a single Seminole has been permitted to make a sale of his lands through the Interior Department; all, they say, because patents have not been delivered, and the Secretary of the Interior keeps the titles in doubt by withholding the patents.

While there is a crying need for the delivery of patents, and the condition here now is almost intolerable because of the dispute over titles, the Government proclaiming that there is not a good title in Seminole Nation, and we most earnestly desire that the patents be delivered, and that at once, we wish to be distinctly understood that we would like to have it provided in the act directing the Secretary of the Interior to forthwith deliver all Seminole patents; that such delivery of patent should not operate to make any land alienable which was not theretofore alienable, and should not operate to validate any title that was not theretofore legal and valid.

To put you on your guard, we will say that an effort is being made to get through Congress a bill seeking to have the patents delivered in such manner that they will operate as if delivered on the 4th of March, 1906, or that they will operate as if delivered in accordance with the provisions of the act of April 26, 1906. Now, to one unfamiliar with the Seminole situation this may seem not to be important, but if this is done it will operate to make valid a great multitude of questionable deeds made subsequent to the 4th of March, 1906, for hundreds or thousands of which sums of from $5 to $25 were paid, with no provision for any further payment. So that if the patents are delivered, they should simply be delivered with no language that can be considered to relate back, or, as we have suggested, with express language providing that the delivery shall not operate to remove any restriction not theretofore removed by Congress or to validate any deed taken prior to the removal of restrictions.

That you may more fully understand the situation, we have attached hereto a copy of a letter sent by us this day to Senator ROBERT L. OWEN.

It may work a hardship upon you, pressed, as you no doubt are, for time, to read this letter and the one attached, but if you will heed the suggestions of this letter you have an opportunity to prevent a great wrong, to render by vigilance a great public service, and to confer upon the Indians a benefit as great as was ever conferred upon them.

I may say that the district court of Seminole County has already held these conveyances made subsequent to March 4, 1906, and up to the 27th of July, 1908, by Indian citizens as distinguished from freedmen void and unenforceable, and is canceling them just as fast as they are brought before the court, and it would be a very great wrong to have any of this class of deeds validated by an act of Congress passed in conjunction with the delivery of patents.

We have the honor to remain,

Yours, very truly, JOHN W. WILLMOTT.

MARCH 9, 1912.

HON. ROBERT L. OWEN,
United States Senator, Washington, D. C.

DEAR SENATOR: Having resided at Wewoka for about 11 years, and having a home and family and good law practice here, I am naturally much interested in the present and future of Seminole County; and I want to take the liberty of writing you, Senator, about some matters which have troubled us greatly in this particular locality and concerning which, I believe, you can aid us.

The subject I have in mind is the confused state of our land titles and the practical impossibility of getting relief except through some positive and unequivocal act of Congress.

You will recall that at various times, and lately with particular clearness in the Marchie Tiger case, the Supreme Court has held that in the matter of restrictions upon the power of the Indians to alienate their lands the will of Congress is supreme.

Having special regard to the Seminole Indians, as one of the Five Civilized Tribes of Indians in Indian Territory, Congress by the act of April 21, 1904, removed all restrictions upon the power of alienation of all citizens of said tribe not of Indian blood, except minors, and except as to their homesteads. By plain language this made all surplus lands of adult freedmen and intermarried whites having no Indian blood alienable; and many good, honorable citizens, relying upon the language of this act, so plain in its terms that it is not susceptible of misconstruction, went out and bought farms and have moved upon and improved the same at the expenditure of a large amount of labor and money.

Again, in the act of Congress of April 26, 1906, it is provided that the adult heirs of any deceased allottee of either of the Five Civilized Tribes to whom a patent has been issued or whose selection has been made may sell and convey the lands so inherited with a provision that the deeds of full-blood heirs must be approved by the honorable Secretary of the Interior, and the same act made the rolls conclusive as to the quantum of Indian blood. Plainly, this act applied to the Seminoles. And again, citizens of this county and others went out and purchased lands in good faith, relying upon this act of Congress. By its express terms this very clause above referred to relieves from the necessity of a patent, if there were ever such a necessity, and says the adult heirs of any deceased allottee * * * whose selection has been made may alienate. In another paragraph in the same act Congress expressly provided that no conveyance of any land of any of the allottees of the Five Civilized Tribes made subsequent to the removal of restrictions should be held invalid, solely because no patent had issued for the land. We do not believe that any fair-minded lawyer or judge could either contend or hold that the two acts above mentioned did not apply to the Seminoles for the sole reason that they had no patents for their lands. This last act of 1906 made alienable all lands inherited by adult mixed-blood Indians, as shown by the rolls; all lands inherited by adult freedmen and intermarried whites; and all lands inherited by full bloods, provided the deeds should be approved by the honorable Secretary of the Interior.

By the act of Congress of May 27, 1908, as you well remember, by language that applies with equal force to the Seminoles, as well as any other of the Five Civilized Tribes, it is provided that all of the lands of citizens not of Indian blood; that all of the lands of those less than half-blood Indians; that all of the lands of half-blood Indians except their homesteads shall be alienable without any restriction whatever; and that the homesteads of all half bloods and over, and the entire allotments of all over half bloods shall be alienable with the approval of the Secretary of the Interior.

These are the acts of the Congress of the United States upon which the good people of Seminole County, Okla., and others, including the Seminole citizens themselves, have relied for authority to deal with the lands of the Seminole Tribe. We submit they are plain enough for anyone who honestly seeks to arrive at their correct meaning.

Now, it is true, Senator, that there were a few evil men in Seminole County; and the opportunity for speculation was such, when the restrictions were removed, that some frauds were perpetrated and some crimes committed. This, however, is not different from what happened in other communities. The great body of the people of this county are a good, honest citizenship who condemn and deplore the fact that frauds and crimes have been committed; and it is upon this worthy class of people, in conjunction with the Indian citizens themselves, that the hardship of the present confused condition rests.

After the bulk of the lands from which restrictions had been removed by the provisions of the above acts had been sold and gone into the hands of white purchasers and the field for speculation had narrowed down, the grafter element, if I may call them such, began to cast about for a means by which some hold could be gotten on the lands that were still restricted, but which would likely soon pass out from under restrictions. This situation and this desire led to the development of a theory among the more astute of the grafter element; and it was this theory in the main that has brought upon us most of our present troubles though some flagrant frauds and forgeries perpetrated in securing lands from which Congress had actually removed the restrictions may have been a participating cause.

If I may impose upon your time to such extent, I would like to explain to you this theory to which I have referred, for I believe that it is very material for you to understand it. I am as sure as I am of anything, Senator, that while you earnestly desire to aid the good people of Seminole County in this matter, you would never knowingly do any act which would forward to any extent any illegal or unlawful scheme to validate questionable titles. This theory, if accepted and made law, would work untold hardship upon a great many poor and helpless people.

You will recall that the Seminole treaty providing for the allotment of the Seminole land, also provided that "all contracts for the sale disposition or encumbrance of any part of any allotment made prior to date of patent, should be void." That was the only provision relative to restrictions upon alienation. There was nothing in that treaty that directly fixed the date when patents should issue. It was provided, however, that upon the extinguishment of the tribal government, the principal chief of the tribe should execute patents for the allotments. No time was fixed by this original treaty, however, for the extinguishment or dissolution of the tribal government, and we think it fair to assume that that was left for Congress in its discretion to fix. By the Indian appropriation act of 1903, it was provided that the Seminole tribal government should not continue longer than the 4th of March, 1906, and further provided that the Secretary of the Interior might at the proper time provide suitable patents, and have them delivered as theretofore provided by law. On March 2, 1906, the Aldrich resolution was passed, providing for the continuance of the existence of the tribal governments of the Five Tribes, and a similar provision was embodied in the act of April 26, 1906.

Now, the contention was made by a few lawyers here, who were principally engaged in the real estate business, that the Aldrich resolution was ineffectual to accomplish the purpose for which it was designed; that the act of Congress of 1903, fixing the 4th of March, 1906, as the time when the tribal government should expire, and by inference fixing the time when the patent would issue, gave the allottee a vested right to his patent on the 4th of March, 1906, or within a reasonable time thereafter; and that the patents were consequently due to issue on the 4th of March, 1906, and were in law consequently, the same as issued, and being the same as issued, the restrictions had at that time passed off entirely, inasmuch as the act of signing or delivery of patent was fixed by the original treaty as being the act which should effect the removal of restrictions. They therefore said the act continuing the tribal government, or assuming to do so, did not accomplish its purpose, or was not intended to continue the existence of the tribe for all purposes. They therefore, and when I say they, I mean a few individuals, believing in this theory—started out, making no distinction as to any of the land, for if the patents were the same as delivered and the restrictions thereby removed, all restrictions would be off, and the freedman, the mixed blood, and the full blood would stand upon the same ground and be equally free. They therefore entered into a gigantic plan of acquiring deeds to all of the lands of the tribe, practically the whole county. In a very few months, practically all of the lands of full bloods, mixed bloods, freedman homesteads

were covered by warranty deeds. In these transactions, in most cases, though large considerations were inserted in the deeds, and receipt of the same acknowledged, only very small sums were paid; for instance, in full-blood cases, hundreds of deeds were obtained for $5 paid, and the amount paid ran up in this class of cases possibly to $25 or a little more in some instances. We find in our practice that some such a conversation as this is reported to have taken place when these instruments were obtained. The proposing purchaser says: "Now, we can't buy your land now, but we just take a deed to it, and pay you a little money, and if it turns out that our deed is good, we will come around later and buy the land from you and pay you for it, and of course if it turns out that our deed is not good you will simply have the amount of money we now pay you and be ahead that much." We do not exaggerate the extent of this business when we say that practically the whole county was covered with these transactions. Not all of the transactions were alike; some men proceeded in good faith, and said to the Indian: "I will give you a written contract; if the courts should hold this deed valid, I will pay you the amount of money named in the contract, and the land shall be mine"; and in many cases the transactions were thoroughly understood by the Indian, though the considerations were very small.

Now, it was with the county in this condition that the matter was called to the attention of the Secretary of the Interior and to the Attorney General. About the same time complaints somewhat similar were going up from the other nations, but we believe in none of them was there any such theory as has here developed. It was determined to file the Federal land suits at Muskogee; and as to the Seminole Nation, unlike the other nation, on account of this widespread taking of deeds to everything, it was decided to recognize no land as free from restrictions and no titles good, but to sue everybody who had taken a deed, without regard to the nature of his title, and this was done. Before the Government could bring itself to this point it had itself to search diligently for a theory by which it might hope to overthrow all transactions in the Seminole Nation and prove that none of the titles here are good; and the feature of no patents delivered standing out prominently, it was seized upon by the Government as the basis of its theory that since no patents had been delivered it could not be supposed that Congress would permit the Seminoles to sell their land, and therefore Congress did not intend the removal of restrictions acts to apply to the Seminoles, for the Seminoles had no such title to their allotments as those acts could attach and operate upon. That I understand to have been Mr. Russell's contention. I do not think you will find a lawyer anywhere, in the Attorney General's Department or out of it, who will not admit that that theory is preposterous.

Consequently everybody in the Seminole Nation or out of it who had a deed to a tract of land in the Seminole Nation was sued by the Government. Those suits were filed in 1908 and subsequently; none of them have been tried; many have quitclaimed, but none have been canceled; appeals have been taken on questions of pleading, and an opinion is now and has long been expected from the United States Supreme Court in the Allen and other cases. Some hope but few expect that the Supreme Court will go further than to pass upon the three points decided by Judge Campbell and the United States circuit court of appeals at St. Louis, viz, as to whether the bills were multifarious, whether the allottees were necessary parties, and whether the United States had such an interest that it could sue. It is generally expected that the Supreme Court will confine itself to the points passed upon by the courts below. In the meantime the people have suffered for going on four years, with no end in view. The Secretary of the Interior, upon advice of the Attorney General, fearing that the suits may be spoiled, is withholding the patents; and although allotment was completed in the main in 1901 and 1902, with some small allotments to new borns later, only two patents have been delivered in the Seminole Nation. And the hardship upon the people is very great. There is an injunction against the collection of taxes upon every foot of land in Seminole County, although the United States circuit court at Muskogee held all of the land alienable from which Congress had in terms removed restrictions. And our State supreme court has held that the lands are unrestricted and alienable in those cases where Congress has removed the restrictions, notwithstanding the nondelivery of patents. But the injunction remains in force, by appeal or otherwise in the Federal court, and there has not been a tax sale of land in Seminole County in the five years since statehood outside of the incorporated towns, and with the injunction in force the treasurer can not enforce collection, and the people will not voluntarily pay, and you can imagine our condition. Our county is bankrupt, and the burden of taxation is borne by a few, and the land which is really alienable and taxable is not—at least at present—bearing any portion of the burden of government.

We don't think it would be polite to write you what we think about the policy of the Government in bringing those suits like they did. It was wrong, Senator, to sue everybody who had bought Seminole land when Congress had made a large part of the land alienable. I was born a free man, Senator, and have the good, red Saxon blood in my veins that made this country a free country, and I shall never forget the wrong perpetrated in this instance by our own National Government upon a great number of innocent and unoffending people just because, forsooth, some few men had violated the law. It violated every principle of our ideas of law and justice and is what I call governmental oppression.

Now, the people of Seminole County want some relief and they want it badly; and when I say the people of Seminole County I don't mean a little group of land buyers, but I mean the bone and sinew of this county, the people who till the soil, who rear the homes, who pay the taxes to meet the expenses of government, and who really constitute the body of the county.

Senator, having an eye to the possible remedy, I would invite your attention to the fact that with regard to the Seminoles Congress has abandoned the idea of the delivery of patents marking and effecting the passing off of restrictions, and, along with the other tribes, has included the Seminoles, and by the various acts of Congress, particularly the act of May 27, 1907, says in plain language what land is restricted and what is not. Now, isn't it perfectly plain that the delivery of patents, if made at this moment, would not make a single title good in Seminole County which is not already good? It would not give any additional advantage to any man who has a bogus or bad title, but it would confer upon us the immeasurable benefit of making those titles which are already good marketable or merchantable, and it would provide a means by which a man in the future could obtain a title which would be good beyond question. Why, at the present time Seminole County and the Seminole Nation has the "black eye" so far as land titles are concerned, and a man with means can not be induced to get off the train in this country for the reason that he has been advised that the Government has sued everybody in Seminole County and won't give them patents, and titles are no good there, and consequently he passes us by. Now, this is a deplorable condition and very unjust to the Indians and to the majority of the white settlers. And this reputation that we have acquired, would you believe it, has been given us by our own National Government to a large extent. Why, it has not been a week since a Government employee told me in my law office here that it was his instructions from the Government offices at Muskogee to inform both white settlers and Seminole allottees that all titles in the Seminole Nation were bad. Now, isn't that infamous; isn't that as inexcusable and as indefensible as anything could be? We may be biased and prejudiced in the matter, Senator, and our judgment may not be good, but 11 years of this mismanagement has made us sick and sore of the situation. It has affected many other likewise, and very many good citizens disheartened and fearing that unfavorable conditions would continue have moved away to more favorable parts of the State where good titles may be obtained or to other States.

Now, as I said, it is quite apparent, we think, that no harm could come from the delivery of patents at this time, and the good to the community would be immeasurable. The delivery of patents would not affect the suits at Muskogee, in our judgment. We can not see how it would make any title good that is now void because in violation of restrictions.

Do you know, Senator, that since the act of 1908 not one full-blood Seminole Indian has been able to get his restrictions removed. Not one piece of full-blood Indian land has been sold since May 27, 1908, although that act provides that the Secretary of the Interior might remove restrictions, just like as to the members of the other tribes. The honorable Secretary, we have been informed by the Government offices, would not entertain an application from a full-blood Seminole to remove his restrictions inasmuch as no patents had been delivered in the Seminole Nation.

In recent months we have been told that applications might be made for patents through the office of the Assistant Attorney General, Mr. James E. Gresham, at Wewoka, and if the party applying is willing to submit to the appraisement of some Government officer and pay an additional consideration he may, after many months of waiting, obtain the delivery of patent to the allottee. Only two or three patents have been obtained in this way, upon applications made very many months ago. You can readily see that this plan is impracticable and must fail. People who have bought and paid for land in good faith and believe they have title to it under acts of Congress will not readily submit to an appraisement and to the demands that they pay an additional consideration fixed by some Government appraiser. It does not meet with favor, and the method is too slow and cumbersome and nothing would ever be accomplished, and it would be years before any considerable portion of the land would be subject to taxation.

The only reason we can see, Senator, why the patents should not be delivered is that thereby there would be additional value and salability given to certain fraudulent transactions. Certainly there is no objection to delivering patents to all restricted lands, and they should be delivered at once. Then if it were possible or practicable to ascertain in what cases frauds or forgeries have been perpetrated those patents might be held up, but let all other patents be issued. Now, it would be a difficult matter to determine just in what cases frauds and forgeries have been perpetrated, for those things are usually determined at the end of hard-fought lawsuits; and to go into those matters otherwise than through the means of a lawsuit would amount to an inquisition, and, it occurs to us, would be a very difficult proposition to provide for. It may be that it would be best and the most practicable thing that could be done to deliver all of the patents without any exceptions. This would not help to remove any restrictions, as we have explained. It would not affect the Indian-land suits one way or the other; and those suits can not reach frauds and forgeries, for they plead only violation of restrictions and general fraud, which can not be proved, as any lawyer knows the facts constituting the fraud, in order to admit proof, must be specifically pleaded.

So we would urge, Senator, that the condition here is unbearable; it is intolerable at present; and if you can assist in securing the delivery of patents to these people, with a provision, if you please, in the act that the delivery of the same shall not operate to remove any restriction that has not theretofore been removed by Congress; but by all means let us have the patents, and it made so that a man by following the law may obtain a good title, and so that taxes may be collected.

One thing, Senator, I wish to call specially to your attention: If the patents are ordered delivered by Congress, I deem it quite important that this shall not be done in such a way as might be construed to validate any of the questionable deeds heretofore made in violation of restrictions. It would be best, I think, if the deeds could be delivered to the allottees without any legislation at all—simply have them handed out. But if an act is necessary to having this done by the Secretary, I think that act directing their delivery should specifically say that the delivery of patents by the Secretary in conformity with the provisions of this act shall not have the effect to remove any restrictions that were not theretofore removed by express language of Congress, and should not operate to validate any conveyance of any allotment not theretofore valid.

It would seem to us also desirable, Senator, if it could be accomplished, if all those suits pending at Muskogee could be dismissed where the conveyances sought to be canceled were made by permission of any act of Congress; and an act directing their dismissal in such cases, or merely making it plain that all acts heretofore passed by Congress relative to the Five Civilized Tribes providing for the removal of restrictions shall be held and construed as applying to the Seminole Nation or Tribe, notwithstanding the fact that no patents had been delivered to the allottees of said tribe.

I have probably written you at too great length, and you will doubtless be weary when you have read this letter, but these matters are very much on our minds and hearts. Our home country is suffering because of these conditions, and we have desired to put the matter fully before you and ask that you do your best to assist us in obtaining relief. With kindest personal regards, I am, believe me,

Very truly, yours,

JOHN W. WILLMOTT.

Mr. Chairman, Mr. Kneable, the Government attorney I have mentioned, made this remarkable statement in the hearings before this committee. In speaking of bringing so many suits to set aside these Indian conveyances, he puts in this plea of confession and avoidance, viz:

Notwithstanding that case, some of the reports relied upon were erroneous, and some transactions were included in the suits that ought not to have been included in the litigation, etc.

Let me inquire why this great haste? Why file in court 30,000 cases against that many citizens without first ascertaining whether the conveyances were illegal or not? He evidently presumed the conveyances illegal because they were made by an Indian. My belief is that these suits were filed by him so he and other attorneys and employees could hold their jobs, and without regard to the poor citizens he was thus harassing and cruelly wronging.

The vilest criminal under indictment, when arraigned before a court, is "presumed to be innocent until his guilt is established by competent evidence beyond a reasonable doubt." Yet these irresponsible Government attorneys have reversed this rule and presumed these 30,000 defendants in these suits to be guilty of robbing the Indians. One of these suits was brought to cancel a conveyance made by Congressman CARTER, an Indian allottee and the Member of this House who has just addressed this committee. If this Government attorney would file a suit to set aside the conveyance of such an Indian as Mr. CARTER, would he not file other suits with as little justification?

Mr. Chairman, I think Mr. Wilmott was perfectly justifiable in making in his letter to Senator OWEN the following statement, viz:

We don't think it would be polite to write you what we think about the policy of the Government in bringing these suits like they did. It was wrong, Senator, to sue everybody who had bought Seminole lands when Congress had made a large part of these lands alienable.

Mr. Chairman, I have made these remarks chiefly for the purpose of bringing to the attention of this House and the country the necessity of passing House bill 23184, above alluded to, which bill will compel the Secretary of the Interior to deliver these patents of Seminole lands to the Indian allottees entitled to them, thus by law compelling the Secretary to do his duty as an officer of this Government.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTLETT. I ask unanimous consent that I may revise the remarks I made to-day.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks leave to revise his remarks. If there be no objection, that leave will be granted.

There was no objection.

The Clerk read as follows:

Enforcement of acts to regulate commerce: For expenses of representing the Government in all matters arising under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including salaries of employees at Washington, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A few moments ago we had a little discussion here concerning the amount to be appropriated for the enforcement of the antitrust law. In the course of the few remarks which I made I stated that the department had estimated for $300,000 for the ensuing year. My colleague from Illinois [Mr. CANNON] had previously made the same statement. The gentleman from New York [Mr. FITZGERALD] in charge of the bill, stated that the estimate was $250,000, and he lectured the Department of Justice in his most sarcastic manner, saying that of all departments of the Government certainly the Department of Justice ought to know how to follow the law in making an estimate and that the mere statement of one of the officials before the Committee on Appropriations was not an estimate, and that the Department of Justice had no right to assume that the statement of an official before the committee was an estimate; that the Department of Justice in charge of the legal branch of the Government ought to know enough, when it wanted additional money, to make an estimate in the proper way.

I might repeat all that the gentleman said concerning the Department of Justice and insert "the gentleman from New York" instead of the words "Department of Justice," because the chairman of the Committee on Appropriations, coming into this House with this great bill under his charge, ought to know what estimates have been made and referred to his committee, and when he argues in the House against an appropriation proposed, or an amendment proposed, on the ground that the estimate has not been presented to his committee, that they have had no supplemental estimate, when it was referred to his committee on May 3 last, he shows that he has fallen down once, at least.

I hold in my hand a copy of the estimate; a copy of a letter from the Secretary of the Treasury, dated May 3, 1912, transmitting to Congress an increase in the estimate of appropriations for the enforcement of the antitrust law from $250,000 to $300,000, which contains a copy of the letter from the Attorney General making the estimate "for the enforcement of antitrust laws, including salaries of necessary employees at the seat of government, $50,000," as a supplementary estimate for the enforcement of the antitrust laws.

I commend to my friend from New York that before he reads too many lectures to the Department of Justice for failure to know the law he should study more carefully the duties devolving upon him as chairman of the Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois is correct; there was a supplemental estimate.

Mr. MANN. I stated awhile ago that the gentleman from Kansas could assume that when I made the statement on the floor it was correct.

Mr. FITZGERALD. I did not hear the statement of the gentleman. The statement of the Assistant Attorney General was made as to the necessity for additional money. I had to remind him that in order to have an estimate considered it was necessary to submit it in compliance with the law. I was justified, if I did make a mistake unintentionally in my statement, in calling the attention of the Attorney General himself to the law, and he was compelled to admit during the present session of Congress that he never had his attention called to a certain statute. It was necessary that he be familiar with it in order to make up the estimates for Congress.

I think I was right in what I said about the department the officers of which seem to imagine that the laws are binding on every department except the Department of Justice. There is no harm in calling attention to the fact. I never claim to be above error. I know that I frequently make mistakes, but I always try to admit that I am mistaken when I find that I have made a mistake, and I commend that characteristic of myself to other gentlemen in the House.

Mr. BUTLER. Freely forgiven, and let us go on with the bill.

Mr. MANN. In this case no other gentleman has occasion to pray for forgiveness except the gentleman from New York.

The Clerk read as follows:

The furniture and other property belonging to the Court of Commerce is hereby turned over to the Department of Justice to be used by the department or disposed of at public sale as the Attorney General shall direct.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph. I will reserve it for a moment.

Mr. BUTLER. This seems to be a sale before the funeral takes place.

Mr. MANN. If the Commerce Court is abolished this provision ought to go in, but that question is likely to be in conference between the two Houses, and if the provision is inserted in any place it ought to be in the legislative bill in connection with the Commerce Court.

Mr. FITZGERALD. Both Houses have agreed to the provision abolishing the Commerce Court.

Mr. MANN. I think it would be in conference; there are a number of Senate amendments that have been agreed to.

Mr. JOHNSON of South Carolina. There is no Senate amendment to the proposition abolishing the court.

Mr. MANN. There are several Senate amendments to which could be attached a rider like this in relation to the Commerce Court.

Mr. FITZGERALD. I can explain the purpose of this provision.

Mr. MANN. Everybody knows the purpose and nobody questions it.

Mr. FITZGERALD. Under the decision of the comptroller, if no disposition is made of this furniture, it would be necessary to sell the effects at public auction.

Mr. MANN. Well, it could be carried in the deficiency bill. It does not belong in this bill.

Mr. FITZGERALD. We thought this was a good time to take care of it.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUCKER of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy,

and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.; and

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

On and after July 1, 1912, the clerk of the District Court for the Northern District of Illinois shall be compensated for his services as such clerk as other clerks of United States district courts are compensated.

Mr. MANN. Mr. Chairman, I reserve the point of order. The clerk of the District Court for the Northern District of Illinois now receives a fixed salary, and I am not willing to have this assault made upon him. I therefore make the point of order.

Mr. BARTLETT. May I ask the gentleman what his point of order is?

Mr. MANN. This is repealing a law that is now on the statute books. The law provides specifically for the compensation of the clerk of the district court at a fixed salary. This proposes that he shall be paid by fees.

Mr. BARTLETT. Paid as other clerks are.

Mr. MANN. They are paid by fees. I think this is the only place in the United States where the clerk gets a fixed salary.

Mr. FITZGERALD. Under the law to-day, I am informed, the compensation of all clerks is limited to $3,500, to be paid out of the fees of the office. The clerk in this court is specifically appropriated for. It is dropped out of the legislative bill and provision is here made that he shall be paid as all other clerks are, out of the fees of the office, up to $3,500.

Mr. MANN. This is a clear change of existing law. Nobody denies that it is subject to the point of order.

Mr. FITZGERALD. It is subject to the point of order.

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such persons shall be employed during vacation; for the payment of the expenses of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska and Hawaii, as provided by section 259 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and of meals and lodging for jurors in Alaska, as provided by section 193, Title II, of the act of June 6, 1900; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $275,000.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment at the end of line 13, page 119, which I will ask the Clerk to report.

The Clerk read as follows:

Page 19, line 113, add, after the word "Illinois," at the end of the line, the words "and the northern district of Georgia."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order.

Mr. HOWARD. Mr. Chairman, as I understand it, recently Congress passed an act allowing the courts not to exceed five bailiffs. They have picked out the southern district of New York and the northern district of Illinois as only two courts that can have more than three bailiffs under the law. The northern district of Georgia is sixth in the volume of business done in the United States courts of our country. The necessity for the full amount of bailiffs for the northern district of Georgia is this: The judge of that court, residing in the city of Atlanta, holds court in Rome, Athens, Columbus, Elberton, and Atlanta. These cities are at an average distance of 100 miles from the city of Atlanta. When the judge of the northern district of Georgia goes to one of these particular places to hold court it is almost essential for the expedition of business at those places that he have a bailiff who is familiar with the people in those particular towns to attend the court. I do not see any reason why the southern district of New York and the northern district of Illinois should be picked out to allow more bailiffs than is allowed for the northern district of Georgia. The amount of business actually done by the southern district of New York and the northern district of Georgia is not a very much greater amount when compared with the northern district of the great State that I in part represent.

Mr. FITZGERALD. Oh, the gentleman is very much mistaken about that.

Mr. HOWARD. It may be a few hundred thousand dollars more, but that does not amount to anything. There is no more work to be done in the southern district of New York.

Mr. FITZGERALD. There are four United States district judges in the southern district of New York.

Mr. HOWARD. Yes; the gentleman has four judges to sit there, but his four judges do not do any more work than my one judge in the northern district of Georgia. We are energetic down there, and try to earn our salaries by rendering efficient service to the Government. In the southern district of New York and in the northern district of Illinois those judges never leave the city of New York or the city of Chicago. In Georgia the judge travels over the whole northern part of the State, and holds court at five different places, and he is entitled to these five bailiffs, so that he can go there and have his business arranged with these bailiffs, who are acquainted with the people in the different towns, so that when he wants witnesses, jurors, or talesmen he may send and get them. I think it would be a wise provision for this committee to adopt this amendment and allow this district to have these extra bailiffs, because I think it would save more than their salary for 12 months.

Mr. FITZGERALD. Mr. Chairman, more than 20 years ago an investigation disclosed such an abuse in the appointment of bailiffs by the Federal judges that the limitation as contained in the bill, excepting the southern district of New York and the northern district of Illinois, was framed by the Committee on Appropriations.

Mr. HOWARD. If the gentleman will permit, I would like to state to the committee that there has never been any abuses of any privileges by the distinguished jurist, Hon. William T. Newman, who presides over this court in the northern district of Georgia.

Mr. FITZGERALD. It is not of recent origin. Since that time there has never been any difficulty about the bailiffs for these courts. The gentleman from Georgia states that the district of which he speaks is sixth in the order of business.

Mr. HOWARD. That is true.

Mr. FITZGERALD. Why not provide for the other three districts which have a larger business in addition to the districts mentioned, so that they can be adequately provided for? There is no complaint from the judges, no complaint from the Representatives except the gentleman from Georgia. The gentleman is very much mistaken about the amount and character of business transacted in the district from which he happens to come and in the southern district of New York. The volume of law business that concentrates in the city of New York because of the great commercial, maritime, and business interests that are centered there is enormous. The city itself has four and a half millions of population, and it contains in large part two United States districts. My recollection is that in the southern district of New York there are four district judges. In

the eastern district, which is just across the river and includes Long Island, there are two United States district judges, and in addition it is necessary to have assigned from time to time additional judges to dispose of the marvelous amount of business that naturally comes to the courts. The gentleman is very much mistaken about the amount of business, and I am sure if he had had an opportunity to look into the matter he would not have made the mistake.

Mr. HOWARD. If the gentleman will permit, I will state I have had an opportunity, because when the Committee on the Judiciary were fixing clerks' salaries I made a personal investigation of the amount and volume of business of the courts of the United States, and I do know as a positive fact that the northern district of Georgia was sixth in the amount and volume of business done in the United States.

Mr. FITZGERALD. I have not challenged that statement of the gentleman. The gentleman said the difference between the amount of business done in that district and in the southern district of New York was insignificant, and I am sure he is mistaken in that statement.

Mr. HOWARD. The gentleman stated that the judge in this particular district had not asked specifically for it. I want to state to the gentleman the very reason I introduced this amendment at this particular point was at the instigation of the Hon. William T. Newman, judge of the northern district of Georgia, and he said it was absolutely essential that he should have five bailiffs, holding courts at five different places. That is the reason I introduced it.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. For the information of the Chair can the gentleman from Georgia furnish the authorization for the increase that has been proposed?

Mr. HOWARD. Mr. Chairman, I have not the law before me at this moment, but I understand that the recent act of Congress provided for five bailiffs in each of the district courts of the United States—that you could not exceed five bailiffs. Now, they made an exception to this particular rule or law by putting in the southern district of New York and the northern district of Illinois.

The CHAIRMAN. The burden of proof is upon the gentleman from Georgia, and the gentleman failing to produce it, the Chair sustains the point of order, and the Clerk will read.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent of the chairman of the Committee on Appropriations if he will permit this particular item to be held in abeyance for a few moments until I can get the statute. I would like to inform the Chair. I did not know it would be reached so soon or I would have been prepared.

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. If the matter is in order, I have no desire to take an unfair advantage of the gentleman, of course.

Mr. MANN. What is the request?

The CHAIRMAN. That the item be passed for the present.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order. Let us vote on it.

The CHAIRMAN. The point of order is withdrawn. The question is on the adoption of the amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 12, noes 31.

So the amendment was rejected.

The Clerk read as follows:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, $490,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York if he can state briefly for what purpose this $490,000 is used? It appears from looking over these items of this bill for the Department of Justice that nearly every specific thing is provided for and yet there is an authorization of $490,000 provided for miscellaneous expenses. Just what those miscellaneous expenses can be, I can not imagine.

Mr. FITZGERALD. One item is that every United States judge has a clerk now who is paid out of this fund.

Mr. SHERLEY. If the gentleman will permit, we will find on page 1557 of the hearings a detailed report. For instance, there were:

Accountants	$9,241.57
Handwriting	2,495.50
Medical	3,547.00
Real estate	2,027.00
Bank examiners and assistants	$3,190.00
Others	28,437.91
Abstractors of titles	995.48
Interpreters	11,446.45
Masters in chancery	5,008.24
Stenographers and clerks, permanent	142,045.48
Stenographers and clerks, temporary	60,070.45
Witnesses, other than expert	1,568.75
Messengers	58,734.05
Janitors	5,047.33
Other personal services	28,771.74

Mr. GARNER. I would like to ask the gentleman from Kentucky if these different items are authorized by law?

Mr. SHERLEY. Yes, sir; I think they are.

Mr. GARNER. What is the salary of the clerk?

Mr. SHERLEY. I do not find the item for clerk.

Mr. GARNER. There is the item of "stenographers and clerks, permanent."

Mr. SHERLEY. Nine hundred dollars, I think.

Mr. GARNER. That is the rate fixed by law?

Mr. FITZGERALD. No; it is not fixed by law.

Mr. SHERLEY. That is what they are paid.

Mr. FITZGERALD. I think they are fixed by the Attorney General.

Mr. GARNER. Clerks to the judges?

Mr. FITZGERALD. To the judges; yes.

Mr. GARNER. When was this statute passed allowing the judges clerks?

Mr. FITZGERALD. There is no specific statute.

Mr. GARNER. I ask the gentleman if they were not all authorized by law, and the gentleman from Kentucky thought they were.

Mr. SHERLEY. I know they are, or they would not be approved by the auditor.

Mr. FITZGERALD. They are under miscellaneous expenses of the court. The Attorney General makes allowances, and unless they are authorized by law the accounting officers do not approve them.

Mr. GARNER. If I understand the gentleman from Kentucky [Mr. SHERLEY], his suggestion is that they are authorized by law, because the Attorney General O. K.'s the voucher, and that makes it law?

Mr. SHERLEY. The gentleman made no such statement or anything like that. I said if they were not authorized by law, the voucher would not be paid.

Mr. GARNER. I would like to know when the statute was passed authorizing clerks to district judges.

Mr. FITZGERALD. I do not know of any statute which specifically states that every United States judge shall have a clerk.

Mr. GARNER. Let me make myself understood. How is the clerk to a judge authorized by law, when there is no statute authorizing it?

Mr. FITZGERALD. Because it is considered as a necessary expense in the conduct of the court, and the Attorney General, in the exercise of a certain discretion lodged in him, makes that allotment.

Mr. GARNER. Then I get that back to the original point, that the auditor in this accounting passes on it when the Attorney General decides it is necessary expense to the court, regardless of what the statutes may be?

Mr. FITZGERALD. No; I do not think that at all. The gentleman is certainly mistaken in this respect. It is not necessary in order to spend money for some particular item that there should be a statute saying that that very item shall be obtained, or purchased, or employed out of a particular appropriation. There is a general authority.

Mr. HAMLIN. I think there is a general statute giving the Attorney General the right to do this.

Mr. GARNER. Then, if the Attorney General shall decide that any judge shall have two clerks, they can be granted to him?

Mr. FITZGERALD. If the appropriation be made.

Mr. GARNER. I mean under this lump sum he can allow as many clerks as he sees proper? Has the gentleman from New York [Mr. FITZGERALD] examined these items and interrogated the Attorney General as to the necessity for this amount of money being appropriated for this purpose?

Mr. FITZGERALD. There was an examination. Detailed information was not obtained until after the hearing had been had. The committee has recommended a provision in this bill which is designed in the future to have that information in the committee before the hearing is had.

There is a deficiency in this item for the current year. I think myself there is somewhat of a question as to the right of the Attorney General to incur deficiencies in this item, but there is an estimate for a deficiency in the current year.

Mr. GARNER. Considering the number of lump-sum appropriations made for expenditure under the jurisdiction of the Attorney General, I think an itemized statement is certainly required. They may not be large in this bill, but they are certain to attract the attention of the Members of the House—the number of lump appropriations.

Mr. FITZGERALD. The committee appreciates the situation. The committee has endeavored to ascertain the best method of obtaining information, not only for the use of the committee, but for the use of the Members of the House generally. The committee recommends in the bill a provision requiring that as to all estimates exceeding $250,000 a statement shall be made each year in the Book of Estimates, in which shall be given in parallel columns the appropriations for the fiscal year just preceding and the sum required for the same purpose in the next ensuing fiscal year. It is believed that if the information is furnished in that way the Members of the House and the committee itself will be much better able, in the preparation of these bills, to determine what should be granted and what restrictions, if any, should be placed upon the expending authority.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For subsistence, including supplies for prisoners, warden, deputy warden, and physician, tobacco for prisoners, kitchen and dining-room furniture and utensils, and for farm and garden seeds and implements, and for purchase of ice if necessary, $40,000.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BEALL].

The Clerk read as follows:

Line 13, page 121, strike out "$40,000" and insert the following: "$42,500, of which sum not exceeding $1,000 shall be used for the subsistence of the warden and not exceeding $750 for the subsistence of the deputy warden and physician, respectively."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALL of Texas. Mr. Chairman, this item carries an appropriation of $40,000 for the subsistence of the United States prisoners at the Leavenworth Penitentiary, and, in addition to that, subsistence for the warden, deputy warden, and physician, tobacco for prisoners, kitchen and dining-room furniture and utensils, and for farm and garden seeds and implements, and for the purchase of ice, if necessary.

The amendment that I have offered increases the appropriation by the sum of $2,500, with a proviso added that of this sum of $42,500 "not exceeding $1,000 shall be used for the subsistence of the warden and not exceeding $750" shall be used "for the subsistence of the deputy warden and physician, respectively."

Now, Mr. Chairman, there are more than 1,100 men in the Federal penitentiary at Leavenworth. If the entire amount of $40,000 should be allowed for the single purpose of subsistence, after going into the matter with some degree of care I can say that I do not believe it would be excessive. In addition to the amount that is carried in this bill for the subsistence of these prisoners an additional amount is available for subsistence, because of the fact that a considerable number of prisoners from the District of Columbia are confined there, for which the District pays, and, in addition to that, they have the proceeds of the farm.

It has been estimated that out of this appropriation for the subsistence of the prisoners at Leavenworth the per capita cost per day amounts to only 11 cents, and I think that every gentleman here who is familiar with the prevailing high prices of food products will agree that it is impossible for the warden of that institution, or for the warden of any other institution, properly to subsist a convict upon the sum of 11 cents per day. It necessarily means that the rations of these convicts at certain times must be extremely limited. It is true they are convicts; it is true that they are outcasts from society and are kept there within prison walls; but even outcasts, even convicts, ought to be provided with food of a substantial and nourishing nature, and it is my judgment that with the scant appropriations allowed here it is not possible to give to those convicts the nourishing, substantial food that humanity dictates they should have.

Now, out of this $40,000 they not only feed the convicts, but they provide subsistence for the warden and his family, and the warden has a residence there on the ground; for the deputy warden and his family, who reside also on the ground; and for the physician, who resides in the city of Leavenworth.

This amendment would provide that the allowance for the warden should not exceed $1,000, and I believe that would be sufficient for the warden and his family, and $750 for each of these other officials, leaving $40,000 that can be used for the subsistence of these prisoners and for the other purposes indicated in this paragraph. I believe that in the interest of humanity, in the interest of proper care of these unfortunates who are out there, this increase should be allowed, because whatever else they deserve at least they deserve enough to eat, of the proper quality, and I hope this little increase will be agreed to by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEALL of Texas. I will ask for two minutes additional.

Mr. ANTHONY. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman himself has asked for only two minutes.

Mr. BEALL of Texas. I will ask for five minutes, and if I do not need it I will not use it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. I should like to ask if the investigations made by the gentleman's committee showed that the prisoners were not receiving sufficient food.

Mr. BEALL of Texas. We have not had a very good opportunity to make a thorough investigation of it. Upon my own responsibility I went to Leavenworth and spent a day at the prison. As a general thing I think that the prisoners are cared for as well as could be expected.

Mr. ANTHONY. I want to say to the gentleman that my information is that the 11 cents daily cost of maintaining a prisoner is hardly a correct figure to take, because that sum of 11 cents is augmented by the products of the farm, which are very considerable. For instance, a year ago the farm produced 50,000 pounds of pork. In one year they canned 4,000 gallons of fine preserved peaches, and I think as prison fare goes the fare given the prisoners at the Leavenworth Penitentiary is probably the best in the world.

Mr. BEALL of Texas. I hope it is true.

Mr. ANTHONY. At the same time I hope the gentleman will succeed in getting more for them.

Mr. BEALL of Texas. The United States ought to be a model for all the States, even in caring for its unfortunates. I suppose that these people are provided for as well as could be expected, with the appropriation that is allowed. I am not criticizing the administration of the institution at Leavenworth, but I have examned some of the bills of fare for breakfast, for dinner, and for supper, and it frequently happens that the bill of fare is so limited and so scant that it is hard for me to conceive how an able-bodied man could be satisfied with it. They have coffee, but it sometimes happens that rye or some other grain is parched and is mixed in with the coffee and used for these prisoners. It frequently happens that milk is on the bill of fare, but it is conceded that at least a portion of the milk, a large portion in the past, has been bought from dairies, and the suspicion has prevailed among the officials of the prison that this milk received a dilution of water before it was delivered to the institution; and then after it got into the dining room, sometimes in the plain view of all the assembled prisoners, a most liberal dilution of water was again added to it, and that is the kind of milk that frequently is served to the prisoners.

I believe that they ought to be given good, wholesome, substantial, plain food, and that when coffee or anything else is served to them it ought to be what it purports to be; that when milk is served to them it ought to be the kind of milk that is palatable and nourishing and sustaining. I do not believe that even when you take into consideration all the elements mentioned by the gentleman from Kansas [Mr. ANTHONY] you can support these men as they ought to be supported and as they ought to be nourished upon the appropriation that you are giving them.

Mr. CANNON. Will the gentleman allow me?

Mr. BEALL of Texas. Certainly.

Mr. CANNON. I used to be familiar with this matter in former years, when I was chairman of the Committee on Appropriations. I think everybody agrees that this is the model prison of the United States, if not of the world. I know the warden and his reputation for efficiency and as an expert touching matters relating to prisons. Now, as the whole estimate is given, does not the gentleman think, with the uniform testimony touching this prison, that we better let it alone?

Mr. BEALL of Texas. Perhaps so. I will state that the warden of the penitentiary is in the city now. Yesterday, in relating his experience and services in Illinois, he said that it took about 11 cents a day for the proper food for a prisoner then, and the gentleman from Illinois knows that there is

some difference in the cost of food to-day as compared with the cost of subsistence in 1890.

Mr. CANNON. Yes; but the farm gives much valuable subsistence.

Mr. BEALL of Texas. Well, I simply submit it to the committee. I believe that some increase should be made.

Mr. FITZGERALD. Mr. Chairman, I do not think that this amendment ought to be agreed to.

Mr. MANN. I have a point of order on it.

Mr. FITZGERALD. Does the gentleman intend to insist upon it?

Mr. MANN. I will unless I get some further information. I understand the amendment increases the amount in the bill $2,500 and sets aside $1,000 for the warden and $750 each for the deputy warden and the physician. How can that be done?

Mr. BEALL of Texas. I suppose there will be no trouble; they draw their subsistence from the commissary, and with the provision limiting the amount they would be permitted to draw to not exceeding a certain quantity, it would be easily enforced.

Mr. MANN. How would the accounting officer know about it? These accounts would have to go through the auditor. Somebody has to draw this money from the Treasury, and under the gentleman's amendment I am inclined to think that the purchases for the warden, the deputy warden, and the physician would have to be made separately from the purchases of other supplies in order to pass the accounting officers of the Government. That would cost more than it would amount to.

Mr. BEALL of Texas. I do not think that difficulty would occur.

Mr. MANN. Here is your item in the law which is specific, and somebody would have to enforce it.

Mr. BEALL of Texas. If a quibble is to be made, and points of order made against it when the only purpose is to try and aid 1,100 unfortunates out there, to see that they have something for breakfast, something for dinner, and something for supper, something that is sufficient for human beings to live upon, why, I am content.

Mr. MANN. The gentleman refers to quibbles. The gentleman if he offers an amendment ought to offer it in such form that it would not cost more to execute it than to appropriate for it. That is not my fault. The gentleman proposes to increase the appropriation $2,500 for the warden, deputy warden, and physician. As far as I can see, it requires that that amount of money shall be expended for three officials.

Mr. BEALL of Texas. Not at all, the amendment says not exceeding that amount.

Mr. MANN. That is what the amendment says.

Mr. BEALL of Texas. It says "Of which sum not exceeding the amount of $1,000 may be used by the warden," and so forth.

Mr. ANTHONY. I would like to ask the gentleman from Texas a question.

Mr. BEALL of Texas. I will yield.

Mr. ANTHONY. I want to ask the gentleman if the amount set aside for the warden and the other two officials will exceed that which they now have?

Mr. BEALL of Texas. There is no means of determining what they have drawn from the commissary heretofore; because no record has been made in dollars and cents of what it amounted to. I would suppose that if the amendment was adopted, as they made requisitions on the commissary, some estimate of the value would be kept. I do not think there would be any trouble in the administration of the disbursement of the amount.

Mr. ANTHONY. Could not the gentleman attain the object he seeks by having a provision in the bill which would require the amounts consumed by these different officers to be charged up against them in the accounts, and then in succeeding years we would know how much it was?

Mr. MANN. Mr. Chairman, I think the amendment is subject to a point of order. It specifically requires the payment of a certain amount for the warden and the other two officials which is not in the existing law, and I make the point of order.

The CHAIRMAN. Without going into the merits of the case, the Chair will say that by the amendment it is proposed to increase the appropriation from $40,000 to $42,500, the increase to be disposed of among three men.

Mr. BEALL of Texas. Before the Chairman rules, may I call attention to the fact that this very appropriation as it is framed here provides for the subsistence of the warden, deputy warden, and prison physician. I am not providing for the subsistence of anybody else, but I am limiting the amount that these three officials can use from that commissary. By doing that I am not charging, or seeking to charge, that there has been any improper use by them of the commissary privileges.

The CHAIRMAN. The Chair does not think the amendment can be treated as a limitation, inasmuch as it carries with it an increase of expenditure to meet the alleged limitation. Therefore the point of order is sustained.

The Clerk read as follows:

For miscellaneous expenditures in the discretion of the Attorney General, for fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals, and hay and straw for bedding; blank books, blank forms, typewriting supplies, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant, electric plant and water circulation, and drainage; for labor and materials for construction and repair of buildings; for general supplies, machinery, and tools for use on farm and in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of cows, horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, and electrical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers; for fees to consulting physicians called to determine mental conditions of supposed insane prisoners, and for other services in cases of emergency; for pay of extra guards or employees when deemed necessary by the Attorney General, and for expense of care and medical treatment of guards who may be injured by prisoners while said guards are endeavoring to prevent escapes or suppressing mutiny, $40,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I notice that this proposes to limit the gratuities now provided by law for discharged prisoners to those who have been imprisoned for six months. I understand the theory of the law which gives a man who is discharged from prison a small sum of money is not to pay him for his services in the prison, but to give him an opportunity after he gets out of prison, without any money of his own, to get employment where he may earn something, and not to put him on the street without a dollar and expect him to steal in order to get a night's lodging.

Mr. FOSTER. The gentleman makes the point of order to the limitation?

Mr. MANN. That is what I have in mind.

Mr. ANTHONY. Is the gentleman opposed to transporting these discharged prisoners back to the places they came from?

Mr. MANN. Oh, no; but under the law, as I understand it, every discharged prisoner gets a gratuity. They have inserted in the bill an item which limits this gratuity to those prisoners who have served for not less than six months.

Mr. SHERLEY. Here is the testimony on the subject at page 1459 of the hearings:

The CHAIRMAN. You ask to insert in this paragraph, *"Provided,* That such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months." What is the present law?

Mr. MCGLASSON. The present law at Leavenworth only allows the department to furnish the gratuities to prisoners sentenced for over a year, while at Atlanta the law allows us to furnish them to prisoners sentenced for six months or over. There is a difference with no reason, so far as we can see, and as we send prisoners to Leavenworth from long distances, the department thought it was not right to discharge them with no means of getting home.

What the committee desired to do was to ameliorate the provisions of the law and not make them harder.

Mr. MANN. I quite agree with the committee and withdraw the point of order.

The Clerk read as follows:

For clothing, transportation, and traveling expenses, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, provided that such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months, and including transportation to place of conviction or place of bona fide residence in the United States; for expenses of shipping remains of deceased prisoners to their homes in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, $25,000.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment, on page 122, line 2, by striking out the word "for," after the word "general," and inserting in lieu thereof the word "including."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 122, line 2, strike out the word "for" and insert the word "including."

Mr. SHERLEY. Why is the purpose of that?

Mr. HOWARD. The purpose of that amendment is this: Under a recent ruling of the comptroller if the authorities in charge of either prison at Atlanta or Leavenworth should expend $1 for anything that is not specifically set out in this paragraph, then the person in authority must do it at his own risk and cost.

Mr. SHERLEY. That ought to be so.

Mr. HOWARD. But it is for the use of the prison. It is some item that is not specified here. For instance, sometimes these men in the prison need the services of an oculist. The warden at Atlanta had several of these men there last year. They were practically blind without the use of glasses. Out of the goodness of his heart he sent into the city of Atlanta and got an oculist, Dr. Crawford, to go out there and examine the eyes of these prisoners. The bill was sent into the department and the comptroller held that under the law he had no right to pay it for that purpose, and that the warden had to pay it out of his own pocket.

Mr. BUTLER. Was it a provision exactly similar to this?

Mr. HOWARD. Yes.

Mr. BUTLER. Does the gentleman think that substituting the word "including" for the word "for" would answer the purpose?

Mr. HOWARD. Yes; and I will tell the gentleman why.

Mr. MANN. If the gentleman substitutes the word "including" for the word "for," he may just as well strike out all of the paragraph except that providing for miscellaneous expenditures in the discretion of the Attorney General, $40,000.

Mr. ANTHONY. Why not? You give the Attorney General that discretion in other appropriations, involving vastly greater sums than this.

Mr. HOWARD. Exactly.

Mr. MANN. Yes; but we would not do it if we could help it.

Mr. HOWARD. In other words, Mr. Chairman, the object of the amendment is, in cases of emergency, like the one I have just mentioned to provide a means of payment. I will relate another, where there was a little charge of $2. The cows at the prison broke out of the prison pasture and got into a near-by truck farmer's garden. The truck farmer impounded the United States prison cows. The warden looked over the ground and saw they had done damage to the extent of $2. He paid the $2, and the cows were released. He sent the bill in to the auditor and the auditor held that the warden had to pay it out of his own pocket. First and last, the warden at the Atlanta Penitentiary last year paid out about $200 for absolute necessaries at the Atlanta prison, for which the auditor would not allow him.

Now, substituting the word "including" for the word "for" means that in the item of miscellaneous expenditures it includes all these things and some other things that may be an emergency.

Mr. BUTLER. But there must be some provision of law which entitles the authorities at this prison to employ a physician.

Mr. HOWARD. They have a prison physician, but he is not a specialist, he is not an oculist. He knows nothing about eyes. The warden found men there who could not read on account of their impaired eyesight, their eyes were diseased, and he sent in and got this oculist, thinking, of course, that the Government of the United States having charge of these imprisoned men should give them the benefit of this specialist's services and pay the bill out of this fund.

Mr. FOSTER. If they employ a physician there who is not able to fit glasses to eyes, what they ought to do is to get rid of this physician and get another one.

Mr. HOWARD. The gentleman may be right about that, but you are not going to get an all-around physician any better qualified or more expert in his profession than this one for what they pay the physician at Atlanta—a pitiful $1,600.

Mr. SHERLEY. Mr. Chairman, I hope the amendment of the gentleman from Georgia will not be agreed to. It would be distinctly a step backward. The gentleman from Kansas [Mr. ANTHONY] makes the suggestion that some of the items in here are permitted to be expended at the discretion of the Attorney General. That is true; some of them are of that nature that require a discretion on his part, but the whole history and experience of the Committee on Appropriations has been that our mistakes, if any have been made, have been on account of allowing too much discretion, not by limiting it. The effect of this provision would simply be, as suggested by the gentleman from Illinois [Mr. MANN], to cut out the limitations and enumerations here, and simply turn the fund over to be expended in the discretion of the Attorney General. There occasionally arises a matter of this kind, but usually it is simply due to the lack of ordinary common sense on the part of the officer who is charged with the disposition of the fund, and whenever there is any legitimate cause for an expenditure for a purpose not authorized a recommendation is made to Congress, and the House enlarges the enumerated objects.

Mr. HARDWICK. Does not the gentleman think there ought to be some language in this bill to allow such items as my colleague has described to be charged against the Public Treasury?

Mr. SHERLEY. There has never been any trouble until this particular instance was brought to our attention. The discussion shows they never had any trouble before this. If they had suggested to the committee the desirability of putting in a particular enumeration we could have considered it, but the idea of striking out the word "for" and putting in "including" means an elimination of all the limitations and was not considered by the committee.

Mr. BYRNS of Tennessee. I will call attention to the fact that in the list of miscellaneous expenses there is an item for dentistry for $503 spent under this item, and evidently the Attorney General thought as the gentleman from Illinois [Mr. FOSTER] thought, that the physician ought to have attended to it.

Mr. HOWARD. I will just state to the gentleman from Kentucky this: The warden of the Atlanta Prison is here and was in the gallery a moment ago, and he informed me for the fiscal years 1910 and 1911 that he had paid out of his own pocket for the prisoners, thinking he was doing it under the law, quite a sum of money.

Mr. SHERLEY. I suggest to the warden, if he is still in the gallery, that he read the law the next time he comes to expend such funds.

Mr. HOWARD. I think the next time he will leave the cows in the pound.

Mr. MANN. I would like to inquire whether it is one of the prescribed duties of the warden to be in the gallery when an item of this sort is under consideration?

Mr. HOWARD. I will state to the gentleman he is subpœnaed by the Committee on Expenditures in the Department of Justice and had a few moments' leisure and had gone in the gallery.

Mr. ANTHONY. Mr. Chairman, I hope the amendment offered by the gentleman from Georgia will prevail. The situation that he states as existing at the Atlanta Penitentiary is duplicated at the Leavenworth Penitentiary. These prisons are not ordinary places where you can outline the things for which every cent shall be expended. They are great manufacturing institutions in themselves. They are operating farms, and their occupations are so diversified that they need this unlimited power, you may say. Now, take the Leavenworth Penitentiary. I said a few minutes ago that an investment of $100 for hogs for use on the farm resulted in giving to the prison in one year 50,000 pounds of pork for the use of the inmates, yet under this bill the warden would be prohibited from purchasing those hogs.

Mr. HOWARD. He can not buy a bull calf, even.

Mr. ANTHONY. He can not buy a calf, as Mr. HOWARD says—an entirely ridiculous situation. Under this bill as it is worded the prison authorities can buy a dead chicken, but can not buy a live chicken.

Mr. CLINE. Will the gentleman permit a question?

Mr. ANTHONY. Yes.

Mr. CLINE. I would like to ask the gentleman from Kansas [Mr. ANTHONY] whether the language just as it is written here has been construed by the gentleman from Georgia [Mr. HOWARD] that a limitation has been placed upon it and precludes the exercise of the discretion which the warden has?

Mr. ANTHONY. It absolutely does, as decided by the comptroller, who refuses to authorize the other little amounts from time to time that the officers of the prison have to pay out of their own pockets.

Mr. CLINE. It seems to me in this case the appropriation ought to be sufficient——

Mr. SHERLEY. How comes it this is the first time we have heard of this, and how comes it there is no testimony except that in regard to one of these institutions, and the gentleman from Kansas now talks about numerous instances? The proposition involved here is the proposition of whether we shall keep our hands on expenditures or whether we shall turn them loose to departmental employees who do not like any sort of restriction.

Mr. ANTHONY. Let me say to the gentleman that he ought to make this paragraph in the bill like other paragraphs of a similar nature. For instance, in other cases you leave $400,000 within the discretion of the Attorney General——

Mr. SHERLEY. My answer to you is that if a mistake has been made it has been made in giving too much discretion.

Mr. ANTHONY. In the McNeil Island Penitentiary you leave this discretion to the Attorney General. Why not at Atlanta and at Leavenworth? Make them uniform.

Mr. SHERLEY. I have tried to explain how I would make them uniform. I would make them uniform along the line of restricting.

Mr. ANTHONY. One or the other.

Mr. SHERLEY. If the gentleman had suggested a while ago about restricting the others he would now get a more cordial reception than he is going to receive.

Mr. ANTHONY. I would ask the gentleman to make the appropriation the same at Leavenworth and Atlanta as at McNeil.

Mr. HOWARD. They raise hogs down there for the use of the prison. Suppose cholera would break out? They would have to come here to get an appropriation to get meat for the Federal prison. This is the narrow manner in which the auditor has made these findings.

Mr. BYRNS of Tennessee. The gentleman had something to say a while ago about the examination of eyes not being allowed and the warden had to pay for it out of his own pocket. I find here with reference to the miscellaneous expenses at Atlanta, in addition to the amount allowed, for dentist fees, $900.

Mr. ANTHONY. The year I referred to was 1910–11.

Mr. PAGE. That has been cured by the present provisions of the bill.

Suppose you offer an amendment to this bill authorizing the warden to get impounded cows out of the pound.

Mr. ANTHONY. I think that might not happen again for years, but some hogs might not get out next time.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOWARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 20, noes 19.

Mr. SHERLEY. I ask for tellers, Mr. Chairman.

Tellers were refused.

So the amendment was agreed to.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, $4 000; deputy warden, $2,000; chaplain, $1,500; chaplain, $600; physician, $1,600; chief clerk, $1,800; bookkeeper and record clerk, $1,200; stenographer, $900; 4 clerks, at $900 each; head cook, $1,000; steward and storekeeper, $1,200; superintendent of farm and transportation, $900; 3 captains of watch, at $1,000 each; guards, at $70 per month each, $52,080; 2 teamsters, at $600 each; engineer and electrician, $1,500; assistant engineer and electrician, $1,200; in all, $79,280.

Mr. HOWARD. Mr. Chairman, where is the Clerk reading?

The CHAIRMAN. On page 123, the paragraph beginning on line 7.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment to page 123, line 14, to strike out "$52,080" and insert "$57,360" in its place.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The Clerk read as follows:

Amend, page 123, line 14, by striking out "$52,080" and inserting "$57,360."

Mr. ANTHONY. Mr. Chairman, I would state, for the information of the committee, that this increase of $5,280 in the appropriation for guards will enable the authorities at the Leavenworth Penitentiary to employ seven additional guards.

These guards are rendered necessary by the fact that the institution is at present suffering from a great shortage of guards, so much so that the Attorney General recommended strongly to the Committee on Appropriations that the force of guards be increased by seven.

The reason for that is this: The prisoners in the daytime in pursuing their various occupations require the attendance of the majority of the guard force, leaving the prison improperly guarded at night, so much so that the walls of the prison can not be manned in the nighttime.

A few months ago, on account of the shortage of guards, discharged prisoners succeeded in putting over these unguarded walls a large amount of explosives, dynamite, and many revolvers, and other dangerous material, which, if it had fallen into the hands of the prisoners, would have resulted in a wholesale mutiny and probably the loss of many lives. The prison authorities immediately asked for sufficient guards to man the walls at night. The Attorney General strongly urges that the increase be granted.

Now, for the information of the committee, I will say that the United States military penitentiary, situated a mile away from the prison under the Department of Justice, has over 100 guards for the purpose of controlling the same number of prisoners as are confined in the Federal penitentiary, and the latter penitentiary has only 50-odd guards for the same purpose for which 100 men are used in guarding the prisoners in the military prison. I hope the committee will permit the amendment to go in.

Mr. SHERLEY. Mr. Chairman, the recommendation made by the committee is the same amount that was carried in the bill last year and the year before, and in the judgment of the committee it was sufficient to authorize the employment of the proper number of guards, as well as other officials of the penitentiary.

Mr. ANTHONY. I would like to ask the gentleman if the committee did give consideration to the recommendation of the Attorney General and to his statement in regard to the emergency of the situation?

Mr. SHERLEY. The committee considered it, and considered it to the extent that they recommended the amount carried in the bill last year.

Mr. ANTHONY. I suppose with the idea of reducing the amounts appropriated by the bill, so that a showing could be made of economy. Is that it?

Mr. SHERLEY. No; with the idea of not providing useless jobs for people at the instigation of any locality.

Mr. ANTHONY. Does the gentleman mean to say that any locality is asking for this?

Mr. SHERLEY. All I know is that the only gentleman who is asking for it on the floor is the gentleman who represents that locality.

Mr. ANTHONY. It is my duty to do that.

Mr. SHERLEY. I am not gainsaying that; but the gentleman implied that our motive was the motive of making a showing, irrespective of what ought to be done. I say to the gentleman that the committee did what in its judgment seemed to be wise.

Mr. ANTHONY. I do not know what motive could be imputed to the committee for overlooking such a necessary service.

Mr. BUTLER. Mr. Chairman, what we want is information. The gentleman from Kansas [Mr. ANTHONY] stands with his back to us, and we can not hear what he says. Has the department recommended an increase of these guards?

Mr. ANTHONY. The department has recommended it as a most pressing emergency.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. ANTHONY. I do.

Mr. CANNON. Has Col. McClaughry appeared before the committee?

Mr. ANTHONY. I understand he was before the committee. I will say to the gentleman from Illinois that the walls of the Leavenworth Penitentiary are nearly unguarded at night. There are not enough guards to properly guard them.

Mr. CANNON. Has Col. McClaughry's recommendation before the committee been printed in the hearings asking for these additional guards?

Mr. ANTHONY. Yes; strongly urging it.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. PAGE. As a matter of fact, at night are not these prisoners locked in the cells?

Mr. ANTHONY. The gentleman is correct, but there is nothing to prevent people outside of the prison scaling the walls at night.

Mr. PAGE. Certainly not, but there is not the propensity on the part of people on the outside to scale the walls to get in that there is on the part of the people inside to scale the walls and get out.

Mr. ANTHONY. Let me say to the gentleman that prisons are generally surrounded by former convicts on the outside, scheming for the escape of the men on the inside.

Mr. FOSTER. And that in Kansas?

Mr. ANTHONY. And that in Kansas, surely.

Mr. FOSTER. I am surprised.

Mr. ANTHONY. A short time ago a large supply of dynamite was shoved over the walls, and many revolvers were put over.

Mr. PAGE. If this penitentiary is surrounded every night by convicts or ex-convicts, then, instead of increasing the number of these guards, the militia ought to be ordered out.

Mr. ANTHONY. That is the situation around every penal institution. They have to guard against the attempts of those on the inside to escape and against the attempts of those on the outside to assist those who are on the inside.

Mr. CANNON. If the gentleman will allow me, my vote in reference to this matter will be controlled by his answer to this question: Does he know that Col. McClaughry, the warden of that prison, earnestly recommended the increase of this guard by seven?

Mr. ANTHONY. Absolutely.

Mr. CANNON. Then I shall vote for it.

Mr. BUTLER. Where is that statement in the hearings?

Mr. SHERLEY. There are 62 guards at this place. They work in three shifts of eight hours each. There are guards at night. The place is not absolutely abandoned to the ex-convicts and the lawless citizens of Kansas outside of the penitentiary.

Mr. ANTHONY. The guards are not worked in three equal shifts. A large majority of them work in the daytime.

Mr. SHERLEY. All I can say is that the testimony is contradictory of what the gentleman states.

Mr. ANTHONY. I am giving the gentleman the facts.

Mr. SHERLEY. I am taking the testimony as it was presented to the committee.

Mr. ANTHONY. If the gentleman will read me any testimony to controvert what I have to say I shall be glad to hear it.

Mr. SHERLEY. The testimony is that there are three shifts of guards working eight hours to the shift.

Mr. ANTHONY. But not in equal numbers.

Mr. SHERLEY. My information is that there are 12 guards on the shift which runs from 5.15 in the afternoon until midnight and 12 guards on the shift that runs from midnight until 7.15 in the morning.

Mr. ANTHONY. Yes.

Mr. SHERLEY. The balance of the guards are on the day shift, when the prisoners are out of their cells.

Mr. ANTHONY. That makes 12 on duty at night and 40 in the daytime.

Mr. SHERLEY. And the reason for the greater number in the daytime is the common-sense reason that in the daytime the prisoners are out of their cells and in the night they are locked in. Evidently the people in charge of the institution did not think that the citizens outside were as threatening or as lawless as the gentleman who represents the district thinks they are.

Mr. ANTHONY. Perhaps the gentleman knows more about it than the prison authorities themselves do.

Mr. SHERLEY. I only go by what the gentleman has stated and what the testimony shows.

Mr. BUTLER. Will some gentleman point me to the place in the hearing where this information is to be found? I have asked for it time and again.

Mr. SHERLEY. On page 1467 the gentleman will find it. I tried to read it.

Mr. BUTLER. What does the warden recommend relative to the increase of these guards?

Mr. SHERLEY. There was a recommendation not only to increase the number of guards by 7 but a recommendation for increases all along the line of this appropriation; and if we had simply accepted their statement we would have increased the appropriation to $92,000.

Mr. BUTLER. What, may I ask the gentleman, is the reason stated for the increase of the guards? The gentleman has asked to amend the bill, and we are required to vote on his amendment.

Mr. SHERLEY. The statement was made that they thought they needed more guards.

Mr. BUTLER. Does he simply give his judgment, or does he state any reason?

Mr. SHERLEY. He cites the one instance of their having put some of those explosives over the wall at night. I will read the whole testimony, if the gentleman wants it.

Mr. BUTLER. I do not ask for that; I am simply getting information.

Mr. SHERLEY. I tried to give the information to the gentleman by reading it in detail.

Mr. BUTLER. I have listened ever since the gentleman was on his feet, and I did not hear it read.

Mr. SHERLEY. I can only give the information; I am not responsible for its reception by any gentleman. I did the best I could.

Mr. BUTLER. I understand the gentleman's remarks. I am able to understand, but I say I did not hear the gentleman read what he says he did read, and that is the evidence of the warden of the penitentiary.

Mr. SHERLEY. Oh, the warden of the penitentiary was not before us.

Mr. BUTLER. Well, of the official that had the authority to speak for the penitentiary.

Mr. SHERLEY. I read that to the gentleman, and I suggest that he can read it quicker himself than I can read it again.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was lost.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment to line 14, page 123, to change the sum from $52,080 to $75,440.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 123, line 14, strike out the figures "$52,080" and insert in lieu thereof the figures "$75,440."

Mr. ANTHONY. Mr. Chairman, the reason for this increase of appropriation for the guards in the penitentiary at Leavenworth is in line with the recommendation made by the Attorney General, Mr. Wickersham, in his annual report. There has been some trouble in the institution in keeping a good class of reliable guards. The guard force there now is undoubtedly composed of the best men it is possible to get, and they are good men, but they are continually changing—going out to accept employment which affords them more remuneration, and also going into other branches of the Government service.

The Attorney General suggests that there should be a graduated scale for the payment of guards. They now receive $70 per month. He recommends that they start in at $60, and after six months' time their pay be increased gradually until after five years they receive a maximum of $100 a month. The position of guard at these penitentiaries is one of great responsibility. They require men way above the average, and they get but $70 a month. The idea of the Attorney General is to retain in the service the highest type of men necessary for the purpose. I ask the consideration of the committee for that amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For miscellaneous expenditures, in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans., $25,000.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as fololws:

Amend, line 7, page 134, by striking out the figures "25,000" and inserting the figures "30,000."

Mr. HOWARD. Mr. Chairman, the Attorney General asked in this appropriation for the sum of about $38,000. It is estimated by the Department of Justice that the necessary expenses under this appropriation would be $35,000, but the department submitted a request for an appropriation of $30,000 in order not to ask for a larger amount than was asked for by the department, that $30,000 be inserted in lieu of $25,000.

During the fiscal year 1911 the expenses payable from this appropriation up to the present time have amounted to $34,989.05, which was only $10.95 less than the amount asked for in the years 1911 and 1912.

Now, to further show the necessity for the increase in this appropriation I will state here some of the miscellaneous items paid for out of this appropriation: Coal used at the prison last year, $16,306.74; water, $3,672.73; parole officers' salary and expenses, $1,985.53; employment of dentists and dental work, $2,892.69; surgical operations, $120; for examination of insane prisoners, $270. These items alone amount to over $24,000. When this estimate was made for the Federal prison in Atlanta, $30,000, as the very least amount that the Attorney General could get along on, there were only 624 prisoners at the institution. To-day there are 936 prisoners confined in that penitentiary, or a little over 300 more men than when the estimate was made. The warden and the Attorney General in making their recommendation to the committee recommended the least possible amount upon which they could subsist under this particular head as being $30,000, and I hope this committee will see proper to give us this additional little $5,000 so that we will not be cramped down there for funds during the coming year.

Mr. MANN. Mr. Chairman, this item reads:

For miscellaneous expenditures in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, $25,000.

The item relating to Leavenworth under this head was the one which we just amended, striking out the word "for" and inserting in lieu thereof the word "including," and under the amendment which we agreed to the Attorney General can expend money for miscellaneous items ad libitum, but when it comes to the Atlanta Penitentiary he can only expend that sum for items which are specified in the Fort Leavenworth item, and the gentleman who introduced the amendment, representing the Atlanta prison, succeeded in getting it through for the benefit of the Fort Leavenworth prison, but escaped getting it through for the benefit of the Atlanta prison, and he will be in no better position than he was before unless he can amend this item.

Mr. HOWARD. Mr. Chairman, I am very much obliged to the gentleman from Illinois for the information.

Mr. MANN. Oh, I always play fair.

Mr. HOWARD. I want to state to the gentleman that he possibly observed long ago that I am somewhat green in these matters.

Mr. MANN. I have observed that the gentleman is very bright and very active.

Mr. HOWARD. The verbiage of this amendment I thought would apply to this item, and when this item says "for miscellaneous expenditures in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans.," I concluded it would apply in the same terms to the Federal prison at Atlanta. I have the most profound respect for the opinion of the gentleman from Illinois, but I believe I shall take my chances on Atlanta getting in under that amendment as it stands.

Mr. FITZGERALD. Mr. Chairman, this is not the first time that the Attorney General has made just as vigorous a request for $30,000 for this item, and in former years the Congress has refused to give him in excess of $25,000. He managed to get along without any inconvenience whatever. The gentleman from Georgia is unduly alarmed because the committee does not take the request of the Attorney General quite so seriously as he does. We have increased this item over the appropriation for the current year, and have given all that the experience of the committee and the department indicates will be required for that particular purpose. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, $4,000; deputy warden, $2,000; chaplain, $1,500; chaplain, $1,200; chief clerk, $1,800; physician, $1,600; bookkeeper and record clerk, $1,200; stenographer, $900; 6 clerks, at $900 each; telephone operator, $480; engineer and electrician, $1,500; assistant engineer and electrician, $1,200; 3 captains of watch, at $1,000 each; steward and storekeeper, $1,200; superintendent of farm and transportation, $900; 2 teamsters, at $600 each; head cook, $1,000; guards, at $70 per month each, $43,000; in all, $73,080.

Mr. HOWARD. Mr. Chairman, I have three or four different amendments I would like to introduce to this particular item. Should they all be introduced at one time, or can they be taken up separately?

The CHAIRMAN. One at a time.

Mr. HOWARD. Very well, I offer the following amendment.

The Clerk read as follows:

Amend, line 15, page 124, by striking out "$900" where it first appears in said line and inserting in lieu thereof "$1,200."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

Mr. HOWARD. Mr. Chairman, I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order. It is an increase of salary and changes the law. It is useless to argue about it.

The CHAIRMAN. The point of order is sustained.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, line 16, page 124, by adding before the word "assistant" the word "two," and after the word "assistant" where said word last appears in said line strike out the word "engineer" and insert "engineers," and before the word "electrician," in line 17, add the word "one."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that and I would like to have the Clerk report the paragraph as it would read, as amended. We could not catch the amendment.

The Clerk read as follows:

Two assistant engineers and one electrician.

Mr. SHERLEY. Mr. Chairman, I make the point of order.

Mr. HOWARD. Mr. Chairman, I would like to have the gentleman reserve the point of order for a moment. I desire to let the committee know why the amendments are introduced.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order.

Mr. HOWARD. Mr. Chairman, the necessity for these engineers at this prison is urgent. They have only a chief engineer and one assistant.

The machinery of this plant is run night and day. In the event one of the engineers is sick or takes leave the duty falls upon that one engineer to run all the machinery of this whole plant for 24 hours at a time, which, of course, is a physical impossibility. Now, in the event anything should befall any of these engineers, then the responsibility of running the machinery of that prison falls upon the convicts of the prison who happen to be acquainted with the machinery. This additional engineer has been urgently asked for by the department. It has been recommended by the warden, and it is a real necessity. The two engineers there now are working 12 hours per day every day of their lives including Sundays, and they have asked for this assistant engineer.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOWARD. Certainly.

Mr. MANN. The bill carries engineer and electrician, $1,500; assistant engineer and electrician, $1,200. Just what is the gentleman's amendment?

Mr. HOWARD. Instead of having one assistant engineer I ask for two assistant engineers, at $1,200 each.

Mr. MANN. Just what is the gentleman's amendment?

Mr. HOWARD. To insert after the words "fifteen hundred," in line 12, the word "two" before the word "assistant," and add an "s" to "engineer," and insert before the word "electrician," in line 17, the word "one."

Mr. MANN. Then, the gentleman proposes to appoint two assistant engineers and one electrician?

Mr. HOWARD. No; there is already provided one electrician——

Mr. MANN. Oh, no; there is an assistant engineer and electrician, and that is one person. I thought the gentleman had it a little bit mixed. If he had proposed to appoint two assistant enigneers and electricians, I think that is not subject to the point of order, but the gentleman proposes to appoint two assistant engineers and one electrician and——

Mr. HOWARD. Mr. Chairman, I ask to modify my amendment so as to make it "two assistant engineers and electricians."

Mr. SHERLEY. Mr. Chairman, when the amendment is reported I reserve a point of order on it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 124, line 16, by inserting before the word "assistant" the word "two," and before the word "electrician" the word "one," so it will read "two assistant engineers and one electrician."

Mr. MANN. I suggest you make it "two assistant engineers and electricians, $1,200 each, $2,400."

Mr. SHERLEY. I make the point of order on the amendment.

Mr. MANN. The gentleman does not contend it is subject to the point of order to increase the number?

Mr. SHERLEY. Yes.

The CHAIRMAN. The Chair must confess he has been unable to get at the gentleman's amendment.

The Clerk read as follows:

Insert before the word "assistant" the word "two," so it will read "two assistant engineers and electricians."

The CHAIRMAN. Now the Chair will ask the gentleman whether in his opinion that increases the number of officers?

Mr. HOWARD. By one officer.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, before the Chair rules upon the point of order let me remind the Chair that there is no law fixing the number of officers at the Atlanta Penitentiary any more than there is a law fixing the number of officers in any other department of the Government. There is no law fixing even the number of officers, and it has been always ruled that the number of officials named in a current law is not binding upon us in the consideration of an appropriation bill. It has been ruled that the salary fixed in the current law does bind. That is purely an arbitrary rule, but if the Chair sustains the point of order on increasing the number of officers we could not pass the Post Office appropriation bill; you could not pass any appropriation bill which increases the number of officers in the Government or clerks in a department.

The CHAIRMAN. The Chair is aware of that, because they are increased from time to time without authority of law, but no one raises a point of order.

Mr. MANN. Frequently a point of order is raised. A point of order was raised on the Post Office bill this session on that particular question and overruled by the Chair. On the legislative bill on the very question it was overruled by the Chair, and on the agricultural bill on the very identical question it was overruled.

Take the agricultural bill, and the point was made that the agricultural bill granted an increase in the number of employees over that in the existing law, but there being no authority specifically fixing the number of employees and the authority for their being employed in the law creating the department, in every case the Chair has overruled the point of order. If there is good authority for this, the whole item is subject to a point of order.

Mr. FOSTER. I remember the original agricultural bill, because the original act provides such clerks as Congress may authorize.

Does not this provide the same item in the same language?

Mr. MANN. The agricultural bill did not cover a great many cases that were in there.

Mr. FOSTER. I think the original act provides that.

Mr. MANN. No; it does not.

Mr. FOSTER. That was the point when the point of order was made on the agricultural appropriation bill.

Mr. MANN. That was as to certain experts.

Mr. FOSTER. I think that was the ruling of the Chair at that time on the point of order raised on the agricultural bill. The law was broad enough to authorize the appropriation for any officer.

Mr. BUTLER. When the law does prescribe for officials, how can we get them if we do not have authority here to fix them?

Mr. MANN. If there is no law for the engineer or electrician at the Atlanta Penitentiary, and the Chair holds you can not include such an item, you can not hold such an item in this bill in order.

The CHAIRMAN. The Chair is pretty nearly of that opinion.

Mr. MANN. I think, if the Chair so holds, he will overrule nearly all of the other chairmen.

The CHAIRMAN. The Chair is going to follow the precedent and will not sustain the point of order, but let the matter go to a vote.

The question is on agreeing to the amendment.

The amendment was rejected.

Mr. HOWARD. Mr. Chairman, I ask permission to offer these amendments, one at a time, if the Chair will permit. I had not finished, and I would like to offer an amendment to line 17, page 124.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend line 17, page 124, by striking out all of said line after "$1,200."

Mr. HOWARD. That strikes out the words "three captains of the watch at $1,000 each," and I would like to introduce, Mr. Chairman, before I explain that particular amendment, the following amendment to line 20, on the same page.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 124, line 20, by striking out all of said line as follows: "At $70 per month each, $43,000." And inserting in lieu thereof and before the word "guards": "Three captains of watch and guards, $58,293."

Mr. SHERLEY. Mr. Chairman, I make the point of order to that.

Mr. HOWARD. Mr. Chairman, I do not think that that particular amendment is subject to a point of order.

Mr. SHERLEY. It undertakes to change the amount to be paid these guards.

Mr. HOWARD. The three captains of the watch and guards necessary, not stipulating the number of guards that are necessary, but it states the salary. Now, the purpose of this amendment, Mr. Chairman, is to carry out the recommendation of the department relative to the graduated scale of salaries at this prison. These guards are now receiving the small sum of $70 a month, the captains of the watch are receiving the sum of $1,000 per annum. The Attorney General has recommended this change. This is a splendid body of men. Men of high character, intelligent, and industrious. They are men who have families dependent upon them. They used to obtain their midday meal at the prison free; now they have to pay for this meal. At one time they were allowed to purchase their supplies from the prison commissary at the price the Government paid for such supplies. This was stopped by the department, and the free use of the laundry once extended to these men is now denied them.

Mr. Chairman, it is needless for me to call attention to the high cost of living and its steady increase. This small salary, taking into consideration that in addition to the enormous increase in the price of foodstuffs, they have to buy two suits of guard's uniforms per annum. They are furnished no house to live in, no subsistence of any character, and are required to be on duty 365 days in the year.

Now, the Attorney General recommends that after a guard has been employed at the prison for a term of six months he commences to receive $5 per month additional to $70, until his salary reaches the maximum amount of $100 per month, or $1,200 a year; and the captains of the watch at the same time will receive an increase in their salaries up to the maximum of $1,400 per annum.

Now, Mr. Chairman, I hope that this amendment will be adopted.

Mr. SHERLEY. Mr. Chairman, I have made the point of order to it. If the gentleman wishes to speak on the point of order, he is at liberty to do so.

Mr. HOWARD. I think it is good, but it is a question of judgment.

Mr. SHERLEY. I insist upon the point of order.

Mr. HOWARD. Then there is no use in further discussion about it. I concede the point of order. We can proceed.

The CHAIRMAN. The point of order is sustained.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. May I have the attention of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY]? On page 124 you have an item for miscellaneous expenditures, and so forth, at Fort Leavenworth, Kans., $25,000, and another item for $2,500.

Mr. SHERLEY. The gentleman is mistaken. Those items are not for Fort Leavenworth, Kans. They are for Atlanta Penitentiary, but the provisions of the items under which they can be expended are the same as those in regard to the items at Fort Leavenworth, Kans.

Mr. GARNER. They are merely descriptive?

Mr. SHERLEY. Yes.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For foremen, tailor, blacksmith, shoemaker, laundryman, and carpenter, when necessary, $4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that this year at Atlanta they have some of these same officials. The appropriations for blacksmith and carpenter, and so forth, are omitted this year at Leavenworth, but they are left at Atlanta. What special reason is there for that?

Mr. FITZGERALD. The statement was made before the committee that at Leavenworth the warden was able to dispense with the services of the blacksmith and carpenter, and so on.

Mr. MANN. Why do they need a blacksmith and carpenter at Atlanta if they can dispense with them at Leavenworth?

Mr. FITZGERALD. The warden at Atlanta, as the gentleman has probably seen, is very tenacious, and he insisted that he required these particular mechanics.

Mr. HOWARD. It is not the warden; it is the Representative who is tenacious. The warden has nothing to do with it.

Mr. MANN. In the current law we appropriate for a shoemaker and a harnessmaker and a tinner and a blacksmith at Fort Leavenworth; and the warden there, showing that they might be dispensed with, I assume, recommended that they be left out of the bill, as they have been. But at Atlanta they do not seem to be willing to dispense with anything.

Mr. HOWARD. That is true, Mr. Chairman.

Mr. MANN. As long as they have the present able Representative they will probably be unwilling to dispense with anything.

Mr. HOWARD. I will explain that, if the gentleman wants me to, about the blacksmith. The blacksmith is needed at Atlanta at this particular time because of the peculiar condition——

Mr. BUTLER. Until after the election?

Mr. MANN. Has the gentleman conjured up a good reason while I have been talking? [Laughter.]

Mr. HOWARD. He is needed, I say, because of the condition of the construction personnel at this time.

Mr. MANN. But the conditions of the construction at Atlanta and at Leavenworth are identical.

Mr. HOWARD. I do not know about it at Leavenworth, but at Atlanta I know the blacksmith, and he is a good fellow, and he earns his money.

Mr. MANN. Then, if the gentleman knows him, that is a sufficient explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIGHTHOUSES, BEACONS, AND FOG SIGNALS.

Light vessel, general service: For constructing and equipping one light vessel for general service, $130,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I notice, first, that the committee have changed the heading "Light vessels and other vessels under the Lighthouse Service" to "Lighthouses, beacons, and fog signals."

Then the first item is a light vessel, which is not covered by the heading. What is the reason for changing the heading so that it does not cover the item that follows?

Mr. FITZGERALD. The words "light vessels" were left out inadvertently.

Mr. MANN. Then they may be inserted. Does the gentleman contend that this light vessel is authorized by law?

Mr. FITZGERALD. It is authorized. All of the items here are authorized by law.

Mr. MANN. There really ought to be some reference here, where you provide a light vessel for general service. I do not think there is any authorization for that.

Mr. PAGE. This is authorized under the act of June 17, 1910.

Mr. MANN. Did that provide a light vessel for general service?

Mr. PAGE. Yes; it is so stated, one light vessel for general service.

Mr. MANN. The reason I asked was because there have been several light vessels authorized for particular service where they are not necessary, and the department has been asking that light vessels for general service might be allowed, instead of those for particular service, to which I have no objection; but I do not desire, if we allow one of them, to have it said, "This was allowed by an appropriation bill and is not the one authorized by the act."

Mr. FITZGERALD. The Committee on Appropriations have refused to appropriate for any new works in this service except those that have been previously authorized by law. The Committee on Appropriations have taken the position that it was much safer to have the committee having jurisdiction of the matter recommend the authorization.

Mr. MANN. I was thinking for the moment of lighthouse tenders. There is nothing of that sort in here. I now remember the light vessel for general service. There are some authorizations for lighthouse tenders where they are not needed, and the department desired to have them for general service. That bill has not come along yet.

Mr. FITZGERALD. The committee did not attempt to determine those questions.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

LIGHTHOUSE SERVICE.

General expenses, Lighthouse Service: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That no oil or carbide house erected hereunder shall exceed $550 in cost; the construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees while engaged on works of general repair and maintenance, rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce and Labor of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,569,400.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This paragraph at the top of page 128 carries a provision for rations for lighthouse keepers, or the commutation that is provided for by law. Now, the gentleman has inserted in the bill the words "and other authorized persons" to receive the rations or the commutation.

The CHAIRMAN. On what line is that?

Mr. MANN. Line 7, page 128. That does not mean authorized by law. That would allow the Lighthouse Service to authorize anyone connected with the service to have these rations in addition to pay.

Mr. FITZGERALD. While on board the tenders.

Mr. MANN. I do not think that is it.

Mr. FITZGERALD. It is.

Mr. MANN. It says:

Rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels.

Mr. FITZGERALD. Certain officials or employees in the service are compelled at times to be on these tenders, and this is simply to enable the rations to be furnished them. Otherwise they would have to be provided at the expense of the officers of the vessels.

Mr. MANN. Very well. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read to page 135, including line 8.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not think it is on account of the ball game, but the attendance in the committee has fallen off considerably. I suggest to my friend from New York that this would be a good time and place for the committee to rise.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York; to the Committee on Public Buildings and Grounds.

S. 6573. An act to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

S. 6269. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico; to the Committee on Public Buildings and Grounds.

S. 7096. An act to increase the limit of cost of the public building at Narragansett Pier, R. I.; to the Committee on Public Buildings and Grounds.

S. 5790. An act for the relief of C. E. Moore; to the Committee on Claims.

CHANGE OF REFERENCE.

The Clerk read as follows:

The Committee on Pensions is discharged from the further consideration of the act (S. 1152) granting an increase of pension to Mary Braford Crowninshield, and the same is referred to the Committee on Invalid Pensions.

Mr. MANN. Mr. Speaker, that does not require action of the House. If it is a private bill, the rule provides for the transfer of private bills.

The SPEAKER. It is a private bill, but a Senate bill.

Mr. MANN. The rule provides that the committee may do that. I have no objection to it.

The SPEAKER. The references of Senate bills are corrected under the rule like public bills. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HUGHES of Georgia, for one week, on account of attending the annual meeting of the board of trustees of the University of Georgia.

To Mr. LITTLEPAGE, for five days, on account of important business.

To Mr. DAVENPORT, for one week, on account of illness in his family.

To Mr. THOMAS of Kentucky, indefinitely, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until Monday, June 17, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriation for draining and filling swamps within Government reservations on Constitution Island (H. Doc. No. 834) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 15241) for the relief of Fred R. Payne, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 19190) for the relief of John P. Risley, reported the same with amendment, accompanied by a report (No. 897), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager, reported the same with amendment, accompanied by a report (No. 898), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKELLAR: A bill (H. R. 25375) to authorize a survey of Hatchie River, in Tennessee; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 25376) for the purchase of a site and erection of a public building in the city of Bolivar, Hardeman County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25377) to authorize a survey of the Memphis (Tenn.) Harbor; to the Committee on Rivers and Harbors.

By Mr. DODDS: A bill (H. R. 25378) to provide for the purchase of a site and the erection of a public building thereon at Mount Pleasant, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: Joint resolution (H. J. Res. 330) providing for the purchase of the home of Thomas Jefferson at Monticello, Va.; to the Committee on the Library.

By Mr. AYRES: Memorial of the Legislature of the State of New Mexico, asking for the creation of two additional judicial circuits; to the Committee on the Judiciary.

By Mr. LEVY: Memorial of the Legislature of the State of New Mexico, asking for a specific duty on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying the construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking for additional judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, praying that the Navajo Indian and other reservations be allotted and opened to settlement; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25379) granting an increase of pension to William A. Hughes; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25380) granting an increase of pension to John W. Hall; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25381) granting a pension to Francis P. McCue; to the Committee on Pensions.

Also, a bill (H. R. 25382) granting an increase of pension to John D. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25383) granting an increase of pension to Nathaniel Hawes; to the Committee on Invalid Pensions.

By Mr. DANFORTH: A bill (H. R. 25384) for the relief of Francis J. Yawman; to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 25385) granting a pension to Mary E. Sweeney; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 25386) granting a pension to Susan Russell; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25387) granting a pension to D. L. Maddox; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 25388) granting an increase of pension to John R. Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25389) granting an increase of pension to Charles H. Dart; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 25390) for the relief of the estate of Thomas Loker; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Ton Polek Sev. Jadwige Society, No. 357, Chicago, Ill.; Society No. 157, Helmetta, N. J.; and Boskeego Serca Jezasa Society, No. 533, Chicago, Ill., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Kazimier Society, No. 588, North Braddock, Pa., and St. Michael Society, No. 93, Ashland, Wis., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ELLERBE: Petition of citizens of the State of South Carolina, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Memorial of the Swedish-American Republican Club of Will County, Ill., relative to erection of a monument in memory of Capt. John Ericsson; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Mrs. Gervaise Graham, of Chicago, Ill., against the passage of the Richardson bill (H. R. 14060) to amend sections 6, 7, and 8 of the food and drugs act, approved June 30, 1906, concerning dyes and deleterious compounds, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. M. H. Wagner & Sons, of Chicago, Ill., favoring the passage of House bill 21480, to establish a standard barrel and standard grade for apples when packed in barrels, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. HANNA: Petition of citizens of North Dakota, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, against the stop watch for Government employees; to the Committee on the Judiciary.

Also, petition of the North Dakota Medical Association of Casselton, N. Dak., favoring passage of Senate bill 1, known as the Owen bill, providing for national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fort Rice, N. Dak., favoring passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., favoring investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Trenton, N. J., against erection of railroad bridge across the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Young Men's Hebrew Association of Bayonne, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the United States Civil Service Retirement Association, Washington, D. C., against the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5091, for erection of navy memorial at Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Amalgamated Ladies' Garment Cutters' Association Local No. 10, of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Manila Merchants' Association, of Manila, P. I., relative to sale of Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the High School Teachers' Association of New York City, favoring Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Allied Printing Trades Council, New York, favoring the passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of the University of Pittsburgh, relative to providing for an international conference on the cost of living; to the Committee on Foreign Affairs.

Also, petition of Robert H. Ingersoll & Bro., New York, N. Y., favoring the continuation of the Commission on Efficiency; to the Committee on Appropriations.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against passage of the Richardson drug bill, tending to amend the food and drug act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of B. F. Slingerlind, of Lovells, Mich., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Memorial of Polek Sw Jadwigi Society, No. 357, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of the United States Civil Service Retirement Association, Omaha, Nebr., protesting against limiting the tenure of office of employees to five years; to the Committee on Appropriations.

By Mr. REILLY: Memorial of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Auxiliary of St. John's Church, of South Glastonbury, Conn., relative to establishing reservations for the Alaskan Indians; to the Committee on the Territories.

Also, petition of the Daughters of Liberty of New Haven, Conn., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Board of Trade of the city of Newark, N. J., favoring passage of Senate resolution 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Milltown, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Hebrew Trades of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON. Petition of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Woman's Auxiliary of St. Luke's Church, of South Glastonbury, Conn., relative to establishing reservations for the Alaskan Indians; to the Committee on the Territories.

SENATE.

MONDAY, *June 17, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

William H. Norris, executor of William Bohlen, deceased, *v.* United States (S. Doc. No. 853); and

Mary A. Zinn, widow of Henry I. Zinn, deceased, *v.* United States (S. Doc. No. 852).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

USE OF TELEPHONES BY GOVERNMENT OFFICIALS (S. DOC. NO. 851).

A message in writing was received from the President of the United States, by Mr. Latta, executive clerk.

Mr. LODGE. I ask that the message just received from the President of the United States may be read.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which will be read.

The message was read, and, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Commissioners of the District of Columbia, inviting attention to section 7 of the legislative, executive, and judicial bill with reference to the use of telephones by Government officials.

WM. H. TAFT.

THE WHITE HOUSE, *June 15, 1912.*

HOUR OF MEETING ON THURSDAY.

Mr. McCUMBER. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet on Thursday next at 10 o'clock a. m. I am asking for a 10 o'clock meeting for the reason that we will have no business to transact other than the usual morning business and a great many Senators could then have an opportunity to put in a full day if they did not have to wait until noon on that day in order to introduce a bill or something of that kind. Waiting until noon breaks up the entire day, and if we can meet at 10 o'clock—as we will be in session only a few minutes—it will give us the entire day to do as we may wish. I know that the motion is not inconsistent with the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from North Dakota moves that when the Senate adjourns to-day it adjourn to meet at 10 o'clock on Thursday. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of members of the Commercial Association of Evanston, Ill., praying that an appropriation be made for the purchase of buildings for the accommodation of American representatives abroad, which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Union No. 735, International Brotherhood of Teamsters, Chauffers, Stablemen, and Helpers of America; of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America; and of G. W. Gibson, secretary of the International Association of Car Workers, all of Chicago, in the State of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Kewanee, Taylorville, Chicago, Peoria, Freeport, Carlinville, all in the State of Illinois, praying for the passage of the so-called anti-injunction bill, which were referred to the Committee on the Judiciary.

Mr. ASHURST. I present a concurrent resolution adopted by the Legislature of the State of Arizona, which is very short, and I ask that it may be read.

The concurrent resolution was read and referred to the Committee on Irrigation and Reclamation of Arid Lands, as follows:

House concurrent resolution 5.

Resolved by the Senate and House of Representatives of the First Legislature of the State of Arizona, in special session convened, That it is the desire of the legislature that the Congress of the United States make such amendment or amendments to the reclamation act as will permit the State of Arizona to purchase from the United States water rights for all State and school lands, under reclamation projects, in excess of the maximum of 160 acres allowed to private purchasers, such water rights to be held by the State for the use and benefit of its citizens.

Provided always, That the State, in leasing said lands and water rights, shall impose the same conditions, regulations, and restrictions upon the lessees of said lands and water rights, as to maximum area of holdings, cultivation, etc., as are now imposed upon private water-right producers by the reclamation act.

Resolved further, That certified copies of this resolution be forwarded to Hon. HENRY F. ASHURST and Hon. MARCUS A. SMITH, United States Senators from Arizona; to Hon. CARL HAYDEN, Representative in Congress from Arizona; and to Hon. Samuel Adams, First Assistant Secretary of the Department of the Interior.

June 10, 1912, adopted by the unanimous vote of the senate.

W. G. CUNNIFF,
President of the Senate.

June 10, 1912, adopted by the unanimous vote of the house.

SAM B. BRADNER,
Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the house of representatives of the first State legislature and J. M. McCollum, secretary of the senate of the first State legislature, in extra session, do hereby certify that the fore-

going is a true and correct copy of house concurrent resolution 5, as passed by the house and senate.

B. F. THUM,
Chief Clerk of House of Representatives.
J. M. McCOLLUM,
Secretary of Senate.

Mr. CURTIS presented a memorial of sundry citizens of Kansas City, Kans., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Topeka and of Barton, Ness, Scott, Reno, McPherson, and Rush Counties, all in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. ROOT presented a memorial of sundry citizens of Middletown, N. Y., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 7172) granting an increase of pension to Augustin Buhl (with accompanying papers); and

A bill (S. 7173) granting a pension to Lydia M. Jacobs (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7174) authorizing the issuance of a patent to the northwest quarter section 27, township 17 south, range 40 west, Dodge City (Kans.) land district to George H. Lowrey; to the Committee on Public Lands.

A bill (S. 7175) to correct the military record of Patrick McAnany; and

A bill (S. 7176) to correct the military record of Frederick A. Miller; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 7177) granting an increase of pension to Ezekiel R. Thomas (with accompanying papers);

A bill (S. 7178) granting an increase of pension to John J. Jameson (with accompanying papers);

A bill (S. 7179) granting an increase of pension to Charles T. Knight (with accompanying papers); and

A bill (S. 7180) granting an increase of pension to Alvin H. Ellis (with accompanying papers); to the Committee on Pensions.

THE COTTON SCHEDULE.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 25034) to reduce the duties on the manufactures of cotton, which was referred to the Committee on Finance and ordered to be printed.

TARIFF DUTIES ON WOOL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOURNE. For and on behalf of the Senator from Ohio [Mr. BURTON] I submit an amendment proposing to appropriate $20,000 for continuing the work of the International Waterways Commission, and so forth, intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which I move be referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

Mr. MYERS. On behalf of the Senator from Texas [Mr. CULBERSON], and at his request, I submit an amendment intended to be proposed by him to the bill (H. R. 25069) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and at his request I ask that it be referred to the Committee on Commerce and printed.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Commerce, and it will be printed under the rule.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $120,000 for payment to the treasurer of the Mount Vernon Avenue Association, of Virginia, to be used by the association toward the construction of a boulevard from Mount Vernon to Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $25,000 for grading and constructing a macadam road on Massachusetts Avenue from Nebraska Avenue west to the District line, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $310.62 to pay the city of Topeka, Kans., being the Government's proportionate part of the expenses incurred in establishing the White Way and the curb and gutter tax against the post-office property in that city, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the promotion of officers in the United States Navy who by their seniority have been placed upon the retired list for physical disability, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $7,500 for the erection of a chapel at the Eastern Branch of the National Home for Disabled Volunteer Soldiers at Togus, Me., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

STATUS OF RESOLUTION ON THE TABLE.

The PRESIDENT pro tempore. Are there concurrent or other resolutions to be introduced? [After a pause.] There is a resolution on the table, but the Chair understands that under the consent order it will not be in order to be considered. So the Chair does not lay it before the Senate.

Mr. HEYBURN. Mr. President, I have some doubt in my mind as to whether resolutions coming over, as in the case of the resolution on the table, would be included in the routine morning business. I intended to have made some inquiry on that point the other day.

Mr. LODGE. Under the unanimous-consent agreement it could not be taken up anyway, because it requires a vote.

Mr. HEYBURN. It might be debated. I was wondering whether it is routine morning business.

Mr. LODGE. The agreement, I think, is intended plainly to exclude everything.

The PRESIDENT pro tempore. The Chair understands the Senator from Idaho not to raise the question as to whether it can be considered under the consent order, but whether it is properly a part of the morning business.

Mr. HEYBURN. I have no desire to have it taken up. I am going away for a few days, and I merely wanted to know whether, in the opinion of the Chair, it is morning business.

The PRESIDENT pro tempore. The Chair will state that it is not specifically named in the rule, except that a concurrent resolution is in order, and if objected to it goes over. That is the sense in which it is considered as a part of the morning business, and it has been so universally treated by the Senate.

Mr. HEYBURN. I see by a reference to the rules what action has been taken heretofore. I do not want to go away under the impression that such matters could not come up and then find they had been brought up.

Mr. CULLOM. The Senator will find it on the table when he returns.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions, the morning business is closed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 12 minutes p. m.) the Senate adjourned until Thursday, June 20, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 17, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that it is not always easy to tell the truth, to be honest, to be just, to be pure; otherwise there would be no virtue in the power of resistance nor in the courage of our convictions. We realize that each day is a day of probation, each test a crucial test. To meet the temptations of to-day successfully is to strengthen us for the conflicts of the morrow. If we live well to-day, we shall be prepared to live better to-morrow. "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise, help us to think on these things."

For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, June 15, 1912, was read and approved.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. This is the day set apart for the consideration of bills on the Calendar for Unanimous Consent. The Clerk will report the first bill.

ALLOTTEES OF FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

Mr. CARTER. Mr. Speaker, before the bill is read, I ask unanimous consent that consideration of it be passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that consideration of the bill be passed without prejudice. Is there objection?

There was no objection, and it was so ordered.

SCHOOL SECTIONS WITHIN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FOSTER. Mr. Speaker, the gentleman from California [Mr. RAKER] is not present, and I suggest that the bill be passed without prejudice.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to pass over this bill for the present. I do not see any member of the Public Lands Committee present.

Mr. BUTLER. That will mean the passage for two weeks.

Mr. FOSTER. Yes.

Mr. MANN. I shall not object, although I gave notice two weeks ago that the bill would have to be disposed of.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to pass over the bill without prejudice. Is there objection?

There was no objection.

INHERITED ESTATES IN FIVE CIVILIZED TRIBES, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma.

The Clerk read the bill, as follows:

Be it enacted, etc., That conveyances of inherited allotments by full-blood heirs made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. CARTER. Mr. Speaker, the purpose of this bill is, not to change, but simply to elucidate the present law, already in existence. Briefly, section 9 of the act of May 27, 1908, gives the probate courts of the State of Oklahoma jurisdiction over all inherited estates of the Indians of the Five Civilized Tribes. No contention was made on this point until something more than a year after the law went into effect, when suddenly it dawned upon the Interior Department that the point was sufficiently involved to necessitate a ruling on same by the Department of Justice. The Department of Justice, as is usually the case, decided favorably to the Interior Department, reading into the act the word "hereafter," thereby making it apply only to inherited estates of allottees who died after the passage of the restriction act, which was May 27, 1908. In the meantime a great many bona fide transfers had been made upon the presumption that the act of May 27, 1908, applied to allottees dying both before and after the passage of the law. And it has since that time been so held by both the Supreme Court of the State of Oklahoma and the Federal Court in the Eastern Judicial District of Oklahoma in the cases of McHarg *v.* Eatman (116 Pacific, 935) and Harris *v.* Gale (188 Federal, 712), respectively. So that we now have two court decisions on the one hand, as against the ruling of the Attorney General on the other. This bill proposes to construe the law along the line of the two court decisions rather than in accord with the opinion of the Attorney General.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. Yes.

Mr. NORRIS. Does the gentleman mean to say that the law, as this bill would make it, has already been upheld by the Supreme Court of the United States?

Mr. CARTER. Oh, no; not the Supreme Court of the United States, but by the Supreme Court of the State of Oklahoma and the Federal Court of the Eastern Judicial District of the State of Oklahoma. I do not believe the gentleman from Nebraska would dispute that these decisions were correct after reading the law.

Mr. NORRIS. Are the cases on the way to the Federal Supreme Court?

Mr. CARTER. No; and no appeal was taken from the Federal court or from the State supreme court.

Mr. NORRIS. Does the gentleman say that, notwithstanding those decisions have become final, so to speak, the Attorney General still holds otherwise?

Mr. CARTER. The Attorney General made his ruling previous to the two court decisions upon a case submitted to the Department of Justice by the Interior Department. Now, I presume the decision of the Attorney General is so satisfactory to the Interior Department that no further opinion will be asked on the subject.

Mr. NORRIS. Is he not willing to change his ruling now?

Mr. CARTER. Well, he has not done so. There has been no case taken up to him as yet, and it is a rather complicated procedure to get a case before him without submitting same through a department of the Government. What we want is to have these decisions of the courts verified by this Congress—if I may be permitted to use that word—without any further trouble with the Department of Justice or Interior Department, either.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CARTER. Certainly.

Mr. MANN. Mr. Speaker, as I understand, the law was that these conveyances could only be made upon the approval of the Secretary of the Interior.

Mr. CARTER. That was the case before the act of May 27, 1908.

Mr. MANN. Congress passed an act providing that they could be made upon the approval of the probate court, but the Attorney General has held that that did not apply to cases where the allottee had already died. The courts held that it did apply to allottees who had died previous to the passage of the act authorizing the transfers to be made upon the approval of the probate court?

Mr. CARTER. That is correct.

Mr. MANN. A good many transfers have been made, as a matter of fact, upon the approval of the probate court, without the approval of the Secretary of the Interior. The gentleman now seeks to pass an act which will validate those conveyances that have already been made, with the approval of the probate court, and would allow other conveyances to be made hereafter of allottees who died previous to the passage of the act, upon the approval of the probate court?

Mr. CARTER. That is the exact purpose of this bill.

Mr. MANN. Does the gentleman know what the position of the department is in reference to it?

Mr. CARTER. As I have just stated, the Interior Department took the matter up several years ago and submitted it to the Attorney General for an opinion. The Attorney General replied, ruling that the probate courts did not have final jurisdiction in the matter, but such transfers must require the approval of the Secretary of the Interior when involving lands of persons dying prior to May 27, 1908, the date of the passage of the act.

The Interior Department has recently sent us a report which, to be candid, I must admit is unfavorable to the passage of the bill.

Mr. MANN. If the gentleman will permit, of course as to conveyances which might be made hereafter, there is no great difficulty probably in securing the approval of the Secretary of the Interior instead of the approval of the probate court. I apprehend, however, there is considerable work in obtaining the approval of both? That is what the gentleman seeks to avoid?

Mr. CARTER. Yes.

Mr. MANN. Does the gentleman think it complicates matters very much to require the approval of both?

Mr. CARTER. O Mr. Speaker, indeed it does. The nineteen and one-half million acres of lands on the east side of the State of Oklahoma are all Indian lands. The natural percentage of deaths have occurred there the same as in other places, so that this involves deaths that might occur among the allottees of nineteen and one-half million acres of land.

Mr. MANN. This involves only the death of those allottees which occurred prior to 1908?

Mr. CARTER. Yes. My statement should be qualified to that extent. It involves the natural percentage of deaths that might

have occurred from the time enrollment began, in 1898, until the passage of this act of May 27, 1908, which would be 10 years in duration, and everyone must admit that this is sure to be a very large percentage.

We are not afraid to go before the Secretary or any other tribunal for the approval of these matters. It is the complicated procedure and delay attendant upon departmental action which is objected to. It takes not less than six month, and often longer than a year, to get these deeds approved by the Secretary. They have to go through all the channels. The application is filed with the district agent; from the district agent it goes to the superintendent of the Union Agency, at Muskogee; from the superintendent to one of his subordinates; from the subordinate back to the superintendent; from the superintendent to the Commissioner to the Five Civilized Tribes; from the commissioner to one of his subordinates; from subordinate back to the commissioner; then from the commissioner to the Secretary of the Interior at Washington; from whence it is referred to the Indian Bureau; from the commissioner of that bureau to his subordinate; from that subordinate back to the commissioner; from the commissioner to the Secretary of the Interior; from the Secretary of the Interior to the law clerk of his department; and the law clerk refers it back to the Secretary. After all of this red tape you will eventually get final action from the Secretary of the Interior—favorable if you have a gilt-edge case, a good lawyer, and a Congressman who is willing to work 18 hours a day in about 6 to 18 months; and you will find when you get the approval that it has cost you more in expenses, lawyers' fees, trips to Muskogee, Washington, and other places, and in interest on money deposited, than you first contemplated paying for the land.

As I said before, this involves the natural percentage of deaths in almost one-half the lands of a great State—35 or 40 counties, if my memory serves me right—which work in itself would be of sufficient volume to engage the entire attention of a pretty good-sized department. With all this mass of business in hand, and the many other things the Interior Department is having to look after just now, procedure in these cases has become so obstructed that there is very little market for this class of titles. What I desire to do is to make the procedure less cumbersome, and this can very easily be done by this bill, which simply clarifies the present law.

Mr. MANN. It is a fact, is it not, that as to at least one probate court in Oklahoma there were serious charges of fraud preferred and believed to be true? Does the gentleman think it is perfectly secure to permit the probate court to make these approvals and that that will properly safeguard the interests of the Indians?

Mr. CARTER. There have been two county judges against whom charges were made in Oklahoma. One of these judges was defeated at the succeeding election and the other removed from office, neither of them serving at the present time. Even if these charges were true, this would make only 2 out of 35 or 40 judges; and let me remind the gentleman that there have also been some serious charges made upon the other side of this question. I do not care to bring any charges against the department or to even discuss that phase of the question at this time, but this House will no doubt remember a case presented here by my colleague [Mr. DAVENPORT] from the third Oklahoma district, in which an agent of the department was insisting on taking less for land—a great deal less, I believe—than the county probate court had already been offered. The county judge stuck to his contention and got the higher price. These things will naturally occur whether in the department or out of it, whether a county judge in Oklahoma or any other State of the Union.

Mr. MANN. Oh, I do not doubt there might be charges properly preferred against some of the officials in the Interior Department, and yet in the main probably the Interior Department would be less influenced by the local desire to get these lands out of the hands of incompetent Indians than would the local authorities be.

Mr. CARTER. Mr. Speaker, I want to repeat what I said sometime ago in the discussion on the Indian appropriation bill. We have in Oklahoma what we call a State board of charities and corrections. In that board there has been organized a special bureau for the specific purpose of looking after this very character of case—minor children's allotments and inherited estates. That department is very ably presided over by a young lady named Miss Katie Barnard, and her assistant in charge of this specific work is Dr. J. H. Stolper, and the grafter who gets anything past the vigilant eye of these two guardsmen will have to show something better than they have ever yet conjured up.

Mr. MANN. What have they to do with the approval of the probate court?

Mr. CARTER. Well they have a kind of general supervision over the acts of county judges in regard to these matters, and appear as attorneys for the incompetents and minors in these and many other cases.

Mr. MANN. But I do not understand that they appear as attorneys in every case where application is made in the probate court to sell property in the settlement of an estate?

Mr. CARTER. Oh, of course, they could not appear in every case, but they have a general supervision of the entire matter. I presume the county attorney appears very often in such cases; the State board of charities and corrections, however, keeps a pretty close watch over all these transactions and, I think, is amply qualified to take care of the situation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read the committee amendments, as follows:

Amend, line 3, page 1, by inserting after the word "full blood" the word "Indian."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend, line 4, page 1, by inserting after the word "heirs" the following: "members of the Five Civilized Tribes in Oklahoma."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Reservation in California;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes;

H. R. 16493. An act to correct the military record of William Z. Norman;

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant;

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics in cotton; and

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.

The message also announced that the Senate had passed concurrent resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. Con. Res. 22. Concurrent resolution to appoint a joint special committee to investigate rentals paid by the Government and the District of Columbia.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4883. An act to provide for the erection of a public building at Shawnee, Okla.;

S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army;

S. 2928. An act appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky.;

S. 2697. An act for the relief of John J. Flynn;

S. 6776. An act for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation in Oklahoma, and for other purposes;

S. 2147. An act for the relief of James L. Chase;

S. 1589. An act to authorize the exchange of conveyances between Florida East Coast Railway Co. and the United States;

S. 1001. An act to correct the military record of Andrew Floyd and grant him an honorable discharge;

S. 6650. An act for a site and the erection of a public building at Ripon, Wis.;

S. 6686. An act authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes;

S. 6126. An act for the purpose of removing restrictions on encumbrance and alienation of allotted lands within Cherokee Nation;

S. 4675. An act for the relief of George W. Brown;
S. 6682. An act for the relief of John Duggan, alias McCarty (or McCarthy);
S. 6672. An act to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads to the District line;
S. 5333. An act to authorize the widening and extension of Spring Road NW., and for other purposes;
S. 1330. An act for the relief of Joseph B. Riley, alias Thomas B. Keesy;
S. 171. An act placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank;
S. 6332. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service;
S. 6678. An act authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes;
S. 6590. An act to establish a fish-cultural station in the State of New Mexico;
S. 1302. An act for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased;
S. 6178. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.;
S. 6413. An act for the purchase of a site and erection of a Federal building at Salisbury, Md.;
S. 5354. An act to acquire a site and for the erection thereon of a public building at Oconto, Wis.;
S. 6551. An act to amend section 3 of an act entitled "An act to provide for an enlarged homestead";
S. 2605. An act to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade;
S. 5956. An act to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service;
S. 421. An act for the relief of Joseph B. Forbes;
S. 3843. An act granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes;
S. 4693. An act for the relief of R. W. Branson;
S. 4900. An act to provide for the erection of a public building at Altus, Okla.;
S. 5170. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses;
S. 5860. An act to provide for agricultural entries on coal lands in Alaska;
S. 6330. An act increasing the cost of erecting a public building at Santa Barbara, Cal.;
S. 6545. An act to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public;
S. 6734. An act to provide for the erection of an armory in the District of Columbia; and
S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Reservation.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:
H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;
H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and
H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles, when the Speaker signed the same:
H. J. Res. 299. Joint resolution proposing an International Maritime Conference;
H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky.;
H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;
H. R. 20593. An act to authorize the Norfolk & Western Railway Co., to construct sundry bridges across the Tug Fork of the Big Sandy River;
H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operations of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"; and
H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:
S. 5956. An act to restore, in part, the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.
S. 6126. An act for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation; to the Committee on Indian Affairs.
S. 6178. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.; to the Committee on Public Buildings and Grounds.
S. 6330. An act increasing the cost of erecting a public building at Santa Barbara, Cal.; to the Committee on Public Buildings and Grounds.
S. 6332. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.
S. 6413. An act for the purchase of a site and erection of a Federal building at Salisbury, Md.; to the Committee on Public Buildings and Grounds.
S. 6545. An act to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public; to the Committee on the District of Columbia.
S. 6551. An act to amend section 3 of an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.
S. 6590. An act to establish a fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.
S. 6650. An act for a site and the erection of a public building at Ripon, Wis.; to the Committee on Public Buildings and Grounds.
S. 6672. An act to authorize the president and directors of the Georgetown Gas Light Company to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads to the District line; to the Committee on the District of Columbia.
S. 6682. An act for the relief of John Duggan, alias John McCarty (or McCarthy); to the Committee on Military Affairs.
S. 6686. An act authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes; to the Committee on Indian Affairs.
S. 6734. An act to provide for the erection of an armory in the District of Columbia; to the Committee on the District of Columbia.
S. 6776. An act for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation in Oklahoma, and for other purposes; to the Committee on Indian Affairs.
S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation; to the Committee on Indian Affairs.
S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; to the Committee on Military Affairs.
S. 5860. An act to provide for agricultural entries on coal lands in Alaska; to the Committee on the Territories.
S. 5354. An act to acquire a site and for the erection thereon of a public building at Oconto, Wis.; to the Committee on Public Buildings and Grounds.
S. 5333. An act to authorize the widening and extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.
S. 5170. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses; to the Committee on Claims.
S. 4900. An act to provide for the erection of a public building at Altus, Okla.; to the Committee on Public Buildings and Grounds.

S. 4883. An act to provide for the erection of a public building at Shawnee, Okla.; to the Committee on Public Buildings and Grounds.

S. 171. An act placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank; to the Committee on Naval Affairs.

S. 421. An act for the relief of Joseph B. Forbes; to the Committee on Military Affairs.

S. 1001. An act for the relief of Andrew Floyd; to the Committee on Military Affairs.

S. 1302. An act for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr.; to the Committee on Claims.

S. 1330. An act for the relief of Joseph B. Riley, alias Thomas B. Keesy; to the Committee on Military Affairs.

S. 1589. An act to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States; to the Committee on Military Affairs.

S. 2147. An act for the relief of James L. Chase; to the Committee on Military Affairs.

S. 2605. An act to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

S. 2697. An act for the relief of John J. Flynn; to the Committee on Military Affairs.

S. 2928. An act appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky.; to the Committee on Military Affairs.

S. 3843. An act granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes; to the Committee on Indian Affairs.

S. 4675. An act for the relief of George W. Brown; to the Committee on Military Affairs.

S. 4693. An act for the relief of R. W. Branson; to the Committee on Claims.

S. Con. Res. 22. To appoint a joint special committee to investigate rentals paid by the Government and the District of Columbia; to the Committee on Rules.

AMERICAN REGISTRY TO NORWEGIAN ICE BREAKER "KIT."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized to register as an American vessel the Norwegian steam ice breaker Kit, of 240 tons net: *Provided, however*, That such registry is based upon the express condition that such vessel shall engage each year from November 1 to June 1 of the next year in carrying mail, freight, and passengers in Bering Sea, and from June 1 to November 1 in whaling in American waters.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

Mr. FERRIS. I would ask the gentleman to withhold for a moment——

Mr. ALEXANDER. Mr. Speaker, I would like to call the attention of the gentleman from Massachusetts to the fact that Mr. HARDY is not here this morning, and I ask unanimous consent that this may go over.

Mr. FERRIS. That is the request I was going to make.

Mr. GREENE of Massachusetts. I objected to it two weeks ago.

The SPEAKER. Does the gentleman from Massachusetts object?

Mr. GREENE of Massachusetts. I do.

The SPEAKER. The bill will be stricken from the calendar.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on June 15, 1912, approved and signed bills of the following titles:

H. R. 16674. An act to establish a subport of entry at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry; and

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State.

VETO OF ARMY APPROPRIATION BILL (H. DOC. NO. 835).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I have carefully considered the important questions presented by the bill entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," and I now return it to the House of Representatives, in which it originated, with my objections to its approval.

The bill provides in the usual form for the appropriation required for the support of the Army during the next fiscal year. If it contained no other provisions, it would receive my prompt approval. It includes, however, further legislation of a most important character.

In addition to the appropriation bill proper, there were enacted by the House of Representatives, in six appended sections and elsewhere in the bill, a body of legislation which would substantially reorganize and change the existing military establishment. Among other things, this legislation reduced the Army by five regiments of Cavalry; it changed the existing term of the soldiers' enlistment; it altered the amounts of pay and conditions of allowances made to officers and enlisted men; it consolidated the three great supply corps of the Army, and also merged The Adjutant General's and Inspector General's departments with the General Staff; it reduced not only the number of general officers of the Army, but also reduced very materially the total number of officers and changed the number and methods of detail of such officers to the various departments; and in other ways made changes which necessarily had a far-reaching effect upon the military policy of the Nation as well as upon the organization with which that policy must be carried out.

When this bill reached the Senate that body, by a decisive vote, struck all of this new and affirmative legislation from the bill, giving as its reasons, in the language of the chairman of the Senate Committee on Military Affairs, the following:

Mr. President, the sections of the Army bill, from and including section 2, which are known as the legislative sections of the bill, have been stricken out, as the committee does not believe that important and radical legislation of this kind should be included in an appropriation bill, but should be discussed on its own merits as an independent measure as soon as the proposed plan of reorganization is received from the War Department. * * *

The subjects covered by these provisions directly affect the efficiency of the Army, and can not receive the careful consideration which their importance demands when included in the provisions of an appropriation bill. * * *

The consensus of opinion of the military authorities is that it is inadvisable at this time to attempt a partial reorganization of the Army. The entire subject of reorganization has been under prolonged investigation by the General Staff Corps, which corps was created by law for the purpose, among other duties, of studying and advising upon such subjects. * * * Until fully matured by the military authorities of the War Department and by the Military Committees of the two Houses of Congress the time required for its full discussion should not be hastened by the urgency of an appropriation bill.

The bill then went to conference, and the House conferees have now succeeded in restoring to the bill a large portion of this affirmative legislation, and in addition thereto have succeeded in introducing into the bill two entirely new provisions which had not before received the attention of either House of Congress or of either of their military committees.

One of these provisions creates a commission to consist of five retired Army officers, who are named in the bill, instead of being chosen by the President or Secretary of War, and two Members from each House of Congress, to be designated by the presiding officers of such Houses, respectively, to report upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the mobile Army, and until such report is made the Executive is expressly deprived of all power to authorize the commencement of new posts or to change in any manner the posts now in existence in the United States.

The second provision introduced by the conference provides that no officer after March 5, 1913, shall be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general. This provision would render ineligible after that date for service in the most important position of the Army the present Chief of Staff and many other of the most efficient officers of the Army.

This brief summary of the history and character of the affirmative legislation attached to this bill serves to bring out the objections thereto. The dangers inherent in the practice of attaching substantive legislation to appropriation bills have been frequently pointed out by my predecessors. The only justification that has been offered for such practice is that it has been found a convenient method for facilitating the passage of measures which are deemed expedient by all the branches of gov-

ernment which participate in legislation. Thus, it has more than once occurred that useful items of Army legislation, generally of an urgent character, have been passed in this manner, when the desirability of the enactment was recognized and acquiesced in by the common consent of both the Executive and of Congress. But no condition of urgency is here disclosed, nor can it be claimed that there is any such reason for attaching the present legislation to this Army appropriation bill. The history of the measure flatly contradicts this assumption. The most important provisions insisted on by the House of Representatives in this bill have been inserted therein against the recommendation of the President, the Secretary of War, and the General Staff of the Army. They are earnestly opposed by those officers whose experience and knowledge as to matters of Army organization and administration are presumed to be that of experts. The primary purpose of the two provisions last inserted in conference is to limit the existing choice of the President as to his military adviser and to limit the power of his Secretary of War as to the distribution of the mobile Army. Taken as a whole, it would be hard to conceive of a clearer instance of an attempt to force upon the Executive legislation well known to be disapproved by him, and, by attaching such legislation to one of the great supply bills of the Government, to deprive the President of his constitutional power as to legislation.

There can be no constitutional defense to such a practice. On the contrary, such attempts have been firmly resisted by my predecessors. In 1879 President Hayes vetoed an Army appropriation bill because there had been added to it by Congress similar provisions of substantive law.

He said:

> It is clearly the constitutional duty of the President to exercise his discretion and judgment upon all bills presented to him without constraint or duress from any other branch of the Government. To say that a majority of either or both of the Houses of Congress may insist upon the approval of a bill under the penalty of stopping all of the operations of the Government for want of the necessary supplies is to deny to the Executive that share of the legislative power which is plainly conferred by the second section of the seventh article of the Constitution. It strikes from the Constitution the qualified negative of the President.

The legislation attached to the present Army appropriation bill seems to me to be clearly objectionable in the following respects:

First. The provision above mentioned, limiting the eligibility of officers to be Chief of Staff, narrows the choice of the President in selecting incumbents for the most important position of the Army. Had it been in operation in past years, it would have disqualified the majority of the most brilliant officers of our Army. It tends to put a premium upon mere routine service and to exclude from the highest post of the Army the men whose force, intelligence, and opportunities have brought them quickly to the front. It would tend to confine the choice for this principal staff position to men who have had the least staff experience.

If, in addition, this provision, as has been asserted in the debates of Congress, has been introduced for the purpose of affecting the future of individual officers now upon the Army list, it contains a vice frequently reprobated by Executive action in disapproving Army legislation.

Second. By reducing the number of the General Staff the bill, in my opinion, tends to cripple the most important corps of the Army—that corps which, though of comparatively recent organization, is performing invaluable work toward the creation of a consistent military policy for the Nation and the organization of an efficient and economical Army. If, as I believe to be the case, this bill would make necessary the reduction of the work of the War College, harm would be done to our military establishment which would be well-nigh incalculable.

Third. By the provisions of the bill which limit the period during which an officer may remain upon detached service or staff duty the organized personnel of many of the most important bureaus and corps of the War Department and military establishment will be disintegrated, and the work now proceeding under them will be seriously impeded. While these provisions aim at a wise purpose and one which my administration has sought to carry out by Executive action with especial thoroughness, the enactments of this bill are deemed too radical and drastic. By removing at once all of the officers of the Bureau of Insular Affairs, except its chief, they would seriously interfere with the work of that most important bureau in administering the affairs of our insular possessions. Again, they would, on January 1, 1913, relieve all of the officers now assigned to the Philippine Constabulary. Earnest protest has been received from the insular government of the Philippines to the effect that so prompt a relief of all of the officers who have had the especial training and experience necessary for these positions would be disastrous to the morale and efficiency of that important body, and would be a serious handicap to the preservation of law and order in the Philippine Islands.

Again, the provision would at once relieve all but one of the line officers now on duty in the work of constructing the Panama Canal, and, under a very probable construction of the law, it would also relieve the Engineer officers and other staff officers detailed to that work. The organization of the force of officers and men by whom the canal is now being constructed has earned the admiration of the entire Nation. Under this organization that work is fast approaching its completion. The drastic character of the provision can be best understood when it is considered that it might at once relieve from duty the general purchasing officer of the Isthmian Commission, by whom all of the complicated machinery for the locks and gates is being purchased; the officer who is building the Gatun Dam and the spillway; the line officer who, as chief engineer, is relocating the Panama Railroad; the officer in charge of the construction of the new breakwater at Colon; and the medical officer under whose inspection the sanitary work of the zone is being conducted. It would be practically impossible to replace these men or the special knowledge and skill which they have in their departments of the work. The entire organization of the great work in which they are almost indispensable agents would be disintegrated and impaired.

The fact that a single provision of the bill can cause such serious consequences offers further evidence of the unwisdom of a method which deprives legislation of its usual safeguards of scrutiny and discussion.

Fourth. The second section of the bill lengthens the term of enlistment from three to four years. This change has been opposed by the recommendations of the President, the Secretary of War, and the General Staff of the Army. It will tend to make difficult or impossible the establishment of a proper reserve by which the Regular Army could, in time of emergency, be brought up to its full strength. In my opinion it is a step contrary to enlightened military policy.

Fifth. The provision appointing the commission above mentioned to report as to the policy of Army posts seeks to deprive the regularly constituted authorities of our military establishment of all voice in the formulation of one of the most important policies now confronting the Nation in the maintenance of its Regular Army. It devolves the leadership in that matter upon a number of officers now retired and who are no longer responsible in any way for the Army or its maintenance. The very fact that they are selected in the manner proposed by this bill, without the action of the President or the head of the War Department, tends inevitably to create a lack of cooperation between them and the War Department. I believe that the provision will obstruct rather than further the solution of a most important and difficult problem.

Sixth. It is urged that great savings in expenditures are effected by the bill. I have examined carefully its provisions and believe this contention to be unfounded. Thus an examination of the bill in comparison with the estimates shows that there will be a deficit in the pay of the Army alone of $2,262,937. I also find that the amount appropriated for the subsistence of the Army is $191,787 below the amount originally asked for in the estimates and over $900,000 below the amount which, owing to the subsequent rise in the cost of the ration and other causes, will actually be necessary. This simply means that to that extent the alleged economy is arrived at by a failure to appropriate over $3,000,000, which will become necessary to pay and support the Army before the end of the coming year.

Again, the appropriations for the Quartermaster's Department fall short of the estimates by $1,338,319. I find by inquiry that only a portion of this can be met by enforced economy. As to the remainder, the Quartermaster General must either fall back upon his supply of reserve stores or incur a deficiency.

The foregoing enumeration sufficiently sets out some of the grave objections to this bill and sufficiently indicate the reasons which make this method of legislation unwise and dangerous. The Army of the United States is far too vital an institution to the people of this country to be made the victim of hasty or imperfect theories of legislation. As was pointed out by the chairman of the Senate Military Committee in the passage quoted above, it is well known that the War College and the General Staff have been for many months engaged upon a comprehensive plan of Army reorganization. At the present time, therefore, it is especially inappropriate, in my opinion, to force upon the statute book legislation enacted without the usual deliberation and care. I can not conscientiously surrender the responsibility in shaping such laws with which I am vested under the Constitution.

I therefore return to your honorable body without my approval the said bill.

WM. H. TAFT.

THE WHITE HOUSE, *June 17, 1912.*

Mr. HAY. Mr. Speaker, I move to refer the bill and accompanying message to the Committee on Military Affairs.

The motion was agreed to.

USE OF TELEPHONES BY GOVERNMENT OFFICIALS (S. DOC. NO. 851).

The SPEAKER. The Chair lays before the House another message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Commissioners of the District of Columbia inviting attention to section 7 of the legislative, executive, and judicial bill, with reference to the use of telephones by Government officials.

WM. H. TAFT.

THE WHITE HOUSE, *June 15, 1912.*

The SPEAKER. Ordered printed and referred to the Committee on Appropriations.

ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to return to the bill S. 4948, on the Unanimous Consent Calendar, which was passed temporarily.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

Be it enacted, etc., That section 9 of the act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be amended by adding at the end thereof the following: "This section shall apply to the lands of all deceased allottees who died prior to the passage of this act," so that section 9 of the said act as amended will read as follows:

"SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hereof, for the use and support of such issue during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April 26, 1931, the land shall then descend to the heirs according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section. This section shall apply to the lands of all deceased allottees who died prior to the passage of this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Speaker, I move to strike out all after the enacting clause and to insert the text of H. R. 22083 as reported by the House Committee on Indian Affairs.

The SPEAKER. Does the gentleman want to substitute?

Mr. MANN. The gentleman wants to strike out all after the enacting clause and insert.

Mr. CARTER. I want to strike out all after the enacting clause and insert in lieu thereof the language of the text in H. R. 22083, as reported by the House Committee on Indian Affairs and as it just passed the House a few moments ago.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] moves to strike out all after the enacting clause of the bill S. 4948 and substitute the language of the bill H. R. 22083 as it passed the House. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause in the bill S. 4948 and insert the following:

"That conveyances of inherited allotments by full-blood Indian heirs members of the Five Civilized Tribes in Oklahoma made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, was read the third time, and passed.

The title was amended to read as follows: "An act relating to inherited estates in the Five Civilized Tribes in Oklahoma."

Mr. CARTER. Mr. Speaker, I ask unanimous consent to vacate the order by which the bill H. R. 22083 was passed.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to vacate the proceedings by which the bill H. R. 22083 was passed. Is there objection?

There was no objection.

On motion of Mr. CARTER, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

IMMIGRATION STATION AT BALTIMORE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

Mr. MANN. Mr. Speaker, this bill is in charge of the Committee on Buildings and Grounds, which has the call on next Calendar Wednesday. If the committee is willing to pass it over for the present. I shall not object.

Mr. BURNETT. Mr. Speaker, I ask that it be passed over.

The SPEAKER. Is there objection?

There was no objection.

MANEUVER CAMP AT ANNISTON, ALA.

The next business on the Private Calendar was the House joint resolution (H. J. Res. 322) authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and it will be stricken from the calendar.

Mr. MANN. If the gentleman from Alabama [Mr. BLACKMON] desires to be heard, I will reserve my objection.

Mr. BLACKMON. I do not desire to be heard.

The SPEAKER. Then the resolution will be stricken from the calendar.

SALE OF CERTAIN LAND IN FOREST GROVE, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18504) to provide for the sale of fractional block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, and to convey by patent in fee simple to the purchaser the fractional block No. 6, as designated and numbered on the recorded plat of Naylor's addition to the town of Forest Grove, Oreg.: *Provided*, That N. R. Wells, who has been occupying the tract, be permitted to remove the improvements made thereon by him and his family prior to the date fixed for the sale hereunder, and that the proceeds of sale be used for the benefit of the Salem Indian School.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Oregon [Mr. HAWLEY] a question with reference to the statement made in the report from the Secretary of the Interior, in which he says—

Authority for its sale—

Referring to the land in question—

is contained in sections 2122 and 2123 of the Revised Statutes of the United States, but as it is desirable that the proceeds of sale be made available for the use of the Salem Indian School, additional legislation is required.

I do not understand that the bill as reported to the House proposed to turn over the proceeds of the sale to the Indian school. What does the bill accomplish?

Mr. HAWLEY. The committee strikes out that provision. The bill accomplishes this: That inasmuch as N. R. Wells, an aged and decrepit man, went on the property at the direction of the department and has been occupying the tract and placed on it buildings of his own, in case the land is sold he shall have the right to remove his buildings.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

Amend by striking out all after the word "Oregon," in line 8, page 1, and lines 1, 2, and 3, page 2, and inserting in lieu thereof the following: "*Provided*, That such sale shall be made on condition that N. R. Wells, who has been occupying the tract, be permitted to remove within 60 days from the date of the sale hereunder all improvements made on said lot by him or his family, and that the proceeds of sale be covered into the Treasury of the United States."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMPENSATION FOR SUPERINTENDENTS OF NATIONAL CEMETERIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to know if this bill does anything except to increase a man's salary?

Mr. BURNETT. Nothing except to increase the salary of the superintendent at Arlington. It is now $75 a month, and the recommendations of the War Department show that it is a much larger cemetery than the others, and there are many more burials, and several hundred acres of land have to be taken care of, and the increase of $25 per month is deemed to be a reasonable increase.

Mr. MANN. The present superintendent now receives $75 a month and quarters and fuel, and the bill proposes to increase his salary by $25 a month, with quarters and fuel. I call the gentleman's attention to it for the purpose of reminding our friends on the other side that they stated heretofore that no salary would be increased under unanimous consent.

The SPEAKER. Is there objection?

Mr. FOSTER. I would like to inquire of the gentleman from Alabama how long this man has held this position at $75 a month?

Mr. BURNETT. For several years; quite a number of years. I do not remember the exact number.

Mr. FOSTER. What is his particular duty over there?

Mr. BURNETT. Well, I will read a report made by my colleague, Mr. DENT, from the Military Committee, containing a report from the War Department, in which this statement is made:

Favorable action of the Congress on this bill is recommended. The cemetery at Arlington, Va., is the largest and most important of any of the national cemeteries in the United States; the duties and responsibilities of the superintendent of that cemetery are much greater than those of any other by reason of its prominent location near the seat of the National Government and because of the large number of persons, including officials of high rank, with whom he is daily brought in contact; these duties require a man of considerable tact and good address, as well as one who is sufficiently well educated to keep the important records of the cemetery and conduct the correspondence connected therewith in a businesslike manner.

In a former report, made at the second session of the Sixty-first Congress, Mr. YOUNG of Michigan, a member of the committee, compiled these facts:

At the present time there are 408 acres inclosed by a brick wall and 48 acres that are not surrounded with a wall. The interments number 21,774. The number of men employed range from 30 in winter to 100 in summer. Ten mules and 2 horses are required to keep the place in order. The superintendent is responsible for the mules and horses, 25 mowers, 19 vehicles, such as carts, wagons, etc.

The expenditure on account of labor and for running expenses pertaining to the work is between $15,000 and $20,000 per annum; total for all, about $30,000 per annum.

One can therefore see that the duties of the superintendent at this station have greatly increased, as well as his responsibility. He must attend to all funerals, lay out graves, inspect all foundations for monuments and see that they are properly built, show lots to officers, keep a full record of interments, lot assignments, 13 books of entry, and 2 sets of index cards. He is responsible for every dollar's worth of property on the place, and is obliged to make good all losses.

Every employee has had an advance in pay, except the superintendent. The per diem men, from $1 to $1.50 per day; the monthly men 30 per cent additional pay; the landscape gardener's salary has been increased from $60 per month to $150 per month, and although 46 years have elapsed since this cemetery was established, the superintendent still receives the small amount of $75 per month.

The several colored watchmen at the cemetery, who only work 8 hours in the 24, receive $50 and $60 per month. Among the superintendent's responsibilities is the care of all outbuildings, which consist of 3 large stables, 3 sheds for wagons, tools, etc.; 7 buildings, 1 greenhouse 200 feet long, 1 large hothouse, gatekeeper's house, and the care of 7 entrances with large double gates that have to be opened and closed at certain hours.

The interments during the last year have averaged about 50 per month, and the superintendent is supposed to attend and be present at every burial.

There are two foremen under the superintendent that receive $60 per month.

It is also the duty of the superintendent to look after and take charge of the painting of all buildings, the auditorium, temple of fame, entrance gates, etc.

Let me also read this, for the information of the House:

List of first-class national cemeteries, showing their area and number of interments in each from June 30, 1906, to June 30, 1910, as shown by records in office of the Quartermaster General, United States Army, Washington, D. C.

Cemetery.	Area.	Number of interments.
	Acres.	
Alexandria, La	24	3
Andersonville, Ga	25	3
Antietam, Md	9	7
Beaufort, S. C	29	27
Hampton, Va	19	1,836
Chalmette, La	13	84
Chattanooga, Tenn	75	117
Corinth, Miss	18	11
Cypress Hills, N. Y	18	445
Fredericksburg, Va	12	10
Gettysburg, Pa	17	16
Jefferson Barracks, Mo	20	217
Little Rock, Ark	12	45
Marietta, Ga	21	21
Memphis, Tenn	37	56
Mexico City, Mex	2	.....
Mound City, Ill	8	21
Nashville, Tenn	60	183
Natchez, Miss	11	69
Richmond, Va	9	6
Salisbury, N. C	6	1
San Francisco, Cal	15	803
Shiloh, Tenn	9	2
Soldiers Home, D. C	16	273
Stone River, Tenn	18	4
Vicksburg, Miss	34	69
Arlington, Va	408	1,476

Total acreage, other than Arlington, 536.

Interments at Arlington National Cemetery from Jan. 1, 1911, to Nov. 11, inclusive.

	Officers.	Enlisted men.	Wives of officers and enlisted men.
January	9	22	4
February	9	18	4
March	7	19	7
April	5	20	5
May	14	24	9
June	6	16	7
July	4	25	6
August	5	16	.....
September	6	18	1
October	2	20	6
November 11 (inclusive)	4	10	2
Total	71	208	51

Aggregate, 330.

From this it will be seen that the number of interments annually at Arlington is many times the number at any other national cemetery in the United States, and yet the superintendents in the others receive $60 per month, while this man, with all his extra responsibility and extra work, receives only $75 per month.

Mr. FOSTER. Mr. Speaker, I take it that if we increase this man's salary from $75 a month to $100 a month, all the other superintendents of national cemeteries will be here at the next session of Congress asking that their salaries be increased also. And while it is true that this man's duties are numerous, yet it seems to me, from the reading of the bill and report, that possibly next year he will want an assistant and possibly two assistants—and so it will go. So I hope the gentleman will let this matter go over for the present.

Mr. BURNETT. I will state to the gentleman, if he will permit, that the present superintendent has been there for several years and has not asked for any assistants. Not only that, this bill was unanimously reported and passed in the Sixty-first Congress by the House and went to the Senate, and there died for want of time for consideration. I have made some personal

investigation in relation to this matter. The way I became interested in it was that I was visiting Arlington one day and I saw the work that was done by this man, and I asked him what the amount of his salary was; and I was astonished to find that, with all the responsibilities and duties devolving upon him, he only got $75 a month.

Mr. FOSTER. Has this man any other income from the Government?

Mr. BURNETT. I believe he has a small pension. He was a Union soldier and draws a small pension.

Mr. FOSTER. How old a man is he?

Mr. BURNETT. It is Mr. Magoon, a brother of the former governor general of Cuba. I think he is about 68 years of age.

Mr. FOSTER. I suggest to the gentleman that he let the matter go over, in order that I may look into it a little further.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

REPAIR AND ALTERATION OF BRIDGES IN THE STATE OF ARKANSAS.

The next bill on the Calendar for Unanimous Consent was the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the St. Louis Southwestern Railway Co., a corporation organized under the laws of the State of Missouri as the successor in interest of the Texas & St. Louis Railway Co., a corporation organized under the laws of Missouri and Arkansas and heretofore duly authorized by act of Congress approved June 27, 1882, to construct, maintain, and operate bridges across the White, Arkansas, Saline, Ouachita, and Red Rivers in the State of Arkansas, be, and it is hereby, authorized to alter, repair, or rebuild the bridges on its line of railroad across the White, Arkansas, Saline, Ouachita, and Red Rivers in the State of Arkansas. This authority is, in all respects, to be exercised subject to and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges on navigable waters," approved March 23, 1906; and whenever the provisions of said act approved June 27, 1882, differ from or are inconsistent with the provisions of said act approved March 23, 1906, and this act, the same are hereby repealed: *Provided*, That this act shall not be construed as legalizing the construction nor as authorizing the reconstruction of the bridge across Saline River as it now exists, but in rebuilding said bridge such changes shall be made therein as the Secretary of War and the Chief of Engineers may deem necessary and order in the interest of navigation.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF FEDERAL BUILDING AND SITE AT OWENSBORO, KY.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 1718) providing for the old Federal building and site at Owensboro, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to sell and convey the old Federal building and the site thereof at Owensboro, Ky., at such time and on such terms as he may deem to be to the best interests of the United States, and to deposit the proceeds in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FORT COVINGTON, N. Y., SUBPORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21963) making Fort Covington, N. Y., a subport of entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That Fort Covington, in the State of New York, be, and is hereby, constituted a subport of entry in the customs collection district of Champlain, State of New York, and that the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to said subport.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman in charge of the bill——

Mr. MANN. I am not in charge of the bill, but the gentleman from New York asked me to make a statement when the bill came up.

Mr. FOSTER. I will ask if this will entail any additional expense on the Government?

Mr. MANN. It may entail a slight expense, but very little. The purpose is to permit the New York Central Railroad, which now brings a large amount of freight from Canada, to bring it by the way of Fort Covington instead of by way of Malone, it being much more expensive, the freight rates being considerably higher by the way of Malone on account of the high grades. The expense will be trifling, and the freight will come through in bond.

Mr. FOSTER. That is the change in traffic routes that is spoken of in the letter of the Secretary of the Treasury?

Mr. MANN. Yes.

Mr. DALZELL. The bill, I will say to the gentleman, has the approval of the Secretary of the Treasury and was reported unanimously by the Committee on Ways and Means.

Mr. FOSTER. I observe that, but I wanted to know about the additional expense.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OWL CREEK COAL CO., WYOMING.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk read the substitute in lieu of the original joint resolution.

The SPEAKER. Is there objection?

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask some questions of the author of the joint resolution, in order to get some information concerning it.

Mr. MANN. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] is in charge of the resolution. He has been called out of town and he left me some memoranda in respect to it.

Mr. CULLOP. Then, I suppose I can ask the gentleman from Illinois. What is the purpose of extending this right to mine coal?

Mr. MANN. Mr. Speaker, this company had, as I understand, a claim to some coal lands which are in dispute, and the suit had not yet been settled by the Department of the Interior. Pending that dispute the court in Wyoming entered an order to permit the company to continue its mining operations under certain terms upon the payment of certain royalty, the money to be retained until the final settlement of the case.

If the matter should be settled in favor of the Government, the money will go to the Government, otherwise to the company. It is expected that the matter will be disposed of by the department during this year. If it should be disposed of adversely to the company, the mine would be closed, and the purpose of this joint resolution is to permit the continued operation of the mine until Congress shall have a chance to dispose of the matter hereafter, reserving the royalty to the Government in case the matter is settled against the company.

Mr. CULLOP. What is the royalty the company is now paying for the mining of this coal?

Mr. MANN. Six and one-half cents a ton, I believe.

Mr. CULLOP. Is there any other portion of the fund arising from the operation of the mine to be retained by the court other than the royalty?

Mr. MANN. I think not, but I am not sure about that.

Mr. CULLOP. Supposing the suit is decided in favor of the Government, against the company, then what will become of the value of the property the company has taken?

Mr. MANN. The property will become the property of the Government, and the only property which the company will have taken will be the coal, and that they pay for.

Mr. CULLOP. They pay a royalty for it?

Mr. MANN. Yes.

Mr. CULLOP. But what will become of the proceeds arising from the sale of the coal other than the royalty that is to be paid?

Mr. MANN. Of course that belongs to the company. They pay the royalty.

Mr. CULLOP. That is the very dispute in this suit, is it not? That is the matter in dispute, as to whether they have the right to mine that coal.

Mr. MANN. That is correct; but when they settled the royalty, which is now 6½ cents a ton and which very likely will be raised if this resolution passes, that fixed full compensation to the Government. This is a mere temporary matter. This company has a mine, and there is no other mine anywhere near it. The company has employed about 200 miners. Of course, if the mine is closed, those miners are thrown out of work.

Mr. CULLOP. If the mine is closed, the property will be saved to the Government until the matter in litigation is settled.

Mr. MANN. It is not a matter in litigation, I will say to the gentleman. The property is saved to the Government in any event. If the Government is right in its contention, it is a matter for settlement by the Department of the Interior, as I understand it. What the court did was to permit the mining to go ahead under an agreement entered into in court that there should be so much royalty set aside and placed in the hands of the Government, to be retained by the Government if the final determination should be in favor of the Government. The Government, therefore, is fully protected.

Mr. CULLOP. Is that the customary royalty in that section of country?

Mr. MANN. That is a very high royalty, I will say to the gentleman. This is the only mine there.

Mr. FERRIS. Mr. Speaker, if the gentleman will permit, the royalty that is fixed by the court is 6½ cents a ton. The substitute resolution permits the Secretary to increase that amount or lower it, as the conditions may warrant. If the gentleman will notice the substitute, it gives the Secretary full power to adjudicate this matter until such time as Congress can arrive at a just conclusion about it and act in the premises. The gentleman from Illinois [Mr. MANN] has stated it precisely as it is. I merely want to amplify one or two things that he stated.

As the bill came to the committee I felt rather opposed to it, but we brought in a substitute consisting of a very few lines, and that does precisely what I think ought to be done. The litigation over those claims will in all probability be decided before the Congress convenes in December next, and we thought it would certainly be a bad idea to close the mine down and throw the men out of employment, the property itself reverting in its entirety to the Government of the United States. The company has made valuable improvements there, so that the Government is amply fortified, and the Government will get the royalty, such royalty as the Secretary of the Interior may prescribe. I think the Government is doubly fortified.

Mr. FOSTER. Also, the order of the court, or the agreement entered into in court, permits the Government to go upon this property, examine it, and check up the weights and do whatever is necessary to see that the contract is being carried out.

Mr. CULLOP. I know that the royalty in mining claims out in some of the Western States is very much higher than 6½ cents a ton. That was the reason I made the inquiry. It occurred to me that this was unreasonably low for that section of the country.

Mr. FERRIS. Mr. Speaker, I would suggest to the gentleman that the passage of this joint resolution does not involve the amount of royalty to be charged. Six and one-half cents per ton was fixed by the court, and that will terminate when the litigation terminates. Then the Secretary may step in and demand such royalty as he sees fit. The gentleman will notice that the language of the substitute provides for that:

That the Secretary of the Interior be, and he is hereby, authorized to allow the Owl Creek Coal Co. to continue the operation of the mine or mines upon any of the lands embraced in Lander, Wyo., coal entries Nos. 18 to 49, inclusive, until July 1, 1913, upon such conditions and under such rules and regulations as he may prescribe.

It gives the Secretary full latitude. There can no harm or loss to the Government come from it.

Mr. MANN. Mr. Speaker, I might add that this is said to be a very wet mine, and if closed it will very soon fill with water and greatly deteriorate.

Mr. FERRIS. That is true.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This joint resolution is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the amended Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

VALIDITY OF CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21826) validating certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries made prior to September 1, 1911, under the provisions of the act of February 19, 1909, by persons who, before making such entries, had acquired title to less than 160 acres of land under the homestead laws, be, and the same are hereby, validated: *Provided*, That said entries are in other respects in conformity with the homestead laws.

With the following amendment:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to make some inquiries about the bill. To what class of persons is this intended to apply, and about how many of them are there?

Mr. PRAY. Mr. Speaker, I know positively of about 18 or 20 persons at the present time who would come within the scope of this law. There are, of course, others who would be affected by this legislation, but I have not got definite information as to the number.

Mr. CULLOP. Those were persons who have already purchased certain portions of land?

Mr. PRAY. No. These were persons who had previously acquired title to a homestead of less than 160 acres of land under the homestead laws. After the passage of the enlarged-homestead law they were advised that they could acquire title under that act to a second homestead. They accordingly filed upon lands. Their applications were accepted at the land office. In view of the wording of the statute in the act of February 19, 1909, concerning the qualifications of persons who might apply to enter lands under this act, the General Land Office, in effect, held that those who had perfected entry under the homestead laws to less than 160 acres would be entitled to make another homestead entry under the act of February 19, 1909. Consequently, these second entries were held to be valid. Two years later, or about two years later, in July, 1911, in what is known as the Storaasli case, the Secretary of the Interior held these entries for cancellation. In the meantime the entrymen had gone upon their lands, resided upon them, improved them, and had otherwise complied with the requirements of the homestead law.

Mr. CULLOP. Were they still holding the first piece they had homesteaded, or had they disposed of that?

Mr. PRAY. I suppose they had disposed of them some time before. I am unable to inform the gentleman as to what had become of each of the original entries.

Mr. CULLOP. By sale or by forfeit, or how?

Mr. PRAY. I do not know. I have no information in respect to that.

Mr. CULLOP. By whom were they advised that they had a right to homestead under the provisions of which the gentleman speaks? Was it by some private individual whom they consulted, or by some officer of the Government?

Mr. PRAY. They were advised by the Commissioner of the General Land Office. He held that their entries were valid, and the wording of the law itself would indicate that such applications would be received and would be held valid. This matter

is fully covered in the report from the Interior Department, which is incorporated in the committee report on the bill.

Mr. CULLOP. But in the first instance, in regard to homesteading this property, did they get their advice from some individual or from some officer connected with the Government?

Mr. PRAY. As I stated to the gentleman, the Commissioner of the General Land Office held they could do this; that these applications would be accepted and held valid. The information upon which the entrymen relied came from the commissioner; otherwise they would have gone ahead in the improvement of their claims.

Mr. CULLOP. I understand that, but he made this holding after they had made the settlement?

Mr. PRAY. No; before they had made settlement and improvement of their claims; at the time they made application to enter the lands.

Mr. MANN. If the gentleman will permit, they made their improvements before the last holding of invalidity some two years before. If I understand the law—and I want to know whether my understanding is correct—under the enlarged homestead law anyone who had obtained a homestead of less than 160 acres might take an additional tract of land.

Mr. FERRIS. That is the ruling.

Mr. MANN. That is the law now. Some people who had taken title to four forties by a description where the four forties contained less than 160 acres in fact claimed the right or were allowed the right to take additional land.

Mr. CULLOP. A fractional survey.

Mr. MANN. They were not fractional surveys, but they contained less than 40 acres.

Mr. CULLOP. That is what is called a fraction.

Mr. MANN. Then afterwards the department held that a man who had taken a quarter section by description, the northwest quarter of a northwest quarter, was charged with 40 acres regardless of the number that was in it; or if he had taken four forties, his charge was 160 acres, and that prevented him taking an additional tract under the enlarged homestead law; and this bill is designed only to allow those people for that additional grant where, in fact, the land that they had taken before was less than 140 acres, and they had taken under a description which was supposed to cover 160 acres. When the matter was up here before I said to the gentleman from Montana I would not consent to have the bill passed by unanimous consent unless it received an approval from the department, and he has furnished a letter to that effect, which he can give to the gentleman.

Mr. CULLOP. I will say to the gentleman from Illinois, in line 5 the word "technical" is used there, "technical quarter section." I presume that means a fractional quarter section.

Mr. MANN. That means the description, the northwest quarter of the northwest quarter of a section is technically 40 acres. That is the description. If it contained less than 40 acres, in fact, the department held that a man might take an additional amount under the enlarged homestead law and then afterwards they held that the description was conclusive that it did contain 40 acres.

Mr. CULLOP. If it was less than 40 acres it would be a fractional quarter.

Mr. MANN. It might not be described as fractional.

Mr. CULLOP. Now, I understand this bill is only to let the homesteader make up the difference between what his original homestead was short by either taking an additional 160 acres of land——

Mr. MANN. No; the rule in reference to the taking of additional land under the enlarged homestead law only gives that right if he had taken under certain conditions less than 160 acres, and if this bill passes it confirms the title to these people in their additional 160 acres of land under the enlarged homestead law. Of course, it is not applicable where the land is very good, probably a detriment to the people who get it. I ask unanimous consent, in connection with the bill, to insert the letter from the Secretary, written to the gentleman from Montana.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 31, 1912.

Hon. CHARLES N. PRAY,
House of Representatives.

DEAR SIR: I am in receipt of your letter of May 25, 1912, inclosing a copy of H. R. 21826 as amended by the House Committee on Public Lands and asking whether the bill as amended is satisfactory to the department.

The purpose of the measure is remedial, designed to validate certain homestead entries made under the so-called enlarged homestead act by persons who had theretofore entered a technical quarter section of land under the general homestead law of less area than 160 acres, but which was held by decision of this department in the case of Saavi Storaasli, July 18, 1911, exhausted the homestead right.

March 18, 1912, the Acting Secretary advised you that the department would offer no objection to the enactment of legislation validating entries now pending and allowed prior to receipt of "notice of the Storaasli decision at the various local land offices (say Sept. 1, 1911) where no other objection is found to the legality of the entries."

The bill as amended by the Committee on Public Lands reads as follows:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws by persons who before making such enlarged homestead entry had acquired title to a technical quarter section of land under the homestead law and therefore were not qualified to make an enlarged homestead entry be, and the same are hereby, validated if in all other respects regular in all cases where the original homestead entry was for less than 160 acres of land."

The department has no objection to the measure as amended by the Committee on Public Lands.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

The SPEAKER. Is there objection to considering the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PRAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MOTION-PICTURE COPYRIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 5, 11, and 25 of the act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

"(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;
"(b) Periodicals, including newspapers;
"(c) Lectures, sermons, addresses (prepared for oral delivery);
"(d) Dramatic or dramatico-musical compositions;
"(e) Musical compositions;
"(f) Maps;
"(g) Works of art; models or designs for works of art;
"(h) Reproductions of a work of art;
"(i) Drawings or plastic works of a scientific or technical character;
"(j) Photographs;
"(k) Prints and pictorial illustrations;
"(l) Motion-picture photoplays;
"(m) Motion pictures other than photoplays;

"*Provided, nevertheless,* That the above specifications shall not be held to limit the subject matter of copyright as defined in section 4 of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act."

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 12 and 13 of this act, where the work is later reproduced in copies for sale."

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

"(a) To an injunction restraining such infringement;

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of $200 nor be less than the sum of $50, and in the case of the infringement of an un-

dramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of $100 nor be less than the sum of $50; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

"First. In the case of a painting, statue, or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Second. In the case of any work enumerated in section 5 of this act, except a painting, statue, or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Third. In the case of a lecture, sermon, or address, $50 for every infringing delivery.

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions, $10 for every infringing performance.

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright.

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

The SPEAKER. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill to state briefly for those of us who do not happen to have a copy of the present law before us, just what change this amendment contemplates?

Mr. TOWNSEND. The bill as read by the Clerk is an exact reproduction of the present law, with the exception of sections 5 and 11. The amendments in section 5 merely add as copyrightable matter motion-picture photoplays and motion pictures other than photoplays.

Mr. TILSON. Those are the only two additions?

Mr. TOWNSEND. Absolutely. Otherwise the section is identical with the present law. The amendments to section 11 are intended to change the law in this respect: At present an infringement by a motion-picture maker of a copyright story made into a motion play would subject the infringer, even though he were innocent, to a penalty of $100 fine for the first reproduction and $50 for each subsequent reproduction. The motion-picture makers produce in duplicate of each play about 50 reels or films. They are played in these little theaters from four to eight times a day. A very simple calculation will show the gentleman that at that rate of penalty the motion-picture playmakers would soon be put out of the business. This law provides that the infringement of the copyright of a play—as ordinarily understood—in the case of innocent infringement and where the infringer shows that by no reasonable precaution could he have avoided the infringement of the copyright, a maximum penalty of $5,000. But the copyright holder does not lose any of his other rights as the law at present reads. There is another provision in the amendment which permits, in the case of an infringement of what is termed here a "nondramatic production," the recovery of a maximum of $100 and a minimum of $50 damages where the infringer shows he was innocent and by no reasonable precaution could have known of the copyright. That is to cover, I will explain to the gentleman, in such a case as this: A great majority of these motion-picture plays are based on scenarios sent in to the manufacturers from all over the country. They take all the precaution they can think of to avoid infringing a copyright. The large makers have practically what in a newspaper office is called an exchange desk; yet from some remote town, in an inconsequential paper, a good story might be written and copyrighted and turned into a scenario and innocently accepted.

Mr. BATHRICK. I notice in the case you have cited that a motion-picture owner, in the event of an infringement where he is innocent of knowledge of that infringement, the customary recovery would be $5,000 and the minimum $250. Do you not think such a recovery from the average proprietor of a moving-picture show would be absolutely prohibitive and put him out of business?

Mr. TOWNSEND. No action would be brought against the owner of a theater. The action would be brought against the companies manufacturing the films. They are responsible corporations or companies.

Mr. ALEXANDER. The Edison Co. is one of the largest manufacturers, is it not?

Mr. TOWNSEND. Yes, sir.

Mr. ALEXANDER. All these manufacturers are companies of large financial responsibility?

Mr. TOWNSEND. Oh, yes, indeed.

Mr. ALEXANDER. And able to respond in damages for any infringement?

Mr. TOWNSEND. Quite so.

Mr. BATHRICK. Under the provisions of this law, is it possible to enter action against the exhibitor?

Mr. TOWNSEND. It would be possible, but a very much more responsible person or company being back of the exhibitor, the proceeding would be naturally against the party from whom it would be possible to recover damages.

Mr. BATHRICK. You have received communications from the picture-show people?

Mr. TOWNSEND. Yes; and favorable to the bill as it is presented now.

Mr. BATHRICK. And this is what they desire?

Mr. TOWNSEND. Absolutely.

Mr. MANN. Mr. Speaker, does the gentleman yield for a question?

The SPEAKER pro tempore (Mr. SULZER). Does the gentleman yield?

Mr. TOWNSEND. With pleasure.

Mr. MANN. The gentleman has referred to the amendment to section 5, covering the law about sheet pictures. He did not, I think, refer to section 11, covering dramatico-musical compositions?

Mr. TOWNSEND. No.

Mr. MANN. There has been at different times considerable controversy with reference to the copyright on musical reproductions. What effect will this change have on that, if any?

Mr. TOWNSEND. It enlarges the scope embraced within that classification. Heretofore, I believe, the classification has been "dramatic or musical productions." There is now recognized, I think, in the theatrical world a third class of performances, commonly known as "dramatico-musical." This amendment makes the manufacturers of motion pictures or other infringers of copyright liable in the case of the infringement of a dramatic or musical or dramatico-musical performance.

Mr. MANN. If the gentleman will permit me to ask him about the form of his bill, I would suggest that, on page 4, under section 25, as I understand, the language beginning after the word "dollars" in line 2 down to and including the word "dollars" in line 19 is new matter.

Mr. TOWNSEND. That is new matter.

Mr. MANN. That provides that under certain conditions where the infringement—

could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion pictures shall not exceed the sum of $5,000 nor be less than $250.

Then follows the language of the existing law, covering precisely the same thing:

And such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250.

What is the object of inserting that under certain conditions the damages shall not be over $5,000 nor less than $250, when you have a general provision that in no other case shall the damages be more than $5,000 nor less than $250?

Mr. TOWNSEND. I should like to have Judge ALEXANDER answer that question. That requires a lawyer.

Mr. ALEXANDER. Of course the dramatist has his remedy by injunction also. He may have his remedy by suit for infringement.

Mr. MANN. I do not think the gentleman caught my question.

Mr. ALEXANDER. I am a member of the committee, and I was present at the hearings.

Mr. MANN. The proposition is that the damages shall not exceed $5,000 or be less than $250. That is followed by a provision that in all cases the damages shall not exceed $5,000 or be less than $250. Having provided that in no case can the damages be less than $250 or more than $5,000, why do you insert a provision that in a particular case that shall be the case?

Mr. ALEXANDER. Well, on the face of it, it looks like redundancy, to my mind.

Mr. MANN. I did not know but that there was a reason for it.

Mr. ALEXANDER. The attorney and Augustus Thomas were there in person, representing the dramatist as his counsel, and the manufacturer of these films was present with his attorney, and various substitute bills were introduced, until finally a bill was framed that met the views of all the parties in interest. That was accepted by the committee, and it has been reported.

Mr. MANN. I apprehend, the committee having agreed upon a bill, having done such a thing in a technical matter, it would be highly proper to send it to the Commissioner of Patents for his examination. I suppose he would cut that part out.

Mr. TOWNSEND. I will say to the gentleman that the register of copyrights attended a number of these hearings and was satisfied with the form of the bill.

Mr. MANN. Then he and the others were very easily satisfied.

Mr. BORLAND. Mr. Speaker, will the gentleman permit an interruption.

The SPEAKER pro tempore. Does the gentleman from New Jersey yield to the gentleman from Missouri?

Mr. TOWNSEND. Certainly.

Mr. BORLAND. I notice on page 4 of the bill there is a provision as to undramatized or nondramatic work produced by means of motion pictures that where the infringer can show that he was not aware that he was infringing, and such infringement could not have been reasonably foreseen, the damages shall not exceed $100 nor be less than $50. I should like to ask the gentleman why there should be any minimum of that kind imposed. Why should you fix a penalty of $50 arbitrarily where the infringer can show that he was not infringing consciously and could not reasonably have foreseen that he was?

Mr. TOWNSEND. I will answer the gentleman by saying that, so far as the motion-picture makers are concerned, they would quite agree with the gentleman, but there appeared before the committee the representatives of the scenario writers. This is rather a new profession, growing rapidly, and they insisted, and the committee agreed that the insistence was just, that there should be some penalty attached to the infringement, even where it was innocent in such an immaterial thing as a scenario of some trifling sketch or story. The committee seemed to think that while the innocent infringer in such an immaterial matter should not be mulcted, as was demanded on the part of these companies, the committee granted it, and it is now satisfactory to all parties concerned.

Mr. BORLAND. As I understand, these films are produced by a few large companies—three or four?

Mr. TOWNSEND. Oh, there are 11 licensed companies, and they are the responsible ones.

Mr. BORLAND. There is no doubt but that the 11 companies which actually make the films ought to have some means of knowing where they get the story out of which the films are made. But when the films are made they rent the films to a thousand little theaters all over the country, and one little theater will rent 40 or 50 in a week. They have absolutely no way of telling whether the story is an infringement of a copyright or not; it is absolutely beyond their power to know. They will produce the copyrighted film that they have innocently acquired and that they do not know is copyrighted 40 or 50 times a week in some theater, and you will put a penalty on them of a minimum of $50 on each production.

Mr. TOWNSEND. Oh, no, no.

Mr. BORLAND. The only explanation the gentleman made was that the chances were that the owner of the copyright would pursue his remedy against the man or company who made the film, but as far as the law is concerned he would have the right to pursue the remedy against the motion theater proprietor who produced it, would he not?

Mr. TOWNSEND. The gentleman is mistaken. Under the present copyright law there could be a recovery for each production, but if this amendment passes, in the case of an innocent infringer there could be only one recovery of $100 or a minimum of $50.

Mr. BORLAND. For how many productions?

Mr. TOWNSEND. For the infringement. Of course, as soon as the manufacturer received ordinary notice that it was an infringement the film would have to be withdrawn or he would be subjected to all the pains and penalties as the law reads at present.

Mr. BORLAND. Let me understand. Suppose a picture theater proprietor has rented a film that contains an infringement of a copyright story. He produces it 40 times in one week, and then he is notified that he is an infringer. Do you say that there could only be one recovery of $50?

Mr. TOWNSEND. In case the court is convinced that the infringement was innocent and the infringer had taken all reasonable precautions, yes.

Mr. BORLAND. Where is that language?

Mr. MANN. On line 5, page 4, where it says "if he was not aware that he was infringing."

Mr. BORLAND. That does not say that the damages shall not apply to all previous infringements.

Mr. MANN. It says that in case of an infringement under these conditions the damages shall not exceed $100 nor be less than the sum of $50.

Mr. BORLAND. That is for the infringement, but each production of a copyrighted work is an infringement.

Mr. MANN. There is only one penalty.

Mr. BORLAND. Each exhibition of a copyrighted dramatic production is an infringement.

Mr. MANN. Not under the provisions of this bill.

Mr. ALEXANDER. If the gentleman will permit me, the bill says:

> And in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty.

There can be only one recovery, and that language was left in there to protect the small producer of moving pictures.

Mr. BORLAND. Does the gentleman from Missouri [Mr. ALEXANDER] say that where there have been 40 or 50 reproductions of the same film there can only be one recovery for the entire 40 or 50 reproductions?

Mr. ALEXANDER. If it has been done innocently there can be only one recovery.

Mr. BORLAND. I can not read that meaning into the bill. Here is a film that has been sent to 100 moving-picture shows in the same town during the same week, because that is their custom. They will send it to one on Monday afternoon and another concern on Tuesday morning, to another on Tuesday afternoon and to another on Tuesday night. Suppose that in that way they have covered the rounds of 100 little theaters. There is a fine of $50 for each theater, even according to that construction of the law.

Mr. TOWNSEND. Oh, no.

Mr. BORLAND. Which the fortunate owner of that infringed work can proceed against in each town. I can not see any reason for the minimum penalty. I can not see any reason for guaranteeing $50 for each infringement, regardless of the actual damage to the owner of the copyright.

Mr. TOWNSEND. Mr. Chairman, I will call the gentleman's attention to the bill at page 5, on line 14, and I think he will then see that if it was the intention of the drafters of the bill to impose a fine for each exhibition or reproduction the language would have been inserted in the law. I read:

> Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions, $10 for every infringing performance.

There is no such language in the amendment as the gentleman is discussing.

Mr. BORLAND. For each subsequent infringing performance.

Mr. TOWNSEND. Yes.

Mr. BORLAND. And the gentleman contends that the absence of that language on page 4 indicates that each infringing performance would be one infringement.

Mr. TOWNSEND. That is the judgment of the committee.

Mr. BORLAND. Is that the decision of the court on this subject?

Mr. TOWNSEND. The decisions of the court are that the guilty infringer is punishable under the present law for each

reproduction in the case of a play for each performance, and in the case of an opera for each infringing performance.

Mr. BORLAND. Is not that the law? Assuming that all the infringing performances might be included in one, it still remains true that each individual infringer will be subject to the penalty.

Mr. TOWNSEND. No; not at all. The infringement is made by the manufacturer of the film.

Mr. BORLAND. Does not the infringement occur on the part of the exhibitor?

Mr. TOWNSEND. If the law intended that each performance should be a new and continuing infringement, I judge it would so state, as it has in the law I quoted.

Mr. BORLAND. I will assume that the law is that all of the infringements by one exhibitor may be included in one penalty. I do not believe that is the law, but I assume that for the purpose of argument. Suppose that 100 different men had produced this copyrighted film, A, B, and C; would they not be guilty of infringement, and one penalty would not cover all of the different circumstances?

Mr. TOWNSEND. No; they would be guilty under the law as it is now for reproductions or performances as the law states. The amendment which the committee seeks to have the House adopt makes the penalty attach to the infringement of the copyright, and that infringement is begun and completed when a copyrighted story is made into a scenario and produced in the film.

Mr. BORLAND. Would not the gentleman be willing to consent, then, that the penalty should apply against the man who made the film?

Mr. TOWNSEND. That is the intention of the law.

Mr. BORLAND. And that the exhibitor should not be liable for an innocent infringement?

Mr. TOWNSEND. That was the understanding of lawyers on the committee.

Mr. BORLAND. Would the gentleman consent to an amendment of that character, that no right of action should lie against the exhibitor until notice is given?

Mr. ALEXANDER. Why, the attorneys representing all these parties were before the committee, and they were jealous of their rights.

Mr. BORLAND. Of course that does not dispense with the necessity of putting it in here.

Mr. ALEXANDER. It may be that the gentleman will be able to frame such an amendment that meets the difficulty he speaks of, but I doubt it.

Mr. BORLAND. Then, Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. SULZER). Objection is heard, and the bill will be stricken from the calendar.

REMISSION OF PORTION OF CHINESE INDEMNITY.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 137) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000 reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent or shall hereafter spend for printing testimony in the trial of the said claims; and further that there shall be allowed as costs in the suits in which recoveries have been or may hereafter be had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution, within three months from the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New Jersey whether under this bill it would not provide that there should be paid counsel fees of claimants on cases that have already been disposed of? Would not the bill allow the payment of counsel fees on cases already disposed of?

Mr. TOWNSEND. It was the opinion of the committee that this resolution, if passed, would permit successful claimants to go before the Court of Claims and present a bill of costs to be allowed in the discretion of the court.

Mr. MANN. On cases which have been finally disposed of and the claims paid?

Mr. TOWNSEND. Yes. The equity of the claim appealed to the committee in this way: That these people have recovered from that indemnity fund various amounts, but those amounts have not been net amounts. They have been obliged to pay sometimes very large sums for the procuring of testimony and the bringing of witnesses here. In one case a large trading company found it necessary to send an official of the company to China and there make extensive investigations, and also to bring witnesses.

Mr. MANN. The same would be true if the claim had been brought against the Government of the United States, would it not?

Mr. TOWNSEND. I presume so. I am not a lawyer. If that is the gentleman's judgment, I will agree with it.

Mr. MANN. It does not require the services of a lawyer to know that when you bring a claim against the United States and try it in the Court of Claims you have to pay counsel fees and more or less expense in procuring testimony. If the gentleman has not had that much legal experience, I congratulate him.

Mr. TOWNSEND. I hope never to have, I assure the gentleman. I will say to the gentleman that the Government itself would be a beneficiary under the operation of this resolution, if passed. The Government defended that Chinese indemnity fund against the claimants, and itself was put to considerable expense, which it could recover from the remaining balance of the fund.

Mr. MANN. But the Government might have kept it all, if it wanted to.

Mr. TOWNSEND. It did not care to, but it might like to recover what it has expended in defending the claims.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I rose to reserve the right to object, but the gentleman from Illinois [Mr. MANN] was recognized. I want to say a word on a different phase of this question. I consider it a very honorable and magnanimous act on the part of this Congress four years ago to have remitted ten or eleven million dollars of claims against China. We have been bragging about that ever since and congratulating ourselves on our generosity. Now, I desire to read one provision in that resolution. It is:

That the sum of $2,000,000—

Which were reserved to pay the claims—

be reserved from the Chinese indemnity of 1900 for the payment of such judgments, the same to be paid by the Treasurer of the United States, as and when they shall be certified to the Secretary of the Treasury by the said court, and any balances remaining after all such claims have been adjudicated and paid shall be returned to the Chinese Government in such manner as the Secretary of State shall decide, and the Secretary of the Treasury is hereby authorized and directed to so return the same.

That is a clear-cut provision, reserving $2,000,000 to pay any and all claims which may be established by American citizens against China on account of the uprising in the Boxer movement, and to pay judgments recovered on such claims. There is no provision for anything else except to pay judgments. This resolution provides that in addition to the payment of these judgments the expenses in the Department of Justice shall be paid—expenses incurred in the defense of the claims—and also provides that the expense incurred in the Court of Claims for printing and miscellaneous expenses shall be paid. It also provides that counsel fees and expenses for attorneys prosecuting these claims in the Court of Claims shall be paid. I do not believe in doing an honorable thing and then spoiling it. It was a highly honorable and magnanimous act which we did, and we ought not to come down and revise that resolution now simply because there are $2,000,000 in our hands and we do not want to let it go back, according to the provisions of the resolution originally passed. According to the provisions of this resolution we are going to grab out of it for the Department of Justice a certain amount, then another bite for the expenses of printing in the Court of Claims, and another grab for attorneys, some of whom have closed up their cases and got their pay, and others of whom very likely have made agreements with the claimants for a certain percentage of the claim, and have never thought of getting any other counsel fees, because counsel fees are not awarded in the Court of Claims. I do not know that they are ever awarded. I have never known of any of them being awarded. This is something that has never been done, so far as I have known, since I have been here—awarding costs and counsel fees to attorneys in prosecuting claims in the Court of Claims. Because this money is here and because there is enough to pay it, they want to get this grab out of it, and thus spoil the magnanimous act that we have done.

And if the gentleman from Illinois does not object——

Mr. MANN. Will the gentleman yield? Is the gentleman familiar with the expression that is used by boys of "an Indian giver"?

Mr. MICHAEL E. DRISCOLL. Yes. It applies here, and I accept the suggestion.

Mr. MANN. And the gentleman does not believe in being an Indian giver.

Mr. MICHAEL E. DRISCOLL. No. While I am willing to hear the gentleman from New Jersey upon——

Mr. TOWNSEND. If the gentleman is going to object, it is not necessary for me to make any further explanation in regard to a simple act of justice, for the objection will carry, no matter how eloquent my explanation may be.

Mr. MANN. This is one of several efforts that have been made for different claimants to extract the amount of this $2,000,000 indemnity fund which was retained by the Government to pay legitimate claims, which ought to have been returned to the Chinese Government before this time. It has been long enough ago to have all these things disposed of, but I think it is intentionally held back in order to let people try to pass bills like this. There are a number of others, but I think this is the worst one of the lot.

Mr. TOWNSEND. Mr. Speaker, in reply to that I will say to the gentleman from Illinois that his suspicion regarding at least the greater claimant in this case is entirely gratuitous, unfounded, and unjust. He represents a trading company which has been in operation in the Far East for 60 or 70 years, which began in Boston and now, I think, has its headquarters in New York. It is to-day selling many millions of dollars worth of southern cotton in China and Japan against competition of England and France.

Mr. MANN. And doing a profitable business, I take it.

Mr. TOWNSEND. And they were doing a profitable business until this war interruption came. They recovered damages through the Court of Claims against the indemnity fund, but in doing so they were put to very large expense for conducting their case.

Mr. MANN. And they were not satisfied with the damage they recovered and want the right to go into court and recover more.

Mr. TOWNSEND. Not at all; I do not look at it that way.

Mr. MANN. I do not mean this bill. They tried to get permission to go into the Court of Claims and file their claims, which were rejected——

Mr. MICHAEL E. DRISCOLL. And now they want to eat up this fund.

Mr. MANN. When they saw the two millions they did not want that to get away.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MICHAEL E. DRISCOLL. I object.

The SPEAKER. The bill will be stricken from the calendar.

AMENDING COPYRIGHT ACT.

Mr. BORLAND. Mr. Speaker, in regard to H. R. 24224 I desire to withdraw my objection to the consideration of the bill, and the gentleman in charge of the bill consents to an amendment on line 8, page 4, by striking out the words "nor be less than the sum of $50."

The SPEAKER. The gentleman from Missouri objected to the present consideration of the bill H. R. 24224, and he and the gentleman from New Jersey, in charge of the bill, have come to an agreement that he will withdraw his objection provided the gentleman from New Jersey agrees to the amendment offered.

Mr. TOWNSEND. Mr. Speaker, I accept the amendment.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know what the amendment is.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "nor be less than the sum of $50."

Mr. TOWNSEND. I have no objection.

The SPEAKER. Is there objection to this bill being taken up again by unanimous consent? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "nor be less than the sum of $50."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LITTLE RIVER DRAINAGE DISTRICT NO. 1, POTTAWATOMIE COUNTY, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill, as it is very much shorter.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Oklahoma upon the allotments of certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district, in Pottawatomie County, Okla., and upon the allotments of certain Sac and Fox allottees in Deep Fork drainage districts, in Lincoln County, Okla.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed $15 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees may have in the United States Treasury, in the discretion of the Secretary of the Interior.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other redistricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The SPEAKER pro tempore (Mr. BORLAND). Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire, if I may, what the point of difference between the House and Senate would be in case the Senate bill is passed striking out all after the enacting clause and inserting the substitute bill?

Mr. FERRIS. Mr. Speaker, there are two well-defined differences. In the first place, this bill makes the Indian rentals and moneys pay the bill, whereas the Senate made a direct appropriation out of the Federal Treasury. That is one difference. The other difference is we add the county of Lincoln, which is adjoining Pottawatomie County, and the same stream flows through them and conditions are precisely the same, and the Secretary came before the committee and stated that the same conditions prevailed there.

Mr. MANN. I understand the main point of difference would be that under the Senate bill the expense would be paid outside of the General Treasury. Under the House bill it is proposed to have that expense paid by the Indians.

Mr. FERRIS. That is the main difference; yes, sir.

Mr. MANN. Then I notice in the bill the provision or the appropriation of the sum of $40,000, to be immediately available, the said sum to be reimbursible from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees have in the United States Treasury. It being admitted that most of the allottees, or many of them, have no funds in the Treasury, does the gentleman say that they can afford to pay 50 per cent of the rentals and live on the other 50 per cent?

Mr. FERRIS. In the first place, the gentleman has assumed they have no money, which is not according to the facts.

Mr. MANN. I do not know what the facts are. I only know what the report says. The Secretary of the Interior says they have no funds in the Treasury.

Mr. FERRIS. I think the gentleman will find that some of them have. They all have money and trust funds. But, answering the gentleman's question more specifically, we had better take half of the rents of these good lands, well protected from flood, than to take nothing at all, as the report says we would have to do in most cases in event there was no flood protection. In the spring, their lands flooding, they get little or nothing out of them. It is good potato land and alfalfa land and good agricultural land generally. It will yield good crops protected. It will yield good revenues protected. The land will be lost and destroyed unless protected.

Mr. MANN. It is all flooded in the spring?

Mr. FERRIS. It is. They usually have torrents of rain in April and May. That is true of dry countries generally. Because it is dry part of the year it does not follow that it does not need protection.

Mr. MANN. Has it been flooded in the last two or three years?

Mr. FERRIS. Each year in July and August we suffer from the drought for two or three years, but it rains and floods us almost every spring.

Mr. MANN. If the land is all flooded in the spring, it being high land, it would be impossible to drain it without great expense. I would like to ask, in reference to the statement of the superintendent referring to the payment by the Indians and requiring them to assume such burdens as would work a great hardship, how much money do you think, under these conditions, the Secretary of the Interior, having discretion, would take out of their rents to reimburse the Federal Treasury? About as much as they have taken out to reimburse the Federal Treasury for Indian depredations?

Mr. McGUIRE of Oklahoma. If the gentleman will permit, he quotes from a superintendent whose judgment I presume is——

Mr. MANN. The gentleman published it in his report, and I assume he would not have done it if he did not think it was right.

Mr. McGUIRE of Oklahoma. Giving the gentleman all the information he had.

Mr. FERRIS. Will the gentleman yield for a moment?

Mr. MANN. Yes.

Mr. FERRIS. I want to read from the same report. I have no doubt the Indian agent, in an effort to protect his Indian wards, was saying what he could to get the Federal Government to protect these lands at their expense. I want to read from the report:

> A large part of the valley of Little River is, in its present state, almost worthless, except for pasturage, and I do not hesitate to say that the successful construction of the proposed ditch will very materially increase the value of the Indian lands coming within said drainage district. It is needless for me to add that in my judgment it is especially advisable that the Indian Bureau should cooperate with the State in such matters.

A part of the valley of the Little River is, in its present state, worthless.

Mr. MANN. Except for pasturage?

Mr. FERRIS. The land has been plowed up once. You can not have pasturage land where it has been plowed up. It requires a long time to resod it after it is once plowed.

Mr. MANN. What?

Mr. FERRIS. It will take him 10 years to resod it, and it would all wash away before that.

Mr. MANN. It will take about a year in our State.

Mr. BURKE of South Dakota. I would like to ask the gentleman if, in all probability, the rental would not be increased by this improvement, so that one-half of it would be greater than the rental that is now received?

Mr. FERRIS. I think the gentleman has very forcibly stated it.

Mr. MANN. Does he want to provide that one-half of the rental shall be used to reimburse the Government?

Mr. FERRIS. It says that.

Mr. MANN. It provides that not exceeding 50 per cent.

Mr. FERRIS. It means that they shall put that in.

Mr. MANN. I do not think it means anything of the sort. I think it means the Senate proposes to pay the money out of the Treasury, and the House proposes reimbursement out of a fund where it would never be reimbursed to the extent of a dollar.

Mr. FERRIS. In the first place, most of them, nearly all of them, have money of their own. I have just called on the telephone a few moments ago to see how much they have. Shawnees have $6,000; Pottawatomies have $292,221.17; Sacs and Fox have $578,724.98. So, it will be observed, they not only have land but also money. This certainly magnifies the importance of this legislation to the Indians as well as to the whites.

We provide that these expenditures shall be reimbursed from the rentals and their trust funds; and I call the attention of the gentleman to the fact that as the dead claims and unallotted claims and remnant claims are sold and administered the money is covered in.

What the gentleman says with respect to the Senate is true. They appropriate with a freer hand than we do. The House committee thought the Indian would get the benefit, and the Indian should pay for it. That was the feeling in the committee. To do otherwise would be to hold up the entire drainage district that our legislature recognized and provided for by law for the white people. Our legislature passed a drainage bill authorizing the county commissioners to let the white people associate themselves together and drain their lands. Interspersed among the white deeded lands are the Indian lands. When the drainage district is formed and the engineer comes along with his ditch and tries to complete his drainage system he runs into an Indian allotment. The State has no power to subject these allotments to any lien of any sort, or any right of way, or to do anything except as Congress permits. The Indian, of course, is without capacity to act, due to his Federal restriction. The thing that necessarily follows is that we must come here and ask the Federal Government to give these Indians permission to let these Indian lands be subjected to the charge and otherwise articulate with the State's drainage law, drainage district. The two of necessity must cooperate, must articulate, must act in conjunction, or the whole system fails. Surely neither should stand in the way of the other; surely both should act together, and all they need to do so is in this bill.

Mr. BURKE of South Dakota. What do the white people pay?

Mr. FERRIS. The white people pay precisely the same as the Indians would. This report says that the engineer has been fair. No advantage is sought. No advantage one over the other is obtained.

Mr. BURKE of South Dakota. How do they make payment?

Mr. FERRIS. They have the power to bond the deeded lands and pay for it. But with respect to Indian lands you can not do that. We are really traveling about the only avenue we can. There is no fee title to them in the Indians. Congress alone can help us out.

Mr. MANN. I think the gentleman is traveling the way he ought to, to make these Indian lands pay the needed expense of improvement and drainage. But there is no reason in the world that I can see why the Government should pay out of the Federal Treasury the expense of adding to the value of the Indian lands. If the drainage district does not add to the value of the Indian lands, there is no reason why they should be compelled to pay. If it does add to the value of the Indian lands, the Government ought to have a lien on the lands for any money advanced to them.

The law provides that the Government shall pay Indian depredation claims out of the funds of the Indians. The law also provides that it shall first use the money available for the support of the Indians and taking care of the Indians, and under that the Secretary of the Interior pays no Indian depredation claims whatever out of Indian funds. I am not criticizing. It is perfectly proper. There is no reason why, if they can pay 50 per cent of the annual rentals on account of this, the Government should not retain a lien on the lands of the Indians until the advances made by the Government are paid.

Now, the gentleman has proposed in this bill legislation with reference to two drainage districts, and only to two drainage districts. That is what the original title of the bill refers to, and that is what the amended title of the bill refers to. But the essence of the bill has not been referred to yet on the floor. It says:

> That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

Now, if we are going to undertake to let the State of Oklahoma make drainage districts wherever they please, and have the Indians pay assessments on their lands, there ought to be some provision to cover it.

Mr. FERRIS. The Secretary under this bill has full power and latitude to approve any estimate, or any charge, or any ditch, or any right of way. He has full and complete power.

Mr. MANN. He has not the power to make any assessments a lien upon the land. He has not the power to pay any money out of the Treasury that belongs to the Indians.

He has not the power under that provision to do anything except get us into a bad box, and he could do that readily enough.

Mr. FERRIS. Does the gentleman undertake to say that under this act he has no authority to pay funds out of the Treasury?

Mr. MANN. For anything outside of these two drainage districts. In these two drainage districts the act gives him the authority.

Mr. STEPHENS of Texas. This only applies to these specified Indians—

> Certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district, in Pottawatomie County, Okla., and upon the allotments of certain Sac and Fox allottees in Deep Fork drainage districts, in Lincoln County, Okla.

Mr. MANN. The gentleman thinks that this bill only applies to these Indians?

Mr. STEPHENS of Texas. That is, the first section.

Mr. MANN. The gentleman thinks it does not apply to any other Indians or any other land?

Mr. STEPHENS of Texas. The amended bill reported, under the first section, applies to these Indians. I think the gentleman from Illinois is wrong as to this amount not being reimbursable. The latter part of the section reads in this way:

The said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees may have in the United States Treasury, in the discretion of the Secretary of the Interior.

That makes it reimbursable, except the amount that may be paid out of the 50 per cent coming from rentals.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I can give the gentleman additional information as far as Lincoln County is concerned. I have a letter from the Secretary of the Interior, received since this report was made, in which he stated:

DEPARTMENT OF THE INTERIOR,
Washington, May 31, 1912.

Hon. BIRD MCGUIRE,
House of Representatives.

SIR: Referring again to your letter of May 9, 1912, regarding S. 4913, you are advised that the following telegram has been received from the superintendent of the Sac and Fox School, Oklahoma:

"Office wire 15th. County clerk advises two sixty one and fifty one hundredths acres Indian allotments and two thirty acres school reserve within proposed drainage district. Assessment against Indian allotment, $4,285; against school reserve, $4,862; damages awarded, $150."

Respectfully,
SAMUEL ADAMS,
First Assistant Secretary.

Now, as to that drainage district, it would not take one dollar out of the Treasury of the United States, for the reason that this is very rich land. The estimate is about $9.50 for the land drained. In two years I doubt if there is an acre of that land that would not pay for the drainage, and each of these Indians—the Sacs and Fox—have money in the Treasury of the United States. The tribe has money in the Treasury of the United States, and it was the intention of the bill where they have money that the Secretary should use it, and as far as they are concerned it would not take a dollar out of the Treasury. Now, I agree with my colleague [Mr. FERRIS] that while the superintendent, a capable gentleman, would like to do all he can for the Indians—I know him personally—and from his own additional statement, under his report to the Secretary of the Interior, the fact developed the land is comparatively worthless, and it is; and one-half of the rentals for one year after it was drained would be equal to all the rentals for five years under the present conditions. I know something about the conditions there, and there is a gentleman on the floor—the gentleman from Kansas—who has personal knowledge of the situation and will bear out what I say.

Mr. MANN. How much pasture or grassland is there belonging to private owners in that county?

Mr. McGUIRE of Oklahoma. No land that is to be drained. It is weed land, because the sod has been broken and it comes up in weeds. It is absolutely worthless for grazing or for any other purpose.

Mr. MANN. They seem to be able to rent it.

Mr. McGUIRE of Oklahoma. Yes; but for nothing like the value of it.

Mr. MANN. I will say that I am going to object to the consideration of this bill unless it is passed over. If the Government is to cooperate in a drainage district in behalf of the Indian lands, I think it is quite proper that the Government that is to advance the money should be entitled to a lien on the Indian lands so that the Government in the end will receive the money back.

Mr. McGUIRE of Oklahoma. That would be perfectly satisfactory to me. Will the gentleman offer an amendment to that effect?

Mr. MANN. No; I have not one prepared, and, furthermore, I do not know enough about the subject to prepare one properly. I have no objection to passing the bill over without prejudice.

Mr. STEPHENS of Texas. Would the gentleman extend the same remark to the irrigable land in the United States belonging to the Indians, and make it responsible for the money that is used for irrigation purposes?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. If you did, you would make paupers out of the Indians.

Mr. MANN. If it is not for the benefit of the lands, do not do the irrigating. If it is, the land ought to be able to stand for the cost of it.

Mr. STEPHENS of Texas. They are the wards of the Government, and we must take care of them, irrespective of whether it is a benefit or not.

Mr. MANN. I never before heard that it was the duty of the guardian of a ward to spend his own money to advance the value of the property of the ward. That is a new doctrine to me.

Mr. STEPHENS of Texas. Then the gentleman would reverse the doctrine that we have stood by for all of these years?

Mr. MANN. We never have done that. We make it reimbursable whenever we provide for these irrigation projects, except in the few that got away from us.

Mr. BURKE of South Dakota. In the last Congress we passed a provision by which the moneys expended for irrigation of Indian allotments are a perpetual lien upon the allotment. That is, if the land should be sold by the allottee, the cost of irrigating it would be a lien that would have to be paid.

Mr. MANN. That is what I understand.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Oklahoma, in charge of this bill, in regard to this provision in line 23, by which it provides that from any funds the said allottees may have in the United States Treasury the Treasury shall be reimbursed. Do moneys belonging to these Indians that are known as individual moneys go into the Treasury of the United States? Are they not deposited in the local banks to the credit of the Indians and paid out under the supervision of the superintendent, and never do go into the Treasury?

Mr. FERRIS. That is true as to individual moneys; but they have lands unallotted.

Mr. BURKE of South Dakota. I understand this relates to any money belonging to individual allottees in the Treasury of the United States. They may have a large sum of money that would not be in the Treasury, but deposited in banks, and such money ought to be subject to reimburse this fund.

Mr. FERRIS. I heartily agree with the gentleman about that. I do not think the bill refers to individual funds. It says from any funds.

Mr. MANN. In the Treasury.

Mr. FERRIS. Yes.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I ask unanimous consent that consideration of the bill be passed without prejudice.

The SPEAKER pro tempore (Mr. BORLAND). The gentleman from Oklahoma asks unanimous consent that the consideration of the bill be passed without prejudice. Is there objection?

There was no objection.

STANDARD BARRELS AND GRADES FOR APPLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent that the Clerk read the substitute in lieu of the original bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

"That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of head, 17½ inches; distance between heads, 26 inches; circumference of bulge, 64 inches outside measurement, representing as nearly as possible 7,056 cubic inches.

"SEC. 2. That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than 10 per cent below the foregoing specifications shall be 'U. S. Standard, minimum size 2½ inches,' if the minimum size of the apples is 2½ inches in transverse diameter; 'U. S. Standard, minimum size 2¼ inches,' if the minimum size of the apples is 2¼ inches in transverse diameter; or 'U. S. Standard, minimum size 2 inches,' if the minimum size of the apples is 2 inches in transverse diameter.

"SEC. 3. That apples packed in barrels in accordance with the provision of this act may be branded in accordance with section 2 of this act.

"SEC. 4. That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined, and the capacity of the barrel is less than the capacity prescribed by section 1 of this act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by section 1 of this act. The marking required by this paragraph shall be in block letters of size not less than 72-point 1-inch gothic.

"SEC. 5. That barrels packed with apples shall be deemed to be misbranded within the meaning of this act—

"First. If the barrel bears any statement, design, or device indicating that the apples contained therein are 'U. S. Standard' and the apples when packed do not conform to the requirements prescribed by section 2 of this act.

"Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are 'U. S. Standard' and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked.

"SEC. 6. That any person, firm, or corporation, or association who shall pack or cause to be packed apples in barrels or who shall sell or

offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of $1 for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction. This penalty to be recovered under the provisions of an act approved June 30, 1906, entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.' (34 Stat., p. 768.)

"SEC. 7. That this act shall be in force and effect from and after the 1st day of July, 1913."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JACKSON. Mr. Speaker, reserving the right to object, I would like to know something of what the bill is sought to accomplish.

Mr. SULZER. Mr. Speaker, the object of this bill is to prevent fraud and deception in the apple business, which handles the largest fruit crop in the country. Provision is made for standard packages throughout the United States, and a standard is fixed for the grade and sizes of apples in commerce. It will establish for the producer a broader and more stable market; it will give the distributor confidence in the integrity of the package and the grade; and it will assure the consumer of both the quantity and quality of the food which he buys.

This measure has received the substantial approval of all branches of the apple industry; and representatives of fruit growers, fruit jobbers, horticultural societies, boards of trade, granges, commission merchants, apple shippers, and exporters from all parts of the United States, with scarcely a dissenting voice, urge its passage.

It establishes a standard barrel of the same dimension which is now established by law in many States, and which is in general use throughout the country. It provides that a barrel of less capacity than specified may be used, providing it is marked to show the fractional relation which the actual capacity bears to the standard barrel prescribed.

It establishes, for the purpose of interstate and foreign commerce, three standard grades of apples, to be designated according to the minimum size of the fruit, and specifies the quality of merchantable apples. It provides that barrels marked within the meaning of the act shall also show the identity of the packer and the locality where the fruit is grown and its grade.

The provisions establishing standard grades are not compulsory, and any person will be at liberty to pack his fruit in the old way or as he may desire, so long as he does not brand or mark it as "U. S. Standard," etc.

The penalty for violation of the standard package clause may be recovered at the suit of the United States in any district court having jurisdiction, and that part of the bill which is placed within the pure-food act is enforceable as a part of that law.

The provisions of the bill are in line with the statutes of the various States which have adopted a standard apple barrel, and I will say to the gentleman that this bill is approved by substantially all of the apple growers in the United States, by all of the apple dealers in the United States, by all of the boards of trades and chambers of commerce in the United States. It is an honest bill for honest dealing, and the demand for its enactment has come from every section of the country. It is reported unanimously from the committee, after extensive investigation and prolonged hearings. It is a bill to promote honest dealing between the producer and the consumer. It can only be done by a common standard.

Mr. JACKSON. What is the interest of the apple grower in such a measure as this?

Mr. SULZER. The interest of the apple grower in such a measure as this is that the honest apple producer wants a common standard that the dishonest apple grower must live up to in order to have honest competition. In other words, an honest apple grower wants to give a full barrel, while a dishonest apple grower does not. This compels the dishonest apple grower to live up to a standard.

Mr. JACKSON. Does the gentleman think any honest apple grower can pack apples in accordance with the second section of this bill?

Mr. SULZER. Yes; the producers of apples appeared before the committee and testified they could, and that is what they wanted to do. All the apple growers in the United States were present or duly represented. The hearings tell the whole story. This bill should pass.

Mr. JACKSON. Then a man must subject himself to all of the penalties of the pure-food law if he packs an apple of less than a certain diameter.

Mr. SULZER. Oh, no.

Mr. MANN. In that connection I would ask where there is any provision in reference to a violation of this law. How can a man violate the law?

Mr. BUTLER. By shortening his barrel.

Mr. MANN. No; there is no prohibition against shortening the barrel in this bill.

Mr. SULZER. That is correct.

Mr. BUTLER. Then this is merely a declaration of morals?

Mr. MANN. Merely a declaration of intent.

Mr. SULZER. In other words, if a man packs less than a barrel and does not comply with this act he can not mark it "U. S. Standard."

Mr. MANN. There is no prohibition respecting that.

Mr. SULZER. He subjects himself to a fine of a dollar a barrel if he marks the barrel "U. S. Standard" when it is not United States standard, in accordance with this act.

Mr. HAY. He can pack his apples in any way he pleases, but he can not brand the barrel as provided for in this bill without incurring the penalty.

Mr. JACKSON. The bill provides for the branding of apples, not the branding of barrels.

Mr. HAY. It does not make it obligatory upon anybody who packs apples to pack them in barrels of this character. I will say to the gentleman from Kansas, representing as I do the largest apple district perhaps in the country——

Mr. JACKSON. Oh, I did not know the gentleman was from Kansas. [Laughter.]

Mr. HAWLEY. The gentleman should except myself.

Mr. HAY. I said I represented the largest apple-growing district.

Mr. JACKSON. And I repeat that I was not aware that the gentleman came from Kansas.

Mr. MANN. The gentleman from Virginia means that he represents the district that grows the largest apple. [Laughter].

Mr. HAY. No; the largest number of apples and the district that ships the largest number of barrels of apples. I may say for the apple growers that they are all in favor of this bill in the interest of honest packing; and, furthermore, they believe by the passage of this bill that the apple industry of the country will be very much aided, and all of the apple interests, both the growers and the buyers, have agreed upon the terms of the bill. It is not the bill that everybody would like to have, but, like all legislation, it is a compromise. I trust the gentleman from Kansas will not object.

Mr. JACKSON. Will not the result of the bill be to increase the price of certain kinds of apples that are designated as standard apples?

Mr. HAY. No; there is no designation of any standard here.

Mr. JACKSON. What does the bill do, if it does not do that?

Mr. MANN. That is all it does do. It does not prohibit anything.

Mr. HAY. It standardizes the size, not the quality—United States standard minimum size.

Mr. JACKSON. It tends to standardize the quality also.

Mr. HAY. Not at all. It is only the size.

Mr. YOUNG of Michigan. The size of the apple or of the barrel?

Mr. HAY. Of the apple.

Mr. TUTTLE. It does standardize the quality of merchantable apples.

Mr. JACKSON. That is what I thought.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, as the matter is up I shall not object to the consideration of it, but I would like to call the attention of gentlemen to the fact that the only apparent prohibition in the bill is one against selling barrels and not against selling barrels of apples. There is no prohibition in the bill against marking barrels "U. S. Standard" when they are not United States standard. There is no prohibition in the bill against putting in apples of a different size and then marking them United States standard of a certain size. There is no provision in the bill except providing a penalty for violation of the act, and there can be no violation of an act unless there is a prohibition.

Mr. HARDWICK. Would the gentleman leave it that way?

Mr. MANN. Absolutely. I want to leave it that way unless the gentleman can correct it.

Mr. HARDWICK. The gentleman is right in one sense and wrong in another. The bill does provide that any violation of any of its provisions shall subject the violator to a penalty of $1 per barrel.

Mr. MANN. Yes.

Mr. HARDWICK. Yes; there is a violation which relates to the size of the barrel or the size of the apple——

Mr. MANN. But there can be no violation unless there is a prohibition.

Mr. HARDWICK. That is purely technical.

Mr. MANN. I take it is very pertinent.

Mr. HARDWICK. It is purely technical.

Mr. MANN. It is purely basic to say that a man can not pack apples and market them when there is no prohibition against the packing of apples and the marketing of them.

Mr. HARDWICK. The gentleman has not read the bill carefully.

Mr. MANN. Oh, yes; I have read the bill a half a dozen times, but I should not oppose its consideration even in the form it is.

Mr. HARDWICK. Then the gentleman is not opposed to its consideration?

Mr. MANN. Or to passing it, as it will not accomplish anything.

Mr. MOORE of Pennsylvania. I would like to ask what section 3 means.

Mr. SULZER. That section will be amended. I call attention to section 5, which says "that barrels packed with apples shall be deemed to be misbranded if not within the meaning of this act."

Mr. MANN. There is no provision against misbranding. It is no violation of the act, because there is no prohibition which makes it a criminal——

Mr. HARDWICK. It is not criminal but civil. A man can violate the law and only be subject to a civil penalty.

Mr. MANN. It is neither one.

Mr. HARDWICK. Mr. Speaker, I understand the gentleman from Illinois does not object to the consideration of the bill.

The SPEAKER. Nobody has objected yet.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

Mr. JACKSON. Mr. Speaker, I reserved the right to object, and I do object. I think the bill is too imperfectly drawn to be passed.

Mr. HARDWICK. The gentleman is very much mistaken, and I hope the gentleman will reserve the right to object and let us explain the bill.

The SPEAKER. Does the gentleman reserve the right to object or does he object?

Mr. JACKSON. I object.

Mr. HARDWICK. I ask the gentleman to let us explain the bill to him.

The SPEAKER. The gentleman objects, and that is the end of it. The bill will be stricken from the calendar.

Mr. HARDWICK. Will the gentleman reserve the right to object?

The SPEAKER. The gentleman insists on his objection, and the Clerk will report the next bill.

PHOSPHATE LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands.

Mr. MANN. Mr. Speaker, in the absence of the gentleman who introduced the bill, I will ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

BLANK MANIFESTS AND CLEARANCES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13392) to repeal section 2648 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc."

The Clerk read as follows:

Be it enacted, etc., That section 2648 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc.," be repealed, and the following be enacted in lieu thereof:

"That the Secretary of the Treasury is hereby authorized to obtain by purchase, or cause to be printed, blank forms of clearances, manifests, and other forms used in connection with the transaction of customs business, and to sell such forms at ports and subports of entry, ports of delivery, and elsewhere at such prices as he may deem proper and under regulations to be prescribed by him.

"SEC. 2. That all moneys received from the sale of such forms shall be accounted for and paid into the Treasury in the same manner as other moneys collected by customs officers.

"SEC. 3. That section 2648 of the Revised Statutes, and all additions thereto and amendments thereof, are hereby repealed."

The SPEAKER. Is there objection?

Mr. MILLER. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

DISPOSITION AND SALE OF SURPLUS OF UNALLOTTED LANDS, STANDING ROCK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill S. 109, an act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota and making appropriation and provision to carry same into effect.

Mr. BURKE of South Dakota. Mr. Speaker, this bill has been read in the House on a former occasion. I do not believe it is necessary to have it read again.

The SPEAKER. Well, the Chair thinks to-day is the day and the bill ought to be read.

Mr. BURKE of South Dakota. I did not want to take up the time of the House in reading it if there is going to be objection. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota. [After a pause.] The Chair hears none, and it is so ordered.

RADIO COMMUNICATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 6412) to regulate radio communication.

Mr. MANN. Mr. Speaker, I think this bill was read before.

Mr. ALEXANDER. I was going to ask unanimous consent that the reading of the bill be dispensed with, as it was read in full when it came up for consideration on the last Unanimous Consent Calendar day.

Mr. MANN. Reserving the right to object, I simply want to ask the gentleman whether the international conference already agreed upon the other day might not in some way affect this?

Mr. ALEXANDER. It does not relate to any subject included in this bill.

Mr. MANN. It would relate to wireless signals at sea, would it not?

Mr. ALEXANDER. It might so far as regulations for two or more operators on shipboard, character of apparatus, and so forth, but this bill does not relate to those subjects in any way. This bill in part carries out the provisions of the Berlin convention, which has been ratified by the Senate on the part of the United States.

Mr. MANN. It seems to be very important that the regulations among the nations should be practically uniform, and as this conference has been provided for I suppose it will be reported before a great while.

Mr. ALEXANDER. But this bill is to carry out the provisions of the Berlin convention, and does not cover the subjects embraced in the joint resolution that passed the other day and that the gentleman from Illinois has in mind.

Mr. MANN. Yes; I know. It is a great deal more than that, though.

Mr. ALEXANDER. The other conference provided for in that joint resolution will not consider any of the questions that are embraced in the subject matter of this bill.

Mr. MANN. I will personally say to the gentleman, without any knowledge of the subject, and hence without an opinion that is worth anything, I do not believe it is practicable to enforce this bill in the language in which it is drawn, nor do I believe it would be fair to the amateurs of the country to endeavor to enforce it.

Mr. ALEXANDER. We have gone over the subject matter with the amateurs, and with the gentleman from Pennsylvania [Mr. BUTLER], who is in touch with them. The Wireless Association of Pennsylvania represents the largest number of wireless amateurs in the United States.

Mr. BUTLER. I think the association to which the gentleman from Missouri [Mr. ALEXANDER] refers contains more experimenters, perhaps, than any other association devoted to this subject in the United States, and, as the gentleman knows, to-day the Department of the Navy is in communication and in consultation with these experimenters in Philadelphia for the purpose of agreeing, if they can, upon some measure—I would not say to be inserted in this bill, because I will be honest in my statement, but in consultation relative to the rights of the experimenter or relative to the obstruction of his work which the passage of this bill might make. Now, I have not heard from them. I know they are in consultation. Has the gentleman from Missouri [Mr. ALEXANDER] had any word from them?

Mr. ALEXANDER. No; but the gentleman from Pennsylvania and I have agreed that one amendment shall be made that they insist on.

Mr. BUTLER. One amendment in the first section.

Mr. MANN. I have 22 question marks after provisions in this bill which I would like to have explained and possibly amended, and I do not see how that can be done to-day.

Mr. ALEXANDER. I will undertake to explain them if in my power, and if the gentleman has any amendments that will improve the bill and will protect either the commercial or amateur interests, I am entirely willing that they may be brought

before the House. But this is such an important measure, and the time for its consideration is passing, I do hope no objection to its consideration will be made.

Mr. MANN. We passed a law the other day about radio communication, and it may be that this ought to pass at once, but then we may change it next year. Sometimes it is wise to wait a bit. I know the gentleman and his committee have done extremely able work and hard work, too, upon this and other bills from his committee, and while I am disposed to follow the gentleman on a good many things from his committee, I am not disposed to pass a bill like this without consideration in the House.

Mr. ALEXANDER. I would be very glad to have it considered, and if there is any Member of the House that does not understand any provision of this bill, we will endeavor to make it clear.

Mr. MANN. If we can strike a time on unanimous-consent to-day when the calendar is not full, I would as soon have this bill up as any other. Unless the gentleman asks to have it passed over, I will have to suggest——

Mr. BUTLER. Let it go over for two weeks.

Mr. ALEXANDER. I am not more interested in this than in many other measures. The subject matter comes from the administration, and I know the importance of the legislation, and for that reason I am so anxious that it may be considered and passed. At the same time I do not want to pass any law through the House without consideration. For that reason the bill was printed in the RECORD two weeks ago that all Members of the House might have opportunity to study it. If the gentleman has not read the bill and insists on his objection to its present consideration, I will ask unanimous consent that it may go over until next unanimous-consent day.

Mr. MANN. So far as I am concerned, I would be glad to take it up at any time.

Mr. BUTLER. In the meantime, I think he has practically removed the objections of the association to which he referred.

Mr. MANN. What is the amendment they propose to section 5?

Mr. BUTLER. As to reception of messages.

Mr. ALEXANDER. Line 8, page 1, strike out the words "receipt or." In the meantime, I hope the gentleman will frame such amendments as he may wish to propose? I ask unanimous consent that the consideration of this bill may go over until the next Unanimous Consent Calendar day.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent to pass the bill by without prejudice. Is there objection?

There was no objection.

SALE AND ENTRY OF CERTAIN LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described tracts of land within the State of Oklahoma, to wit, the southeast quarter and the south half of the northeast quarter of section 30, the east half of section 31, and section 32, all in township 19 north of range 13 west of the Indian meridian; and the west half of section 5 and the northeast quarter of section 5, and section 6, all in township 18 north of range 13 west of the Indian meridian; and also any other tract or tracts of land within what was formerly the Cheyenne and Arapaho Indian Reservation which heretofore may have been reserved for agency or school purposes which, in the judgment of the Secretary of the Interior, are no longer needed or necessary for the purpose for which said tract or tracts were originally reserved; and said lands shall be opened to entry and settlement and disposed of under the conditions, terms, and provisions prescribed in the act approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand the subject matter of this bill, the Secretary has now the authority to sell this land if he wants to?

Mr. MORGAN. Mr. Speaker, I will state that there is a letter in the hands of the chairman of the Committee on Indian Affairs, which I had in my possession a few weeks ago, but which I returned to the chairman, in which the Secretary says that his statement, which is made in this letter and printed in the report, was made through inadvertence.

Mr. MANN. I recollect that fact now.

Now, this bill provides that the proceeds of this land, which the committee says belongs to the Government, shall be turned over for the benefit of the Indians.

Mr. MORGAN. Yes; but, Mr. Speaker——

Mr. MANN. It further says that the Indians do not want the land to be sold, because they want the land.

Mr. MORGAN. Mr. Speaker, in regard to the land, first, I will say that the Indians believed that they had the legal title to this land, and the agent no doubt had the same conception. The Indians who signed the petition of course got their information from the agent.

Now, as a matter of fact, as shown by the report of the Secretary, the legal title, the cold, naked legal title, belongs to the United States. The Indians signed this petition against the sale on the theory that these lands which are referred to in the body of the petition would, when they should cease to be used for school purposes, revert to the Indians, which is not true.

I desire to say, further, that one of the chiefs of that tribe, who was the first man who signed that petition, is here in Washington at the present time, in company with other Indians of that tribe. They have talked the matter over with me and with the Commissioner of Indian Affairs, and after they have been made to understand it they are now willing that these lands should be disposed of according to the terms of this bill.

Now, while it is true, Mr. Speaker, going to the other point, that this bill provides that the proceeds of this land shall go to the benefit of the Indians, and while the report states correctly that the legal title is in the United States, yet I want to call the attention of the gentleman to this fact, that here was a great reservation, comprising something like 2,000,000 acres, and the United States, through commissioners, entered into a treaty for the allotting of these lands to the Indians, 160 acres to each, and for the disposal of the rest under the homestead laws to settlers.

The Indians in that treaty in terms did release their right to all the lands except their allotments. However, certain little reservations were reserved for school purposes for the benefit of the Indians and are being used and have been dedicated to that purpose.

Now, it appears that there is a surplus of these lands that have been reserved by the United States for school purposes for the benefit of the Indians. I should not think that the Government of the United States would be doing just the right thing to take these lands that were reserved for the Indians, for the purpose of educating this tribe of Indians, and appropriate these lands and place the money to the credit of the people of the United States. The Cheyenne and Arapahoe Indians are not a very progressive tribe. They have not advanced very far in civilization. It will take many years before these Indians will reach the point where they will not need great care and a great amount of education and training; and I would feel that we were doing an act of great injustice now to appropriate these lands and take them away from these 3,000 Indians, who are wards of the Government, and who are not, as I say, advanced very far in civilization. I do hope the gentleman from Illinois will not oppose this bill.

Mr. MANN. Mr. Speaker, the gentleman is both able, ardent, and plausible. But even he can not escape the fact that at one time we paid the Indians for the land—bought it and paid for it—and thereupon let the Indians make use of it by establishing Indian schools upon the land. Thereupon the Indians got an idea that they owned the land, and then they objected to our selling the land because they wanted the land. They visited Washington, they visited my distinguished friend from Oklahoma, and he explained to them that they did not own the land, but if they let this bill pass they would get the money for it. Of course they flopped over, but the very reason that actuates the Indians in favor of the bill which they formerly was opposed to makes me a little more opposed to it.

Mr. CARTER. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. CARTER. Mr. Speaker, these lands were bought and paid for by the Federal Government from the Choctaw and Chickasaw Indians, and it was said that the Federal Government got it for the purpose of settling friendly Indians thereon. The Federal Government, when it bought the land, bought it for a very small price. It did not in its negotiations with the Choctaws and Chickasaws, as the treaty will show, make any pretention that it wanted the land for itself, but wanted it for settling friendly Indians. It did not want it for white men.

Mr. McGUIRE of Oklahoma. Then it belongs to the Choctaws and Chickasaws?

Mr. CARTER. No; they have been paid for it at the rate of $1.25 an acre, but it was taken to settle friendly Indians on it. They were not so very friendly, however, as it turned out.

Mr. NORRIS. Well, is this a plan to buy it over again and see if we can not get it in that way?

Mr. CARTER. I make the point that the Federal Government did not buy the land for itself, but bought it for the Shawnees and Arapahoes and friendly Indians.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Oklahoma if it is not a fact that this land was ceded to the Government along with other land, and that this particular portion of it was simply reserved by the Government for the purpose of using it in connection with an Indian school established there.

Mr. MORGAN. That is a fact.

Mr. BURKE of South Dakota. This bill, if I understand it, provides that when this land is sold the proceeds shall go into the Treasury of the United States.

Mr. MORGAN. Yes; to the credit of the Indians, to be disposed of by Congress.

Mr. BURKE of South Dakota. My understanding was, when the bill was reported—I may labor under a misapprehension—that it was the opinion of the committee that the Indians had no right whatever to the land, and if there was no further use for it for the purpose of a school, that when it was sold the proceeds should go to the United States; in other words, we ought not to purchase land from the Indians, allow them to use it for 10 or 20 years, and then purchase it of them again, or sell it and give them the proceeds. We have been doing that in a number of cases for several years, notably in the case of the Kiowas and Comanches, where we gave them several million dollars.

Mr. MORGAN. It is true, as I understand it, the Indians have released their right to these lands, but the United States Government reserved these 4,000 acres of land for the purpose of educating these Indians. Now, that is a fact that can not be denied. I would not feel that I was doing justice to these Indians to now take this land that was reserved by the United States for the high and noble purpose of providing means for the proper education, culture, and development of these Indians to make them citizens of the United States, capable of self-support—I could not consent that we should take the lands reserved for that purpose and appropriate them to the general purposes of the United States. I do not think there is anybody here that wants to do that. If this land can not be disposed of so that the proceeds will go to the Indians, we ought to leave the lands there as they are, to be used in connection with that Indian school. I hope the gentleman will not object to the consideration of this bill.

Mr. MANN. Mr. Speaker, as I understand this bill, this property was acquired by the Government in 1891 by purchase from the Indians. More than a year later the department set aside this particular tract of land as a part for Indian schools. It did not belong to the Indians, nobody pretended that it did; but because they have been on it for 20 years, or sending children to school there, they came to the conclusion that they own it; they believe they own it, and believing they owned it they objected to the sale of it. The committee and the department, in order to excuse themselves for making a sale of it, called attention to the fact that the Indians did not own it, and that, therefore, the objection of the Indians to the sale of it ought not to be given any weight. If that be the case, why, when we sell it should we give them the money for it?

Mr. MORGAN. Because the United States reserved this for the purpose of educating these Indians.

Mr. ANDERSON of Minnesota. Why not keep it for that purpose?

Mr. MORGAN. We are; we are going to put it in the Treasury, because we can utilize it better if it is put in the form of cash.

Mr. BURKE of South Dakota. Suppose the Government had not reserved the land; suppose it had gone outside and purchased a tract and located the Indian school upon it, would that give the Indian any right to the proceeds from the sale of it now when it is no longer needed for school purposes? The Government purchased the land, paid for it, and then reserved what is authorized to be sold by this bill and built a school thereon to educate the Indians, but that did not give the Indians any right to the land.

Mr. MORGAN. I think if we purchased the land for the use and benefit of the Indians, if we ever dispose of it we should use it for the benefit of the education of the Indians who need it.

Mr. MILLER. The land was originally a part of an Indian reservation and sold by the Indians. At what price was it sold?

Mr. MORGAN. I think at $1.25 an acre.

Mr. MILLER. Has the gentleman any information as to the real value of the land at the time of the sale?

Mr. MORGAN. It is now worth $10 or $15 per acre.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MORGAN. I hope the gentleman will allow me to ask that the bill may be passed without prejudice.

Mr. MANN. I will not object to that; we have got in the habit of passing bills over in that way.

Mr. MORGAN. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. Is there objection?

There was no objection.

STANDARD BARRELS AND GRADES FOR APPLES.

Mr. JACKSON. Mr. Speaker, I desire to withdraw my objection to the consideration of the bill (H. R. 21480) providing for standard barrels and grades of apples.

The SPEAKER. The gentleman from Kansas withdraws his objection to the bill H. R. 21480, the title of which the Clerk will report.

The Clerk read as follows:

A bill to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I have not objected to the consideration of the bill and I have no objection to its passage, and yet I think it is proper to call attention to some of the things this bill does do and does not do.

The SPEAKER. The gentleman from Illinois is recognized for an hour.

Mr. MANN. Mr. Speaker, in the first place it provides for the size of an apple barrel, that it shall represent as nearly as possible 7,056 cubic inches. It is possible to have exactly 7,056 cubic inches in a barrel, and if it is a provision with a penalty to it, what is to be the result? We have been considering for a year in the Committee on Interstate and Foreign Commerce the question of the quantity of the contents of packages, and the committee has recently reported the bill, which I think is a very desirable one to pass, providing that there shall be tolerances; putting it in the law, that word "tolerances" having a well-defined meaning. In this bill you may just as well say that the size of the barrel shall be 7,056 cubic inches, because it is possible to make a barrel of that size. But it is not practicable in the trade to make them of that size. How would you determine whether a man was violating the law or not? A man could not tell in advance whether he was violating the law.

However, the bill contains no provision that anything is a violation of the act. It provides what shall be the United States standard on apple barrels and apples, and provides for the marking of United States standard on the apple barrel, but it makes no prohibition against a man falsely marking the barrel. Anybody can put the mark on the barrel. It provides for the packing of certain grades of apples under certain marks which may be put on the barrel, but you can pack potatoes in the barrel and mark it "United States standard, minimum size, 2¼ inches," and there is no violation of the act.

The bill says the barrels packed with apples shall be deemed to be misbranded within the meaning of the act, but there is no prohibition against misbranding. There is nothing in the act that makes it illegal to misbrand unless it is covered by the existing pure-food law. Under that it would be illegal to mark potatoes as apples and it might be illegal to lie about the size. This bill does not cover that.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. I want to ask the gentleman where this bill originated? Where does the demand come from for this legislation? Is it from the growers?

Mr. MANN. I will say frankly I think it comes from the apple growers of the United States. They have been asking for legislation of this sort for years, and, as I understand, the demand also comes because we export a great many apples. They want to be able to sell their apples at a high price. The Canadians pack their apples and standardize them, and the United States wants to be able to do the same thing.

Mr. LOBECK. The apple and fruit growers of Nebraska desire it.

Mr. MANN. I think there is a general demand for the passage of the bill. I think it is a desirable measure to pass. If it was not for that fact I would not be willing to pass this bill which I think will not cover the case. I simply call attention to these things now and hope that the gentlemen who are interested in the bill will at some stage insert some provision that will make it of value.

Mr. SLAYDEN. I do not see, to save my life, why if we are going to undertake to supervise trade in this inquisitorial and severe way, we should not say that the stuff shall be sold by weight, where there can be exactness.

Mr. MANN. Because apples, with many worms in them, will weigh just as much as those without worms, and little apples will weigh more than big apples, and they are not worth as much.

Mr. SLAYDEN. The buyer could then examine the stuff that he buys. Apples are sold by weight in a large part of the world.

Mr. FOSTER. The barrels are not opened.

Mr. MANN. Apples can not be sold by weight unless they are guaranteed of certain quality in the barrels, not exposed or examined.

Mr. SLAYDEN. I will say to the gentleman that I have seen them sold by weight.

Mr. MANN. I will not say that somebody has not done it. I only say that it is not practicable to do it.

Mr. SLAYDEN. I do not mean to say that it is exceptional. It is customary to sell them by weight in many parts of the world.

Mr. MANN. Where?

Mr. SLAYDEN. In Europe.

Mr. MANN. Oh, they do not have many apples there, and they buy their apples from us. They do not buy the big bulk of apples from this country by weight, however.

Mr. SLAYDEN. I do not know about that.

Mr. MANN. They may sell them over there for 50 cents a pound. I have heard people say that it was impossible to get apples over there.

Mr. JACKSON. I think apples are sold almost entirely in the West, out beyond the mountains, by weight.

Mr. HAWLEY. Oh, no; they are sold by the box.

Mr. MANN. It is a box weighing so much, but it is the kind of apple and the quality of apple that determines the value.

I myself have been a witness at what is probably the largest apple market in the world, on South Market Street, in Chicago. I have gone there myself a number of times as a matter of experience.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. MOORE of Pennsylvania. Oh, the gentleman has one hour.

Mr. MANN. But I do not wish to occupy it all.

Mr. MOORE of Pennsylvania. The gentleman from Texas [Mr. SLAYDEN] has made an inquiry which deserves an answer. I have petitions in favor of the passage of this bill. Some come from dealers in apples and some from consumers, and the reason they would like to have a bill of this kind passed is that they would like to have the apples delivered as represented. The gentleman may be aware of the fact, since he comes from a partly agricultural district, that sometimes when apples fall or are picked they are grouped in the orchard in piles of primes and culls. When they are packed it sometimes happens that the primes go to the bottom of the barrel, the culls to the middle, and the good, big, red, round apples again to the top. The consumer is often deceived in this way. The honest apple grower sells the consumer and would like to regulate the distribution of apples so far as fair dealing is concerned. The consumer's interest is almost entirely in the fact that he wants to receive the contents of the barrel as they are represented to him.

Mr. MANN. Mr. Speaker, the gentleman from Texas [Mr. SLAYDEN] will notice that this bill does not endeavor to cover the entire apple trade at all. It only purports to authorize the packing of apples under certain conditions and marking the barrel with a certain mark. That was a proposition I tried to put in the pure-food law—to mark a thing "United States standard" and allow a standard to be made. That is all this bill endeavors to do. Nobody needs to mark it who does not want to.

Mr. SLAYDEN. The gentleman will remember that I was one of his humblest lieutenants in the passage of the pure-food law.

Mr. MANN. The gentleman was one of the ablest lieutenants I had.

Mr. SLAYDEN. I am absolutely in favor of doing everything possible to prevent fraud in trade, because the more honest you make it the more you develop commerce; but I have not been able to see the necessity for this sort of legislation.

Mr. MANN. Of course gentlemen who represent apple districts——

Mr. SLAYDEN. I am an apple grower.

Mr. MANN. Well, I have been raising apples all my life, my father having been a nurseryman and owning orchards when I was a baby, and we still own orchards in our family, although we do not sell very many profitably now. Apples are a peculiar thing. The value depends largely upon the size and quality, more so than almost any other fruit, and that is not plainly observable. All you can see in a barrel of apples is the top of it, and you can not run anything in that will bring out the quality of the apples like you can most things of that sort. With ordinary fruit you can take out a sample, and if necessary you can turn the box out and find whether it is a half pint instead of a pint, whether all the little strawberries are in the bottom. That we are trying to regulate now.

Mr. SLAYDEN. And whether the little apples are all at the bottom.

Mr. HAY. The purpose of this bill is to have an honest pack, to have an honest grade.

Mr. SULZER. In the opinion of the gentleman from Illinois, will not this bill, if it becomes a law, have a tendency to make the trade more honest in its dealing with the consumer?

Mr. MANN. This bill would be a fine thing to make a standard barrel of apples and require that the apples shall conform to a standard and permit that standard to be marked on the barrel if you forbid, which this bill does not do, anybody falsely marking on the barrel the same thing.

Mr. MOORE of Pennsylvania. How do you explain section 3, which requires a branding of the apple itself?

Mr. GREEN of Iowa. Mr. Speaker——

Mr. HAY. Mr. Speaker——

Mr. MANN. I yield to the gentleman from Virginia to answer the gentleman from Pennsylvania, and then I will yield to my friend from Iowa [Mr. GREEN].

Mr. HAY. Section 3 provides that the apples shall be branded—I have not a copy of the bill——

Mr. MOORE of Pennsylvania. Yes; it says the apples shall be branded.

Mr. HAY (continuing). As is provided for in section 2, and section 2 provides the brand that shall be placed upon the barrel.

Mr. MOORE of Pennsylvania. The gentleman is aware that a great deal of annoyance to dealers arises from inspection methods, and if the paragraph is taken literally as meaniug that the apple itself shall be branded it would lead to all sorts of difficulties.

Mr. MANN. If the gentleman will permit, section 3 provides for the branding of the apples and section 6 provides a penalty for the sale of the barrels, not the apples.

Mr. GREEN of Iowa. That is where I wanted to ask my question.

Mr. MOORE of Pennsylvania. That is why I thought paragraph 3 was unnecessary and ought to be stricken out of the bill.

Mr. GREEN of Iowa. Will the gentleman permit the gentleman from Virginia to answer a question?

Mr. MANN. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Line 19, page 6, I suggest, should read, with a slight change, in this way: "or who shall sell or offer for sale such barrels which under the provisions of this act are misbranded."

Mr. MANN. If the gentleman wants my opinion in reference to this, this only relates to the sale of barrels and not barrels of apples.

Mr. GREEN of Iowa. Such barrels would refer back to section 5.

Mr. HAY. If the gentleman will permit me, I will state to the gentleman from Pennsylvania that we propose to change section 3 so as to provide that the barrel in which the apples are packed in accordance with the provisions of this act may be branded.

Mr. MOORE of Pennsylvania. That removes the objection I had to the paragraph.

Mr. HAY. That amendment will be offered.

Mr. MOORE of Pennsylvania. I think if it is left as it is it will result in great annoyance both to growers and dealers.

Mr. HAY. It is badly worded.

Mr. SLAYDEN. I would like to ask the gentleman from Illinois another question or two. This bill in section 2 undertakes to compel the uniform packing in that it requires the apples shall be all——

Mr. MANN. Undertakes to permit a uniform packing.

Mr. SLAYDEN. In that section it requires that they shall be the minimum size of so many inches in transverse diameter, and so forth. How in the world is the average apple grower of the country to arrive at an exactness of that sort of thing? He can only go by his eye; he has not got the time to measure every apple.

Mr. MANN. Has the gentleman ever seen them separate oranges and apples? It is a very simple process.

Mr. SLAYDEN. I have seen them separate oranges. They do that through screens.

Mr. HAY. I will say to the gentleman from Texas that in separating apples they have a grading table, and there is no trouble about that at all.

Mr. MANN. Yes; they do not run them through screens, as oranges, because it would bruise the apples.

Mr. HAY. But they have a uniform size and they have a grading table.

Mr. SLAYDEN. There should be a glossary to this bill.

Mr. HARDWICK. At the proper time I propose to offer an amendment to section 3.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] reserve the balance of his time?

Mr. MANN. Yes; I reserve the balance of my time.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for an hour.

Mr. HARDWICK. I want just a minute. I will not use the hour. At the proper time I will offer an amendment to the amendment to cure the objection to the verbiage of section 3 raised by the gentleman from Pennsylvania. I want to say this in answer to the technical objections of my friend, who is for the bill, the gentleman from Illinois [Mr. MANN].

Mr. MANN. They are not technical.

Mr. HARDWICK. I think they are, with all due deference to the gentleman's judgment. It was not intended in this bill to make any violation of any of its provisions a criminal offense. It was simply intended, and your committee did not go any further, that for each and every infraction of the provisions of this bill there should not be a criminal penalty, but a civil penalty, and the committee has so provided and the bill so reads. In answer to every word that the gentleman has said on the subject, I want to read from section 6 of the bill, as follows:

That any person, firm, or corporation, or association who shall pack or caused to be packed apples in barrels, or who shall sell or offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of $1 for each such barrel—

For each and every violation of the provisions of this act there shall be this civil penalty of $1 per barrel.

Now, this legislation is not exclusive. It is cumulative. If the bill is enacted into law a man can ship into interstate commerce any sort of barrel, even though it is not the United States standard.

Mr. MANN. There is no doubt the statement you have just made is correct, and that you can ship in interstate commerce apples just as we do now, only we can not brand them.

Mr. HARDWICK. We can not brand them. After this bill is enacted into law if you want to ship apples in boxes or in bags you can ship them in that way, and also in carload lots.

Mr. BOOHER. The gentleman from Georgia is quite sure that this bill does not interfere with the shipment of apples in interstate commerce in barrels other than the standard barrel provided in this bill and in carload lots without branding.

Mr. HARDWICK. The bill does not interfere in any way with such shipments, unless the shipper desires to brand the barrel as provided by the bill.

Mr. GREEN of Iowa. I think the suggestion the gentleman from Illinois [Mr. MANN] made is good. The provisions of the act prior to section 6, the gentlemen will observe, do not make anything obligatory, and some persons would not want to brand their apples.

Mr. HARDWICK. That is the reason why they do not.

Mr. GREEN of Iowa. The provision in section 6—

Any person—

And so forth—

who shall sell or offer for sale such barrels in violation of the provisions of this act—

is the only provision that is obligatory. There is nothing obligatory in the preceding sections. If we should offer apples that were misbranded—

Mr. HARDWICK. To you and the gentleman from Illinois I want to repeat the assurance that it ought not to take much examination of the question for you to find out that every section need not carry the statement that "This is a violation of law if you do not live up to it."

Mr. GREEN of Iowa. That is very elementary. The trouble is, you have nothing there with reference to violating the preceding sections.

Mr. HARDWICK. We have laid down the law in the preceding sections.

Mr. GREEN of Iowa. I do not think you do it.

Mr. HARDWICK. I beg the gentleman's pardon. Section 1 provides that the standard barrel for apples shall be of certain prescribed dimensions. Section 2 provides what the standard grades shall be. Section 3 provides for the branding of the barrels in which the apples are packed. Section 4 provides that all barrels packed with apples shall be deemed to be below standard, if the barrel bears any statement, design, or device indicating that the barrel is of less than the capacity prescribed by section 1, unless the barrel is plainly marked otherwise. Section 5 describes misbranding. Then comes section 6, and it says:

That any person, firm or corporation, or association who shall pack or cause to be packed apples in barrels, or who shall sell or offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of $1 for each such barrel so sold or offered for sale.

And so forth.

Now, if that does not explain it to the gentleman, it is not my fault. If the gentleman still can not understand, it is through no fault of mine.

Mr. GREEN of Iowa. It would not hold in any court.

Mr. HARDWICK. I do not think any lawyer in any court would make such a point.

Mr. MANN. Mr. Speaker, if the gentleman will allow me, I may say that I am not giving offhand information on this subject. It was a matter that was brought up when the pure-food legislation was considered in committee, and when it was considered in the House; and I do not think there is any question in the slightest that unless a prohibition is put in the bill there can not be any penalty enforced.

Mr. HARDWICK. I will say to the gentleman that this bill was very carefully prepared and considered by the committee, and there is not a single member on the committee on either side who has the slightest doubt on the proposition which the gentleman raises.

We provide in section 6 that each and any violation of the provisions of this act shall subject the person who violates the act to a fine of $1 a barrel. It seems to me that is plain and specific and covers all. I can not see why not. I do not think you have got to say in each section, in so many words, that a man who does such and such a thing commits a violation of the law, and repeat it every time.

Now, if the gentleman contends that we have not established a criminal penalty for the violations of this provision, he is right, but——

Mr. GREEN of Iowa. The gentleman misunderstands me entirely. My objection is not based on that ground. There is nothing obligatory in the preceding sections.

Mr. HARDWICK. Does not the gentleman see anything obligatory in section 6?

Mr. GREEN of Iowa. The trouble is there is nothing for them to violate.

Mr. HARDWICK. If a man packs his apples and ships them in a different way from what the act of Congress prescribes and brands them as standard under this act, he is guilty of a violation of the act, and if the gentleman can not understand that, Mr. Speaker, it is simply another instance of "De gustibus non disputandum est." There is not any use discussing such a proposition as that.

Mr. MANN. The gentleman is entirely wrong about that.

Mr. HARDWICK. I have not finished. I have the floor, I believe.

Mr. MANN. When the gentleman is through I will take the floor.

Mr. HARDWICK. Of course, Mr. Speaker, I want this bill to prescribe a real standard. I know, of course, that my friend from Illinois [Mr. MANN] is a friend of the bill just as much as I am, and if he wants to offer an amendment like that, and not make the bill too stringent, I shall not oppose it. But I do not think it is necessary.

It will be a matter of absolute indifference to me whether such an amendment is adopted or not. I do not think it will improve the bill any; neither do I think it will hurt it.

Mr. FOSTER. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. HARDWICK. Yes.

Mr. FOSTER. The purpose of this bill is to make a standard barrel of apples. That is the intention?

Mr. HARDWICK. Yes, sir.

Mr. FOSTER. And when it is marked "United States standard," that mark shows that it comes up to the provisions of the bill?

Mr. HARDWICK. Exactly; and the buyer has the guaranty that it must come up to the provisions of this law, and the seller is protected because he can sell his apples on that basis.

Mr. FOSTER. If it does not come up to the standard, does the gentleman contend that the man who sells or ships that barrel of apples is subject to a fine of a dollar a barrel?

Mr. HARDWICK. Yes. That is the penalty. The House can go further, if it desires, and make the violation of this law a criminal act and punish it, but I think what is provided in here is sufficient.

Mr. FOSTER. It seems to me that a dollar a barrel is penalty enough.

Mr. HARDWICK. We thought so. The committee was unanimous about it. Of course, if anybody wants a criminal provision attached to it, the bill is subject to amendment.

Now, Mr. Speaker, I reserve the balance of my time. I shall offer an amendment when we get to it.

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. HARDWICK. I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. FAISON].

[Mr. FAISON addressed the House. See Appendix.]

Mr. MANN. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I am in favor of the principle of the bill, and I would rather see it go through under its present form than not at all, because I am sure that the error in the bill of which I complained will be subsequently corrected. I wish to state that from section 2 up to section 6 it merely consists of definitions. It absolutely imposes no obligations; it does not determine and could not determine that anybody should have his barrels of this size or that he should brand them in a specific way. Of necessity that is left to his choice. The difficulty with the bill is that it does not provide, as it stands, for anything to which to apply the words in line 19, section 6, "in violation of the provisions of this act." As it stands there is nothing to violate. This provision of the bill should read something like this: "Any person who shall sell of offer for sale such barrels containing apples which are misbranded under the provisions of this act."

Mr. SULZER. We will accept that amendment.

Mr. GREEN of Iowa. I do not care particularly that it should be in that form, only that the bill shall be in some form so that there will be something to predicate a violation upon.

Mr. BUTLER. You can sell with or without branding.

Mr. MANN. I yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I am in favor of this bill for the reason that, in my judgment, it will benefit both the producer and consumer. It seems to me that if a person buys a barrel of apples that are marked "U. S. Standard" he knows that he is going to get apples in a certain kind of a barrel as a measurement, just as he does when he goes to the dry goods store and buys a yard of cloth he knows there is to be 36 inches to a yard of that cloth. Now, I ask unanimous consent that I may extend my remarks by printing some letters from the horticultural societies and fruit dealers from the State of Illinois in support of this bill.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letters and petitions are as follows:

ILLINOIS STATE HORTICULTURAL SOCIETY,
OFFICE OF THE SECRETARY,
Kinmundy, Ill., June 12, 1912.

Hon. MARTIN D. FOSTER,
Washington, D. C.

DEAR SIR: I am writing to ask one more favor of you, not only for myself personally, but also in behalf of the Illinois State Horticultural Society. I wish your favorable consideration and hearty support of House bill 21480, which has been favorably reported upon by the Committee on Coinage, Weights, and Measures and is upon the calendar of the House.

The bill provides for a standard apple barrel and the marking of the grade of apples the barrel contains upon the barrel, and is known as the Sulzer apple package and grade bill.

I hope you may see your way clear to vote for the bill when it comes to a vote.

Respectfully,

W. B. LLOYD,
Secretary Illinois State Horticultural Society.

—

FREEPORT, ILL., *June 13, 1912.*

Hon. MARTIN D. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: We have been notified that the Committee on Coinage, Weights, and Measures of the House of Representatives have reported favorably on the Sulzer apple barrel and grade bill—H. R. 21480—and that it is now upon the House Calendar.

We are very much interested in the passage of this bill, and understand that it is on the calendar for Monday, June 17, and we hope that you will give this bill your special attention and hearty support.

Yours, respectfully,

F. R. RICE & Co.

—

CENTRALIA, ILL., *March 6, 1912.*

DEAR SIR: I strongly favor the passage of the Sulzer bill and also any measure giving us a general parcel post, and ask your support for these measures.

Yours, truly,

W. S. PERRINE,
President of Southern Illinois Horticultural Society,
Member of State Board of Horticulture,
Secretary Illinois Commercial Apple Growers' Association.

Mr. FAISON, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. MANN. I yield 10 minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I do not desire to speak on this particular bill. I hope it will pass.

Mr. Speaker, some days ago, on May 27, the gentleman from New York [Mr. MICHAEL E. DRISCOLL] made some remarks on the naval appropriation bill, in which he said he would, if unanimous consent was given him, print in the RECORD, from the statutes of Georgia, certain laws in regard to labor.

I inquired at the time what he proposed to print, and he stated that he proposed to publish only what was in the statute books of Georgia, and, of course, I did not object, and I had no objection then and shall never have any objection to anyone publishing any of the statutes of my State. He has published the statutes of quite a number of States in the South upon certain subjects. I shall have nothing to say with reference to any except the statutes of the State which I have the honor, in part, to represent upon this floor. I will not say anything with reference to the statutes which he has alleged to have copied on page 7261 of the RECORD as being taken from the Penal Code of Georgia. I think they are correct. They refer to punishment for offenses against enticing apprentices away, offenses against conspiracy to interfere with laborers under contract, and things of that sort. They are the same laws we find not only in the Southern States, but the laws against conspiracy that we find in the State of New York and in the State of Massachusetts and in other States of the Union. They are the same laws that have existed in England, and some of them are the common law. I have no controversy with my friend the gentleman from New York upon correctly citing the statutes of the State of Georgia, but he has made one statement in which he has committed a great error. He says on page 7262 of the RECORD:

> I further submit a condensed reference to labor laws in those 12 States as a comparison of them with those of other States.
>
> Twenty-eight States of the Union provide by statute that children under the age of 14 shall not be employed in mills, factories, and so forth. Only one of those States is from the above group of 12, viz, Kentucky.
>
> Alabama, Arkansas, Florida, North Carolina, and South Carolina fix the age limit at 12 years, while Georgia fixes it at 10, and Louisiana, Mississippi, Tennessee, Texas, and Virginia have no laws for the protection of children.

Mr. Speaker, in 1889 and prior to that time we had a law which limited the hours of labor—in fact, we have it now—and also limited the age to 12 years. We have a law now which limits the age to 14 years. I will read the statute, for that is the clearest way to put it. My friend has fallen into the error of taking somebody else's investigation instead of his own. I am sure that he did not intentionally misrepresent the facts, because I have the utmost confidence in the fact that he would not do so.

I read from the statutes of the State of Georgia:

ARTICLE 4.

CHILD LABOR IN FACTORIES REGULATED.

3143. No child under 10 years of age to be employed: No child under 10 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State under any circumstances.

3144. Child under 12 years: On and after January 1, 1907, no child under 12 years of age shall be employed or allowed to labor unless such child be an orphan and has no other means of support or unless a widowed mother or an aged or disabled father is dependent upon the labor of such child, in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment a certificate from the ordinary of the county in which such factory or establishment is located, certifying under his seal of office to the facts required to be shown as herein prescribed: *Provided*, That no ordinary shall issue any such certificate except upon strict proof in writing and under oath clearly showing the necessary facts: *And provided further*, That no such certificate shall be granted for longer than one year nor accepted by any employer after one year from the date of such certificate.

3145. Child under 14 years: On and after January 1, 1908, no child under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of 7 p. m. and 6 a. m.

3146. Educational qualification: On and after January 1, 1908, no child, except as heretofore provided, under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State unless he or she can write his or her name and simple sentences and shall have attended school for 12 weeks of the preceding year, 6 weeks of which school attendance shall be consecutive; and no such child, as aforesaid, between the ages of 14 and 18 years shall be so employed unless such child shall have attended school for 12 weeks of the preceding year, 6 weeks of which school attendance shall be consecutive; and at the end of each year, until such child shall have passed the public-school age, an affidavit certifying to such attendance as is required by this section shall be furnished to the employer by the parent or guardian or person sustaining parental relation to such child. The provisions of this section shall apply only to children entering such employment at the age of 14 years or less.

3147. Affidavit as to age, birth, etc.: It shall be unlawful for any owner, superintendent, agent, or any other person acting for or in

behalf of any factory or manufacturing establishment to hire or employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent, guardian, or person standing in parental relation thereto certifying to the age and date of birth of such child and other facts required in this article. Any person knowingly furnishing a false affidavit as to the age or as to any other facts required in this article shall be guilty of a misdemeanor.

3148. Inspection by the grand juries: The affidavit and certificates required in this article shall be open to inspection by the grand juries of any county where such factory or manufacturing establishments are located.

3149. Penalties: Any person or agent or representative of any firm or corporation who shall violate any provision of this article, or any parent, guardian, or other person standing in parental relation to a child who shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State a child in violation of any provision of this article shall be guilty of a misdemeanor.

This morning I notified the gentleman from New York [Mr. MICHAEL E. DRISCOLL], and recently by phone, that I intended to call the attention of the House to this matter and to set the matter right. Unfortunately for him, I think, he has relied upon some statements that he has seen made by some one, not of recent date. I have read the statutes of the State of Georgia upon the subject of limit of age when a child may be employed in a factory.

Mr. MICHAEL E. DRISCOLL. What age does the gentleman give?

Mr. BARTLETT. I have read the statute that said that after 1908 the age shall be 14 years.

Mr. MICHAEL E. DRISCOLL. Day or night?

Mr. BARTLETT. That no child under 14 years of age shall be employed in any factory or manufacturing establishment in the State between the hours of 7 p. m. and 6 a. m., and no child at all under the age of 12 years shall be permitted to be employed. All I desire is that there shall be put into the RECORD the entire law upon the subject as it exists at this time. I do this in the utmost good will, knowing that my friend has been misinformed as to the true facts. That is all I desire to say.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HARDWICK. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Speaker, I am in favor of this bill in relation to the standardizing size of apple barrels and the markings thereon. I live in the eastern portion of Nebraska. We have there a great apple country. We also adjoin western Iowa. In Omaha we have a great apple market, and our commission merchants in Omaha and those that raise apples in our vicinity have been writing to me and asking me to support this bill. I believe that if this bill is passed that from our country, the Missouri River Valley, where my good friend from Iowa, Mr. GREEN, resides, and also the gentleman from Nebraska, Mr. STEPHENS, and the gentleman from Nebraska, Mr. MAGUIRE, represents, will be afforded larger markets for apples throughout the country. We have a great apple-producing country. Our farmers raise a fine quality of apples. My people are in favor of this bill, and I am in favor of it and will give it my hearty support.

Mr. HARDWICK. Mr. Speaker, returning the courtesy of my friend from Illinois to my colleague, I now yield five minutes to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I made an error in the statute that I put in the RECORD. I called on my good friend from Georgia, Mr. BARTLETT, and submitted to him several statutes, but not this particular one. Of course I assume the responsibility, and yet it may be said truthfully that another party was looking up these statutes for me and did not find the latest law. The law that I found was the law of 1906, which provides that from and after the approval of that act no child under 10 years of age should be employed or allowed to labor in or about any factory or manufacturing establishment within the State under any circumstances. There is another statute which I had not seen and which I will refer to now, in order to correct the RECORD. This says that on and after January 1, 1907, no child under 12 years of age shall be employed or allowed to labor unless such child be an orphan and has no other means of support, unless the widowed mother or an aged or disabled father is dependent upon the labor of such child, in which event before putting the child at labor the father shall produce and file in the office of such factory or manufacturing establishment a certificate from the officials of the county in which the factory is located, certifying certain things.

I made a mistake, and I apologize. [Applause.] But this second statute does not help the gentleman very much, in my judgment. The other statute provides that they shall not work during the nighttime when under 14 years of age, which has no application here.

But I will refer to this particular statute which the gentleman puts in. I supposed these laws were to protect children—young children under the age of 12 or under the age of 14—from work in factories. I believe in work. I worked from the time I was 6 years old, and my notion is that too much idleness is worse for boys than too much work; yet I believe it is wrong to put a boy of immature years to work in a factory or mill where the air is not good and fresh and his health may be impaired, and where he is subjected to the risk of accident and permanent injury.

Mr. BUTLER. You quit too soon. Did the gentleman say six weeks or six years?

Mr. MICHAEL E. DRISCOLL. These laws were intended to protect children and not their parents, and here children under the age of 12 years, according to this statute, may work in a factory or manufacturing establishment or mill when the child has a poor mother or a disabled father, or if it is necessary, on account of the condition of his family, to work. You will not find any such law as that in any of the Northern States. Why can not the State of Georgia in some way support these little children under 12 years of age where their fathers or their mothers are poor or disabled and can not support them without forcing them into the factories to work? [Applause.]

Mr. BYRNS of Tennessee. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. Mr. Speaker, I offer the following amendment.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Speaker, I would ask unanimous consent for two minutes right on this point, as the matter has been brought up.

Mr. HARDWICK. I yield two minutes to the gentleman.

Mr. BYRNS of Tennessee. Mr. Speaker, I want the gentleman from New York [Mr. MICHAEL E. DRISCOLL] to permit me to call his attention to another mistake that he made in the remarks that he inserted in the RECORD, June 12. In his statement he included Tennessee as one of the five Southern States which had no laws upon their statute books for the protection of children. My attention has just been called to those remarks, and I will say to the gentleman that Tennessee has had for several years, in fact, since 1893, a law upon its statute books which forbids the employment of children under 14 years of age in factories and elsewhere. [Applause on the Democratic side.]

Mr. MICHAEL E. DRISCOLL. I have taken my facts from the Twenty-second Annual Report of the Commissioner of Labor.

Mr. HARDWICK. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

Mr. MICHAEL E. DRISCOLL. If there is any other exception to be taken to the remarks such as I have indicated I would like to have them made now.

Mr. BUTLER. Or else hold your peace.

Mr. MICHAEL E. DRISCOLL. Or else hold your peace.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Georgia yield?

Mr. HARDWICK. How much time?

Mr. BARTLETT. About three minutes.

Mr. HARDWICK. I yield three minutes to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, I did not have any feeling in this matter. I am sorry the gentleman from New York [Mr. MICHAEL E. DRISCOLL] has evinced any about it. I desire to call attention in his hearing to this: It is a fact that after 1908 no child under 14 years of age shall be employed or allowed to labor about any factory unless he can write his name, and so forth, and shall have attended school for 12 weeks of the preceding year, 6 weeks of which shall be school attendance, and so forth. I am going to put all these laws of the State in the RECORD. I thought my friend was with good grace going to admit his error in the matter, and he did admit it, but he would not be satisfied without taking a fling at the State which I have the honor in part to represent. That I shall pass by, Mr. Speaker, as idle wind about which I care not.

Mr. HARDWICK. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 15, by inserting after the word "that" the following: "the barrels in which apples are packed."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motions of Mr. HAY, Mr. SULZER, and Mr. HARDWICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

LITTLE RIVER DRAINAGE DISTRICT NO. 1, POTTAWATOMIE COUNTY, OKLA.

Mr. FERRIS. Mr. Speaker, a few moments ago the bill S. 4913 was passed temporarily in order to permit the preparation of an amendment. We have prepared the amendment, and as I understand the gentleman who objected is willing to withdraw his objection I ask unanimous consent to recur to that bill for a moment.

The SPEAKER. The gentleman asks unanimous consent to recur to the bill S. 4913. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title.

The Clerk read as follows:

An act (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes.

Mr. FERRIS. Mr. Speaker, I offer the following amendment.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chairs hears none.

The Clerk will report the amendment.

Mr. FERRIS. To be added at the end of the page on page 3, after the word "interior" on line 24.

The SPEAKER. This is really an amendment to the amendment, as the amendment strikes out all after the enacting clause and inserts entirely new matter.

Mr. FERRIS. That is not it, Mr. Speaker.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amend, page 3, line 24, by adding at the end of the line the following:

"*Provided*, That in the event any allottee shall receive a patent in fee to an allotment of land in any lawfully constituted drainage district within the State of Oklahoma, before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided, shall, when fully recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

Mr. MANN. Mr. Speaker, the gentleman showed me the amendment while I was sitting in my seat. My brain works a little bit differently when I am on my feet than when sitting down. This is purely a limitation on the two drainage districts, but the bill provides for drainage throughout the State. It seems to me it would be desirable to insert this amendment without the word "*Provided*" in it, after line 10, on page 4.

Mr. FERRIS. If the gentleman thinks it would more properly go there, I have no objection to it.

Mr. MANN. It is simply a limitation on these two districts, and the gentleman wants it to apply anywhere.

Mr. FERRIS. Strike out the word "*Provided*" and offer the amendment at the end of line 10, page 4.

Mr. MANN. As a new paragraph.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 10, add the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FERRIS. The gentleman from South Dakota [Mr. BURKE] suggested another amendment, and I submitted it to the gentleman from Illinois, and I think perhaps there ought to be another one. On line 23, after the word "funds," the same line, strike out the words "in the United States Treasury," the thought being that the Indian funds might be on deposit in banks or might be individual funds; so it gives the Government three different avenues in which to get their money back.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 23, by inserting, after the word "funds," the words "belonging to."

On the same page, at the end of line 23 and the beginning of line 24, strike out the words "in the United States Treasury."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the third reading of the amended sections of the bill.

Mr. MANN. What was the amendment you inserted after the words "funds"?

Mr. FERRIS. "Any funds belonging to the allottees."

Mr. MANN. The words "may have" ought to go out.

Mr. FERRIS. That is true.

The SPEAKER. What is the amendment?

Mr. FERRIS. In line 23, strike out the words "may have," in order to make proper sense.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "may have in the United States Treasury."

Mr. MANN. You just simply want the words "may have" stricken out?

Mr. FERRIS. Yes; the other was already stricken out. This would make a repetition.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to a third reading, was read a third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

Mr. FERRIS. Mr. Speaker, it is called to my attention that the title ought to be amended.

The SPEAKER. Without objection, the title will be amended according to the text of the bill.

There was no objection.

LIGHTING PINEY BRANCH ROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to light and maintain the lights on Piney Branch Road from Georgia Avenue to Butternut Street.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the author of this bill some questions. Is it necessary to have an act of Congress every time you put lights on the streets in the city of Washington?

Mr. LOBECK. Mr. JOHNSON, the author of the bill, is not present. So I will reply. It seems so. It seems necessary either to have an act of Congress to light a street or change the boundary of a street.

Mr. CULLOP. It seems reasonable that you should have an act of Congress to change the boundaries of a street, but it seems to me there is some provision of Congress, or ought to be, at least, authorizing the authorities under an act of Congress to light the streets.

Mr. LOBECK. I will say that in the report on this bill, made by Mr. JOHNSON of Kentucky, the chairman of the Committee on the District of Columbia, it is stated that the street was lighted for about 30 years.

Mr. CULLOP. How long is it since it has been lighted now?

Mr. LOBECK. Since February last.

Mr. CULLOP. What was the occasion of doing away with the lights since then?

Mr. LOBECK. Another street was laid out and they removed the lights to that street.

Mr. CULLOP. Did they get an act of Congress to do that?

Mr. LOBECK. No; the commissioners did it of their own accord.

Mr. CULLOP. Then it seems there is a precedent in which they lighted a new street without coming to Congress for an enactment.

Mr. LOBECK. The commissioners did that; yes, sir.

Mr. CULLOP. Then why can they not light this street without an act of Congress?

Mr. LOBECK. Because they will not do it.

Mr. CULLOP. Because they will not do it?

Mr. LOBECK. Yes.

Mr. CULLOP. Then it seems to me it would be better to pass some act concerning the conduct of the commissioners than to pass an act to light the street. It would be more appropriate, I should think. [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore (Mr. HAY). Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LOBECK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MANUFACTURE AND SALE OF PROCESS OR RENOVATED OR ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act section 4 of the act of August 2, 1886 (24 Stat. L., 209), as amended by the act of May 9, 1902 (32 Stat. L., 194), defining butter, etc., be, and the same is hereby, amended so that where the words "Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter" now appear in said section 4 shall, as amended, reads as follows:

"Every person who knowingly sells, or offers for sale, adulterated butter, knowing the same to be adulterated butter, shall be regarded as a dealer in adulterated butter."

And further, that the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195, relating to the internal-revenue tax upon process or renovated butter and adulterated butter, be, and the same is hereby, amended to read as follows:

"Manufacturers of process or renovated butter or adulterated butter shall pay a tax of $50 per year.

"Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

"Wholesale dealers in adulterated butter shall pay a tax of $480 per annum and retail dealers in adulterated butter shall pay a tax of $48 per annum.

"Every person who knowingly sells or offers for sale adulterated butter, knowing the same to be adulterated butter, in less quantities than 10 pounds at one time, shall be regarded as a retail dealer in adulterated butter.

"And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed."

SEC. 2. That all other acts or parts of acts inconsistent with this act are hereby repealed.

The SPEAKER pro tempore. Is there objection?

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, for the reason that other Members who are interested equally with myself are absent, and it would not be fair to take up the bill in their absence. There are Members also who are better informed than I on certain questions involved in the bill, and they are absent.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KINKAID] asks unanimous consent to pass the consideration of the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON of Minnesota. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman object?

Mr. ANDERSON of Minnesota. I do not know whether I shall object or not; but, reserving the right to object, I would like to make a remark concerning the report of the committee.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to pass the bill over without prejudice. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. What position will that give this bill on the next unanimous-consent day?

The SPEAKER pro tempore. It will retain its place on the calendar.

Mr. BARTLETT. Will it be the first bill on the calendar?

The SPEAKER pro tempore. No; some other matters have been passed over by unanimous consent without prejudice. It will be on the calendar.

Mr. BARTLETT. Objection now would take it off the calendar. Has it ever been on the calendar before?

The SPEAKER pro tempore. It has not. Is there objection?

Mr. MANN. I shall not object; but I hope some gentlemen will read it before it comes up again, and that some sections which ought to be amended will be amended——

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

UNRIGGED VESSELS.

The next business on the Calendar for Unanimous Consent was the bill S. 4445, an act concerning unrigged vessels.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon affidavit by a reputable shipbuilder of the United States that an unrigged wooden vessel of the United States has been rebuilt, giving the date and place of such rebuilding, is sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Commissioner of Navigation shall include in the List of Merchant Vessels a notation to that effect.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the following committee amendments:

In line 3 insert the word "a" after the word "by," and make the word "shipbuilders," in the same line, singular instead of plural.

In line 4, after the word "that," insert the word "an." Make the word "vessels," in the same line, singular instead of plural. In the same line insert the words "of the United States" after the word "vessel." In the same line change the word "have" to "has."

In line 5 change the word "are" to the word "is."

The committee amendments were agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The next business on the Calendar for Unanimous Consent was Senate joint resolution (S. J. Res. 101) to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the reappointment of Andrew D. White, a citizen of New York.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

There was no objection.

The Senate joint resolution was read the third time and passed.

The next business on the Calendar for Unanimous Consent was Senate joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents in the Smithsonian Institution in the class other than Members of Congress.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of James B. Angell, of Michigan, be filled by the appointment of Charles W. Fairbanks, of Indiana.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend by inserting in line 6, after the name "Fairbanks," the words "a citizen."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, page 1, line 6, after the word "Fairbanks," the words "a citizen."

The amendment was agreed to.

The amended Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

COMPENSATION FOR SUPERINTENDENTS IN NATIONAL CEMETERIES.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to recur to the bill (H. R. 1739) to amend section 4875, Revised Statutes, providing compensation for superintendents of national cemeteries, passed without prejudice this morning.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to return to the bill he mentions, passed without prejudice this morning, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 1739) to amend section 4875 of the Revised Statutes, providing compensation for superintendents of national cemeteries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Mr. Speaker, I do not think it is fair to ask to take up a bill of that sort in the absence of Members——

Mr. FOSTER. It was only passed over for the present.

The SPEAKER pro tempore. Does the gentleman from Illinois object?

Mr. MANN. I object to its being taken up at this time. It is on the calendar and will stay there. I am only objecting to recurring to it.

The SPEAKER pro tempore. The gentleman from Illinois objects to the consideration of the bill at this time.

Mr. MANN. It is not before the House.

The SPEAKER pro tempore. The gentleman objects to the request to recur to it.

Mr. MANN. I object to going back to it and taking it up out of order.

The SPEAKER pro tempore. The Clerk will call the next bill.

SALE OF LANDS, COLVILLE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted and conveyed, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described

lands, or so much thereof as said town may desire, to wit: All that portion of lot 8 of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March 22, 1906, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the said town shall not have the right to sell or convey the lands herein granted, or any parts thereof, or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the bill in section 1 grants and conveys certain land to the town of Okanogan. A bill of that sort enacted into law is an absolute conveyance, and requires nothing further. That is what section 1 does. After section 1 is passed the land is conveyed. Then the bill goes ahead in section 2 and provides that the Secretary of the Interior shall make a conveyance upon certain terms.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman not consent that this go over until the gentleman from Washington [Mr. LA FOLLETTE] is here?

Mr. MANN. Certainly.

Mr. HUMPHREY of Washington. Then, Mr. Speaker, I ask unanimous consent that the consideration of the bill be passed without prejudice in the absence of the gentleman from Washington [Mr. LA FOLLETTE].

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER, ST. LOUIS, MO.

The next business on the Calendar for Unanimous Consent was the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chicago, Burlington & Quincy Railroad Co., a corporation organized under the laws of the State of Illinois, is hereby authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River, from a point to be located by said company and approved by the War Department, suitable to the interests of navigation, between the Eads Bridge in St. Louis, Mo., and the Alton Bridge at Alton, Ill., to a point in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the word "railroad."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by inserting, on page 1, line 7, after the word "point," the words "on the west side of said river."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPTAIN AND CREW OF CUNARD STEAMSHIP "CARPATHIA."

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamship *Carpathia*.

The Clerk read the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this resolution is on the calendar and provides for medals of honor to be presented to Capt. Rostron and the officers and crew of his vessel. There is also a bill on the calendar, or a resolution, carrying the thanks of Congress and naming Capt. Rostron and generally the officers of the vessel. While the *Carpathia* and those in charge of her did a very noble thing, it does not seem to me that there is any occasion for Congress to pass two resolutions upon the subject. To one of them, if it comes up by unanimous consent, I shall object. I am perfectly willing to give my friend from Missouri [Mr. ALEXANDER] his choice as to which one he will pass by unanimous consent. Of course he can pass the other one in any way he desires.

Mr. ALEXANDER. Mr. Speaker, the gentleman from Illinois will recall that the other joint resolution is a Senate joint resolution.

Mr. MANN. That is true.

Mr. ALEXANDER. And it provides that the thanks of Congress shall be extended to Capt. Rostron.

Mr. MANN. And the officers of his vessel.

Mr. ALEXANDER. I really think that is the resolution that we ought to pass. It is not on this calendar, and I hope to have it passed under the suspension of the rules.

Mr. MANN. It does not seem to me that there will be very much chance to pass any bill under suspension of the rules to-day.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, pending an arrangement in respect to the matter, I will ask unanimous consent that consideration of the resolution be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that consideration of the resolution be passed without prejudice. Is there objection?

There was no objection, and it was so ordered.

AMERICAN REGISTER FOR STEAMER "OCEANA."

The next business on the Calendar for Unanimous Consent was the bill (S. 5207) to provide an American register for the steamer *Oceana*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steamer Oceana, when owned by the United States Marine Exposition Co., a corporation organized under the laws of the State of New York, to be registered as a vessel of the United States, and upon application of the owner to change the name of said steamer: *Provided*, That said steamer shall not have the right to engage in the coastwise trade or enjoy the tolls in the use of the Panama Canal that may be limited by law to American-built ships engaged in the coastwise trade: *Provided further*, That all repairs or alterations made upon the said vessel shall be made in the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects.

Mr. ALEXANDER. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. GREENE of Massachusetts. Certainly. I withhold the objection for a few moments.

Mr. ALEXANDER. Mr. Speaker, this is a Senate bill. It passed the Senate without objection. It has the indorsement of the Department of Commerce and Labor and is reported from the Committee on the Merchant Marine and Fisheries with one amendment, striking out the words "the United States Marine Exposition Co." and inserting the words "a citizen or citizens of the United States or by," and striking out the words, in line 7, "State of New York" and inserting the words "United States, or of any State thereof."

The bill was introduced in the Senate by Senator ROOT. It was introduced in the House by myself. Before I introduced the bill I told the gentleman who brought it to me that I would insist that this vessel should not be admitted to the coastwise trade, and that proviso was written into the House bill, and the Senate has added one other proviso, that the repairs or alterations made upon the vessel shall be made in the United States. The purpose of the parties is to hold a marine exposition of the industries of the United States, and to visit various ports in South America first and perhaps after that other ports in the world. Since the original bill was introduced the United States Marine Exposition Co. undertook to buy an American-built ship, and I withheld a report upon the bill for nearly a month in order that they might effect that purchase, as we believed it would be more consistent in making an exhibit of American manufactures to do it in an American-built ship.

Since the disaster to the *Titanic*, the *Kroonland* or the *Finland*, one or the other of which vessels the company undertook to purchase, has been found to be beyond their reach. At least the company has not been able to effect the purchase. Another company was made up of the owners of the *Oceana*, whose pur-

pose it is to carry out this exposition in the event the other company fails, and not wishing to engage in any controversy between them or to show any partiality to one or the other, we simply amended the bill and provided that this vessel might be registered for the foreign trade and leave it open to purchase by one company or for use by the other to carry out this purpose. The bill has the indorsement of the President and of the Department of State and of the Department of Commerce and Labor, and I hope under the circumstances that my colleague on the committee, the ranking minority member, will not object to its consideration.

The SPEAKER pro tempore. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects, and the bill will be stricken from the Calendar for Unanimous Consent.

IMPORTATION OF GOODS BY COMBINATION, CONSPIRACY, TRUST, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25002), to amend section 73 and section 76 of the act of August 27, 1894.

The Clerk read the bill, as follows:

A bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894.

Be it enacted, etc., That section 73 and section 76 of the act of August 27, 1894, be amended to read as follows:

"SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months."

"SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 73 of this act, and being in the course of transportation from a foreign country into any State, or from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

The SPEAKER pro tempore. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, reserving the right to object, I would like to know what the bill is.

Mr. NORRIS. Mr. Speaker, this bill reenacts section 73 and section 76 of the act of August 27, 1894, with but slight changes. It adds the words in section 73 "as agent or principal." It adds the words in section 76 as follows, "from a foreign country into any State or." As the bill now reads it provides that the property mentioned being the subject of an illegal combination can be seized by the Government as it is being transferred from one State to another. That is the law now. The intention of the law as it was enacted was to apply to importations. There is not any question about that. This adds these words that I have just read, so that there will be no doubt but that it will apply to the property not only when it is going from one State to another, but when it is going into any State from a foreign country.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. I yield to the gentleman.

Mr. BARTLETT. This applies simply to bringing goods from foreign countries?

Mr. NORRIS. Yes.

Mr. BARTLETT. It does not apply to interstate commerce?

Mr. MANN. The existing law applies to interstate commerce.

Mr. BARTLETT. I understand.

Mr. NORRIS. Yes. This is to leave it so that there will be no doubt that it shall apply just as well when goods are coming in from a foreign country to a State as when the goods are going from one State to another.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. I have no objection.

The SPEAKER. The Chair hears no objection.

The Clerk read the committee amendment, as follows:

Page 1, line 5, after the word "be" insert the words "and the same is hereby."

Mr. MANN. Mr. Speaker, I desire to say I do not believe anybody but the gentleman from Nebraska could pass through the House by unanimous consent a bill amending in very important particulars very important provisions in a very important tariff law.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPEAL OF SECTION 4716, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18434) to repeal section 4716 of the Revised Statutes of the United States.

The Clerk read as follows:

Be it enacted, etc., That section 4716 of the Revised Statutes of the United States be, and the same is hereby, repealed.

The committee amendment was read as follows:

At the end of the bill add the following:

"*Provided, however,* That no name of any pensioner which may have been dropped from the rolls under the provisions of this section shall be restored thereto, nor that of any person whose application for pension has been rejected, or who may hereafter apply for pension, shall be placed thereon prior to the date of filing an application in the Bureau of Pensions after the passage of this act."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I desire to ask the gentleman in charge of the bill to explain what is meant by this bill?

Mr. RICHARDSON. Mr. Speaker, I will do so as well as I can. Mr. Speaker, this bill to repeal section 4716 of the Revised Statutes, of course, has to be considered by the House as in Committee of the Whole House on the state of the Union. It appears to me, Mr. Speaker, that a bill of this kind and of its nature and purposes ought more properly to be considered upon the floor of the House under the Calendar of Unanimous Consent than on any other calendar provided for under the rules of the House. This bill, Mr. Speaker, has a long history, or rather the statute to which it refers. It is statute 4716 of the Revised Statutes of the United States, and is as follows:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

This statute, Mr. Speaker, had its origin or beginning during the period of the great conflict between the States of the North and the South, and was enacted by the Congress in 1862 as a proviso to section 4 of the act approved July 14, 1862. This section and its repeal has received very earnest and careful consideration and thought by a subcommittee of the Committee on Pensions after full deliberation concerning the history of the act proposed to be repealed and the propriety and justice of repealing it. No member of the subcommittee or anyone of the Pensions Committee said that section ought longer to remain among the statute laws of our Government.

Mr. Speaker, I regret very much indeed that a very distinguished Member of this House, a member of the Pensions Committee, and in my opinion justly and worthily classed among the ablest lawyers on the floor of this House, from the State of Rhode Island [Mr. UTTER], is not present. He was on that subcommittee and gave this matter very careful study and attention, and a bill was reported by the subcommittee unanimously and by the committee unanimously reported favorably to the House. I am aware—yes, know—that ordinarily the consideration of a bill or the repeal of a section of this kind years ago would have been considered as having a dynamite quality, but it is a fact known to every man here that over 50 years have transpired since this section was first enacted by the Congress of the United States. The world has never witnessed in the same period greater developments from every standpoint of life, socially and materially. I will first read to you in connection with this bill the report that came from the Department of the Interior:

It may be said * * * that practically the only class of persons who would be benefited by the passage of bill H. R. 18434 would be those persons who, having had a prior service in the Confederate army or navy, enlisted in the military or naval service of the United States subsequent to January 1, 1865. The exact number of such enlistments is not known, but it is of record that the Fifth and Sixth Regiments of United States Volunteers, made up of prisoners of war, were recruited and mustered into the service of the United States subsequent to January 1, 1865. There were doubtless many individual enlistments subsequent to that time, and as the provisions of the joint resolution of July 1, 1902 (32 S. L., 750) did not remove the limitation imposed by section 4716, Revised Statutes United States, as to such persons, they would be benefited in some degree at least by the enactment of the bill submitted.

Mr. Speaker, it is undoubtedly a fact that in effect section 4716 of the Revised Statutes of the United States has been repeatedly modified, altered, and changed by various acts of legislation on

the part of Congress in the last 35 years. This section, as I said in the beginning of my remarks, in substance appeared in the Statutes of the United States in 1862, and this section, though worded differently, is a proviso to the same section which was, in its present form, made section 23 of the act of March 3, 1873. At the present time it stands, as its number indicates, a section of the Revised Statutes. This section, as originally drawn, was very sweeping in its provisions, but Congress has, at various times, exempted from its provisions certain possible pensioners, as follows:

By an act approved March 9, 1878, dependents of soldiers of the War of 1812 and the Indian wars were exempt.

By an act approved January 29, 1887, dependents of the soldiers who served in the Mexican War were exempt.

By an act approved July 27, 1892, the dependents of soldiers who served in the Black Hawk War, the Creek War, the Cherokee disturbances, and the Seminole War were exempt. Later this exemption was extended to the veterans of all the other Indian wars and to the survivors of the Texas Volunteers and their widows.

By the act of March 3, 1877, all those who voluntarily served in the Army of the United States, and by the act of August 1, 1892, all those who voluntarily served in the Navy of the United States, and who, during such service, contracted disability, were exempt.

By the act of April 18, 1900, the dependents of soldiers, sailors, and marines who served in the War with Spain were exempt.

By a joint resolution approved July 1, 1902, construing "An act granting pensions to soldiers and sailors who were incapacitated for the performance of manual labor," which act had been approved June 27, 1890, the benefits of said act were extended to all persons, and the widows and minor children of all deceased persons subject to the limitations of said act, who had served for 90 days in the military or naval service of the United States during the late War of the Rebellion, and the resolution amended section 4716 to comply therewith, except in the case of persons who served in the First, Second, Third, Fourth, Fifth, and Sixth Regiments, United States Volunteer Infantry, who had a prior service in the Confederate army or navy, and who had enlisted in said regiments while confined as prisoners under a stipulation that they were not to be pensionable under the laws of the United States, and those who having had prior service in the Confederate army or navy had enlisted in the military or naval service of the United States after the 1st day of January, 1865.

Gentlemen, you have heard frequently of these regiments. These Confederate regiments were prisoners of war. They were put in certain prisons—most of them, I think—and they took the oath of allegiance, and, as I am now advised, many of them afterwards were given pensions and then for some reason they were taken away from them, as I am informed. Now, this bill H. R. 18344 has but little meaning and carries but little meaning with it. It is but a memory connected with a period of our history that we all would be glad to forget. It is there as one of a batch of statutes—I am not offering to condemn it; I do not feel that way about it—which were made at that time when passion prevailed. It has been gradually repealed and modified and changed until now it has but little effect. It ought to be repealed. It is just such a bill, having in view the repeal of this section, that ought to be and will be repealed by the unanimous consent of every Member of Congress present.

And just as the Secretary of the Interior said, there is a certain class of men that would be benefited.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Certainly I will.

Mr. MANN. As I understand the gentleman's statement, the law now would forbid the payment of pensions to any person or the widow of any person who served in the Confederate Army?

Mr. RICHARDSON. Yes, sir; that is the meaning of it.

Mr. MANN. This bill is designed to permit those men who served in the Union Army, but who previously had had service in the Confederate Army, or their widows, to draw pensions?

Mr. RICHARDSON. Yes, sir.

Mr. MANN. How many people is it estimated it would apply to in the United States, so far as anyone can tell?

Mr. RICHARDSON. I have not accurately secured that information and neither can the Secretary of the Interior give it to me.

Mr. MANN. I notice in the report it is estimated there would not be more than a thousand pension cases.

Mr. RICHARDSON. Yes; that is it; but it could not be definitely ascertained.

Mr. MANN. In one place in the proviso which the gentleman has inserted it reads that it shall not be applicable to anyone who may hereafter apply for a pension prior to the date of filing an application with the Bureau of Pensions.

I do not see the force of the word "hereafter." I suppose it is not desired to have this bill apply to anyone so as to place their name on the pension roll before they make application under this act?

Mr. RICHARDSON. I think your construction is right. I do not think there is any meaning in that.

Mr. MANN. As I understand, really this is wiping out, so far as we are concerned——

Mr. RICHARDSON. It is the last vestige of war and blood and bad sectional feeling that goes.

Mr. MANN. I agree with the gentleman.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OBSERVANCE OF MEMORIAL DAY.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 321) relative to observance of Memorial Day.

The Clerk read the resolution, as follows:

House joint resolution (No. 321) relative to observance of Memorial Day.

Resolved, etc., That as a tribute to the memory of those who fought and those who died in defense of their country, the flags on all Government reservations and property shall be lowered to half-mast between 12 o'clock noon and 12 o'clock and 5 minutes postmeridian on each Memorial Day hereafter, and that wherever practicable bugles shall sound taps, bells shall be tolled, and a salute of 13 guns shall be fired.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, who has charge of this bill? What is the point of ordering a salute of 13 guns to be fired on every Government reservation?

Mr. SLAYDEN. It costs something.

Mr. FRENCH. I reported the resolution from the committee. The whole purpose of the resolution is to contribute in the ways indicated to the fitting observance of Memorial Day, and the committee was of the opinion that it should pass in the way it was introduced, which is in line, as I understand it, with the desire of patriotic bodies throughout the country.

Mr. MANN. If you could provide for the firing of 13 or any other number of guns loaded at some of these automobile races on Memorial Day I should approve of the bill. I am not sure that I approve it as it stands. Does the gentleman want to dispose of it now?

Mr. FRENCH. I would have no objection.

Mr. MANN. Does the gentleman want to dispose of the matter now or have it passed over?

Mr. FRENCH. I would be glad to have it passed over, or be glad to see an amendment in line with the gentleman's suggestion approved.

Mr. GARNER. In regard to the automobiles?

Mr. FRENCH. I think I would go as far as he on that question.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. FRENCH. I ask unanimous consent to have it passed over without prejudice.

Mr. MANN. The gentleman ought to make such a request before I object to the consideration of the bill.

CHECKS FOR DUTIES ON IMPORTS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be lawful for collecting officers to receive certified checks drawn on national and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports,

internal taxes, and all public dues, including special customs deposits; and the act of March 2, 1911, entitled "An act to authorize the receipt of certified checks for duties on imports and internal taxes," is hereby amended accordingly.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts a question. This is applicable to nearly everything. What is it not applicable to?

Mr. PETERS. It is not applicable now to some 20 or 25 items in the Treasurer's report, on which there was collected between fifty and sixty million dollars last year as sales from public lands, consular fees, customs fees and fines, forest-reserve fund, sales of Government property, and a number of items, none of which amount to a very large sum, but which occasion trouble and inconvenience to the Treasury Department.

Mr. MANN. The act of 1911 permitted what is proposed to be done here as to the payment of internal-revenue taxes, customs duties——

Mr. PETERS. And nothing else.

Mr. MANN. And that has worked so well that the Treasury Department desires the law made applicable to the items of all money that goes to the Government?

Mr. PETERS. That is the purpose. It has been of so great a convenience to the people who pay revenue duties and internal taxes, as well as to the Treasury Department, that it is proposed to extend the act to all items.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

QUITCLAIM OF INTEREST OF THE UNITED STATES IN CERTAIN LANDS IN HAMPDEN COUNTY, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11933) authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed by quitclaim deed for and on behalf of the United States to convey to John D. McKnight and William H. McKnight or their heirs and assigns forever all right, title, and interest it may have in and to all of that plat or parcel of ground described as containing 40 rods of land, together with a right of way, "situated in Springfield in Hatch's pasture, so called, near Garden Brook," Hampden County, Mass., and acquired by the United States through the deed of Solomon Hatch, dated September 14, 1825, recorded September 15, 1825, in book 75 at page 186 of the records of Hampden County.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NATIONAL INSTITUTE OF ARTS AND LETTERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18841) incorporating the National Institute of Arts and Letters.

The Clerk read the bill, as follows:

Be it enacted, etc., That Brooks Adams, of Massachusetts; Charles Francis Adams, of Massachusetts; Henry Adams, of the District of Columbia; George Ade, of Indiana; Henry M. Alden, of New Jersey; Richard Aldrich, of New York; James Lane Allen, of New York; Simeon E. Baldwin, of Connecticut; Arlo Bates, of Massachusetts; Robert Bridges, of New York; W. C. Brownell, of New York; John Burroughs, of New York; Richard Burton, of Minnesota; Nicholas Murray Butler, of New York; George W. Cable, of Massachusetts; Bliss Carmon, of Massachusetts; Madison J. Cawein, of Kentucky; Robert William Chambers, of New York; Edward Channing of Massachusetts; John Vance Cheney, of California; Winston Churchill, of New Hampshire; James B. Connolly, of Massachusetts; Royal Cortissoz, of New York; Wilbur Lucius Cross, of Connecticut; Samuel McChord Crothers, of Massachusetts; Charles de Kay, of New York; Finley Peter Dunne, of New York; Maurice Francis Egan, of the District of Columbia; Chester Bailey Fernald, of California; Henry T. Finck, of New York; John Huston Finley, of New York; Worthington C. Ford, of Massachusetts; John Fox, jr., of West Virginia; Horace Howard Furness, of Pennsylvania; Horace Howard Furness, jr., of Pennsylvania; Hamlin Garland, of Illinois; Basil L. Gildersleeve, of Maryland; William Gillette, of Connecticut; Lawrence Gilman, of New York; George A. Gordon, of Massachusetts; Robert Grant, of Massachusetts; Ferris Greenslet, of Massachusetts; William Elliot Griffis, of New York; A. T. Hadley, of Connecticut; Arthur Sherburne Hardy, of Connecticut; George McLean Harper, of New Jersey; Oliver Herford, of New York; Robert Herrick, of Illinois; Ripley Hitchcock, of New York; M. A. De Wolfe Howe, of Massachusetts; W. D. Howells, of New York; Arthur M. Huntington, of New York; Henry James, of Massachusetts; Owen Johnson, of New York; Robert U. Johnson, of New York; George Kennan, of New York; Nelson Lloyd, of New York; HENRY CABOT LODGE, of Massachusetts; John Luther Long, of Pennsylvania; T. R. Lounsbury, of Connecticut; Robert Morss Lovett, of Illinois; Abbott Lawrence Lowell, of Massachusetts; Charles F. Lummis, of California; H. W. Mabie, of New Jersey; Percy Mackaye, of New Hampshire; A. T. Mahan, of New York; Edwin Markham, of New York; Edward S. Martin, of New York; Brander Matthews, of New York; Saint Clair McKelway, of New York; John Bach McMaster, of Pennsylvania; Joaquin Miller, of California; John A. Mitchell, of New York; Langdon E. Mitchell, of Pennsylvania; Paul Elmer More, of New York; Harrison S. Morris, of Pennsylvania; John Torrey Morse, jr., of Massachusetts; John Muir, of California; Meredith Nicholson, of Indiana; Thomas Nelson Page, of the District of Columbia; Will Payne, of Illinois; William Morton Payne, of Illinois; Harry Thurston Peck, of New York; Bliss Perry, of Massachusetts; Thomas Sergeant Perry, of Massachusetts; William Lyon Phelps, of Connecticut; A. S. Pier, of Massachusetts; James Ford Rhodes, of Massachusetts; James Whitcomb Riley, of Indiana; Charles G. D. Roberts, of New York; Edward A. Robinson, of New York; Theodore Roosevelt, of New York; Josiah Royce, of Massachusetts; Felix E. Schelling, of Pennsylvania; Montgomery Schuyler, of New York; Clinton Scollard, of New York; Henry D. Sedgwick, of New York; Ernest Thompson Seton, of Connecticut; Frank Dempster Sherman, of New York; Paul Shorey, of Illinois; William M. Sloane, of New York; F. Hopkinson Smith, of New York; Thomas Russell Sullivan, of Massachusetts; Booth Tarkington, of Indiana; Abbott Handerson Thayer, of New Hampshire; William R. Thayer, of Massachusetts; Augustus Thomas, of New York; Frank L. Tooker, of New York; Ridgely Torrence, of New York; William P. Trent, of New York; Henry van Dyke, of New Jersey; John C. van Dyke, of New Jersey; Barrett Wendell, of Masachusetts; Andrew F. West, of New Jersey; Andrew Dickson White, of New York; William Allen White, of Kansas; Charles G. Whiting, of Massachusetts; Jesse Lynch Williams, of New Jersey; Harry Leon Wilson, of Indiana; Woodrow Wilson, of New Jersey; Owen Wister, of Pennsylvania; George E. Woodberry, of Massachusetts; Herbert Adams, of New Hampshire; John W. Alexander, of New York; George F. Babb, of New York; Hugo Ballin, of New York; George Gray Barnard, of New York; Paul W. Bartlett, of New York; J. Carroll Beckwith, of New York; Frank W. Benson, of Massachusetts; Karl Bitter, of New Jersey; Edwin H. Blashfield, of New York; Richard E. Brooks, of New York; Glenn Brown, of the District of Columbia; George de Forest Brush, of New York; William Gedney Bunce, of Connecticut; Daniel Hudson Burnham, of Illinois; Emil Carlsen, of New York; William M. Chase, of New York; Timothy Cole, of New York; Walter Cook, of New York; Kenyon Cox, of New York; Frederic Crowninshield, of New York; William T. Dannat, of New York; Frank Miles Day, of Pennsylvania; Joseph De Camp, of Massachusetts; Charles Melville Dewey, of New York; Thomas W. Dewing, of New York; Frederick Dielman, of New York; John M. Donaldson, of Michigan; Paul Dougherty, of New York; Frank Duveneck, of Ohio; Ben Foster, of New York; Daniel C. French, of New York; Walter Gay, of Massachusetts; Charles Dana Gibson, of New York; Cass Gilbert, of New York; Charles Grafly, of Pennsylvania; Jules Guerin, of New York; H. J. Hardenburgh, of New Jersey; Alexander Harrison, of Pennsylvania; Birge Harrison, of South Carolina; Childe Hassam, of New York; Thomas Hastings, of New York; Robert Henri, of New York; John Galen Howard, of California; William Henry Howe, of New York; Samuel Isham, of New York; Francis C. Jones, of New York; H. Bolton Jones, of New York; W. Sergeant Kendall, of New York; Bancel La Farge, of New York; Will H. Low, of New York; Frederick Macmonnies, of New York; Herman A. MacNeil, of New York; Carl Marr, of Wisconsin; Walter McEwen, of Illinois; William Rutherford Mead, of New York; Gari Melchers, of New York; Willard L. Metcalf, of New York; Francis D. Millet, of New York; H. Siddons Mowbray, of Connecticut; Leonard Ochtman, of Connecticut; Maxfield Parrish, of New Hampshire; Robert S. Peabody, of Massachusetts; Charles Sprague Pearce, of Massachusetts; Joseph Pennell, of Pennsylvania; Charles A. Platt, of New Hampshire; George B. Post, of New York; Edward Clark Potter, of Massachusetts; Bela L. Pratt, of Massachusetts; A. Phimister Proctor, of New York; Edward W. Redfield, of Pennsylvania; Robert Reid, of New York; F. G. R. Roth, of New York; F. W. Ruckstuhl, of New York; Albert P. Ryder, of New York; John S. Sargent, of Massachusetts; W. E. Schofield, of Pennsylvania; H. M. Shrady, of New York; Edward Simmons, of New York; William T. Smedley, of New York; Lorado Taft, of Illinois; Edmund C. Tarbell, of Massachusetts; Abbott H. Thayer, of New York; D. W. Tryon, of New York; Elihu Vedder, of Massachusetts; Lionel Walden, of Connecticut; Henry Oliver Walker, of New Jersey; Horatio Walker, of Canada; Whitney Warren, of New York; Adolph A. Weinman, of New York; J. Alden Weir, of New York; Irving R. Wiles, of New York; Arthur Bird, of Massachusetts; Howard Brockway, of Maryland; G. W. Chadwick, of Massachusetts; F. S. Converse, of Massachusetts; Walter Damrosch, of New York; Reginald De Koven, of New York; Arthur Foote, of Massachusetts; W. W. Gilchrist, of Pennsylvania; H. K. Hadley, of New York; Victor Herbert, of New York; Edgar Stillman Kelley, of Ohio; Charles M. Loeffler, of Massachusetts; Horatio W. Parker, of Connecticut; Harry Rowe Shelley, of New York; David S. Smith, of Connecticut; F. Van der Stucken, of Ohio; Arthur Whiting, of New York; and their successors duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the National Institute of Arts and Letters.

SEC. 2. That the purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

SEC. 3. That the National Institute of Arts and Letters shall consist of not more than 250 regular members, and the said corporation hereby constituted shall have power to make by-laws, and rules, and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes, and all other matters needful or usual in such institutions.

SEC. 4. That the National Institute of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress to be filed with the Librarian of Congress.

SEC. 5. That the National Institute of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations of real and personal property and to hold the same in trust, and to invest and reinvest the same for the furtherance of the interests of literature and the fine arts.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I want to ask the gentleman from Texas if there is any limitation in the bill as to the amount of the property the corporation may hold, and whether if they acquire property it will be taxable?

Mr. SLAYDEN. Mr. Speaker, I say with perfect frankness, as the gentleman from Illinois probably knows, that I did not write the bill. The bill was brought to the committee and ap-

proved by the members of the committee. There is nothing in it that I can see that exempts property from taxation.

Mr. MANN. I will say to the gentleman that bills of this character have quite frequently been referred to the Committee on the Library, of which the gentleman is a member, but recently some of them, I think at the suggestion of the Committee on the Library, have been sent to the Committee on the Judiciary.

Mr. SLAYDEN. I do not recall any instance of that kind.

Mr. MANN. The bill to incorporate the American Hospital of Paris—did not that go to the Committee on the Judiciary? And there was one the other day taken away from the Committee on the Library and sent to the Committee on Appropriations.

Mr. SLAYDEN. That was an appropriation bill for a building.

Mr. MANN. Congress ought to have some policy in reference to incorporating institutions of this character, and not put in one bill a provision limiting the life of a corporation and not in another; to put in one bill a limit to the amount of property they can hold and not in another; to put in one bill a provision that the property that they may acquire shall be exempt from taxation and not put it in another. I shall make no objection to this bill, but I think the gentleman and his committee ought to be careful in that particular.

Mr. SLAYDEN. Mr. Speaker, all the property that this association expects to have is such as it will get by gift, and it is not likely that under such circumstances their coffers will ever overflow.

Mr. MANN. No one knows how much property a corporation may acquire which has no limit on its life and practically no limit on its purpose. I shall offer an amendment to this bill, that Congress reserves the right to alter, amend, or repeal it.

Mr. SLAYDEN. There is no objection to that amendment. There is one other amendment, Mr. Speaker, that will have to be offered. Since the bill was presented and recommended by the committee one of the distinguished gentlemen whom it was proposed to associate has been drowned, Mr. Millet, of New York, and his name will have to be taken out.

Mr. MANN. I see the name of one distinguished gentleman in here as of New York, and I am quite sure that he is of Chicago now. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I move to amend by striking out the name of Francis D. Millet, of New York, at the bottom of page 5 and the top of page 6 of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Pages 5 and 6, strike out the name of Francis D. Millet, of New York.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by inserting as a new section the words "The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new section, on page 8, after line 5, the following:
"SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. CANNON. Mr. Speaker, I move to amend by inserting the words "Albert Jaeger, of New York," in line 18, page 5, after the words "New York" where they occur the second time.

Mr. SLAYDEN. What is his particular line of work?

Mr. CANNON. He is a sculptor. He is the artist who designed the Steuben statue in Lafayette Square.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 18, page 5, after the words "New York" where they occur the second time, insert the words "Albert Jaeger, of New York."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUR OF DAILY MEETING.

Mr. UNDERWOOD. Mr. Speaker, I understand from the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], that in order to expedite the passage of the sundry civil appropriation bill he desires to have the House meet to-morrow morning at 10 o'clock, and then for the balance of the two weeks ahead of us I think the business of the House is not such that we need to meet before 12 o'clock. I therefore ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock, and that after to-morrow, and until otherwise ordered, the daily hour of meeting shall be 12 o'clock noon.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock, and that after that, and until otherwise ordered, the daily hour of meeting shall be 12 o'clock noon. Is there objection?

There was no objection.

REPAYMENT OF CERTAIN WAR-REVENUE TAXES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected.

The Clerk read the bill as follows:

Be it enacted, etc., That all claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved July, 1, 1898, known as the war-revenue tax, or of any sums alleged to have been excessive, or in any manner wrongfully collected under the provisions of said act may be presented to the Commissioner of Internal Revenue on or before the 1st day of January, 1914, and not thereafter.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys of the United States not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, and shall establish the erroneous or illegal assessment and collection, of any sums paid by them or on their account or in their interest to the United States under the provisions of the act aforesaid.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. I understand there are a lot of private claims pending now which, if this bill does not pass, are likely to take up a good deal of time on the Private Calendar.

Mr. BUTLER. Yes; and I think the gentleman knows also that they are not likely to be reached at all.

Mr. MANN. Oh, we will reach them this week.

Mr. AINEY. Mr. Speaker, this bill originates with the Committee on Claims, before whom there are pending a number of private bills for the refund of taxes which had been erroneously collected by the Government under the war-revenue act of 1898. It was decided by the Committee on Claims, rather than report these bills severally and favorably, that a bill of this nature should be introduced whereby the statute of limitations now barring the repayment should be removed, and authorizing the Secretary of the Treasury to refund the several amounts to claimants upon proofs to be furnished by them. This bill was introduced, and was referred to the Committee on the Judiciary.

Mr. MANN. Of course the gentleman has nothing to do with the reference of the bill.

Mr. AINEY. No.

Mr. MANN. I have not been able to get through my noddle as yet what jurisdiction of the bill the Committee on the Judiciary had. The bill should certainly have been referred to either the Committee on Claims or the Committee on Ways and Means.

Mr. AINEY. Surely the gentleman does not purpose asking that question of me, after his experience in the House and his knowledge of my lack of experience.

Mr. MANN. Mr. Speaker, I merely asked a question for the purpose of attracting the attention of the distinguished chairman of the Committee on Ways and Means.

Mr. AINEY. Mr. Chairman, I want to make a statement more fully regarding these cases. Under the war-revenue act of 1898 there was a provision that inheritances and legacies in excess of $10,000 should be subject to a tax. Through a misinterpretation on the part of the department, individual legacies less than $10,000 were improperly taxed. That is, when the sum total of several individual legacies or inheritances in any estate aggregated more than $10,000 the department held that the estate was subject to the tax. The Supreme Court subsequently, in Knowlton *v.* Moore (178 U. S., 41), decided that where there were five legacies, say, each less than $5,000, they were not subject to the tax, even though in the aggregate they amounted to more than $10,000. Prior to this judicial interpretation there had been paid to the Government under this act taxes upon legacies and inheritances amounting to less than $5,000. When the case of Knowlton *v.* Moore had become known the statute of limitations had run and claimants had no opportunity to recover, and this bill is to relieve that situation. Not until the decision of the Supreme Court was rendered was there any knowledge on the part of these people who had paid these taxes on legacies of less than $10,000 that there was no liability. There are about 90 claimants and some 15 or 20 bills, largely coming from the Senate, some originating in the House. It

was thought best that these be cared for by a general bill removing the statute of limitations.

Mr. BUTLER. Has not the Treasury Department reported favorably upon this measure?

Mr. AINEY. It has, and it has recommended that this bill be passed rather than separate bills as introduced.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. AINEY. Certainly.

Mr. EDWARDS. What is the aggregate amount of these claims?

Mr. AINEY. It is impossible to say accurately, but not to exceed $50,000. There are bills now pending aggregating $28,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. AINEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. GREEN of Iowa. Mr. Speaker, I hope this bill will pass. It is merely an act of ordinary justice. The Senate has already passed several of the private bills for the refund of these taxes. As stated by the gentleman from Pennsylvania [Mr. AINEY] it was decided by the Supreme Court that the tax had been erroneously collected. A large number of people were unaware of the decision of the Supreme Court and consequently failed to put in their claims within the time prescribed by section 3228 of the Revised Statutes. Others did put in their claims in time, and those have been paid. The greater portion of this tax that was erroneously collected has been refunded, but only those who were unaware of the decision of the Supreme Court in time to make their claim within the provisions of section 3228 of the Revised Statutes, which requires a claim for refund to be made within two years, now ask that the tax be refunded.

Mr. MANN. Mr. Speaker, I did not object to the consideration of this bill, but it is one of those pestiferous bills which, while it originated with the committee, is the result of the activity of claim agents. Congress passed the act of 1898. It was intended that there should be a payment on every legacy where the estate was over $10,000. That was the understanding here in the House and in the Senate. Some enterprising claim attorney took the case to the court, and insisted that the act did not require the payment of any tax unless each legacy amounted to $10,000. When we passed the act we thought that we were exempting from taxation an estate of $10,000 which was being devised. The court through some process of reasoning, which very likely was correct from our language, held that it could not be applied as against any legacy which amounted to less than $10,000. Before that decision was reached the time in which you could file claims for refunds had passed. Then the enterprising claim attorneys throughout the country got busy and hunted up all the claims they could find of cases where money had been collected on legacies of less than $10,000. They commenced to have bills introduced and corresponded with the people who paid the tax, which they ought to have paid, and which was collected and which ought not to be paid back, and got these people to appeal to Congress to refund the tax illegally and erroneously collected under a decision of the Supreme Court of the United States. They now come along and ask for a general bill. Of course, this means the presentation to claim agents or attorneys of probably 50 per cent of the amount that we will pay without any real justice at all. Nobody likes to pay a tax. People get it back if they can. We intended the tax to be paid. It was paid. We pay it back. There are a thousand such cases and more pending around Congress now not covered by this decision, but on all fours as far as reasoning is concerned.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 6, strike out the words "July 1" and insert the words "June 13."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, strike out the word "the" and insert the word "such."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 9, strike out the word "of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. AINEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION FOR SUPERINTENDENTS OF NATIONAL CEMETERIES.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to recur to the bill H. R. 1739, which was passed over without prejudice this morning.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMERICAN REGISTRY FOR STEAMER "DAMARA."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22907) to provide American register for the steamer *Damara*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer *Damara*, rebuilt at San Francisco, Cal., from the wreck of the British steamer *Damara*, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, I object.

The SPEAKER. The Chair will state that the Senate has passed a bill——

Mr. HUMPHREY of Washington. Mr. Speaker, I said I did object.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman if he will withhold his objection for a moment?

Mr. HUMPHREY of Washington. I will.

Mr. UNDERWOOD. Mr. Speaker, I am not personally interested in this bill, but Mr. POST has written me a note saying that he is confined to his bed on account of sickness to-day and could not be here, and asked me to make a statement for him in reference to this bill, if the gentleman from Washington will allow me. It seems that this vessel was wrecked going out of the harbor of San Francisco, and I wish to state, so the RECORD may show, that the committee gives the following reasons as to why this bill should pass:

The committee believes she should be granted an American register, because—

(1) She is, in reality, an American-built vessel.

(2) No American shipbuilding industry has been or will be deprived of a single dollar's worth of business or profit.

(3) Her gross tonnage constitutes but one twenty-six hundredth part of the gross tonnage of American registered vessels with which she would come in competition.

(4) The building of nine-tenths of a vessel in the United States should be encouraged, as well as the building of a vessel entire.

(5) There have been presented to the committee petitions representing, in addition to the Union Iron Works Co., every other steel-ship builder on the California coast, praying that favorable action be taken on this bill.

(6) The owners of 75 per cent of the vessels on the Pacific coast have petitioned Congress to grant a register to the *Damara*.

(7) It appears that the repair account and other items making up the record in his case are bona fide, in no manner inflated, and the prices paid or charged for labor, dry dockage, and material were in every case the current and reasonable charges therefor.

(8) It clearly appears and is uniformly conceded that the *Damara* presents the most meritorious case ever coming before Congress in a similar application, and the admission of this vessel to American registry is in all ways desirable, and, while increasing the American merchant marine to the extent of the *Damara's* tonnage, will work a hardship to no American industry.

Now, Mr. Speaker, there was a time when we had on the statute books of this country a law that authorized a foreign-built vessel which was wrecked on our coasts to be admitted to American registry, providing a certain portion of the ship was rebuilt in this country—a very much less proportion than that which constitutes the repairs on this vessel—and when that law was repealed in 1906 it was not the intention of Congress to foreclose the right absolutely of repairing a vessel wrecked on the American coast and giving the American shipbuilding yards the right to repair such a vessel and put it back into com-

mission, but it was stated when the bill went through Congress that it was better to leave the matter optional with Congress as to whether the vessel should be admitted to American registry or not. Of course, if Congress takes the position that a vessel should not be admitted where nine-tenths of it is rebuilt in American yards after registry, then it practically takes the position that no wreck on American coasts of a foreign-built vessel can be repaired by an American citizen, because he can not use it under American registry. I think it is really a very meritorious bill and one that should be passed. Of course, the gentleman from Washington has a right to exercise the privilege of objecting to the bill; but I will ask him, as Mr. POST is not here—I would like to see the bill go through this evening—if he will withdraw his objection, and if he does not, I will ask him to withdraw it so that I may ask unanimous consent to allow it to remain on the calendar, so the gentleman who is interested in it may have an opportunity to be present.

Mr. HUMPHREY of Washington. Mr. Speaker, I feel inclined to grant the gentleman's request and let the bill go over, but there is this difference in regard to this bill from the ordinary bill which goes on the Unanimous Consent Calendar. When it was placed on this calendar it was well understood by the gentleman placing it there that there was strong opposition to the bill. It was opposed in the committee, and there are a number of men on both sides of this aisle who are opposed from principle to admitting any of these foreign-built wrecks to American registry. The Merchant Marine Committee, I believe it was, in the Sixtieth Congress, by resolution introduced by a distinguished gentleman, now chairman of that committee, Judge ALEXANDER, went on record as saying that they would not consider any more of this class of bills. The reason of it was this, that there had grown up a custom in the country among certain wrecking companies and certain attorneys to speculate upon their influence with Congress, and in this particular bill I have no doubt but what the same thing has been done. I happen to know of my own personal knowledge that a certain attorney of this city, and not one of those now representing those interested in the bill, was offered $10,000 if he secured the passage of this bill through Congress. Now, this bill in itself possesses considerable merit, and if you could stop it here I probably would not object, but the fact that this bill has been favorably considered has already caused several others to be introduced. Things will soon go back to where they were before, when they amounted to almost a national scandal, when certain attorneys and wrecking companies of this country were letting it be understood that if they took charge of one of these wreck bills that by certain influence which they could wield they could get the bill passed. This is why the committee went upon record as it did, and I think it would be a very bad policy to change that action of the committee. While this bill has been before the House before on this calendar, I will not object to its going over, although it seems to me it would be just as well to let it go off this calendar, as the gentleman who has charge of it knows it will be objected to. But under the circumstances I will consent to its going over.

Mr. UNDERWOOD. Mr. Speaker, the gentleman who is interested in this bill and who has charge of it is sick at home in his room, and I therefore ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

SALE OF CERTAIN LANDS TO PENDLETON, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 3203) to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton Oreg.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the city of Pendleton, a municipal corporation in Umatilla County, State of Oregon, under such terms, conditions, and regulations as he may prescribe, not to exceed 200 acres of unallotted tribal Indian lands within the Umatilla Reservation at not less than its appraised value, said lands to be used by the city of Pendleton, Oreg., for municipal waterworks purposes: *Provided*, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum.

The committee amendment was read, as follows:

Page 2, line 3, after the word "annum," strike out all down to and including the word "Interior" in line 5.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand from the reading of this case that the Indians themselves have been opposed to the sale of this land—200 acres—that they want to keep it themselves. The Senate in its bill inserted a provision that the net proceeds of the lands when sold should be paid to the Indians or used for their benefit, in the discretion of the Secretary of the Interior. The House bill proposes to strike out the provision and sell this land against the protest of the Indians and deposit the money in the Treasury, depending upon what Congress shall do hereafter. I will say to the gentleman frankly that I think if they are going to take this land away from the Indians and sell it they are entitled to get the money for it.

Mr. STEPHENS of Texas. I will state to the gentleman the last clause of the bill makes a provision for the payment to the Indians in this language:

Provided, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum.

Now, our committee struck out this language:

And may hereafter be paid to the said tribe of Indians pro rata or used for their benefit, in the discretion of the Secretary of the Interior.

We struck that out for the reason that we did not think it right for Congress to authorize the Secretary of the Interior to dispose of the proceeds of money arising from the sale of this land and pay it out for the benefit of the Indians, because it should be put in the United States Treasury and held there for the Indians subject to the future action of Congress.

Mr. MANN. The Indians were opposed to this bill, and stated that they did believe that to take the land described in this bill was a violation of the treaty and agreements with them; that they had very little land left, and they needed all they had. And they especially objected because, as originally introduced, it was proposed that the money be deposited in the Treasury. Then the Indians said, "We lose the land and we will never get the benefit of the money."

Now, I feel very much as the Indians do about it. [Laughter.] When you want to take this land away from them, which they say they want, and do not want to sell, but want to use it, give them the money.

Mr. STEPHENS of Texas. The Secretary makes this statement in his letter to the Senate indorsing this bill, viz:

On January 18, 1912, a council of the Umatilla Indians was held for the purpose of ascertaining their wishes with regard to the disposal of lands within their reservation to the city of Pendleton, and, as the inclosed copy of the council proceedings will show, the Indians objected to the proposed sale. Their objections, however, are due principally to the fact that they do not desire to see any more tribal lands pass from the ownership of the Indians.

Now, that is their only objection. It has been our policy for years to allot Indian lands to individual Indians and to sell the remainder. The Indians are not usually consulted as to what shall be done with the land. They are our wards, and Congress only can dispose of their property. This tract of land is land adjoining the city of Pendleton, and is necessary for the use of that city for waterworks, and we are permitting the Secretary by this bill to sell these lands of the Indians to the city for that purpose. They will get a better price from the city than from any other party. The Indians can not use the land; it is not fit to use for agricultural purposes, because it can not be irrigated. It is upon a mountainous part of the reservation and at the present time not used by the Indians for any purpose.

Mr. FOSTER. How much land have these Indians there?

Mr. STEPHENS of Texas. One hundred and ninety-nine and a fraction acres.

Mr. FOSTER. And that is all the land there is?

Mr. STEPHENS of Texas. This is only a small portion of a large Indian reservation adjoining the city; and the city needs this little tract for waterworks. The Secretary recommends its sale, as proposed by this bill. The Senate passed it, and the Indian Committee of the House has reported it favorably.

Mr. FOSTER. About what is that land worth?

Mr. MANN. The gentleman has called my attention to what the Secretary of the Interior says in his report. In part let me call his attention to what the Secretary says:

If the bill is amended as suggested, however—

After reciting what the gentleman has referred to—

it is believed that its provisions will be fair to both the Indians and the city of Pendleton.

Now, what was the amendment suggested? That the money should be paid to the Indians or used for their benefit in the discretion of the Secretary of the Interior—the very thing that the gentleman strikes out of the bill. I am perfectly willing that the gentleman from Oregon shall explain it, but I will say frankly, gentlemen, I expect if you are going to take this land away from these Indians who want to keep it, and simply to turn it over to a city which may or may not need it, I think the Indians are entitled to have the money, and unless the gentlemen agree to that I shall object.

Mr. STEPHENS of Texas. The gentleman misunderstands the use of this language. It plainly says—

That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum.

Mr. MANN. I understand what the language is. You only strike out that part that it shall be used for the benefit of the Indians.

Mr. FINLEY. I notice the words "appraised value" are used. What is the difference in the "appraised value" and "actual value"?

Mr. MANN. That would depend on what the appraised value is. It is supposed to be the same.

Mr. LAFFERTY. This bill relates to land in my district.

Mr. FERRIS. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. To whom does the gentleman yield?

Mr. STEPHENS of Texas. First to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. As I understand the gentleman, it is his opinion that if you sell the land the Indians ought to have the money. I want to pause a moment and rejoice at his attitude in this regard. We did not think of letting the department, without bridle or restraint to go ahead and expend the money, without coming back to Congress and letting Congress have something to say about it. In other words, they go out there and build houses and buy horses and teams that the Indians do not want, and it was that reason why the committee acted as it did. I have not consulted with the gentleman from Oregon [Mr. LAFFERTY] about it, but I have no doubt they would be glad to accept the amendment and let the Indians have the money from the sale of these lands.

Mr. MANN. I think where large sums are involved the policy of the committee is correct.

Mr. FERRIS. I think so.

Mr. MANN. When these Indians object to the sale of this land I am not willing to have the Government put in a position where they can justly complain "You took away our lands after you promised we should have them and you give us nothing for them."

Mr. STEPHENS of Texas. Is the gentleman aware that nearly every tribe of Indians has objected to selling their lands and to breaking up the reservation, and in spite of their protests the Government has required them to be broken up and allotted them part of their reservations in severalty and sold the remainder of the land to white settlers and put the money derived from its sale in the Treasury to the Indians' credit.

Mr. MANN. That is a matter that has nothing to do with this; it is an entirely different proposition.

Mr. STEPHENS of Texas. That is the only reason they have suggested in their objection to this bill. I yield to the gentleman from Oregon.

Mr. LAFFERTY. Mr. Speaker, there is considerable importance attached to the present passage of this bill for the reason that the city of Pendleton has been designated as the location of the insane asylum for eastern Oregon. The waterworks of the city are inadequate at the present time. The object of this bill is to permit the city to purchase land for the waterworks.

The report on the bill says that Joseph Craig, a member of the Umatilla Tribe, was here during the past winter. He is the gentleman who wrote the letter dated Washington, D. C., January 21, 1911, protesting in the usual form against the encroachment of the white man upon the Indian. Mr. Craig's protest, which was referred to by the gentleman from Illinois [Mr. MANN], was written over here in the office of the Commissioner of Indian Affairs. I heartily sympathize with the protest against the white men encroaching on the Indians, but Mr. Craig's protest is of a general nature rather than a protest against this particular bill.

Mr. FERRIS. Will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. FERRIS. Does not the gentleman think that if he would accept the amendment suggested by the gentleman from Illinois and let the Indian have the money, that his objections would at once subside.

Mr. LAFFERTY. I think so. Mr. Craig's protest shows that it is the form of the bill that he objects to. The bill as it was originally introduced in the Senate provided that the land should be appraised by local appraisers, to be appointed by the register and receiver of the land office. Mr. Craig said he thought an Indian ought to be on the commission. The Indian Office prepared a form of a bill to suit Mr. Craig. It provides that the appraisement shall be in accordance with such rules and regulations as the Secretary of the Interior may prescribe. Now, perhaps there will be an Indian put on the commission, and I do not care if there are two Indians on it.

Referring to the treaty obligations of the United States, the treaty provided that certain lands should be open to homestead settlement and certain other lands remain for the purpose of Indian allotments. The Indians take the position that that should be permanent. We all know that these lands that were designated in treaties as homestead lands have been disposed of otherwise by Congress when emergencies arose, and the lands that were to be subject for all time to Indian allotments are not more sacred. They can certainly be very properly used to relieve suffering humanity.

Senator CHAMBERLAIN requested me to put the bill on the Unanimous Consent Calendar, knowing the need of this asylum at Pendleton. Then the chairman of the Committee on Indian Affairs very courteously consented to a favorable report at the first meeting of the committee.

Now, the next matter that I wish to comment on is the committee amendment striking out these words. Here is what Mr. Craig wanted put in the bill:

Provided, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit in the discretion of the Secretary of the Interior.

The committee recommended striking out the words "and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit in the discretion of the Secretary of the Interior."

I am willing to adopt the suggestion of the gentleman from Illinois to reject the committee amendment and let the Secretary of the Interior be authorized to pay these moneys to these Indians. I think that the distinguished chairman of the Committee on Indian Affairs will agree to that.

Mr. FINLEY. Will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. FINLEY. What are these lands worth?

Mr. LAFFERTY. They are desert lands. It is in a high altitude. They are of no particular value except for the waterworks for the city. The Indians always get the best of it, and they will probably be appraised for five or six times what they are worth.

Mr. FINLEY. You say that the Indians always get the best end of it?

Mr. LAFFERTY. That is so in our country.

Mr. MANN. That is what they say when they strike them under the belt. [Laughter.]

Mr. FINLEY. Are you not rather isolated in that respect?

Mr. LAFFERTY. I do not think so. These Indians are in Washington and on the job.

Mr. FINLEY. Are these lands worth $1 an acre or $50 an acre?

Mr. LAFFERTY. Well, right up next to the city probably the land is worth $25 an acre.

Mr. FINLEY. How near the city is it?

Mr. LAFFERTY. The nearest point is several miles, I understand.

Mr. FINLEY. Any of it under cultivation?

Mr. LAFFERTY. A great deal of it, but this particular portion where the right of way for the waterworks is desired is too high to be reached by irrigation.

Mr. FINLEY. I am speaking of the land proposed to be turned over to the city.

Mr. LAFFERTY. It is not under cultivation.

Mr. HAWLEY. It is too high for irrigation.

Mr. LAFFERTY. I want to add that if the committee amendment is withdrawn or voted down I would like to have the chairman of the committee——

Mr. MANN. The gentleman says that this is very important; that he wants to get a right of way for a water pipe; but he is getting a tract of land amounting to 200 acres.

Mr. LAFFERTY. But they want a reservoir site.

Mr. MANN. The gentleman said they wanted a right of way for a water pipe from a distant reservoir down to the city.

Mr. LAFFERTY. This is to be a reservoir site to which the water is to be pumped.

Mr. HAWLEY. They want sufficient area for a reservoir and to protect the surrounding area from which water will be drawn into the reservoir.

Mr. MANN. This is not intended, then, as a right of way?

Mr. HAWLEY. It is a reservoir site.

Mr. MANN. It is intended as a watershed and as a reservoir.

Mr. HAWLEY. A reservoir.

Mr. LAFFERTY. Not as a watershed.

Mr. MANN. It is a watershed if they intend to have water drained into the reservoir.

Mr. STEPHENS of Texas. Does the gentleman think that 200 acres are too much?

Mr. MANN. I have no doubt they have a great deal more than that. Two hundred acres are too much for a right of way to cross.

Mr. HAWLEY. This is for a reservoir.

Mr. MANN. I have no objection to the bill being passed if the gentleman from Texas [Mr. STEPHENS] will agree to disagree to the committee amendment.

Mr. STEPHENS of Texas. And let it remain as it was in the Senate?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. It is a small bill, and I do not think we ought to violate the principle of our committee for years. I hope the gentleman will not insist upon that, but rather than to lose the passage of the bill I will agree to it.

Mr. MANN. The gentleman may consider himself knocked down and tied.

Mr. HAWLEY. The water is being taken up there very rapidly, and unless we can get this for the use of the city of Pendleton and the insane asylum the water may be appropriated. It is very important to the State that this bill be passed at this time.

Mr. MANN. I think this a different case from the ordinary case. I quite agree with the chairman of the committee and the gentleman in charge of the bill that ordinarily with large sums of money it is not advisable to give the Secretary of the Interior a free hand.

Mr. STEPHENS of Texas. Will not the gentleman agree to leave out the words "used for their benefit"?

Mr. MANN. That puts it in the discretion of the Secretary of the Interior. There is no other way of doing that.

Mr. FERRIS. If the gentleman will leave that language in there "or use for their benefit, in the discretion of the Secretary of the Interior," I think it would be better. Of course he does not pay it to them. He goes and buys things for them that they may want or may not want.

Mr. MANN. Oh, that is the case with a great many appropriations.

Mr. FERRIS. "And may thereafter be paid to said tribe of Indians pro rata." That would accomplish the gentleman's purpose.

Mr. STEPHENS of Texas. What is the amendment that the gentleman proposes?

Mr. MANN. I propose to disagree to the committee amendment, and that is the only thing I do propose. I do not offer anything. I just ask the gentleman if he will agree to vote down the committee amendment.

Mr. STEPHENS of Texas. Yes; in order to pass the bill we will do that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, lines 5, 6, and 7, strike out the words—
"And may thereafter be paid to the said tribe of Indians pro rata or used for their benefit, in the discretion of the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LAFFERTY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 5 o'clock and 34 minutes p. m.), the House adjourned until Tuesday, June 18, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal., reported the same with amendment, accompanied by a report (No. 907), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22209) providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army, reported the same without amendment, accompanied by a report (No. 909), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ALLEN, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 25201) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, reported the same without amendment, accompanied by a report (No. 906), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 5176) granting a pension to Elizabeth B. Preston, reported the same without amendment, accompanied by a report (No. 908), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 25391) to provide for the purchase of a site and the erection of a building thereon at Charles Town, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25392) to provide for the purchase of a site and the erection of a public building thereon at Keyser, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 25393) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture.

By Mr. BURGESS: A bill (H. R. 25394) to provide an American register for the bark *Baunen;* to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFFERTY: A bill (H. R. 25395) limiting the hours of labor of female employees in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 25396) limiting the hours of labor in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER: Memorial of the Senate and House of Representatives of the State of New Mexico, asking for construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, requesting that the reclamation act be amended so as to permit the purchase of water rights for State and school lands; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25397) for the relief of Joseph Blackham, alias Joseph Black; to the Committee on Military Affairs.

By Mr. CATLIN: A bill (H. R. 25398) granting a pension to Augusta Madsen; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 25399) for the relief of William A. Persons; to the Committee on Military Affairs.

By Mr. DIXON of Indiana: A bill (H. R. 25400) granting a pension to Laura A. Cumback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25401) granting an increase of pension to George K. Gould; to the Committee on Pensions.

By Mr. DONOHOE: A bill (H. R. 25402) for the relief of William Mourer; to the Committee on Claims.

Also, a bill (H. R. 25403) to correct the naval record of John Halpin; to the Committee on Naval Affairs.

By Mr. FRANCIS: A bill (H. R. 25404) granting an increase of pension to Joseph A. Pyle; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 25405) for the relief of John M. Boyd; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25406) granting a pension to Charlotte Maude Pomroy; to the Committee on Pensions.

Also, a bill (H. R. 25407) granting a pension to Susan S. Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25408) to correct the military record of William T. Riffle; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 25409) for the relief of Jonathan J. Totten; to the Committee on War Claims.

Also, a bill (H. R. 25410) granting an increase of pension to Hathaway J. Booker; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 25411) granting a pension to Ardilicy Braining; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 25412) to remove the charge of desertion standing against Conrad Stark; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 25413) granting a pension to Louis Spindler; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 25414) granting an increase of pension to John T. Payne; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 25415) granting a pension to Katherine O. Hactor; to the Committee on Pensions.

Also, a bill (H. R. 25416) to correct the military record of Jacob Lillian; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25417) granting a pension to Susanna Earhart; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 25418) granting a pension to Alice M. Duncan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Branch 1, Socialist Party, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also (by request), memorial of the Order of Railway Conductors, against passage of the workman's compensation act; to the Committee on the Judiciary.

Also, petition of the Polish Roman Catholic Societies of Massachusetts, New York, and Illinois, protesting against the passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Military Order of the Loyal Legion of the United States of America, protesting against the construction of the proposed memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. BLACKMON: Petition of the Medical Association of the State of Alabama, favoring passage of Senate bill 2117, for increasing pay of the officers of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of educators, labor leaders, and financiers relative to the high cost of living; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of the Order of Independent Americans of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Trainer, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Pennsylvania, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of Milliken, Tomlinson Co., of Portland, Me., favoring passage of the Stevens-Burton weight and measure bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the J. W. Pratt Co. and of J. W. and George H. Hahn, of New York, and of J. B. Hoecker, of Brooklyn, N. Y., against passage of the Oldfield bill, proposing change in present patent laws; to the Committee on Patents.

Also, petition of citizens of South Brooklyn, N. Y., against passage of bill appropriating for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petitions of the Allied Printing Trades Council of New York and the United Garment Workers of America, favoring passage of House bill 23673, known as the seamen's bill, relative to proper protection of passengers and crew on vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of Washington, D. C., favoring passage of House bill 357, for investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Fotle & Jenks, of Jackson, Mich., and of the J. P. Allen Medicine Co., of St. Paul, Minn., against passage of House bill 14060, known as the Richardson bill, relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIEL A. DRISCOLL: Petition of the Buffalo Chamber of Commerce, of Buffalo, N. Y., favoring restoring to the appropriation bills the $94,000 deducted; to the Committee on Appropriations.

Also, petition of St. Anthony Padurzki Society, No. 208, Buffalo, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: Petition of citizens of the State of New Mexico, favoring passage of Rodenberg-Simmons anti prize fight bill; to the Committee on Patents.

By Mr. FRANCIS: Petition of Martins Ferry Aerie, Fraternal Order of Eagles, No. 456, of Martins Ferry, Ohio, relative to protection of all white fraternal orders, societies, or associations of the United States; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the committee of Wholesale Grocers of New York, protesting against the passage of the Lodge substitute to the free-sugar bill; to the Committee on Ways and Means.

Also, petition of the International Association of Car Workers, favoring the passage of the seamen's bill (H. R. 23673) relating to manning of vessels on the Great Lakes, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of St. Mary's Society, No. 187, of Peru, Ill., protesting against the passage of the Dillingham-Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Petition of citizens of Emerson, Iowa, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of the Daughters of Liberty of Jersey City and Harrison, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petitions of members of the Daughters of Liberty of Dallastown, Red Lion, Wrightsville, and York, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the American Institute of Architects, protesting against the repeal of the Tarsney Act, relative to engaging architects for proposed Government building; to the Committee on Appropriations.

By Mr. LOUD: Petition of the Robinson Lumber Co., of Goodar, Mich., against passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of the Daughters of Liberty of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DONOHOE: Petition of citizens of Philadelphia, Pa., against passage of bill appropriating for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. SULZER: Petition of the New York State Retail Jewelers' Association, against passage of bills proposing change in present patent laws; to the Committee on Patents.

Also, petition of the committee of Wholesale Grocers of New York, relative to corrections for the free-sugar bill; to the Committee on Ways and Means.

Also, petition of the Buffalo Chamber of Commerce, favoring passage of bill for improving the consular and diplomatic service; to the Committee on Foreign Affairs.

Also, petition of the Daughters of Liberty, New York, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Judith Lodge, No. 33, I. O. F. S. of I., Hartford, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the Military Order of the Loyal Legion of the United States, protesting against the construction of the proposed memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. WEBB: Petition of the Woman's Christian Temperance Union of Charlotte, N. C., favoring passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of R. E. Hills and other members of the Ohio Wholesale Grocers' Association Co., favoring passage of the Stevens-Burton bill, providing for reasonable variation in marked contents of packages; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 18, 1912.*

The House met at 10 o'clock a. m.

The Rev. John Van Schaick, jr., of the Church of Our Father, Washington, D. C., offered the following prayer:

Almighty God, who has brought us to the beginning of this day, defend us in the same by Thy almighty power. Give to these Thy servants strength to bear their burdens, and wherever our citizens come together to think for the common good that there may be given to them increased devotion to our institutions and greater love for this Government of our fathers, that they and all of us, in the high places and in the humble places, may think and plan together for the increased good of this great Republic. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WILLIAM Z. NORMAN.

The SPEAKER laid before the House the bill H. R. 16493, an act to correct the military record of William Z. Norman, with a Senate amendment.

The Senate amendment was read.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

RIGHT OF WAY ACROSS FORT MASON RESERVATION, CAL.

The SPEAKER laid before the House the bill H. R. 22204, an act granting the right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Reservation, in California, with a Senate amendment.

Mr. KAHN. Mr. Speaker, I move to concur in the Senate amendment.

Mr. MANN. Mr. Speaker, this bill as it passed the House gave to the Panama-Pacific Exposition Co. the right to construct a railroad and a tunnel across the Fort Mason Military Reservation. The matter was discussed in the House and the bill was amended in the absence of the gentleman from California, who was then away for his health. The bill as amended by the Senate proposes to give that right not only to the exposition company, but to any of its assigns or successors. I desire to ask the gentleman from California, people would be much interested in the proposition, whether he thinks the bill is in such shape which fully safeguards the interest of the Government in the granting of what is a permanent right of way across a military reservation?

Mr. KAHN. Mr. Speaker, I think that the language of the bill fully safeguards the rights of the people. The bill provides for the construction of this tunnel by the exposition company. I may say that a similar right was granted to the Southern Pacific Railroad by Congress several years ago, but the railroad company refused to build the tunnel. The legislation was asked for by Army officials. The Army transport docks are on the western boundary of Fort Mason. At the present time a belt line owned, I believe, by the State of California runs to the eastern border of Fort Mason. This belt railroad carries supplies that are destined for the Philippine Islands and Hawaii to the eastern boundary of the fort. Those supplies are removed from the cars, placed upon drays and trucks, and are carted around the Fort Mason Reservation to the transport docks. The Army officers were very anxious to have this tunnel built because it would enable the supplies to be carried direct in the cars through the tunnel to the transport docks. The saving to the Government will be considerable in the matter of cartage. The cost of constructing the tunnel will not cost the Government a single dollar. The section in the bill which gives the Congress the right to amend, alter, or repeal the act safeguards, in my judgment, the right of the Government. The reason for the Senate amendment seems to be this: The life of the exposition company is limited to a number of years. This tunnel will be useful to the Government as long as the transport docks continue at their present location; and for that reason, before the exposition company shall have expired, the company ought to be allowed to turn over the tunnel to its successor, and such successor, under the terms of the Senate amendment, must be approved by the Secretary of War.

Mr. FOSTER. Does this give the railroad company the use of this tunnel after the exposition is over, or give it to anyone to whom they may assign their right?

Mr. KAHN. Yes; anybody to whom the exposition company would assign their right.

Mr. FOSTER. In other words, they are enabled possibly to sell out their rights to the railroad company after the exposition company is through with the use of the tunnel?

Mr. KAHN. It is possible, but that part of the railroad which would connect with the tunnel, as I understand it, is owned by the State of California.

Mr. GARNER. The principal objection suggested by the gentleman from Illinois [Mr. MANN], as I understand it, is the difference between the bill now and what it was when it passed the House. When it passed the House it granted a temporary license to a company that was going out of existence. As it came back from the Senate it gives a permanent indefinite right to use this property. That is the essential difference.

Mr. KAHN. True, but it seems to me the Government will save considerable money by allowing the tunnel to be transferred to a permanent company after the exposition is over, because that company will continue to haul supplies to the transport docks direct, whereas now they are hauled only part of the way, and then the Government must cart them, at considerable expense, about a third of a mile to the docks.

Mr. GARNER. This is one more spike to drive into the State of California the grip that the Southern Pacific now has upon it.

Mr. KAHN. I have told the House several times that the Southern Pacific refused positively to build the tunnel, and the Southern Pacific does not run the railroad up to the eastern boundary of the tunnel. The railroad that runs to the proposed entrance of this proposed tunnel is known as the belt line and is owned by the State of California.

Mr. GARNER. The gentleman will not tell the House he will guarantee the Southern Pacific will not become possessor of this property after the exposition company is through with it?

Mr. KAHN. I will say this to the gentleman, and will say this to the House, that in my opinion I do not think it will ever become the property of the Southern Pacific, and I do not see how it can.

Mr. GARNER. What railroad company is likely to own this property?

Mr. KAHN. The State of California owns the belt line, which runs from a point near the ferry at the foot of Market Street around the bay shore of San Francisco to the Fort Mason Reservation.

Mr. FOSTER. But there is nothing to prevent the exposition company from assigning their rights to the Southern Pacific Co.?

Mr. KAHN. I suppose they could assign it to any company that would be satisfactory to the Secretary of War.

Mr. MANN. I will say that the Senate amendment requires the Secretary of War to approve the assignor.

Mr. FOSTER. But the exposition has the right with the approval of the Secretary of War?

Mr. MANN. With the approval of the Secretary of War.

Mr. SISSON. I want to ask the gentleman from California this question: In the event this exposition company should sell its property—and, of course, they will do that—does this bill, in the opinion of the gentleman, give them any right tantamount or equal to a charter right?

Mr. KAHN. Well, whatever right they acquire will be subject to the approval of the Secretary of War under such regulations as he may make.

Now, as I have said to the House, the legislation is desired by the officials of the Army because it will enable them not alone to save money for the Government, but also to get their supplies onto the transport docks and onto the transports much more expeditiously than they do now.

Mr. SISSON. Would it not be better for this matter to be submitted back to Congress for its approval rather than to the Secretary of War?

Mr. KAHN. Well, I think the Secretary of War would safeguard the rights of the Government in the matter, and there is a special reservation in the bill which gives Congress the right at any time to amend, alter, or repeal the act.

Mr. SISSON. I do not think that amounts to anything, so far as that is concerned, in a matter of that kind. I think you might just as well give them a perpetual charter. My most serious objection to the bill is that it is not limited. You ought to limit it for 50 years. I would not grant anybody a charter for longer than 50 years. You give them a perpetual right.

Mr. KAHN. There is on the statute books now a law which gives the Southern Pacific Co. the right absolute for unlimited time to build this tunnel. The railroad has refused to do it.

Mr. SISSON. Was there no limitation?

Mr. KAHN. None whatever.

Mr. SISSON. It just shows the folly of the Congress which granted that legislation.

Mr. KAHN. The railroad company never asked for the legislation, I will say to my friend from Mississippi. The Army officers were the men who asked for the legislation in order to get direct railroad communication to the transports.

Mr. SISSON. If the Secretary of War safeguards the rights of the people in giving the Southern Pacific Co. its perpetual rights the Secretary of War will take little interest in this matter.

Mr. MANN. If the gentleman will permit, we often give the right to a railroad for the company to lay a track across a reservation, very much in the language of this bill; and I have never thought of the limitation of time, but always of the right to alter, amend, or repeal. That last matter was submitted in the House when it was up for consideration——

Mr. SISSON. I recollect the bill when it came up here, but at that time nobody was granted any right except the exposition company.

Mr. MANN. The bill as presented to the House from the committee did grant rights to the exposition company.

Mr. SISSON. And they were stricken out of the bill, were they not?

Mr. MANN. And without any explanation from the gentleman from California, or any other person giving any sufficient reason, we thought in the House it was sufficient to grant the right to the exposition company.

Mr. BUCHANAN. With the right of appeal, but without any right of action against the company for damages?

Mr. KAHN. There was nothing of that kind in the bill.

Mr. MANN. That is a question, I will say to my colleague from Illinois [Mr. BUCHANAN], that never has been settled.

Mr. BUCHANAN. Has there been any such case in the courts? There seems to have been about everything else.

Mr. MANN. I think there has. Whether we can repeal the statute and take away the property is another proposition, and I think that has not been disposed of.

The SPEAKER. The question is on agreeing to the motion to concur in the Senate amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SISSON. A division, Mr. Speaker.

The House divided; and there were—ayes 18, noes 6.

So the motion to concur was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill. The Clerk will read.

The Clerk read as follows:

Spearfish (S. Dak.) Station: Superintendent, $1,500; fish-culturist, $900; two laborers, at $600 each; in all, $3,600.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question. I notice, in line 7, that two laborers are provided for at the station at Spearfish, S. Dak. Has the gentleman the number that was estimated for? My understanding is that the superintendent had asked for three laborers.

Mr. FITZGERALD. The Commissioner of Fisheries asked for an additional laborer at a number of these fish hatcheries, but in view of the fact that there is an appropriation of $325,000 out of which temporary labor can be employed and assigned to these places, we did not believe it desirable to grant any of the requests.

Mr. BURKE of South Dakota. I would like to ask the gentleman if that is the same number of laborers that they had last year?

Mr. FITZGERALD. That is the same as they had.

Mr. BURKE of South Dakota. And there is a fund from which they can pay temporary labor?

Mr. FITZGERALD. Yes. On page 143 there is an item—

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $325,000.

Mr. BURKE of South Dakota. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Boothbay Harbor (Me.) Station: Superintendent, $1,500; fish-culturist, $900; engineer, $1,100; skilled laborer, $780; 3 firemen, at $600 each; custodian of lobster pounds, $720; 2 laborers, at $600 each; in all, $8,000.

Mr. GARNER. Mr. Chairman, I would like the gentleman from New York [Mr. FITZGERALD] to tell us, if he can, just how many fish hatcheries there are in the State of Maine.

Mr. FITZGERALD. My recollection is that there are three.

Mr. GARNER. What other State has more than two? Does the gentleman know?

Mr. FITZGERALD. I do not know.

Mr. GARNER. Has the gentleman ever investigated as to the necessity of these three hatcheries in the State of Maine?

Mr. FITZGERALD. Well, the Boothbay Harbor Station in Maine is one of the most important in the country. That is the station where lobsters are propagated. That is a very important matter along the Maine coast.

Mr. GARNER. There seems to be one at Greene Lake and one at Craigs Brook.

Mr. FITZGERALD. Those are trout hatcheries.

Mr. GARNER. There seem to be two in the State of Washington. I simply call attention to this matter to show the difference in the service given throughout the country. In the great State of Texas, which has an area, as the gentleman knows, many times that of the State of Maine, there is only one fish hatchery, that at San Marcos, and there is not one application in ten coming to that hatchery from the people of the State of Texas that can be granted and the applicants supplied with fish.

Mr. FITZGERALD. These hatcheries in Maine are the oldest hatcheries in the country, because they are the places where the great supply of brook trout originated.

Mr. GARNER. I am not criticizing it; but so far as my observation goes the $5,400 that is spent at San Marcos, Tex., affords more benefit to the people of the State of Texas than any $50,000 spent elsewhere in that State for any other purpose.

Mr. FITZGERALD. I think that is true with respect to all the hatcheries.

Mr. GARNER. Having in mind the fact that only 1 application out of 10 can be complied with in Texas, and seeing that there are 3 hatcheries in the State of Maine, I wondered whether it would not be possible, when the Treasury gets in better condition, to have provision made whereby the State of Texas could be better taken care of.

Mr. FITZGERALD. I will say to the gentleman that the committee does not originate these fish hatcheries.

Mr. STEPHENS of Texas. I will say to the gentleman that I have several counties in my district in northwestern Texas, 500 miles away from San Marcos, that can not get any fish from that station. It is found to be impossible to supply my constituents with fish from that station. My district alone is as large as the State of Maine. I am very desirous to see a fish hatchery established on the Red River, and I have introduced a bill to that end. I have not heretofore been able to get a favorable report on it, but I shall insist upon it hereafter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fish-cultural station, South Carolina: Superintendent, $1,500; fish culturist, $900; 2 laborers, at $600 each; in all, $3,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This fish-cultural station at South Carolina, point unnamed, is new in the bill. The preceding item, a fish-cultural station at Jefferson County, Ky., is new in the bill. The succeeding item, fish-cultural station at Wyoming, at a point un-

named, is new in the bill. They are all authorized by the last sundry civil appropriation bill. Kentucky is represented on the Commttee on Appropriations by a very able and distinguished gentleman. South Carolina is represented on the Committee on Appropriations by an able and distinguished gentleman. Both of these gentlemen are members of the Committee on Appropriations of the House. The State of Wyoming is represented by a gentleman on the Appropriations Committee in the Senate.

Mr. FITZGERALD. The gentleman is mistaken. South Carolina did not have a member at the time this was authorized.

Mr. GARNER. That is indicated in the bill, that South Carolina did not have a member at that time.

Mr. MANN. I beg the gentleman's pardon, but I want to submit some observations, if I may be permitted.

Mr. GARNER. The gentleman from Illinois is entitled to the floor, of course, at all times.

Mr. MANN. The gentleman should not be angry because I want to take a little of my own time.

Mr. GARNER. Of course not.

Mr. MANN. It is a very valuable thing at times to be represented on the Committee on Appropriations. The gentleman from Texas a few moments ago called attention to the fact that in certain States there were several fish-cultural stations while in the State of Texas there was but one. There are no fish-cultural stations in Ohio, in Indiana, in Illinois, or in Wisconsin—four great States bordering upon the Lakes, where there are great opportunities for the cultivation of fish.

Mr. GARNER. There ought to be some there.

Mr. FOSTER. And Illinois, let me say, ships as many fresh-water fish as any State in the Union.

Mr. MANN. We have maintained one or two fish-cultural stations at the expense of the State, and they are doing great good. The trouble has been heretofore that the committee of the House, when it desires to report bills for fish-cultural stations, reports all the bills pending before the committee on the subject—and there are usually 40 or 50—and the House has to pass the 40 or 50 bills or not any. The House usually has not passed any. Then some enterprising gentleman who is or expects to be a member of the Committee on Appropriations goes over to another portion of the Capitol, has an item inserted in the sundry civil bill in the Senate, which comes back to the House, and is agreed to in conference; whereas the Members of the House not intimately connected with the Committee on Appropriations has no opportunity of getting anything in or getting anything out.

Mr. FITZGERALD. As the gentleman from Illinois states, these three hatcheries were authorized in the last sundry civil appropriation bill. They were put on as amendments in the other body and were agreed to over my protest. I take no responsibility for their existence.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

Steamer Gannet: Master, $1,200; engineer, $1,100; fireman, $720; two seamen, at $600 each; in all, $4,220.

Mr. GARNER. Mr. Chairman, I would like to ask whether or not these vessels are located at some particular point by virtue of a statute, or are they under the direction of the Bureau of Fisheries?

Mr. FITZGERALD. My impression is that they are located at various places under the discretion of the commissioner.

Mr. GARNER. I never heard of any of them drifting down to the Gulf waters.

Mr. FITZGERALD. No; they do not ordinarily get as far South. Boothbay Harbor, Me., and Woods Hole, Mass., are two of the most important places from which the vessels are operated.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $325,000.

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

In line 11, page 143, strike out the figures "325," and insert in lieu thereof the figures "320," so that it will read "three hundred and twenty thousand."

Mr. WILLIS. Mr. Chairman, I have introduced this amendment to call attention to what seems to me to be a peculiar situation in the work of this bureau. The paragraph just read provides for the propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, $325,000. I propose to strike out the figures "325,000" and insert in lieu thereof the figures "320,000." If this amendment shall prevail, when we come to the paragraph relating to the item:

Inquiry respecting food fishes: For expenses of the inquiry into the causes of the decrease of food fishes in the waters of the United States, and for investigations and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, including expenses of travel and preparation of reports, and for all other necessary expenses in connection therewith, $40,000.

I shall offer another amendment to increase the sum provided there from $40,000 to $45,000. I am doing that to call attention to the peculiar situation. It seems to me that it is almost a waste of public money to spend this large sum for the propagation of food fishes when there is so little done to protect the fish that we have. I notice in the estimate in the hearings that the commissioner wanted an appropriation of $340,000 for the purpose of propagating food fishes.

Under all the circumstances I think the committee very wisely held it down to the item of the current year—$325,000. Only just recently the President of the United States has sent a message to Congress on the subject of the high cost of living, and very properly has the Chief Executive called attention to that important subject. We learn from the press that at least one of the great political parties is going to dignify that subject by making it a point of issue in the coming campaign. It certainly is an important question.

In that connection, Mr. Chairman, I desire to call the attention of the committee to the very unusual condition that exists in the greatest fisheries this country possesses, namely, the fisheries of Alaska. In the year 1889 the Alaska Oil & Guano Co. was organized with a capital of $75,000. That company has for its business not the preserving or salting or pickling of fish for food, but at this time, when the country is interested in the conservation of its natural resources and in keeping down the high cost of living, I invite the attention of the committee to the fact that this Alaska Oil & Guano Co. last year took out of the waters of Alaska more than 11,000,000 pounds of good fish and manufactured them into oil and guano or fertilizer. It was stated in the hearings before the Committee on the Territories, a portion of which hearings I now ask permission to insert as a part of my remarks because I think it is very much in point, that these fish were not edible fish. The statement referred to is as follows:

Mr. WILLIS. As I understand it, you want us to strike out all of the section after the word "Alaska"?

Mr. SNOW. Yes.

Mr. WILLIS. The question is this: A number of men have stated to the committee that enormous quantities of important food fishes are used in the manufacture of fertilizers and the manufacture of fish oil every year to the detriment of the supply of that particular kind of fish in these waters. Do you think that the catching of many tons of herring, which are food fishes, and the manufacture of them into oil and fertilizer is not waste?

Mr. SNOW. No, sir; I don't think it is.

Mr. WILLIS. What is your argument on that? I should like to hear it, because it has been emphasized in hearings before this committee that it was.

Mr. SNOW. The limitations on the fish industry in Alaska—the natural limitations—which limit in large part the territory over which any fish industry can be conducted, is one reason. Alaska has a seacoast of approximately 3,000 miles. Now, we are operating over a small part of the region known generally as southeastern Alaska, which comprises the territory from Dixon entrance on the south to, say, approximately Yakutat Bay on the north. If you will examine your map, you will see that this territory takes only about 350 miles out of 3,000 miles of coast. Our operations have been confined entirely to this part of Alaska [indicating on map], say, for 100 miles of this 350-mile region, while herring is found in all the waters of Alaska and along the entire 3,000 miles of coast. Now, the natural inquiry comes, "What is to prevent your going farther along the coast and catching your herring and bringing them back to your plant?" The answer is that the time spent by a boat in going from Killisnoo, where our factory is located, to the fishing grounds and back makes it unprofitable.

Mr. WILLIS. Where is that on the map?

Mr. SNOW. In southeastern Alaska. Down here [indicating on map]. Our fishing industry is within a short radius from Killisnoo, 50 or 60 miles in either direction. And we can't possibly get any farther than that territory, because we waste all of our time in going and coming. There is a natural limitation to fishing anywhere in Alaska, and you can't go outside of a territory of 50 or 60 miles?

The CHAIRMAN. Herring is found all along that coast, you say?

Mr. SNOW. Yes.

The CHAIRMAN. That is not what some other gentlemen have stated to the committee.

Mr. SNOW. That is the fact, nevertheless, and the record of the Bureau of Fisheries verifies this. The herring also feeds upon something at certain seasons of the year that is found in a tightly inclosed sack in the stomach, and no salt solution can reach this substance. The result is this poisonous substance causes the fish to decay very rapidly, so that there is not more than 20 per cent of the catch that can be packed. Moreover, if you could pack the entire catch you would not have a demand on the Pacific coast for more than approximately 1,000 barrels, so that no matter how much food fish you catch you have no market for more than 1,000 barrels. We find that about 20 per cent of the catch is good to pack. I was asked the other day how we knew what fish were good to pack and what were not. I can not answer that question. I have no data with me that will enable me to tell that, but I can very soon lodge with you the details of how we can know that; how when we send out our vessels to catch

fish it can be told what part of the catch can be packed and what part can not.

Mr. WILLIS. You can see how this thing appears to the committee at this time, when we hear so much about the high cost of living, and it looks like a peculiar thing for us to countenance the catching of good food fishes and making them into fertilizer.

Mr. SNOW. Fertilizer is a food product in a way.

Mr. WILLIS. Yes; but its value for that use is relatively small. That would be like making beefsteak into fertilizer. Sirloin steak would undoubtedly make good fertilizer, but it would be much more useful as a food product.

Mr. BOOHER. Your argument is something like that which was used in regard to the buffalo. Thirty or forty years ago there were thousands of buffalo on our western prairies, and the argument was made that they would not become extinct, but they have become extinct, nevertheless.

Mr. SNOW. Well, take our factory: Our catch for the past 11 years has not averaged approximately much over 40,000 barrels of fish, which, at 200 pounds each, is, say, 9,000,000 pounds of fish.

Mr. YOUNG. You are referring now to the Alaska Oil & Guano Co.?

Mr. SNOW. Yes.

Mr. YOUNG. What did it catch in 1910?

Mr. SNOW. In 1910 its catch was 11,783,800 fish.

Mr. YOUNG. In document 746 of the Bureau of Fisheries it is given as 59,000 barrels, or 11,800,000 pounds of herring.

Mr. SNOW. Well, I don't know what the Bureau of Fisheries report.

Mr. YOUNG. Besides that there was only 30,000 barrels of that herring pickled for food.

Mr. SNOW. That is probably an error.

Mr. YOUNG. No; not for food, but for bait.

Mr. SNOW. Well, I don't know; they were probably giving the entire catch of the Alaskan waters.

Mr. YOUNG. I want to correct that so as to say 130,000 barrels were pickled for use as bait for halibut.

Mr. WILLIS. Doesn't it show that any part of the amount pickled was used for food?

Mr. YOUNG. No.

Mr. WILLIS. Do the natives there use this fish as food? Does anybody up in that country use this fish as food?

Mr. SNOW. I couldn't say whether the natives do or not. There is a small quantity used fresh.

Mr. WICKERSHAM. I can answer that. The report of the Bureau of Fisheries for the year 1911 shows that there was $65,209 worth of herring put up for food. That included fresh herring, pickled herring, dried herring, salted herring, and egg-dried.

Mr. WILLIS. That indicates unquestionably, then, that this fish can be used as food and is so used.

The CHAIRMAN. I do not suppose there is any question about the fact that the fish can be used for food and is so used.

It is clearly demonstrable that the statement that these are not food fish is absolutely without foundation in fact. It was stated that only about 20 per cent of the fish were in condition to be packed when they are brought to this guano plant, and in this connection the following statement from the hearings is of interest:

Mr. WILLIS. Did you ever attempt to put up this 20 per cent for food purposes?

Mr. SNOW. Yes, sir.

Mr. WILLIS. What did you do with the other 80 per cent?

Mr. SNOW. We made it into guano and oil.

Mr. WILLIS. Are you doing that now?

Mr. SNOW. Yes.

Mr. WILLIS. This report that Judge Young read does not indicate that you put up any food fish at all.

Mr. SNOW. We do put up a little herring for selling purposes.

Mr. WILLIS. But you haven't put up 20 per cent, have you?

Mr. SNOW. No.

Mr. WILLIS. What per cent have you put up?

Mr. SNOW. I am not able to answer that. It is a negligible quantity.

The CHAIRMAN. You haven't undertaken to put up 20 per cent for food and to make 80 per cent into oil and guano?

Mr. SNOW. No, sir.

Mr. WILLIS. When your fleet goes out and comes in with a load of fish suppose there should be other fish with them. Do you sort them out and throw out the others or work it all up into fertilizer?

Mr. SNOW. When the fishing fleet goes out it fishes exclusively for herring. Undoubtedly there will be some fish get in that are not herring, but generally they are a negligible quantity. We do put up, for instance, a few salt cod and a few salt salmon bellies. The king salmon runs in these waters, too, but in the main the catch is herring.

It was established clearly that while it is true that less than 20 per cent of the catch is used as food, it is because there are not sufficient facilities for handling the fish. In other words, there is not any doubt that if the business is carried on as it is carried on in Holland and Norway and Sweden, and wherever else these fish are caught, practically all of them are valuable as food fish. I invite attention in that connection to a table which I have here:

Comparative statement of herring catches.

Year.	Scotland.	Holland.	Norway.	Alaska.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
1900	441,575,900	109,554,000	.....	9,898,800
1901	544,238,352	138,282,200	.....	9,820,800
1902	596,334,704	187,452,500	.....	6,320,200
1903	536,818,576	213,778,250	.....	7,786,600
1904	681,452,016	198,855,000	49,053,086	11,717,600
1905	670,197,920	151,677,000	61,014,066	9,748,200
1906	624,672,048	187,820,500	79,681,338	6,719,400
1907	784,418,992	211,514,000	105,101,246	4,959,200
1908	713,767,824	171,415,500	86,611,752	7,512,000
1909	569,660,224	201,030,000	.....	10,403,600
1910	650,436,528	.....	.....	11,783,800

This table shows that in 1908 in Norway 86,000,000 pounds of these herring, which in Alaska are being taken from the waters by this company and manufactured into fertilizer, are preserved as food fish. We are spending hundreds of thousands of dollars to put fish in these waters, and this company, without paying the Government practically anything, last year took out of the waters 11,000,000 pounds, as I have said, on the claim that the fish are not good food fish. Yet it is shown that in Norway last year 86,000,000 pounds of this same kind of fish were preserved and used by the people. In Holland last year 201,000,000 of pounds were caught and preserved and in Scotland the year before last 509,000,000 pounds and in the past year 650,000,000 of pounds, and these fish were used as food. It is perfectly apparent and demonstrable from a scientific standpoint that the fish that are being used by this company, to be converted into oil and fertilizer, are perfectly edible and are excellent food fish. It is also stated in this connection that the Government is realizing something from the use of these fish. Last year this company took from those waters 59,000 barrels of fish and paid in taxes to the Government of the United States $851. Dividing that up, we find that this Government is realizing from the Alaska Oil & Guano Co. for the fish that it is paying hundreds of thousands of dollars to get into the waters to stock the streams the munificent sum of 1.2 cents per barrel of 200 pounds, or, putting it on the basis of pounds, the Government of the United States is realizing about one two-hundredths of 1 cent per pound for these food fish which are being worked up into fertilizer. It may be said that these fish, being converted into guano, in turn will increase food supply, but it must be apparent that it is a wicked and willful waste of this natural resource to allow this company to use these food fishes, that are used on the Pacific coast, by the natives of Alaska and by everybody else, simply for the purpose of making sordid gain.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. JACKSON. The gentleman has investigated this subject. Is the oil that is extracted from these fish used for food?

Mr. WILLIS. I think not.

Mr. KAHN. I think it is the basis of the liquid soap that is being used so largely in this country at this time.

Mr. WILLIS. I so understand.

Mr. JACKSON. Mr. Chairman, the point I had in mind is whether these fish that are caught, especially in Alaska, are not a saving after all, because they would not be caught and used for food and could not very well be shipped from there for that purpose, could they?

Mr. WILLIS. There is no reason why they could not be. They are the same fish that are caught by fishermen of Holland, Norway, Denmark, and Scotland, and hundreds of millions of pounds are used every year for food. There is no reason why they could not be so used, and the economy that the gentleman has in mind that if they were not used for guano they would not be used at all is the same kind of economy that men had in mind when they said, "Let us slaughter the buffalo and we will take the tallow and the hide and let the carcass go." It is a very false economy.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting brief statements from the hearings on this subject.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I ask that the gentleman's time be extended for one minute in order that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Are the fish that are being slaughtered by this company the same variety with which we are restocking the waters at Government expense?

Mr. WILLIS. While the Government is spending a good deal more for other varieties of fish, this fact was developed in the hearings. When they go out to catch these fish for the purpose of manufacturing fertilizer they do not make any particular selection of the fish. They go where they expect to get fish, but if they get salmon or any other kind of fish they bring it in with the rest and manufacture it into fertilizer, and to me that is a very wicked waste.

Mr. SIMS. Incidentally they do catch and use fish that we are paying money to stock the waters with?

Mr. WILLIS. Without any question.

Mr. GARNER. Is there any law to prohibit this wicked destruction of fish to which the gentleman refers?

Mr. WILLIS. I will say to the gentleman that I do not know of any. I think there will be. There ought to be.

Mr. GARNER. It seems to me that the matter ought to be submitted to some committee that has jurisdiction over a bill of that kind.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for one minute more in order that I may answer the question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I will say to the gentleman that in the Committee on Territories a bill is pending which seeks to relieve this situation. I am in hopes that it will be reported out.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. KAHN. What kind of fish are these?

Mr. WILLIS. They go fishing for herring, but when they let down their nets obviously there is no way of getting out an injunction to keep other fish from getting in the nets, and whatever kind of fish they get, and they may get salmon, they use in the same way. I think it is true that most of the fish they get are these herring.

Mr. KAHN. What waters of Alaska are these?

Mr. WILLIS. The southeastern section of Alaska. The company has its headquarters at Killisnoo, on Admiralty Island, and its operations are limited by a radius of 50 or 60 miles from that point.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. HAMILTON of Michigan. I desire to make a suggestion in reply to the gentleman from Tennessee [Mr. SIMS]. The gentleman from Ohio, as I understand, has stated that this company is catching and destroying fish of the kind that we pay money to stock the waters with.

Mr. WILLIS. Certainly.

Mr. HAMILTON of Michigan. I did not know that. I understood that we were spending money to stock the waters with salmon more particularly.

Mr. WILLIS. As I just stated, undoubtedly it is the purpose of the company to catch herring, but when they go out and let down their nets they take whatever they get. As was shown in the hearings, they get large numbers of other kinds of fish, and whatever they get they make into guano.

Mr. KAHN. In other words, all is herring that comes to their nets.

Mr. WILLIS. All is herring that comes to their nets.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not prevail. The bureau reports that it requires this appropriation. Out of it is furnished the equipment of the various fish-cultural stations of the country. Six additional ones require equipment during the next fiscal year. The committee went into the matter with sufficient thoroughness to be convinced that it would be a mistake to reduce this appropriation. The gentleman states that he intends to ask that the item further on, "inquiry respecting food fishes" be increased $5,000. The committee has increased that appropriation $5,000 over the amount available for the current year, and gave the commissioner all he requested. It would be a great mistake either to reduce this item or to increase the other. I hope the amendment will not prevail.

Mr. GARNER. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of calling attention again to the custom of Congress—or at least in this bill—to make lump appropriations. Now, we have here a contingent fund, you might term it, of $325,000, and the next item a contingent fund for the maintenance and support of vessels of $60,000, whereas on the preceding pages, 141–142, the committee undertakes to provide, so far as we have any knowledge, for all the vessels that belong to the Bureau of Fisheries, which has an entire expense of less than $25,000. Here in these lump appropriations are where enormous salaries are provided and where, if you might term it, the extravagance comes in in the different bureaus of the Government.

I want to say in this connection that I have the honor of acquaintance with the present commissioner, and I do not mean by this statement any reflection on him, but he may not always be at the head of that department. So far as I know, he has made a most excellent commissioner, but I think the Congress is to be criticized that these lump-sum appropriations afford an opportunity of extravagance and high salaries on the part of these different heads of bureaus that the Committee on Appropriations and the Congress ought to remedy by making specific appropriations, and it has attracted my attention that $60,000 was appropriated in the next item for the maintenance of vessels, whereas at the same time the entire expense of the fish fleet, if you may term it such, is less than $25,000, but it costs $60,000 to repair and maintain that fleet.

Mr. FITZGERALD. The gentleman has not read the entire paragraph. Boats are hired out of this item. Boats are hired at a number of the stations. They do not need them all the time, but they hire them from time to time as they need them. In the maintenance and repair of vessels no committee of this House is able to write specifically the sum that may be needed. I might call the attention of the gentleman to the naval appropriation bill, where $6,000,000 is appropriated for repair of vessels under the Bureau of Construction and Repair and nearly the same sum under the Bureau of Steam Engineering. If there be any place where such items should have some consideration, I think it should be upon a bill such as that.

Mr. GARNER. Well, Mr. Chairman, I agree with the gentleman from New York that these items ought to be, if it is possible, segregated and specific appropriations made.

Mr. FITZGERALD. You can not do so on repairs of vessels; nobody can tell what they will be.

Mr. GARNER. It appears, however, from this item as compared with the maintenance of the entire fleet it would be better if we bought our vessels rather to hire them. It costs more to hire a few vessels, if we do not need them continually during the year, than to maintain the entire fleet. If you will take the vessel service, lines 21, 22, 23, 24, and lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and add the totals together you will ascertain they do not amount to $25,000, and that covers the entire fleet of fish vessels, and yet we have for hire of vessels and little repairs to vessels the sum of $60,000. It looks like it is out of proportion to me, and I simply wanted to ask the chairman of the committee, if he had made an investigation as to the item for which it is to be paid, whether he has an estimate from the department on this subject?

Mr. FITZGERALD. The gentleman must understand that one of these vessels is the *Albatross*, a very large vessel, and a request was made for $40,000 to overhaul that vessel alone this year. In addition, there are 5 other small steamers, 31 or more power launches. The cost of maintaining these vessels and hiring others in this work is paid out of this item. In my opinion this item is not at all excessive, and I do not know of any possible way for any committee of Congress to segregate it in any way to make the administration more effective.

Mr. GARNER. I would like to ask the gentleman, in these three different paragraphs on page 143, if he construes them to admit of such salaries as the Commissioner of the Bureau of Fisheries may suggest?

Mr. FITZGERALD. It does; yes.

Mr. GARNER. In other words, the Congress is simply making this lump appropriation and turning over the question of salaries to the head of the bureau?

Mr. FITZGERALD. It does it in the case of the Geological Survey, for instance, and it does it in pretty nearly every department of the Government.

Mr. SHERLEY. If the gentleman will permit, it does it in the very bill which the gentleman brings into this House coming from the Committee on Foreign Affairs. There is an item of $471,000 for contingent expenses in connection with the United States consulates in the diplomatic and consular bill. Now, I agree with the gentleman as to the lack of wisdom in having large lump-sum appropriations where it is possible to segregate them, but to simply make a condemnation wherever you find one is frequently condemning what must be, as it is impossible always to segregate the items.

Mr. GARNER. In connection with the Consular Service it may be observed that an itemized statement of expenses under that item was reported to this House in the report of the committee.

Mr. SHERLEY. If the gentleman will read he will find a statement.

Mr. GARNER. An itemized statement?

Mr. SHERLEY. The law requires an itemized statement.

Mr. GARNER. In the Consular Service there is a law fixing the salary, and the result is that we have had in this House at this session of Congress a splendid effort on the part of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY] to hold down the salaries of the different officials; but we have in this lump appropriation an opportunity for them to continue these enormous and, I think and I believe, entirely unjustifiable salaries.

Mr. FITZGERALD. I wish to call the gentleman's attention to the fact that some of these items it is impossible to segregate. The committee is trying to work out a scheme improving the present methods, which we hope to accomplish if we

have time. It can not be done at once. I know of an instance that has just come to my attention where, I think, there has been great abuse.

Mr. SHERLEY. I call the gentleman's attention to an item coming out of his bill where there is discretion given. I refer to the Chinese writers and messengers, and so forth. The item is five times as big as this one.

Mr. GARNER. But as a usual thing the statute governs all the employees connected with the Consular Service.

Mr. PAGE. I want to call the gentleman's attention to the item just ahead of this one, namely, "Maintenance of vessels," and to the fact that in the testimony it is contemplated to purchase this year from this fund two additional vessels for the fleet. It is not only for the maintenance of vessels that are now in the fishing fleets, and it is not only for the hiring of vessels for stations, where they are not needed continuously. This year it is contemplated to purchase, and one was purchased last year.

Mr. GARNER. I agree with the gentleman from North Carolina, but I wanted to know if the committee could not designate so much for the purchase, so much for the hire, so much for maintenance, and so much for clerical help, if it is needed.

Mr. PAGE. I agree with the gentleman from Texas in his purpose, but it is not altogether practical.

Mr. GARNER. I agree with you.

Mr. MANN. I wanted to ask the gentleman from Texas [Mr. GARNER] a question. The gentleman made the statement that the maintenance of the fleet of vessels which we have is only $25,000. There is an item of $60,000.

Mr. GARNER. I meant in this territory, and not the Alaskan service.

Mr. MANN. I mean the one named in the bill. The gentleman will notice on the principal vessel, the steamer *Albatross*, the item in the bill is $5,200, but that does not include the maintenance of the vessel as far as seamen are concerned. That does not include the maintenance of the vessel as to subsistence. The whole item as to the steamer *Albatross*, which is the largest vessel carried in the bill, is for the experts on the vessel; the maintenance of the vessel, as I understand, the sailing master, the seamen, and all the regular force running the vessel not carried in the bill under the head of "steamer *Albatross*" are carried in the bill under the head of the "maintenance of vessels." And I suppose it is not possible to state how much the maintenance of that vessel will be.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARNER. Can the gentleman account for the fact that under the "steamer *Albatross*," which is the largest vessel, there is nothing provided for first mate or second mate, where, in the next item, the "schooner *Grampus*," they provide for officers and seamen?

Mr. MANN. I think it is because the *Albatross* is so much larger that it is impossible to tell what the number of persons on the vessels will be. Some are not employed the year around, whereas the other is a permanent force employed all the year around. Whether they increase the force during the active season, I do not know. And probably that is the reason why the *Albatross* had an expenditure of $60,000 under the head of maintenance.

The CHAIRMAN. The question is on the amendment to strike out "325,000" and insert in lieu thereof the figures "320,000."

Mr. FAISON. Mr. Chairman, I move to strike out the last word. I hope this amendment will not pass, and I hope the appropriation will stay just as it is. If any change, it should be larger.

I am a member of the Committee on the Merchant Marine and Fisheries, and as I see none of the other members of the committee on the floor to speak in behalf of the committee, I may, therefore, say that we have already passed on eight bills for additional fish hatcheries. The Bureau of Fisheries, through Dr. Smith, the assistant commissioner, was before our committee a short time ago, and he said he could take care of 10 or 12 new fish hatcheries a year. There are more than 100 bills pending asking for additional fish hatcheries.

The gentleman from Ohio [Mr. WILLIS] spoke a little while ago about the high price of food and care of the food fish, and in that connection I wish to say that these food fishes should be well cared for and properly protected. I think it is proper that they should be, and that more hatcheries and culture stations should be established. On account of the splendid work of the large hatcheries for shad on the Chesapeake Bay and in the Potomac shad are now being sold, or were sold, as cheap as 25 cents a piece—shad of 7 or 8 pounds weight—on the wharves of Washington City. In my own State of North Carolina we hatched out a great many shad in the last few years, amounting this present year to 100,000,000 shad fry, and the cost of shad there has been reduced in the markets from $1 to 50 cents. Gentlemen from Georgia and from Texas and other sections have been asking for the establishment of like fish hatcheries, because of the fact that the price of shad in their State ranges from $1.50 to $2, whereas shad are sold in the vicinity of Washington for 25 cents to 50 cents apiece during much of the shad season. In reply to what the gentleman from Ohio [Mr. WILLIS] has said, I would say that we have had the question of beam and other trawler fishing before our committee some time ago, and the evidence obtained showed that they destroyed 25 to 35 per cent of the small edible fish, which should not be allowed. We have referred the matter to the Bureau of Fisheries for their consideration, and will report the matter soon.

Upon the present conditions and the high price of food, especially meats, there is nothing that can so relieve this situation as a good, large appropriation for fish hatcheries and fish culture; and I want to see the number of fish hatcheries increased, so that more fish may be used for food purposes. These fish are hatched at a very small cost. I believe it costs only $4 per million of shad eggs, while they are gathered by experts, as the fishermen catch the parent fish in their nets, and the extraction of the eggs does not destroy the sale of the fish, but are sold along with the others at a little smaller price.

With the establishment of a number of additional fish hatcheries we can get a supply of cheaper fish for food, and I want to say, as a physician as well as a Representative, that fish is the best and most wholesome food of all the meat products in the market. The gentleman should gladly be willing to vote for more instead of for less appropriation in order to supply the deficiency that now exists and keep up a supply of such wholesome food for years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the gentleman's time be extended five minutes. There are some of us who would like to ask him some questions.

The CHAIRMAN. Is there objection to the gentleman's request? The Chair hears none. The gentleman's time will be extended five minutes.

Mr. WILLIS. Mr. Chairman, I simply wanted to make a statement to the gentleman. I do not want him to get the idea that I am opposed to these hatcheries. I am entirely in sympathy with what the gentleman has said. What I want to do is to stop these people who are destroying the fish. I want to ask the gentleman this question: Whether his committee has in contemplation legislation applicable to this situation in Alaska? Have they investigated the work of this particular company?

Mr. FAISON. I would say to the gentleman that we are now investigating it. Our attention has been called to it, and we have referred the matter to the Bureau of Fish and Fisheries and trust to receive a report soon as to the damage to the food supply of fish, and so forth.

In the State of North Carolina we have a number of guano, or fish-scrap, factories, but in those factories only nonedible fish (the menhaden) are used. We have a large supply of these fish off our coast and the men engaged in that business are using them for guano purposes instead of for food.

Mr. MOORE of Pennsylvania. Is there not a Federal law now that prohibits these men from fishing with nets within the 3-mile limit? Is there not a Federal law that prohibits what is known as menhaden fishing within the 3-mile limit?

Mr. FAISON. Yes; I understand there is a law to that effect, but I am not sure.

Mr. MOORE of Pennsylvania. The gentleman is familiar with the proceedings of the menhaden fishermen on the Atlantic coast by which they drag within the 3-mile limit?

Mr. FAISON. No; I am not, but will investigate it.

Mr. MOORE of Pennsylvania. Have any measures been taken by the committee to investigate that situation?

Mr. FAISON. Not yet. We are now investigating the whole matter of the steam beam and other trawlers which now destroy 25 to 35 per cent of the small fish, edible fish, on the North Sea and soon to be used off the coast of Maine and Massachusetts.

Mr. MOORE of Pennsylvania. The gentleman is familiar with the fact that there is a law of that kind prohibiting such fishing within the 3-mile limit?

Mr. FAISON. Yes; I think there is, but I do not know much about the national fishing laws; but the States are protecting the fish within their limits, and properly so, I think, so that they shall be caught for food; but no method should be used that would destroy 25 to 35 per cent of the small fish. Should that be allowed, then there is no use for the establishment of fish hatcheries and culture stations which, under the wise manage-

ment of the Bureau of Fisheries, will soon be an important factor in supplying cheaper and more wholesome food. [Applause.]

Mr. BATHRICK. Will the gentleman yield?

Mr. FAISON. I will.

Mr. BATHRICK. Did your committee investigate the character of the fish that you say they take from which they manufacture guano; you say they are nonedible fish?

Mr. FAISON. They use the nonedible fish for the manufacture of guano, because they can sell the edible fish for so much more as food than fertilizers. They could not afford to use the edible fish, and different fishermen fish for either kind, and when caught together they are separated.

I hope the amendment to cut the amount of this appropriation will be voted down.

Mr. FITZGERALD. Mr. Chairman, I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Maintenance of vessels: For maintenance of the vessels and launches, including the purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and all other necessary expenses in connection therewith, $60,000.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to return to page 138 of the bill, line 19, the Edenton (N. C.) fish station. My reason for that request is that I did not know that the House met at 10 o'clock this morning. I thought it met at the usual hour of 11, and I was here at that time with the expectation of offering the amendment.

Mr. FITZGERALD. What is the amendment?

Mr. SMALL. I want to increase the two laborers for that station to three, and I ask unanimous consent to return to that item.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SMALL. Now, Mr. Chairman, I offer an amendment, page 158, line 20, to strike out the word "two" and insert the word "three." Mr. Chairman, the Commissioner of the Bureau of Fisheries made an urgent recommendation that the number of laborers at Edenton Station be increased by one. The reasons are that this is one of, if not the, most important fish stations in the country, and by all odds is the most important in the propagation of shad. This fish station is situated on an estuary of Albemarle Sound, a very large body of fresh water, the largest body on the Atlantic seaboard, and the largest in the United States outside of the Great Lakes. It is one of the greatest sources of the supply of shad in any waters of the United States.

For some years after this station was established there was difficulty in obtaining a supply of roe from which to hatch a sufficient quantity of shad. These difficulties have been removed, and the commissioner in his statement before the committee at the hearings said that they had something like 70,000,000 eggs at that time, and before the end of the season they hoped to have ready for planting at least 100,000,000 from that station alone.

Prior to the work of this station there had been a falling off in the catch of shad in these waters, but for the last four or five years at least the catch has been restored almost to its normal quantity. Now, great quantities are caught and shipped north; they come next to the Florida shad in the shipment to the northern market. Most of the shad in this market early in February comes from the North Carolina waters, and particularly from Albemarle Sound and these tributaries. In fact the necessity for this additional laborer, involving only the sum of $600, is urgent, and I hope the committee will grant it. I can only say that I am familiar with the work of this station; I investigated it last season, and to some extent this season, and I know that they are handicapped by reason of the limited supply of labor, and in view of the importance of this station I hope the committee will vote for the amendment.

Mr. FITZGERALD. Mr. Chairman, I stated, in response to the gentleman from South Dakota, that the commissioner asked for increased laborers in a number of stations. These laborers are needed particularly during the distribution period, but it does not require them for the entire year, and out of the sum appropriated of $325,000 for the propagation of food fishes the temporary labor required is obtained and assigned to the various stations.

Mr. SMALL. If the gentleman will pardon me, I failed to state the necessity for this laborer during the entire year. In addition to the propagation of shad they are engaged in propagating other varieties of fish, fishes adapted to the upper stream, and the work of propagation of these varieties takes place at other seasons than the early spring. That is the main reason for the need of this laborer for the entire year.

Mr. FITZGERALD. The committee did not think that this station was on any different basis from any others. The committee believed that no inconvenience would be suffered if these laborers were not increased and that there would be no loss of efficiency to the service.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. Did the committee take into consideration that this was the most important fish hatchery station in the United States and located upon the largest body of fresh water in the United States outside of the Great Lakes?

Mr. SMALL. I fear that they did not.

Mr. FITZGERALD. The committee made ample provision for all stations and saw no reason why this station should be increased and not the others. I think it would be unjust to the others to increase this.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 10, nays 24.

So the amendment was lost.

The Clerk read as follows:

Alaska Fisheries Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, and clothing and other necessities of life to the natives of the Pribilof Islands, Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on the Pribilof Islands, purchase, hire, and maintenance of vessels, including crews for same, and for all other expenses necessary to carry out the provisions of the act of April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes"; and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $100,000.

Mr. GARNER. Mr. Chairman, I move to strike out "$100,000" and insert "$75,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 145, line 2, by striking out "$100,000" and inserting "$75,000."

Mr. GARNER. Mr. Chairman, I do this for the reason that after three weeks' hearings before the Committee on Foreign Affairs, with reference to the killing of seals, it developed that in case no seals were killed the reduction in the cost of maintaining and protecting the seals could be reduced. The members of the Committee on Foreign Affairs, or a number of them, gained the impression that by stopping the killing of seals for the year it would reduce the expenditure of this appropriation by $50,000, but in order to be within the confines of what I am certain will be the reduction in the necessary expenditure, by reason of stopping the killing of seals, I make my amendment $75,000 in place of $50,000.

Mr. FITZGERALD. Make it $60,000.

Mr. GARNER. Very well. Mr. Chairman, at the suggestion of the chairman of the Committee on Appropriations I ask unanimous consent to so modify my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by making it $60,000 instead of $75,000. Is there objection?

There was no objection.

Mr. GARNER. Mr. Chairman, I have no interest in this matter except to give the House the information that I obtained as a member of the Committee on Foreign Affairs in investigating the matter. We have now before Congress a bill that prohibits the killing of seals for 10 years, as the bill is now before the Congress. I myself do not concur in that.

Mr. MANN. Is that correct?

Mr. GARNER. Yes; the Senate amended the House bill and fixed a close season of 10 years.

Mr. MANN. That is the Senate amendment, and the House has not concurred in it.

Mr. GARNER. No; but under the present treaty and the law there is at present a close season, and unless there is a law permitting the killing of the seals the season will remain closed indefinitely as long as the treaty is in existence.

Mr. MANN. The bill as it passed the House provided for the killing of a certain number of seals.

Mr. GARNER. Yes.

Mr. MANN. If that bill should become a law, then could this reduction be properly made?

Mr. GARNER. Mr. Chairman, I am not certain that you could make $40,000 of reduction, but I believe you could make a reduction of $25,000. There is no question in my mind but that there has been a good deal of extravagance in the way of maintaining those seal herds in the Pribilof Islands. For in-

stance, instead of having the Revenue Service take up supplies, which it occurred to us could be done, they having to patrol those waters and to protect the fisheries anyway, a vessel is hired at a cost of $18,000 to make the trip to the Pribilof Islands and return to carry up a small provision for the inhabitants of those islands. It occurred to me—and I think to others of the committee—that where you have a Government vessel going from the Pacific coast to the Pribilof Islands in patrolling those waters and protecting the seals from those who would kill them on the high seas the Government provisions could be carried by that revenue cutter or by a naval vessel.

Mr. MANN. Has the gentleman made any investigation of that subject?

Mr. GARNER. I have not, except that we know that these vessels go from one point to the other.

Mr. MANN. My information is that the revenue cutters have always carried all of the supplies up there that could be profitably done in that way. Of course it would cost a great deal more to send a naval vessel there than the hiring the vessel and the supplies combined.

Mr. GARNER. I understand that. I suggest to the gentleman that after this bill is passed and is pending in the Senate, if the Congress should see proper to pass the seal bill, which I fear it will not do at this session, for there is a difference in the House as to what the policy should be, and there seems to be a difference of opinion in the House and Senate with respect to it, whether we should have a close or an open season, but if there should be a bill passed authorizing the killing of seals this matter could be arranged in the Senate. Evidently, without the killing of seals, this is a much larger appropriation than is necessary.

Mr. MANN. That may be. I do not think we ought to hamper that service up there. A large part of this money is used for feeding the natives, is it not?

Mr. GARNER. A good portion of it is; yes.

Mr. MANN. How many employees do we have up there? Not very many outside of the natives?

Mr. GARNER. Very few. They are appropriated for in another paragraph of the bill. There are two physicians and two school-teachers and outside of them there is the superintendent.

Mr. MANN. Is not this fund used in the main for the subsistence and care of the natives up there who are utilized as far as necessary in the protection and the killing of the seals, when they do kill the seals?

Mr. GARNER. A good portion of it is, but the gentleman will realize, I am sure, that if there is to be no killing season, no expense for killing the seals and taking care of the meat, there will be a necessary reduction in the appropriation. For instance, they put up several hundred barrels of seal meat for the Alaskan people and for others.

Mr. MANN. But that is for use?

Mr. GARNER. That is for use, but I will say to the gentleman that all that is necessary for the inhabitants of the Pribilof Islands is the meat of from twelve to thirteen hundred seals per year, whereas they have been killing some 12,000. That food is used for people living in Alaska, and is said to be very acceptable and desirable.

Mr. MANN. Do they preserve all of the meat of all of the seals that are killed?

Mr. GARNER. They have, with the exception of a small per cent.

Mr. MANN. Is that meat sold or given away?

Mr. GARNER. Given away to the people living along the Alaskan coast is my understanding, though I am not certain.

Mr. MANN. Of course, we have to provide for those people up there in some way. We do not permit them to kill the seals and we have to support them.

Mr. GARNER. I am inclined to believe that under the treaty they would be permitted to kill sufficient seal for their own subsistence. That was the general impression of the committee, and they can do that themselves.

Mr. MANN. But they have to have something besides seal meat.

Mr. GARNER. Oh, yes; they have to have sustenance. I believe $75,000 will be sufficient.

Mr. FITZGERALD. Mr. Chairman, the Commissioner of Fisheries was before the committee, and he insisted that this money was required for the subsistence of about 300 natives of the islands of Alaska, estimated at about $233 per capita each. That seems a very large sum to subsist the natives. It is also used for the hire of the vessel. It appeared as if about $80,000 might be sufficient. The commissioner stated that the agent in charge of this work had requested $125,000, but he believed that they could get along with $100,000, and he rested upon that estimate. The committee was in grave doubt as to the amount that should be given. It had before it the detailed statement of the expenditures under this appropriation, which showed that there was an unexpended balance of $51,554.46 in the last year. The commissioner pointed out, however, that they had taken over the property of the North American Commercial Co., a very large property, for which $60,568.17 had been paid. He stated that that property could not be duplicated for $150,000. The committee was in considerable doubt as to what to do, and gave the amount requested. It is unfortunate that the Committee on Foreign Affairs did not communicate to the Committee on Appropriations the information that it had acquired during its investigation of this matter, because had it done so it might have removed the doubt that existed in the minds of the committee, and have been of considerable service to it in arriving at a proper conclusion as to what could be done.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. GARNER. The Committee on Foreign Affairs was investigating the question of the policy of the Government with reference to the killing of seals, as to whether there should be a close or an open season, so called. The Committee on Foreign Affairs ascertained this information incidentally to reporting a bill to this House as to the policy of the Government with reference to certain commercial relations to the seal herd, and if the Committee on Appropriations had sought from the same sources the information I imagine they could have obtained the same information that the Committee on Foreign Affairs did.

Mr. FITZGERALD. But the committee had that information as early as the 2d of December. The committee has the statement of the Commissioner of Fisheries that the man in charge of the work believes it will require $125,000. He insisted that $100,000 would be necessary in order to subsist the natives and do the other work necessary. I referred to the Committee on Foreign Affairs for this reason. Early in the session of Congress I addressed a communication to the chairmen of the various committees on expenditures of the House and requested that any information obtained by them in the conduct of various investigations that might be of service to the Committee on Appropriations in the preparation of the various appropriation bills be furnished to the committee, and I did not receive a single response.

Mr. GARNER. If I understood the chairman, that was addressed to the chairmen of the various expenditures committees. The Committee on Foreign Affairs is not a committee on expenditures, but a committee of the House that makes up one of the appropriation bills and reports various legislation.

Mr. FITZGERALD. I understand that. I say it was unfortunate that it did not occur to some member of that committee to furnish this information, because with the information that it had and the information which the Committee on Appropriations had, the members might have been in a better position to have acted on this matter.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I understood the gentleman from New York a moment ago to say that the cost of this subsistence would be $80,000.

Mr. FITZGERALD. Seventy thousand dollars or eighty thousand dollars. I think perhaps, after refreshing my memory from what was said, the gentleman might better modify his amendment to $75,000.

Mr. GARNER. Mr. Chairman, as I stated before, I have no interest in this matter other than to appropriate the proper sum necessary for the proper conduct of this work for the next fiscal year, so I ask unanimous consent to change the amendment, making it $75,000.

The CHAIRMAN. Is there objection? [After a pause.] No objection is heard, and the amendment will be changed accordingly. The proposed amendment is to strike out "$100,000" and insert "$75,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

IMMIGRATION STATIONS.

Immigrant station, Ellis Island, New York Harbor: Toward the construction, at a total cost not to exceed $350,000, of an additional story on baggage and dormitory building, and metal and masonry projection on northerly side of said building, $150,000.

Mr. CANNON. Mr. Chairman, I move to amend, in line 14, page 145, by striking out the first word "toward" and inserting the word "for."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 145, line 14, by striking out the word "toward" and inserting the word "for" in lieu thereof.

Mr. CANNON. And an accompanying amendment, in line 17, strike out "$150,000" and insert "$350,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 145, line 15, by striking out "$150,000" and inserting "$350,000."

Mr. CANNON. Mr. Chairman, these two amendments are twin amendments. If the last amendment fails, the first amendment ought to fail. I will read the proviso as it is contained in the bill:

Immigrant station, Ellis Island, New York Harbor: Toward the construction, at a total cost not to exceed $350,000, of an additional story on baggage and dormitory building, and metal and masonry projection on northerly side of said building, $150,000.

Now, there is no authority in this provision given to contract for this work, but it authorizes its construction at a limit of cost of $350,000. If my first amendment prevails to strike out the word "toward" and insert "for" it would authorize the construction at $350,000 and appropriate the full amount to pay therefor. I shall not take up further time. Amongst many other urgent items to which I will call attention touching the Ellis Island Immigration Station immediately following the disposition of this, this was of such importance that the Committee on Appropriations authorized its construction. Now, one of two things, it seems to me, ought to be done—either the appropriation ought to be $350,000 or, in the absence of that, if only $150,000 can be expended the first year, there ought to be authority to contract for the remainder of the cost, in my judgment.

Mr. FITZGERALD. Mr. Chairman, the committee believe that this additional story to this building is necessary. Three hundred and fifty thousand dollars could not possibly be expended between the time this bill will become a law and the next bill will become a law. The committee treated this matter just as it treated every other public building in the bill. It gave such money as it believed could be utilized until the next bill became a law. I know of no reason whatever for appropriating the full amount at this time. It is not customary to do so.

Mr. CANNON. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. CANNON. As this is a repair or an addition to the building, it seems to me—I do not recollect the investigation which was had touching the necessary expenditure for the coming year—but it seems to me that the appropriation ought to be for the full repair of the building or authority to contract for the remainder. It is immaterial to me. I am frank to say I was not present when the hearing was had upon this particular item. The gentleman. I am satisfied, desires that this work should proceed as rapidly as possible.

Mr. FITZGERALD. It was not believed it was necessary to put in the provision relative to the contract, but I have no objection to an amendment which I shall offer if it is thought desirable for the contract to be made for the full amount.

Mr. CANNON. Will the gentleman offer the amendment with authority to contract for the remainder?

Mr. FITZGERALD. I will. After the word "cost," on line 14, insert the words:

Under a contract, which is hereby authorized, not to exceed $350,000.

Mr. CANNON. That is satisfactory. I will withdraw my amendments.

Mr. FITZGERALD. I offer that amendment, Mr. Chairman, namely, after the word "cost," on line 14, page 145, insert:

Under a contract, which is hereby authorized.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 145, line 14, by inserting after the word "cost" the words "under a contract, which is hereby authorized."

Mr. MOORE of Pennsylvania. The effect of this amendment is that now, instead of going ahead with $150,000 worth of improvements at the New York station, they are authorized to make a contract for the entire $350,000?

Mr. CANNON. An appropriation of $150,000.

Mr. FITZGERALD. That is the estimate as to what this improvement will cost, and it is believed to be a very imperative matter. There is no doubt about that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. FITZGERALD. I understand the gentleman withdrew his amendments.

The CHAIRMAN. Without objection, the amendments offered by the gentleman from Illinois [Mr. CANNON] will be withdrawn. [After a pause.] The Chair hears no objection.

The question now is on the adoption of the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, as a separate paragraph, following line 17, page 145, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 145, after line 17, insert "For the complete construction of a steel-hull ferry steamer, $125,000."

Mr. CANNON. Mr. Chairman, I purpose to offer a series of amendments that are submitted in the estimates, including this one, for the proper care of the Ellis Island Immigrant Station, in construction and repairs and otherwise, aggregating in round numbers $500,000. I do not propose to take great time in discussing these amendments, but it is proper for me to read as follows touching this estimate:

NOTE.—The average number of passengers carried annually by the Ellis Island ferryboat is over 2,000,000. She is over 7 years old, and during this period has been in constant service, including much night work, except during the short intervals when hauled out for repairs. It is extremely difficult to secure a substitute boat even when there is ample time to advertise therefor. Recently it took five weeks to find such a boat while our ferryboat went into dry dock. It is becoming more and more difficult to find boats that will meet our requirements. A second ferryboat is required, not only because the present boat is overworked, but because common prudence requires that there should be a substitute in the event of a breakdown or accident to which the ferry service at Ellis Island is always exposed, the route being a very dangerous one, crossing heavy traffic at all seasons, with much ice and fog in winter, and the entrance to the Ellis Island slip being via a channel having rocky shoals on the north. Nearly 18 months will elapse after the appropriation has been made before a new boat can be constructed.

That is all I want to say about this particular amendment. But I do want to say, as a foundation for saying less on the various amendments which I shall offer and to which I referred a few moments ago, that in round numbers there are about 1,000,000 immigrants, sometimes more, sometimes a little less, that come into this country, substantially all of them at Ellis Island. Many gentlemen here, I presume, have been at Ellis Island. I never have been there, but I know something of it in a general way. With this great number of immigrants there is a head tax of $4 to each immigrant. If a million come here that means $4,000,000. So that this Immigration Service is substantially paid for by the head tax.

Now, it is strongly urged, as gentlemen will discover, not only touching this ferryboat, but touching various affairs from the standpoint of life and of health and of proper care for these, to a certain extent, helpless people when they land at Ellis Island, that they should have at least ordinary consideration and care, especially as the head tax pays for it. But even if the head tax did not pay for it, humanity requires that Ellis Island, as well as other stations, but particularly Ellis Island, inasmuch as it is a great station, should be amply safe to accommodate that service.

Mr. FITZGERALD. Mr. Chairman, until eight years ago the immigration service in New York hired a boat to provide means for transporting immigrants from Ellis Island to the city. Eight years ago Congress authorized the purchase or construction of a steel ferryboat to cost $110,000. As soon as the service had acquired that ferryboat it started an agitation for a reserve boat, and is now asking $125,000 for a boat to act as a reserve to this vessel that cost $110,000. The Pennsylvania Railroad discontinued a ferry service between Jersey City and New York and Brooklyn with the opening of the tubes under the North River. They had three boats in that service. One of them was offered to the officials of the immigration service at a cost of about $30,000, including the fitting and equipment of it and putting it in thorough repair. It is estimated that such a boat would last about 15 years.

This was called to the attention of the officials. They did not seem to think very highly of it, because they did not believe that the boat would meet their requirements, and yet two of these boats have been put into service on new ferries crossing the Sound at points where up to that time there had been no ferry service. The runs are much longer and more difficult than the run from Ellis Island to the Battery.

In view of all these facts, the committee thought that there was absolutely no excuse for expending $125,000 merely to take the place of this steamboat, 8 years old, whenever it might be necessary to suspend its operations for repairs.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. In one moment. The boat makes a trip from the Battery on the even hours, and from Ellis Island, as I recollect, on the half hours. The trip each way takes about 15 minutes; so that the service is not of such a character as to

require two boats, or an additional boat to replace this one in case of any disability.

Now I yield to the gentleman.

Mr. MOORE of Pennsylvania. Does the boat now in use belong to the United States Government?

Mr. FITZGERALD. Oh, yes; it was purchased eight years ago for $110,000. It is a modern steel-constructed boat.

Mr. MOORE of Pennsylvania. Is it used solely for the purpose of transporting immigrants back and forth?

Mr. FITZGERALD. Immigrants and employees at the immigrant station.

Mr. MOORE of Pennsylvania. The 2,000,000 passengers referred to by the gentleman from Illinois [Mr. CANNON], who use this boat every year, would not be solely immigrants, would they? There are other passengers in addition to the immigrants.

Mr. FITZGERALD. Even if there were 2,000,000 passengers, it would not crowd the boat excessively, because it makes 15 or 16 trips a day; 16 trips, I suppose. They have two shifts of men, each working eight hours a day.

Mr. MOORE of Pennsylvania. Will the gentleman explain, so that the House can understand, whether the immigrants are landed at Ellis Island or the Battery?

Mr. FITZGERALD. The immigrants are landed at Ellis Island from the steamers.

Mr. MOORE of Pennsylvania. The ships stop there on the way in?

Mr. FITZGERALD. The passengers are taken there on barges, and after they are passed they are taken from Ellis Island to the Battery on this ferryboat. Then all the persons who have business at Ellis Island go to and fro on this boat. It is a regular ferry service. It makes a trip every hour from the city, and on the half hours to the Battery from Ellis Island, and the trip from the Battery to Ellis Island takes about 15 minutes.

There is no question of the lack of facilities; they do not intend to operate two boats at one time. The desire is to expend $125,000 to obtain a boat that can be utilized when the boat that is now in commission must be laid up for repairs. It seemed to the committee that there was no excuse for the expenditure. I hope the amendment will not be adopted.

Mr. MOORE of Pennsylvania. Mr. Chairman, as a member of the Committee on Immigration and Naturalization I have been obliged to discuss the question of the transportation of immigrants from time to time. I agree with the argument of the gentleman from Illinois [Mr. CANNON], and I intend to support his amendment. The question has arisen in California because of the transportation of immigrants back and forth, and it will arise on the Atlantic coast very soon, notably at Philadelphia, which has now taken second place as an immigrant receiving station.

Mr. PAGE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. PAGE. Does the gentleman understand that there is no lack of facility between Ellis Island and the Battery; that the statement that went into the RECORD, by all the people in charge of the station, was that there was absolutely no lack of facilities? They requested this appropriation in order that they might purchase a vessel for the purpose of taking the place of the vessel now in commission when that vessel was laid up for repairs for a few weeks in the year. That is the only pretense put before this committee for this appropriation. There is no question but that the present vessel has ample facilities to take care of the passengers between the two points.

Mr. MOORE of Pennsylvania. The argument of the gentleman from Illinois was that the vessel is 8 years old, is frequently crowded, and that if the vessel should break down there should be some relief in a great station like that of New York.

Mr. CANNON. If the gentleman will pardon me, it was not my argument nor my statement, but it was the statement submitted with the estimate which I read, a statement from the authorities in charge at Ellis Island and forwarded by the Department of Commerce and Labor.

Mr. MOORE of Pennsylvania. I understood the gentleman to say that the appropriation for this boat was recommended by the Department of Commerce and Labor.

Mr. CANNON. Absolutely. I did not make much of the talk; most of it was in reading a statement submitted with the estimate by the department for the new vessel.

Mr. MOORE of Pennsylvania. It is desired as a relief vessel to take the place of the other if the other should be laid aside for repairs.

Mr. CANNON. It says:

A second ferryboat is required not only because the present boat is overworked but because common prudence requires that there should be a substitute in the event of breakdown, to which the service at Ellis Island is always exposed.

And then he states that it is always difficult to get a substitute; that they advertised for five weeks before they got a substitute when the ferryboat had to go in for repairs. Then it speaks of the dangerous passage there from the freight traffic and the situation of navigation in the neighborhood of Ellis Island.

Mr. PAGE. Mr. Chairman, if the gentleman will permit, just one word. In the hearings Mr. Williams, who is in charge of the service, before the committee stated in answer to questions that I asked him:

Mr. PAGE. Would the securing of this boat necessitate an additional crew for its manning?

Mr. WILLIAMS. No, sir. The crew would be shifted from one boat to the other.

Mr. PAGE. This boat is not to take the place of the other boat; at least you do not propose to operate both of them; one is to relieve the other?

Mr. WILLIAMS. We do not propose to operate both boats. We are up against it at times. Sometimes we have from three to five thousand people coming in one day, and we have to do the best we can.

Mr. MOORE of Pennsylvania. I think it is apparent that all that is to be expended is the cost of this boat, because the crew will be transferred from boat to boat.

Mr. PAGE. But it requires only $3,000 or $4,000 a year to hire a boat to do the service while the present boat in commission is laid up for repairs, whereas if the amendment of the gentleman from Illinois should prevail we would expend $125,000 for a boat to be used three or four weeks in the year.

Mr. MOORE of Pennsylvania. Might it not be possible to put the boat in service at some other port where it is needed when not needed in New York? Why should the boat be tied up exclusively for Ellis Island in view of the needs of immigration at other ports?

Mr. PAGE. I do not know as the purchase of this boat would help any other place.

Mr. MOORE of Pennsylvania. If there was great necessity in Boston or Baltimore or Philadelphia, it should not be held up at the port of New York when it was in a running condition.

Mr. PAGE. But no such condition is shown to exist at Boston or Philadelphia or Baltimore.

Mr. MOORE of Pennsylvania. There will be such a necessity at Boston and Philadelphia and Baltimore.

Mr. FITZGERALD. If this boat is authorized, it will not go to Philadelphia to take care of the immigration there, and the gentleman need not vote for it on such a misapprehension.

Mr. MOORE of Pennsylvania. I will do the best I can for Philadelphia, and when I want to be liberal——

Mr. PAGE. I heard the gentleman say that he was in favor of reciprocity.

Mr. MOORE of Pennsylvania. In matters of this kind I am, and I am in favor of giving New York a square deal.

Mr. CANNON. Mr. Chairman, I am not personally familiar with Ellis Island or the necessity for the boat, except as the estimate is officially submitted, and I have read that to the House. The gentleman from New York [Mr. FITZGERALD] represents a district near to Ellis Island. I do not know whether Ellis Island is situated in his district or not. I shall vote for this amendment upon the recommendation of the department, believing that it is a proper amendment, although the gentleman representing a district near by, knowing the necessities of the service, aliunde the recommendations of the department, does not favor it.

Mr. FITZGERALD. Mr. Chairman, I simply wish to state these facts: This same estimate was presented to the Committee on Appropriations in two sessions of the last Congress. No one could justify it. It costs about $3,000 or $4,000 a year at the outside to engage a relief boat for the times when this boat is laid up. A few years ago a pipe line for water was built from New Jersey to Ellis Island, and immediately an estimate was submitted for a duplicate line upon the theory that because of an earthquake or some other unforeseen contingency this pipeline supply might be destroyed. The argument for this boat is that because of the large amount of traffic in the river and the danger of crossing the water about the lower part of New York there is great danger of collision and of propellers being broken and the boat being put out of commission. I am familiar with the situation there. I do not believe it would be justifiable to purchase this boat. If it be necessary to have a relief boat, the Government can obtain a boat that would do adequately for anything that is required at an expenditure of $30,000. I do not believe we would be justified in expending $125,000 to purchase a boat that would not be utilized over 30 or 40 days in a year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer as a separate paragraph the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 145, after line 17, insert "For additional story to restaurant building, $80,000."

Mr. CANNON. Mr. Chairman, I will read the statement by the department on the submission of this estimate, and that is all I desire to say about it. The committee will note that I am reading rather than talking. The following note accompanied this estimate:

This will be largely used as quarters for cabin aliens. There are still none such, though we have to detain a great many cabin passengers. Most of them must sleep in rooms attached to the immigrant quarters in three-tier beds. As a result the Government receives from time to time serious complaints, some of them well founded. We are treating such passengers as best we can. It will continue to be necessary to detain considerable numbers of them, and they should have quarters corresponding to those which they have enjoyed on board ship. I made, in substance, the same comment last year.

A portion of the new space will also be used as a dormitory for the employees of the commissary contractor when they are obliged to spend the night here, as often they are. They now sleep on such occasions in the cellar, an insanitary and entirely inappropriate place.

That is all I have to say.

Mr. PAGE. Mr. Chairman, the committee, in the consideration of this estimate sent in by the department for an additional story on this building, took into consideration two things—first, that if we allowed the estimate and the request for an additional story on the other building for additional quarters at Ellis Island, and when we took into consideration the fact that this building to which they propose to add an additional story, built in 1900, costing only $47,000, and they estimate for $80,000 to put on the additional story, it seemed to us that it was making the building just a little bit top-heavy. In addition to that, they did not insist upon this appropriation as they had on other requests that were made. Mr. Williams merely stated this additional room would be an advantage to the station in that it would give them a space in which they could temporarily keep first-cabin passengers, the idea being that they did not have at the present time sufficient room to give each one of these passengers a room with a bath, but particularly in view of the fact that here is a building that cost $47,000 12 years ago, upon which they propose to put an additional story to cost $80,000, the committee did not think it was wise to allow the estimate. We do not think now that it ought to be done, and I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk reads as follows:

Page 145, after line 17, insert:
"For enlargement of boiler plant in main power house, $40,000."

Mr. CANNON. Mr. Chairman, all I desire to say touching this amendment is the note made by the department when it was forwarded to Congress. It is as follows:

NOTE.—This implies substitution of larger boilers for boilers now located in power house on south side of chimney and the removal of four 125-horsepower units that were installed in the power house in 1899, and the replacing of said 125-horsepower units by three 500-horsepower units of a type that has proved economical and efficient since power house was in part reconstructed two years ago. This will give us a steam plant of 1,000 additional horsepower, which is required by proposed increase in size of the buildings on main island, the increased demands for steam heating, lighting, pumping, and power incident to the growing business of this station.

I have said all I desire to say when I have read the note; but on my own motion I will suggest to the committee that in these days of increasing necessities for heating and lighting, in these days of invention, especially electrical invention, a plant in whole or in part soon becomes uneconomical. I am not acquainted with this plant and I only read what is officially submitted, and am content, so far as I am concerned, to let the committee pass upon the amendment.

Mr. PAGE. Mr. Chairman, in regard to this item, it developed in the hearings before the committee that there has been authorized and provided on Ellis Island a reserve power plant of very considerable horsepower and capacity that has never been called into service. Mr. Williams testified they had never had occasion to use this reserve plant, and yet the department asked that we install and build an entirely new boiler plant when the evidence developed the fact that they already have a plant that is merely for reserve, and that up to this time it has not been called into service. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 145, after line 17, insert:
"For new story on southeast wing of main building, $70,000."

Mr. CANNON. Mr. Chairman, I read the following note explaining this estimate:

NOTE.—What was said last year about the inadequacy of the medical and statistical quarters in the main building remains substantially true except that new electrical devices recently installed in the statistical division will lessen its requirements, so that the statistical division could be accommodated in the proposed new story. The space vacated on lower floor can be advantageously added to the recently installed quarters of the medical division on that floor and give this division much needed additional space in which to detain for observation certain classes of immigrants whom it is not desirable to send to the hospital.

Mr. Chairman, so far as I am concerned, I am ready for a vote.

Mr. PAGE. Mr. Chairman, this is one other item submitted by this department for new service at Ellis Island which embraces not only the items that have been covered by amendments offered by the gentleman from Illinois, but practically an addition to a half dozen or possibly 10 new projects on this island. The committee held very extensive hearings and went very thoroughly into the necessity for this additional space at this immigration station, and after going carefully into it we reached the conclusion that the only necessity existing at this time was to have the item written into the bill for an additional story upon one of these buildings, and this we did. Now, the evidence before the committee shows that this additional story on this building was to provide for office space. There is no evidence that every single officer on the island now has not sufficient office space. There is some evidence to the effect that they need some storage room, but the committee did not believe this was the proper place to provide storage room for the various things that had to be stored by these people on the island, and the committee did not believe that the necessity exists at this time for this appropriation and this expenditure.

Mr. MANN. Mr. Chairman, every once in awhile I receive a letter from some gentleman who has visited Ellis Island and who complains somewhat bitterly against the accommodations which we provide there for the immigrants. How just those complaints may be, of course, I do not know. I presume they are usually exaggerated. We levy a tax on every immigrant who comes in, and the theory of levying that tax was that the money collected would be expended for the purpose of securing the comfort, the safety, the health, and the convenience of the immigrants who come to our shores. If a condition exists at Ellis Island to which just complaint can be made as to accommodations furnished there, certainly it would be only fair for the Government to use a little more money, which otherwise would be covered into the Treasury, and which is paid by the incoming immigrants, to provide suitable accommodations there. I am inclined to think that the authorities at Ellis Island who have recommended a large number of these items ought to have some of them provided for. I am inclined to think that the authorities there are probably better acquainted with the needs than even the committee or the House, though I would not have the committee provide everything that is asked merely because it is asked. But here these items come along one after another, and the gentleman gives specious or probable logical reasons for not providing the accommodations. It is submitted generally, I think, that the accommodations are not complete at Ellis Island, and I think we can afford to use something from time to time out of the money which the immigrants contribute——

Mr. SHERLEY. We are proposing to add a building that costs $350,000 in this bill.

Mr. MANN. That is true. The bill carries an additional story on the baggage and dormitory building, and I am extremely glad of it. That is one of nine or ten items which were submitted, I believe. Well, I would go a little further and provide a little more accommodations for the convenience, the comfort, the safety, and the health of those immigrants.

Mr. PAGE. Will the gentleman permit? This particular item and amendment that is pending will not affect in the slightest degree the health, comfort, or convenience of any immigrant who comes into Ellis Island. It is merely for the accommodation of office and storage space for the officers on the island.

Mr. MANN. I think it is not merely for the accommodation of the officers on the island. I think the gentleman is in error in that. For the accommodation of officers and storage space, and the purpose, I think, was to move the officers from some other place to this place.

Mr. PAGE. Yes; to use the place from which they moved for storage purposes.

Mr. MANN. Yes; and that is for the accommodations of the immigrants.

Mr. PAGE. Oh, incidentally.

Mr. MANN. Incidentally, directly, that is what it is for. It gives more space somewhere else. The storage is not for the benefit of the officers of the island.

Mr. PAGE. This storage is the storage of the records of the office.

Mr. MANN. Well, the gentleman makes that statement——

Mr. PAGE. Of the records running back until 1871.

Mr. MANN. If the gentleman makes that statement I accept it as true.

Mr. PAGE. That is the statement made.

Mr. MANN. If it is necessary for the storage of records, there ought to be provided a place for the storage of records.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. The question raised by the gentleman from Illinois is an exceedingly important one, and it throws a new light upon the immigration question. We have been providing very largely for the reception of immigrants at the port of New York. It is a question whether we should concentrate all of the immigration business at any one port. We have other immigrant stations along the Atlantic seaboard and along the Pacific coast. We have long frontier lines along the border of Canada and the border of Mexico, and there is great difficulty with regard to the tracing of immigrants along the border lines.

Sometimes, it seems to me, Mr. Chairman, it would be a good thing for this Congress to take up the question of the distribution of the immigration as it comes into the ports of the country. The vast amount of it, as the gentleman from Illinois [Mr. CANNON] said a moment ago, comes into the port of New York. That is the undisputed fact. When we received a million immigrants a year the great proportion of them came into that port. They centralize there largely and take their departure from that point to points of destination throughout the country. But the congestion of population in the large centers, in the great municipalities, arises largely from the tendency to not properly distribute the business.

A bill is now pending before the Committee on Immigration and Naturalization which proposes to abandon even the bureau of distribution we now have, and this I am opposed to. The concentration of the foreign element in the great cities is a problem with which the best thinkers upon the subject of immigration have been endeavoring to deal. They generally believe that a proper distribution and assimilation of these immigrants would be a good thing, not only for the commercial but for the agricultural interests of the country; that it would be a good thing in the way of opening up certain undeveloped sections of the country, of improving the natural resources, and doing that heavy work which usually falls upon the backs of the newcomers to this country.

I am glad the gentleman from Illinois [Mr. MANN] has raised this question. It is broader than that of the amendment which is now before the House. It is a question as to what Congress ought to do to properly distribute the immigrants who come here. Immigrants and commerce come together, and we ought to provide for their distribution so that they will not be concentrated at one or two points in the country to the great disadvantage of all other points.

Mr. BUTLER. Will my colleague permit me to ask a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. BUTLER. Does not he think it quite important that Congress should pass an immigration law to provide places for landing immigrants?

Mr. MOORE of Pennsylvania. If I can get 15 minutes before these paragraphs are passed, I am prepared to discuss that question. I am not in favor of certain restrictive laws that are now pending in Congress. I am in favor of every law that tends to restrict undesirable immigration—that immigration which is cunning, vicious, or criminal, and that immigration which does not want to work in the United States. I am going to ask at the proper time that I may have 10 or 15 minutes in which to discuss this question.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 145, after line 17, by inserting:
"For renovating interior of old hospital on No. 2 Island, including new plumbing, and sanitary fittings, and new floors, $40,000."

Mr. CANNON. Mr. Chairman, I will read the comment of the Department of Commerce and Labor in transmitting this estimate, as follows:

NOTE.—Existing plumbing, fittings, and floors were installed some 11 years ago, were of comparatively inexpensive character, and have been subjected to very hard use by immigrants. This plumbing, if it existed to-day in a New York hospital, would be condemned by the board of health. It does not comply with the present building code requirements.

That is all of the comment I desire to read that comes from the department. I want to say one additional word. This plumbing is 11 years old. I have had experience with plumbing in a house. I built a house in 1876, and it was plumbed then, and it has been plumbed five times since then, and I do not know but that it may have to be plumbed again. You may take this Capitol, and the plumbing is going on in it constantly. It is a great matter to properly plumb buildings. All the time plumbing is being perfected. Now, if this man who makes this estimate that is approved by the department tells the truth, this item ought to be agreed to.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. PAGE. I want to say in regard to this particular appropriation that the gentleman appearing before the committee in relation to it said in reply to questions that this item had been recommended by the physician in charge of the hospital, and he personally knew nothing of the particular needs for this item in this appropriation. The gentleman speaks of the continual necessity of plumbing in the building. I suppose most of us who have buildings have had plumbing to do in connection with them every year. But the plumbing in that building has been repaired in this way all these years. It is, as is explained in the report, the same as the plumbing in this Capitol, or any other Government building. The representation made to the committee was not of that character and force as made us feel warranted in making an appropriation at this time for the renovation of the building.

And I want to say further, Mr. Chairman, being reminded of it by the gentleman from Pennsylvania [Mr. MOORE], that in the minds of the committee, touching all these items respecting Ellis Island and the vast improvements that they are requesting, this station has reached partly, if not entirely, the zenith of its growth, and it is not going to handle in the years to come the same number of immigrants that it has handled in recent years. The Government has established immigration stations at other ports of the country. Steamship lines have been established between European ports and other ports in America besides New York, and the immigrants coming into this country are being more widely scattered than they have been in the past history of immigration. The committee, therefore, does not believe, in view of these facts and this tendency, and in view of the pressure that is being brought to bear by gentlemen representing other localities than New York City and Ellis Island, that for any considerable length of time there is going to be the necessity for room and accommodation at Ellis Island that now exists; and in view of these facts I do not believe that these estimates are warranted or that the appropriations asked for should be granted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 145, after line 17, insert the following: "For construction of covered way connecting No. 2 and No. 3 Islands, $60,000."

Mr. CANNON. Mr. Chairman, I read the recommendation of the department touching this amendment:

Both these islands are occupied by hospitals. They are connected by a pile gangway. It will be necessary frequently to carry sick people from one to the other, and in wintertime this can not be done without danger to life. It is earnestly recommended that proposed covered way be of fireproof construction, including its piles and foundations. The present covered way, connecting the various buildings on No. 1 Island and No. 2 Island, is of wood with slate roof. It is more or less of a fire risk and in time should be replaced. Moreover, the piles constituting foundation are beginning to deteriorate near the heads thereof and probably within five years at least the flooring system of said wooden covered way will have to be replaced. It would seem undesirable to use wood in the new construction.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

A few days ago the gentleman from Wisconsin [Mr. BERGER] introduced a resolution on the floor of the House charging Judge Cornelius H. Hanford, of the western district of the State of Washington, with corruption, drunkenness, and immorality. I am in receipt of resolutions passed by the board of trustees of the Seattle Chamber of Commerce in relation to these charges, with the request that they be read on the floor of the House.

I send them to the Speaker's desk, and ask that the Clerk read them in my time.

The CHAIRMAN. Is there objection?

Mr. SHERLEY. Would not the gentleman be willing to have them printed? This is entirely foreign to the bill.

Mr. HUMPHREY of Washington. Let them be read in my time.

Mr. SHERLEY. I know; but the gentleman is talking about a matter entirely foreign to the bill.

The CHAIRMAN. Is there objection?

Mr. SHERLEY. I shall not object this time, but I will object to any other foreign matter that is brought in.

The CHAIRMAN. No objection is heard, and the Clerk will read.

The Clerk read as follows:

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash.

In view of the unfounded charges made in Congress against the character of our neighbor, Judge Cornelius H. Hanford, it becomes our duty, in the interests of truth and justice, to speak out in his defense.

He has lived in this community for 58 years. He has been known to us for many years—to some of us for more than 30 years.

We know that he is an honest, moral, sober, and fearless man; that he is patriotic and public spirited, and that since his early manhood, now more than 40 years, he has taken an active and prominent part in every worthy movement for the good of the community. Always a hard worker, he has never been sparing of himself when the public interest called for his help.

If he had given to his private affairs the time, energy, and faithful attention so freely given to the public he would not be, as he is now, a poor man in his old age. The State has never had a better, more upright, or more patriotic citizen.

Presented by Mr. E. F. Sweeney.

Adopted by board of trustees June 11, 1912.

[SEAL.] C. B. YANDELL, *Secretary.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

The qusetion was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 145, line 17, insert "for inclosing in glass the two-story corridor of contagious-disease hospital, with incidental work, $28,000."

Mr. CANNON. I will read the note submitted by the department in the estimate:

NOTE.—The present corridor connects the entire group of buildings on No. 3 Island, except the isolation wards and the office building. In a rainstorm and in winter weather it will obviously be difficult to afford patients, nurses, and attendants proceeding from one building to another proper protection and to keep food warm, hence the recommendation for this inclosure.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. CANNON) there were 14 ayes and 34 noes.

So the amendment was lost.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 145, after line 17, insert "For dredging channels about Ellis Island, $25,000."

Mr. CANNON. The note in the estimates for this appropriation is as follows:

NOTE.—The conditions prevailing in New York Harbor, where the bottom is largely soft mud and silt, coupled with great quantities of solid matter deposited by the sewers and by the flow of the Hudson River, necessitates our dredging with growing frequency in order to insure proper access to the three islands and maintain our channels and slips.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, to save time, seeing that all of these amendments are being voted down, and I presume these will, I ask unanimous consent to offer the four following amendments and have them considered as one amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Page 145, after line 17, insert:

"For improvements to power house and laundry of contagious-disease hospital, including rearrangement of machinery and equipments therein, $5,000."

Page 145, after line 17, insert:

"For enlarging central kitchen building of contagious-disease hospital, including changes in construction and equipment incidental thereto, $30,000."

Page 145, after line 17, insert:

"For disinfecting plant for contagious-disease hospital, including necessary building and concrete dock appertaining thereto, $17,500."

Page 145, after line 17, insert:

"For garbage crematory and concrete dock appurtenant thereto for contagious-disease hospital, $17,500."

The CHAIRMAN. The question is on the amendments.

Mr. MANN. Mr. Chairman, the improvements provided for in these amendments offered by my colleague relate to the contagious-disease hospital. The treatment of contagious diseases in recent years has progressed to a very remarkable extent. We take better care of contagious diseases than we used to everywhere in the United States, except possibly at Ellis Island. They take better care of them there. Only a few years ago a man who had some form of contagious disease was stuck out in a building not fit to live in, and nobody permitted to go near him, except some one to leave food and then hustle away. Now, if these people coming in here, paying this head tax, have a contagious disease when they land they ought to be properly taken care of. If they need additional facilities at Ellis Island, as they say they do, to provide proper care for these people who have contagious diseases, both for the benefit of the person who has the disease and those who do not want it, they ought to have additional facilities. I wish gentlemen could see their way clear, having voted down all the other amendments, to permit these propositions in behalf of the people afflicted with contagious diseases to be properly provided for.

Mr. FITZGERALD. If the gentleman from Illinois were acquainted with the facts, he would not urge these amendments.

Mr. MANN. Is that the case with the authorities? They are familiar with the facts.

Mr. FITZGERALD. The gentleman can draw his own conclusions when I state the facts. The contagious hospital and facilities connected therewith providing for the care of immigrants who may be afflicted with contagious diseases was completed over two years ago. There were erected on what is known as Island No. 3, a group of buildings at Ellis Island. They were not utilized until the 1st of last July. The buildings and arrangements were constructed upon plans agreed upon after many conferences between the physician in the Public Health and Marine-Hospital Service and the Supervising Architect.

After they have been utilizing this plant about six months the doctor desires some of the building torn down and many things done that were gone into thoroughly, and thoroughly considered and decided against. Part of these improvements contemplate the destruction of buildings that have not been in use for six months and which are considered adequate and ample by everybody except one man in the service. Under all of the circumstances the committee was convinced that not only were the facilities sufficient and ample, but that there was no justification whatever for the requests made in these items. Therefore they did not recommend them.

The CHAIRMAN. The question is on the adoption of the four amendments offered by the gentleman from Illinois.

The question was taken, and the amendments were rejected.

Mr. CANNON. Mr. Chairman, I offered this further amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 145, after line 17, insert:

"For a building on the westerly side of main island for use as a carpenter shop, general storeroom, and bakery, $60,000."

Mr. CANNON. Mr. Chairman, I merely state that this is a specially submitted item, and I shall not take the time to read the note of the department accompanying it, because it seems to me that the steam roller is operating in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

IMMIGRATION SERVICE.

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" and acts amendatory thereof; for expenses of necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Commerce and Labor, $2,500,000: *Provided*, That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

Mr. CANNON. Mr. Chairman, I desire to amend, on page 147, line 10, by striking out "$2,500,000" and inserting in lieu thereof "$2,575,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 147, line 10, strike out the figures "$2,500,000" and insert in lieu thereof the figures "$2,575,000."

Mr. CANNON. Mr. Speaker, I desire the especial attention of the committee to this amendment. The appropriations for expenses regulating immigration, this item, for the current year are $2,525,000. The estimate is $2,575,000 for the coming year.

The recommendation carried by this bill is $2,500,000, $25,000 less than for the current year and $75,000 less than the estimate. It will be noticed that this provision is a very important one, covering much for the enforcement of the law and for the prevention of violations of it in connection with immigration, including the return of Chinese, including the cost of imprisonment and actual expenses of conveyance of Chinese to the frontier or seaport for deportation. It is very broad, and the appropriation is a very important one. In my judgment, instead of skimping the appropriation, instead of decreasing the amount recommended, not only $75,000 below the estimate but $25,000 below the appropriation for the current year, we should be more liberal, and the course of the committee is not defendable. If I had my way, I would like to make this appropriation ample. I would provide for the enforcement of the law against extraordinary possibilities. I believe the appropriation ought to be amply sufficient for the ordinary enforcement of the law and, if necessary, for the extraordinary conditions that might arise in its enforcement.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois might have called attention to the fact that for the current year the estimate is $2,600,000 instead of $2,575,000, and the appropriation granted by Congress for the current year was $75,000 less than the estimate, so that in that respect the committee this year has not taken any different route from the one followed heretofore.

Mr. CANNON. It is stated in the report that the $2,525,000——

Mr. FITZGERALD. And the estimate was $2,600,000.

Mr. CANNON. And $2,525,000 appropriated.

Mr. FITZGERALD. Yes; $75,000 less than the estimate. The reduction was due partly to two reasons: One was that a provision was made by which about $50,000 is reimbursed to the immigration service for expenses of detained aliens, paid for from the appropriation for the expense of regulating aliens and afterwards collected from the steamship companies. In 1910 786,094 immigrants came to this country. In 1911 the number was 637,003, over 100,000 less; and the immigration this year will probably be less than the immigration of 1910. Yet, regardless of the extent of the decrease of the immigration, the cost of the service apparently never changes. The committee believed, in view of all of the circumstances, that the department could very readily conduct the service with $2,500,000, with the additional $50,000 which will be reimbursed to the appropriation under the law enacted last year. Believing that much would be sufficient, the committee recommended that amount.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, the Appropriations Committee is entitled to our acknowledgments for having inserted in this bill the item of $105,000 to complete the Philadelphia immigration station at Gloucester, N. J. This item, added to the $250,000 originally appropriated from the "immigrant fund" before it was absorbed by the General Treasury, will admit of the completion of a first-class immigration station at the port of Philadelphia, where it has been long and urgently needed. The new station is eligibly located on the Delaware River, opposite Philadelphia, and will be equipped in such manner as give a favorable impression to the newcomer to our shores—a matter of much civic importance, since the quality of citizenship arising from immigration is frequently influenced by first impressions, which, in the instance of the old Philadelphia immigrant shambles, were certainly not calculated to inspire confidence or hope in the breast of the immigrant seeking a haven here.

Just now there is reawakened interest in the Delaware River, due to channel improvement. Shippers are coming to regard the river at its true worth as a carrier of commerce, and the port of Philadelphia has induced a number of large steamship companies to avail themselves of its facilities. An increased number of immigrants arriving at Philadelphia has been a feature of this development. In this respect the city has taken second place in the number of immigrants received, being exceeded this year only by the great port of New York. Five years ago it held fourth place, being behind New York, Boston, and Baltimore.

ALIENS WHO ARE EXCLUDED.

And so long as we have been discussing items relating to the reception and treatment of immigrants, I desire as a member of the Committee on Immigration and Naturalization to say a word about the immigrant himself. We will be called upon shortly to pass upon bills which are designed to restrict immigration even beyond the limitations fixed by existing law. As the law now stands we are fairly well safeguarded in this country against unfair immigration. Precautions already taken by Congress are noted in the immigration act of February 20, 1907. A careful reading of section 2 of this act is illuminating and ought to correct many misrepresentations with regard to the alleged insufficiency of existing law.

The section quoted reads as follows:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons, hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

This provision would seem to justify the statement that if the United States is to be regarded as a free country to which the downtrodden and oppressed may come, we have already excluded about as many of the so-called undesirable classes as may be reasonably excepted from that hospitality which the spirit of our institutions dictates. We have provided for the exclusion of the vicious, the helpless, the criminal, the contract laborer, and the otherwise undesirable.

THE LABORER OR THE LECTURER: WHICH?

But it is contended by some of the patriotic societies and by some of the leaders of labor unions that existing law does not go far enough; that we should take one more step and bar the man or woman who can not read or write—not the actor nor the lecturer nor the minister, mark you; but the man who can not read or write.

Apart from certain other exactions, this barrier, known as the "illiteracy test," is the essence of both the Burnett and the Dillingham bills. Favoring the illiteracy test are those who believe it necessary to preserve American traditions from what they conceive to be a baneful assimilation, and on behalf of certain labor unions it has been said that an increase in immigration will tend to lower wages, reduce the opportunities for employment, and thus lessen the power of the unions. At the same time we have been confronted not only by a demand for labor, which the unlettered immigrant is supposed to supply, but by the broader and more important factor of humanity

itself. The hearings have developed hundreds of opinions from intelligent men ranged upon either side of the question, and although in some instances passion and prejudice have been manifested, it is evident that trained and serious-minded men have been working upon this subject. But the outcome of it all, notwithstanding the great variety of views expressed and the tremendous volume of statistics produced, has, up to the present time, failed to carry us beyond this one plain, all-pervading, and all-significant question:

Shall those of us whose citizenship in the United States was acquired by birth or naturalization deny the right of admission to those who knock at our doors even as our forefathers did merely because they can not read or write?

That is the whole problem. It is not a question of goods made more cheaply in foreign countries than under American conditions; it is not a question of money at all nor of any inanimate article of merchandise; it is a question of flesh and blood, of men and women and children with human impulses, seeking release from the bondage of ignorance and oppression.

DRAWING THE LINE TIGHT.

By some we have been told that the labor unions will suffer from the immigration of the unlettered immigrant. This is not orthodox labor doctrine. Organized labor is supposed to sympathize with the downtrodden masses. Are we now to understand that it has arrayed itself with the man who plots and works with his wits against the man who works with his hands? It is inconceivable that organized labor has so far drifted from its moorings as to thus impose the brand of despair upon the hopes of the pleading poor. Section 2 of the act of 1907 specifically bars the contract laborer. In this the unions have a legitimate shield. It is unlawful now for any workman, skilled or unskilled, to come into the United States under agreement, promise, or contract. He can not thus unfairly compete with American labor. In this respect the law is effective. It applies to a commercial rather than to a humane transaction. But the law does more than that. It forbids the anarchist; it forbids admission to the pauper or to the prostitute; it forbids admission to the criminal or the diseased or to those who are unable to support themselves. All these and more are barred now. If any of them come into the country they come in violation of existing law and are subject to deportation. What, then, is the purpose of these restrictive measures? In the last analysis it is this: To tighten the legal net which is already drawn around the borders of our country, to enmesh and turn back the man or woman who is neither an anarchist nor a criminal nor a prostitute nor a pauper nor a contract laborer, but who is so unfortunate as to be unable to read or write.

Regardless of his adaptability for labor or other worthy service in the United States, the immigrant who seeks a residence here intending to study our language and our customs, to obey our laws, and to do menial toil which is essential to our progress is to be confronted with this blunt and startling admonition: You are not wanted in the United States; only the educated and the clever need apply.

I do not believe the spirit of our institutions warrants any such treatment of the unfortunate alien of to-day, for he is merely following in the footsteps of the alien of yesterday and of the day before, and so on back to the scholarly vagabonds of the earliest settlements against whose deviltry and worthlessness no such line was drawn.

A MATTER OF ADMINISTRATION.

Much of the agitation in favor of these restrictive bills arises from the fact that many of the classes already proscribed by law do manage by hook or crook to enter the United States in violation of existing law. We have long coast lines on the Atlantic and the Pacific and along the Gulf, and thousands of miles of border separating us from Canada and Mexico. It is sometimes charged that Asiatics have been smuggled over these borders. Doubtless there is some truth in the assertion, but will a law prohibiting the admission of a well-intentioned alien who can not read or write prevent the designing smuggler from finding his way in? It is not the fault of existing law that a forbidden alien stealthily crosses the Frazer River in the Northwest or hides along the Rio Grande for a favorable opportunity of crossing over from Mexico. This is a problem of administration, and we have met that problem by existing law. No law is sufficient to prevent a crime. We may enact laws defining murder and providing a punishment for it, but murder will be committed in spite of any law. We can punish the murderer; that is all. So with the undesirable immigrant. If he sneaks in in violation of law, we can detect and punish him. We may enact drastic laws against criminals or anarchists, and yet they will evade the law in spite of every effort to properly enforce it. We may arrest them after they have evaded the law and we may deport them. This is purely a matter of administration.

On arriving at any one of the ports of this country an educated alien may respond to every requirement of the law to the satisfaction of the most relentless restrictionist, and yet he may have it in his heart to commit murder or to secretly conspire against the constitution and the laws of the United States. To impose upon all immigrants an educational test would seem to offer a loophole of escape for the scholarly but dangerous and undesirable alien, while it would bar the worthy and law-abiding, but unlettered immigrant whose honest labor in this country is not to be despised. And it is safe to say that the unlettered immigrant is the least likely to attempt a violation of the law by tricks of which the educated immigrant is capable.

PUTTING EDUCATION ABOVE LABOR.

It is one of the phenomena of the industrial and social evolution through which we are passing in the United States that manual or physical labor, such as is necessary for the construction of public works and for the promotion of our domestic comfort, is growing less available as popular education advances. The educated American boy, whether he is native or of foreign birth, is looking over and above the drudgery of manual labor and is growing more and more inclined to enter the professions or to seek the occupations which do not soil the hands. And yet if we are to till the soil and make it productive; if we are to dig the trenches and lay the bricks and mortar; if we are to rear the edifice from cellar walls to the highest pinnacles, we must have the burden-bearing laborer, as we must have the mechanic or the architect. It is no stretch of the imagination to say that in large measure we have depended for the roughest and the lowliest work in connection with our great enterprises upon those who have come from other shores; those who have been seeking through long years of rugged toil the right to obtain a livelihood for themselves and their families, and to give their children a fairer start in life's competition than they enjoyed themselves. Nor is it any more a stretch of the imagination to say that our great architects and builders of to-day, the managers and directors of our great industrial enterprises, and the owners of our farms are perplexed even now by the problem of labor, in that those who are willing to accept emolument as teachers, and preachers, and professors of labor are ever in the ascendant, while the actual laborer is gradually disappearing from the scene of action.

THE PLODDING WORKER AND THE AGITATOR.

If, then, we have work to do, if the efficiency of our industrial establishments, the supremacy of our farms, and the integrity of our American traditions are to be preserved, why should we bar from the country those who come in good faith seeking the same opportunities our forefathers sought and who are willing to take their turn at the foot of the ladder of fate? We are proud of our educational institutions, proud of the freedom of educational facilities to the masses, but surely we have not forgotten the value of labor, whether it is crude or refined. The restrictive bills, which we are soon to discuss, are questionable in this respect: They seek to improve the standard of immigration by increasing the number of nonlaboring professionals and by reducing the number of laboring nonprofessionals. Not only do they give us those that we have, but they also take away from us those that we have not. If the immigrant belongs to the tribe of teachers and propagandists who hold themselves above labor, these bills permit him to join the increasing army of the intellectually restless and discontented; but if he is only a plodding workman, who has not the power to preach anarchy or to write sedition, he can take himself hence. It is neither a wise nor a humane proposition.

We could better afford to repeal that paragraph of section 2 of the act above quoted, which excepts "professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession," than to exclude the unlettered laborer. The honest and serviceable toil of the latter is of equal, if not of greater value to the country, than the vocal or artistic services of the former. Moreover, it has already been demonstrated that the United States is capable of supplying about as many actors, artists, lecturers, and others of the professional classes as the demand in this country reasonably warrants.

ENCOURAGING FALSE DOCTRINES.

Surely, Mr. Chairman, the scholarly foreigner who is coming to this country for reasons of his own, who will comply with every educational test, is not going into the trenches and the sewers to obtain his daily bread. If obliged to do this, it will not be long before we may expect to see him preaching on the street corners the doctrines of disloyalty that are becoming all too frequent in the United States. To turn aside the willing

worker because he can not read or write, and to admit the unscrupulous nonworker who can read and write and who can agitate and can preach discontent and who will do nothing else, seems like an invitation to the restless and disorderly, to make sport of the Nation's beneficence, and to degrade that worthy, wealth-creating, and most desirable labor which has been the basis of our national prosperity. Indeed, a careful study of the social conditions which now prevail seem to justify the conclusion that the unrest and discontent of the people is not due so much to ignorance as it is to half-baked and misdirected education.

The stories of the early attempts at settlement in the Colonies are rife with incidents of failure, due to the incompetence of the sprigs of foreign aristocracy and to the "remittance men," who neither understood the art of earning their own living nor cared to be involved in the attempt. We owe nothing to these useless but generously educated mendicants. The growth of this country to a population exceeding 92,000,000 and to a position of eminence throughout the world was in spite of them. Their experience was valuable to us only in that it taught us the lesson that labor is honorable and that it was absolutely essential to the perpetuity of a nation as it is to the maintenance of human life.

NOTHING TO BE GAINED BY OPPRESSION.

I do not see that anything is to be gained by driving back from our shores deserving men and women who are anxious and willing to work. It will not increase our patriotism nor advance the interests of our labor unions. In many avenues of employment we are sadly in need of their services now. They come to us seeking freedom from conditions abroad which many of them hold to be intolerable. They know the terms upon which they can come. They must be law abiding; they must be industrious; they must be free from disease; they must be willing to assimilate and to conform to the laws of our country; and they must bear their share of the burdens which we have assumed. Will an educational test sift out those who are unworthy and admit only those who are desirable? The propagandist will come in; the trouble maker will not be barred by an educational test: but the peaceful, willing laborer can not be admitted if he falls short of the literary requirement. To enforce this test against the unlettered poor is plainly giving the palm to the educated rascal. The latter can enter and work out his will, for he is clever and alert; but the desirable worker who will be useful will be returned to the wretched and benighted surroundings from which, with the same hopes and aspirations that actuated our forefathers, he was induced to flee.

I shall not vote for the illiteracy test because I believe it to be contrary to American principles. It will be ineffectual as a means of restricting undesirable immigration, and bears down unnecessarily upon the lowly and deserving suppliant for American citizenship. Moreover, it will render hopeless tens of thousands of God's humble creatures who appeal to us as a favored people, believing us to be liberty loving and humane.

OUR NATION STRONG AND GENEROUS.

We have been strong enough as a nation to receive all those who came from foreign shores who were willing and anxious to assimilate with us. In our treatment of Cuba and the Philippines we have crossed the very threshold of international philanthropy. In the construction of the Panama Canal we have proven that we can be as generous in commerce as we have been in our treatment of individuals. No one questions our ability to enact laws that will protect the sacred institutions of our country, nor our courage to administer them. Why should we now turn from the pathway of freedom and opportunity which we have justly and proudly maintained for more than a century? Is it because some vicious person forced his way into our country in violation of our laws? Is it because some preacher of social unrest, some wild-eyed malcontent, has made a futile assault upon our social fabric? Is it because some lowly sojourner, teased and tantalized by heartless hoodlums, has turned in anger and smitten his tormentors; or is it because some moral leper has violated the sanctity of the home or rendered fatherless dependent children? Suppose it be for one or all of these offenses, we are still 92,000,000 of people, descendants of all the nations of the earth, with courts and officers of law a plenty, with forums and tribunals. Are we not able to cope with these excrescences? To say we are not is such an indictment of our administrative officers as few of us would care to confess.

I would not ask nor tolerate the admission to the United States of any person morally unfit to come, but this is not a question of morals; it is a question of humanity. If we are to practice the uplift; if we are not to deny that brotherhood of man which we so devoutly preach we can not turn aside the innocent and the worthy, though illiterate, upon the pretense that we are holier than they are. We may guard our ports and border lines against the foreign malefactor. That is a duty we owe to our country and to our firesides, but we can not place the seal of American condemnation upon the law-abiding poor without doing violence to our own traditions.

In my judgment the illiteracy test ought not to be enacted into law.

Mr. COX of Ohio. Mr. Chairman, it occurs to me that while the committee has under consideration matters affecting the Immigration Service, which has to do with our new citizens or our citizens-to-be, we might properly pause for a moment and consider the standards and ethics of life, political and otherwise, followed by our present citizens.

I hold in my hand a report of the debate which took place in this House on the 15th of March, 1910. A few days prior to that the Hon. Wade Ellis had resigned as an official in the Department of Justice. A day or two before March 15, 1910, he had been appointed chairman of the Republican committee in the great State of Ohio, a relation which was characterized in this debate by Mr. CLARK, now Speaker of this House, as the receiver for the Republican Party in our State, a title which seems to have been borne out by events. It was charged that day on this floor that Mr. Ellis gave up a position paying him $7,000 per year with the full knowledge that he would be employed by the Government and paid out of the Treasury a sum equal to, if not in excess of, his $7,000 per year. The debate brought some champions of Mr. Ellis from the other side of the House, who insisted that he was on that day off the pay roll, and that he would not go back on the pay roll. Some one had inquired while the debate was in progress whether a pay roll had ensued following his resignation, and it developed that there had been none. Attention was then called to this circumstance, that it was in contemplation that Mr. Ellis would be employed ostensibly to take care of certain trust proceedings, against certain great combinations, and that while he was giving his time to the affairs of the Republican Party in the State of Ohio he would be compensated out of the Treasury of the United States.

Mr. LONGWORTH, our colleague from Ohio, had something to say, and I want to say now that I hesitate to make this reference in his absence. In fact, any discussion of this phase of the bill, which carries $200,000 for trust prosecutions, has been delayed by me entirely from a sense of propriety, because I would prefer our colleague from Ohio to be here. However, I notice in the public print that he is entered in a fiddling tournament at Chicago, and it is not the first time in history when a great statesman has followed his musical impulses, which tied him to a fiddle, while affairs of state were going to the devil generally. So I am sorry that our colleague is away. He gave us the assurance that day that Mr. Ellis was not only not on the pay roll, but would not be employed by the Government in the conduct of these trust prosecutions. I quote him literally in these words:

Mr. LONGWORTH. The fact is, I presume, Mr. Ellis has had experience in the trial of these Beef Trust cases, and he for some time will give the benefit of his information to his successor, possibly, and I say my only statement is that he is not and will not be paid out of the funds of the department or any other department.

Now, it developed in the recent hearings held by the subcommittee of the general Committee on Appropriations that Mr. Ellis was employed subsequent to March, 1910, in the prosecution of certain trust cases, and there is this marked coincidence, that in two years' time he has drawn in compensation for this service $14,500, almost to the dollar the same amount of money he would have drawn had he remained in the Department of Justice and claimed his original salary of $7,000 per year. Our colleague from Ohio is not a man of loose information. He felt that he knew what he was talking about. There is no one in this presence who would make the charge that he was acting in bad faith with the House, so that the only logical conclusion is that he was imposed upon by the administration. I recall that the debate went on, and Mr. JAMES, of Kentucky, and myself asked him whether he had the means of knowing the inside secrets of the administration. In fact, some one made the observation that he attended the pink teas at the White House, and our misgivings and doubts were cleared away entirely when our colleague from Ohio made the positive statement that public money would not be paid out in compensating a State political manager.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Ohio. May I have just one minute more?

SEVERAL MEMBERS. Take five minutes.

The CHAIRMAN. Without objection, the gentleman from Ohio will be permitted to proceed for one minute. [After a pause.] The Chair hears no objection.

Mr. COX of Ohio. Now, in the name of the great Commonwealth of Ohio, I want to protest against the Federal administration doing such violence to the credulity of one of her honored sons. I think the record should be thoroughly and well rounded out, however, and that this committee should understand that this appointment in the State of Ohio of a purely partisan relation was made and the money of the people was taken to pay the appointee for his services. I have no fault to find with Mr. Ellis. He is an honored resident of our State; he is eminent as a lawyer and stands high as a citizen. The cases, it develops, were prosecuted to no successful end, and I imagine Mr. Ellis was following the policy of the administration, which never seriously had in mind a successful issue. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Chairman, before the gentleman takes his seat, I would like to have his time extended for the purpose of asking him a question, or I will take the floor in my own right. Is it contended that Mr. Ellis did not render able and efficient service to the Government of the United States for the amount of money that he received?

Mr. COX of Ohio. Has the gentleman finished his question?

Mr. CAMPBELL. That is the question; is it contended that he did not render able and efficient service?

Mr. COX of Ohio. That is not the thing at issue. This House was imposed upon that day.

Mr. CAMPBELL. That is the issue now. It will not be charged and has not been, I think, against this administration that it has been very partial to partisan Republicans in making appointments, either to the Supreme Court Bench or in the appointment of attorneys in the prosecution of special cases or Cabinet officials nor in the appointment of an able advocate on the Supreme Court.

Mr. FITZGERALD. That was because it was necessary to go outside of the Republican Party to get a good man.

Mr. CAMPBELL. Not at all. Does the gentleman from Ohio——

Mr. COX of Ohio. Let me answer your other question.

Mr. CAMPBELL. I understood the gentleman stated there was no question but very able service was rendered.

Mr. COX of Ohio. No; I did not say that; I said that was not the thing at issue. Now, the gentleman has asked a question, and if you will give me time I will reply.

Mr. CAMPBELL. Then answer the question.

Mr. COX of Ohio. On that day, when this matter was up——

Mr. MANN. What matter was up?

Mr. COX of Ohio. The legislative, executive, and judicial appropriation bill was under consideration. The assurance was given to the House that Mr. Ellis would doubtless give some of his time to his successor because of his familiarity with the Beef Trust cases, but that he would not be paid out of the funds of the Treasury or any other department. It was clearly inferred that he was passing on to some dignified station, and that he would give his services to the country for nothing, and the Republican organization, or some individual or individuals, would pay for such services as he rendered here.

Mr. CAMPBELL. Does the gentleman from Ohio [Mr. Cox] complain because that was not done? Does he complain because Mr. Wade Ellis did not give his services to the Government for nothing in his prosecution of this case?

Mr. COX of Ohio. The gentleman misunderstands the tenor of the debate entirely. I rose here in my place and voiced my protest in behalf of a great State against the administration imposing upon a representative from our State [Mr. LONGWORTH].

Mr. CAMPBELL. Of course, I hold no brief for the genial gentleman from Ohio.

Mr. COX of Ohio. As a matter of fact, I am not sure but we are discussing a great episode in history. It may be that out of this circumstance grows the great feud in the Republican Party.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. CAMPBELL] has expired.

Mr. MANN. May I ask the possibly next governor of Ohio [applause] what the incident was that he referred to that occurred in the House? What was the occasion of that debate in the House?

Mr. COX of Ohio. We had under consideration the legislative, executive, and judicial appropriation bill, and at that time the appropriation for the conduct of these trust prosecutions was carried in that bill, as I understand it. Subsequently it was transferred to the sundry civil bill, because it was a miscellaneous expense of the Department of Justice.

Mr. MANN. Mr. Chairman, there were several debates in the House which brought in the name of Mr. Ellis—one, I think, on that bill; one on another appropriation bill; and one on a bill providing for an additional Federal judge in Ohio. I took part in the debate. I think I was not credited at the time with being an ardent defender of Mr. Ellis. It may be that my distinguished friend was imposed upon, but I do not believe that anybody else in the House had his credulity imposed upon. I think the House very well understood the situation. There were several statements made, not for the purpose of imposing upon the House. Some of the statements were erroneous, and therefore corrected by gentlemen who made them; and I submit to my genial friend from Ohio [Mr. Cox] that under existing conditions, with the responsibilities which the gentleman from Ohio [Mr. LONGWORTH] has resting on his shoulders just now, that the gentleman from Ohio [Mr. Cox], candidate for governor, ought not to be attacking the gentleman from Ohio [Mr. LONGWORTH], his colleague from this side of the House.

Mr. COX of Ohio. On the contrary, I am defending a man that your administration or your side of the House flimflammed. [Applause on the Democratic side.]

Mr. MANN. No; I do not think this side of the House flimflammed anybody. The support of the bill, which was the real subject of controversy, came largely from that side of the House. I was opposing it from this side of the House.

Mr. COX of Ohio. You were a sporadic instance in your opposition. You had no support over there.

Mr. MANN. I am glad to know that the gentleman considers my opposition sporadic. Some people consider it perennial.

Mr. COX of Ohio. I simply want to assure my colleague that I arise purely in a patriotic spirit to defend one of our fellow Members here who has been violently and unkindly imposed upon.

Mr. FITZGERALD. I hope he will do as much for the gentleman from Ohio [Mr. Cox] in a short time.

The Clerk read as follows:

UNDER LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the first and second sessions of the Sixty-second Congress, as required by the act approved October 19, 1888, $4,000, to be paid to the persons designated by the chairmen of said committees to do said work.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word.

I would like to ask the chairman of the Committee on Appropriations a question with reference to this item. I see here reference is made to "new offices created." Has the committee made any investigation into the facilities and abilities of the several district attorneys of the United States to conduct prosecutions, or the business that falls upon them, and to perform the functions of their offices, such as the prosecution of the trust cases and other cases which it is their duty to conduct?

Mr. FITZGERALD. That was inquired into when the committee looked into the question of making a special appropriation for the conduct of suits under the Sherman antitrust law, and also in connection with the appropriations for assistants to the United States district attorneys. The limit upon the compensation to assistants to United States district attorneys, according to my recollection, is $2,500, and the belief was expressed that there are a great many of these cases that can not very easily and properly be handled in the offices of the United States district attorneys.

Mr. CULLOP. What I wanted to ascertain was whether the gentleman or his committee has made any investigation whereby, if the district attorneys were unable to perform the functions of their offices, as seems to have been the practice in the last several years, and some steps could be taken regarding their appointment, so that competent men would be appointed to conduct such public litigation, instead of permitting the raids that have been made on the Treasury in the last 9 or 10 years, notably the one that the gentleman from Ohio [Mr. Cox] has just mentioned.

Mr. FITZGERALD. The appropriations that have been made for that purpose have been made to enable the Attorney General to carry on the litigation. The special counsel that have been employed were employed to work under the direction of the Attorney General, and not under the direction of any district attorney.

Mr. CULLOP. It is the duty of the office of the district attorneys not only to prosecute these cases arising in their districts and within the jurisdiction of their courts, but also to

prosecute the indictments under the criminal clause of that law, such as the cases of the American Sugar Refining Co., of New York, in which the present Secretary of War was allowed a princely sum for his conduct of that litigation. The indictments having been returned under him as district attorney, as soon as they were returned he resigned his office, and in a day or two was appointed as special counsel to conduct the suits. Has the committee found, or can it find, some way by which that reprehensible practice or habit may be rebuked and stopped?

Mr. FITZGERALD. Well, I believe it is a very difficult thing to control. It depends entirely upon the administration of the Department of Justice. In the prosecution of certain crimes and in the conduct of certain litigation it is necessary to place a certain amount of discretion in the department.

Mr. CULLOP. Does not the gentleman think that it would be advisable for his committee to make some investigation along that line to see if that practice, which has been so liberally indulged in by the present administration and the previous one, could not in some way be broken up?

Mr. FITZGERALD. The committee did go into the matter quite extensively.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. The Attorney General stated——

Mr. CULLOP. I ask, Mr. Chairman, that the gentleman from New York [Mr. FITZGERALD] be allowed five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. The Attorney General stated that these special assistants to the Attorney General were necessary properly to conduct the law business of the Government, and the committee was not in a position to controvert the contention of the Attorney General. The committee endeavored to give him such sums as would enable him properly to conduct the Government's law business. Whether some of these suits that have been brought in recent years could properly be handled by the respective district attorneys, I am not sufficiently informed to say, because I do not know their capacity. The Attorney General called attention to the fact that in many of these prosecutions he appointed a person to take control of them as an assistant to the Attorney General, because it was possible for such an employee of the Government to appear before the Federal grand jury in any district, whereas an assistant to a district attorney in some particular district could not present the cases to a Federal grand jury in any other district. The Attorney General pointed out the fact that it is more economical to have one man who is familiar with the work and able to go before a number of grand juries, than to have a man in every district familiarize himself with the same work and be confined to one district only.

Mr. CULLOP. In other words, it seems as if the man as a district attorney, holding a commission under the Government, was unable to conduct the prosecution in a suit, but as soon as he was appointed special counsel, whereby he could get a very liberal allowance, he was abundantly able to conduct the prosecution. For instance, take the case of the present Secretary of War. The work was too great, while he was district attorney, to conduct the prosecutions as district attorney; he resigned his office, was appointed special counsel, and then he could conduct the work, but not with very great success, as all must admit, as none of the great violators were ever convicted; only a few hired men connected with the company were convicted. Now, if the man was not able as district attorney to conduct the business, he ought to have resigned and somebody appointed who was able to do it, and save the people the expense of hiring the same man to do as an individual what he was unable to do as a public officer.

Mr. FITZGERALD. Mr. Chairman, I think, in order to have the facts in the RECORD, I shall call attention to a few statements made by the Attorney General. In making inquiry as to the special assistant attorneys general, the Attorney General illustrated the necessity by this case:

The CHAIRMAN. Is there necessity for these special assistants?

Mr. WICKERSHAM. Oh, yes; there is constant necessity for them. These are cases which are constantly arising. Perhaps I could best illustrate it by this group of bleached-flour cases, in which Mr. Pierce Butler, of Minneapolis, was retained. A question arose of whether the bleaching of flour by electricity produced a deterioration which amounted to an adulteration of the flour, and whether it was misbranding to ship that flour and sell it in the market as No. 1 flour, or whatever it was; there was some ordinary label which they used on that sort of flour. The Bureau of Chemistry, in the Department of Agriculture, reached the conclusion that bleaching flour in that way did produce adulteration, and that it would be misbranded unless labeled "bleached flour." The millers, who had taken what is called monkey wheat, and by this process made it look exactly like No. 1 northern wheat, protested against that, and the Government determined to test the question. We did not know just where the best place would be to test it or right where we would have to test it, and therefore I retained Mr. Pierce Butler, and he made a study of the subject. There were three or four cases brought, and we finally picked out of them a case that embraced all of the questions, and Mr. Butler tried that case before Judge McPherson in Iowa. It was a long trial, and there was a voluminous amount of evidence. The Government won both on the facts and on the law, and an appeal is now pending in the circuit court of appeals in the eighth circuit. Now, that was a case that really could not be attended to by one of the district attorneys. It required a comprehensive study of the whole situation; it required having control over all the cases that might arise in different districts; and it involved coming here to Washington a number of times and taking up the matter with the bureau and arranging for the expert testimony, and all that sort of thing.

Mr. SHERLEY. And you had no assistants here at Washington who could have performed that work?

Mr. WICKERSHAM. No; I had not, because every assistant I have in Washington is loaded to the gunwales with work. The counsel of the defendants were lawyers of very marked ability, and it required the services of the very best man we could get. That is a case that I have taken haphazard, but there are a number of just such cases.

Then he cited other cases. It was apparent that in the case suggested one district attorney could not devote himself exclusively to such a case to the neglect of the regular routine work of the district attorney's office. If he attended to the routine work of his office he could not devote himself, as was necessary, exclusively to this case. If he devoted himself exclusively to this case the routine work of the United States would be neglected. From the investigation I have made I do not see how it would be possible to avoid in a great many instances having men specially designated to look after particular cases or groups of cases.

Mr. MANN. Mr. Chairman, the remarks made by the gentleman from Indiana [Mr. CULLOP] seem to me so unfair and so unjustifiable that I rise for the purpose of saying a word on the subject. Certainly the Government requires the services of special counsel in these important cases. A few years ago gentlemen on that side of the aisle were complaining because they said the Republican administration was not commencing prosecutions under the antitrust law. As soon as the prosecutions are commenced then they find fault with the method of employing counsel. If the Government employs outside counsel entirely, they say we pay too much for counsel fees. If the Government employs counsel in its service on a regular salary and puts them upon special fees, then they complain against that method. If the Government keeps its persons in regular employ specially devoted to this work, then they complain in regard to that method.

The truth is that many men belonging to the Democratic Party hope in this campaign to secure the blessings and the comforts and the benefits that may arise from helping out to defend the trusts. They cut off in this House the appropriation the other day in part needed for the prosecution of the trusts and then adopted an amendment which absolutely paralyzes, if it becomes a law, the arm of the Department of Justice in enforcing the law and prosecuting the suits.

When the committee the other day adopted the amendment offered by the gentleman from Texas [Mr. BEALL], which was apparently agreed to by gentlemen on that side of the House and voted into the bill over the protests of Members on this side of the House, I asked the Department of Justice in regard to the effect of this amendment. I have a letter from the Attorney General, which I propose to read, because it demonstrates the purpose of the Democrats in the House in endeavoring to paralyze the efforts of this Republican administration in the prosecution of the so-called trusts under the antitrust law. The Attorney General says:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 17, 1912.

Hon. JAMES R. MANN,
House of Representatives.

DEAR MR. MANN: My attention was called to-day to the amendment added to the sundry civil bill in the Committee of the Whole Saturday, June 15, printed on page 8782 of the RECORD.

The amendment might fitly be called "An act to destroy the efficiency of the Department of Justice." It is certainly a measure in aid of defendants now under prosecution by this department. As I read it, it would legislate out of office on July 1 every attorney engaged on behalf of the Government in any of the suits brought under the antitrust law, the interstate-commerce act, or any of the other laws referred to in the amendment who, two years before his present employment, had held any position or employment of any kind under the Government or had been retained in any other lawsuit. It would wipe out at once all the counsel engaged in prosecuting the suit against the United States Steel Corporation, who have been at work for months past and are in the midst now of taking testimony in that suit. The representatives of that corporation could ask nothing better from the Government. It would wipe out counsel for the Government in the suit to set aside the Oregon and California land grant, who has for years past been engaged in that arduous suit, who has been successful in sustaining the bill on demurrer and is now engaged in taking testimony. It would dismiss a dozen fine young lawyers who have been trained in the department and are now employed in the prosecution, as special assistants, of important litigation for the Government in different parts of the country. I am having made up a list of the cases affected by this amendment, but I may say, in general, that it

interferes with the successful prosecution of almost every important case the Government has pending. Its language is so broad that apparently it punishes everybody who is engaged as counsel for the Government in one case by preventing his retainer in another case for two years. It would do more for the defendants in these actions than their own counsel could accomplish for them, for you know what it means to change attorneys in the midst of a lawsuit. I do not know whether even the framer of the amendment understood how far-reaching it is in its effect. I am sure few who voted for it did. It not only operates to deprive the Government in the future of the assistance in its litigation of men who have been trained in its service when they leave salaried positions and go into private practice, but it interferes with pending prosecutions to a degree that can only be sustained upon the theory that it is the deliberate purpose of Congress to hamper the prosecution of most of the pending litigation.

I do not think this language is too extreme, and I write it to call your attention sharply to the question, so that, if it be possible when the bill is reported to the House, some change may be suggested in its language.

The idea that, in order to punish a few men who, having done good service for the Government in salaried positions, have afterwards been retained and paid reasonable fees for doing magnificent work as special counsel, the Government itself should be hampered by being deprived of the service of a large body of trained, efficient men in the conduct of its litigation, and that no attorney shall be employed in more than one case for the Government unless two years have elapsed since the termination of the work under his present retainer, is a novel conception of efficient government.

Faithfully, yours, GEO. WICKERSHAM,
Attorney General.

Mr. Chairman, there is not a large concern in the country employing its own counsel on a salary by the year which does not employ special counsel from the outside when it becomes involved in important litigation. Yet here is a proposition which, as I said, will practically paralyze the arm of justice of the United States. I do not know whether or not the gentleman who offered the amendment wanted to prevent the prosecution of the antitrust cases, but I believe that the Democratic side of the House in voting in the amendment did it with the deliberate intent of showing themselves friends in need of the people who are being prosecuted and for the purpose of hampering the present administration in the prosecution both of the civil and the criminal cases now pending. [Applause on the Republican side.]

Mr. BEALL of Texas. Mr. Chairman, the gentleman from Illinois [Mr. MANN], in the last sentence, might impress a person unacquainted with him with the idea that he was in earnest. But there is slight probability that anyone who is familiar with the peculiar antics of the gentleman from Illinois will for a moment misunderstand the situation and think that the gentleman from Illinois is not playing a part. The gentleman from Illinois said that he believed that it was the purpose of the majority, in adopting that amendment, to throw out an anchor to these combinations that are being prosecuted. The gentleman from Illinois can hardly believe that, because the history of this country has shown that the party upon this side of the aisle has never been a friend of these violators of the law. Whenever they have come to Congress looking for friends, Mr. Chairman, they have known exactly where to go. If they have looked to either side of this Chamber, they have looked to that side which the gentleman from Illinois so signally graces.

I heard only a part of the letter of the Attorney General. He arraigned the innocent little amendment that I offered and talked about its paralyzing the arm of the Government in the prosecution of these suits. It is more unfortunate, Mr. Chairman, that long before this amendment was adopted the arm of the Federal Government to a great extent had already been paralyzed in the prosecution of these trusts. [Applause on the Democratic side.] Whatever may befall such prosecutions in the future, I am confident that no more disastrous ending to any of the balance of them will occur than the ending of the prosecution against the Beef Trust that has its domicile in the gentleman's own town.

Mr. Chairman, that amendment, or some such amendment as that, was made necessary by what I consider a grave abuse by the Department of Justice, an abuse that had become scandalous, an abuse that even the gentleman from Illinois will not defend upon this floor. The only purpose of it was to prevent abuses that have been practiced by the Department of Justice. Have we reached the point where, in order to prosecute the trusts of this country, we have to witness a spectacle such as we witnessed when Mr. Stimson resigned—resigned, if not for the purpose of accepting employment at a very largely increased salary, at least, resigned with the knowledge that he would be immediately reemployed in order to conduct this prosecution in behalf of the Government? Why did he resign? Not for the good of the Government, but in order that by legerdemain of that kind he could receive a much larger compensation for doing the very character of work that it was his duty to do as the district attorney in the southern district of New York.

Why did Mr. Denison resign? He was receiving $4,000 as assistant district attorney in New York. Why did he resign? Because he knew that he would be reemployed by the Government and paid an extravagant salary to do the very work that he would have been expected to do had he retained his position as assistant to the district attorney in New York. I do not believe that the country has reached the point where the only men who can prosecute these suits against these combinations are the men who, holding one position, find it necessary to give it up in order to secure additional compensation.

There were two purposes in that amendment. One was to prevent the Department of Justice taking some district attorney or some assistant district attorney out of his district, taking him away from his duties, and assigning him duties in connection with the prosecution of cases in behalf of the Government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEALL of Texas. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, where is the gentleman who will say that that is a good practice? Where is the man upon that side of the House who will defend it and say that it is a proper practice, or that such a practice as that which occurred in the case of Mr. Erwin is proper, wherein he was taken out of his district for a large part of the time for as much as 10 or 11 years and still received a salary of $5,000 and expenses and very large commissions for conducting other prosecutions in behalf of the Government? I am not criticizing the character of the service that was rendered by Mr. Erwin. So far as I have been able to ascertain he rendered efficient service as special assistant to the Attorney General. There were conditions that probably made him the most available man and the most efficient man that could have been selected to do this work because of his intimate knowledge of the case. If he had resigned and accepted that service and devoted his energies to the prosecution of that work and let somebody else be appointed district attorney in Georgia, I would have had no criticism.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. BEALL of Texas. Certainly.

Mr. SIMS. Would it not have been on all fours and exactly of the kind, so far as the principle is concerned, if the Attorney General himself had resigned and then had been employed immediately to prosecute the Steel Trust?

Mr. BEALL of Texas. I do not see any difference. Everybody will recognize it is not the right practice; it is not treating the Government of the United States properly or decently for that sort of practice to prevail in the Department of Justice. If it was just one isolated case it would not be so bad, but it has developed into a practice down there, and it is a practice that deserves to be condemned, to be reprobated by Congress, and I therefore offered that amendment. I do not want to interfere with any proper prosecution of the Steel Trust or any other trust, but I do believe that the time has been reached when Congress should give expression to its views upon this question. I do not desire to reflect upon the Attorney General or the Department of Justice. I want to give that department all the credit it deserves, and it does deserve some credit. I think, though, it has continued a practice that is bad. It is a matter that should be corrected. If there had not been an abuse of this discretion that has been vested in the Attorney General by Congress, there would have been no necessity for the amendment which I offered. [Applause on the Democratic side.]

Mr. CULLOP. Mr. Chairman, certainly the gentleman from Illinois [Mr. MANN] in defending a bad case is a past master. He is both artful and resourceful, and especially so in a very bad case. He can always find a very plausible excuse or defense for his position. The trust is not looking to the Democratic Party for any favors. The trusts know they can hope for no favors from it, and hence their efforts in every campaign are expended to defeat it. It has no reason, no just cause, to complain of the Republican Party at this time, and I do say that the practice that has been in vogue in the Department of Justice for district attorneys, after they begin suits, to resign as district attorneys for the purpose of being appointed special counsel to conduct the suits is reprehensible and ought not to be permitted. It deserves censure, and reflects on those who have been guilty of such methods. It is in violation of the ethics of the profession to which they belong. [Applause on the Democratic side.]

Mr. Chairman, let me call attention to another trust prosecution, with all of the able counsel they have had at the command of the Government, and that is the prosecution of the Beef Trust. In 1902 they secured an injunction in the Federal

court at Chicago. That case was appealed to the Supreme Court of the United States, and the decree of the lower court was affirmed in 1904.

Yet there was not a single one of those able counsel who ever attempted to have the defendants cited for contempt of court for violating that injunction. They violated it every day in the week from that time to this. Instead of enforcing the injunction they began new prosecutions. They all failed. They obtained new indictments, and the defendants were acquitted time after time. The case in some form or other dragged its weary way through that court, under the conduct of these able counsel, for nearly 10 years without success, and how much it cost the people we are not informed, but it was a large sum. The Government pursued unsuccessfully this litigation until February, 1912, when it ended in failure, except two pleas of guilty of two clerks for receiving rebates from the railroads, and impositions of fines as a punishment. The Beef Trust went on plundering the people, and all the high-up fellows escaped punishment. I say this, that whenever one of these district attorneys resigns the Government ought to appoint some one in his stead who would be able to conduct these prosecutions. Eighty-three thousand dollars as a fee in the Sugar Trust case, paid to Mr. Stimson, the present Secretary of War, was a very unreasonable fee, as everyone knows. Now, a fee in a lawsuit is to be measused largely by the result obtained. What was the result in this case?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. A few clerks in the office were convicted and soon afterwards pardoned. The result did not reflect great ability and success on the part of those in charge of the litigation.

Not a single man high up in that criminal organization has ever felt the weight of the law, and yet the Government paid him the sum of $83,000 for his services and his assistant $27,500. It was their duty as men, patriotic men, a duty which they took upon themselves when they were sworn into office to prosecute these cases and not dodge their responsibility in that way, to be rewarded as political henchmen; and so in the other cases that the gentleman from Texas has mentioned. Oh, no; the trusts of this country do not care for the power to go out of the hands of their friends, where it is now resting; and that is why they are continually fighting the Democratic Party. [Applause on the Democratic side.]

That is why their leading men are at this very hour struggling in the disgraceful battle going on at Chicago to name the national ticket which will permit them to continue to exploit the pockets of the American people in order that they may revel in their predatory wealth and dominate the policies of the Republican Party. Oh, no; the trusts resist all efforts of the Democratic Party to come into power. They prefer to continue the rule of the party now in power. [Applause on the Democratic side.]

Mr. NEELEY. Mr. Chairman, in the light of some of the disclosures revealed last week in New York by the committee investigating the Money Trust the charge that the Democratic Party and the trusts are working together is remarkable to say the least. No Democratic President ever opened the Treasury of the United States to the Money Trust and invited that plunderbund to take $42,000,000 of the people's money in three days and loan it to private individuals at 6 per cent, thereby yielding them $6,900 a day in interest; and the success of the prosecution against the Beef Trust is best evidenced by the fact that after it had been all concluded the price of beef advanced 2 cents per pound, and everybody connected with the trust seemed to be very happy. [Applause on the Democratic side.] Mr. Chairman, there is another matter in this bill. On page 146, where I find there is an appropriation of $2,500,000 made for the purpose of regulating the immigration of aliens into the United States, including the enforcement of the contract labor laws, with the other specifications. That matter is of peculiar interest to the people of my district. I have a district that has three transcontinental lines of railroad running through it, and those three lines of railroad have been violating the noncontract labor law for years. Last winter, when I was making my campaign, at the town of Syracuse, on the Colorado line, I went through a camp of over 300 Mexican laborers, and when I got up to Garden City I found another gang of over 100 there. The postmaster at Syracuse said that in one day he had sent over $1,600 in good American money back to Mexico, every dollar of which went back to the families of men who came into this country in violation of the contract labor law. Nor is that all. It is a notorious fact in my district that for years these lines of railroad have maintained immigration agents at El Paso and Juarez whose duty it is to go into Mexico and solicit immigrants to come to the United States under a specific contract of employment for six months, with an agreed rate to be paid. They violate that law every day. You say, Why is not the law enforced? The statute reads as follows:

SEC. 5. That for every violation of any of the provisions of section 4 of this act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States, and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

That is the penalty, and it is recovered by an action in the nature of an action for damages. No man wants to prosecute in his own name, and no man wants to go to Mexico to get evidence, and the result is that the law is violated every day in the year with impunity. I am told that over 22 Mexicans are in the Kansas Penitentiary, that some 14 or 15 are in the industrial reformatory in my town, that many of them are in the insane asylum, and that in every county through which a transcontinental——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEELEY. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] No objection is heard.

Mr. NEELEY (continuing). Line of railroad runs they have Mexicans in their jails. They do not pay a dollar of taxes; they do not work the roads; they contribute nothing to the upbuilding of our State; and sometimes as many as four families of them live in one two-room house. Even that is the exception, because they live in little shanties constructed of car doors and such other lumber of a similar kind as they have been able to get alongside the railroad tracks, or in shanties constructed of railroad ties set on end and covered over with dirt. They do not contribute a single dollar to the development of the country, and yet there is a provision in this bill made to enforce a law that has always been a nullity and which is absolutely a farce. Its only office is to make a place of political creditors. On the 10th day of February I introduced a bill, H. R. 19867, designed to correct that evil. If we want to enforce the law, if we want to vitalize this law so that it will be effective, you must have a penalty that fits the crime; and if you want to exclude these people who come into our country in violation of our country's laws, who take the places of many of our own people, we will have to do that by providing a punishment that is sufficient to give the result desired. I live in one of the richest counties in the State of Kansas, a county with a population of approximately 40,000 people. We have a bank total in that county of over $8,000,000, approximately $2,000 for every man, woman, and child in the county, and yet last winter our poor commissioner gave aid to 289 families during the month of December.

And in that county, up to the 14th day of January, he had given aid to 176 during that month. Who were these people, and why were they aided? What caused the citizens of our county to bear this added burden of taxation? Was it the residents? No. It was either for the Mexicans that had been brought in there in violation of the law and who, owing to the fact that the railroad lines were covered with snow and they were unable to work there, were made dependents upon our people, and the latter were obliged to support and feed and clothe those aliens who care nothing for us or our institutions, or else they were men who had been forced out of employment by those Mexicans who had been unlawfully brought in. Not only is that not right, but it is absolutely wrong. The people of my district and the people of the State of Kansas want this Congress to give them some relief from a condition that ought not to be longer tolerated and to stop this raid on the Treasury by political grafters.

Mr. MANN. Mr. Chairman, I did not know how much personal trouble I was starting with certain gentlemen when I read a letter from the Attorney General a while ago. I believe the old method used to be that if you had a small case in a court, and it was not a very good one, to "cuss" the counsel on the other side. The gentleman from Texas [Mr. BEALL] refers to the peculiar antics of the "gentleman from Illinois," and by using personalities, of course, invites personalities. It is probably true that to gentlemen who have been practicing law where a thousand-dollar law fee seems larger than a

cart wheel, that some of the fees paid by the Government seem excessive. But to lawyers who are accustomed to handling large litigation these fees seem very moderate.

The distinguished gentleman who is now gracing the Chair [Mr. CULLOP] a few moments ago asked what were the results over in New York when Mr. Stimson was prosecuting the case. My understanding is—and I am subject to correction—that the results were that the Government collected about $3,000,000 for which they paid a very moderate fee. If the same work had been done for a private party the fee would have been very much larger or else the attorney would have been very foolish.

Now, the distinguished gentleman from Texas [Mr. BEALL] who offered an amendment, either knowing what was in it and knowing the effect it would have in paralyzing the Department of Justice, or else not knowing what was in it, has offered it absolutely and directly in the interest of the defendants in these trust prosecutions. Whether he meant it that way or not I do not know. We judge people by the results, by their acts, and not by what they say. And the gentleman who says that "if the trusts desire legislation they know which side of the aisle to go to and whom to go to," introduces an amendment in the interests of the trusts either knowingly or unwittingly. If knowingly, without any excuse; and if unwittingly, subject, of course, to forgiveness, because we all do things unwittingly.

I repeat the action of the Democratic side of the House in refusing to make a sufficient appropriation to prosecute the trusts in the first instance, and then endeavoring to tie it up so as to discharge the present counsel and attorneys engaged in the suits, is working in the interests of the trusts and a bid for financial and other support in the coming or present campaign.

Mr. FITZGERALD. Nobody who is familiar with the attendance at Chicago has any notion that Democrats have any hope, if they even desired it, to enlist the aid of the wealthy malefactors of this country who have been identified with the trusts that have been prosecuted under the Republican administration.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BEALL of Texas. Do you think there is any necessity for the Steel Trust looking for help from over on this side of the House as long as it has its friends——

Mr. FITZGERALD. And its angel.

Mr. BEALL of Texas (continuing). And its good angel, who happens now to be in Chicago?

Mr. BUCHANAN. I would like to ask if there is any necessity for enlarging our prisons on account of the successful prosecutions by the Republican administration of trust officials?

Mr. MANN. We are building two new penitentiaries to put them in and other gentlemen over there.

Mr. FITZGERALD. If we have the administration after the 4th of March that we have had for the last few years, the Department of Justice will not be busy. There will be no necessity for lawyers. There will be necessity for practical men.

Mr. BEALL of Texas. The gentleman from Illinois talked about building the penitentiaries to which to send these men. Will not many of them go to the convention?

Mr. MANN. Many of them will be at Baltimore.

Mr. FITZGERALD. I ask the Clerk to read.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I have been listening to the gentleman from Texas [Mr. BEALL] and my colleague from Illinois [Mr. BUCHANAN] and that shining light which is all knowledge, the gentleman from Indiana [Mr. CULLOP], and I have been somewhat amused. I am not going to discuss this matter, because it would be useless for me to try to inform anybody who has the amount of knowledge and wisdom that is possessed by the gentleman from Indiana [Mr. CULLOP].

Really this whole matter does not legitimately belong to the consideration of this bill, which is being considered by about one-fourth of a quorum in the Committee of the Whole House on the state of the Union by unanimous consent. I am not here to defend anybody or prosecute anybody touching the trusts. I am here, however, to say that there has been made and is being made an honest, persistent, able effort to enforce the laws of the United States, and more has been accomplished in their enforcement in the last three years than was accomplished during the whole time prior thereto, since their enactment.

Mr. FITZGERALD. It would not be safe for the gentleman to make that statement in Chicago to-day. [Laughter.]

Mr. CANNON. Oh, Chicago will take care of itself.

Mr. MANN. And the Democrats, too.

Mr. CANNON. Yes.

Mr. BARTLETT. And some Republicans, too. [Laughter.]

Mr. CANNON. My friends are having a good time prophesying about this and that and the other event. You are going to meet down in your own convention next week. Wait and see how you get along. [Laughter on the Republican side.] In the meantime I would suggest to the gentleman that he proceed with his bill, if he desires to do so, for I do not believe that anything that has been done here to-day or may be said along the line of prophecy and criticism will be worth one vote to any party next November. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $35,932.

Mr. GARNER. Mr. Chairman, just a word, to ask the chairman of the committee if he can give me information as to what the particular items in this sum of $35,000 are used for, and under whose direction is this money expended?

Mr. FITZGERALD. It is expended under the direction of the Superintendent of the Capitol Building and Grounds, subject to the supervision of the commission in charge of the House Office Building.

Mr. GARNER. Who is in charge of the House Office Building?

Mr. FITZGERALD. The commission, consisting of the Speaker of the House, the gentleman from Illinois [Mr. CANNON], and myself.

Mr. GARNER. Could the gentleman tell us what it has cost in the last six months to repair and rearrange some of the offices over there? For instance, the office of the Committee on the Judiciary.

Mr. BARTLETT. That was carried on the urgent deficiency bill.

Mr. FITZGERALD. I do not have the figures in my mind at present, but six or seven thousand dollars of it was expended under the control of the commission, and some of the furnishings were supplied out of the contingent fund of the House. I do not remember exactly how much that was. A certain portion of it was considered as properly chargeable to the permanent addition to the building, and that was provided for in a deficiency bill, and the furnishings were provided by the Committee on Accounts out of the contingent fund.

Mr. GARNER. I must admit, Mr. Chairman, that I did not know that the furniture was paid for out of the contingent fund of the House. In fact, I have made some inquiry about it, and I understood the chairman of the Committee on Accounts to say that he did not know anything about it. That might have been before the bills came in.

Mr. FITZGERALD. I think the Chairman must have known about it, because in the last session of Congress the gentleman from Missouri [Mr. LLOYD] and myself conferred before anything was done, and an agreement was reached as to the parts of the expense that should be charged to the various funds. The gentleman from Arkansas [Mr. FLOYD], I am inclined to think, was the chairman of the subcommittee that had charge of the matter.

Mr. MANN. Mr. Chairman, does the gentleman yield for a question?

Mr. GARNER. Certainly.

Mr. MANN. I would like to ask the gentleman from Texas [Mr. GARNER] whether the character of the furniture and improvements in the Committee on the Judiciary over in the House Office Building is what he would characterize by the term "democratic simplicity"?

Mr. GARNER. Mr. Chairman, I am very candid to say it is not, and if it had been done under my supervision, speaking as one Member, it would not have been fixed up as expensively and luxuriously as it appears to the eye when one walks into that committee room. I believe that each committee of the House ought to have a convenient and proper place in which to perform its work and conduct its business, but I do believe, in justice to ourselves—and a majority of us, I am certain, want to inculcate it here into the minds of the balance of the minority, as it were—that the idea of democratic simplicity has not been adhered to in every instance, and I believe the case of the Committee on the Judiciary is one of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I have never been in the room of the Committee on the Judiciary in the House Office Building, and I do not know about it, but, after all is said and done, I think we might get along in Washington, in the House and Senate, with much less expensive furniture. For instance, I would rather have, so far as I am concerned, an old-fashioned split-bottom chair than these mahogany chairs, and instead of these expensive cuspidors, I would rather have one made of brown crockery, fashioned out of blue clay, which is not so apt to

break. You might take out that elegant marble desk where the Speaker sits, and these expensive mahogany chairs. Remove the decorations about the Capitol Building. I have always been glad that the House Office Building was put up. I am responsible for that building, in part, because I got unanimous consent to put an item on the appropriation bill for its erection, but after all it might have been built of plain brick, and all the ornamentation and the pillars that delight the eyes of the people have been dispensed with. But, Mr. Chairman, I apprehend that the people of this country are glad to have the House Office Building and glad to have the furniture in the various buildings, and I know Members of Congress are glad to come and occupy them. But, Mr. Chairman, with the small number of Members here we are devoting a good deal of time trying to make capital to get back, and I suggest that the gentleman from New York go on with the bill.

Mr. GARNER. But, Mr. Chairman, the gentleman from New York has not furnished me yet with the information as to what most of this $35,000 goes for.

Mr. FITZGERALD. The principal item is for salaries.

Mr. GARNER. Are the salaries paid out of this sum?

Mr. FITZGERALD. Yes.

Mr. GARNER. What salaries are paid out of this that are not provided for in the legislative bill?

Mr. FITZGERALD. None of the salaries for that building are covered by the legislative bill except the elevator men and police.

Mr. GARNER. Is the superintendent paid out of this sum?

Mr. FITZGERALD. Yes.

Mr. GARNER. What is his salary?

Mr. FITZGERALD. Two hundred dollars a month.

Mr. GARNER. All of these salaries are regulated by this commission?

Mr. FITZGERALD. Yes.

Mr. GARNER. What amount is expended for salaries?

Mr. FITZGERALD. Twenty-nine thousand dollars and over.

Mr. GARNER. I do not know of employees enough over there to amount to $29,000, unless it is the charwomen——

Mr. FITZGERALD. The charwomen are paid out of this sum to the extent of $9,600.

Mr. GARNER. And the superintendent gets $2,400 a year?

Mr. FITZGERALD. Yes. I will read the list of salaries for the benefit of the gentleman:

Maintenance—House Office Building.

1 custodian, at $200 per month	$2,400
1 assistant, at $120 per month	1,440
1 clerk, at $100 per month	1,200
1 messenger, at $75 per month	900
1 clerk, at $100 per month	1,200
5 toilet men, at $50 per month each	3,000
5 laborers, including window washer, at $40 per month each	2,400
1 carpenter, at $80 per month	960
1 painter, at $80 per month	960
2 attendants to the heating system, at $75 per month each	1,800
1 electrician, at $120 per month	1,440
1 electrician's helper, at $60 per month	720
3 toilet women, at $40 per month each	1,440
1 forelady of char force, at $40 per month	480
40 charwomen, at $20 per month each	9,600
Total salaries	29,932
For maintenance and supplies, including personal services	6,000
Total	35,932

Mr. GARNER. All of these employees are under the direction or are employed by and under the direction of this commission?

Mr. FITZGERALD. They are employed by the Superintendent of the Capitol Building and Grounds.

Mr. GARNER. But I suppose the superintendent appoints the people that are suggested by the commission and pays them the salary——

Mr. FITZGERALD. He does not. Nobody has ever been appointed by me, and I do not think by any other member of the commission.

Mr. GARNER. I am not contending that they have been; I am trying to get information.

Mr. FITZGERALD. The superintendent appoints them subject to the approval of the commission, and my experience is that the superintendent has been performing his duties along the lines that would result to the satisfaction of the commission and the efficiency of the service.

Mr. WILLIS. Will the gentleman from New York yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. WILLIS. Is there authority under this item in question whereby screens could be furnished for the restaurant in the House Office Building? Some of us take our meals there; and there are no screens to the windows, and it is quite unpleasant and insanitary; and I wondered whether this item would be sufficient to cover that object.

Mr. FITZGERALD. It would be, but we do not screen buildings; we use electric fans to keep the flies off.

Mr. WILLIS. But they do not keep the flies off. There are flies over there as big as English sparrows. [Laughter.]

Mr. FITZGERALD. Well, the fans are better than screens.

The Clerk read as follows:

For fuel, oil, and cotton waste, and advertising for the power plant which furnishes heat and light for the Capitol and congressional buildings, $77,000. This and the three foregoing appropriations shall be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building, appointed under the act approved March 4, 1907, and without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item says—

This and the three foregoing appropriations shall be expended by the Superintendent of Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building.

Is it designed to include in that the provision of the item under House Office Building, $35,000?

Mr. FITZGERALD. It should be included. In fact, it is included.

Mr. MANN. I see now that it is.

Mr. FINLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 16, page 154, insert as a new paragraph the following:

"Printing Investigation Commission, as provided for in the act making appropriations for sundry civil expenses of the Government, approved March 4, 1911, the sum of $5,000 is hereby appropriated for the expense of said Printing Investigation Commission."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the amendment.

Mr. FINLEY. Mr. Chairman, a point of order does not lie.

The CHAIRMAN. The gentleman from New York reserves the point of order. The Chair will hear the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, this is provided for by law. The last sundry civil appropriation bill extended the life of this commission during the Sixty-second Congress. That would be until the 4th of March next. No point of order would lie against it.

Mr. MANN. Let us have a statement of the gentleman as to what the provisions are, so as to know what the law is.

Mr. FINLEY. Mr. Chairman, many gentlemen here are familiar with the work of this commission. Some expense is necessary in order to carry on the work of the commission. A great deal has been done, and I may say that the work is nearly completed, but not altogether. There are certain investigations being carried on now, and it will require about $5,000 to defray the expenses until the 4th of next March. Then the commission expires by operation of law. A great many matters in the Government Printing Office have been investigated. We are now investigating the matter of ink, the purchase of machinery, and a great many matters of that sort that I could mention. The work is being carried on. The commission has two clerks and one stenographer. That is the working force of the commission.

Mr. MANN. Is the gentleman able to give the provision of law creating the commission and the provision extending its life?

Mr. FINLEY. Yes. The last sundry civil appropriation bill extended the life of the commission. The commission itself was created several years ago.

Mr. FOCHT. Was not the appropriation then $10,000 a year?

Mr. FINLEY. The appropriation has been $10,000 annually. We are not spending all of the money this year. I believe there will be something like $1,500 that will lapse into the Treasury the 1st of July. The commission has been in operation for many years. It was hoped by the members of the commission that the bill revising the laws relative to printing and binding would pass Congress by the 1st of July, so that there would be no necessity for continuing this work. In other words, the work then would be taken over by the Joint Committee on Printing. The Joint Committee on Printing has no force whatever. It has no clerks.

Mr. FITZGERALD. The two committees of the House and the Senate, which constitute the Joint Committee on Printing, have clerks.

Mr. FINLEY. I understand that, but the gentleman from New York must be aware that the clerks in the Committee on

Printing in the House and the Committee on Printing in the Senate have not time to carry on this work.

Mr. MANN. What else do they have to do

Mr. FINLEY. They have a great deal to do. If the gentleman will investigate the work of the two committees he will ascertain that they are busy.

Mr. MANN. I have investigated, but I have not ascertained that they are busy.

Mr. FINLEY. The gentleman, then, has not investigated properly. If the gentleman will look into the matter he will find that there is work in both of those committees all the time Congress is in session, and each committee has a clerk, but these clerks are busy. They have as much as they can do to attend to the business of the committee.

Mr. MANN. Does not the joint committee have some one detailed from the Printing Office under its control?

Mr. FINLEY. It has not.

Mr. MANN. Nobody in the Printing Office?

Mr. FINLEY. Not in the work of the joint committee.

Mr. MANN. Does not the joint committee have control of somebody in the Printing Office, somebody who is subject to its order?

Mr. FINLEY. The joint committee designates an inspector of paper, and that is all; but no one else in the Government Printing Office.

Mr. MANN. It also has employed somebody getting up the Congressional Directory.

Mr. FINLEY. That is provided for by law.

Mr. MANN. I understand; but that is under the Joint Committee on Printing.

Mr. FINLEY. Yes.

Mr. MANN. I understood the gentleman to say that the Joint Committee on Printing has nobody employed under it.

Mr. FINLEY. I say the joint committee has no clerk employed. It has a compiler or editor of the Congressional Directory. That has been the law and the practice for years, as the gentleman knows, and it is provided for by law. The legislative bill which was passed some time ago carried, I believe, $1,600 for the salary of this official. There is no connection whatever between the compiler of the Directory and the other work of the joint committee.

Mr. MANN. The compiler of the Congressional Directory, of course, has very little work to perform. He has nothing to do most of the time. Why does not the joint committee make use of him?

Mr. FINLEY. It is only authorized to employ him for that work, and that is all he has ever done; and I will say to the gentleman that he must be aware of the fact that the compiler has almost invariably been some newspaper correspondent or editor.

Mr. MANN. I think that is true; and I heard that very bitterly denounced on the floor of this House by gentlemen on that side of the House—bitterly denounced. Thereupon the same practice was followed, only a little worse.

Mr. SIMS. Who denounced the practice?

Mr. FITZGERALD. I think not. The same practice was not followed.

Mr. MANN. I said only a little worse.

Mr. FITZGERALD. Upon the representations of the gentleman from South Carolina that a man had been employed who was to work all the year round, not only upon that, but upon other work, the legislative committee concluded to carry a compensation for the year.

Mr. FINLEY. Oh, I want to correct the gentleman from New York about that. I did not say on other matter. I said that was his work.

Mr. MANN. I think we used to pay $1,000; and that side of the House then said it was too much, and then they increased it to $1,600.

Mr. FINLEY. I made no statement to the gentleman from New York that would carry that impression.

Mr. FITZGERALD. The gentleman did not make the statement to me. One of the committee stated to me what the gentleman from South Carolina has said, and it was upon that ground that the committee acted. Otherwise it would not have been so carried.

Mr. FINLEY. I do not know what was said by some one else. I know I did not. I call the attention of the gentleman from Illinois to the fact that there is no connection between the work of the joint committee and the Printing Investigation Commission.

Mr. MANN. We have a Printing Committee in the Senate.

Mr. FINLEY. Yes.

Mr. MANN. And a Printing Committee in the House.

Mr. FINLEY. Yes.

Mr. MANN. And a Joint Committee on Printing.

Mr. FINLEY. Yes.

Mr. MANN. And a Joint Investigating Commission.

Mr. FINLEY. Yes.

Mr. MANN. For the Lord's sake, how many committees do you want before you get at business?

Mr. FINLEY. We have been at work all of the time.

Mr. MANN. The Committee on Printing in the House is able to make any investigation and the Committee on Printing in the Senate is able to make the investigation, and the joint committee is entitled to make the investigation. Then you have a special provision with an appropriation of $10,000 for a Joint Investigating Commission.

Mr. FINLEY. I want to say this: A law was passed some six or seven years ago, and I think with the aid and assistance of the gentleman from Illinois, providing for a Joint Commission on Investigation. The gentleman's party was in power and framed the law, and I want to say that it was a wise thing to do. It has resulted in great saving at the Government Printing Office. The Printing Investigation Commission is one commission that has made good.

Mr. FITZGERALD. Let me ask the gentleman if the personnel of the Printing Committees in the House and in the Senate and the Joint Committee on Printing in the House and in the Senate and the Joint Commission on Printing are not identical?

Mr. FINLEY. So far as the House membership is concerned, that is true, but it is not true of the Senate.

Mr. FITZGERALD. How does it differ in the Senate?

Mr. FINLEY. The Senate has more than three members on its Committee on Printing.

Mr. FITZGERALD. Oh, well, the other two do not do anything. It is what is known as a one-man committee.

Mr. FINLEY. I will say to the gentleman that the chairman of the joint committee is not chairman of the Senate Committee on Printing. So I do not think the gentleman has looked into it at all.

Mr. FITZGERALD. I have looked into it. Thus far this commission has been in existence over six years and have spent $32,000, in addition to the expenditure upon the part of the two Houses when provision was made at the beginning of the commission. The gentleman has made no statement yet to justify the expenditure of $5,000. He says they have two clerks and a stenographer. How much do these clerks receive?

Mr. FINLEY. I think one gets—I will ask the gentleman from Pennsylvania if he can state?

Mr. FOCHT. There are two clerks——

Mr. FITZGERALD. How much do they get?

Mr. FOCHT. One $2,500 and one $3,500.

Mr. FINLEY. And a stenographer.

Mr. FITZGERALD. How much does the stenographer get?

Mr. FINLEY. The stenographer, I think, only gets about $60 or $75 per month.

Mr. FOCHT. The chief clerk of this committee, as the gentleman has stated, has duties which require him to prepare an endless number of estimates in regard to great contracts for the letting of paper and supply contracts, and he gets $3,500. The duties he has to perform are of great importance. And while I am making these observations I would like to say, in connection with the Congressional Directory, that the only complaint I have ever heard from the Democratic side was when the editor was laboring under a misapprehension as to the politics of some Representative from New York State.

Mr. FITZGERALD. That was not the complaint. The complaint was that he was employed and got $800 in addition and then hired somebody at the Government Printing Office and paid him $250 for doing the work and put the balance in his pocket.

Mr. FOCHT. I believe an investigation failed to disclose that statement to be the fact.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FINLEY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears no objection.

Mr. FINLEY. Mr. Chairman, I will say this to the gentleman: There are several items I can mention. Since this joint commission has been in existence the printing of documents has been reduced annually by as much as 1,000,000 or more pages; something like that. The saving has been enormous. I will say another thing to the gentleman. Here last year it was ascertained that Members of the House and Senate were violating the law in that they were having more than one copy—we will say volume No. 1 or volume No. 10—of the same docu-

ment bound at the Government Printing Office. That was called to the attention of the committee and that was stopped.

Mr. MANN. Everybody knew what the law was.

Mr. FINLEY. They did not. They violated the law at any rate, and I want to say the commission stopped that. Last year this overcost was more than $71,000.

Mr. FITZGERALD. Why could it not have been done by the Joint Committee on Printing?

Mr. FINLEY. I have stated to the gentleman the Joint Committee on Printing have no clerks. In other words, they have nobody employed except this compiler and——

Mr. FITZGERALD. The Joint Committee on Printing consists of members of the Committees on Printing of the two Houses, and those committees have clerks.

Mr. FINLEY. Yes; and I want to say, as far as the House committee is concerned, that clerk is busy.

Mr. FITZGERALD. That may be; I have no doubt of it.

Mr. FINLEY. He has as much as he can do; and, besides, it is not his business to do the work of the Joint Investigating Commission. He has not the time to do it.

Mr. FITZGERALD. Why do not the members of the committees do some work, instead of insisting on having clerks to do it?

Mr. FINLEY. I will say this to the gentleman: That if the distinguished gentleman from New York did some work, why does not he do more?

Mr. FITZGERALD. I do; I work until midnight in my committee from 9 o'clock in the morning.

Mr. FINLEY. I will say to the gentleman that I am in my committee room working as much as the gentleman is.

Mr. FITZGERALD. That may be; but the gentleman can not make such a statement about me as that, because I do work. I have worked since the 4th of December as hard as any man of this House ever worked.

Mr. FINLEY. I believe I have spent two days at home this year—I think it is two—so the gentleman from New York can not say that I do not work. I will say another thing to the gentleman: That I happen to have a membership next to the chairman on the Committee on the Post Office and Post Roads.

Mr. FITZGERALD. I know the gentleman is busy, and I was not reflecting on the gentleman at all.

I was not reflecting on the gentleman. I know the gentleman is a member of the Committee on the Post Office and Post Roads, and I know that he has done a very large amount of work as a Member of this House, and has ever since I have known him.

Mr. FINLEY. I think I have been as busy as anybody in the House, and I know I have not the time to do this work, nor do I propose to do that class of work. This is a work of clerks, and it is their business, and it is the business of Congress to provide clerks when the Senate and House provides an organization and puts extra work upon that organization; so, therefore, this appropriation is necessary.

Mr. SISSON. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. SISSON. Will this commission be as long-lived as the other commissions have been?

Mr. FINLEY. I just stated to the Members here that the committee expires on the 4th of March, 1913, by limitation of law, and I for one will not ask for new life to be given to it.

Mr. SISSON. How long has it been in existence?

Mr. FINLEY. I think some seven years.

The CHAIRMAN. The time of the gentleman has again expired. The Chair would say, since the point of order has been reserved and probably will be made, that he would like to invite discussion to the act just referred to by the gentleman from South Carolina [Mr. FINLEY] continuing this. This act says (U. S. Stat. L., vol. 36, p. 1444):

Printing Investigation Commission: The authority vested in the Printing Investigation Commission to examine into the the general subject of the public printing and binding of Congress and the various executive departments, as now existing under authority of an act making appropriations to supply deficiencies, approved March 4, 1909, is hereby continued during the term of the Sixty-second Congress; and the said commission shall consist of three Senators who are members of the Joint Committee on Printing and three Members of the House elected to the Sixty-second Congress to be appointed by the Speaker and to serve until the Sixty-second Congress convenes; and the sum of $10,000 is hereby appropriated, to be immediately available and to continue available until July 1, 1912, for the expenses of said Printing Investigation Commission.

Under this act the commission is to serve only until the Sixty-second Congress convenes. But, in addition to that, there is another question that arises which the Chair would ask the gentleman from South Carolina [Mr. FINLEY] to look up, if he does not already know, and that is, if the Speaker of the House has appointed the three Senators provided for in this act, and also the three Members provided for in the investigation act?

Mr. FINLEY. I will state, if the Chair will indulge me, it says, "to serve until the convening of the Sixty-second Congress." Now, if the Chair will go along with me, they were appointed during the Sixty-first Congress and they were to continue until the Sixty-second, and then the life of the commission was to continue during the term of the Sixty-second Congress.

Mr. MANN. Yes; but it does not provide that they shall continue during the Sixty-second Congress.

Mr. FINLEY. I will say to the gentleman they were regularly appointed during this Congress.

Mr. MANN. By whom?

Mr. FINLEY. I think the gentleman from Illinois [Mr. MANN] named the gentleman from Pennsylvania [Mr. FOCHT].

Mr. MANN. I beg the gentleman's pardon.

Mr. FINLEY. Well, he designated him.

Mr. MANN. Yes; I know——

Mr. FINLEY. And he was elected by the House.

Mr. MANN. Yes; he was elected by the House a member of the Committee on Printing. This statute provided, and the other statute provided, and I call the attention of the House to the time, that the members of that committee were to be appointed by the Speaker. That never has been done, so far as I know.

Mr. FINLEY. They have been serving, and their acts have not been questioned.

Mr. MANN. They doubtless have been serving, and certified to the accounting officers that they were acting, although I think it was without authority of law. However, there is no provision in here for an appropriation, Mr. Chairman, except as the appropriation is made. I do not think there is any authority in any of the acts authorizing a further appropriation than the one carried in the bill. This is about the fifth time, I think, the matter has been up. The original act was passed in 1906, during the life of that Congress. An appropriation accompanied it. It was extended by a deficiency bill during the next Congress, and an appropriation accompanied it. It was then extended in the deficiency bill. Now, the gentleman proposes to make an additional appropriation. An appropriation has already been made under which this committee is entitled to act under this act of Congress.

Mr. FINLEY. I will call the attention of the gentleman from Illinois to the fact that no one contends that any appropriation is carried in the law authorizing this commission. It is subject, of course, to appropriation by Congress annually. That has been done all the way through. I contend for nothing else now. But I contend Congress is authorized to make the appropriation if it sees fit to do so. I think the Speaker did appoint the members of the commission.

Mr. FOCHT. Certainly this commission on the part of the House was regularly appointed by Speaker CLARK at the opening of the Sixty-second Congress. There can not be any question about that.

Mr. MANN. Well, we would like to know under what authority he acted.

Mr. FOCHT. I have my commission or notification.

Mr. MANN. What authority did he have?

Mr. FOCHT. He is not here. I can not determine that.

Mr. FINLEY. The gentleman wants to know the authority?

Mr. MANN. Here is the authority for the Speaker to appoint them until Congress convenes, to serve until the Sixty-second Congress convenes, which occurred within 30 days after the act went into effect.

Mr. FINLEY. I do not think there is any question as to the regularity of the commission as constituted.

Mr. MANN. Of course the gentleman does not think there is trouble, but the gentleman has not shown any authority as yet.

Mr. PAGE. Mr. Chairman, in the light of the developments during this discussion, I shall insist upon the point of order.

Mr. FOCHT. Mr. Chairman, in order that this matter may be made entirely clear, I desire to read here from the CONGRESSIONAL RECORD of April 24.

The CHAIRMAN. Will the gentleman please speak a little louder?

Mr. FOCHT. Oh, yes. Here it is:

PRINTING INVESTIGATING COMMISSION.

The SPEAKER. The Chair announces the following appointments to the Printing Investigating Commission: Mr. FINLEY, Mr. BARNHART, and Mr. FOCHT.

The CHAIRMAN. The Chair would like to ask the gentleman if the Speaker also appointed the Senate portion of the committee?

Mr. FOCHT. Not the Speaker, but the Senate.

The CHAIRMAN. The law says:

And the commission shall consist of three Senators, who are members of the Joint Committee on Printing, and three Members of the House, elected to the Sixty-second Congress, to be appointed by the Speaker.

Now, that bears the construction that any three Senators from that committee may be selected by the Speaker here.

Mr. FOCHT. It has not been so as to the members for six years, at least.

Mr. FINLEY. The provision, as contained in the last sundry civil bill, speaks of "three Members of the House, elected to the Sixty-second Congress, to be appointed by the Speaker." This has no reference to the Speaker appointing the Senate members.

The CHAIRMAN. By whom are the Senate members to be appointed according to this act?

Mr. FINLEY. They are to be appointed under the original law, the law that passed in 1906. My recollection is that it provided that the House members of the Committee on Printing should be members of this joint commission.

The CHAIRMAN. The Chair has the act or joint resolution of March 30, 1906, before him, and it reads in this way:

That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations—

And so forth. Nowhere in the act is any provision made for any other appointments.

Mr. FINLEY. If the Chair will excuse me, that is provided in the act creating the Joint Investigation Commission on Printing, passed in 1905. I will send out and get it.

The CHAIRMAN. In the meantime the Chair will further invite the attention of the gentleman from South Carolina to the question as to whether the Speaker of the Sixty-first Congress, after the November election, when he could officially know what Members had been elected to the Sixty-second Congress, then appointed this commission to expire when the Sixty-second Congress met, which was on the 6th day of April, 1911.

Mr. FINLEY. My recollection is that ex-Speaker CANNON did so appoint the House members of the Printing Investigation Commission.

Mr. FOCHT. Here it is, on April 24, 1911, when he appointed them.

The CHAIRMAN. But Speaker CANNON was not Speaker of the House at that time.

Mr. FOCHT. No; Speaker CLARK made the appointments.

The CHAIRMAN. The question is whether he had the right to do that.

Mr. FINLEY. My recollection is that Speaker CANNON, among the last things he did, appointed the House members.

Mr. FOCHT. Yes; and when the new session convened it was done by the present Speaker.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] seems not to have gotten the idea expressed by the Chair, or perhaps the Chair did not make himself quite clear. The act now in hand, which was passed during the Sixty-first Congress, provides that the Speaker shall appoint this commission and that this commission shall cease to exist when the Sixty-second Congress convenes; but that the House end of that commission shall be made up of Members elected to the House of the Sixty-second Congress. Now the question arises: After the then Speaker of the House, the Speaker of the Sixty-first Congress, was officially advised as to whom had been elected to the Sixty-second Congress, whether it was not his duty to appoint this commission, to expire when the Sixty-second Congress convened, so that this commission could have been at work from the time that the Speaker of the Sixty-first Congress may have appointed the commission until the Sixty-second Congress convened; and any appointment made by the present Speaker before that time would certainly not have been valid, because he was not then Speaker, and if the commission was to cease its existence at the commencement of the Sixty-second Congress, then the Speaker of the present Congress had no authority to appoint it. The Chair wishes the discussion to be confined along those lines in order that he may properly decide the point of order that has been raised.

Mr. FINLEY. The CONGRESSIONAL RECORD states, as I recollect right, Mr. Chairman, that Speaker CANNON in the Sixty-first Congress appointed this commission.

The CHAIRMAN. The gentleman from Pennsylvania has based his claim upon an appointment by the present Speaker of the House after this Congress convened.

Mr. FINLEY. I think Speaker CANNON appointed the gentleman from Ohio [Mr. KENNEDY], the gentleman from Pennsylvania [Mr. FOCHT], and myself.

Mr. PAGE. Mr. Chairman, if the Chair will allow me to make the observation, if the commission was appointed under the act read by the chairman of the committee by the former Speaker of this House, it ceased to exist and went out of existence under the statute at the beginning of the Sixty-second Congress.

The CHAIRMAN. The Chair is inclined to that opinion.

Mr. PAGE. And if the present Speaker made any appointment during the Sixty-second Congress it was in violation of law.

The CHAIRMAN. The Chair is rather inclined to think so.

Mr. FINLEY. Mr. Chairman, an appropriation was made in the last Congress, and it continues up to the 1st of July next.

Mr. FOCHT. I concede, Mr. Chairman, that if no authority had been given for the continuation of the commission the appointment by the present Speaker would necessarily not be valid, but, as stated by the gentleman from South Carolina, I insist that the authority was given and that the appropriation was made for the commission and continues up to the 1st of July next. I would agree with the chairman that if the commission had expired and no further authority had been given the Chair would be right, but further authority was given.

Mr. FINLEY. The authority was continued and appropriation was made, and the appropriation is not exhausted, but goes on to the 1st of July of this year.

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. PAGE. I insist on the point of order.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the burden is upon the gentleman from South Carolina to produce the authority authorizing the appropriation which he asks. An appropriation can not be made for a commission which is not in existence. The Chair, reading the statute before him, holds that there is no such commission in existence. It is quite plain that the commission would have died without the act approved March 4, 1911, but it was revived under that act to continue until the Sixty-second Congress convened.

That commission could have been appointed by the Speaker of the Sixty-first Congress at any time after the November election, when he had official knowledge as to what Members had been elected to the Sixty-second Congress. He could not have made an appointment from among Members of the House who had not been reelected; and, therefore, he was limited in his selection to those who had been elected to the Sixty-second Congress.

If the Speaker of the Sixty-first Congress did appoint that commission from eligible Members of the House, then that commission had authority and existence until the Sixty-second Congress convened. When the Sixty-second Congress convened, all power of the Speaker of the Sixty-first Congress to appoint that commission had expired. No authority is given to anybody to appoint this commission after the Sixty-second Congress did convene. The Sixty-second Congress convened on the 4th day of April, 1911, just 30 days after the power of the Speaker of the Sixty-first Congress had expired.

Mr. FINLEY. Is the Chair of the opinion that Speaker CANNON did not appoint the commission?

The CHAIRMAN. The Chair has stated that it is not material whether he did or not. If he did, the commission expired at the beginning of the Sixty-second Congress. If he did not appoint it before his time was out as Speaker, then nobody had the right to appoint, because the present Speaker did not become Speaker until the 4th day of April, 1911.

Mr. FINLEY. On March 4, 1911, the RECORD shows that Speaker CANNON announced as the Printing Commission Mr. KENNEDY of Ohio, Mr. FOCHT of Pennsylvania, and Mr. FINLEY.

The CHAIRMAN. That commission, under the act which the gentleman now asks the House to make an appropriation, went out of existence when the Sixty-second Congress convened. The Chair therefore sustains the point of order, and the Clerk will read.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

Office of the Public Printer: Public Printer, $5,500; purchasing agent, $3,600; chief clerk, $2,500; accountant, $2,500; assistant purchasing agent, $2,500; cashier and paymaster, $2,500; clerk in charge of the CONGRESSIONAL RECORD at the Capitol, $2,500; assistant accountant, $2,250; chief timekeeper, $2,000; paying teller, $2,000; telegrapher and clerk, $1,800; clerks—1 at $2,000, 10 of class 4, 11 of class 3, 6 of class 2, 6 of class 1, 9 at $1,000 each, 4 at $900 each, 6 at $840 each, 12 at $720 each; paymaster's guard, $1,000; chief doorkeeper, $1,200; doorkeeper, $1,200; 6 assistant doorkeepers, at $1,000 each; 2 messengers, at $840 each; chief delivery man, $1,200; 5 delivery men, at $950 each; telephone switchboard operator, $720; 3 assistant telephone switchboard operators, at $600 each; 6 messenger boys, at $420 each; in all, $131,200.

Mr. WILLIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the word "six," after the word "three," in line 1, page 35, and insert in lieu thereof the word "seven."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the amendment. It is an increase of salary.

Mr. WILLIS. Mr. Chairman, there is no increase of salary at all. This is in accordance with the recommendation set forth in the Book of Estimates on page 375. The estimate is provided there for 7 clerks of class 2, and the statement is made that it is arranged to promote one clerk from class 1 to class 2 on account of long and faithful service and increased responsibility. That is the recommendation of the Public Printer. When the matter came before the committee in the hearings, at page 1858, the following colloquy occurred:

The CHAIRMAN. Then you ask for 7 clerks of class 2 instead of 6 clerks of class 2.

Mr. DONNELLY. The promotion of one clerk from class 1 to class 2 is recommended on account of long and faithful service and increased responsibilities.

The CHAIRMAN. How are these places fixed? Are these clerkships graded because of the work of the particular places, or is the compensation arranged so as to promote a man doing the same work after a certain period of time?

Mr. DONNELLY. These salaries are fixed in consideration of the nature of the employment and the capability of the clerk. The particular clerk whom it is proposed to promote under this recommendation is a clerk named Emerson, who has received $1,200 for some time. His position has become more important, and the volume of his work has increased in the past two or three years. He is in charge of the receipt of formal bids for open-market purchases; he receipts for and returns samples, keeps the index of forms, corrects addresses, and acts as assistant telegrapher. The efficiency of the individual has been considered in all these cases, and in no case have I recommended an increase in the salary of anyone receiving more than $2,000 a year.

Because of this long and efficient service the promotion indicated by the estimate is suggested by the Public Printer. It seems to me it is only fair and in the interest of the public service that this be done. I therefore hope that the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, this is one of a great many recommendations made for increased compensation. Three years ago the committee picked up and placed on the statutory roll a number of employees who before that time had been paid out of lump appropriations. Ever since then requests have been made to rearrange and readjust and increase the compensation of various employees. There is no more excuse for increasing the compensation of one of these employees at this time than there would be for increasing the compensation of a great many others. The committee did not believe it would be justified in making the recommendation. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 154, at the end of line 19, strike out "$5,500" and insert in lieu thereof "$7,000."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order.

Mr. BUCHANAN. Mr. Chairman, I will ask the gentleman to reserve the point of order.

Mr. FITZGERALD. I will reserve the point of order.

Mr. BUCHANAN. Mr. Chairman, this is subject to the point of order, but at the same time, in my judgment, it will be conducive to economy. I want to say, in connection with that, that the salaries paid to the superintendents (not business managers) of the three largest publishing houses in New York City is $7,500 per annum.

The combined force of the mechanical departments in these three publishing houses is approximately one-half of the force employed in the Government Printing Office.

The charges for work performed in the Government Printing Office during the last fiscal year amounted to $6,307,762.74; the salary paid to the business manager of this institution, which has 4,000 employees and does a business of over $6,000,000 a year, is $5,500 per annum, out of which he is compelled to pay a premium of $150 per annum for his bond.

The foremen of the composing rooms of the New York and Chicago newspapers receive on an average $4,000 a year, and direct the work of an average force of 200 men.

Since the present Public Printer has been in that official position there has been a reorganization of the force there, showing the efficiency of this man to fill the position that he is occupying at the present time. I say that rewarding merit is conducive to economy, and in that connection I want to make the following statement to prove my contention.

The total appropriation for public printing and binding have been decreased annually since 1909, as will be seen by reference to the table on page 1913 of part 2 of the hearings before the subcommittee of the House Committee on Appropriations having charge of the sundry civil bill for the fiscal year 1913.

The Government Printing Office was operated during the fiscal year 1911 without a deficiency appropriation for the first time in 20 years, and with a balance of $272,000 remaining unexpended. A deficiency appropriation will not be necessary for the present fiscal year.

The work of Congress has been executed promptly and efficiently, and for a period of three years there has been no cause for complaint as to the service rendered by the Government Printing Office.

The execution of approximately 10 per cent greater volume of work at a less labor cost is the result of increased efficiency and improvement of equipment and of methods of handling the work.

It seems to me that this is a reward to which the Public Printer is entitled, and unless Congress shows that it is willing to reward efficient and capable service, it is probable that it will not be able to keep an efficient man in that position. I maintain that it is much more important to pay a salary sufficient to reward a man of that merit in that position than it is to pay the sums that are paid to many other employees in different departments of this Government. That is my reason for desiring the consideration and adoption of this amendment at this time.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. TRIBBLE. What becomes of the amount of money that is paid by Members of Congress for publication of speeches? Where does that money go?

Mr. BUCHANAN. The chairman of the Committee on Appropriations can tell that better than I.

Mr. FITZGERALD. It is covered into the Treasury of the United States.

Mr. BUCHANAN. I know that it is covered into the Treasury, but the chairman of the Committee on Appropriations can explain that better than I can.

I have here a comparative table of the production and expenses of the Government Printing Office in recent years, and with the permission of the committee I will insert it at this point in my remarks. It is as follows:

Comparative statement of production and expense—Government Printing Office.

Fiscal year.	Salaries, wages, leave, and holiday.	Charges rendered.	Scale reduced first of fiscal year.	What charges would have amounted to had no reduction been made in scale of charges.	Remarks.
			Per cent.		
1908	$4,470,754.63	$5,208,337.56			Scale of charges indefinite.
1909	4,452,489.11	6,242,443.13			Not enough definite information on hand to make change in scale.
1910	4,341,818.71	6,324,395.41	5	$6,657,258.33	
1911	4,319,453.09	6,307,762.74	2½	6,811,938.81	The volume of work (represented by $6,811,939.81) is over 9 per cent in excess of 1909, while the salaries, wages, etc., are about 3½ per cent less than in 1908.
1912 (11 months)	[1]	[2]			

[1] No greater than in 1911.

[2] $602,595.39 in excess of same period in 1911.

Mr. Chairman, I understand, of course, that this amendment is subject to the point of order, but under the circumstances the point of order ought to be withdrawn. The increase in the salary is just. The request is not made by the Public Printer himself. When I learned the efficiency and capability of his management of the business of the Printing Office, I volunteered to put in a bill which is now pending before the House increasing his salary.

Mr. FITZGERALD. Mr. Chairman, the present Public Printer is undoubtedly a very competent man, but in fixing Government salaries Congress has always taken into consideration the very great distinction that comes to a man through holding so important a public place. The committee would not be justified in consenting to any increase of compensation in a position like this, and I insist upon the point of order.

The CHAIRMAN. The point of order is made by the gentleman from New York. The gentleman from Illinois, who offers the amendment, admits the point of order. The Chair sustains the point of order.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 155, lines 2 and 3, strike out "6 at $840 each, 12 at $720 each," and insert in lieu thereof "18 at $840 each."

Mr. FITZGERALD. I make the point of order this is an increase of compensation and I make the point of order against it.

Mr. BUCHANAN. Mr. Chairman, I am of the opinion this is one of the recommendations made by the Public Printer.

Mr. FITZGERALD. Oh, yes; the Public Printer has recommended a great many persons over there be increased, and if we followed the recommendations of all these officials we would be issuing bonds in a few months.

Mr. BUCHANAN. Mr. Chairman, I want to say I am satisfied the Public Printer made these recommendations due to the efficiency of these clerks, and I think I was justified in offering it.

Mr. FITZGERALD. I am not criticizing the gentleman for offering this amendment.

Mr. BUCHANAN. I know; I did not say the gentleman was.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages, of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding, and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures, and ice; bicycles, horses, wagons and harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery of the work, $4,182,880.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I rise for the purpose of eliciting some information from the chairman of this committee. Our constituents throughout the country are under the impression that the speeches we send out through our districts are published free. That they are furnished free is a charge frequently made in the press of the country. Such publications have been made in my district. I have distributed some of my speeches and I am informed that the impression is general throughout the district that they cost me nothing. Now, I make the assertion, and I am prepared to verify it, that the speeches published in the CONGRESSIONAL RECORD, printed by the Public Printer, cost the Members of this House more than it costs to print them in private printing offices in this city. Now, if we are to pay more for the speeches than private houses in this city charge, then I think the people ought to know that fact and this House should know what disposition is being made with money we pay for the printing of these speeches.

Mr. HAMILTON of Michigan. Why not make fewer speeches?

Mr. TRIBBLE. Well, possibly that might be better; but we are here to give expression to our views and by the exchange of thought enact wholesome legislation. When I distribute a speech and pay a big price for it I do not care to have it charged in my district that I am receiving these speeches from the Government press free of charge when, as a matter of truth, I pay more than is charged elsewhere.

Mr. FOCHT. I would like to ask the gentleman where could he get any printing done in this country at the prices he gets it done there?

Mr. TRIBBLE. If the gentleman will take his speeches and go down to a private printing office of this town and get the prices he will find out. I am speaking the truth, for I have personally secured prices in private establishments.

Mr. FOCHT. On the contrary, I feel ashamed to take work from the Government Printing Office and send it out at the prices we pay.

Mr. TRIBBLE. The gentleman can make his own investigation, I have made mine, and I assume my statement is worth as much as his.

Mr. MANN. Has the gentleman considered the difference in the cost of paper on which the speeches are printed? Is it the fact the difference in the cost of printing speeches in a private printing office and getting them at the Government Printing Office is the difference in the cost of paper?

Mr. TRIBBLE. I do not know, and I want to know now this difference and what is done with the money paid for them. That is the purpose of my rising to obtain that information, if I can. I do not object to paying for the publication of my speeches; indeed, I think the Members should pay for such publications. My point is, we pay the Public Printer more than a private office charges, and yet the public generally understands that speeches are free.

Mr. MANN. I think no private printing office would print speeches upon the paper which the Government Printing Office uses, and the fact is the speeches which we send out from there would cost considerably less if the Government Printing Office would print them upon less expensive paper; they are purely temporary speeches and are not supposed to last 50 years. [Laughter.] Well, they are presumably embalmed in the CONGRESSIONAL RECORD on rag paper, and there is no occasion for using anything but the cheapest ground wood-pulp paper in sending speeches into a district, and I think the gentleman will find the difference is in the cost of the paper.

Mr. FITZGERALD. Mr. Chairman, the gentleman is accurate in his statement. My attention was called to the fact within a few weeks that such a statement had been printed in connection with a very excellent speech which I made myself. [Applause.] The statement was to the effect that the speech was being distributed in my district and that the printing was done by the Government, and that it was a very desirable thing that Members of Congress should be able to have speeches printed free by the Government, and circulated. I did not pay any attention to the statement because I had painfully realized that those speeches were not printed free, and I had been compelled to pay a very substantial sum to have copies printed in order to circulate them. Like the gentleman from Georgia, and other Members of the House, having prepared the speech myself and having delivered it, and knowing better than anybody else what a very excellent speech it was, I was willing to incur that expense and pay that money out of my own pocket in order to give the people of my district the benefit of the work I had put upon the speech. I believed it was a very illuminating speech. I think it is one of the best speeches that has been called to my attention in the course of a year. Its chief value was the fact that it was an accurate account of the failings and mistakes of the Republican Party. [Applause on the Democratic side.] I know it was a good speech.

Mr. MANN. A speech that was not even delivered here?

Mr. FITZGERALD. No; it was not.

Mr. MANN. And printed at Government expense?

Mr. FITZGERALD. I was informed that a gentleman in the House thinking as highly of this speech as myself had had it inserted in the RECORD, so that Representatives might have an opportunity to see their shortcomings. The gentleman from Illinois asked some question about the speech at the time, and his colleague, my colleague on the committee, also. In reading the RECORD, as I did after it was called to my attention, I was inclined to believe they both were of the opinion that it was a very good thing to circulate that speech to enlighten the country. I know that they appreciate my patriotic enterprise in having printed, at my own expense, a number of copies of this speech so at least in one portion of the United States, that represented by myself, the people would not be under any delusions about the record of the Republican Party.

Mr. TRIBBLE. Now, these charges are covered into the Treasury.

Mr. FITZGERALD. The money that the Members of Congress pay to the Public Printer in return for these speeches is covered into the Treasury as miscellaneous receipts.

Mr. MANN. I think the gentleman is mistaken about that.

Mr. FITZGERALD. No. Formerly the Public Printer got the benefit of these payments, by having the appropriation reimbursed, but he does not now.

Mr. MANN. I think the gentleman is mistaken.

Mr. FITZGERALD. I inquired about it.

Mr. TRIBBLE. I want to know, if we are furnishing the printing press——

Mr. MANN. The printing of those speeches is not made at the expense of the appropriation. The fund is used over and over again.

Mr. FITZGERALD. The gentleman is mistaken about that. That was the law at one time.

Mr. MANN. I only give my opinion on the subject. I am satisfied that when the gentleman finds out he will see that I am right.

Mr. FITZGERALD. The Treasury gets the benefit of the payment made by the Members.

Mr. MANN. Then, under the theory of the gentleman, the more speeches printed by Members of Congress, the less can be used for real congressional printing. We make an appropriation of so much for congressional printing, and if the appropriation should be exhausted we could not print any. The gentleman is mistaken.

Mr. FITZGERALD. No; I am not. The Public Printer is doing what never has been done before. He is doing more work all the time for less money. I am confirmed in the statement I made from a reliable source.

Mr. MANN. It is a wrong source this time.

Mr. FITZGERALD. It has been stated that it costs more to print these speeches in the Government Printing Office than elsewhere. I have had some experience both ways. I had one speech printed more cheaply outside the Government Printing Office, but I never tried it a second time. The workmanship, paper, and everything about the speech was of such a character that I did not care to repeat the experiment. Whether it would cost more to have the work done in the same style, same grade of paper, same grade of ink, outside of the Government Printing Office I do not know.

Mr. BUCHANAN. Will the gentleman yield? It is also a fact that the workmanship of the Government Printing Office is superior to other work.

Mr. FITZGERALD. The press work would be the same any place. I do not think there would be any difference in that. It is not like that of a skilled painter or something requiring the peculiar individual skill of an artistic character. The excellence of the work consists, first, in the style of setting type. That can be set in any way a person desires, and then the grade of paper and quality of ink will also enter into it.

Mr. TRIBBLE. The gentleman will understand I am not complaining. I simply wanted to know if the money went into the Treasury.

Mr. FITZGERALD. The money goes into the Treasury.

Mr. MANN. It goes to the Public Printer.

Mr. CAMPBELL. Mr. Chairman, I shall not enter into the controversy between the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] as to where the money goes.

Mr. FITZGERALD. There is no controversy between the gentleman from Illinois and myself as to where the money goes. The difference of opinion is where certain money comes from.

Mr. CAMPBELL. That is a question I want to mention. I am in hearty sympathy with the gentleman from Georgia [Mr. TRIBBLE]. A newspaper having a very large circulation in this country, published in my district, advised its readers some months ago to write to their Members of Congress for anywhere from 300 to 500 copies of a certain speech that was delivered here, telling them that the Government printed these speeches for nothing, and all they had to do was to ask their Members for them. Thereupon I received many requests for numerous copies of this speech

Mr. MANN. Whose?

Mr. CAMPBELL. Well, it was the first speech of its kind ever delivered on the floor, by the only kind of a man that ever appeared on the floor.

Mr. FOCHT. May I ask you a question?

Mr. CAMPBELL. Yes.

Mr. FOCHT. You will recall in connection with Thomas H. Benton's Thirty Years in Congress, when his publishers asked him how many copies should be printed, he said, "Great heavens! Do you not know what the last census was?" I suppose this was the case with you?

Mr. CAMPBELL. Very much the same case. And the notion prevails generally throughout the country that Members of Congress have all the printing done they want done for nothing. I am very glad that the gentleman from Georgia has raised the question, and I would like every citizen of the Republic to know what the facts are with regard to the expense of printing speeches that are delivered by Members of Congress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,750,000. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 157, in line 15, strike out "$1,750,000" and insert "$1,992,981.68."

Mr. CANNON. Mr. Chairman, this is the estimate. The amount recommended is over $200,000 less than the estimate. Of course this estimate was primarily prepared by the Public Printer.

Now, it seems to me that that is a very large difference between the appropriation for the next fiscal year and that for the current year. The appropriation for the current year is $1,846,850, and the estimate for the coming fiscal year is $1,992,981.68. This amendment, if adopted, will give the estimate. Everybody agrees that this Public Printer is a good official.

Mr. SHERLEY. Mr. Chairman, if there is any item that I have ever discovered in my long service in Congress that I am sure ought not to be increased, it is the item providing for printing and binding for Congress. I hope to see the time come in America when the present inexcusable abuse that exists in regard to printing may be done away with. I hope to see the time in America when all documents will be sold at a nominal figure, as I am reliably informed is now done in England, in order to prevent the tremendous waste that now prevails.

We print a great deal of material, good, bad, and indifferent. Some of it, I believe, would be of value if it got into the hands of certain people; some of it would be of no value in the hands of anybody; and I should like to see the reform made along the line of less printing instead of more printing. Constantly some one gets hold of the ear of the Committee on Printing, or a certain demand is made because people in a particular section of the country desire temporarily certain things that they have heard of, through the press or otherwise, and we authorize the printing and circulation and distribution of a lot of matter. It is one of the great wastes of Congress. That waste could be stopped and a saving of money could be had, amounting to a good many thousand dollars, by a different system.

Mr. FOCHT. I would like to make a suggestion along that line, if the gentleman from Illinois will permit.

Mr. CANNON. Certainly.

Mr. FOCHT. I quite agree with the gentleman from Kentucky [Mr. SHERLEY] that there has been a very serious abuse, but an effort has been made in the new printing bill very largely and extensively to reform that abuse.

Mr. SHERLEY. Oh, that effort is simply hitting at a few pronounced abuses and not hitting at the viciousness of the old system. The truth of the business is that the Members of Congress undertake, through the distribution of documents and seeds and a lot of other things to make themselves popular in their own districts in order that they may come back to Congress, and for my part I think that a man who is dependent on that sort of work for his coming back demonstrates that he ought not to be here in the first place. And I think, along with this free advertisement of ourselves, that we should do away with a lot of the messenger-boy work that now pertains to the work of a Member of Congress and deal with some of the great questions that are pending before the country, and if we did that we would be better off and the country would be much better off. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I am not going to debate the proposition or to affirm or to deny the proposition that the gentleman from Kentucky makes, because it is not necessary. Here is the Government Printing Office and here is a provision for the printing and binding of Congress. All the printing and binding of Congress must necessarily be under existing law.

Mr. SHERLEY. If the gentleman will permit, we authorize every day, and will authorize probably out of part of this fund that this money is supposed to supply, the printing of a whole lot of things. Now, all we have to do is to cut off a lot of fool printing and come within this limit.

Mr. CANNON. But that is under existing law.

Mr. SHERLEY. No; the gentleman is mistaken again. We make the law from day to day.

Mr. CANNON. Under the law the Committee on Printing comes in with a resolution which we agree to. If the law did not authorize it, we could not have printing done.

Mr. SHERLEY. The gentleman is mistaken. If the law did authorize it they would not come to Congress for authorization.

Mr. CANNON. The gentleman knows that by resolution of the House, or by resolution of the Senate, public printing is ordered, and that is permitted under existing law. It is true that if Congress did not sit there would be no CONGRESSIONAL RECORD. If the reports of the committees were not made there would be no printing from that standpoint. I have reason to suppose that in this year of our Lord 1912, with a presidential election approaching, with a session of Congress that is liable, I suppose, to run to the 1st of September, and God knows how much longer—and I know of nobody that can tell me—I see no reason to suppose that there will be any less printing done in the coming fiscal year than there has been in the current fiscal year.

Now, what is to happen? If we cut this estimate from $1,992,000 plus to $1,750,000, about a quarter of a million dollars or a little more, all there is about it is there will be a deficiency appropriation to make, or else the printing that we order will not be done. I believe there is a law that requires the Public Printer to divide this appropriation into four parts and spend so much each quarter. I am perfectly willing, if the majority desires, to cut off a quarter of a million dollars at one stroke for printing and binding for Congress. If the majority want it, so be it.

Mr. FINLEY. Mr. Chairman, something was said about the Committee on Printing. I am sure the gentleman from Kentucky will not charge the present committee with anything like extravagance; in fact, a comparatively small amount of printing has been done by authorization of this committee.

Mr. SHERLEY. If the gentleman will permit me, I am not charging the present committee with any extravagance, but it is the vicious system. I understand the pressure that is brought to bear on the committee, and my wonder is that they have not done more of it, considering the demands that are made on them under this vicious system.

Mr. FINLEY. If the Committee on Printing in the House made favorable reports on three-quarters of the resolutions that go to them, the printing would amount to more than a million dollars a year above what it does at present. There are very few Members of this House who do not at some time—the gentleman from Kentucky himself—call matters to the attention of the committee, which, if carried out, would call for large expenditures of money.

Mr. SHERLEY. The gentleman is right, and I repeat that the fault is with the system. In nine years' service in the House I have made one request, and that was for the printing of a public law—the bankrupt law—of universal interest to the country.

Mr. FINLEY. I will admit that there are abuses. I remember one instance in the last Congress where 100 copies of the laws of the District of Columbia were ordered by a committee. That meant the initial cost of that publication would come out of this appropriation. It cost $1,059. That was, in my opinion, an unnecessary expenditure of the public money. I want to call the attention of the gentleman from Kentucky to the fact that very often Members will introduce resolutions not drawn by themselves, but suggested by some one outside, and they do not know what is in them or what they involve. I have one resolution, where I got an estimate, and it called for an expenditure of something like $250,000. So nothing can be charged to the present Committee on Printing in the House in the way of extravagance. The only criticism at present is that we are not liberal enough with the membership of the House. It is true that the joint committee, within the limit of $200, can order reprints, and do sometimes, and the House by special resolution can order prints or reprints to the extent of $500. If the cost exceeds $500, it must be by concurrent resolution, so that whatever waste there is the majority in the House or Senate, or both the House and the Senate, is responsible for it.

Mr. FITZGERALD. Mr. Chairman, the estimate for printing and binding of Congress for the current year was $2,272,036.88. The appropriation was $1,846,850. The Public Printer will do all the printing and binding for Congress for the fiscal year without any deficit. Congress has been in session seven months during this year. In the next fiscal year the ordinary session of Congress will be three months, and we will probably be in session at least during the month of July, making four months, but not much more than 50 per cent of the time that we are in session during the present fiscal year. The reduction in this item, although Congress will be in session three months shorter time in the next year, is only $96,850. The gentleman from Illinois proposes to give for public printing and binding next year, when Congress will be in session about half the time it is in session this year, $150,000 more than is required for that purpose during this fiscal year. The committee could not justify any such appropriation. There is no necessity for it. I believe the Public Printer will have ample money, unless there is an extra session of Congress next spring. In that case there probably would be more money required, but that is not anticipated.

Mr. MANN. What?

Mr. FITZGERALD. That is not anticipated at present, and I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, I do not agree with the gentleman from Kentucky [Mr. SHERLEY] in reference to public printing. I believe now, and I always have believed, that where the Government spends very large sums of money in acquiring information it can afford to spend proportionately very small sums in disseminating information. Of course I know there are abuses under the system. I am going to give the gentleman from Kentucky a chance to explain something which perhaps has not been called to his attention. In the report of the Committee on Printing, recently submitted to the House on the 1st of this month, there is a quotation from a report made by the Printing Investigation Commission, from its preliminary report dated June 25, 1910, in which occurs this statement:

> Libraries also receive a great number of documents from private individuals who have been supplied with Government publications they do not desire by Members of Congress and the departments. A startling incident of the extent of this practice was reported to the commission by the librarian of the Louisville Free Public Library. The Louisville librarian stated that last fall he received 3,000 documents that had been franked to a citizen of Louisville. Nearly all of these publications bore the dates of 1900 to 1904, and many of them were duplicates. In the lot were 20 mail sacks of the 1904 Yearbooks of the Department of Agriculture, a total of about 750 copies of that publication alone. Out of the entire number the Louisville librarian says there were only about 300 volumes that his library desired, and he forwarded the remainder, about 2,700 volumes, to the superintendent of documents in Washington, the Government having to bear the expense of mailing this wagon load of publications from Washington to Louisville and from Louisville to Washington.

Mr. SHERLEY. Mr. Chairman, let me say to the gentleman that I know nothing of the matter except what he has read. Perhaps I can explain it from my knowledge of some of my predecessors. I was elected to Congress in 1902 and took my seat in December, 1903. There were no publications mentioned in the statement just read by the gentleman that were the result of any action of mine, but it so happens that there was a predecessor of mine who died, and when his estate was administered there were quite a number of documents to his credit. I do not know, but it is just possible that these documents were turned over by his administrator, the Fidelity Trust Co., to the public library, because I recall that the trust company at one time spoke to me touching some documents. If that be not the explanation, the only explanation of it that I can offer is that they are from some Senator of the State or from my immediate predecessor who represented the district during the time to which the gentleman refers.

Mr. MANN. Mr. Chairman, I had not conferred with the gentleman from Kentucky upon this subject, but, knowing the gentleman, I was very confident that he had not sent out 750 of those valuable books to one individual. I thought it was proper, as long as this matter came up, to have his attention called to it.

Mr. SHERLEY. And I am very glad the gentleman did.

Mr. MANN. So that he would have on record the fact that this does not refer to him.

Mr. SHERLEY. Mr. Chairman, I care nothing about that. The people of my district, I think, have sufficient confidence in me not to be concerned touching a statement that bears no more directly upon me than the statement just read.

Mr. MANN. But the statement here says that they were received last fall. This is 1910, and it might, without an explanation, have been supposed by anyone who saw this and knew the gentleman had been in Congress from Louisville for years that it referred to the gentleman from Kentucky. Of course I was confident it referred to some documents probably sent out in bulk at some time when some Member retired from Congress, in the hope that he might use them in his district.

Mr. SHERLEY. Mr. Chairman, I have no doubt that the suggestion which I offer is probably correct, but it is a good illustration of what does happen. We have here every year questions as to space for storing public documents.

Mr. MANN. Mr. Chairman, I do not think it is a good illustration of what happens. It is an illustration of what would happen or what might happen, but it is not an illustration of what ordinarily is done by any means, and that is just the point. Every day a Member of Congress receives a large number of printed papers, documents, magazines, newspapers in

his mail. What does he do with them? I do not know what other gentlemen do, but I know they do not read them, because that would be impossible in 24 hours of the day. Yet out of those, every once in a while, if a Member examines them at all, he gets something of very great value to him and of great value to the country, which he will use. Oh, the gentleman from New York [Mr. FITZGERALD] shakes his head. Perhaps he knows everything without acquiring the information. He has a good deal of information, and I do not know where he gets it.

Mr. FITZGERALD. Mr. Chairman, I do not believe that out of the class of literature to which the gentleman refers anybody gets anything of any great value to the country, to the people, or to himself.

Mr. MANN. Oh, on the contrary, I think a Member who does not examine or glance at the things sent to him misses the opportunity of getting a great deal of very valuable information.

Mr. FITZGERALD. Mr. Chairman, I know I waste a great deal of time in looking through everything.

Mr. MANN. Oh, I suppose the gentleman prefers to read daily newspapers which do not pretend to have information in them rather than to read papers that are from expert sources, and those are the ones that the gentleman ought to look at to get his information. I am in favor of publishing the information which we acquire. I was going to ask the chairman of the Committee on Printing, as a matter of information for the House, whether he expected to get before the House during the present session of Congress the printing bill which he has reported in the House?

Mr. FINLEY. Mr. Chairman, I hope to do so.

Mr. MANN. How?

Mr. FINLEY. In the usual way that such bills are gotten up, and as to the manner of which I do not think I could enlighten the distinguished gentleman from Illinois.

Mr. MANN. I take it that we will spend every Calendar Wednesday of the next session of Congress, then, upon this bill?

Mr. FINLEY. Oh, I think the bill will be considered in this Congress.

Mr. CANNON. Mr. Chairman, I just want to add a word. I have listened to my colleague from Illinois [Mr. MANN] with great interest, and also to the gentleman from New York [Mr. FITZGERALD], the chairman of the committee. I was especially interested in the statement respecting magazines and daily newspapers, and the essays therein, covering everything from the creation of the world to the end thereof, as it would seem, either in fact, assertion, or speculation. But I agree with my colleague that they are useful. You can take some of these publications that are sent here and for mere assertion and abuse nothing like them could be found anywhere else. I have in mind now one paper, a metropolitan paper, that I occasionally get, and not being a subscriber I suppose it comes to me as a sample copy. I turn it over and read it. I know what it is sent for, as it appears either on the front page or upon the inside—a great double column in large print, consisting of assertions and vituperation. If the man who writes those articles had lived back in the time of Job, and had been afflicted as was Job, or even without being afflicted, Job's wife, after reading one of his articles, would undoubtedly have advised him to curse God and die.

Well, we like to see what uses the English language now and then can be applied to. So much for that. The reform that will come from the public printing bill, if it is ever enacted, remains to be seen. The reform that will come from cutting down this appropriation and other appropriations that I will reach a little later by way of amendment, will be hoped for but will not be, I fear, ever materialized.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the State Department, $35,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 157, in line 23, strike out the figures "$35,000" and insert "$45,000."

Mr. CANNON. Mr. Chairman, that is the estimate for 1913. The appropriation for the current year was $37,000. I do not desire to speak further, but merely move the amendment which will give the estimate.

Mr. FITZGERALD. Mr. Chairman, in investigating the items for these various departments of the Government it was ascertained that in 1911, in most of them or in many of them, a very large balance was unexpended, and the committee made up the items for these departments upon the information which it acquired from what had actually been expended. Instances were called to the attention of the committee where indefensible extravagance had been indulged in in having printing done. For the purpose of preventing a repetition we gave the Department of State the money actually required. For the State Department $35,000 was fixed. In the last two years the appropriation was $37,000 each year. I think the committee has information which justifies it in recommending no larger appropriations than we recommended. I hope the amendment will be disagreed to.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Treasury Department, $340,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 157, line 24, strike out "$340,000" and insert "$360,000."

Mr. CANNON. Mr. Chairman, the appropriation for the current year is $360,000. The estimates for the coming year is $360,000. This, if adopted, will give the estimate. It is the same as the appropriation for the current year.

Mr. FITZGERALD. Mr. Chairman, in 1911 this department had $350,000 and an unexpended balance of $15,000. On the 1st of May of this year, out of an appropriation of $360,000, there was an unexpended balance of $71,000, and it is believed this amount will be sufficient.

Mr. CANNON. Yes; but my friend will allow me there. In 1910 there was appropriated $325,000 with a deficiency of $65,000, which would make $390,000 for that year.

Mr. FITZGERALD. Yes; but that was in a year of great extravagance, and since that time the Public Printer materially reduced the cost of public printing.

Mr. CANNON. Yes; but he recommends $360,000 this year, and he is a good man.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the War Department, $190,000: *Provided*, That the sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 158, line 1, strike out "$190,000" and insert "$258,000."

Mr. CANNON. Mr. Chairman, this is the estimate made by the officers of the Government, while the appropriation for the current year is $263,000, $5,000 more than the estimate.

Mr. FITZGERALD. Mr. Chairman, in 1911, out of an appropriation of $275,000, the War Department was unable to expend $78,000, and on the 1st of May of this year it had a balance of $83,849. Apparently it obtained an appropriation very much in excess of what was actually required, and the committee cut the appropriation accordingly.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Navy Department, $140,000, including not exceeding $25,000 for the Hydrographic Office.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 158, line 7, strike out "$140,000" and insert "$153,000."

Mr. CANNON. That is the estimate for the coming year.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Interior Department, including not exceeding $40,000 for the Civil Service Commission, and not exceeding $25,000 for the publication of the Annual Report of the Commissioner of Education, $230,000.

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Page 158, in line 12, strike out "$230,000" and insert "$273,500."

Mr. CANNON. Which is the estimate for the coming fiscal year, and is $22,000 less than the appropriation for the current year.

Mr. FITZGERALD. In 1911 the appropriation was $285,500, and there was expended $227,089.31, making a balance in the neighborhood of $58,000, and on the 1st day of May of this year they had an unexpended balance of $50,000.

Mr. MANN. Will the gentleman yield for a question? Why should it cost $25,000 to publish the annual report of the Commissioner of Education?

Mr. FITZGERALD. I do not know.

Mr. GARNER. I do not suppose anybody else does.

Mr. FITZGERALD. They had expended $40,000 until they came down to $25,000.

Mr. MANN. I believe they print 25,000 copies of the report of the commissioner of education. That is one of the cases I do not know, but I am inclined to agree with my friend from Kentucky. I believe in printing the information. We get a congressional distribution of it, and I apprehend most of the copies are maintained in the folding room because the department has all of the books that the school-teachers want, and then some besides.

Mr. GARNER. And nobody seems to be particularly interested in it.

Mr. MANN. It was used primarily for getting an increased appropriation for the bureau.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Chair would like the indulgence of the committee for just one moment, and to ask afterwards to return to the item relative to printing, and to the amendment offered by the gentleman from South Carolina [Mr. FINLEY]. The Chair finds the statute relative to the subject most ambiguous indeed. The statute is found in volume 36 of the United States Statutes at Large, page 1444. This statute says in so many words that this commission, authorized under the act of 1909, shall continue during the term of the Sixty-second Congress. A few lines further along the statute is just as emphatic in saying that that commission shall serve until the Sixty-second Congress convenes. Now, there is a contradiction and an ambiguity which is difficult to get over, but on mature reflection the Chair has arrived at the conclusion that it was the intention of the Sixty-first Congress to provide that this commission, which might be appointed by the Speaker of the Sixty-first Congress, should continue until the Sixty-second Congress convened, and then a new commission could be appointed by the Speaker of the Sixty-second Congress to run during the Sixty-second Congress. The Chair, therefore, reverses the ruling made a few moments ago.

He is not entirely clear, however, that he is right in it, but in the indicated reversal of opinion relative to it the Chair desires to construe the statute according to intention. While it is the accepted rule that all statutes should be construed against themselves, yet I take it that nobody knows exactly what this does mean, and I do not believe there is any Member on the floor who knows what it means. If there is objection to returning to it, then the Chair wishes to put it to the House.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that we return to that paragraph and that the proceedings be vacated.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the committee return to the paragraph indicated, and that all the proceedings in regard thereto be vacated. Is there objection? [After a pause.] The Chair hears none.

Now, the question pending is the point of order.

As the Chair has just indicated, he is perfectly frank to admit he does not know what the section means, and, not knowing, the Chair prefers to have the sense of the House upon it.

Mr. MANN. Mr. Chairman, I think the Chairman is right in announcing his present ruling, because, after I looked up the matter myself, I concluded it was not subject to a point of order.

The CHAIRMAN. The Chair, at the time of rendering the ruling, was satisfied, but on more mature reflection became dissatisfied, because he did not know what it did mean, and does not know yet. But the Chair is inclined to give it the significance that the commission appointed by the Speaker of the Sixty-first Congress ran until the Sixty-second Congress convened, and then that the Speaker of the Sixty-second Congress had the right to appoint the commission to run during the Sixty-second Congress.

The Chair will now hold that that is the meaning of the section, reverses itself, and holds that the amendment is in order.

Mr. FINLEY. Mr. Chairman, I renew my amendment.

The CHAIRMAN. The amendment offered by the gentleman from South Carolina [Mr. FINLEY] is now before the House, and the Clerk will report it.

The Clerk read as follows:

After line 17, page 154, insert: "Printing Investigation Commission, as provided for in an act making appropriations for sundry civil expenses of the Government, approved March 4, 1911: The sum of $5,000 is hereby appropriated for the expenses of said Printing Investigation Commission."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. FINLEY. I ask for a division.

The committee proceeded to divide.

Mr. FOCHT. Mr. Chairman, before the decision is given, I trust that the Chair will permit the chairman of the Committee on Printing to state this case clearly and specifically so that the committee will understand.

Mr. FITZGERALD. The gentleman is not in order.

Mr. FOCHT. Then I call attention to the fact that there is no quorum in the House.

Mr. FITZGERALD. It is time to quit, anyway.

The CHAIRMAN. The point is made that there is no quorum present.

Mr. FINLEY. I suggest to the gentleman from Pennsylvania [Mr. FOCHT] that he withdraw his point of no quorum.

Mr. FOCHT. No; I will not. They will not allow the gentleman to explain the purpose of the bill. Why not call for a quorum?

The CHAIRMAN (after counting). Fifty-nine gentlemen are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Evans	Langley	Raker
Akin, N. Y.	Fairchild	Lawrence	Randell, Tex.
Alexander	Faison	Lee, Ga.	Ransdell, La.
Ames	Farr	Legare	Redfield
Anderson, Ohio	Fields	Lenroot	Reilly
Andrus	Flood, Va.	Lever	Reyburn
Ansberry	Fordney	Levy	Riordan
Anthony	Fornes	Lewis	Roberts, Mass.
Austin	Foss	Lindbergh	Roberts, Nev.
Ayres	Fowler	Lindsay	Roddenbery
Barchfeld	Fuller	Lithicum	Rodenberg
Barnhart	Gallagher	Littlepage	Rouse
Bartholdt	Gardner, Mass.	Littleton	Rubey
Bates	Garrett	Lloyd	Rucker, Colo.
Berger	George	Lobeck	Rucker, Mo.
Booher	Gillett	Longworth	Sabath
Borland	Glass	McCall	Saunders
Bowman	Godwin, N. C.	McCoy	Scully
Bradley	Goeke	McCreary	Selis
Broussard	Goldfogle	McDermott	Shackleford
Browning	Good	McGuire, Okla.	Sharp
Bulkley	Goodwin, Ark.	McHenry	Sheppard
Burgess	Graham	McKellar	Sherwood
Burke, Pa.	Gray	McKenzie	Simmons
Burke, S. Dak.	Green, Iowa	McKinley	Slayden
Burke, Wis.	Griest	McLaughlin	Slemp
Butler	Gudger	McMorran	Small
Byrnes, S. C.	Hamill	Macon	Smith, Saml. W.
Calder	Hanna	Madden	Smith, Cal.
Callaway	Hardwick	Maher	Smith, N. Y.
Cantrill	Harris	Malby	Smith, Tex.
Carlin	Harrison, Miss.	Martin, Colo.	Sparkman
Carter	Harrison, N. Y.	Martin, S. Dak.	Speer
Cary	Hartman	Matthews	Stack
Catlin	Haugen	Mays	Stanley
Claypool	Hay	Miller	Stedman
Connell	Hayes	Mondell	Stephens, Miss.
Cooper	Heald	Moon, Tenn.	Stevens, Minn.
Copley	Helgesen	Moore, Tex.	Sulloway
Covington	Helm	Morrison	Talbott, Md.
Cox, Ind.	Henry, Conn.	Morse	Talcott, N. Y.
Crago	Henry, Tex.	Mott	Taylor, Ala.
Crumpacker	Higgins	Murdock	Taylor, Colo.
Curley	Hobson	Murray	Taylor, Ohio
Currier	Holland	Needham	Thomas
Curry	Howard	Nelson	Tilson
Dalzell	Howell	Nye	Townsend
Davenport	Hughes, Ga.	Oldfield	Turnbull
Davidson	Hughes, N. J.	Olmsted	Tuttle
Davis, Minn.	Hughes, W. Va.	Padgett	Underhill
Davis, W. Va.	Humphrey, Wash.	Palmer	Utter
De Forest	Humphreys, Miss.	Patten, N. Y.	Vare
Denver	Kendall	Patton, Pa.	Volstead
Dickinson	Kent	Payne	Vreeland
Dickson, Miss.	Kindred	Pepper	Warburton
Dies	Kinkead, N. J.	Peters	Wedemeyer
Dodds	Kitchin	Pickett	Whitacre
Draper	Konig	Porter	Wilder
Driscoll, D. A.	Konop	Post	Wilson, Ill
Driscoll, M. E.	Kopp	Pou	Wilson, N. Y.
Dupré	Korbly	Powers	Wilson, Pa.
Dwight	Lafean	Prince	Wood, N. J.
Dyer	La Follette	Prouty	Woods, Iowa
Esch	Lamb	Pujo	Young, Tex.
Estopinal	Langham	Rainey	

Thereupon the committee rose; and Mr. SISSON having taken the chair as Speaker pro tempore, Mr. JOHNSON of Kentucky,

Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum had caused the roll to be called, whereupon 131 Members had answered to their names, and he now returned a list of the absentees.

The SPEAKER pro tempore. A quorum being present, the committee will resume its session.

The CHAIRMAN. The question is on the adoption of the amendment presented by the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, I would like to modify my amendment by striking out the five thousand and inserting four thousand eight hundred.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. FINLEY. Mr. Chairman, I want to say——

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that the gentleman is too late to discuss his amendment.

Mr. SHERLEY. And I make the point of order that it is too late to offer the amendment.

The CHAIRMAN. The amendment of the gentleman from South Carolina has not been disposed of.

Mr. SHERLEY. But the committee was dividing.

The CHAIRMAN. That is true; but the point of no quorum brings the matter back to the original form, de novo.

Mr. FITZGERALD. The gentleman can modify his amendment.

The CHAIRMAN. The Chair asked if there was any objection to the modification of the amendment and heard none.

Mr. FINLEY. Mr. Chairman, I want to call the attention of the committee to the fact that the work of this commission is important. It is the only supervision that the Government Printing Office has. It is expected that as soon as the bill on the calendar passes the joint committee will take over this supervision after the 1st of July, and unless this provision of $4,800 is made there will be absolutely no supervision of the Government Printing Office by Congress. This is very important. Thousands of dollars have been saved by these clerks. I have in mind one case where they saved $13,000 and another instance where there was a proposition referred to reprint certain documents and these clerks went to the superintendent of documents and found there were several thousand volumes not disposed of. I could enumerate fifty instances where these gentlemen have saved money to the Government. It is for the House to say whether they shall continue this work and go on after the 1st of July.

Mr. GARNER. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. GARNER. What do you do with this $5,000?

Mr. FINLEY. There are two clerks and one stenographer who are busily engaged in this work.

Mr. GARNER. What do they have to do?

Mr. FINLEY. If the gentleman will investigate, he will find that they look into the conduct of the Government Printing Office, investigate proposed purchases of machinery and material; that they assisted largely in getting up the specifications for paper used this year for the first time, whereby a great deal of money was saved in that respect. These gentlemen are busy every day.

Mr. MANN. The gentleman says there will be no supervision after the 1st of July if this appropriation is not agreed to. Is this for the Joint Committee on Printing?

Mr. FINLEY. This is for the investigating commission.

Mr. MANN. The joint committee has control of the Printing Office. The investigating committee does not have any control of the Printing Office.

Mr. FINLEY. That is what it has got.

Mr. MANN. All that committee has to do is to investigate.

Mr. FINLEY. If the gentleman will read the law, he will find out he is mistaken.

Mr. MANN. Oh, I have read the law. This appropriation is not for the Joint Committee on Printing. The committee on investigation is another thing. All it can do is to investigate and report.

Mr. FINLEY. It investigates and reports to the joint committee, and the joint committee is made up of the same membership as the investigating committee. The result is that the joint committee gets the benefit of the work and the Treasury of the United States gets the benefit of what it saves.

Mr. MANN. The authority of the Joint Committee on Printing still exists whether this appropriation is made or not.

Mr. FINLEY. It will exist, but without any force or power to carry on the work, for the joint committee has no clerks.

Mr. MANN. The Joint Committee on Printing has clerks in the shape of clerks of the two committees.

Mr. FINLEY. The gentleman from Illinois ought to know that those clerks have their own work to do and that they have not time to do the work that is done by the investigating commission, and they are not going to do it.

Mr. MANN. I do not know whether they are going to do it or not, but they ought to do it.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. Certainly.

Mr. GARNER. Do I understand the gentleman that the joint committee is composed of the same gentlemen that compose the investigation commission?

Mr. FINLEY. That is correct.

Mr. GARNER. Why is it this work can not be done under the committee without calling upon the commission?

Mr. FINLEY. The commission was authorized in 1905. It was clothed with larger inquisitorial powers than the joint committee has under the law, and this commission has been at work all of these years. It has finally reported, and the report is in the shape of a bill. That bill has passed the Senate, and it has been reported by the Committee on Printing to the House and it is now on the House Calendar.

Mr. GARNER. Then, if I understand the gentleman, it took seven years of investigation by two clerks and one stenographer in order for the commission, which is composed of the identical gentlemen who compose the committee, to report a bill to Congress.

Mr. FINLEY. I do not know what the gentleman understands, but he is mistaken.

Mr. GARNER. Well, I asked the gentleman a question. The gentleman said that it was appointed in 1905, and this is 1912. That is seven years. The two clerks and the one stenographer have been working under the identical gentlemen who compose the committee.

Mr. FINLEY. The gentleman must bear this in mind, that this is the first Democratic House that we have had, and the work has been pushed in this Congress.

Mr. GARNER. O Mr. Chairman, now I understand.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, it seems a difficult thing to understand why the same men composing a committee and composing the commission need to have the same clerks report to them as the committee from the commission in order that the committee may determine what shall be done. The truth of the matter is that the Government Printing Office ought to be run by a practical printer. It is a great, big business establishment, and there is just as much excuse for having a joint committee of the two Houses attempting to run the Navy Department or the War Department or some other department of the Government. I believe that if we would permit the Public Printer to conduct the business of the Printing Office and hold him responsible the result would be just as satisfactory, if not much more so. I can not believe that two clerks ought to be put in a position where upon their determination the conduct of that great establishment should be fixed and settled.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. FINLEY. Has the gentleman any inside information on this proposition?

Mr. FITZGERALD. Mr. Chairman, I do not understand what the gentleman means by "inside information."

Mr. FINLEY. Has the gentleman been in consultation with the Public Printer about this?

Mr. FITZGERALD. No; I have not talked with him about this. I know this commission has been in existence seven years. The statement is made to-day that these two clerks are the men who are making certain investigations and doing certain work—in effect, controlling a business establishment that does a business of the extent of $6,000,000 a year. The present Public Printer is one of the most competent men in the United States for the position that he holds, and if, as it appears now, instead of these Members of the two Houses of Congress attempting to exercise some sort of control or jurisdiction, they are absolutely dependent upon two clerks and one stenographer, the quicker we discontinue the services of these clerks and the stenographer the better it will be for the public service.

Mr. FINLEY. Would the gentleman abolish the Joint Committee on Printing also?

Mr. FITZGERALD. If I had my way I would.

Mr. FINLEY. Then I am sure the gentleman would have an absolute waste, and he would have a scandal on Congress in no time.

Mr. FITZGERALD. I do not believe that would result. I would put responsibility upon somebody and not have it divided

around and have some clerk hidden away where nobody could find him, who is exercising a greater power than either House of Congress can exercise.

Mr. FINLEY. These clerks exercise no power. The only thing they do is to gather information for the joint commission, and the joint committee gets that information, and they have used it and have saved hundreds of thousands of dollars annually since this commission has been in existence; and the gentleman knows that the appropriations for printing and binding have not increased in the past five years. He knows that there has been a great saving.

Mr. FITZGERALD. I think from the investigation that I have made of the subject that it is due to the fact that at present for the first time in my experience there is at the head of the Printing Office a man who knows something about the office. I have listened to representatives of the Government Printing Office who knew nothing whatever and could not tell anything at all about it.

Mr. FINLEY. Who were they?

Mr. FITZGERALD. The representatives of the Printing Office before the present Public Printer were unable to tell anything at all about the business of the Printing Office.

Mr. FINLEY. The gentleman must bear in mind that the present Public Printer, however efficient he may be, will not always be in office.

Mr. FITZGERALD. I hope we will get one as good when we put a Democrat in charge.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 18, noes 41.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the original amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Paragraph 52 of section 73 of the act approved January 12, 1895 (Stat. L., vol. 28, p. 620), relating to the binding and disposal of volumes of the specifications and drawings of each patent issued, is repealed.

Mr. FINLEY. Mr. Chairman, I make the point of order on the paragraph beginning on line 19 and ending on line 24 of page 158. It is new legislation.

Mr. FITZGERALD. Mr. Chairman, it repeals a provision which authorized the publication and binding of documents which costs $49,000 a year. The gentleman has included the same provision in a bill reported from his committee. This bill under consideration at the present time will become a law, and it is not so certain that the other will. If the gentleman wishes to effect an economy, here is the place to do it.

Mr. FINLEY. Mr. Chairman, the gentleman admits that this very provision is in the bill that has been reported by the Committee on Printing.

Mr. FITZGERALD. Not the very provision, but a provision to accomplish the same purpose.

Mr. FINLEY. Yes; so that evidently the gentleman thinks there are some good things in that bill. He will pick them out and put them in the sundry civil appropriation bill, and thereby weaken the chance of passing the other bill which has been reported by the Committee on Printing.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. FINLEY. That is the effect of it, and I make the point of order.

Mr. FITZGERALD. I would not wish to admit that this is the only good thing in the bill reported by the gentleman's committee.

Mr. FINLEY. No.

Mr. FITZGERALD. The committee was called upon to recommend appropriations for printing, and here was printing and binding that is confessedly a waste. Instead of appropriating the money for it it recommended a provision to repeal the authority for the printing.

Mr. FINLEY. At any rate, this proposition which the gentleman says will save $49,000 and which will do it is some of the work of the Printing Investigation Commission, to which the gentleman is opposed. I insist on the point of order.

Mr. FITZGERALD. Mr. Chairman, I insist that it repeals authority which imposes an expense on the Government, and it is in order under the rule to make reductions in expense.

The CHAIRMAN. Under the Holman rule there can be legislation in an appropriation bill to the extent of changing the law. The law can be changed by modifying existing law or by repealing it, provided it comes under some one of the provisions named in section 2 of Rule XXI. The only portion of that which the Chair can see under which it might come is in the language contained near the bottom of the page, which reads as follows:

Or by the reduction of amounts of money covered by the bill.

The Chair is not advised that by repealing this former act there is a reduction of amounts of money covered by the bill. That does not appear on its face.

Mr. FITZGERALD. Oh, Mr. Chairman, there is no doubt about that.

Mr. MANN. Will the Chair permit me to make an inquiry?

The CHAIRMAN. Certainly. The gentleman from Illinois is recognized.

Mr. MANN. The further provision of the Holman rule is:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The Committee on Printing has reported to the House Senate bill 4239 and included in that bill a recommendation that this section be repealed and that the work provided for in the section be stopped and that the printing be no longer done. That is the report of the committee having jurisdiction of the subject matter.

The CHAIRMAN. If that is the report of the committee——

Mr. MANN. I ask the gentleman from South Carolina whether his committee has not reported a bill in favor of stopping this work?

Mr. FINLEY. Does not the Holman rule mean the committee reporting? And that is the sundry civil bill.

The CHAIRMAN. No; the Chair thinks not. The Chair thinks it means the report of the committee having jurisdiction of the subject matter under the rule, and if the Committee on Printing has reported a bill that repeals this act now referred to in the sundry civil bill, which would retrench expenditures, then the Chair will hold the point of order should be overruled.

Mr. MANN. I do not have the report before me just at this time, but they not only state that they propose to abandon this printing, but they recommend in the bill the repeal of the act.

Mr. FOSTER. I think the gentleman from South Carolina, chairman of the Committee on Printing, conceded that it would save $40,000.

Mr. FINLEY. I said the gentleman from New York claimed it would save $49,000, and I asked if it was not one of the good things in the bill.

Mr. FOSTER. But the gentleman from South Carolina himself conceded it would save that amount.

Mr. FITZGERALD. I have it here; it is $49,137.39.

Mr. FINLEY. Does the gentleman get that out of the report?

Mr. FITZGERALD. I get it out of the statement which the Public Printer submitted as to the cost of this. It is $49,137.39.

The CHAIRMAN. The question with the Chair is whether the repeal of that act would reduce the amount of money covered by the bill or be a retrenchment of expenditures.

Mr. FINLEY. There is nothing in the bill and nothing in the sundry civil bill to show that that is true; no motion is pending that will affect that directly.

The CHAIRMAN. If there is not, the Chair will overrule the point of order made by the gentleman from South Carolina; but if, upon the contrary——

Mr. FINLEY. I did not hear the Chair.

The CHAIRMAN. Unless the Chair has information to the effect that the repeal of the act mentioned in the bill now under consideration would reduce the amount of money covered by the bill or retrench expenditures under the proviso of the Holman rule, then the Chair will overrule the point of order; but——

Mr. FINLEY. I stated that this provision being in the sundry civil bill does not operate as a reduction directly of the money carried for printing and binding.

The CHAIRMAN. It may or may not.

Mr. FINLEY. And therefore it is extraneous and outside evidence or conclusion.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] just stated that the Committee on Printing has made a report to the House to the effect that it would save money; that a repeal would be a retrenchment of expenditures. If that be correct, the Chair would be compelled to sustain the point of order.

Mr. FINLEY. The gentleman from New York made the statement.

The CHAIRMAN. The Chair understood the gentleman from Illinois to make the statement.

Mr. MANN. Does the gentleman from South Carolina controvert the statement that his committee has reported in favor of abandoning this work, as provided for in section 73 of the act?

Mr. FINLEY. I do not. We have so reported.

Mr. MANN. They have so reported, and also propose to repeal the entire printing act, including section 73.

The CHAIRMAN. Will the gentleman from South Carolina state to the Chair the action of his committee on this point? Has the chairman of the Committee on Printing of this House made a report to the effect that the act set out on page 158 of this bill, beginning with line 19, should be repealed?

Mr. FINLEY. There is no question about that. We have.

The CHAIRMAN. If the chairman of the Committee on Printing has so reported for his committee, then the Chair will overrule the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The paragraph in the bill says, "paragraph 52 of section 73 of the act." It is not paragraph 52 of section 73.

And I suggest to the gentleman that he strike out "fifty-two" and insert the word "The" before "paragraph," so that it will read:

The paragraph of section 73.

Mr. FITZGERALD. I will offer the amendment. I move to strike out the word "fifty-two," after the word "paragraph," in line 19, and insert the word "The" before the word "paragraph."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

Page 158, line 19, strike out the word "fifty-two," after the word "paragraph," and insert the word "The" before the word "paragraph."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For engraving the illustrations necessary for the Annual Report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, and for printing and binding the same publications, of which sum not more than $35,000 may be used for engraving, $145,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 150, line 7, strike out "one hundred and forty-five thousand" and insert "one hundred and sixty-five thousand."

Mr. CANNON. Mr. Chairman, that one hundred and sixty-five thousand is estimated for, and that is the appropriation for the present year. If the amendment prevails, the estimate will be allowed.

Mr. FITZGERALD. Mr. Chairman, in 1911 the appropriation was $175,000, and there was a balance of about $35,000. The balance on the 1st of May was about $15,000, and the committee thought $140,000 was ample in that regard.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendixes, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $34,000; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the International Exchanges, $200; the International Catalogue of Scientific Literature, $100; the National Zoological Park, $200; for miscellaneous printing and binding for the Astrophysical Observatory, $400, and for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory of the Smithsonian Institution, $2,000; and for the Annual Report of the American Historical Association, $7,000; in all, $74,900.

Mr. CANNON. Mr. Chairman, I offer an amendment.

Mr. FINLEY. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The point of order will be disposed of first.

Mr. FINLEY. On page 159, line 24, beginning with the words:

And for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory of the Smithsonian Institution, $2,000.

That is new legislation.

The CHAIRMAN. The Chair would be glad to hear the gentleman from New York [Mr. FITZGERALD] on the point of order.

Mr. FITZGERALD. Mr. Chairman, of course this institution is existing and does this work. It has completed these investigations. This is the third volume of the annals. Fifteen hundred copies of the other two volumes have been printed. This is to enable the publication of 1,500 copies of the third volume.

The CHAIRMAN. Can the gentleman cite to the Chair the authorization for any of these appropriations?

He knows that the Smithsonian Institution has been appropriated for for year in and year out, but to the extent for which it may be appropriated for has always been a question with the Chair.

Mr. FINLEY. I want to state to the gentleman from New York I would like to know the necessity for this. I have no wish to stand in the way of any proper appropriation, but I would like to know the necessity for it. That is why I reserve the point of order.

Mr. FITZGERALD. The Secretary of the Smithsonian Institution says in regard to this:

Astrophysical Observatory: The current appropriation is $400. The sum of $3,000 is asked for the fiscal year 1913 in order to enable the observatory to publish volume 3 of its annals, including the results of all its researches from 1908 to 1913. Volume 2 was published in 1908 at a cost of $2,000, but owing to the general increase in cost of printing and the necessity of publishing a larger amount of tabular matter in volume 3 than was included in volume 2, the estimate of $3,000 is submitted. The edition of volume 3, as of volume 2, will be 1,500 copies. Only 60 copies now remain of volume 2, and a demand for them still exists.

The work has all been done. The manuscript is ready. The persons engaged in obtaining this information in the Astrophysical Observatory cost about $15,000 a year for their services, and this money is to enable this information to be made available.

Mr. FINLEY. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] withdraws his point of order, and the Clerk will now report the amendment of the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 159, line 17, strike out $34,000 and insert $50,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $47,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of Public Resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $125,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $475,000.

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 160, in line 4, strike out "$35,000" and insert "$40,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, we are now down to line 20.

Mr. CANNON. All right.

Mr. FITZGERALD. The Clerk had finished reading the paragraph ending with line 20, and line 4 is three paragraphs earlier.

Mr. BURLESON. Regular order!

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. FITZGERALD. I do not want to take advantage of the gentleman.

Mr. CANNON. I will offer another amendment, and the gentleman can object to it if he desires.

The CHAIRMAN. The Chair will advise the gentleman from Illinois [Mr. CANNON] that we have long since passed the paragraph.

Mr. FITZGERALD. I shall not object to returning.

The CHAIRMAN. Without objection, the paragraph will be returned to. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I will offer another amendment.

The Clerk read as follows:

On page 160, line 7, strike out "$290,000" and insert "$325,000."

Mr. CANNON. Mr. Chairman, this is for the Post Office Department, including the Money Order Division.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 160, line 9, strike out "$47,000" and insert "$52,000."

The CHAIRMAN. Without objection, the paragraph will be returned to——

Mr. CANNON. No; that is not the paragraph.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment of the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 160, line 20, strike out "$475,000" and insert "$480,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" semed to have it.

Mr. MANN. Mr. Chairman, I ask for a division. That is for the Department of Agriculture.

The committee divided; and there were—ayes 17, noes 32.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Interstate Commerce Commission, $90,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 161, line 13, strike out "$90,000" and insert "$110,000."

Mr. FITZGERALD. Mr. Chairman, on the 1st of May the Interstate Commerce Commission had a balance of $41,000 unexpended.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the International Union of American Republics, $20,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph for the purpose of making the inquiry, By whom and when was this bureau claimed to be or called "The International Union of American Republics"? It used to be called "The Bureau of American Republics." I am asking to get some information.

Mr. FITZGERALD. I do not recollect when it was changed. I understand that it is the correct title.

Mr. MANN. Do they have authority to change the name whenever they please? I confess that the new name does not strike me favorably. I do not know of any union of American Republics. It was the Bureau of American Republics and was properly called a bureau.

Mr. FITZGERALD. In the letter of the director it is spoken of as the Pan American Union, formerly the Bureau of American Republics.

Mr. MANN. I presume the gentleman did not have his attention attracted to it.

Mr. FITZGERALD. I am not familiar with it. There was a dispute whether the correct title was the Bureau of American Republics or the Pan American Union. My recollection is that we looked it up and found this title and put it in.

Mr. MANN. I have no doubt that my friend Mr. Barrett, who is at the head of that institution, would be glad to have a union of American Republics and be its first president.

Mr. FITZGERALD. I have no doubt he is well qualified for that place; if they would leave out the United States of America I would support him for the presidency of the others.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

That no more than an allotment of one-half of the sum hereby appropriated for the public printing and for the public binding shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended; and no department or Government establishment shall consume in any such period a greater percentage of its allotment than can be lawfully expended during the same period of the whole appropriation.

Mr. MANN. Mr. Chairman, I reserve a point of order. I would like to ask the gentleman how he thinks this would work with the appropriation for printing by Congress, especially of the CONGRESSIONAL RECORD of next year? The appropriation is based, I suppose, upon the RECORD being printed only until the 4th of March. Now, under this item it would not be possible to spend all of the money appropriated for the CONGRESSIONAL RECORD, because you could not expend the last quarter of it in any event.

Mr. FITZGERALD. There is a large amount of additional printing. However, I will state that it is my recollection that this provision has been in the bill for 20 years, at least.

Mr. MANN. The gentleman's recollection is in error. A part of this item first appeared in the act of 1910 and a part of it first appeared in last year's act.

Mr. FITZGERALD. That was a modification to carry out the purpose of the provision. It is the only provision that prevents the exhausting of the public printing appropriation the first part of the year and then a request for a very large deficiency.

Mr. MANN. I understand the purpose of it, and have no quarrel with the purpose, but that purpose is not applicable to congressional printing. If Congress ends on the 4th of March, of course, as far as the RECORD is concerned, as far as a large share of the printing is concerned, there could be no use of one-fourth of the appropriation, because you could not expend it after that time. I call it to the attention of the gentleman. I have no desire to strike it out on a point of order. I think the gentleman will find that as far as the congressional printing is concerned it requires a larger appropriation than necessary, because you can not spend the whole of it under the provision of that paragraph.

Mr. FITZGERALD. I am informed that the part of the paragraph down to line 23 has been carried in this bill for at least 20 years, and that it has never interfered with the printing of the CONGRESSIONAL RECORD. The truth of the matter is that for a great many years the Public Printer in printing for Congress went ahead and printed what Congress wanted, regardless of allotments or anything else.

In a conference with the Public Printer it was stated to him that we desired to have the printing for Congress done the same as for any other department of the Government, and if a deficiency must be created because of the excess of printing, Congress ought to know it and be asked for a deficiency and have provision made for it, so that better track could be kept of the expenditures and better results attained. If that were done, it would result beneficially to the Government.

Mr. MANN. I do not know whether the congressional printing would be denominated as included in "department or Government establishments," because I do not know what a "Government establishment" is, but that has never been in the law but one year before, and that was not when it was a short session.

Mr. FITZGERALD. My impression is that that language does not apply to Congress.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The Isthmian Canal.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SLAYDEN, for 20 days, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until Wednesday, June 19, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BUCHANAN, from the Committee on Labor, to which was referred the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, reported the same with amendment, accompanied by a report (No. 910), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the reso-

lution (H. Res. 578) directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer, reported the same without amendment, accompanied by a report (No. 911), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 24559) granting a pension to James T. Cape, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JACOWAY: A bill (H. R. 25419) for the purchase of a site and the erection thereon of a public building at Morrilton, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25420) to increase the limit of cost for the United States post-office building at Sistersville, W. Va., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. NEELEY: A bill (H. R. 25421) for the erection of a public building at Pratt, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25422) for the erection of a public building at Larned, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: Resolution (H. Res. 587) empowering and directing the Committee on the Merchant Marine and Fisheries to investigate the methods and practices of various ship lines engaged in general transportation and their connection with railroad lines and other common carriers, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 25423) granting a pension to Melissa J. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to Sophia Bemis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25425) granting an increase of pension to Eliza Jane Blythe; to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 25426) to correct the relative rank of Lieut. Frederick S. L. Price; to the Committee on Military Affairs.

By Mr. FAISON: A bill (H. R. 25427) granting a pension to Zebulon A. Pyatt; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 25428) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart; to the Committee on Naval Affairs.

By Mr. NEELEY: A bill (H. R. 25429) granting a pension to Samantha Crews; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25430) granting an increase of pension to Mary Morris; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 25431) granting an increase of pension to Henry E. Everts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25432) for the relief of the heirs of John W. Graves; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 25433) granting a pension to Hiram H. Potter; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 25434) granting an increase of pension to Hiram W. Partlow; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 25435) granting a pension to Richard M. J. Miller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Polish Roman Catholic societies of Connecticut and Pennsylvania, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Kazmir Society, No. 360, and St. Stanislaus Society, No. 29, of Scranton, Pa., both protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Minnesota: Evidence to accompany claim for pension for Eliza Jane Blythe, widow of John Blythe, of Company B, First Regiment Minnesota Heavy Artillery Volunteers; to the Committee on Invalid Pensions.

Also, evidence to accompany claim for pension of Melissa J. Gross, widow of Gilbert Gross, Company C, Second Regiment Minnesota Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Sophia Bernis, widow of Jason Bernis, corporal Companies E and F, Second Ohio Volunteer Cavalry; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Wisconsin Chapter of the American Institute of Architects of Milwaukee, Wis., against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

By Mr. FULLER: Petition of Active Workers' Association, eastern district of Pennsylvania, Order of Independent Americans, favoring the passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Illinois State Horticultural Society, favoring the passage of the Sulzer apple package and grade bill (H. R. 21480); to the Committee on Coinage, Weights, and Measures.

By Mr. GOLDFOGLE: Petition of Rabbi M. T. Sockler Lodge, No. 611, Independent Order B'rith Abraham, New York, protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also: petition of New York State Retail Jewelers' Association, Syracuse, N. Y., protesting against any change in present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Civil Service Reform Association, of Pennsylvania, protesting against the proposed five-year tenure of office; to the Committee on Appropriations.

Also, petition of the Methodist Episcopal Hospital, Brooklyn, N. Y., favoring passage of bill empowering the Public Health and Marine-Hospital Service to establish a hospital bureau; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Exporter, New York, favoring passage of House bill 20044 for improvement of Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Memorial of John Hay Lodge, No. 61, Knights of Pythias, and Judith Lodge, No. 32, Independent Order Free Sons of Judah, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of United States Customs Civil Service Retirement Association of San Francisco, Cal., opposing the five-year tenure of office for civil-service employees of District of Columbia; to the Committee on Appropriations.

By Mr. KINDRED: Memorial of Military Order of the Loyal Legion of the United States, against passage of Senate bills Nos. 2925 and 5991, relative to construction of a Navy memorial in Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: Petition of citizens of Foster Top, Pa., against passage of bill to appropriate for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petitions of Order of Independent Americans, St. Clair and Pottsville, Pa., both favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of New York State Retail Jewelers' Association, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, memorial of the Civil Service Reform Association of Pennsylvania, against the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

By Mr. LINDSAY: Petition of Active Workers' Association, Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Pennsylvania Civil Service Reform Association, protesting against the five-year tenure of office; to the Committee on Appropriations.

By Mr. NEELEY: Petition of citizens of Wichita County, Kans., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Daughters of Liberty of Providence, R. I., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 19, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, fountain of wisdom and source of all good, keep us, we beseech Thee, in touch with Thee through the remaining hours of this day, that we enter not into temptation, but with pure motives, high ideals, and lofty purposes we may do the work Thou has given us to do. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill making an appropriation for the Boston customhouse.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday.

The SPEAKER. The gentleman from New York asks unanimous consent, which I suppose will be equivalent to a two-thirds vote, to dispense with Calendar Wednesday for to-day.

Mr. PETERS. Mr. Speaker, reserving the right to object——

Mr. BURNETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Alabama objects. Does the gentleman from New York wish to make a motion?

Mr. FITZGERALD. No; I do not.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WHITACRE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Francis W. Leeper, applicant for special pension, Sixty-first Congress, no adverse report having been made thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take the bill just reported from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, I think the bill had better go over a day.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. I ask the gentleman to withdraw his request.

Mr. JOHNSON of South Carolina. I withdraw the request.

CALENDAR WEDNESDAY.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24227, and the gentleman from Tennessee [Mr. BYRNS] will take the chair. [Applause.]

CUSTOMHOUSE, BOSTON, MASS.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24227, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909.

The CHAIRMAN. If there is no further general debate upon the bill, the Clerk will read the bill under the five-minute rule.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Massachusetts whether he has any further information from the Treasury Department other than that contained in the report.

Mr. PETERS. There is an estimate in a letter which was sent to the Chairman of the Committee on Appropriations and myself since that time which gives a little more complete figures than those I gave to the House. They do not differ materially.

Mr. MANN. Has the gentleman that information here?

Mr. PETERS. Yes; I will be glad to give it to the gentleman.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts has given me a copy of a letter addressed to him by the Assistant Secretary of the Treasury, in which the Assistant Secretary says:

TREASURY DEPARTMENT,
Washington, June 11, 1912.

Hon. ANDREW J. PETERS,
House of Representatives, United States.

SIR: I have the honor to inclose herewith a copy of a letter this day addressed to the chairman of the Committee on Appropriations, relative to the customhouse building, Boston, Mass., which explains itself.

Respectfully,

J. F. CURTIS,
Assistant Secretary.

—

JUNE 11, 1912.

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives, United States.

SIR: In accordance with telephonic request from Mr. Courts, that you be furnished with information relative to the basis for the award of the contract for the construction of the foundation and of the basement and first floor of the extension, etc., of the customhouse at Boston, Mass., I have the honor to advise you that on May 5, 1910, eight proposals were received, in amounts, $278,500, $322,000, $375,062, $378,856, $420,000, $441,700, $483,000, $530,000, and the contract was awarded to the lowest bidders, the Norcross Bros. Co., in the amount of their bid, namely, $278,500.

During the execution of the work it was found necessary to have additional work done, at an expense of $51,542.54, in detail as follows:

Removing exterior dome and base, etc	$8,900.00
Removing inner brick dome	15,700.00
Removing certain walls and floors and shoring up central part	24,746.85
Extra depth of caissons	2,195.69

Work was omitted to the extent of $568, as follows:

Omitting boiler flues, brickwork, etc., in east and south wall in subbasement, etc	$210
Miscellaneous changes	358

In addition to the foregoing expenditures have been made and liabilities incurred for rent of temporary quarters for certain purposes, equipment, and maintenance of same, chargeable to the appropriation for the new customhouse, aggregating approximately $265,000. For architects' fees, $84,905.66; steel inspection and other miscellaneous items, $13,829.23; in total amount, $693,809.43.

Respectfully, ——— ———, *Secretary.*

The original limit of cost was $1,800,000.

Mr. PETERS. Yes.

Mr. MANN. There has now been taken from that $693,809.43, and a part used for construction work. As I understand, up to the present time for rent, equipment, and maintenance there has been charged to this appropriation $265,000, and that is what the gentleman desires to make up.

Mr. PETERS. Yes.

Mr. MANN. And the rent which will be paid in the future?

Mr. PETERS. Yes.

Mr. MANN. How long would these rents probably run?

Mr. PETERS. It is estimated two more years will be necessary to complete the building.

Mr. MANN. At the rate of about $90,000 a year?

Mr. PETERS. At the rate of about $90,000 a year.

Mr. MANN. That would make about $450,000?

Mr. PETERS. About.

Mr. MANN. Somewhere near that?

Mr. PETERS. Yes.

Mr. MANN. Now, is it possible to have paid $85,000 for architects' fees up to date on this building?

Mr. PETERS. The fees include the preparation of the plans. And the entire working plans have been completed. It was necessary to have them completed, so that final contracts could be offered to contractors and bids received on them.

Mr. MANN. Well, 5 per cent of the total original appropriation would be $90,000, I think, if my arithmetic is correct.

Mr. PETERS. Yes; I am sure that is right.

Mr. MANN. Here are paid out $85,000 in architects' fees up to this time, and they have not commenced work on the superstructure.

Mr. PETERS. Yes; because architects' fees include the plans on the superstructure.

Mr. MANN. I would like to ask the gentleman this question in reference to the building. From my examination of the matter it seems to me that this building would not be a building that would be satisfactory to Boston very long and would not supply the needed room very long. How soon does the gentleman think the people there would be knocking at the doors of Congress for an additional building to take the place of this one?

Mr. PETERS. The Treasury Department has estimated that this will give sufficient room for any increase of facilities for 30, 40, or 50 years.

I wish to make it clear that this bill does not ask that the customhouse be built in the shape of a tower. We are already committed to building a tower under the plans which were drawn in accordance with the act of 1909. It is now simply a question of whether Congress will give to Boston an adequate

and respectable building along the lines already laid out or whether it chooses to build in Boston a skimped and cheaply constructed tower, which will be an eyesore and make a building, the shape of which some do not approve, still more objectionable by constructing it in a manner that would be deplorable in the case of any public building. The very fact that the customhouse is to be a tower, dominating all other buildings in the city, makes it imperative that it be constructed in the most pleasing and stable manner possible within the limits of a reasonable expenditure.

Mr. MANN. Does the gentleman agree to that?

Mr. PETERS. I am not an expert in making an estimate of that nature.

Mr. MANN. But the gentleman is an expert on the needs of Boston. I discovered that. He is not only an expert on the needs of Boston, but an expert in acquiring the things which Boston desires.

Mr. PETERS. So far as I know, this will be sufficient to look after the business for some time in the future.

Mr. Chairman, I ask unanimous consent that all debate on this measure close in five minutes. I desire to use three minutes of that time myself.

Mr. MANN. Perhaps somebody might wish to reply to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent that all general debate on the pending bill close in five minutes.

Mr. MANN. For the present I object. I do not think there will be any trouble in closing debate right away.

Mr. TOWNER rose.

Mr. PETERS. How much time does the gentleman from Iowa [Mr. TOWNER] desire?

Mr. TOWNER. I do not ask for any particular time, but I do not think it would be a good idea to make the rule too stringent as to the limitation of debate. I desire at this time, if I may be allowed now for a moment, to say this in regard to this building.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] has the floor.

Mr. PETERS. I asked the gentleman from Iowa [Mr. TOWNER] how much time he wanted and have not yet been able to ascertain.

Mr. TOWNER. Five minutes will be enough for me.

Mr. PETERS. Mr. Chairman, this bill, as it originally passed the House, provided for an appropriation of $1,800,000, from which there was to be taken the amount necessary for the rent of the temporary quarters. The bill which we offer here to-day proposes to repeal the part of the section which places that restriction on the original appropriation and allow the entire $1,800,000 to be used for the construction of this building. There has been already expended for such construction, including the contract for the foundation and including the sum which has been deducted from the $1,800,000 necessary to pay the rent, the amount of $693,809.43, which taken from the original limitation leaves as an amount now available only the sum of $1,106,190.57. Of this sum there must be deducted, if the act remains as it is to-day, the sum necessary to pay rent for the temporary quarters until the completion of the new building, which is estimated to be about two years, so that there will have to be deducted, as the law stands to-day, from this sum $234,400 additional, making the net amount available for building above the ground only $871,790.57. I wish to submit at this point a table showing the present status of the original appropriation. The amounts of the items that have already been charged against the $1,800,000 are taken from the Treasury Department's letter of June 11, 1912:

Original appropriation		$1,800,000.00
Already expended:		
Architects' fees	$84,905.66	
Contract for foundation	278,500.00	
Additional work	51,542.54	
Equipment, rent, etc., of quarters (approximate)	265,600.00	
Steel inspection and miscellaneous	13,829.23	
	694,377.43	
Exact amount charged against original appropriation up to June 11, 1912		693,809.43
Amount now available		1,106,190.57
Less amounts for rent, etc., still to be subtracted—		
1. Of the original $300,000 set aside by treasurer there has been expended $265,600, leaving	$34,400.00	
2. Additional amount that it will be necessary to expend for rent before completion of new customhouse	200,000.00	
		234,400.00
Net amount available for building above ground		$871,790.57
Lowest main proposal		1,393,000.00
Additional amount necessary to complete the building and pay the rent on temporary quarters		521,209.43

That is, $521,209 less than the lowest bid, and it falls short by about $250,000 of allowing sufficient money to finish the building, even if all the changes were made which the chairman of the Committee on Appropriations suggested should be made last time.

Mr. FITZGERALD. How much does the gentleman say?

Mr. PETERS. Two hundred and fifty thousand dollars.

Mr. FITZGERALD. Oh, no. The gentleman is mistaken. If the changes are made there will be ample funds to complete the building.

Mr. PETERS. There are not ample funds; and if the change is made there are not funds left sufficient to finish the building, because there must be deducted from the balance left sums amounting to $250,000, the amount needed to pay rent for these necessary quarters; so that there is about $250,000 less than the chairman of the Committee on Appropriations had in mind in submitting his figures. That is, there would be a balance left, now, of $871,790.57, which is about $250,000 less than the required amount, even deducting the amount suggested by the chairman of the Committee on Appropriations.

Now the office force is in temporary quarters, and the Government is paying $84,000 a year in rent, which comes out of the appropriation needed for the building itself. The earlier we can move into the new building the sooner the necessity for this expense is ended. It is therefore a matter of economy to the Government and a matter of fairness to the second port in the country that this bill, which has the unanimous support of your Committee on Public Buildings and Grounds, be passed without further delay.

Mr. Chairman, I ask unanimous consent that all debate on this measure be closed in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent that all general debate on the pending measure close in 10 minutes. Is there objection?

Mr. MANN. I object. I do not think it would take any considerable length of time to complete the debate.

Mr. PETERS. If the gentleman will name any definite amount of time he desires, I will ask unanimous consent that the debate close after the expiration of that time.

Mr. MANN. Oh, we will soon get through with the bill. I do not know whether anybody wants time or not.

Mr. TOWNER. Mr. Chairman, I think there need be very little time consumed in determining the merits of this bill. The bill was carefully considered by the Committee on Public Buildings and Grounds, and while a rather unfortunate situation exists, yet I think that as sensible men we need only meet it as we find it, and do the best that can be done.

In the first place, in an effort to secure a site for this building in Boston it was ascertained that it was practically impossible to secure a site large enough to build the kind of building that it was anticipated would be needed. A building site larger than the existing site could not be secured without the expenditure of a very large amount of money. Then wisely, as it seemed to us, and as it now seems to me, they concluded to utilize the building site that they already have, and to construct the building thereon as far as possible to do under the circumstances. That was possible by the building of a tower-like structure.

It seems that after careful investigation this was approved by the Treasury Department, and plans were made that will accommodate for 25 or 30 years the needs of the city.

I know that at first blush this character of building seems to be perhaps not the best calculated from the standpoint of utility to serve the purposes intended, but in view of the fact that it was selected only because of the existing circumstances and that it will really subserve the purpose for which it was intended, it seems to me there ought to be no criticism on the action taken.

Then another difficulty existed, and that was the fact that in the change from the old to the new building it became necessary to secure quarters for the present operative force, and such quarters could only be secured at a very large rental, approximating $90,000 a year. Under the terms of the bill, which certainly were not very definite, this amount was taken from the appropriation.

It may be that the Treasury Department interpreted the act aright. However that may be, that has been the interpretation, and the amount named has been taken from the original appropriation. I can not but believe from the evidence before the committee that such was not the original intention. That has diminished the fund at the rate of $90,000 a year for perhaps

three years, so that the amount now available is less now than is necessary to complete the contemplated and necessary building.

That constitutes, as we believe, an emergency, to meet which the House ought to make at this time a sufficient appropriation.

So that now we have before us simply the proposition to build this building under the original plans and terms, as it will almost necessarily have to be, or else abandon the project and lose that which has already been put into the foundation. So that it seems to me that it is only the part of wisdom on the part of the House to act on the unanimous recommendation of the Committee on Public Buildings and Grounds.

I do not join with others in the suggestion that this is a plan of the Members from Boston or Massachusetts to loot the Treasury. I think they are only doing what Representatives of the people ought to do under the circumstances—look after the interests of their constituents and the country. Indeed, I believe that the Government could not afford to build a building less dignified, less useful, and less appropriate in its appearance than is contemplated in the second port of importance in the United States.

Mr. WEEKS. Mr. Chairman, I introduced the original bill which provided for a new customhouse building in Boston and a building for the appraisers stores. The present customhouse building was erected nearly 70 years ago, and no addition has been made to the facilities for conducting the customs business of the port of Boston since the erection of the present building.

For a great many years it has been necessary to lease quarters for the appraisers storehouse, and when in the Fifty-ninth Congress a bill was introduced to construct a new building a large part of the Committee on Public Buildings and Grounds went to Boston to inspect the premises. I do not see any Member in the House at this time who was a member of the committee at that time, but there are Members of the House who went to Boston at that time, and I can say to those who are now present that it did not take the committee 20 minutes to determine that it was absolutely essential that there should be a new building erected in Boston. The facilities were admitted to be entirely inadequate and, in addition, the ventilation was very bad; men were working in public corridors and in all kinds of unusual places. In fact, all of the conditions were so unusual that the committee was astonished that a change had not been made years ago.

The original appropriation provided that the customhouse should cost $3,000,000. It was believed that that amount would be necessary to purchase a site and erect a building. But during the contemplation of this subject the citizens of Boston for two reasons decided that they would like to erect the kind of a building which is now in process of erection. There was a great deal of sentiment in favor of preserving the old building, which had become one of the landmarks of Boston. This building was constructed of Quincy granite.

The columns are as fine specimens as are to be found in any building in New England; they were cut from solid blocks of stone, so that they are not in sections, as columns ordinarily were those days. Incidentally, it is worth noting that the columns were hauled from Quincy, 10 miles distant from Boston, to the site of the customhouse by oxen, and it required 30 pairs to haul each column over the roads as they existed at that time.

Now, wishing to preserve this building as a base for the new structure, and wishing at the same time to reduce the cost as much as possible, the citizens of Boston, as represented by the chamber of commerce, agreed to the form of building which is now proposed, the plans for which were drawn by the firm of Peabody & Sterns, of Boston.

And, incidentally, lest I forget it—I would like the attention of the chairman of the Committee on Appropriations, who took occasion the other day to criticize these plans—they were drawn by the well-known firm of architects to whom I have just referred. I noted in the New York Sun two or three days ago that in the erection of a county courthouse in the city of New York there was some question about the architects who had been selected to compete in making the plans, it being stated that architects had been selected who were not well known. The Sun stated that there need not be any fear that there would be inadequate or unsuitable plans for this building, because a committee of umpires had been selected whose reputation was such that there need be no doubt about their disapproving plans which were unsuitable for such a building; the first of the umpires selected to pass upon these plans is Mr. Peabody, of the Boston firm, who drew the plans for this customhouse.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. WEEKS. Certainly.

Mr. FITZGERALD. The gentleman is perfectly well aware of the fact that the very best umpires are sometimes the very poorest players.

Mr. WEEKS. Mr. Chairman, I do not agree to that in the case of architects. As I have said, the proposed plans were passed on by a committee of the chamber of commerce, of which organization there are 3,000 members, representing all the varied business interests of Boston. I have never heard any considerable criticism of the decision to which they came. Personally, I think that perhaps it would have been better to have provided plans of another character, but if that had been done it would have been necessary to purchase a new lot, because the old customhouse in this case covers the entire lot.

The purchase of a suitable lot for a customhouse would have cost in the neighborhood of $1,000,000, which would have been added to the final expense of the construction of this building.

From time to time Congress passes large numbers of public-building bills for various uses, so I wish the members of this committee to note the purpose of this bill. It is to provide quarters for the customhouse service of Boston, which is and has been for more than 50 years the second largest customs district in the United States. Thirty millions of revenue are collected there annually, and when we stop to think of the purposes for which we erect public buildings in other sections of the country the necessity for a new building in Boston will be all the more apparent. In the sundry civil appropriation bill, which is now under consideration in the House, there are appropriations for carrying on the work connected with public buildings aggregating $72,247,000. The amount of revenue collected in the buildings which this large amount is provided for is in the proportion of one dollar of revenue annually for five dollars and fifty-four cents of building constructed. In the Boston customhouse the revenue collected is $30,000,000 annually, and it is proposed to expend for the building itself less than a million and a half dollars. In other words, there is a proportion of $20 of revenue collected annually for every dollar of building, a difference of something like one hundred times in favor of the necessity for these quarters.

As the people of Boston are satisfied with this proposed building, as it is of a character which has proven to be adequate in other places for other purposes—for in the city of New York the great Manhattan tower building is one of the most useful buildings in that city—as the customs officials in Boston are satisfied with the character of the building, as it will save at least $1,000,000 to the National Treasury, as it has been demonstrated that on account of the original building being constructed on made land, in order to get suitable foundations it was necessary to go deeper and spend more money than was originally contemplated, it seems to me that this additional request for $300,000 is entirely within reasonable bounds and that the committee action in recommending it should be approved by the unanimous vote of the House.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. BUTLER. I am disposed to vote for this measure, but I want to assist, as far as I am able, to procure satisfactory quarters for the customhouse authorities and officials at Boston. Does the gentleman think the people of Boston will be satisfied with this improvement if it is made? It seems to me that the proposed structure is a sort of patched affair, and that the importance of Boston would entitle it to a first-class location and a first-class customhouse in every way. If it is insisted by the gentleman that this bill ought to pass, I am going to vote in favor of it; but what does the gentleman think of the suggestion that has been made that a larger appropriation be made and that some convenient location be selected and a building erected upon it which will satisfy the Boston people for all time to come, or within reasonable time.

Mr. WEEKS. Mr. Chairman, the best evidence that this building will be satisfactory to Boston is that it was approved by a committee of the chamber of commerce, representing 3,000 members. I believe there was no objection made to the report of the committee which investigated these plans. The chamber of commerce is made up of members representing every business industry in Boston, and therefore I think it is a fair statement to say that this will be satisfactory to the citizens of that city.

Mr. SIMS. Mr. Chairman, inasmuch as the gentleman is almost entirely responsible for the drain on the Treasury because of the Appalachian Park appropriation, will he not agree that this amount be taken out of that appropriation and reduce it to that extent?

Mr. WEEKS. Oh, the gentleman from Tennessee gives me altogether too much credit. I wish I were entirely responsible for the appropriation which he calls to our attention, because, in my judgment, it is about the most worthy expenditure the Government is making to-day.

Mr. SIMS. It never passed until the gentleman took hold of it; and I also remember the Weymouth Back River matter, so that I have become rather afraid every time I see the gentleman rise in favor of any money demand on the Treasury of the United States.

Mr. WEEKS. The gentleman need have no fear on that score. He ought by this time to have learned that anything which the gentleman from Massachusetts favors is so worthy that it receives the approval of the House.

Mr. SIMS. Well, it goes through the House anyway.

Mr. WEEKS. Mr. Chairman, in this connection I want to say that while I do not directly represent a city of Boston district, I have an intimate knowledge of the necessity for this building, and, in my opinion, the necessity is so acute that action should be taken at once. I believe the appropriation is less rather than more than it should be, and hope that the bill will receive the approval of this committee.

Mr. FITZGERALD. Mr. Chairman, the opposition to this bill was not based upon the fact that Boston should not have an adequate building, or that the sum originally contemplated was excessive. It was based entirely upon the fact that the building was unfit and was an architectural monstrosity. The gentleman in advocating the bill should, of course, at least state the facts. The gentleman from Massachusetts [Mr. WEEKS], in summing up the reasons which made this legislation necessary, said that the foundations had cost a larger sum than had been originally anticipated. In that he differs with the architect for whom he has expressed so high an opinion. Mr. Peabody said:

The foundations have not really cost more than was anticipated.

So that instead of the foundations costing more than was anticipated, they cost just about what it was expected they would cost.

I venture again the prediction, Mr. Chairman, that when this building is completed and the people of Boston are compelled to transact the public business in it, there will be a violent protest against the Federal Government having such a building for the public business of the United States. To urge that an 18-story tower, 70 by 40 feet, out of which must be taken the space for two elevators, the stairways and the hallways, is an adequate and fit building for the public business in Boston, seems to be not merely ridiculous but preposterous. If some one in this House were attempting to force this building upon Boston, these gentlemen here would be protesting against any such action. They all seem so anxious to have it that perhaps it will be a good thing for the future that this record will be here to show that this building is constructed upon the insistence of the representatives of Boston, who, in the interests of the people of Boston, should be most violent in their opposition to the bill.

I stated all the facts in connection with the matter when the bill was before the House on the last occasion, and I do not wish to occupy time unnecessarily, but I commend the facts to the Members of the House.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. JACKSON. Has anything been proposed this morning which changes the situation from what it was when the bill was last under consideration? I just came in from attendance upon a committee.

Mr. FITZGERALD. None whatever, except that the gentlemen from Boston seem to have returned to the assault with renewed courage and determination.

Mr. JACKSON. I wanted to ask the gentleman if he sees any way by which we can tell how much we would be increasing this appropriation if we adopt the suggestions of the gentlemen from Massachusetts? It seem to me it would be like voting blind to increase the amount allowed for the building by an uncertain amount. Is that correct?

Mr. FITZGERALD. The passage of this bill will make available for the construction of the building $1,800,000. It makes available for rent and other expenses while the building is being constructed only such sums as Congress may hereafter determine to appropriate.

Mr. MANN. Mr. Chairman, in that connection I desire to say to the gentleman from Kansas that I just read a letter from the Treasury Department, stating that there had already been paid out $265,000, which would be reimbursable to this fund under this bill. The estimate is $90,000 a year until the building is occupied.

Mr. JACKSON. That is a mere estimate.

Mr. MANN. That is what we are paying, $90,000 a year or $84,000 a year, and they estimate it will take two years.

Mr. JACKSON. It seems to me we would be appropriating, then, merely upon an estimate.

Mr. MANN. Well, he is fairly accurate as far as that is concerned.

Mr. FITZGERALD. Mr. Chairman, I can only repeat what I have said before and all I believe necessary to be said in opposition to this bill, and I do not care to delay its fate.

Mr. FOSTER. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. FOSTER. Can the gentleman tell us why this building has not been commenced or gone ahead with instead of delayed so long under this appropriation?

Mr. FITZGERALD. There has been no delay. They are now ready to let the contract for the superstructure, and unless this bill be passed the substitutions which I mentioned two weeks ago will necessarily be made. Instead of having granite there will be some other stone; instead of having $25,000 worth of sculpture there will be no sculpture. The copper windows will be of some other metal than copper and the marble wainscoting will be turned into a marble base.

Mr. FOSTER. Is it the policy of the Treasury Department to delay the commencement of public buildings at the request of some Senator or Representative who may desire to have changes made?

Mr. FITZGERALD. I am unable to speak authoritatively for the Treasury Department regarding public buildings. My understanding is there has been no delay thus far.

Mr. FOSTER. I understand there is something in the hearings in which the gentleman from Illinois [Mr. CANNON] seems to have asked some pertinent questions in reference to this matter.

Mr. FITZGERALD. I think occasionally in the selection or letting of contracts if a Representative of a district prefers to have the matter delayed rather than the contract made the department has sometimes deferred making the contract in order to give the Congress an opportunity to pass upon the appeal that is made.

Mr. FOSTER. Is that appeal made because the Treasury Department in its judgment desires a change made in order to make the service better?

Mr. FITZGERALD. Not always. Sometimes it is done because changed conditions may necessitate a larger building than was originally contemplated, and sometimes the delay is had because the Representative of the district believes it is necessary to make it more artistic and ornamental than contemplated by the department.

Mr. FOSTER. And it is not so much a matter of getting a particularly serviceable building but one that will be of architectural beauty. Is that the case?

Mr. FITZGERALD. One that will be a monument to the gentleman responsible for the legislation.

Mr. SIMS. Mr. Chairman, I heard the speech of the distinguished chairman of the Appropriations Committee the other day in opposition to this bill and I was willing to follow him. I thought his argument was unanswerable, but for some reason or other he seems to be in an extraordinary good humor this morning——

Mr. FITZGERALD. I was in a good humor the other day.

Mr. FOSTER. And always is.

Mr. SIMS. Has the gentleman from New York changed his attitude?

Mr. FITZGERALD. I have not changed my attitude, and, of course, I never lose my temper.

Mr. SIMS. Oh, of course, the gentleman never does that, but I notice that the gentleman is willing this morning that the bill be acted upon, and does it in such a manner as to leave the impression with the rest of us that he has surrendered and given up what he thinks is a useless fight, and I want to know now——

Mr. FITZGERALD. The gentleman is mistaken about my changing my opinion or position.

Mr. SIMS. Does the gentleman really want this bill defeated? If he does, he knows how to do it. We can defeat it. We can prevent the passage of it if the gentleman thinks we ought to do it.

Mr. FITZGERALD. I am not in a position to——

Mr. WEEKS. Do I understand the gentleman from Tennessee has surrendered his judgment in this case to that of the gentleman from New York?

Mr. SIMS. I want to say this, that I have several times been run over and captured by not surrendering my judgment to the

gentleman from Massachusetts, and I did not know but that the gentleman from New York was facing the inevitable and recognized the fact that whenever the Massachusetts delegation go after anything they generally get it.

Mr. FITZGERALD. No; I do not think this bill has any more chance of passing this House than a certain former distinguished gentleman has of being nominated at Chicago.

Mr. SIMS. Well, his supporters all claim that is a dead certainty.

Mr. BURNETT. Mr. Chairman, in reply to the criticism of the gentleman from New York in regard to the character of the building as a tower, gentlemen have overlooked the fact that by constructing a building of this character they were unable to utilize a site already occupied by the present customhouse. If we had gone into the market and undertaken to purchase a site for the construction of a new building it would have cost from $800,000 to $1,000,000, and in this case the site of the old building has been utilized and in that way it saved the Government an expenditure in the amount of the cost of a new site. It does not cover all the old building site, and hence it not only uses the present site but leaves part of the old building still occupied and still in condition in which it can be used hereafter.

The Supervising Architect, when before the committee, stated that the building as proposed would be sufficient for years to come for the use of the customhouse and governmental purposes in that connection. In answer to the question of the gentleman from Kansas [Mr. JACKSON], I desire to state that instead of making it indefinite and uncertain, the purpose of this bill is to make the appropriation definite and certain.

Mr. JACKSON. Will the gentleman permit a question there?

Mr. BURNETT. Yes.

Mr. JACKSON. My point is this, if the gentleman will permit, that this appropriation would be increased by a sum equal to whatever the department sees fit to spend for rent and other expenditures during the construction of this building. It does not seem to me that is the way to make appropriations. If they need more for this building, let us give them $200,000 more, say.

Mr. BURNETT. That would not be the effect of the passage of this bill, Mr. Chairman. The effect would be after the passage of this bill to stop the appropriations for the renting and return the amount that has already been used for rentals.

Mr. CURLEY. I want to ask what the difference would be to the Government if another site had been selected for the customhouse to avoid the payment of rent?

Mr. BURNETT. What is the question of the gentleman?

Mr. CURLEY. What would be the difference in saving to the Government between paying rent for the building which is now being used and the purchase of another site?

Mr. BURNETT. None at all.

Mr. CURLEY. What would be the difference?

Mr. BURNETT. The difference in the amount of rent and purchase of another site?

Mr. CURLEY. Yes.

Mr. BURNETT. That would depend, of course, on the length of time for which the Government pays rent.

Mr. CURLEY. In that vicinity the cost of a site would be a million dollars.

Mr. BURNETT. It is my understanding that it would cost $800,000 to $1,000,000 to get another site. They are utilizing the present site, and in doing that they have to go up with the building that is proposed here. They utilize a part of the old building. They utilize all the site of the old building that is necessary.

Mr. SIMS. Could not the present site be sold for something? Would it be absolutely a loss?

Mr. BURNETT. Possibly it could be sold; but it is in the portion of the town where they want it for this particular purpose. There are other available sites in this portion of the city where the customhouse ought to be constructed. The vice of the original act was that it was construed by the Secretary of the Treasury to authorize the use of part of this $1,800,000 for paying the rent during the construction of the building. It said, as I recollect, "for the temporary removal from this building," but that was not construed to mean merely the removal of the building and furniture, and it would mean rent of other buildings during the time when this building was being constructed. As has been said by the chairman of the Appropriations Committee, the gentleman from New York [Mr. FITZGERALD], there has been paid out for the excavation for the site, as I recollect it, $280,000, and the plans and specifications for this building have been made. Therefore, whatever view we may have as to the expediency of adopting such buildings as this, it is res adjudicata, it seems to me. The excavation has been made, the site of the present customhouse has been utilized for this building, and the plans and specifications have been made for the kind of a building that has been agreed upon and recommended by the Treasury Department. As to what may occur hereafter, as to whether there may be a riot in Boston or whether the gentlemen from Boston may be relegated to the shades of private life because they have made a death trap up there is mere speculation and is something with which this House has no concern. The question is we are confronted with a situation now that is imperatively demanding that some action be taken.

Mr. TRIBBLE. Did not the authorities know at the time they were excavating and when they were drawing these plans that there was not sufficient money and that they would have to come back here and ask for more?

Mr. BURNETT. I do not know that they knew what the excavation would cost.

Mr. TRIBBLE. Why did they not draw the plans to suit the money appropriated?

Mr. BURNETT. The officials may have done wrong in all this matter, as I think they have in many others. And after the 4th of March next there will be a change that will give us more efficiency in all of the departments. [Applause on the Democratic side.] Here is a situation that demands immediate action, and I can not see any good policy in changing the plans agreed upon by the Supervising Architect and the heads of the department at this time.

Mr. CURLEY. Mr. Chairman, I question if any measure ever considered by this House has been subject to a more searching or thorough investigation than the one upon which we are now about to pass judgment.

And as a representative of Boston it is pleasing to me—and I believe it is gratifying to Boston business men generally—that when the vote is taken every man will be in full possession of all facts and his vote will be cast in accordance with his judgment and conscience. The people of Boston have ever displayed a willingness most commendable to make financial sacrifice that historic landmarks may be preserved or that public buildings might be so constructed as to appeal to aesthetic taste in addition to being serviceable.

If Boston had been animated by the desire to economize and accumulate money alone, which apparently is the thought uppermost in this body, its gratification would be possible, but at what a cost in historical landmarks standing as sentinels of a glorious past.

If the present or past generations had harkened to the voices of greed, there would be no Old North Church, with its treasured memory of Paul Revere, and "the shot heard round the world" at Concord Bridge. There would be no Old South Church, whose dead walls breathe the spirit of a militant and patriotic past; likewise, no old statehouse, where are stored relics of past greatness; and dim would be that beacon of human liberty which has served as an inspiration to the oppressed and downtrodden of the world—Faneuil Hall.

Thank God, our regard for patriotic associations has not been blinded by our love for money, for in a nation where great wealth is the sole desire patriotism is dead and the doom of the nation is at hand.

The Boston customhouse is a Boston landmark, with its columns of granite quarried in the city which gave to the Nation two Presidents, and possesses an individuality peculiar to the Quincy industry at the time of the construction of the customhouse.

Boston is in no sense unreasonable in the demand for a suitable building, since the customs receipts of Boston are the second largest of any port in the United States.

I have the highest regard for the sincerity and ability of the chairman of the Appropriations Committee, Mr. FITZGERALD, and regret that he does not share the view entertained generally by Boston men.

I am grateful to the membership of the House for the consideration I feel they propose giving this appropriation, which will make possible at Boston a public building creditable to Boston's sense of propriety and suitable for the proper conduct of the customs business at the second largest port of entry.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 11 of chapter 318 of the acts of 1909, entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909, be amended by striking out, in the last three lines of said section, the words "including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension."

That such amounts as the Secretary of the Treasury has charged against the appropriation for the customhouse, Boston, Mass., for expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension of said customhouse shall be repaid to said appropriation from moneys in the Treasury to be hereafter appropriated.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 10, strike out the period and insert a semicolon and the following:

"*Provided*, That no compensation shall be paid to architects additional to the amount now due and payable under the original limit of cost of said building, to wit, $1,500,000, or because of the increased limit of cost provided by this act."

Mr. MANN. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. FITZGERALD. Mr. Chairman, it was disclosed in the investigation of this matter that the architects were notified that the limit of cost, fixing the amount of money available for the construction of this building, was $1,500,000. It appears that they resented any legislation or any direction that did not permit them to plan a building to cost the original estimate of $1,800,000.

They did not quite appreciate the power of Congress to provide that the cost of removal and rent should be paid out of the amount limited, and a building was designed by them which could not possibly be completed within the limit of $1,500,000, but would require the expenditure of $1,800,000.

That is the reason this bill is here to-day, because the building was planned in defiance of the act of Congress, so that it would cost about $300,000 in excess of the amount determined upon here.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. In a letter which I read a while ago from the Assistant Secretary of the Treasury, addressed to the gentleman, it was stated that there had already been paid in architects' fees just a trifle less than $85,000, which is very close to 5 per cent of the original $1,800,000, and very close to 6 per cent, if not entirely 6 per cent, of the $1,500,000.

Now, it is perfectly patent that you can not complete the building without paying architects' fees from some source. As I understood the gentleman's amendment, it would even prevent the services of any of the architects under the Supervising Architect to be paid out of this fund.

Mr. FITZGERALD. It is difficult to understand how the architects have already received $84,000, when the total compensation to be paid to them is limited to $90,000, and they have not yet completed the foundations and have not made a contract for the superstructure.

Mr. MANN. It may be difficult to understand. I tried to extract information on the subject, while the gentleman was temporarily out of the Hall, from the gentleman from Massachusetts [Mr. PETERS]. The letter from the Assistant Secretary of the Treasury, addressed to the gentleman as chairman of the Committee on Appropriations, stated there had been paid out already as architects' fees eighty-four thousand and some odd dollars. It does seem to me it would be unwise to prevent the services of an architect, either a special architect or the Supervising Architect, in completing the building, because you can not put up a building of that character without architects' services as you progress.

Mr. FITZGERALD. But if these eminent gentlemen, who have performed in the manner I have indicated with respect to this building, are not willing to go ahead and do the superintendence, the building can be constructed under the superintendence of the Supervising Architect's office here. I do not believe we should permit these men to draw plans for a building which will cost in excess of the limit fixed, and——

Mr. BUTLER. Mr. Chairman, will the gentleman permit a question?

Mr. MANN. I was going to ask whether the gentleman's amendment would not prevent payments to anybody in the office of the Supervising Architect out of this fund.

Mr. FITZGERALD. If this work was done in the Supervising Architect's office, it would not be paid out of the appropriation for the building.

Mr. MANN. Is it not the fact that where the Supervising Architect's office supervises the construction of a building there is a charge against the appropriation for that building?

Mr. FITZGERALD. No; that is changed and we now appropriate specifically for the service in the architect's office.

Mr. MANN. Including the supervision of all buildings?

Mr. FITZGERALD. It is not chargeable at all to the appropriation for the building.

Mr. BUTLER. Have not these architects been already paid for their services to be rendered in the construction of this building? Five per cent is the ordinary price.

Mr. FITZGERALD. They are getting 6 per cent in this case. But I do not believe that we should permit the architects to get a profit to the extent of a commission on this additional amount after they have been so insistent in making these plans. If they wish to decline to perform the services, it is easy to have the superintendence of the construction done under the men in the employ of the Treasury Department. It may teach some of these architects a lesson that when Congress authorizes a building to cost a certain sum, and they are directed to design a building to be completed within that limit, not to disregard the law and the instructions of the Treasury Department and plan a building which is to cost a sum which in their opinion should be spent on such a building.

Mr. FOSTER. Does not the Treasury Department make provision when they make a contract for a building that the architect shall superintend the construction of it?

Mr. FITZGERALD. Yes; on a certain percentage.

Mr. FOSTER. Do they pay them all the money before the building is constructed?

Mr. FITZGERALD. I do not know how the limit of compensation could be paid under this appropriation for $1,500,000. The architect's commission would amount to $90,000. The foundations have not been completed, the contract for the superstructure has not been let, and yet apparently they have been paid to within $6,000 of the total compensation to which they are entitled. How they managed to do it I am unable to say. That only illustrates some features about the building of this customhouse that deserve the attention of the House.

Mr. WEEKS. If the gentleman will permit me, in the original estimate it was believed that the temporary quarters could be procured for about $30,000 a year, and that $1,700,000 would be available for the building.

Mr. FITZGERALD. The gentleman from Massachusetts is mistaken; the statement of Mr. Peabody, the architect, is that he was informed that $1,500,000 would be available.

Mr. WEEKS. The "gentleman from Massachusetts" is not mistaken, the gentleman from New York is mistaken.

Mr. FITZGERALD. The "gentleman from New York" is not mistaken, because he was present and questioned the architect himself.

Mr. WEEKS. The "gentleman from Massachusetts" was present when the original statement was made, and it was understood then that there would be $1,700,000 available.

Mr. FITZGERALD. That was a misunderstanding, because the architect himself stated that it was a million and a half.

Mr. WEEKS. This was five years ago, and I know all about it.

Mr. FITZGERALD. I know what the architect who drew the plans stated his understanding was.

Mr. MANN. Mr. Chairman, if there is a contract with the architect which has been entered into, would not the Government in the end be required to pay the amount covered by the contract, whether the Government got the services or not? Undoubtedly if they made a contract they must stand by it.

Mr. FITZGERALD. The contract was made by the architect, who admits he was notified that $1,500,000 would be available, and he deliberately designed a building that could not be built within that limit. I do not believe that the Government would be bound to pay him upon the excess of cost due to his own stubbornness and determination.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. MANN. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. I would like to know whether or not the architect has actually been paid $84,000 for services rendered here when no structure has been begun.

Mr. FITZGERALD. I do not recall, but the gentleman from Illinois says that he had a letter from the Assistant Secretary of the Treasury to that effect.

Mr. MANN. The gentleman from Massachusetts [Mr. PETERS] has in his possession a letter transmitted from the Treasury Department containing that statement, and I read it into the RECORD a little while ago.

Mr. BUTLER. I do not understand why they should pay him all of the fees when the work has not been done. I understand, according to the rules of the Institute of American Archi-

tects, that the ordinary commission is 5 per cent, and that includes the services of supervision.

Mr. WEEKS. This agreement between the Government and the architect is at 6 per cent.

Mr. BUTLER. Does that include supervision? What we do let us do right, and see to it that if architects have made an agreement to supervise the building that they are kept to it. I think that question is involved in this amendment.

Mr. PETERS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Mr. Chairman, I do not think I have any time to yield, but I would like to have the information.

Mr. PETERS. I have a copy of a letter sent from the Treasury Department to the chairman of the Committee on Appropriations, under date of June 11, which gives the items charged against this appropriation. There was included in that an item of architects' fees, $84,905.66. I know nothing of the relations between the architects and the department. I presume that that is for the completing of plans, because they naturally had to be made before they could get estimates upon them.

Mr. TOWNER. I would ask the gentleman if the letter states that that amount has been paid?

Mr. PETERS. It states that "expenditures have been made and liabilities incurred" for rent, architects' fees, and so forth, to the amount of $693,809.43. I requested a statement of the charges made against this appropriation and received this, and one of the items charged against it is for architects' fees.

Mr. TOWNER. Is the gentleman certain that when the statement is made that this is a charge against the appropriation that that means that it has already been paid out of the appropriation?

Mr. PETERS. That would be my understanding of it, but it makes no difference.

Mr. BUTLER. This haste reminds me very much indeed of that found in the story which is told of three masons who built a bake oven. Two of them held it up while the third went in to get the money.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with a recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. HOUSTON, as Speaker pro tempore, having assumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24227, and had directed him to report the same back to the House with an amendment, with a recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 28, noes 4.

So the bill was passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE WASHINGTON MEMORIAL BUILDING.

Mr. BURNETT. Mr. Speaker, the next bill on the calendar from the Committee on Public Buildings and Grounds is S. 5494, to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people. I will state that there are some questions of engineering on which I think we ought to have a report from the department. No report has so far come to this committee. I think the bill ought to be recommitted to the Committee on Public Buildings and Grounds, and I so move.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama to recommit the bill to the Committee on Public Buildings and Grounds.

The question was taken, and the motion was agreed to.

POST OFFICE BUILDING, HURON, S. DAK.

Mr. BURNETT. Mr. Speaker, I call up the bill S. 6009, to increase the limit of cost of the United States post-office building at Huron, S. Dak.

The SPEAKER pro tempore. This bill is upon the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. FITZGERALD. I object.

The SPEAKER pro tempore. Objection is heard, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak., with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The CHAIRMAN. If there is no general debate of the bill, the Clerk will read the bill for amendment under the five-minute rule.

Mr. MANN. Mr. Chairman, before that is done, I would like to know what special reason there is for enlarging the cost of this building in order to use Bedford stone. Why can they not put up a very good building with the material which is available under the existing appropriation? I see the distinguished gentleman from South Dakota [Mr. BURKE] here, always watchful of the interests of his State, and I would like to know what he has to say on the subject.

Mr. BURKE of South Dakota. Mr. Chairman, I would say in response to the inquiry of the gentleman from Illinois that the report which accompanies the bill and the letter from the Secretary of the Treasury, which is a part of the report, set forth fully the justification for increasing the limit of cost of this structure.

Mr. MANN. Mr. Chairman, I will say to the gentleman that I have read the letter and the report. I would like to ask the gentleman in reference to that, as he has apparently also read the letter and the report, whether a building like this with three sides faced with stone does not have a rear side that might be faced with something else? Does this building occupy a whole block?

Mr. BURKE of South Dakota. Mr. Chairman, my understanding is that the building stands on a square, and that the rear will be exposed. To have three sides of stone and one side of brick it is apparent would be unsightly, and if the gentleman has never observed it, I would like to have him, some time, when he is passing the Senate Office Building, notice the side of the building which is the rear, which is finished with brick, in contrast with the other three sides of the building. It seems to me that demonstrates that in the construction of public buildings we should provide sufficient appropriation to make it possible for the four sides to be of the same material, especially when the four sides are exposed, as will be the case with the building at Huron.

Mr. MANN. Perhaps so, Mr. Chairman, but I quite approve of the method adopted in reference to the Senate Office Building, of making the side there that is of brick of brick. If this building at Huron is in the center of a square, all four sides are equally exposed to the street, and I can see that there ought to be no distinction between the material on the different sides of the building, but if, as I suspect, it is on the corner of a square, I can see no reason why one side not exposed should be constructed of brick instead of stone.

Mr. BURKE of South Dakota. Mr. Chairman, I may be mistaken, but my impression is that the building stands upon a corner of a block, but, in any event, there is a public alley in the rear that is more or less used as a thoroughfare. The dimensions of the ground are such that there will be considerable space between the rear of the building and the alley, and it is in a sense similar to what it would be if it were in a square—that is, the rear will be exposed almost the same as the sides.

Mr. MANN. I believe the law requires a vacant space of 40 feet, but a vacant space of 40 feet is not very wide. I do not know what the facts are in this case. I can see no reason why,

as a general policy, the Government should put into its building what no private corporation or individual ever does, the same expensive material on the rear of a building not exposed to ordinary sight that it does on the other sides which are exposed to the sight of the public.

Mr. BURKE of South Dakota. I will say to the gentleman that the difference in cost between the two materials is very slight. It only increases the cost $6,000, and it may not require that amount.

Mr. FITZGERALD. Mr. Chairman, I did not understand all about this building proposition, and I inquired about the policy which permitted the making of contracts for public buildings, three sides of which facing the public are to be built of stone and the fourth side built of brick. The Assistant Secretary of the Treasury, in charge of public buildings in the Treasury Department, stated that every contract for public buildings was made in the same way. That is not unusual, not exceptional, and it is not intended to build that fourth side of brick rather than stone. Under the law the department is required to make a contract for the entire building within the limit of cost. As it is impossible to anticipate all contingencies which may arise, some material is substituted in some part of the contract, with the option of the department to substitute another material if it so desires. After the foundation work has been completed, if any unforeseen or unusual or unanticipated difficulties have been met, then the material that is intended to go into the building is substituted. The possibility of an inferior or different material is eliminated.

I was somewhat surprised to learn that was the practice, but the Assistant Secretary of the Treasury states that is the uniform policy. If every contract be made in that way and that be followed, and Congress is to increase the limit of cost so as to substitute the material desired in the plan of the building, then every public building authorized and for which the contract is let will require special legislation to increase the limit of cost. There may be some unusual or peculiar circumstance in this case to which my attention has not been called. I know of none, however, and I believe if there be any such unusual or peculiar circumstances the gentleman should state them, so that this will not be taken as a precedent hereafter to have the committee approve legislation of this character when it will not be either desired or necessary to enact it.

Mr. BURKE of South Dakota. Mr. Chairman, in answer to what the gentleman has said, it seems to me it has been already sufficiently stated why this bill ought to pass. The plans and specifications called for the four sides of the building to be of Bedford stone. The department in asking for bids did not get a bid within the limit of cost and made a contract within the amount authorized by providing that the rear wall should be of brick, but put in a condition that if an additional appropriation was obtained it might be built of stone; and I submit that it is a reasonable and businesslike proposition and we ought to authorize it by passing this bill.

Mr. BURNETT. Mr. Chairman, just a word or two in justification of the committee. The committee thought unanimously that this was an urgent case because of the fact that there was an alternative contract let, and as has been said by the gentleman from South Dakota the construction of the building would have to go on this summer. Under the alternative for the amount of the appropriation within the authorization it would have to be built with three sides of stone and one side of brick, and all its sides are exposed, and it would be in that kind of an anomalous and unsightly condition of a public building with three sides of stone and one side of brick. In that view and in view of the further fact that the statement of the Treasury Department was that this was an emergency matter and that the building is now under contract and that in case the increase of the present limit is postponed until next session it will be too late to make the substitution the committee thought it ought to be passed.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. BURNETT. Certainly.

Mr. HOWARD. Is this exposure of this building on a public thoroughfare?

Mr. BURNETT. Yes; I understand it is; that all sides are exposed to public gaze.

Mr. HOWARD. All sides are exposed, but there is a 10-foot alley, and, as far as that is concerned, the question is, Is this on a public thoroughfare where this rear end of the building will be seen by pedestrians generally?

Mr. BURNETT. It probably will not be upon one of the large streets, but upon an alley that is used by the public.

Mr. HOWARD. The public, as a general rule, does not use an alley—the gentleman knows that.

Mr. BURNETT. They do in the small towns.

Mr. HOWARD. They are not used by anybody except the taxgatherer and the ash man.

Mr. BURNETT. The gentleman is mistaken about that. In large cities like Atlanta, which is a metropolis, I think that is true.

Mr. HOWARD. They are not used by the general public in going to and fro, but for delivering goods at back doors.

Mr. BURNETT. In the small towns they do.

Mr. HOWARD. Mr. Chairman, right on that line, I do not know whether I am going to oppose this increase, but there is something wrong about this contracting business that is going on here in the Treasury Department. They are continually asking for increases when buildings are started, as illustrated here this morning in the case of the Boston customhouse proposition.

Now, I want to give the gentleman from Alabama [Mr. BURNETT], who is chairman of the Committee on Public Buildings and Grounds, just one sample of the extravagance that is going on in these public-building contracts on the part of the Treasury Department, or whoever has control of them after these appropriations are made. A few weeks ago the contract for the stone in this new post-office building over here next to the station was to be let, and finally under some maneuver—I do not know what it is that is carried on here when letting these contracts—the selection of the stone finally fell to one man, and that man was the Secretary of the Treasury himself. It developed that there is a certain concern up here in Vermont—I do not know whether they are furnishing the stone for this building, but it is very probable they are——

Mr. BURKE of South Dakota. This is Indiana stone.

Mr. HOWARD. It ought to be from Vermont. They are getting everything in sight up in Vermont, I know; but it developed in this particular matter to which I have reference that there was a certain stone which the Supervising Architect had said was a better stone. It stood the pressure test better than this Vermont stone, and the bid on this post-office building was $57,900 cheaper than the bid of the Vermont company. I went down to the station myself, and the exposed side of this new terminal station is pitted from one end to the other where the black mica that appears in this Vermont stone washes out in spots as large as a silver dollar. The stone company from my district—the Stone Mountain Granite Corporation—bid $57,900 less than this Vermont company and could have cut the stone and delivered it during the winter, when everything is frozen in Vermont. The Secretary of the Treasury, however, takes the bit in his mouth and spends $57,900 of the people's money uselessly. I want to know by what hook and crook this power is given to this man, and whether these bids are let by honest competition or they can go out and spend money indiscriminately in these public-building matters. If we have got the power, I want in the summer months down home to work on some sort of a law to keep them from wasting the people's money in that sort of style.

Mr. TRIBBLE. Tell the gentlemen what kind of stone the Stone Mountain stone is?

Mr. HOWARD. The Stone Mountain stone is said by the Supervising Architect, J. Knox Taylor, to be as fine building stone as there is in the United States, or equally as good as any in the United States. It is the Stone Mountain granite. It has about 40 per cent less black mica in it than this Vermont stone, and wherever the black mica appears in stone——

Mr. CANNON. Does the gentleman say that limestone comes from Vermont?

Mr. HOWARD. I am not talking about limestone. I am talking about granite. I know where limestone comes from. There is plenty of it in the gentleman's district.

Mr. CANNON. The gentleman, then, is not talking about this particular bill?

Mr. HOWARD. I am talking about how these things are done. It is a new caper here to let a contract out at an enormous sum, greater than they can buy the stone for elsewhere. It is a pure waste of the people's money in order to show favoritism to somebody. That is what I say about it.

Mr. CANNON. May I suggest to the gentleman that if these frauds are being perpetrated, these outrages committed, and his stone is so much better than some stone that has been accepted, and so much cheaper than the stone that has been accepted, why does not the gentleman move an investigation?

Mr. HOWARD. This is a small matter as compared to the many investigations we are engaged in making into irregularities indulged in by the gentleman's party.

Mr. CANNON. Oh, you have got the House. You have 60 majority. You are after all kinds of frauds.

Mr. HOWARD. The trouble is that there has been so much to investigate in your party we can not start investigating all of it at one time. We are doing very well, and we will have

new recruits in the Democratic Party next year to help clean up these departments which have been under the control of your party.

Mr. CANNON. It seems the gentleman should not make his word alone all powerful in this case. If what he says is true, somebody has been guilty of maladministration. And the gentleman's speech for home consumption and the broad assertion which he makes are not very well taken unless he proceeds to redress the condition.

Mr. HOWARD. I will say to the gentleman right now that I do not propose to make any speeches here or anywhere else for home consumption. I do not have to do it to retain my seat in this House, and I do not suppose the gentleman from Illinois has to do it after his long and distinguished record in the House. But I want to say the excuse given by the Secretary of the Treasury for selecting this Vermont stone was only this, that it matched the depot in color, and therefore he had to give it to the Vermont concern.

Any man of ordinary observation knows that within six years' time, if that post-office building is built out of any sort of granite, no living human being could tell the difference in its color at a distance of 100 feet, because it would color with exposure to the atmospheric conditions. I can take that particular building and construct it out of Stone Mountain granite or any other light granite, and in six years' time no human being could stand off 100 yards from it and tell the difference in the color of the two buildings unless he is an expert, and that was the excuse given for spending this $57,900.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. HOWARD. Yes.

Mr. CANNON. I do not know about the matter that the gentleman refers to. The gentleman says he does not have to make a speech for home consumption.

Mr. HOWARD. That is true.

Mr. CANNON. And the gentleman thinks I do not have to make speeches for home consumption.

Mr. HOWARD. I am sure of that from some of the statements that the gentleman makes.

Mr. CANNON. But I will say to the gentleman, if I made statements as broad as he has made, without attempting action, I would have to do a good deal of speaking for home consumption to explain my nonaction.

Mr. HOWARD. Well, the gentleman from Illinois probably would have taken some action, and probably the gentleman from Georgia has not allowed this thing to slumber peacefully. It occurred but a very short time ago that this contract was let, and myself and some of my colleagues called on the Secretary of the Treasury and spoke to him about this contract, and I think there will be something further said about this matter before it is finally ended. [Applause and cries of "Read!"]

The CHAIRMAN. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation for its passage.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 6009, had directed him to report it back to the House with the recommendation that it do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having had under consideration Senate bill 6009, had directed him to report it back with the recommendation that it do pass. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote whereby the bill was passed was laid on the table.

IMMIGRATION STATION SITE, BALTIMORE, MD.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to call up the bill H. R. 20501, Report No. 694, Union Calendar No. 236.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of $35,000.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. MANN. I think we had better go into Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the gentleman from Tennessee [Mr. BYRNS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20501, which the Clerk will report.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, no one on the committee seems inclined to state what this bill is about, and I shall have to do it myself.

Mr. BURNETT. I did not know that there would be any objection to it, or I should have made some explanation of the bill.

Mr. MANN. I thought the gentleman was afraid to make an explanation of the bill. I thought the less that was known about it the more votes it would get. If the gentleman desires to take the floor, I will reserve the balance of my time.

Mr. BURNETT. Mr. Chairman, the purpose of the bill is to provide for the sale or exchange of the site that was purchased for an immigration station in the city of Baltimore.

The last public-building bill made provision for the purchase of a site for an immigration station at Baltimore. The present conditions there are very bad; they are very much cramped, and the former Congress thought there ought to be a new site acquired and a building constructed. There was an authorization of $130,000 for this purpose, and the Supervising Architect, or some one representing the Treasury Department and some one representing the Department of Commerce and Labor, visited the city and selected the site which was purchased.

The agent of the Secretary of Commerce and Labor acted with the agent of the Treasury Department because immigration stations are under the supervision of the Secretary of Commerce and Labor. I have been informed by the former Supervising Architect, Mr. Taylor, that their understanding was that the selection was only for a temporary detention station in case there should be sickness among the immigrants, or something of that kind.

I do not think that the bill authorizing the purchase of this site would bear that construction, because it is for the purchase of an immigration station. This bill was introduced by the gentleman from Maryland [Mr. LINTHICUM] in view of the fact that it has become evident that the place selected was a most unsuitable place for the location of an immigration station. I believe every member of the committee who went and looked over the place was of that opinion. It is located six or seven blocks from the water's edge, so that the immigrants landing would have to march through the city for quite a distance before they arrived at it. Not only that, but it is in a very insanitary location. There are fertilizer factories near by, and we were informed that when the wind was coming from

the direction of these factories the odor from the acid and the lime was almost intolerable.

The committee, after that investigation, were unanimously of the opinion that this land ought to be sold or exchanged for some other suitable site, and while we had no authority to choose or select a site, we were informed that there are available sites near the water's edge that could be acquired for a reasonable price. We believe that an exchange can possibly be made, and if not, a sale can be made and a site purchased down near the water's edge without any great expense to the Government. In fact, the expense by the bill is limited to $35,000.

Mr. LINTHICUM. Mr. Chairman, Baltimore at the present time is terribly hampered in its immigration business. We are using an old building not more than 16 feet front and probably 60 feet deep with a side yard as a detention station. Sometimes there are as many as 150 or 200 people huddled together in this old building. It was therefore determined that we should have a new immigration station, and a bill was introduced asking for $250,000 for the purchase of a site and the construction of such a building.

Congress appropriated $110,000 out of an authorization of $130,000, the $130,000 being available at any time. The Secretary of the Treasury, having a rule that no more than 10 per cent can be paid for any site, decided that he would not pay more than $13,000 for a site in the city of Baltimore. A number of sites were submitted to him. Among them was the present site, offered for $14,000. That came the closest to the 10 per cent of $130,000, and he decided to look into it and see if he could purchase it for $13,000. It was offered to him for $13,250, and he bought the property at that price. I am informed by the local commissioner of immigration at Baltimore that he was not consulted as to the selection and purchase of the site. He informed me of this personally, but in order to have it more specific I telegraphed him on June 4, as follows:

JUNE 4, 1912.

Mr. LOUIS T. WEIS,
President American Label Manufacturing Co.,
Cross and Covington Streets, Baltimore, Md.:

Am I correct in stating to the House that you were not consulted in the selection and purchase of the immigration detention site secured by the Government, and that you knew nothing of this purchase until after the transaction was completed? Please wire me at my expense, giving full statement.

J. CHAS. LINTHICUM, M. C.

I received the following answer to that:

BALTIMORE, MD., *June 4, 1912.*

Hon. J. CHARLES LINTHICUM,
House of Representatives, Washington, D. C.:

Knew nothing of location of site selected for immigration station until shown by congressional committee on their recent visit to Baltimore at time when Taylor and Larned were inspecting sites near immigration pier. I had Marine-Hospital Surgeon Schereschewsky write strong protest against site in that locality on account acid and fertilizer factories in that vicinity. I am on record at Department Commerce and Labor for over four years favoring Fort McHenry site.

LOUIS T. WEIS,
Former Commissioner of Immigration.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. MOORE of Pennsylvania. The accommodations at Baltimore regarding immigration have not been very good.

Mr. LINTHICUM. In what respect?

Mr. MOORE of Pennsylvania. I mean as to the accommodations for the immigrants.

Mr. LINTHICUM. As I have said, we are using a small three-story house, which is very old and dilapidated, with a side yard, near the railroad track, on an unpaved street. It is very insanitary and is totally inadequate for the purpose, and should not be used for it.

Mr. MOORE of Pennsylvania. It is not in keeping with the business done at the port of Baltimore?

Mr. LINTHICUM. Absolutely not. We have an immigration this year, up to the 1st of June, of 20,562 people.

Mr. MOORE of Pennsylvania. Does the gentleman know when this site was purchased, the one of which he speaks?

Mr. LINTHICUM. I do not know the exact date, but I think about six months ago.

Mr. MOORE of Pennsylvania. And it is that site the gentleman desires to have changed?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. That is, the gentleman desires to move from that site to one more eligible?

Mr. LINTHICUM. We have a number of sites offered us in that vicinity, and some of them very desirable. One of them is situated right adjoining Fort McHenry, and it is the intention to make the fort a permanent reservation. It is right on the water's edge and it would make a desirable site for a detention station, and the immigrants could be landed right there and taken care of by the Government.

Mr. MOORE of Pennsylvania. And the passage of this bill is required in order to give the Secretary of Commerce and Labor discretion to make an exchange, if he sees fit to do so?

Mr. LINTHICUM. I think it is necessary to give him that discretion. I know that he will not use that discretion unless the bill is passed.

Mr. TOWNER. Mr. Chairman, will the gentleman from Maryland yield for a question?

Mr. LINTHICUM. Certainly.

Mr. TOWNER. Was it not stated at the time that the investigation was being made by the committee of the House, by those who represented the Treasury Department, that it had not been contemplated to construct on or use the site they now have secured for anything except a detention hospital and not for an immigration station and detention hospital combined?

Mr. LINTHICUM. That is what the Department of Commerce and Labor say, but why they say that I have never understood, because the bill specifically says that it is for an immigration station, and they have never consulted the local commissioner of immigration as to what it was to be used for. He evidently thought it was to be used for general purposes of immigration.

Mr. MANN. Mr. Chairman, I do not remember just when this building and site were authorized. Can the gentleman inform me? It is not stated in the report.

Mr. BURNETT. It was authorized in the last public-building bill, which I think passed two years ago.

Mr. MANN. We provided for the purchase of a site and the construction of a building at a total cost of how much?

Mr. LINTHICUM. There was no distinction made in respect to how much should be expended for a site and how much should be expended for a building. The total amount authorized was $130,000 and the total amount appropriated was $110,000.

Mr. MANN. The authorization for the site and the building was $130,000. I take it that when the committee examined into the matter and made a report to the House they endeavored to ascertain something in regard to what a site would cost and how much ought to be expended for a site and a building. It seems there was allotted for the purchase of the site $13,000. I take it that there must have been some consultation between the officers of the Department of Commerce and Labor, the Immigration Service, and the Supervising Architect's Office before they determined upon the amount of money that should be expended for the building. Of course the balance might be utilized for a site. It seems they went ahead and purchased a site for a trifle over $13,000. No one seems to be able to give us much information in regard to the purchase of that site. Why did they select a site where the committee now states is an insanitary location, and unfitted for the purpose, six or eight blocks away from the water's edge? I do not know whether the building ought to be on the water's edge, convenient to the attack of mosquitoes, or not; but certainly the Government has acquired no new information on that subject in the last two years. They knew as well two years ago whether the immigration station ought to be on the water's edge as they know now. Who was responsible for the selection of this site?

The Committee on Public Buildings and Grounds, fixing practically the amount which could be expended for the purpose at $13,000, now proposes to increase that amount, if we make a direct purchase, to $35,000, and if we make an exchange, to an indefinite sum. We have no report from the department which has charge of the immigration service. It files this report and letter from the Secretary of the Treasury. Even that letter is unsatisfactory and gives no information.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LINTHICUM. In answer to the question, if the gentleman has no objection, I will be very glad to read a letter sent from the committee to the Department of Commerce and Labor, and the reply thereto.

Mr. MANN. I have no objection, and would be very glad to have the gentleman read them.

Mr. LINTHICUM. They are as follows:

MAY 24, 1912.

The honorable the SECRETARY OF COMMERCE AND LABOR,
Department of Commerce and Labor.

SIR: House bill 20501, authorizing "the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange;

or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof," was favorably reported to the House by this committee under Report No. 694, herewith inclosed.

Upon the action of Congressman LINTHICUM, H. R. 20501 was placed on the Unanimous Consent Calendar. Congressman MANN, of Illinois, objected to the bill being placed on the Unanimous Consent Calendar for certain reasons, as will appear by reference to the inclosed clippings from the CONGRESSIONAL RECORD of the proceedings of the House on Monday, May 20, 1912.

At Congressman LINTHICUM'S earnest solicitation the Committee on Public Buildings and Grounds has the honor to request that it be advised if the Department of Commerce and Labor has any objection to the proposed exchange of site, it being understood, of course, that the matter of the erection of the building eventually to be placed on the same shall be under the supervision of the Treasury Department.

It appears from Congressman LINTHICUM'S representations to this committee that Congressman MANN said that if the proposed transfer was agreeable to the Department of Commerce and Labor, and a letter to that effect from the department could be shown, he would offer no objection to H. R. 20501 being placed on the Unanimous Consent Calendar; and Congressman MANN further suggests that he would like to be advised as to why the change is advisable.

Very respectfully, yours, ——— ———.

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DEPARTMENT OF COMMERCE AND LABOR,
Washington, May 24, 1912.

Hon. JOHN L. BURNETT,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply beg to say that on the 29th of April this department, in writing to the Secretary of the Treasury upon the same subject, stated that the department is inclined to believe that if sufficient funds are provided by Congress for the purpose it would be advisable to have the immigration station at Baltimore, Md., located upon the water front, so situated that aliens can be landed there directly from boats or barges, and also to facilitate the inspection of new arrivals, as well as the housing of those detained. In other words, it would probably be best for all parties concerned if the immigration station at Baltimore could be arranged upon plans somewhat similar to those of the station now under construction at Philadelphia.

I regard it as quite clear that a location on the water front is in every respect preferable for the reasons just indicated and, further, for the reason that the station on the water front is calculated to secure decided advantages by way of ventilation and other similar conditions.

Respectfully, yours,

CHARLES NAGEL, *Secretary.*

Mr. BURNETT. Mr. Chairman, if the gentleman will permit a further suggestion, I would state that there is in the files a letter from the Secretary of Commerce and Labor. The bill was originally referred to both departments, and the Secretary of Commerce and Labor wrote that owing to the fact that the Secretary of the Treasury had exclusive jurisdiction of the construction of such buildings he would make no further report, but refer this to the Secretary of the Treasury. That letter is also in the files, and that is why no further answer, I suppose, was made to our committee before we took action. This letter to Mr. LINTHICUM has come since.

Mr. MANN. Mr. Chairman, I have no doubt that the committee in the usual course of its business wrote this letter to the Secretary of Commerce and Labor and also to the Secretary of the Treasury. The Secretary of Commerce and Labor side-stepped an answer to the letter by stating that the building site was under the control of the Treasury Department. That is because they did not want to make any reply upon it. The gentleman from Maryland [Mr. LINTHICUM] has obtained a reply from the Secretary of Commerce and Labor; and what does that Secretary say? He says he is inclined to think it would be better to have this immigration station on the water's edge, because the ventilation would be better there.

Mr. CAMPBELL. Would it not?

Mr. MANN. Well, Mr. Chairman, the gentleman from Kansas wants to know. He comes from an inland town a long way from the sea. I never heard there was any trouble about ventilation in a Kansas cyclone.

Mr. CAMPBELL. We have no more cyclones in Kansas than you have on the lake front in Chicago.

Mr. MANN. There is no trouble about ventilation on the lake front in Chicago, but they are back from the lake front——

Mr BURNETT. Is it not a little warm there now?

Mr. MANN. But they say they want to put an immigration station on the water front, because ventilation is there, which, if carried to its logical conclusion, would wipe Baltimore off the face of the map and put the buildings along down the Chesapeake Bay, and I think even the gentleman does not propose to do that. They do not say they favor this bill even. Here is a department that has under its control the Immigration Service, and the Treasury Department has purchased a site for an immigration station. Somebody wants to spend more money for an immigration-station site, and urges Congress to increase the authorization, asks the department to recommend it, and they say they are inclined to think it would be a good thing, because the ventilation is better there. They do not say it ought to be done.

Mr. LOBECK. Can not they remove the fertilizer plant?

Mr. MANN. I would like to ask the gentleman—by the way, yesterday in the House we had up for consideration the sundry civil appropriation bill. My colleague from Illinois [Mr. CANNON] offered on that bill 8, 9, or 10 amendments to increase the sanitary conditions, the health conditions, and so forth, over at Ellis Island, where the immigrants really come in. Every one of those propositions was defeated by the Democratic side of the House, by a solid Democratic vote, as against a solid Republican vote in favor of them, and the statement was made that in all likelihood a new immigration bill might be passed, restricting the number of immigrants coming into the country, and the facilities already in existence would be sufficient to furnish all that was necessary. Now, if the Burnett bill or the Dillingham bill passes, does the gentleman think there is any occasion for enlarging the facilities for immigrants in these ports?

Mr. LINTHICUM. I will say in reply to that that the immigrants who come to this country at Baltimore can pass the test of the Burnett bill.

Mr. MANN. Well, it may be they need somebody over there who can, but I should question whether a large share of the present inhabitants over there could pass the test if they had to submit to it to get in.

Mr. BURNETT. If the gentleman will permit——

Mr. MANN. Where do these immigrants come from whom the gentleman says can pass the test at Baltimore?

Mr. LINTHICUM. A large number of them come from Norway and Sweden and a great many from Poland and Bohemia, a very few from the south ports or from Syria.

Mr. MANN. Well, not very many come from Syria at any port. What lines bring in immigrants to Baltimore?

Mr. LINTHICUM. The North German Lloyd Line.

Mr. MANN. Is that the only one?

Mr. LINTHICUM. That is the only one.

Mr. MANN. How many come in the course of a year?

Mr. LINTHICUM. During the year 1911, 23,581. Up to June of this last year, 20,561. They are coming in larger number this year and we expect it to be larger than in the last few years, but not as large as some years back.

Mr. MANN. I am not opposed myself to these people becoming citizens of the United States both by immigration and naturalization, and I believe they ought to have ample facilities for their care and protection whenever they come in, and I think that at Baltimore, even with the number that come in there, there ought to be a sufficient immigration service and a sufficient immigration station. I would like to ask the gentleman, with a site that is already acquired only costing $13,000, why it should be necessary to have a new site that costs $35,000?

Mr. LINTHICUM. I would say to the gentleman from Illinois that the site which was acquired was located right in a locality where there are some fertilizer factories and other manufacturing industries. It is absolutely in the wrong section in which a hospital or a detention station should be located. The site that we desire to get is along the water and has large wharfage facilities and extends down to where boats would come up and land the passengers right there. I hope we will not have to pay $35,000, I do not believe we will, but we do not want to have too small a limit so that we can not acquire what is desirable.

Mr. MANN. Does the gentleman think a site for a hospital along a wharf is an ideal site for a hospital? I think I should prefer to inhale the odors of a good fertilizer plant rather than be on the water front along the wharf if I were ill.

Mr. LINTHICUM. The site for the detention station would not be on the water——

Mr. MANN. I said water front.

Mr. LINTHICUM. The pier would extend out in the water and the detention station and hospital would be some distance from the water. It will reach near Fort McHenry, which no one can ever say was insanitary, and it is desired to make it a public reservation, and, in fact, to-day it is used practically as a public reservation. It certainly would conform with the gentleman's idea for ventilation. Now, the ventilation referred to in the letter is not the ventilation which the gentleman referred to in a general way, but they want to get away from the odors of this guano factory and these other factories alongside of it.

Mr. MANN. There is too much ventilation at that site, not too little.

Mr. LINTHICUM. Too much of that kind; yes.

Mr. MANN. Now, this bill provides—if I may have the attention of the gentleman—not only for the purchase, but also for the exchange of the additional site, and then provides an additional sum in accomplishing the exchange; but there seems to

be no limit on the amount of money that might be used as addition if you make the exchange. Of course, this is only the authorization. How much money does the gentleman think it would be in order to appropriate under the rules of the House, if this bill passes, for this purpose?

Mr. LINTHICUM. I should think, in order to carry out the buildings and to have the proper site in the city of Baltimore, we ought to have somewhere in addition about $150,000 all told.

Mr. MANN. What I want to know is, if the gentleman was offering an appropriation on the sundry civil bill, say, how much would he want in addition to the sum now authorized? There is no limit in here on the amount of money if you make an exchange. I suppose there is some proposition. Let us know what it is. I mean the proposition for the exchange. Is there one under consideration?

Mr. TOWNER. Does not the gentleman think the language here near the close of the section, as follows—

The total cost of such new site so acquired not to exceed the sum of $35,000—

will apply also to the prior clause of the bill as well as to the latter?

Mr. MANN. I should doubt it. It would certainly not include the present site and exchange?

Mr. TOWNER. No; but the provision of the law is that the proceeds from the present site shall be converted into a fund. So that would amount to the same thing.

Mr. MANN. I beg the gentleman's pardon. The provision in this bill is that the Secretary is authorized to exchange the site heretofore acquired for another suitable site and to pay, if necessary, an additional sum in accomplishing such exchange.

Mr. TOWNER. Yes. But does not the gentleman think——

Mr. MANN. How much additional could be paid?

Mr. TOWNER. I think that the provision here at the close—that the total cost of such site so acquired shall not exceed $35,000—limits it.

Mr. MANN. On the gentleman's theory you can purchase a new site that would cost $48,000—$35,000 additional in cash and the exchange of the existing site, that cost $13,000.

Mr. TOWNER. Oh, no; that would not be possible, because it says the total is to be $35,000, not $48,000.

Mr. MANN. The total cost; but there is no provision in here that the value of the present site shall be taken into consideration; certainly no provision that the original cost shall be taken into consideration. I only wanted to know from the gentleman from Maryland [Mr. LINTHICUM], so that he would be on record on the subject, how much he intended to add in appropriation on this bill if it passed.

Mr. LINTHICUM. I am not asking for any additional appropriation. This comes from the appropriation that has already been made.

Mr. MANN. Oh, yes; that is true enough. That is in case of the exchange. Undoubtedly the appropriation already made, just as in the Boston case, comes out of the appropriation already made. But as soon as it is taken out, then we will be asked to reimburse the appropriation. That is what I wanted to get at. How much is it going to take? Have you not some proposition over there for an exchange?

Mr. LINTHICUM. We have not any proposition for an exchange, and I do not believe we are going to get any. I believe the site they have acquired will have to be sold to somebody for a factory site. I do not believe anybody who has property there is going to exchange for this. I take it that the word "total" meant all money that could be expended for a site whether now or previously—the total amount to be used not to exceed $35,000 under all conditions.

Mr. MANN. The explanation on that point is quite satisfactory.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman from Pennsylvania [Mr. MOORE] such time as he may desire.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to ask the gentleman from Maryland [Mr. LINTHICUM] whether the present immigration station is not located on the water's edge?

Mr. LINTHICUM. I will say to the gentleman from Pennsylvania [Mr. MOORE] that Baltimore has not any immigrant station at the present time. She is using the Baltimore & Ohio Pier, and the immigrant station is a private dwelling.

Mr. MOORE of Pennsylvania. Then you receive your immigrants at the railroad pier?

Mr. LINTHICUM. On the Baltimore & Ohio Railroad Pier.

Mr. MOORE of Pennsylvania. On the water's edge?

Mr. LINTHICUM. On the water's edge, of course.

Mr. MOORE of Pennsylvania. And you transfer them to the detention house?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. About how far away?

Mr. LINTHICUM. About three blocks away.

Mr. MOORE of Pennsylvania. So that those people that for some reason or other are carried over to the detention house are carried three blocks?

Mr. LINTHICUM. At least 3 blocks.

Mr. MOORE of Pennsylvania. That is correct. Now, then, the site that was purchased is 7 or 8 blocks away from the water's edge?

Mr. LINTHICUM. It is about 6 blocks away from the water's edge and about 8 blocks from the present pier that is being used.

Mr. MOORE of Pennsylvania. It is at least twice as far away from the water's edge as the present detention house.

Mr. LINTHICUM. It is at least three times as far away.

Mr. MOORE of Pennsylvania. And it appears that a mistake was made in your purchase and that it would be desirable now to move back to the water's edge? That is the situation, is it not?

Mr. LINTHICUM. Mr. Keefe, Commissioner General of Immigration, is desirous of having all these places at the water's edge. But aside from the fact that this is not at the water's edge, this place is unsuitable for the purpose.

Mr. MOORE of Pennsylvania. I agree with that opinion of the Commissioner General of Immigration. The fact is that the site which the gentleman wishes to purchase is 7 or 8 blocks away from the water's edge, or twice as far as the detention house?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. I will address myself, Mr. Chairman, to that phase of the question since the gentleman from Illinois [Mr. MANN] has raised it. The immigration station at Boston is at the water's edge. The detention house is also there. The old immigration station at Philadelphia was at the water's edge and the new station will be on the water's edge. It seems to be a wise thing to place these stations as near the landing stage as possible, and the reason for it is one that I am sure will appeal to the gentleman from Illinois. Sometimes the patients are detained on account of sickness. It may be that they are detained on account of a malignant or contagious disease. It will be readily seen how unwise it is under such circumstances to take such patients from the landing stage and carry them through the built-up portions of a city, to be detained somewhere in the center of population.

That is one of the objections to the present detention house in Philadelphia, which, by virtue of the erection of a new detention house, will soon happily be abandoned. At present those immigrants who are detained are carried through the streets of a very thickly settled portion of the city to a detention house and are there held until discharged for one reason or another. If it should happen that smallpox should break out after the immigrants have arrived at any landing stage, whether it be at Boston or New York or Philadelphia or Baltimore, it could very easily start an epidemic where the people are so thickly settled as they are at New York, for instance, or at Boston or at Philadelphia.

Hence it is a wise provision, as written into this bill, that the new site shall be somewhere near the water's edge. It is a matter of health precaution. I think the communities through which these immigrants go to the detention stations are entitled to this measure of protection against possible epidemics.

Now, in our city of Philadelphia we have struggled against that condition for a long time, and we are freeing ourselves from it now; and I trust that Baltimore may be given the same facilities to relieve the residential portions of the city of any possible invasion of disease due to the conditions stated.

I realize, as does the gentleman from Illinois [Mr. MANN], the peculiar position in which the gentleman from Alabama [Mr. BURNETT] is placed in his advocacy of this bill. As the father of a measure which is proposed to restrict immigration, he is put in the very anomalous position here of providing additional facilities for immigrants. The author of the Burnett bill has given great and deep thought to this subject of immigration, and has always conducted himself in a manner befitting the chairman of an important committee and a Member of this House upon this question. [Applause.] Just how he will explain the advocacy of a measure which means more and better facilities for immigrants while at the same time he presents to the country a measure which says we shall limit the number of future immigrants I do not know. But, being a

member both of the Committee on Immigration and Naturalization and the Committee on Public Buildings and Grounds, he does his duty as he sees it, no matter which committee he represents. I hope that the measure now pending, advocated by one who can be so broad and generous in his advocacy of measures as is the gentleman from Alabama, will pass this House. [Applause.]

[Mr. BURNETT addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I have never shared the feeling which many gentlemen seem to have against the character of the immigration from along the Mediterranean Sea, or, as is usually described, from the south of Europe. My town is largely made up of people of foreign birth, or the children of people of foreign birth. I have never noticed any evidence that there was any injury to the country from those people. I believe that the educational system of the country and the movement of people from one place to another in the country have proven of sufficient force and effect to largely change in the children of these people what we imagine at least to be the characteristics of many of them. I have no doubt that the children of the people from the south of Europe will prove of as great value to the citizenship of this country as have the children of the immigrants from Ireland.

I can easily remember when there was just as much feeling in the country, probably more, against a large share of the immigrants coming from Ireland, and they came in great numbers for a while. He would be a very foolish man who did not understand now that the Irish blood infused into the American citizenship has proven itself of enormous value in every direction. I imagine the same thing will be true of the south of Europe.

I agree with the gentleman from Alabama [Mr. BURNETT] and others that there might properly be some steps taken to restrict the number of immigrants, not because their character is objectionable as to any particular individual, but because the immigration is probably a trifle larger than can be profitably absorbed in the labor market and possibly a trifle larger than can be absorbed in the intellectual life of the country. I never have seen any reason myself for believing that the educational test, reading and writing, as proposed by the Senate bill, or reading as proposed by the existing proposition reported by the House committee, is the proper test.

I am led to say these few words on the subject because of the remarks which the gentleman has just made with reference to the facilities on board ship. It seems to me that if we would make it less profitable to the steamship companies to get hold of immigrants in order to bring them over here we would correct the condition of which we complain, and we would do it in the proper manner. Require more space on board ship for each immigrant. Make it more comfortable for the immigrants who come and less profitable for the steamship companies who scour Europe urging them to come—or perhaps I ought not to say that, for that is forbidden, but advertising——

Mr. BURNETT. While it is forbidden, it is beyond our reach, and we can not control it as a matter of fact.

Mr. MANN. That is true, but advertising the facilities and cheapness with which they may come to this land of promise, and thereby encouraging immigration. There is no reason why we should run the country in order to make profits for the steamship lines, and if we would pass a law enlarging the space per immigrant on board the steamships, so that it will not be so profitable for the company to bring immigrants instead of freight, or even empty space, we would restrict immigration without adopting a test which has never been the proper test of judging of the worth of a man, namely, an educational test. [Applause.]

Mr. TOWNER. Mr. Chairman, I desire to bring the mind of the committee back to the bill that is before it. Originally the department recommended that an appropriation should be made for an immigration station at the port of Baltimore, and an appropriation was recommended of $250,000. Action was taken upon it by the House and it authorized an appropriation of only $130,000. Subsequent to this authorization there were quite a number of bills introduced into the House and in the Senate in respect to the matter. Unfortunately, some of those referred to the desired appropriation as an appropriation for an immigration station which would have included a detention hospital, and some of them were only appropriations or authorizations for a detention hospital. That was the condition of affairs until the present time.

There is no immigration station which is owned by the Government in Baltimore. Neither is there any detention hospital there owned by the Government. The Government has the use, by mere sufferance, as I understand, of the facilities which are afforded for the landing of immigrants from the German-Lloyd steamers to the station or pier of the Baltimore & Ohio Railroad Co. That is the only immigrant station that the Government has. The detention hospital is in a dwelling house of a very unsatisfactory kind, which is located some three or four blocks away from the water's edge in a most inhospitable and unpleasing locality, and is in itself a most forbidding-looking building for that purpose. It is absolutely necessary, as it would seem, that Baltimore should have an immigration station, and, further, that it should have as a part of it a detention hospital. All agree that the immigration station and the detention hospital should be as intimately associated as possible. If they can be part of the same plant, they ought to be so arranged. It is contemplated that this immigration station and the hospital shall be so arranged. Under the impression that they were locating only a detention hospital, the Treasury authorities selected and purchased a site which is seven or eight blocks distant from the water front in immediate proximity to some manufactories of various kinds that are not only unsavory, but absolutely unhealthy, in a place that no detention hospital, and certainly no immigration station, should be located at all. It may be admitted that is a mistake, and not seeking to place the responsibility for that mistake we now have this condition. It is thought now that by the expenditure of not a very large sum of money, not to exceed $35,000, a very desirable site can be obtained for an immigration station, with the detention hospital combined, on the water front, so that it will be in direct contiguity to the grounds now known as Fort McHenry, which will give it one of the most desirable locations in the city. This can be secured for the Government at a total cost of not to exceed $35,000. That is the authorization proposed for that purpose. I think gentlemen certainly would be unreasonable to suppose that an expenditure of that amount for a site for an important place of this kind in a city like Baltimore, which ranks fourth, I believe, among the ports of entry of the United States, is unreasonable. The amount already authorized for the building of an immigration station is entirely inadequate to a city of Baltimore's importance.

I think it ought to be increased regardless of the passage of the immigration bill. I agree with what the chairman has so well said. It is not of importance whether we lose 1 or 5 or 10 or 15 per cent of our population by the passage of this bill in so far as it relates to our duty in this regard. It is important, as the gentleman from Illinois well said in his remarks, how we treat the immigrants after they come here, and certainly for a great port like Baltimore an adequate immigration station ought to be provided, and the simple question before this committee now is, Is $35,000 too large and an unreasonable amount to provide for the acquiring of such a site for such a station? I think it is not, and the committee was unanimous in its belief it was reasonable for that purpose, and I hope that the bill will pass. [Applause.]

Mr. LOBECK. Mr. Chairman, I did not intend to speak, but I believe that nothing better can be done than to take care of and prepare proper facilities for the immigrants coming to our shores. If it will prove of benefit and convenient to exchange this piece of property or sell it and get a better location for the accommodation in Baltimore for those who come to our country making a home here, we should authorize it. Therefore I shall favor this measure.

I have been listening here this afternoon to the discussion about immigration. I may not know as much about immigration as some of my friends, Members of Congress on this floor, but I have seen the time when I was a boy in Chicago, when improper care was given to the immigrants who came there. There was not the attention given to their comfort, nor were they given the necessary consideration. They had to care for themselves as best they could in the old Illinois & Michigan Central Station at the foot of Lake Street. As a boy I became interested and often went to assist the immigrants and act as interpreter for them. I knew something of the Scandinavian and German languages, and my efforts were amply rewarded by the deep gratitude of these people who did not understand our language and did not know which way to turn in this world so new to them.

My people were seven weeks coming across the water in an old sailing vessel; that was in 1849. They were three months on their journey from Sweden to their new home in western Illinois. They landed in New York and then went by boat up to Albany on the Hudson River, thence by Erie Canal to Buffalo and around by the Great Lakes to Chicago. When they arrived in Chicago, part of the family were stricken with that dread scourge, Asiatic cholera, and on the shores of Lake Michigan

the mother of the family was laid away. On the advice of the authorities they were requested to move on. They did so, by the Illinois Canal to Peru and thence by team to Henry County, Ill. More than one-half of the company died of this dread plague, including the father. But they were a courageous people, and over what seemed insurmountable difficulties they survived and made their permanent homes in a New England settlement, and there these pioneer immigrants alongside the sturdy sons and daughters of New England turned the soil to the sun, working with such simple implements as they had at hand. With untiring efforts they have made that country blossom as a rose. They did not understand our language, very few of them could read any of the English language, most of them could not, but I do know that they could write their names as well as the average American born who lived in that country. As a boy growing up in a country store and as a man I have seen as many "Xs" and as many "marks" for signatures made by those of American birth as made by those of foreign birth. I do not blame the American because he had not had the advantage of schools, but these pioneers of American as well as foreign birth having faith in the same God soon understood each other and became friends. These people of foreign birth settled that country and made it a veritable garden.

When in 1861 the call came from the immortal Lincoln for volunteers no men were braver than these Scandinavians, and it is said that every fifth Scandinavian of Illinois old enough to bear arms went to the front and offered his life to preserve the Union. [Applause.] I saw some of them come back from Andersonville, and others I saw brought back from the fields where they had contracted disease, some of them to die, and some of them, as soon as their strength permitted, to return to their places in the ranks, and I know of some who laid down their lives on the field of battle, to sleep forever there. These Scandinavians marched shoulder to shoulder with the gallant Irishman, the sturdy German, and the men of American birth, and shared with them all the privations that come to a patriot and a soldier. When the war was over they returned to their homes and took up their former vocations on the farm, in the shop, in the store, and in every line of life's activity. They have done their full share to develop this beautiful country.

These pioneers were interested in churches and in education. Schoolhouses were built and churches erected. There is scarcely a school for higher education in the States of the North but has many graduates of Scandinavian parentage, and this is also true of some schools in the South. The same can be said of the German and the Irish races. So I say all honor to these worthy people.

I heard the word "Syrian" mentioned here to-day. When I was comptroller of my city—Omaha—a little boy, a manly little fellow, came on Saturdays to my desk to receipt the pay warrant for his father's work. The father commenced work as a street sweeper, and after he had accumulated and saved money he bought a team and continued to work for the city. I saw this little fellow sign his name in a beautiful hand script. The boy attended our schools. I said to him one day, "Are you going to help your father some day?" He replied, "No, sir." I said, "What are you going to do?" "I am going to be a bookkeeper."

That boy had the right spirit. And you can go through the schools of Iowa, Illinois, Nebraska, everywhere in this country, and you will see the children of these foreigners from Germany, Ireland, Denmark, Norway, Sweden, Bohemia, Poland, Austria, France, Russia, and Italy—Jew, Gentile, or Greek—attending our schools. These children are studious and stand well in the grades and are becoming imbued with American ideas. They desire to become good citizens. If we will support a proper system and keep up a high standard of education in this country and uphold the teachings of the fathers of this Nation and teach American patriotism, there will be no trouble about these people who come to our shores, for they will make a good citizenship.

These people of foreign birth and their descendants have made good in every line—agriculture, railroading, education, and banking. You may go to Chicago, as my friends Mr. MANN and Mr. MADDEN can tell you, and see a bank controlled by Scandinavians, one of the largest banks of that city, which now has some $30,000,000 of deposits. This bank was established by an old Swedish sailor who scarcely knew how to read or write, but he had a good, clear head and was possessed of common sense; he acquired some lake vessels and helped to develop his adopted country. He gave his son an education—sent him through Harvard. The son, through sterling and rugged spirit inherited from a hardy, industrious parentage, made a success of banking. The same story in varied terms can be told of the German, the Irish, and other Europeans who have come to the United States. Everywhere they have made their names known—in the lawmaking bodies of our country, in the cities, counties, and legislatures of our States. In a word, they have made good. On this floor to-day I see my friends REILLY of Connecticut and MURRAY of Massachusetts, of Irish lineage, and I recall the names of ESCH and BARTHOLDT, of German ancestry, and the Scandinavian HAUGEN, LENROOT, and LINDBERGH. There are many Members of Congress of English, French, and Scottish ancestry, who are held in the highest esteem by their constituents.

Mr. MOORE of Pennsylvania. And if we had imposed an educational test many years ago they would not have been here now?

Mr. LOBECK. No; and there were many from other States, American born, who came West to settle Iowa and Nebraska who could not write, but who have given to the West a high class of citizenship.

Mr. MOORE of Pennsylvania. And all these constitute some of our best citizenship to-day?

Mr. LOBECK. Yes; and I would like to state, Mr. Chairman, that among these of foreign birth are some of the greatest inventors of the age. It was an Ericsson that constructed the *Monitor*, and his ideas have revolutionized the navies of the world. It was a poor Swedish boy on a farm in Illinois who conceived the idea and made the first model of the modern corn planter. In every workshop, in every manufacturing plant, you will see the ideas of these sons of foreign birth in daily use.

I have mentioned the Civil War, and I might with equal propriety mention the Spanish-American War. On both sides in the Civil War were found those of foreign birth who battled for what they believed was right. In the Spanish-American War, from every portion of this land, these young men of foreign ancestry fought side by side with the sons of American lineage.

I wish to say to my friend from Alabama [Mr. BURNETT] that if in his bill proper provisions are made to exclude the criminal classes from our country, I will be with him; but no educational test should bar the honest man and his family from coming to this country. The scalawags, the men who leave their country for their country's good, are men who can read and write. They are the men that you are welcoming if education is the test instead of honest fellows who can not read and write. Some of us would be in a serious fix if we should go to Germany, Russia, or other parts of Europe if we could not use their languages, and still we might make very good citizens. I believe in extending a welcoming hand to all honest men or women who come to our shores with their families to make America their home. Foreigners who came to this country when I was a lad were many of them very poor and it did not seem as if they would make good. They have helped to build our railroads, construct our canals, and they have given their services to public works, and as soon as they could save enough to secure a humble home, either in the city or in the country, they did so.

I believe that the same will be true of the great majority of people that are coming to our shores now. They are looking for the future and seeking a home for themselves and their children. As they have made good in the past they will do better in the future. I have no fears for this country so long as we maintain the high standard of our schools and instruct our children in the wisdom and teachings of the forefathers. Under such conditions we will lead the world in civilization and make good in the sight of God and man. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I have listened with a good deal of interest to the gentleman from Nebraska [Mr. LOBECK]. I knew something of the character of the immigrants to which he refers. I have met them on the prairies of Kansas; have seen them as Irishmen, Scotchmen, Germans, Swedes, wearing every badge of a new immigrant. They settled upon the raw prairie with few implements. I have watched their growth into citizenship and their development of the prairie of Kansas into one of the best agricultural States in the Union. Men who settled upon those prairies 25, 30, or 40 years ago, with no knowledge of our language, of our institutions, or of our laws, and but little of our people, are to-day among the very best citizens we have in the country. They have raised families, educated them, given them every opportunity, and have made of them the very best citizens we have. I might say incidentally that they own the original quarter section upon which they settled, and the quarter section that adjoins it on the north, and on the south, and on the east, and they are ready to buy the quarter section that lies on the west. They did not mort-

gage the farm as soon as they could get a loan for the purpose of gratifying some fancy as a needed improvement, but put up with the limited means they had, used the simple implements they started with, and in many instances, as I have said, to-day they not only possess the original quarter section upon which they settled, but additional valuable lands.

I have also seen immigration of a different character, of the character referred to by the gentleman from Illinois [Mr. MANN], come into the community. The part of the country in which I live has a very large foreign population, coming from Italy and from Austria and from southern France—from southern Europe, if you please. I know men, whom I can call by name, who settled there 20 to 25 years ago without any knowledge whatever of our language. I do not know whether they could read or write in their own language, but probably they could.

Mr. BURNETT. I will ask the gentleman whether they were from northern or southern Italy? The reason I ask is that there is a vast difference. In northern Italy there are only 8 per cent of adults who can not read and write, and in southern Italy there are over 50 per cent.

Mr. CAMPBELL. A man whom I call to mind at this time came from the neighborhood of Milan. But there are hundreds of them. I remember when they did not have a member of their family who could speak a word of English. In the course of four or five weeks they would come in and bring a little girl or boy 5 or 6 years of age to interpret for them. To-day those men and their families are among the substantial, good citizens of that community. They engage in the work of coal mining. They had no other occupation. There was nothing else for them to do. They brought nothing with them. They went into the mines and learned to dig coal, and as coal miners they provided themselves such homes as they could, paid such rent as they were able to pay, sent their children to school, and kept them in school; and many of those men to-day not only own the houses they live in, but own three or four more besides. I know some of them who own brick buildings on the best business street in our city, from which they are receiving a rental running from $75 to $100 and $125 a month.

Mr. LOBECK. Mr. Chairman, may I ask the gentleman a question?

Mr. CAMPBELL. Yes.

Mr. LOBECK. Is it the rule that they are anxious to have their children go to school and receive a good education? Is not that the rule?

Mr. CAMPBELL. Yes. There are no citizens in our section of the country who are more anxious to have their children acquire an education than those peoples, or who are more anxious and ambitious for the welfare of their children than they.

So far as their ability to read and write when they came here goes, but little was known. I do not know whether they could read and write or not. But I do know that they were ambitious and honest and industrious; and I know that they have made good citizens, and that they have raised children that have grown up in our community, who have made and are making good citizens.

But I have in mind another character of people who come to this country not, if you please, as immigrants; people who come here not to be assimilated into our citizenship, not to assume the responsibilities of citizens of the United States, but who come here for the sole purpose of getting the benefit of our high wages; people who work just enough below our standard of wages to displace the immigrant who came here with a view of becoming a citizen and assuming the responsibilities of our citizenship and raising their children here and having them grow into our community as a part of it.

I have in mind especially the people who come here from old Mexico and work upon our railroads. The lines of nearly all the railroads in our section of the country are covered with Mexicans—single men, with just enough women among them in the camp to do the cooking. They do not come here with a view of becoming citizens. They do not come here with any view but of getting the highest wage they can get, sending the money back home, and going back there themselves as soon as they lose their jobs.

I have in my hand a paper that gives in detail and at considerable length the condition of the labor market in the United States at given periods. The gentleman from Illinois [Mr. MANN] spoke of the immigrants who had come to his city. I will state that at a given time there were a great many men who had families to support in the great city of Chicago, Ill., who would have been glad to have employment at a living wage, who would have been glad to work upon the tracks of the railroads centering in Chicago, with a view of supporting their families, who were deprived of work by the Mexicans who had been brought across the line into the United States, and who work right up to the city limits of Chicago on the railroads centering there, driving every man who would live as a respectable American citizen off the railroads by reason of the low wage they were willing to take, all on account of the low standard of living on which they were willing to live, and on which they do live while working upon our railroads. It is that class of immigrants, whether they can read and write or whether they can not, that I would bar from the United States; men who do not come here with a view of becoming citizens, but with a view of supplying our labor market and taking from the immigrant who comes here to become an American citizen, or the man who has been here long enough to have acquired citizenship, or who was born here, the employment which of right should be his. I say I would deprive these men who come here solely for the purpose of getting the advantage of our high wages of the right to come here to take the place of our citizens who are here and willing to do that work at a living wage.

Mr. LOBECK. Has the gentleman a remedy to propose?

Mr. CAMPBELL. I wish I could suggest one offhand. But I will say to the gentleman from Nebraska that I have given the matter a good deal of study. I would bar every immigrant who does not come to our country with the intention of staying here and becoming a good, law-abiding citizen. I wish it were possible to draft a law to bar the man who merely comes to the United States to get the advantage of our wages for a few years and then return to his own country, whether it be Mexico, Sicily, Italy, France, Spain, or any other country. I have taken the Dillingham bill and the Burnett bill and tried to work out an amendment that was feasible and that could be enforced at Ellis Island or at any of our ports or on the line between the United States and Old Mexico. I see the greatest possible difficulty in framing such a law. I think, however, that the enforcement of the law that we now have would be a great protection to us. There are many of the Mexicans and Greeks who, I fully believe, come to the United States to-day to work upon the railroads and work throughout the country who come here under contract. [Applause.] There is no sort of question about it, in my opinion. The railroads practically admit that they bring them here by saying that they can not get trackmen in any other way. They do that while men are without employment in Chicago and Kansas City and every other large city in the country, willing to work at a wage upon which they can live and live decently. I am opposed to the Greek and the Mexican being permitted to come in through any sort of violation of the law or by any pretext, driving our own people back off the railroads into the city, where there is no work, and to thus practically deprive them of an opportunity to make a living.

Mr. MANN. Will the gentleman permit a question?

Mr. CAMPBELL. Certainly.

Mr. MANN. We just passed in the sundry civil appropriation bill an item for two men at $1,000 each to furnish information of violations of this contract law. I submit that some of these people who are out of employment might possibly be able to acquire a handsome fee by furnishing information which the gentleman says is patent and acknowledged by the railroads of the violation of this law.

Mr. CAMPBELL. Oh, I do not say that the railroads acknowledge that they make contracts and bring laborers into the United States.

Mr. MANN. Then I misunderstood the gentleman.

Mr. CAMPBELL. They practically admit it. There is no railroad coming into Chicago from the Southwest that does not employ many of its trackmen from Old Mexico. How does it happen that these Mexicans, without any knowledge whatever of our language, who can not read our newspapers, come into the United States in large numbers and find employment readily upon the tracks of our railroads? Is it not because somebody representing the railroads has been down in Old Mexico picking up these men and telling them that they can find employment on the railroads of the United States——

Mr. MANN. There is no law against that.

Mr. CAMPBELL. And who has made arrangements with them to come at an agreed price, which is against the law?

Mr. BURNETT. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. BURNETT. I want to suggest to the gentleman that last year over 18,000 were admitted from old Mexico, and of that number 7,000 over 14 years of age were unable to read their own language. This illiteracy test is to reach that very class of people.

Mr. MANN. Will the gentleman permit a question?

Mr. CAMPBELL. I will.

Mr. MANN. Does the gentleman think that there are as many Mexicans in the United States earning money, which the gentleman says ought to be earned by citizens of the United States, as there are citizens of the United States in Mexico earning money, which the Mexicans think ought to be earned by citizens of Mexico? Is not the shoe on the other foot?

Mr. CAMPBELL. Oh, I do not know. The men who go to Mexico are skilled laborers.

Mr. MANN. But he takes the place of somebody, whether he is a skilled laborer or a merchant or something else.

Mr. CAMPBELL. I beg the gentleman's pardon, he does not take the place of anybody. He supplies a vacant place, a place that has not been filled and would not be filled if the American skilled laborer did not go there and fill it. And let me say to the gentleman that the skilled laborer makes a place down below him for many unskilled laborers.

Mr. MANN. The gentleman knows that there is considerable prejudice in Mexico against the United States because of the large number of citizens of the United States in Mexico making money, and that the Diaz government was probably overthrown in Mexico for the reason, principally, that the people there had come to believe that President Diaz was too friendly with the American citizens in Mexico making money which the Mexican people thought ought to be made by Mexican citizens.

Mr. CAMPBELL. The character of the American who has gone to Mexico differs very widely from the character of the Mexican who comes to the United States. The American who has gone to old Mexico has gone there as a skilled laborer or has gone there with his means and invested it in constructing shops and factories and building railroads and employing Mexican labor.

Mr. MANN. The gentleman objects because the cheap Mexican labor comes to the United States. The Mexicans would not object because cheap labor went from the United States to Mexico. They object because the higher-priced people go to Mexico and take the money, and as an American citizen probably makes more money in Mexico than a Mexican citizen does in the United States, and as there are more American citizens in Mexico making money than there are Mexican citizens in the United States making money it looks to me as though we were not in a position to throw many stones at Mexico.

Mr. LOBECK. I think the Mexican plantation advertising schemes have brought a whole lot of money into Mexico that has been of benefit to the Mexicans and of not much benefit to the Americans who invested it.

Mr. MANN. Does the gentleman think that much of that money went into Mexico? I have been under the impression that most of it went into New York and some other cities like that. Some of it went into Chicago.

Mr. CAMPBELL. The chief complaint that I found in old Mexico was not against the employment of skilled American labor there, nor against the investment of American capital there. Progressive Mexicans welcome both, but what the Mexicans feared was that we were Americanizing Mexico, and that was the thing to which they were particularly objecting. They have a different civilization from ours, a different standard of living. They have an entirely different viewpoint from ours, and they are not particularly anxious to exchange their viewpoint for ours. The Mexican laborer there lives as the Mexican lives here. They are huddled up in small places in which an American laborer would not stay. They live in a fashion in which the American laborer could not live, and under which we would not have him live. These Mexicans come to the United States and they live out of a tin can, occupying space on the right of way of the railroad that gives them employment, and they send practically all of their wages back to their own country. They propose to follow that money back there just as soon as they have acquired enough to justify them in returning to their own country.

Mr. MOORE of Pennsylvania. Is the gentleman referring to Mexicans now?

Mr. CAMPBELL. I am referring solely to Mexicans and Greeks or others who do not come to our country with a view of becoming citizens.

Mr. MOORE of Pennsylvania. Many of them do.

Mr. LOBECK. Oh, yes; many of them do.

Mr. CAMPBELL. Not so many of them.

Mr. MOORE of Pennsylvania. It has been in evidence before the Committee on Immigration and Naturalization that very many of the Greeks, and particularly the Italians, and especially the Jews, leave their money in this country. Of course they have attachments abroad which will linger for a generation or two. They help the old folks by sending the money back; but the tendency is dying out. The disposition is rather to acquire land here and to become citizens of this country.

Mr. CAMPBELL. I have already noted that the Europeans that come here come here very largely with a view of becoming citizens. They invest their money here and they acquire homes as soon as they can get them. They invest in business property, and in rental property and establish themselves here and become a part of our communities.

Mr. MOORE of Pennsylvania. And when they do that they become good citizens?

Mr. CAMPBELL. Yes; good citizens.

Mr. MOORE of Pennsylvania. So long as the gentleman has opened up the question of railroad labor, that which he says comes from Mexico, is it all unskilled labor?

Mr. CAMPBELL. Yes; although a man must have some knowledge of laying railroad ties and putting down tracks and taking out an old rail and putting in a new one and becoming a good trackman on a railroad.

Mr. MOORE of Pennsylvania. Is it such labor as the American boy aspires to?

Mr. CAMPBELL. No; but there are many men, as I have ascertained, who can be found in cities of the United States and in the country who would be perfectly willing—indeed, who would be anxious—to do the work these men do, and who, if they were properly distributed over the United States, could do this work that the Mexicans come here and do, if they could get sufficient pay for the work.

Mr. MOORE of Pennsylvania. Then it is a question of distribution after all?

Mr. CAMPBELL. It is a question of getting the labor where it is required and paying him enough for doing it.

Mr. MOORE of Pennsylvania. Is it not also a question as to whether you can get the educated American boy to undertake the kind of work to which the gentleman refers?

Mr. CAMPBELL. That is true not only of the American boy but of the boy who is born of European parentage in the United States. They do not aspire to become trackmen on railroads or to dig ditches; but many men may be found in every section of the country to do such work at fair pay.

Mr. MOORE of Pennsylvania. The American boy does not want to do it.

Mr. CAMPBELL. He does not want to do it, and he fits himself for a different kind of work; but that boy's father, or his uncle, probably, would like employment on the railroad at a time when he is out of work at something else, if he could get good wages that would enable him to support his family.

Mr. MOORE of Pennsylvania. Commensurate with the service rendered?

Mr. CAMPBELL. Yes; that would enable him to provide his family with a suitable living.

Mr. MOORE of Pennsylvania. Would the illiteracy test applied against immigrants remedy that situation?

Mr. CAMPBELL. I do not think it would.

Mr. BUCHANAN. Mr. Chairman, if the gentleman will yield, I would like to ask if it is not a fact that there are Americanized workmen who work digging ditches in cities, especially in building work, where they are organized, and which work pays two or three times as much as railroad companies are paying for their trackmen? I have in mind a condition in the city of Chicago, where the building laborers get from $3 to $4 a day working at foundation work. They are very creditable citizens. People do not have to rely on foreign labor to secure work of that kind done. I am of opinion that if the railroad companies would make it an inducement for men to do the work these men would find work that is more desirable, probably, than the work they do in the ditches and in the foundation work of buildings.

Mr. CAMPBELL. I have no doubt that the railroads could find plenty of laborers who have come here to become citizens, who are raising their families here, to do the work on their tracks if they were willing to pay them enough money to keep their families.

Mr. BUCHANAN. Is it not a fact that one of the reasons they are making an inducement to these foreign immigrants to come here is for the purpose of keeping that sort of labor down?

Mr. CAMPBELL. Oh, I do not think there is any question about that.

Mr. BUCHANAN. Down to a lower standard than the American laborer would be willing to work for?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. Has the gentleman any direct information that they do induce these people to come; that they undertake to violate the law respecting contract labor?

Mr. CAMPBELL. I believe they do.

Mr. MOORE of Pennsylvania. Is there any evidence of that?

Mr. CAMPBELL. No; I have no evidence; that is, no such evidence as I could submit to a court and ask conviction upon. I have not gone into it far enough for that.

Mr. MOORE of Pennsylvania. Suppose we were to take up the padrone system—that is to say, the manipulation by one man of a number of men in the interest of a railroad or any other large employer of labor—does the gentleman not think it is possible under the existing law to reach an offense of that kind and that it could and would be reached?

Mr. CAMPBELL. Oh, I have no doubt it could be done. I want to say this——

Mr. MOORE of Pennsylvania. The gentleman from Illinois [Mr. MANN] called attention a moment ago to a paragraph in the sundry civil bill which provided a reward of $1,000 each to two men who gave information in regard to the employment of alien contract labor.

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. Now, if the employer brings in five or a dozen men, or not to say 100 men, is it possible, with the labor organizations thoroughly established all over this country, on guard against contract labor, that some one would not tell the story of these 5 or 100 men coming in under contract, especially when there is a reward of $1,000 for the man who supplies the information?

Mr. CAMPBELL. I am not contending and I do not think anyone contends that any industry that employs labor in the United States now goes to Europe or Mexico or any other country and brings men into the United States under contract, but they induce the men to come here in some way and in that way violate the law.

Mr. MOORE of Pennsylvania. The gentleman is still vague as to his information, but he admits that there is existing law that forbids the very transaction of which he speaks.

Mr. CAMPBELL. Of course there is existing law that forbids that.

Mr. MOORE of Pennsylvania. And there is an inducement to anyone to report a violation of that law—to the extent of $1,000.

Mr. CAMPBELL. I am protesting against this violation.

Mr. MOORE of Pennsylvania. It is a question of administration after all and not a question of existing law.

Mr. CAMPBELL. Certainly; I have said all the time it was in violation of the law.

Mr. MOORE of Pennsylvania. Then any man belonging to a labor union, any man belonging to a patriotic society, who has any information that John Smith was bringing in 5 or 100 men improperly, could report it to the officials at Washington or to any Federal officers anywhere, and put himself in the position of obtaining a reward of $1,000.

Mr. CAMPBELL. I have this kind of a case, if the gentleman will permit me to proceed in my own time: A railroad company had three gangs of men who were getting $1.50 a day. Within 10 days every one of those men except the foreman was laid off and Mexicans took their places at a less wage. Now, was that an accident, or were the men induced to come into the country and do the work for less pay than it was being done for?

Mr. MOORE of Pennsylvania. That was reprehensible, to say the least; but were those Mexicans brought in in violation of the law?

Mr. CAMPBELL. How did they know they could find this employment from this particular railroad?

Mr. MOORE of Pennsylvania. I am sure I do not know.

Mr. CAMPBELL. They reported for duty to the foreman.

Mr. MOORE of Pennsylvania. But apparently the gentleman does not know that they got into this country improperly in violation of the immigration law.

Mr. CAMPBELL. I think they were.

Mr. MOORE of Pennsylvania. Then they should have been deported. If they are brought in in violation of the contract-labor law, they should have been apprehended and sent back, and there would have been a reward for their detection.

Mr. CAMPBELL. Well, it is sometimes difficult to enforce the law. If the gentleman had ever lived in a State where it was against the law to sell liquor, he would know something about the difficulty of enforcing the law when two men want to violate it—both the man who sells and the one who buys; and in this case, where the man who employs the laborer wants to violate the law and the laborer who is employed wants to violate the law, it becomes a very difficult question.

Mr. MOORE of Pennsylvania. But that the gentleman knows is due to an appetite or tendency that no law can restrain.

Mr. CAMPBELL. Oh——

Mr. MOORE of Pennsylvania. How can you stop a man from drinking by the enacting of a law?

Mr. CAMPBELL. That has no bearing on the discussion.

Mr. MOORE of Pennsylvania. How can you prevent a man from committing murder by providing in an act that there shall be no murder committed?

Mr. CAMPBELL. It illustrates how difficult it is to enforce the law where two men conspire together for its violation as is done when the employer wants to bring a man into the United States in violation of law and the man wants to come into our country for the purpose of getting our high wages, whether by contract or otherwise.

Mr. MOORE of Pennsylvania. The gentleman, as a Member of the lawmaking body of this Nation, has performed his duty by enacting a law which reaches the offense of which he complains, and it is a matter of administration whether the law is violated or not.

Mr. CAMPBELL. It may not be out of place sometimes to call attention in a lawmaking body to the fact that the law exists, and that it is being violated and should be enforced.

Mr. MOORE of Pennsylvania. There is no harm in that.

Mr. JACKSON. My colleague has been along the Mexican border, I am sure, a number of times. He does know that there are men there, or labor agencies, that make it their sole business to encourage immigration to this country and to procure the placing of these laborers in large numbers with the railroads, does he not?

Mr. CAMPBELL. Yes. There is no question but that it is done.

Mr. JACKSON. And if it was not for this sort of work these Mexicans would not leave their homes and come over here to fill these contracts?

Mr. CAMPBELL. As I stated a moment ago, it is inconceivable that a Mexican, totally ignorant of our language, who can not read or write in English, would come here at once and take a place a thousand miles in the interior on our railroads and supplant an American citizen.

Mr. JACKSON. This condition of affairs amounts to a violation of the law, although it would not be a violation of the letter of the law.

Mr. CAMPBELL. That is true.

Mr. JACKSON. So that the remarks of the gentleman from Pennsylvania [Mr. MOORE] are wholly irrelevant and not addressed at all to what my colleague is talking about?

Mr. CAMPBELL. I am talking about the general effect of this immigration into the United States upon the condition of our laborers, and express my belief that these people are here in violation of our laws.

Mr. JACKSON. As I understood my colleague to say, he thought the illiteracy test would not exclude these Mexicans?

Mr. CAMPBELL. I do not say it would not, but I did say, in my judgment, it would not cure the whole evil.

Mr. JACKSON. You do think, though, do you not, that it would exclude a large percentage?

Mr. CAMPBELL. I have no doubt of that. I am not prepared to say I am ready to establish a literary test for immigration into the United States. Some of the men who are a menace to this country to-day are men who have come here from other countries, not only with the knowledge of our language, but with the knowledge of many languages, who can not only read and write in their own language, but in our language and other languages, but who do not come here for the purpose of making this a better country, but, as has been suggested, for bettering the country that they have been forced to leave. They become a danger here.

Mr. MOORE of Pennsylvania. Almost any educated man can pass a civil-service examination, can he not?

Mr. CAMPBELL. Oh, yes.

Mr. MOORE of Pennsylvania. And that does not always detect whether a man is morally fit, whether he is a good man. It is no test of his moral worth, is it?

Mr. CAMPBELL. No. And I am not especially enamored of the idea of a literary test as a test of a man's fitness to do departmental work.

Mr. MOORE of Pennsylvania. That is the way I understood the gentleman.

Mr. JACKSON. The class of immigrants of which you speak would have to be excluded under other laws, and we have laws that are calculated to take care of them. It is hardly a legitimate argument against this other class that we do not seem to be able to exclude them in any other way.

Mr. CAMPBELL. I would hesitate long before I would say to a man with a family coming to the United States with a view of becoming a citizen here——

Mr. MOORE of Pennsylvania. In good faith.

Mr. CAMPBELL. In good faith, working at such employment as he could find, sending his children to our schools and

rearing them as citizens—I say I would hesitate a long time before I would say, "You can not come here unless you can read and write."

Mr. MOORE of Pennsylvania. That is a human test rather than a moral one.

Mr. BURNETT. May I ask the gentleman right there a question?

Mr. CAMPBELL. Certainly.

Mr. BURNETT. Is it not a fact that the large majority the educational test would keep out do not come with their families, do not come for the purpose of remaining, do not wish to be naturalized, do not become citizens, but acquire all the money they can, and when a wave of adversity comes over this country are the first to leave it? Would not an illiteracy test keep out just that class of people?

Mr. CAMPBELL. I have no doubt there is a large number in the class to which the gentleman refers.

Mr. BURNETT. In the language of the commission, would not that be most feasible? You spoke of a rule awhile ago that can not be worked and can not be worked as to whether they become citizens or not. How do you know what is in a man's mind? As you admitted, that is an impracticable test and can not be worked out. Now, what other practical way of keeping out the class I referred to a little while ago could be adopted except the illiteracy test?

Mr. CAMPBELL. Well, I confess that I have been unable to arrive at a solution of the problem. It is a grave one, and it is more serious to-day than it has ever been in this country heretofore. The land that has been available for settlement has been practically settled. The immigrant who comes here now comes to supply the labor market among our wage earners. He no longer comes here to develop our agricultural resources, but he comes here to take a place alongside of those who are employed in a given industry, that pays a good wage, and he too often accepts a lower wage than the standard of living here requires. After he has been here long enough to acquire our customs and our habits and to become acquainted with his fellow laborers he demands the wage that is customary and that enables a laborer to live according to the American standard.

Mr. BUCHANAN. Does not the gentleman think that if a standard minimum wage scale could be established it would have a good effect on the immigrants? Does not the gentleman think if the corporations were required to pay these immigrants the same scale of wages as American workmen receive that would be a good thing?

Mr. CAMPBELL. Well, it would be a very difficult thing to frame a wage scale for every industry in the United States; quite as difficult as it is to draft an immigration law that would permit the man of good intentions to come into the United States and keep out the man who would make an undesirable citizen.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. LOBECK. The question was asked here a few moments ago as to whether the American laborer would work at common labor, such as working on the streets, sewers, and other public improvements. It has been my experience and observation that whenever the waterworks company of my city wants to get men for labor there has been no trouble to get men, either of foreign ancestry or of American ancestry, to work, and it is the same way with respect to work on our streets and the same way with respect to work on our public improvements. There are always plenty of men seeking for the job, and they are not foreigners, but they are of American ancestry.

Mr. CAMPBELL. Oh, there is no difficulty whatever in getting American citizens, whether foreign born or native born in the United States, if you will pay a sufficient wage for their labor.

Mr. LOBECK. A decent wage. They are anxious to get the work, and they are Americans.

Mr. CAMPBELL. There is no question about that.

Mr. MOORE of Pennsylvania. Is that true with respect to labor on the farms of the country?

Mr. CAMPBELL. Well, we are having some little difficulty in getting enough laborers on the farms. But wages are going up, and that is bringing more help.

Mr. MOORE of Pennsylvania. But the farmers have been complaining that they could not get sufficient farm labor.

Mr. CAMPBELL. Oh, yes; they have been complaining about that.

Mr. MOORE of Pennsylvania. Is it true of the mines?

Mr. CAMPBELL. No; I believe the supply of laborers for the mines is quite equal to the demand.

Mr. MOORE of Pennsylvania. It is not so reported from some parts of Pennsylvania.

Mr. CAMPBELL. Oh, there may be an occasional district in which that is true; but my information is that the supply of laborers is kept quite equal to the demand in the mines throughout the country.

Mr. MOORE of Pennsylvania. How about domestic labor? The gentleman, of course, speaks from the interior country viewpoint; but there is a great deal of complaint about the scarcity of labor for domestic service.

Mr. CAMPBELL. It is a great deal more difficult, I will say to the gentleman, to get domestic help in the interior than it is in Philadelphia, for example.

Mr. MOORE of Pennsylvania. Is not the tendency of the American woman not to work in the kitchen for wages?

Mr. CAMPBELL. That is, to work for her neighbor or for a wage?

Mr. MOORE of Pennsylvania. Yes.

Mr. CAMPBELL. That is true.

Mr. MOORE of Pennsylvania. A moment ago the gentleman was asked, I think by the gentleman from Kansas [Mr. JACKSON], about those aliens who came into this country and left the country without leaving much of their earnings here. I would like to know whether it is not true that lots of Americans, native-born citizens of the United States, who live well and are finely educated, do not avoid the payment of taxes and escape other responsibilities that a man who owns real estate or who engages in business is bound to assume?

Mr. CAMPBELL. Oh, yes. But that is wide of the discussion.

Mr. MOORE of Pennsylvania. Oh, I think it is a fair question.

Mr. CAMPBELL. There are men of means who put themselves into the class of bad citizens by refusing to pay taxes and covering up the property that they have on which they should pay taxes.

Mr. MOORE of Pennsylvania. And some of them "toil not, neither do they spin."

Mr. CAMPBELL. That is true; and "yet Solomon in all his glory was not arrayed like one of these."

Mr. MOORE of Pennsylvania. Now, may I ask the gentleman one more question? He has given careful attention to the study of the Mexican situation, and has referred to these natives of Mexico who come over the borders of the United States to work upon the railroads, doing manual labor which a great many American citizens do not care to do. Is it not true that many Mexicans come over the border for other purposes than to secure labor in the United States?

Mr. CAMPBELL. I assume so.

Mr. MOORE of Pennsylvania. Is it not true that along the border of Mexico now and in the State of Texas there are Mexicans who are there for an entirely different purpose?

Mr. CAMPBELL. I think that is true.

Mr. MOORE of Pennsylvania. Does the gentleman know how we may apprehend these Mexicans and interfere with the practices in which they are engaged? I mention this to show the difficulty of administering the immigration laws.

Mr. CAMPBELL. I am familiar with the difficulty of administering the law, and I say I wish it were possible to frame a law that would be more easy of administration, that would exclude from the United States the undesirable and unnecessary people of whom I complain. I wish it were possible to exclude those and to admit every man who wants to come here and who would make a good citizen. I repeat, I wish it were possible to frame a law that would permit every man who wants to come into the United States with a view of bettering his condition, with a view of rearing his family here and of becoming a citizen and having his home here, and bar every immigrant who does not come here for that purpose.

I want to say, in conclusion, that no one need say, or can justly say, that many of the people who come here from southern Europe and would be barred by a literacy test come here and make good citizens. There is no sort of question about their fitness from every standpoint of industry and morality. Some are bad.

I recall when the United States called for volunteers a few years ago that I saw in the streets of my own town, where we have almost every nationality in Europe, Italians, Austrians, Frenchmen, and many nationalities walking down the street with a company that afterwards was merged into the Twentieth Kansas, to the music of the Union, under the Stars and Stripes, to give their lives for the country of their adoption. Some of them went to the Philippines with the Twentieth Kansas and died following our flag.

Mr. MOORE of Pennsylvania. And no questions were asked as to whether they could read or write?

Mr. CAMPBELL. They made good fighters whether they could read or write; they understood orders, and they knew the purposes for which they enlisted. In civil life they pay their taxes and support our institutions. It is true they have their own customs through the first generation, but in the second generation they make just as good citizens as we find anywhere. I am glad to welcome those who come here and make such citizens, and I would welcome any plan that could be formulated that would exclude those who do not come here for that purpose.

Mr. CURLEY. The gentleman said that he saw these men marching to the music of the Union. I suppose he means the national anthem?

Mr. CAMPBELL. Yes.

Mr. CANNON. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. CANNON. I do not know who the gentleman's forebears were, but when did they come to this country?

Mr. CAMPBELL. In 1866; they made the first stop in Iroquois County, Ill. My mother could not speak English, and I could not at that time.

Mr. CANNON. From what country did they come?

Mr. CAMPBELL. Nova Scotia.

Mr. CANNON. And the gentleman has been for some years a Member of Congress?

Mr. CAMPBELL. For nine years.

Mr. SLOAN. And hopes to be for two years more. [Laughter.]

Mr. CAMPBELL. I hope so.

Mr. CANNON. How old was the gentleman when he came to this country?

Mr. CAMPBELL. Four years of age.

Mr. CANNON. Then, of course, he could not read and write at that time. I do not know just when a man ceases to be a foreigner and becomes an American citizen, but a good many of us, if we go back a generation or a generation and a half, would not be here now if the educational test had been applied to those who are responsible for our being. [Laughter and applause.]

Mr. CAMPBELL. That is true.

Mr. CANNON. Where a man of the Caucasian race comes to this country, whether he can read and write or not, if he comes to make his home here and live in the sweat of his face, labor for what he gets, and has his children educated in the public schools, after all is said and done, he is of a class of immigration that is not undesirable, I take it.

Mr. CAMPBELL. I think so. On the contrary, where a man has the courage, spurred on by ambition, to leave home and fatherland, old associations and friends and relatives, and go out into a new country, knowing nobody, unacquainted with the language, unacquainted with the conditions, going there to take his chances and become a citizen, he shows he has in him the elements of which good citizens are made.

Mr. CANNON. Let us take the people who come to the country to blackmail and prey upon their brethren, notably from the south of Europe. As I understand it, generally they are somewhat intelligent and can read and write and have the capacity to send these blackmailing letters and to kill people. Is there anything in any proposed legislation that would keep one of those people out, unless it could be demonstrated that he is a criminal?

Mr. CAMPBELL. We would have to prove, in the first place, that he is a criminal.

Mr. MOORE of Pennsylvania. That is already provided against in the immigration act of February 20, 1907.

Mr. CAMPBELL. That is true; but it must be shown that he is that kind of a man.

Mr. CANNON. And it is somewhat difficult, either as to a native or to a foreign-born citizen in this country, to convict a man or enforce laws against him without proof. Under our system of government every man is entitled to a hearing and a trial, and must be convicted only upon proof. In fact, I think that none of us would be very safe, so far as the moral law is concerned, and sometimes so far as the law that is merely prohibitory is concerned, if we did not have the protection afforded us by being able to demand that we be confronted with proof.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

Mr. MANN. Mr. Chairman, I shall not object, but I would like to get along with the business of the House. I ask unanimous consent that general debate upon this bill shall conclude in 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate on the bill close in 10 minutes. Is there objection?

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, I would like to know if the gentleman from Illinois thinks there has been sufficient time consumed in a discussion of this bill so that the large number of Members who are here will understand it properly?

Mr. MANN. It might be desirable to have a longer discussion from many points of view. However, owing to the fact that the House is pressed with business, I think it would be well to close debate upon this bill.

Mr. BURNETT. And there are several others, I will state, from the Committee on Public Buildings and Grounds.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. A question put by the gentleman from Illinois [Mr. CANNON] to the gentleman from Kansas is a vital one. He asked about the writers of black-hand letters. They are most undesirable citizens?

Mr. CAMPBELL. Oh, yes; whether they be foreign or native born.

Mr. MOORE of Pennsylvania. Would a test as to reading and writing keep out a man who could write a black-hand letter?

Mr. CAMPBELL. Hardly, and a vicious black-hand letter could be written quite as well by a native-born American citizen as by some one who has come from a foreign country.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. SLOAN. I noted with a good deal of interest the gentleman's description of those foreigners who joined the gallant Twentieth Kansas, noted in our military history, and the gentleman's description of their marching to the music of the Union under the national colors. I noted also that the gentleman in answer to questions by the gentleman from Illinois [Mr. CANNON] gave a personal turn to the matter and spoke of another interesting band of immigrants coming from Nova Scotia to the prairies of Illinois. I would like to ask if this last group of immigrants, in whom we are all interested, did not come marching to the music of that other very interesting tune, ever welcome, The Campbells Are Coming? [Laughter.]

Mr. CAMPBELL. Well, Mr. Chairman, the bagpipes were not playing very much just at that time. But the gentleman from Illinois [Mr. CANNON] brought out that phase of the discussion; and I recall that it was in the little town of Onarga, in Iroquois County, in his district, that my family made their first stopping place in the United States.

Mr. MANN. That is the most intellectual place in the State.

Mr. CAMPBELL. It was but a short time before the 4th day of July, and I remember riding in the band wagon on the Fourth—and I will say this, that I was in the wagon before the band began to play, and my father was driving the wagon.

Mr. LOBECK. Mr. Chairman, the gentleman from Illinois [Mr. CANNON], in a speech I once heard him deliver, described the trip from North Carolina which he took when he was a 3-year-old, and I desire to compliment the gentleman from Kansas upon the fact that he has now improved upon it by describing one which he took when he was 4 years old.

Mr. CAMPBELL. Mr. Chairman, if I may be permitted to bring this rambling discourse to a conclusion, I desire to say that the United States is greatly indebted to foreign countries. Our blood is a mixture of the blood of England, Ireland, Scotland, Wales, France, Germany, Austria, Italy, Norway, Sweden—of almost every country in the world. Immigrants have come here from all of these countries, and their blood has mingled here and has made the average American citizen. I do not hesitate to say that he is the highest type of citizenship to be found anywhere in the world. I would bar the vicious and the criminal, whether they can read and write or not. I would admit the ambitious immigrant who comes here to better his condition and become a good citizen. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of $35,000.

With the following committee amendment:

Page 1, line 3, strike out the words "Commerce and Labor" and insert in lieu thereof the words "the Treasury."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20501, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "A bill to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof."

On motion of Mr. LINTHICUM, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUR OF MEETING.

Mr. UNDERWOOD. Mr. Speaker, I understand there is a conference report that is necessary to be adopted in the morning, and the chairman of the Committee on Appropriations desires to finish the sundry civil bill to-morrow if possible. I therefore ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 to-morrow morning.

Mr. MANN. I understand that conference report is on the District of Columbia appropriation bill.

Mr. UNDERWOOD. On the District appropriation bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] No objection is heard, and it is so ordered.

CONVEYANCE OF CERTAIN PROPERTY IN ALVA, OKLA.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to call up the bill H. R. 1248.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1248) to authorize the Secretary of the Interior to convey a certain frame building.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. I suggest to the gentleman this is a very simple bill and that he ask that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] No objection is heard.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to Company I, Oklahoma National Guard, the frame building formerly used for the United States land office, and located on lot No. 1, in block No. 40, in the city of Alva, in Woods County, State of Oklahoma, said building to be removed from its present location and used as an armory for said militia company.

Mr. BURNETT. Mr. Speaker, the purpose of this bill was to remove the building without expense to the Government, and I am not sure the bill expresses that it is to be without expense to the Government, and therefore I ask unanimous consent to add at the end of the section the words "such removal to be without expense to the Government of the United States."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 9, page 1, the words "such removal to be without expense to the Government of the United States."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

OLD MARINE HOSPITAL, SAN FRANCISCO, CAL.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to call up the bill S. 6252.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill, and the gentleman from Indiana [Mr. CULLOP] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill S. 6252, with Mr. CULLOP in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.," approved August 14, 1876, be, and the same is hereby, amended as follows:

Strike out the words "to be used by the city and county of San Francisco solely for the purpose of a sailors' home: *Provided*, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to and again vest in the United States," and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine," so that the act will read as follows:

"That all the right and title of the United States to the following described property is hereby relinquished to the city and county of San Francisco, the same being the two 50 vara lots on which the old marine hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine.

Mr. BURNETT. Mr. Chairman, I yield to the gentleman from California [Mr. KAHN] such time as I may have to enable him to explain the bill.

Mr. KAHN. Mr. Chairman, the property which it is proposed to turn over to the city and county of San Francisco for such charitable purposes as the Secretary of the Treasury may permit is known as the old Marine Hospital. The building is quite an old one, having been constructed in the early fifties, as I have been informed. Since 1876 it has been in the custody of the city and county of San Francisco, and has been used as a sailors' home. Congress passed an act in that year authorizing the transfer, which act also provided that if at any time it should be used for any other purpose than a sailors' home the property should revert back and again vest in the Government of the United States. There are accommodations in this building for 300 persons, and in recent years not more than 30 or 35 beds have been used. It is proposed by the charitable organizations of San Francisco, if this bill be enacted into law, to use the building as a lodging place for homeless men. I may say that only a few weeks ago this building was used for the refugees who were brought by the Government transports from Mexico—American citizens who were brought to San Francisco by reason of the disturbed conditions in our sister Republic. The amendments which the committee has made to the Senate bill, in my judgment, entirely safeguard the rights of the Government. There is a provision that Congress reserves the right to amend, alter, or repeal the act at any time. There is also an amendment to the effect that the city shall use the property for such charitable purposes as the Secretary of the Treasury may permit, so that the Secretary himself will be enabled to make the regulations for admission to this building under the direction of the charitable organizations of San Francisco.

The building suffered somewhat during the earthquake of 1906, but the citizens put it in repair. Though old, it is serviceable for the purpose intended. It has been used for charitable purposes since 1876. This continues it for charitable purposes, but rather enlarges the scope of the charity. It will not cost the Government a single dollar.

Mr. TOWNER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California [Mr. KAHN] yield to the gentleman from Iowa [Mr. TOWNER]?

Mr. KAHN. I yield to the gentleman from Iowa.

Mr. TOWNER. The gentleman from California has anticipated the inquiry I was going to make. In order to make it more clear, as I understand the situation, it is now used for charitable purposes to the extent of making it a sailors' home?

Mr. KAHN. That is true.

Mr. TOWNER. And they use only about 30 of the 300 beds that can be used? This authorizes the extension of its use, so that the building can be used to its capacity for charitable purposes by the charitable associations of San Francisco?

Mr. KAHN. That is the entire purpose of the bill.

Mr. MANN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MANN. This building was under the Marine-Hospital Service formerly?

Mr. KAHN. That is true.

Mr. MANN. And turned over to the city of San Francisco on the theory that the city of San Francisco would maintain it as a sailors' hospital?

Mr. KAHN. A sailors' home.

Mr. MANN. And it would relieve the Government from taking care of the sailors in the marine hospital to a large extent?

Mr. KAHN. On the theory that it would take care of the sailors who were on shore for a limited period during the time between the date of their discharge from one vessel and the date they would sign new shipping articles and go on some other vessel. In other words, it was intended to provide a home for sailors while they were in port.

Mr. MANN. Do we now maintain a marine hospital in San Francisco?

Mr. KAHN. Yes.

Mr. MANN. So that the Government, having given this building to the city of San Francisco on the theory that it would relieve the Government to a large extent of maintaining sailors in a Government hospital, the city has managed it so that the sailors did not go to this hospital. They go to the Government hospital, and therefore San Francisco says: "As we have complied with our implied contract to take care of the sailors, you ought to turn it over to us to do something else with it."

Mr. KAHN. I think the gentleman is mistaken about it.

Mr. MANN. Is not that absolutely the fact?

Mr. KAHN. The gentleman is entirely mistaken. The building was never turned over to the city for the purposes of a hospital. It was turned over to be used as a sailors' home. The gentleman will recognize the fact that in nearly all seaports there are a good many so-called sailors' boarding houses. In some instances sailors have been very badly handled in those houses. I think some years ago legislation was passed by Congress to prevent the bad treatment of sailors. It was shown that sometimes the boarding-house keepers would get them full of liquor and sign them up without the sailors having a full knowledge of what they were doing. It was to prevent the sailor from falling into the clutches of that kind of individuals that the building was turned over for the purposes of a sailors' home, so that when the sailor got his discharge he had a place to go to where he would be assured fair and honest treatment.

Mr. MANN. Has the number of sailors in San Francisco decreased since 1876?

Mr. KAHN. Yes; the maritime conditions are entirely different there.

Mr. MANN. There are not so many sailors there now?

Mr. KAHN. Not so many.

Mr. MANN. They can find only 30 sailors to be taken care of?

Mr. KAHN. There are only 30 sailors occupying this building.

Mr. MANN. How many are there in the Government hospital being taken care of?

Mr. KAHN. I do not know. But the gentleman will realize the fact that there are many sailors sent to the Government hospital from various branches of the Government service as well as those who are employed in the merchant marine, and these ordinarily would not have occasion to go to any home. They probably have their own homes. Many of the sailors who sail from San Francisco have their regular domiciles. Many of them are married men.

Mr. MANN. And live up on the hill in the palaces, I presume?

Mr. KAHN. No; they live down near the water front, most of them. I know there are a great many married men among them and they go to their own homes when they return from a cruise; but they are entitled by law to go to the marine hospital for treatment, and those are the men who accept the treatment at the marine hospital. The moment they get discharged as cured they go to their own homes again, but those who have no homes find lodgment in this building.

Mr. Chairman, I reserve the balance of my time.

Mr. BURNETT. Mr. Chairman, under the existing law the home could be used only as a sailors' home, and the result is that they have there some 300 beds in the building that are susceptible and capable of being used, and yet there are only 30 or 35 of them that are being used. All that this bill does is merely to enlarge the use of the home, so that it may be used for the other persons specified, who can occupy some of these vacant beds. That is the whole effect of the change. Then the bill is better safeguarded than the original law, it seems to me, in regard to the reversion of the title in case it should be used for any other purpose.

The CHAIRMAN. The Clerk will read the bill and the committee amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.," approved August 11, 1876, be, and the same is hereby, amended as follows:

Strike out the words "to be used by the city and county of San Francisco solely for the purpose of a sailors' home: *Provided*, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to and again vest in the United States," and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine," so that the act will read as follows:

"That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50-vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine.

Also the following committee amendment:

On page 2, line 3, strike out everything after the words "United States" and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes all right and title thereby relinquished shall revert back to and again vest in the United States."

Also insert a new section, as follows:

"SEC. 2. Congress reserves the right at any time to amend, alter, or repeal this act."

So that the act will read as follows:

"That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50-vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of said city, to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes all right and title hereby relinquished shall revert back to and again vest in the United States.

"SEC. 2. That Congress reserves the right at any time to amend, alter, or repeal this act."

Mr. KAHN. Mr. Chairman, I move to amend the committee amendment, on line 23, page 2, after the word "States," by changing the comma into a semicolon and adding as a new section the following:

SEC. 2. That Congress reserves the right at any time to amend, alter, or repeal this act.

I may say, Mr. Chairman, that that amendment was embodied in the report, but failed to be inserted in the bill. It is simply to correct the bill.

Mr. MANN. How does that correct the bill?

The CHAIRMAN. In the bill, the Chair desires to state to the gentleman, it is on page 3 as section 2.

Mr. KAHN. But there is no provision in the part amending the bill.

Mr. MANN. There should not be. That is section 2 of this bill, not of the original bill.

Mr. KAHN. It seems to me that in the section which amends the bill up to and including the word "follows" ought to have that amendment, adding the new section, because otherwise you would say "strike out" certain language and then insert this language which follows.

Mr. MANN. This is the amendment of the original act, which, as the gentleman will notice, is correctly printed in quotation marks in this bill. Section 2 of this bill is not put in the original act. That is covered by the enacting clause.

Mr. KAHN. I should imagine that it should be put in after the words "United States," on line 23. Does the gentleman think it is unnecessary?

Mr. MANN. I do not think it is proper.

Mr. KAHN. Then, Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from California is withdrawn. The question now recurs on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendment, to the House and recommend the adoption of the amendment and the passage of the bill as amended.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 6252, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CONVEYANCE OF PORTION OF MARINE-HOSPITAL RESERVATION TO WILMINGTON, N. C.

Mr. BURNETT. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I call up the bill S. 6603, authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to convey to the board of education of New Hanover County, State of North Carolina, the following-described tract of land, being a portion of the marine-hospital reservation in the city of Wilmington, which, in the opinion of the Secretary of the Treasury, is no longer needed for marine-hospital purposes, to wit, 34.1 acres of land, more or less, covering six whole and three one-half city blocks lying east of Tenth Street, in the city of Wilmington, county of New Hanover, and State of North Carolina, such conveyance to be upon condition that the land shall be used exclusively for industrial-school purposes, the title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purpose.

Mr. MANN. Mr. Speaker, I understand that if the House should now adjourn this would be the unfinished business.

The SPEAKER. This would be the unfinished business.

ADJOURNMENT.

Mr. BURNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, June 20, 1912, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 25065) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, reported the same with amendment, accompanied by a report (No. 915), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAGUIRE of Nebraska, from the Committee on Claims, to which was referred the bill (S. 1293) for the relief of Herbert Thompson, reported the same without amendment, accompanied by a report (No. 912), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5287) for the relief of Kate Ferrell, reported the same without amendment, accompanied by a report (No. 913), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4180) for the relief of Allessandro Comba, reported the same with amendment, accompanied by a report (No. 914), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 25436) to authorize agricultural entries on surplus coal lands in Indian reservations; to the Committee on the Public Lands.

Also, a bill (H. R. 25437) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; to the Committee on the Public Lands.

By Mr. CARTER: A bill (H. R. 25438) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. DRAPER: Memorial of the Legislature of the State of New Mexico, calling for the return of the Spanish and American archives relating to New Mexico which are now in the Library of Congress; to the Committee on the Library.

By Mr. CURRY: Memorial of the Legislature of New Mexico, praying the construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 25439) granting a pension to Frances C. Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25440) granting a pension to Dora Hewey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25441) granting a pension to F. A. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25442) for the relief of Charles R. Grant; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 25443) to remove the disabilities of William A. Pyle; to the Committee on Military Affairs.

By Mr. DONOHOE: A bill (H. R. 25444) granting a pension to Gottfried J. Maier; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 25445) for the relief of R. D. Shackleford; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25446) granting an increase of pension to Mary A. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25447) for the relief of William J. Beard; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 25448) granting a pension to Charles Quaintance; to the Committee on Pensions.

By Mr. REDFIELD: A bill (H. R. 25449) granting an increase of pension to Jacob A. Burkhardt; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25450) granting a pension to Ellen Wecker; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Polish Roman Catholic Unions of Pennsylvania, Wisconsin, and Maryland, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Polish Roman Catholic Unions of New York, Michigan, Pennsylvania, and Illinois, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Trenton Chamber of Commerce, protesting against the building of bridge south of Trenton as proposed by the Pennsylvania Railroad; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Order of Railway Conductors of Memphis, Tenn., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also (by request), memorials of St. Mary's of Gestochowe Society, No. 341, of West Wyoming, Pa., and St. Joseph's Society, No. 165, of Albany, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BATHRICK: Petition of Division No. 145, Order of Railway Conductors, of Conneaut, Ohio, against passage of employers' liability and workmen's compensation bills; to the Committee on the Judiciary.

By Mr. BUTLER: Petition of the Daughters of Liberty of Pennsylvania, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), memorials of Edgemont Council, No. 833, the Order of Independent Americans, of Gradyville, Pa., and Active Workers' Association, Order of Independent Americans, of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of citizens of McKeesport, Pa., protesting against appropriation for the purpose of celebrating 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. DONOHOE: Memorial of the Trenton Chamber of Commerce, of Trenton, N. J., against construction of railroad bridge over Delaware River near Trenton; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of F. R. Rice & Co., of Freeport, Ill., favoring the passage of the Sulzer apple barrel and grade bill (H. R. 21480); to the Committee on Coinage, Weights, and Measures.

Also, petition of N. M. Mosely, of Washington, D. C., favoring passage of bill for the relief asked for him in the so-called Norton case; to the Committee on the Post Office and Post Roads.

Also, petition of the Civil Service Reform Association of Pennsylvania, protesting against the enactment of section 5 of the legislative, executive, and judicial appropriation bill, relating to tenure of office of civil-service employees; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of the Polish Roman Catholic Mission of Illinois, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Passaic Citizens' Club, Passaic, N. J., protesting against proposed celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. KINKEAD of New Jersey: Petition of the Daughters of Liberty of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against construction of bridge below Trenton as proposed by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of St. Joseph Society, No. 315, Mahanoy City, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against construction of bridge south of Trenton as proposed by the Pennsylvania Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: Memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of St. John the Baptist Society, No. 54, New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against construction of bridge south of Trenton as proposed by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Memorial of the National Executive Board of the Italo-American Alliance of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the National Association of Cotton Manufacturers, of Boston, Mass., relative to sale and purchase of cotton through cotton exchanges; to the Committee on Agriculture.

Also, memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of N. M. Mosely, of Washington, D. C., relative to the Norton case; to the Committee on the Post Office and Post Roads.

Also, memorial of the Omaha Branch of the United States Civil Service Retirement Association and Pennsylvania Civil Service Reform Association, against passage of section 5, House bill 24023, for five-year tenure of office for Government employees; to the Committee on Appropriations.

Also, memorial of the Farmers' Union and Active Workers' Association of Philadelphia, Pa., and State Council, Order United American Mechanics of the State of New York, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Memorial of Arch Confraternity Sacred Heart of Jesus Society, No. 23, of Bay City, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of Judith Lodge, No. 33, I. O. F. S. of I., Hartford, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania Civil Service Reform Association, protesting against passage of the five-year tenure of office for Government employees of the District of Columbia; to the Committee on Appropriations.

By Mr. ROBINSON: Papers to accompany bill for the relief of heirs of John W. Graves; to the Committee on Claims.

Also, papers to accompany House bill 13041, the old-age pension bill; to the Committee on Pensions.

By Mr. SCULLY: Petition of the Daughters of Liberty of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Division No. 175, Order of Railway Conductors of America, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation bills; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 20, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

The Secretary read the following communication:

UNITED STATES SENATE,
Washington, D. C., June 20, 1912.

To the Senate:

In the absence of the Vice President and of the President pro tempore of the Senate, by authority of Rule I, I hereby name Mr. PORTER J. MCCUMBER, a Senator from North Dakota, to perform the duties of the Chair to-day.

A. O. BACON,
President of the Senate pro tempore.

Mr. MCCUMBER thereupon took the chair as Presiding Officer, and directed the Secretary to read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of Monday last when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FLAG OF THE UNITED STATES (S. DOC. NO. 854).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 15th instant, information relative to the raising of any emblem or banner above the American flag on any vessel, building, or grounds under the jurisdiction of the Navy Department, which was referred to the Committee on Naval Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.;

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.; and

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 16493) to correct the military record of William Z. Norman.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 4445. An act concerning unrigged vessels;

S. 4913. An act to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes;

S. 4948. An act to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

The message further announced that the House had passed the following joint resolutions, each with an amendment, in which it requested the concurrence of the Senate:

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1718. An act providing for the sale of the old Federal building and site at Owensboro, Ky.;

H. R. 1739. An act to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries;

H. R. 11933. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.;

H. R. 18434. An act to repeal section 4716 of the Revised Statutes of the United States;

H. R. 18504. An act to provide for the sale of fractional block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes;

H. R. 18841. An act incorporating the National Institute of Arts and Letters;

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes;

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street;

H. R. 21826. An act validating certain homestead entries;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909;

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 24703. An act to extend the authority to receive certified checks drawn on National and State banks and trust companies in payment for duties on imports and internal taxes and all public dues; and

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operations of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Russell Fork of the Big Sandy River at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.; and

H. J. Res. 299. Joint resolution proposing an international maritime conference.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Lankershim, Cal., and a resolution adopted by the Evangelical Lutheran Augustana Synod Convention at Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CATRON. I present a joint memorial adopted by the Legislature of the State of New Mexico, relative to redistricting the judicial circuits for the United States circuit courts of appeals. I ask that the memorial be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint memorial 5. Introduced by Mr. R. L. Baca, April 25, 1912; read first and second times by title; ordered translated and printed and referred to committee on judiciary.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners, the Senate and House of Representatives of the State of New Mexico, respectfully show that the interests of that portion of the United States west of the Mississippi River imperatively demand the creation by Congress of at least two additional judicial circuits, as will readily appear from a consideration of the facts hereinafter set forth, which present a comparative statement of the number of States and population in each of the circuits as they now exist:

The first judicial circuit includes the four States of Rhode Island, Massacusetts, New Hampshire, and Maine, with a population of 5,082,033.

The second judicial circuit includes the States of Vermont, Connecticut, and New York, with a population of 10,584,326.

The third judicial circuit includes Pennsylvania, New Jersey, and Delaware, with a population of 10,404,600.

The fourth judicial circuit includes Maryland, Virginia, West Virginia, North Carolina, and South Carolina, with a population of 8,368,868.

The fifth judicial circuit includes Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, with a population of 12,848,397.

The sixth judicial circuit includes Ohio, Michigan, Kentucky, and Tennessee, with a population of 12,051,988.

The seventh judicial circuit includes Indiana, Illinois, and Wisconsin, with a population of 10,673,327.

The eighth judicial circuit includes Nebraska, Minnesota, Iowa, Missouri, Kansas, Arkansas, Oklahoma, Colorado, North Dakota, South Dakota, Utah, Wyoming, and New Mexico, with a population of 16,515,272.

The ninth judicial circuit includes California, Oregon, Nevada, Idaho, Montana, Washington, and Arizona, with a population of 5,181,180.

It will be seen from a comparison of these figures that the eighth circuit, in which our State of New Mexico is situated, has a population of more than three times as much as the first and ninth circuits, nearly twice as much as the fourth circuit, about 50 per cent more than the second, third, and seventh circuits, and about 33⅓ per cent more than the fifth and sixth circuits; and in addition to this the enormous area of the eighth circuit should be considered, extending as it does from the northern boundary of Minnesota to the southern boundary of New Mexico, a distance of approximately 1,500 miles. It should also be borne in mind that the principal railroad lines through that circuit run in east and west directions. As a consequence a large part of the people resident in that circuit, and especially the people of our own State, are subjected to great losses of both time and money in the transaction of business in the Circuit Court of Appeals, and the increasing amount of litigation in the Federal courts in that circuit must necessarily tend greatly to obstruct and delay the determination of causes. It must also be remembered that the population of most of the States in that circuit is increasing very rapidly, and the population of the whole circuit will probably long before the taking of the next decennial census exceed twenty millions.

We therefore respectfully pray that the 13 States included in that circuit be divided among three judicial circuits, and if such division be made each of those circuits, while much greater in area, would have approximately the same population as the first and ninth circuits, and we particularly ask that one of those circuits may be composed of the States of Kansas, Oklahoma, Colorado, and New Mexico, with a population, according to the census of 1910, of 4,474,524, but the actual population at the present time must greatly exceed that number.

Mr. PERKINS presented telegrams in the nature of petitions from the Riverside Chamber of Commerce; the San Francisco Chamber of Commerce; the Turlock Board of Trade; the Placerville Board of Trade; the Chico Business Mens' Association; of the Panama-Pacific International Exposition Co.; of the Hollister Chamber of Commerce; of the Merchants' Association of Fresno; of the Crocker Huffman Land & Water Co.; of Hon. John Barneson, of San Francisco; of the Oakland Chamber of Commerce; of the First National Bank of Merced; of the Po-

mona Board of Trade; of the Madera County Chamber of Commerce; of Hon. M. J. Brandenstein, of San Francsico; of the Alameda Chamber of Commerce; of the Lodi Merchants' Association; of the Livingston Chamber of Commerce; of the Stockton Chamber of Commerce; of the Owens Valley Chamber of Commerce; of the Auburn Chamber of Commerce; of the Redding Chamber of Commerce; of the Native Sons Golden West of Sutter Creek; of the Board of Trade of San Francisco; of the Berkeley Chamber of Commerce; of the Visalia Board of Trade; of the Bishop Chamber of Commerce; of the Paso Robles Chamber of Commerce; of the Orland Chamber of Commerce; of the Stanislaus Board of Trade, of Modesto; of the Merced Merchants' Association; of the Redwood Board of Trade; of the Sacramento Valley Development Association; of the Merced Security Savings Bank; of the Merced County Chamber of Commerce; of the Fresno County Chamber of Commerce; of the Richmond Board of Trade; of the Marysville Chamber of Commerce; of the Pasadena Board of Trade; of the Escondido Chamber of Commerce; of the San Mateo County Development Association; of Hon. A. I. Eisberg, of San Francisco; of the San Joaquin Valley Association; of Hon. James Rolph, jr., mayor of San Francisco; of the Los Angeles Chamber of Commerce; of the Grass Valley Chamber of Commerce; of the Berkeley Board of Trade; of Hon. Charles S. Fee, of San Francisco; of Hon. James Borsburgh, jr., of San Francisco; of the Sanger Chamber of Commerce; of the Coalinga Chamber of Commerce; of the Long Beach Chamber of Commerce; and of the Board of Trade of Sierra Madre, all in the State of California, favoring an appropriation of $270,000 for the improvement of the Yosemite National Park, which were referred to Committee on Appropriations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 7181) extending the provisions of the Carey Act to Arizona; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 7182) for the relief of George L. Neff (with accompanying papers); to the Committee on Public Lands.

A bill (S. 7183) granting an increase of pension to Anna L. Phillips; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7184) to remove the charge of desertion from the military record of Jose Padilla; to the Committee on Military Affairs.

A bill (S. 7185) for the relief of the estate of Reymundo Trujillo, deceased; to the Committee on Claims.

A bill (S. 7186) granting a pension to Mariana L. de Miller; and

A bill (S. 7187) granting a pension to Martina M. de Sanchez; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7188) to correct the military record of Thomas H. Barrett; to the Committee on Military Affairs.

A bill (S. 7189) granting an increase of pension to Donald McDonald;

A bill (S. 7190) granting an increase of pension to Albert Burgess (with accompanying papers); and

A bill (S. 7191) granting a pension to Franklin Bannon (with accompanying paper); to the Committee on Pensions.

By Mr. REED:

A bill (S. 7192) authorizing the construction, maintenance, and operation of a dam across the Osage River, in Miller County, Mo.; to the Committee on Commerce.

INTERNATIONAL INSTITUTE OF AGRICULTURE (S. DOC. NO. 855).

Mr. FLETCHER. I am not certain whether under the unanimous-consent agreement I am justified in making the request, but I present the matter to the Presiding Officer. I wish to ask for the publication as a Senate document of the report to the International Institute of Agriculture on the conference held at Nashville, Tenn., April, 1912. If it is in order, I will ask that it be printed as a document.

The PRESIDING OFFICER. Such matters have usually been regarded as a part of the morning business, and in the opinion of the Chair it is within the unanimous-consent agreement. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. NELSON. I move that the Senate adjourn until Monday next at 10 o'clock a. m.

The motion was agreed to; and (at 10 o'clock and 8 minutes a. m.) the Senate adjourned until Monday, June 24, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 20, 1912.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal spirit, Father soul, never far from any of us, we would draw near to Thee with open minds and hearts, that we may receive of Thy spirit and be guided through the changing scenes of this new day, that at its close we may find ourselves in harmony with Thee, at peace with ourselves and all mankind. And Thine be the glory and the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I call up the conference report on the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913.

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The gentleman from Texas calls up the conference report on the District of Columbia appropriation bill, and the gentleman from Kentucky reserves all points of order thereon.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, does that prejudice my rights upon any of the points of order?

The SPEAKER. Not at all. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement of the conferees.

The conference report is as follows:

CONFERENCE REPORT (NO. 899).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 5, 6, 7, 9, 12, 14, 15, 16, 17, 18, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 95, 96, 97, 98, 99, 101, 102, 103, 104, 106, 108, 113, 114, 117, 121, 126, 137, 138, 139, 141, 148, 150, 154, 155, 156, 162, 174, 178, 179, 193, 194, 198, 199, 206, 207, 208, 209, 210, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 291, 295, 296, 297, 298, 299, 300, 301, 302, 304, 305, 307, 310, 311, 313, 315, 317, 318, 319, 320, 321, 324, 325, 326, 327, 331, 332, 333, 336, 342, 343, 344, 345, 351, 358, 359, 362, 363, 364, 365, 367, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 391, 393, 394, 395, 396, 404, 405, 406, 407, 408, 409, and 420.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, 19, 23, 24, 25, 27, 58, 60, 61, 77, 88, 92, 93, 100, 105, 111, 112, 116, 119, 120, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 142, 143, 144, 145, 146, 147, 149, 152, 157, 159, 160, 163, 164, 168, 169, 170, 171, 172, 175, 177, 180, 183, 185, 186, 187, 188, 189, 192, 195, 196, 200, 202, 203, 204, 205, 230, 233, 234, 275, 293, 294, 303, 312, 316, 322, 328, 330, 335, 338, 339, 346, 349, 350, 353, 354, 355, 356, 357, 361, 366, 384, 385, 387, 388, 389, 390, 397, 398, 399, 400, 401, 402, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 423, and 425; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 2 of the bill, in line 3, strike out the word "dollars" and insert in lieu thereof the words "so much as may be necessary"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$114,846"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two at $1,400 each"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,410"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,725"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,300"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 18 of the bill, in line 17, after the word "binding," insert the following: "by contract or otherwise, including necessary personal services"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "purchase" in said amendment insert the following: "or exchange"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,000"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,100"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$129,525"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to enable the Commissioners of the District of Columbia to make a thorough investigation of the desirability and cost of establishing a municipal asphalt plant, including personal services and necessary expenses, report to be made to Congress at the beginning of the next session: *Provided further*, That the facts upon which the conclusions are based shall be fully stated in said report: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized to purchase from this appropriation a portable asphalt plant at a cost not to exceed $7,500 and to operate said plant under their immediate direction in doing such work of repairs to asphalt pavements as in their judgment may be economically performed by the use of said plant and so much of this appropriation as is necessary for this purpose is hereby made available for such work." And on page 28, in line 25, and on page 29, in line 1 of the bill, strike out the words "of which sum $60,000 shall be immediately available, three hundred and ninety thousand," and in lieu thereof insert "three hundred and sixty thousand"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: On page 30 of the bill, in line 3, strike out the word "two" and insert in lieu thereof "four"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000"; and on page 30 of the bill, in lines 5, 6, and 7, strike out the following: ", of which sum $20,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$265,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: In line 6 of the matter inserted by said amendment strike out the following: "on either side of such crossing"; and in line 11 of the matter inserted by said amendment, after the word "appropriation," insert the word "available"; and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: On page 34, in lines 14 and 15 of the bill, strike out the following: ", to be immediately available"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,830"; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "dollars," insert the following: ", which sum shall be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ", the appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,825"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase and maintenance of one motor vehicle for the use of the electrical department, with extra tires and equipment, $1,500"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "284"; and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That all teachers of manual training, drawing, domestic science, domestic art, music, and physical culture in the normal, high, and manual training high schools now in the service of the public schools and hereafter to be appointed, shall be placed in class 6, group A: *Provided further*, That no such teacher shall receive a salary less than that received at the time of the passage of this act: *Provided further*, That hereafter no teacher of any of these subjects shall be appointed without like qualifications to those required of teachers of academic and scientific subjects in the high schools, and that teachers of these subjects now in the service of the public schools and those hereafter to be appointed shall receive their longevity increase according to their previous number of years of experience in teaching in accredited normal, high, and manual training high schools." And the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and eighteen"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four hundred and fourteen"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and thirty-seven"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,354,600"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$319,365"; and the Senate agree to the same.

Amendment numbered 250: That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the following: "to be immediately available,"; and the Senate agree to the same.

Amendment numbered 253: That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the matter stricken out insert the following: "Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: *Provided*, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 287: That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "Hereafter no" and in lieu thereof insert the word "No"; and the Senate agree to the same.

Amendment numbered 289: That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,250"; and the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "one," insert the word "motor-drawn"; and the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "five" and insert in lieu thereof the word "two"; and the Senate agree to the same.

Amendment numbered 309: That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "two" and insert in lieu thereof "one"; and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,540"; and the Senate agree to the same.

Amendment numbered 323: That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,225"; and the Senate agree to the same.

Amendment numbered 329: That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and new bids received or the purchases made in open market, as may be most economical and advantageous to the District of Columbia: *Provided further*, That hereafter formal written contracts with bond for work or the purchase of supplies and materials for the District of Columbia shall not be required in cases where the cost of such work or supplies or materials does not exceed the sum of $1,000"; and the Senate agree to the same.

Amendment numbered 334: That the House recede from its disagreement to the amendment of the Senate numbered 334, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,135"; and the Senate agree to the same.

Amendment numbered 337: That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For hospital furnishings, including bedsteads, mattresses, ward and bedside tables and chairs, $1,000.

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session as to the cost and feasibility of adapting one or more of

the vacant buildings upon the site of the Washington Asylum and Jail, reservation No. 13, for use for municipal hospital purposes."

And the Senate agree to the same.

Amendment numbered 340: That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: Transpose said amendment to follow line 11, page 91, of the bill, amended as follows: In line 1 of said amendment strike out the word "The" where it first occurs and insert in lieu thereof the words "Hereafter the"; and the Senate agree to the same.

Amendment numbered 341: That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$113,635"; and the Senate agree to the same.

Amendment numbered 347: That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,872"; and the Senate agree to the same.

Amendment numbered 348: That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session whether or not there is a necessity for the construction and operation within the District of Columbia of a reform school for white girls; and in this report the commissioners shall state what facilities now exist in public or private institutions for the care of wayward white girls and the cost of their maintenance in such institutions, and shall also state the estimated cost of constructing and maintaining a reform school for white girls."

And the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "salaries"; and the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lines 3 and 4 of said amendment strike out the words "one hundred thousand dollars" and insert in lieu thereof the words "fifty thousand dollars"; and the Senate agree to the same.

Amendment numbered 368: That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,080"; and the Senate agree to the same.

Amendment numbered 369: That the House recede from its disagreement to the amendment of the Senate numbered 369, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

Amendment numbered 371: That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,030"; and the Senate agree to the same.

Amendment numbered 372: That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendment numbered 373: That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,700"; and the Senate agree to the same.

Amendment numbered 374: That the House recede from its disagreement to the amendment of the Senate numbered 374, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,320"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "construction work to be done by contract or otherwise"; and the Senate agree to the same.

Amendment numbered 392: That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$199,330"; and the Senate agree to the same.

Amendment numbered 403: That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following separate paragraphs:

"Fort Davis and Fort Dupont Parks, and so forth:

"The Commissioners of the District of Columbia are hereby authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE., between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide proper connection with the new location of Alabama Avenue: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to preserve the sites of Fort Davis and Fort Dupont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia. There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized plus the costs and expenses of the proceedings, not less than one-third and all in excess of $21,334 shall be assessed by the jury as benefits, which when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

"Hereafter the United States shall not bear any part of the cost of the acquisition of land for street extensions, but when the condemnation of any land for such purposes is authorized by law the total cost of the land and the expenses of the condemnation proceedings shall be assessed as benefits; in any case where land is condemned for a parkway, including a street or streets, where such parkway is of considerable length with relation to its width, not less than one-half of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits; and in any case where land is condemned for a public park, not less than one-third of the cost of the land, including the same fraction of the expenses of the condemnation proceedings, shall be assessed as benefits.

"The public parks authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

And the Senate agree to the same.

Amendment numbered 422: That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment amended as follows: Omit the matter inserted by said amendment; restore the matter stricken out by said amendment as follows: Renumber the section to read Sec. 8; and the Senate agree to the same.

Amendment numbered 424: That the House recede from its disagreement to the amendment of the Senate numbered 424, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 10. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public convenience stations; fees for tax certificates; fees of the municipal court; and fees collected by the building inspection division on account of permits, certificates, and transcripts of records issued by the inspector of buildings; and the surplus fees of the recorder of deeds and register of wills, together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each pas-

senger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles."

And the Senate agree to the same.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, Jr.,
Managers on the part of the House.

J. H. GALLINGER,
CHARLES CURTIS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1913, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of the said amendments in the accompanying conference report:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, relating to the executive office: Strikes out the proposed increase in the salaries of the commissioners from $5,000 to $6,000 each; increases the salary of one assistant secretary to commissioners from $1,400 to $1,500; appropriates $1,000, as proposed by the Senate, for medicines, surgical, and hospital supplies for the veterinary division; increases the salary of the purchasing officer from $2,750 to $3,000; provides for a computer, at $1,440, transferred from the per diem roll; appropriates $150 for temporary labor in the purchasing division; appropriates $1,500 for purchase and maintenance of a motor vehicle in the building-inspection division; and increases the salary of the principal inspector of plumbing from $1,400 to $1,550; otherwise all increases in salaries and additional employments in the executive offices are stricken out.

On amendments Nos. 29 and 30: Strikes out the proposed increase of six cleaners, at $240 each, for the care of the District Building.

On amendments Nos. 31 and 32: Strikes out the provision for a record clerk, at $1,800, in the assessor's office.

On amendments Nos. 33 and 34: Strikes out the proposed increase in pay of one messenger from $600 to $840 to the excise board.

On amendments Nos. 35 and 36: Strikes out the provision for an additional assistant cashier, at $1,400, in the collector's office.

On amendment No. 37: Confines the employment of extra labor in the collector's office to the preparation of tax-sale certificates and data, as proposed by the House.

On amendments Nos. 38, 39, 40, and 41: Strikes out the increase in the salary of one bookkeeper from $1,800 to $2,000, and strikes out the provision for one accountant at $1,800 and a stenographer at $900 in the auditor's office.

On amendments Nos. 42 and 43: Strikes out the proposed increase in the salary of the corporation counsel from $4,500 to $5,000.

On amendment No. 44: Strikes out the provision for a clerk at $900 in the sinking-fund office.

On amendments Nos. 45, 46, 47, and 48: Strikes out the proposed increases in the salaries in the coroner's office as follows: Morgue master from $720 to $840; janitor from $480 to $600; hostler and janitor from $360 to $480.

On amendments Nos. 49, 50, and 51: Strikes out the proposed increase in the salaries in the farmers' produce market as follows: Night watchmen from $540 to $600; watchman from $480 to $540.

On amendments Nos. 52 and 53: Strikes out the proposed increase for two laborers in the eastern and western markets from $240 to $300 each.

On amendments Nos. 54, 55, 56, and 57: Strikes out the proposed increases in salaries in the office of weights, measures, and markets as follows: Assistant from $1,200 to $1,320, assistant from $900 to $1,000, and the provision for one driver at $600.

On amendments Nos. 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76, all relating to the engineer commissioner's office: Increases the salary of the superintendent of sewers from $3,000 to $3,300, the superintendent of trees and parks from $1,800 to $2,000, and one clerk from $1,400 to $1,500. Otherwise all proposed increases in compensation or additional employments are omitted.

On amendments Nos. 77, 78, 79, and 80, relating to the municipal architect's office: Strikes out provision for an additoinal clerk at $840 and the increase in pay of one clerk from $620 to $840; and the proposed appropriation of $1,500 for an automobile.

On amendments Nos. 81, 82, and 83, relating to the special assessment office: Strikes out the proposed increase in the salaries of two clerks from $1,200 to $1,500 each.

On amendments Nos. 84 and 85: Strikes out the proposed increase in the salary of the superintendent of street-cleaning division from $2,500 to $2,750.

On amendments Nos. 86, 87, and 88, relating to the department of insurance: Strikes out the proposed increase in the salary of an examiner from $1,700 to $2,000 and appropriates $500 for purchase of files for records.

On amendments Nos. 89, 90, 91, 92, 93, and 94, relating to the surveyor's office: Strikes out the proposed increase in the salary of the surveyor from $1,800 to $2,000; strikes out the provision for a draftsman at $825, and appropriates $6,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for temporary draftsmen, computers, laborers, and additional field parties when required, and miscellaneous expenses.

On amendments Nos. 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113, relating to the Public Library: Strikes out the increases proposed by the Senate in the salary of the librarian from $3,500 to $4,000, the assistant librarian from $1,500 to $1,600, the chief of the circulating department from $1,200 to $1,300; strikes out the chiefs of the catalogue and industrial divisions at $1,000 each; strikes out the assistant in charge of work for the blind at $1,200, the same having been provided for in another act; appropriates specifically for one assistant at $720, one at $480, and one janitor at $360 for the Takoma Park branch, and makes available the appropriations for miscellaneous expenses of the library for its maintenance instead of a lump sum of $4,000 proposed by the Senate; changes the title of a cataloguer at $900 to a "classifier"; provides that binding for the library may be done by contract or otherwise, and authorizes the use of that appropriation for personal services; extends the provision for contingent expenses to include purchase or exchange of motor cycle and increases the appropriation from $8,000 to $8,500, as proposed by the Senate.

On amendments Nos. 114, 115, 116, 117, 118, 119, 120, 121, 122, and 123, relating to contingent and miscellaneous expenses: Strikes out the authority, proposed by the Senate, for payment of membership dues in the National Convention of Insurance Commissioners; appropriates $36,000, instead of $34,500 proposed by the House and $37,000 proposed by the Senate, for contingent expenses; increases the appropriation for postage from $10,000 to $11,000; strikes out the increase of $800, proposed by the Senate, for expenses of the coroner's office and morgue; appropriates $200, instead of $100 proposed by the House and $300 proposed by the Senate, for enforcement of game and fish laws; confines the appropriation for purchase of identification tags for horse-drawn vehicles to "vehicles used for business purposes"; increases the appropriation from $750 to $1,200, as proposed by the Senate, and strikes out the language making the item available immediately; strikes out the limitation, proposed by the House, restricting repairs to markets to "minor" repairs; and inserts the provision, proposed by the Senate, authorizing the commissioners to exchange typewriters, adding machines, pianos, machinery, etc., in part or full payment for new articles of similar character.

On amendment No. 124: Appropriates $220,000, instead of $200,000 proposed by the House and $240,000 proposed by the Senate, for assessment and permit work.

On amendments Nos. 125, 126, 127, and 128: Appropriates $70,100, instead of $57,100 proposed by the House and $81,400 proposed by the Senate, for work on streets and avenues.

On amendment No. 129: Appropriates $7,200, as proposed by the Senate, for paving the north roadway of B Street NW. between Seventeenth Street and Virginia Avenue, and Virginia Avenue NW. between B Street and Eighteenth Street.

On amendment No. 130: Strikes out of the appropriation for purchase or condemnation of streets, etc., the language "when authorized by law."

On amendments Nos. 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the construction of county roads: Changes the name from "county" to "suburban" roads; appropriates $129,525, instead of $74,725 proposed by the House and $160,125 proposed by the Senate; and strikes out the authority, proposed by the House, for the use of wood blocks for paving or improvements.

On amendments Nos. 153, 154, 155, and 156, relating to repairs to streets, avenues, and alleys: Appropriates $360,000, instead of $390,000 proposed by the House, and strikes out the language making $60,000 immediately available; modifies the provision, proposed by the Senate, making an appropriation of $5,000 for an investigation and report on the establishment of a municipal asphalt plant, and inserts authority for the use of $7,500 for the purchase of a portable asphalt plant and makes provision for its operation; strikes out the increase in the amount for replacing and repairing sidewalks around public reservations and buildings from $7,000 to $10,000, proposed by the Senate; and strikes out the appropriations of $1,500 and $2,500 for replacing sidewalks around the Patent Office and old Post Office Buildings, respectively.

On amendments Nos. 157, 158, 159, 160, and 161, relating to repairs of county roads: Changes the name from "county" to "suburban" roads; provides for four motorcycles, as proposed by the Senate, instead of two, as proposed by the House; appropriates $140,000, instead of $125,000 proposed by the House and $150,000 proposed by the Senate; and strikes out the language making $20,000 immediately available.

On amendment No. 162: Strikes out the provision, proposed by the Senate, appropriating $5,000 for the examination of the bridge across Rock Creek on the line of Calvert Street and the preparation of plans for a new bridge.

On amendments Nos. 163, 164, 165, 166, and 167, relating to sewers: Increases the appropriation for sewage pumping service from $43,000 to $44,500, as proposed by the Senate; increases the appropriation for main and pipe sewers from $60,000 to $65,000, as proposed by the Senate; appropriates $130,000, instead of $100,000 as proposed by the House and $167,000 as proposed by the Senate, for suburban sewers; appropriates $125,000, instead of $100,000 as proposed by the House and $150,000 as proposed by the Senate, for assessment and permit work; and appropriates $40,000, instead of $30,000 as proposed by the House and $50,000 as proposed by the Senate, for the Anacostia main intercepter.

On amendments Nos. 168, 169, 170, 171, 172, 173, 174, 175, and 176, relating to street cleaning: Strikes out the limitation of $10,000 on the amount to be expended for removing snow and ice; authorizes the hire of horses and wagons; provides for the supervision of motor vehicles; appropriates $265,000, instead of $245,000 as proposed by the House and $325,000 as proposed by the Senate; strikes out the provision propose by the Senate fixing the minimum daily wage of laborers at $2; and modifies the provisions proposed by both Houses relating to the removal of snow and ice from the tracks of street railway companies so as to limit it to the crossings of the several streets intersecting their lines.

On amendments Nos. 177 and 178, relating to the Parking Commission: Increases the amount from $42,500 to $45,000 as proposed by the Senate, and strikes out the sum of $1,500, proposed by the Senate, for trees in public-school grounds.

On amendments Nos. 179, 180, 181, and 182, relating to the bathing beach: Increases the appropriation for temporary services from $2,000 to $2,250, and for repairs from $1,200 to $1,500 as proposed by the Senate; strikes out the provision making the latter sum immediately available; and strikes out the proposed increase in the salary of the superintendent from $600 to $720.

On amendments Nos. 183, 184, 185, 186, 187, 188, 189, 190, and 191, relating to playgrounds: Increases the amount for maintenance, etc., from $3,000 to $4,000, as proposed by the Senate; inserts the item proposed by the Senate of $3,000 for repairs and replacement of apparatus and makes the same payable wholly out of the revenues of the District; increases the salary of the supervisor from $150 to $175 per month; provides for 2 additional directors at $75 per month, 1 assistant at $40 per month, and 1 watchman at $45 per month, and makes permanent the provision for the payment of salaries wholly out of the revenues of the District.

On amendment No. 192: Makes a verbal change in the title of the item for condemnation of insanitary buildings.

On amendments Nos. 193, 194, 195, 196, and 197, relating to the electrical department: Strikes out the provision for 1 additional inspector; makes a verbal correction in the text of the bill; increases the appropriation for installation of fire-alarm boxes from $1,000 to $2,000, as proposed by the Senate, and provides $1,500 for the purchase of a motor vehicle.

On amendments Nos. 198, 199, 200, 201, 202, and 203, relating to the Washington Aqueduct: Strikes out the provisions, proposed by the Senate, for the purchase of a motor truck and for an increase of $5,000 in the appropriation for salaries and repairs; inserts the amount of $15,000, proposed by the Senate, for improvement of Conduit Road from Foxhall Road to Great Falls; appropriates $10,000, instead of $8,000 as proposed by the House and $12,000 as proposed by the Senate, for lining the tunnels of the aqueduct; appropriates $4,800, as proposed by the Senate, for placing water meters on certain water services; and inserts, as proposed by the Senate, a provision transferring from the Chief of Engineers to the Commissioners of the District jurisdiction over certain land extending from Wyoming Avenue to Kalorama Road.

On amendments Nos. 204 and 205, relating to Great Falls water power: Increases the amount to be expended in the investigation from $10,000 to $20,000, as proposed by the Senate.

On amendments Nos. 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, and 236, all relating to salaries and employments in the public schools: Strikes out the proposed increase in the salary of the superintendent from $5,000 to $5,500; strikes out the proposed change in the title of the attendance officer at $900; strikes out the proposed addition of 22 new teachers; provides for the promotion, in the several classes of teachers, as authorized by law; provides that no class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days; appropriates $319,365, instead of $300,000, as proposed by the House, and $296,770, as proposed by the Senate, for longevity pay; strikes out the increase in the allowance to principals from $33,000 to $36,000, proposed by the Senate; strikes out the proposed increase of $2,500 in the amount for teachers and janitors of night schools; strikes out all the proposed increases in salaries and additional employments of janitors for the public schools and inserts the provision, proposed by the Senate, authorizing the employment of substitutes in the absence of engineers, assistant engineers, janitors, laborers, and firemen; strikes out the increase of $4,000, proposed by the Senate, in the amount for the care of rented rooms and smaller buildings; provides that 1 of the 12 medical inspectors shall be a woman; strikes out the employment of two graduate nurses at $900 each, proposed by the Senate; and provides, as proposed by the Senate, that teachers and other employees of the board of education shall be paid at the close of the school term and on the 1st day of every month except September.

On amendments Nos. 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249, all relating to miscellaneous expenses of the public schools: Strikes out the increases proposed by the Senate in all of the items for miscellaneous expenses, as follows: Repairs and improvements to school buildings from $85,000 to $105,000; purchase and repair of tools, machinery, etc., from $23,500 to $27,500; for furnishings for school buildings, from $5,250 to $6,850; for contingent expenses, from $47,500 to $50,000; for textbooks and school supplies, from $65,000 to $69,000; for maintenance and repairs to playgrounds, from $1,500 to $1,800; and for extending telephone system, from $1,400 to $1,500.

On amendments 250, 251, 252, 253, 254, 255, 256, 257, and 258, relating to buildings and grounds for public schools: Inserts the sum of $11,000 proposed by the Senate for purchase of additional ground adjacent to the Corcoran School; inserts the provision, proposed by the Senate, authorizing the preparation of plans for a new Central and a new M Street High School; strikes out the following appropriations for new school buildings: Central High School, $250,000; M Street High School, $150,000; school building west of Soldiers' Home grounds, $66,000; Takoma School annex, $36,000; Chevy Chase School annex, $36,000; Birney School annex, $35,000; and Congress Heights School annex, $36,000.

On amendment No. 259: Provides for the payment of tuition for attendance in the public schools by certain nonresident pupils.

On amendments Nos. 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, and 282, relating to the Metropolitan police: Strikes out all increases in salaries and additional employments proposed by the Senate; restores the provision, proposed by the House, reducing the number of privates to 640; strikes out the increase of $2,800, proposed by the Senate, in the appropriation for the support of the National Bureau of Criminal Identification; inserts authority for the purchase of "modern revolvers"; strikes out authority for the purchase of books of reference; and strikes out the appropriations of $2,500 and $18,080, proposed by the Senate, for a site for a new station house and reconstruction of cell corridors, respectively.

On amendments Nos. 283, 284, 285, 286, 287, 288, 289, 290, 291, and 292, relating to the fire department: Strikes out all additional employments and increases in salaries, proposed by the Senate; inserts the provision, proposed by the Senate, fixing leaves of absence to members of the department; strikes out the increase from $12,000 to $15,000, proposed by the Senate, for

repairs to engine houses; appropriates $1,000, instead of $800, as proposed by the House, and $1,200, as proposed by the Senate, for repairs to the fire boat; strikes out the provision, proposed by the Senate, appropriating $40,000 for the establishment of a new truck company; and inserts the item, proposed by the Senate, appropriating $9,000 for a motor-drawn combination fire engine and hose wagon.

On amendments Nos. 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, and 309, relating to the health department: Changes the titles of the chief inspector and assistant chief inspector; strikes out all increases in salaries and new employments, proposed by the Senate; strikes out the increase of $2,500, proposed by the Senate, in the limitation on the amount to be spent for salaries from the appropriation for prevention of contagious diseases and strikes out the proposed increase of $1,500 in that appropriation; restores the provision, proposed by the House, limiting the pay of the bacteriologist to $6 per day; strikes out the increase of $500, proposed by the Senate, for the drainage of lots; increases the sum for maintenance of bacteriological laboratory from $500 to $700, as proposed by the Senate; strikes out the sum of $750, proposed by the Senate, for the chemical laboratory; strikes out the increase in the allowance, proposed by the Senate, from $240 to $365 per annum to inspectors of dairy farms; appropriates $5,500 instead of $5,000, as proposed by the House, and $6,000, as proposed by the Senate, for the inspection of dairy farms; strikes out the increase of $500, proposed by the Senate, for the maintenance of the crematory; appropriates $200, instead of $500, as proposed by the Senate, for the treatment of stagnant water; and appropriates $1,000, instead of $2,000, proposed by the Senate, for participation in the International Congress on Hygiene and Demography.

On amendments Nos. 310, 311, 312, 313, and 314, relating to the juvenile court: Strikes out the increase proposed in the salary of a deputy clerk from $1,200 to $1,400; increases the amount for furniture, etc., from $200 to $300, as proposed by the Senate; and strikes out the item, proposed by the Senate, of $260 for an adding machine in the clerk's office.

On amendments Nos. 315, 316, 317, 318, 319, 320, 321, 322, and 323, relating to the police court: Strikes out the allowance of $150 each, proposed for two judges of the municipal court while acting in the absence of police court judges; extends the authority of expenditure and strikes out the increase of $250 for miscellaneous expenses; strikes out the increases, proposed by the Senate, of $150 for furniture, $75 for meals of jurors and bailiffs, $3,000 for compensation of jurors; and increases the amount for repairs to building from $500 to $750.

On amendments Nos. 324, 325, 326, and 327, relating to the municipal court: Strikes out the additional messenger, at $600, proposed by the Senate, and strikes out the increase of $50 in the amount for contingent expenses.

On amendments Nos. 328 and 329, relating to the emergency fund: Permits expenditures to be made in the discretion of the commissioners and inserts a provision requiring formal written contracts with bond for work or purchase of supplies only in amounts exceeding $1,000.

On amendments Nos. 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 341, relating to the Washington Asylum and Jail: Increases the salary of the visiting physician, as proposed by the Senate, from $1,080 to $1,200; strikes out the proposed increase in the salaries of three assistant engineers from $480 to $600 each; strikes out the provision for one additional orderly at $300, and one additional ward maid at $180, proposed by the Senate; increases the appropriation for provisions, fuel, etc., from $34,000 to $35,000; strikes out the increase proposed in the appropriation for repairs, plumbing, etc., from $1,500 to $2,000; strikes out the appropriation of $1,000 proposed for hospital furnishings and inserts a provision requiring the District Commissioners to report to Congress at the next session as to the cost and feasibility of adapting vacant buildings upon the site of the Washington Asylum and Jail to municipal hospital purposes; increases the appropriation for support of prisoners from $41,000 to $42,000; directs the superintendent of the Washington Asylum and Jail to execute judgments of the courts in capital cases; and inserts a provision authorizing the commissioners to sell the products of the workhouse to the various departments and institutions of the government of the District.

On amendments Nos. 342, 343, 344, 345, 346, and 347, relating to the Home for the Aged and Infirm: Strikes out the increase proposed in the salary of the superintendent from $1,200 to $1,320; strikes out the provision for 1 laundress at $240; strikes out the increase proposed for repairs and improvements to buildings from $1,500 to $3,000; and appropriates, as proposed by the Senate, $6,000 additional for extension of the colored men's ward.

On amendments Nos. 348, 349, and 350, relating to the Reform School for Girls: Inserts a provision requiring the commissioners to report to Congress at its next session as to the necessity for the construction and operation of a reform school for white girls in the District and changes the name of the school to the National Training School for Girls.

On amendments Nos. 351, 352, 353, 354, 355, 356, 357, 358, 359, and 360, relating to medical charities: Strikes out the increase in the amount for care of patients at Freedmen's Hospital from $34,000 to $35,000; provides that fees collected from treatment of patients admitted to Freedmen's Hospital shall be placed to the credit of the hospital to be disbursed for subsistence, fuel, light, etc.; strikes out the item of $20,000, proposed by the House, for support of indigent patients by the Board of Charities; appropriates $20,000 for care of patients, $20,000 for repairs, $250 for re-covering awnings, and $5,000 for the preparation of plans for a new building for Columbia Hospital; strikes out the increase of $1,000 for care of patients at Children's Hospital; strikes out the increase of $500 for care of patients at National Homeopathic Hospital; and appropriates $50,000 toward the construction of a new building for the Emergency Hospital.

On amendments Nos. 361, 362, 363, 364, and 365, relating to the Board of Children's Guardians: Inserts authority for purchase of books and periodicals at not exceeding $25; strikes out the increase proposed in the salary of 1 clerk from $660 to $720; and strikes out the increase of $1,500, proposed by the Senate, for the maintenance of feeble-minded children.

On amendments Nos. 366, 367, 368, 369, 370, and 371, relating to the Industrial Home School for Colored Children: Increases the salary of the manual training teacher from $480 to $600, as proposed by the Senate; strikes out the provision for an assistant laundress at $180 and $500 for temporary services; appropriates $1,000, instead of $800 as proposed by the House and $1,200 as proposed by the Senate, for repairs and improvements to buildings and grounds; and strikes out the sum of $500, proposed for repairing the barn.

On amendments Nos. 372, 373, and 374, relating to the Industrial Home School: Appropriates $16,000, instead of $15,000 as proposed by the House and $16,500 as proposed by the Senate, for maintenance; and appropriates $1,700, instead of $1,500 as proposed by the House and $1,750 as proposed by the Senate, for repairs to buildings.

On amendments Nos. 375 and 376: Strikes out the increase proposed in the salary of the foreman at the municipal lodging house from $360 to $480.

On amendment No. 377: Strikes out the provision, proposed by the Senate, admitting ex soldiers and sailors of the Spanish and Mexican Wars to the Temporary Home for ex-Union Soldiers and Sailors.

On amendments Nos. 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, and 392, relating to the workhouse: Strikes out all increases in salaries proposed by the Senate; provides rewards for fugitives; provides means for transportation, including the salary of the captain of boat at $900 and a fireman at $840; inserts authority for construction work to be done by contract or otherwise; increases the amount for fuel from $12,000 to $32,500, as proposed by the Senate; and strikes out the appropriation of $15,000 for the purchase or construction of a boat for operation to and from the workhouse.

On amendments Nos. 393, 394, 395, 396, 397, 398, and 399, relating to the militia: Strikes out the increase proposed from $25,000 to $27,500 for expenses of camps, etc.; strikes out the appropriation of $1,000, proposed by the Senate, for lockers, furniture, etc.; strikes out the increase of $500 proposed for printing, stationery, and postage; strikes out the proposed increase of $250 in the appropriation for cleaning and repairing uniforms; increases the appropriation for rifle target practice from $1,000 to $1,250; and provides for the pay of troops, as proposed by the Senate.

On amendments Nos. 400, 401, and 402: Provides $24,500 for the extension of improvement of Rock Creek Drive and Lovers Lane, as proposed by the Senate.

On amendment No. 403: Provides for the condemnation and purchase of Fort Davis and Fort Dupont Parks.

On amendments Nos. 404, 405, 406, 407, 408, 409, and 410, relating to the water department: Strikes out all increases in salaries and additional employments, proposed by the Senate; and provides for the maintenance of motor trucks.

On amendment No. 411: Provides for employment of temporary drivers and hostlers on sewer, street, and road work.

On amendment No. 412: Strikes out the increase of $3,000 in the amount to be expended for temporary services in connection with the water department.

On amendments Nos. 413, 414, 415, 416, 417, 418, 419, 420, and 421: Makes certain verbal changes in the provision for street lighting, as proposed by the Senate.

On amendment No. 422: Restores the provision, proposed by the House, prohibiting the payment of membership dues or fees of officers or employees of the United States or the District of Columbia unless the same be specifically authorized by law.

On amendment No. 423: Makes a verbal correction in the text of the bill.

On amendment No. 424: Provides for the payment of fees collected by the District of Columbia into the Treasury of the United States in equal parts to the credit of the District and the United States.

On amendment No. 425: Makes permanent law of the provision authorizing the Superintendent of the Capitol Building and Grounds to transfer certain property discontinued or permanently out of use to other branches of the service of the United States or the District of Columbia.

The bill as finally agreed on appropriates $10,719,173, which sum is a reduction of $1,337,613.50 under the current law, $2,235,547.50 under the estimates submitted, $1,145,351.50 under the amount as passed by the Senate, and $418,315 more than as it was passed by the House.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, Jr.,
Managers on the part of the House.

Mr. BURLESON. Mr. Speaker, as shown by the statement, the bill as agreed upon by the conference committee carries the sum of $10,719,173. This amount is less than the current law by $1,337,613.50 and is under the estimates submitted by $2,235,547.50. It is under the amount carried in the bill as it was returned to us from the Senate by $1,145,351.50. The House conferees agreed to an increase of $418,315, being the aggregate of certain amendments proposed by the Senate. Of this sum the major portion is made up of certain authorized improvements of streets and extensions of sewers, items which were purposely left out of the bill as originally reported to the House under the policy of the House committee to leave certain of the street improvements and sewer extensions for the Senate to determine upon.

Now, Mr. Speaker, if no Member of the House desires to ask questions respecting any particular item in the statement, I move the adoption of the conference report.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. MANN. I would ask the gentleman whether in the conference report there are any schoolhouses provided for?

Mr. BURLESON. There is a provision authorizing plans for the M Street High School and the Central High School. An unexpended balance from a former appropriation made for the purchase of sites for those two schools is reappropriated in this bill for securing the services of architects to prepare plans for the two high-school buildings. There are no other appropriations for school buildings carried in the bill.

Mr. MANN. There are no appropriations for new schoolhouses?

Mr. BURLESON. No new school buildings other than the two high schools are provided for in the bill. I will state to the gentleman from Illinois that the controlling reason which moved the House conferees to insist upon this policy was that the President had directed attention to the fact that there had been a striking lack of economy in the construction of school buildings in the District, and we hope by next year that Dr. Davidson, recently appointed superintendent of schools, will be able to designate certain school buildings which it is desirable to enlarge to 12, 14, or 16 room buildings, and thereby correct mistakes which have been made and, in a measure, overcome this lack of economy which has characterized the management or the policy of the school board with reference to the erection of school buildings in the past.

Mr. MANN. That was the reason?

Mr. BURLESON. That was the reason which controlled us in resisting amendments for additional school buildings.

Mr. MANN. I believe that was not the same reason that was given when the bill was before the House for not including any items for schoolhouses in the bill. Either reason may be sufficient.

Mr. BURLESON. Oh, I beg the gentleman's pardon. If he will examine the RECORD—the discussion on this bill when first reported—he will find that was the principal reason, among others, assigned why we did not provide for new school buildings in the bill this year.

Mr. MANN. I have a very distinct recollection of the debate upon that subject, which, however, does not make any difference. That was not the main reason that was assigned. The fact is that the bill does not carry any provision in the conference report for new school buildings.

Mr. BURLESON. That is true.

Mr. MANN. Mr. Speaker, I desire to ask the gentleman in reference to amendment No. 219, concerning schools. The Senate inserted the following provision:

> No class in any year of any of the high schools at any time shall consist of less than 10 pupils.

The House conferees declined to agree to that in that shape, and insisted upon making it read:

> No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days.

Mr. BURLESON. Mr. Speaker, I will candidly state to the gentleman that that is an error. The additional language was added by the clerk who served the conference committee, and the word "not" ought to have been left out. There is an unfortunate handling of the negative there.

Mr. MANN. Then I take it that the intention of the conferees was to provide that no class should consist of less than 10 pupils for a period longer than 15 days.

Mr. BURLESON. That was the intention of the conference committee.

Mr. GARNER. I do not understand that.

Mr. MANN. The class should not consist of 10 pupils for a period longer than 15 days. In other words, suppose there is a class of 15 or 20 pupils and some of them do not appear on certain days so that the class happens to consist on those days of less than 10 pupils. This language, as it stands, literally construed, would require not teaching the class on that day, whereas the intention is to permit a class of 10 pupils or less for a period not longer than 15 days.

Mr. BURLESON. That is true; but I hope that an intelligent officer will construe this provision in accordance with the intended meaning of the conference committee.

Mr. MANN. I am having this go into the RECORD in order that the intelligent officer will know that it was a clerical error and as it reads does not carry out the intention of the conferees.

Mr. BURLESON. I am pleased that the gentleman has directed attention to it.

Mr. MANN. In reference to this provision concerning parks, it is proposed to add a couple of parks, one-third of the expense to be borne out of the District revenues, one-third out of the Federal Treasury, and one-third by levy and assessment upon the property benefited. Is not that something of a departure from the theory of the half-and-half principle, or does the gentleman contend, as I think he might, that that is along the same line as opening a street by condemnation proceedings with a special assessment to pay benefits?

Mr. BURLESON. Mr. Speaker, in the matter of opening a street by condemnation, under the law no part of the expense is borne either by the District government or the General Government. The primary expense is all borne by the District government, but after the street is opened by condemnation proceedings, the cost thereof as benefits are all assessed against the abutting property, collected and restored to the treasury of the District. With reference to parks, heretofore the policy has been for the Federal Government to pay one-half, for the District government to pay one-half of the cost thereof, and for the abutting property owners to pay nothing toward its acquisition.

The conferees thought it was only fair that hereafter in the acquisition of a park the General Government should pay one-third, the District government should pay one-third, and that not less than one-third of all the expense should be assessed as benefits against owners of adjoining property, the scope or area of benefit conferred to be as large as the court may determine to be just and fair.

Mr. MANN. Mr. Speaker, I desire to ask the gentleman also with reference to the appropriation for playgrounds, being amendment 190. There are three paragraphs in the bill relating to playgrounds originally, and one new one inserted by the Senate, which was agreed to. In the last one of the paragraphs, which is for salaries, the conferees have added the provision:

> The appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia.

I take it that it only relates to the payment of salaries.

Mr. BURLESON. The gentleman is correct. It has become the settled policy of the House that appropriations made for that purpose, in so far as they are intended to pay salaries, shall be paid wholly from the revenues of the District of Columbia. The Senate, following its usual practice, struck out the proviso in the House bill requiring this to be done, and when the item was reached the House insisted upon having it restored, and the Senate conferees agreed that inasmuch as this matter has been in controversy a number of times they would no longer

have controversy about it, but that hereafter all salaries shall be paid by the District. Acting upon that suggestion, the item was restored and it was made permanent law.

Mr. MANN. I believe the gentleman has had his attention called to the fact that there is an error when they disagreed to the Senate amendment No. 191——

Mr. BURLESON. Involving the total.

Mr. MANN. That will be cured——

Mr. BURLESON. Will be cured by an existing statute.

Mr. MANN. And will not affect anything, because the specific appropriation will control.

Mr. BURLESON. It will be cured by general statute, which provides that an item specifically appropriated for shall control and not the aggregate or total for a number of items.

Mr. MANN. Now, the gentleman says it has become the settled policy to require these appropriations to be paid out of the revenues of the District. On page 42 the first item of playgrounds is for maintenance, repairs, including labor——

Mr. BURLESON. What number, please?

Mr. MANN. Amendment No. 183, for maintenance, repairs, including labor, supplies, and necessary incidental and contingent expenses, $4,000. The House had it $3,000 and the Senate made it $4,000, and that is the amount agreed to. That is not paid out of the revenues of the District of Columbia.

Mr. BURLESON. No; we have not heretofore insisted that such expenditures should be paid out of the revenues of the District.

Mr. MANN. The next item, which is precisely the same kind of an item, for repairs and replacement of apparatus and other equipment on the playgrounds, and so forth, $3,000. Does the gentleman insist that shall be paid wholly out of the revenues of the District?

Mr. BURLESON. Yes; and I will say to the gentleman——

Mr. MANN. What is the distinction between the two items?

Mr. BURLESON. I will state candidly why the House conferees insisted this proviso should go in, and we announced our intention that it was ultimately our purpose, if the House sustained us in it, to make the District revenues bear the entire expense of playgrounds. For this reason, Mr. Speaker, the city of Washington is upon an entirely different footing in the matter of spaciousness from any other city in the United States, or I might say in the world. I read an article only last Sunday, in a magazine, stating that 54 per cent of the area of Washington is covered by her streets, alleys, and parks. In Paris it is only 26 per cent; in Vienna it is only 35 per cent; and in New York only about 27 per cent; and inasmuch as the House has heretofore taken the position that these playgrounds here are in a way unnecessary—in fact the House has taken the position that this playground movement, in so far as it is known here, is a fad, nothing but a fad, and in this city there is really no need for them—this proviso was insisted upon. It is the intention next year, if we can have the House agree with us, to make the city of Washington pay the expense of all the playgrounds the people desire and insist upon out of the District revenues.

Mr. MANN. Mr. Speaker, I regard the playgrounds in a great city as a necessity, not as a fad.

Mr. BURLESON. In the city of Chicago or in a great congested city, like New York, I agree with the gentleman, but here conditions are not like those in these great cities; it is upon an entirely different footing, for the reasons I have just stated. There is no controverting the fact that in the city of Washington 54 per cent of the area of the city is given over to streets, alleys, and parks.

Mr. MANN. And public grounds; that will have to be included in the 54 per cent.

Mr. BURLESON. Mr. Speaker, we have no great industrial manufactures here; we have no congested sections in this city. The gentleman knows that the contest over these playground items has been made here on the floor time and time again, and I think the policy of the House is clearly understood.

Mr. JOHNSON of Kentucky. And there are 7,000 acres of water included.

Mr. MANN. The gentleman says there are 7,000 acres of water. I suppose they can play in that, too.

Mr. GARNER. On it—in the wintertime.

Mr. MANN. They can play in it in the summer time, if I had my way about it.

Mr. BURLESON. We make adequate provisions for aquatic sports, or bathing facilities, for those who desire to participate in such.

Mr. MANN. I do not know whether it has been touched upon, but my friend has a liberal and generous heart and I know has responded, but it cost me $2 the other day to buy four tickets for the benefit of the playgrounds on a proposition to attend a baseball game.

I am quite willing to expend the money for the benefit of the playgrounds, and yet if the playgrounds are necessary I suggest that instead of being supported at the expense of individual Members of Congress, as is partly the proposition now, there is no reason why the Government should not contribute at large as they do in other respects in the District of Columbia.

Mr. BURLESON. Mr. Chairman, I now yield to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, in my opinion there are several reasons why this bill in its present shape should not pass. There are four or five provisions in the bill against which points of order, if made, would be sustained. If any one of them was sustained, it would relate to the whole bill, and the whole bill would then be compelled to go back to conference. That would cause a very considerable delay, so much delay that it is possible, if the Congress adjourns at the time when it is now anticipated it will adjourn, no bill might be passed at all. If that should happen, the entire District of Columbia would possibly be without any money at all until next December. That is one reason why, and a very important reason why, the bill should pass in the best possible shape.

There are, as I said, several reasons why it should not pass. But, taken upon the whole, perhaps the best that is within reach has been done, and the bill should go ahead and become law. But it is a singular coincidence that one piece of new legislation in this bill, a piece of legislation that was not in the House bill, a piece of legislation that was not in the Senate bill, and, consequently, legislation made by the committee of conference, pertaining to the longevity pay of a new class of schoolteachers which they have put upon an increased pay roll, should begin on the very day when the 180 half days which they have taught, and for which they have received pay, have expired and they are now entering upon the 180 full days which they will not teach and for which they will receive pay.

Mr. BURLESON. Will the gentleman allow a short statement? I will say that the House conferees were opposed to this particular item. I have resisted it for a number of years, because I think it unjust considering the compensation allowed other teachers. I do not think it is good legislation. But we acceded to it in the way of compromise in order that we might reach an agreement. In doing so we expressed a hope that we could have an understanding that next year the superintendent of schools will bring forward a comprehensive plan for the rearrangement of the salaries of school-teachers upon some sound, sensible basis. The plan upon which we are now operating, those who are best informed state, is without parallel in any city in the United States, that there is no other city which has such a plan, and I earnestly hope that the present able superintendent of schools will, before next year, draft a plan, acting in cooperation with the school board, and have it ready for presentation to Congress next year for its consideration, which will thoroughly revise and re-form the law for paying the teaching force in this District.

Mr. MANN. I suppose the net result of that will be a very large increase in the expense to the Government?

Mr. BURLESON. On the contrary, I am assured that the result will be a reduction of the present appropriations; that there will be a considerable portion of overhead supervision and unnecessary supervision eliminated. If it does result in an increase of appropriation, not much progress will be made with the superintendent's reorganization plan.

Mr. MANN. I hope the gentleman will remember this statement and that the superintendent of schools will remember his statement next year, but I think both gentlemen will forget it until they are reminded of it, and I hope some gentleman will remind them of it.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Texas [Mr. BURLESON] a question.

Mr. BURLESON. The gentleman from Kentucky [Mr. JOHNSON] has the floor.

Mr. BURKE of South Dakota. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Texas how the salaries of teachers in the District of Columbia compare with the salaries of teachers in cities of similar size?

Mr. BURLESON. The per capita cost in the District of Columbia is higher than in any other city in the United States, and, I have heard it stated on this floor, higher than in any city in the world.

Mr. BURKE of South Dakota. Is it due to the salaries paid to the teachers, or is it due to the overhead expense?

Mr. BURLESON. A small part to the salaries paid to the teachers, but largely due to the grossly excessive supervision and duplication of supervision.

Mr. BURKE of South Dakota. Are the salaries as a matter of fact larger than in other cities of this size?

Mr. BURLESON. They are.

Mr. JOHNSON of Kentucky. I will say to the gentleman, in that connection, that in most parts of the country from which I have heard relative to the matter school-teachers are paid by the month, and they are paid only for the months they teach.

Here they are paid by the year, and they are paid for the months when they do not teach. They are paid for the months when they are out hunting positions in other places; they are paid as teachers when they are in business for themselves or working for somebody else.

But that has been gone over time and time again. But I say it comes as a singular coincidence that many of the teachers should be given participation in a longevity fund on the very day when their long vacation begins.

Mr. BURKE of South Dakota. Will the gentleman yield for a question that his statement suggests?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURKE of South Dakota. If these teachers are paid so much better here in Washington than in other cities in the United States, why should they be looking for positions elsewhere, as the gentleman suggests they do, while they are receiving pay?

Mr. JOHNSON of Kentucky. The grass on the other side of the fence always looks a little better to the average cow. [Laughter and applause.] It is the roving disposition of some people that brings this about.

Mr. BURKE of South Dakota. As a matter of fact, is it not true that many of the teachers who are employed in the schools of the city of Washington have been so employed continuously for many years and they are not of a roving disposition, as the gentleman suggests?

Mr. JOHNSON of Kentucky. Some of them have been teaching in the District of Columbia until the school board admits that they are now an injury to the schools; that they are in the way; that they are incompetent and incapacitated to teach. Yet they are kept on the pay roll. They have no desire to roam; they can not.

Mr. BURKE of South Dakota. That does not sustain the gentleman's suggestion that they are roaming about or seeking positions elsewhere.

Mr. JOHNSON of Kentucky. Oh, I had no desire to say, and the gentleman has somewhat strained at what I did say, to arrive at the conclusion that the teachers as a whole were of a roving disposition. But some of them can find employment at other places that are more congenial, and, for some reason, do find employment elsewhere, while other teachers from elsewhere come here and find employment.

Now, there is another serious objection to this bill, and that is with respect to the two parks that are provided for. Points of order were made against the parks in the House bill, and those provisions were stricken out. The Senate has inserted two parks. They are to be paid for on an entirely new scheme, as suggested by the gentleman from Texas [Mr. BURLESON]—one-third from the revenues of the Federal Government, one-third from the revenues of the District of Columbia, and one-third from the assessment of benefits upon other property in the District of Columbia.

No zone is fixed; no limit is established as to what distance the assessment of benefits shall extend. That no zone is fixed I believe is beneficial. If a small zone were fixed, it would amount to confiscation of the property immediately surrounding the property to be taken as parks.

I believe that the entire District of Columbia should be assessed as benefits in the purchase of these parks.

Some years ago, probably 12 years ago, a million and a quarter of dollars was appropriated to acquire Rock Creek Park. In the bill appropriating this million and a quarter dollars was a provision that benefits should be assessed. The commission which made the purchase of the land which now constitutes Rock Creek Park took the assessments upon those various parcels of real estate and added them up. When the assessed values were added up the total did not nearly consume the million and a quarter dollars which had been appropriated. Then the commission, if I am properly informed, multiplied that amount by four. Even then the $1,200,000 was not yet exhausted. Then the commission had another meeting.

Mr. BURLESON. Does the gentleman mean they increased it by 400 per cent?

Mr. JOHNSON of Kentucky. They multiplied it by 4, according to my information, until at last they got 600 per cent beyond the assessed value of the property. That is what I was getting to. Every time they met and added up the former valuations they fixed higher values upon the different pieces of ground and still found money left, and they continued to meet and meet until finally they fixed the value of the land purchased at $1,200,000, the total appropriation. That was 12 years ago. No assessment of benefits has been made by that commission even up to this day.

Mr. BURLESON. If that is so, ought not a resolution or a law to be passed directing that assessment to be made?

Mr. JOHNSON of Kentucky. Yes, that is true; but it is a deplorable thing that congressional directions to executive officers amount to nothing. They are ignored day after day and year after year. Now, as concerns these two parks to be acquired there is a provision for an assessment of benefits. I believe that benefits will be assessed, but when the benefits are assessed they will be assessed upon that portion of the District of Columbia least able to bear it; whereas concerning Rock Creek Park the assessment of benefits that should have been made, and which never have been made, related to property of the people who were best able to bear the assessment.

Mr. BORLAND. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BORLAND. Does not the gentleman think that when the principle is once established of charging the cost of these parks on the adjoining property owners that there will be more careful appraisal of the value of the land taken? Does not he believe that the property owners will have an interest in keeping down the price to a fair value of the land taken?

Mr. JOHNSON of Kentucky. If the gentleman had followed me closely he would have seen that I am in favor of that system; but when are you going to do it? Twelve years ago Congress passed a law that benefits should be assessed for land taken for Rock Creek Park.

Mr. MANN. If the gentleman from Kentucky will allow me, the gentleman says 12 years ago.

Mr. JOHNSON of Kentucky. When was it?

Mr. MANN. It was before I came here, and I have been here longer than that.

Mr. CANNON. If the gentleman will allow me, my recollection is that that legislation was under the leadership of Louis C. Payson, of Illinois, during the Fifty-first Congress. Mr. Payson had not been in Congress but a little time, and that was in 1890.

Mr. JOHNSON of Kentucky. It is possible, then, Mr. Speaker, that I have mistaken the year 1900 for that of 1890. If that is true, 22 years have elapsed instead of 12 since the commission should have assessed the benefits against that property, and to-day they have not done it. When they held their last meeting and adjourned they did not adjourn sine die, but simply adjourned. It has been within their power during 22 years to have held another meeting of that commission and assessed these benefits, and still they have not assessed them. There, I may say to the gentleman from Missouri, is a precedent of a law passed by Congress and absolutely ignored by the commission.

Mr. BORLAND. I will say to the gentleman that I think there must have been some fatal defect in creating that commission, and I think the gentleman will agree that the proposition as a general thing to assess the cost of parks or some part of them on the adjoining property owners will have a tendency to hold down the extortionate price for the land taken. If the Government is going to pay for all the land there will be a temptation to divide up the total amount appropriated among the landowners.

Mr. GARNER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARNER. Why does not the gentleman from Texas in charge of the bill make some condition precedent to the opening of these parks, that this assessment shall be made and collections carried into the Treasury or in some other way before the park is opened? In that way you will enforce the views of Congress and not open the park until the condition has been complied with.

Mr. BORLAND. I think they are attacking a tangled problem.

Mr. BURLESON. That is the intention of the provision. As the item was inserted in the Senate it provided for no benefits to be assessed against owners of adjoining property. The House conferees propose that they should pay a certain proportion of the cost of acquiring the parks; and in order to avoid the very condition of which the gentleman from Kentucky [Mr. JOHNSON] speaks—and I am not familiar with the facts of the case detailed by the gentleman—or a condition similar to the one described by him, we provide that hereafter whenever a park is acquired one-third shall be assessed as benefits against the adjoining property owners, making it a specific, direct, mandatory provision of law.

Mr. GARNER. Does this apply in the case of these two parks?

Mr. BURLESON. It does.

Mr. GARNER. Do I understand the gentleman's contention to be that before these parks can be opened they must assess one-third against the adjoining property owners?

Mr. BURLESON. Yes; and we safeguard the interests of the Government by fixing what we consider two-thirds of the value thereof, what we think is fair and just, one-half of which is to be paid by the General Government and one-half by the District of Columbia; but if any jury, influenced by other considerations than a desire to find the true value of this property, should find for a higher value for this property, then we say that any excess over that amount fixed in this bill shall also be assessed as benefits against the adjoining property owners.

Mr. GARNER. May I suggest to the gentleman from Texas that if this same provision was in the Rock Creek Park——

Mr. BURLESON. But it was not.

Mr. GARNER. It is suggested to me by the gentleman from Kentucky [Mr. JOHNSON] that this provision, not the identical one the gentleman has referred to, but a provision that it "shall be" was included in it; and if that was so, could they not ignore this one the same as they did that, unless you put in a provision that this park shall not be opened until the assessment has been made and collected?

Mr. BURLESON. We provide against that by fixing a limitation of the amount that can be paid by the District government and the Federal Government.

Mr. GARNER. Well, let us illustrate that out. Let us see what would happen. Suppose they go out there and buy the park, open it up, and pay upon it what has been appropriated, and then come back to Congress and say that they lack so much money and that Congress ought to pay it, and get some committee to bring in an appropriation, and we settle it up.

Mr. BURLESON. They can not do that under this provision, for we provide that any excess over the sum fixed in the bill shall be assessed against the adjoining property owners as benefits. There is no loophole left for them to come back and ask from the Government or District an additional sum.

Mr. GARNER. Of course, if the park could be purchased for the appropriation carried in the bill, then there would be no necessity of any assessment against any part of the property.

Mr. MANN. Mr. Speaker, if the gentleman will permit, the provision in the conference report is not quite as stated by the distinguished gentleman from Texas [Mr. BURLESON], in charge of the conference report. The provision is that the Government shall pay for the land acquired, and there is enough money appropriated to pay for the land acquired. Then comes the provision that of the amount which is paid for the land, plus the expenses, at least one-third shall be assessed as benefits, and that the total amount which the Government is required to pay in excess of the benefits shall not exceed $21,334. But if the Government has condemned the land and paid for it you could only assess the benefits through a proceeding in court.

Mr. GARNER. Yes.

Mr. MANN. And if the court should hold that the land assessed is not benefited to the extent of the assessment or benefits, we still have paid for the land and have it, and it probably is turned into a park at that time.

Mr. BURLESON. I will say to the gentleman from Illinois this is all in one proceeding, and the provision clearly directs that any excess over and above $21,334 shall be assessed by the jury against adjoining property owners as benefits.

Mr. MANN. That is true; but, as I endeavored to state before, the provision is:

> There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages.

Then comes the further provision that one-third of that shall be assessed as benefits and paid into the Treasury. That is to reimburse the fund already paid out.

Mr. GARNER. In other words, to make it a concrete statement, it is this: This bill is carrying an appropriation of $21,334 to buy a park. The proposition is that they will return $7,000 of that to the Treasury to be paid by those benefited by the opening of the park, but after you have paid the $21,000, if it can be purchased for that amount, there is a very serious question, according to the gentleman from Kentucky [Mr. JOHNSON], and from his statement and other statements it is entirely justified, as to whether the Treasury will ever get back this $7,000. My only suggestion is this, that it ought to be possible to so frame this item that the part to be contributed by those benefited would be paid into the Treasury before the park is opened.

Mr. BORLAND. Mr. Chairman, I would say to the gentleman from Texas [Mr. GARNER] that the only absolutely necessary provision in making this assessment of the landowners is that the landowners have some sort of a day in court. We could not by any act of Congress provide that a landowner should pay a sum of money, $7,000 or any other sum, and this provision expressly says that when the jury is assessing the value of the property to be taken it shall divide the amount found to be due for damages as benefits, and not less than one-third of that shall be assessed on the adjoining property owner in that proceeding. That will have the effect of giving the property owner a chance for his day in court to determine, first, the value of the land taken, and, second, the proportionate amount of the benefits that ought to be assessed against his property; and if he has notice and appears in court, or does not appear in court, if he has adequate notice, and a due finding of the jury is made and confirmed by the court, that assessment stands against his property, or ought to, unless there is some other defect in the proceedings.

Mr. GARNER. Then there will be a legal assessment before this park is acquired by the Government?

Mr. BORLAND. Oh, I think so. That is the intention.

Mr. MANN. It is, so far as that makes the assessment of damages, but the assessment of benefits may not be disposed of for quite a while after the damages have been paid. However, this is a step in that direction.

Mr. BURLESON. In the right direction.

Mr. MANN. I am not so sure about that.

Mr. JOHNSON of Kentucky. Mr. Speaker, while we are upon the subject of condemnation proceedings, it may not be inappropriate for me to mention that when a condemnation jury is sent out it is not any longer sent out as one was to condemn the property for Rock Creek Park, where the commission was not limited either in the minimum or maximum, except in so far as the money went; but in the proceedings under which these parks are to be condemned there is a provision that it is to be condemned under the act by which an addition to the post-office property was condemned. In those condemnation proceedings, and in all park condemnation proceedings held since that time, there has been a provision that the proceedings should be held under the act condemning the addition to the post-office property. The court has now gone to the extreme of issuing written instructions to the condemnation jury, saying that they shall not, in arriving at a value, consider the assessed value of the land, and this has the same provision in it. It seems to me that when a jury goes out to condemn, it ought to have all the information it can get as to the value; and when these two parks are condemned they will be condemned under that post-office act, and there will be written instructions given by the court, saying to the jury who are to fix the value that they shall not hear the assessment values; that they shall not be brought into evidence. Between the Capitol and the Union Station, if I am correctly informed, we have now this condition: Concerning a piece of property, which is assessed at $1.50 per square foot, proof is now being heard, and has recently been heard, to fix the value of that particular piece at $25 a square foot; and what it is assessed at is, under the instructions of the court, forbidden to be put into evidence.

Now, as I have said, this piece of property is to be condemned under the same procedure. That is all wrong, it should be defeated, but I doubt if this is the time when it can be done.

Now, Mr. Speaker, there is much legislation that the committee of conference has put into this bill. Some of it is good, and some of it is bad; but, whether it be good or bad, from recent events I hardly think it necessary for the point of order to be made here. The President of the United States has taken that legislative privilege unto himself. He has taken the position that if there is new legislation in an appropriation bill he will veto it because of that fact. If the Army of the United States has to go unfed and unpaid until the time for the next appropriation bill comes round, then it will be because the President of the United States has exercised that legislative function, and I am not going to take issue with anybody in advance that he will be inconsistent. I am going to agree that he will be consistent, and that he will veto this bill because by containing new legislation it places a burden upon the poor people residing in the northeast in contradistinction to the former legislation, which gave so much to the rich of northwest section of the District. He has ample ground here upon which to put in his veto, and I expect him to be consistent. Now, I am at issue in my own mind with the conference committee, but in the main I think they ought to be congratulated rather than be censured too much. There are items here which they should not have consented to let go in. They should have kept them out, but it must be said in their praise that for the first time in long years

they have insisted to the other end of the Capitol that there is a House of Representatives. [Applause.] They have said for the first time in long years that the legislative body which is closest to the people shall keep some sort of check upon appropriations. A million and a quarter of dollars have been cut out of this bill in conference. The House conferees have stood like Gibraltar for several months insisting that that million and a quarter dollars should not go on, but I still insist that the conferees should have gone a little bit further and said that there shall be no bill unless the Senate confine itself to the rules; but perhaps they, like I, have relied to some extent upon the consistency of the President of the United States to veto this bill. Because of the fact that the House conferees have cut down a million and a quarter dollars in this bill—saved that much for the people without injuring the administration of affairs in the District of Columbia—the gentleman from Texas may be pardoned for having retained, at a cost of $24,000, his favorite item—brass band of the District Militia. [Laughter.]

I do not know just how he is going to use this brass band, neither am I as bitterly opposed to it as I once was. I conceived the idea that, perhaps, he was going to take that brass band through Texas in his canvass. He has promised to let me have it upon some occasion to go down to the station, or come back from the station accompanied by some of my constituents, that they might see how money grows on trees here. It is now too late to raise objection to it, and, having fought it when it was before the House, I shall not have any more to say concerning the item. But, Mr. Speaker, there is another and more serious objection to the legislation put into this bill by the conference committee, and that is that they have given away, without authority of law, public property, real estate, owned by the United States, for which no money is to come in return. They have deliberately given it away. They have provided in this bill for a small asphalt plant. That is good. I have not opposed the erection of a larger asphalt plant alone, but because the bill carrying the appropriation for it had a provision in it that the United States Government should give the land upon which it was to be built. That has been my most serious objection to the asphalt plant, and I think it is a tenable one.

Mr. BURLESON. I will state to the gentleman that there is no provision in this bill affecting any tract of land belonging to the Government in connection with this asphalt plant.

Mr. JOHNSON of Kentucky. There is no provision in this bill carrying the grant of land for a $7,500 movable asphalt plant, but there was in the House bill—which the subcommittee of which the gentleman from Texas is chairman—a proposition to give to the District of Columbia, without the payment of a farthing, the most valuable piece of water front in the District of Columbia.

Mr. BURLESON. I will state to the gentleman that he is mistaken about that. We did not convey the title, but the title to it——

Mr. JOHNSON of Kentucky. You did not undertake to convey the fee, but you did undertake to give the use of it.

Mr. BURLESON. Yes; that is true; we permitted its use for the purpose——

Mr. JOHNSON of Kentucky. And if that plant had been once established the use of it would always have remained in the District of Columbia, just as in 1871 the United States gave the use of a valuable tract of land for a school in the District of Columbia, and it is still being used. The United States Government is now paying half the expense of maintaining it; has contributed, upon the half-and-half plan, to purchase $10,000,000 worth of school property in the District of Columbia, and the entire $10,000,000 has been conveyed, not half to the United States that paid for half, not half to the District of Columbia that paid for half, but the deeds in fee simple have been made to the District of Columbia.

Mr. BURLESON. But the gentleman understands that the District of Columbia is under the exclusive jurisdiction of the Congress. As a matter of fact we speak of these funds as District revenues, but the revenues raised by the assessment of property for taxation in the District of Columbia, the collecting of excise taxes in this District—in fact, all revenues collected here—are just as much revenues of the United States as revenue collected through the customhouse offices or through the internal-revenue offices of the United States.

That is a mere fiction that has been built up by the people who have no franchise, no voice in government, but who happen to live here. It does not hurt the United States or anyone else for them to indulge in this belief, but, as a matter of fact, I repeat the revenue that is derived by taxation in the District of Columbia is just as much the revenue of the Federal Government as custom taxes and internal-revenue taxes, and is subject to the same control by Congress.

Mr. JOHNSON of Kentucky. I must admit that I see nothing in what the gentleman has said to justify that the United States shall give away all the land that it owns in the District of Columbia to anybody. The District of Columbia is a municipal corporation. It has the right to own property and sue and be sued; and when the Federal Government, without valuable consideration, parts with title, then, I say, it is an unwarranted gift. There is but little of this done in this bill, I am glad to say. Much of it has been kept out, to the credit of the conference committee.

The Senate has not been able to override this conference committee in every respect. The committee is to be complimented, too, upon the fact that it kept out some of these schools. A year and a half or a little more ago, in a short speech made upon the floor of this House, I said and was able to establish, and can now establish, that during the then next preceding five years one could take the appropriations made for new school buildings in the District of Columbia, add them up, and make a total of those amounts, and then divide that total by the number of children who had actually come into the school age during those five years, and show it cost $1,210 to give each one of those children desk room alone in these buildings, to say nothing of the maintenance of the building; to say nothing of the cost of tuition. And I say that the conference committee from this House has acted wisely in not again adding a million or two more of public money to this already large expenditure for seating capacity.

We people who live in the country and can once in a long while get $1,210 for a house in which to seat all our children have a right to complain; and we have a right to compliment the gentlemen of the committee that they have stood in the way and said that $1,210 shall not be spent for desk room for each child that enters at school age in the District of Columbia. [Applause.]

Mr. Chairman, as I have said several times, there are some items in this bill that should not be in it. But the committee has done well to keep out some monstrous things that were attempted to be put in. In passing I should mention, in my opinion, that without authority of law there is one item of $500,000 in the bill which has been given as a present to the District of Columbia. Yet, I say the time has now arrived in the consideration of this bill when we can not go back to that. I repeat that the committee for the first time in long years have withstood the pressure that has been made to bear upon them to grant more than they were warranted in granting. They may be pardoned for having withstood to the extent they have this pressure and that they did not put more in this bill simply because it was desired by those at the other end of the Capitol.

I have reserved points of order against this bill. There are at least five which, in my opinion, if made and insisted upon, the Chair would be compelled to sustain; but, so far as I am concerned, I will for the present withdraw the points of order and leave it to the President of the United States to treat this bill as he has treated the Army bill, by vetoing it because it has new legislation in it.

Mr. BURLESON. I will say to the gentleman from Kentucky that I am not expecting the President to veto this bill. Mr. Speaker, I now move to agree to the conference report.

Mr. ANDERSON of Minnesota. If the gentleman will yield, I understand there has been carried in this bill for several years a provision admitting ex soldiers and sailors of the Spanish and Mexican Wars to the temporary home for ex-Union soldiers and sailors. That provision was put in the bill and has been stricken out in conference.

Mr. BURLESON. I will state to the gentleman that I put in a former bill the provision of law to which he alludes. It was stricken out by the request of the Mexican War veterans, saying that they did not want to be put on such a basis; that they were not asking such charity. And I will state, furthermore, to the gentleman, in my opinion this institution to which he refers is a fake institution and ought to be abolished, and I am not alone in that opinion.

Mr. ANDERSON of Minnesota. I am not complaining of the action of the gentleman. I merely wanted to know what the reason was.

Mr. BURLESON. I will state to the gentleman that I have stated the reason.

Mr. MANN. Mr. Speaker, I did not and shall not make a point of order upon the conference report. There is one item in it that I think ought to have a statement made concerning it, so that it will not mislead some one else hereafter. Amendment 153 appropriated $5,000 for an investigation of an asphalt plant. Rather, I should say, it provided that $5,000 of the appropriation carried in the bill should be used for that purpose. The conferees have slightly increased the amount which

shall be taken out of the appropriation. The amount carried by the appropriation in the bill as it passed the House was $390,000.

Mr. BURLESON. That is true.

Mr. MANN. Thereupon, after having provided that a portion of that should be used for a purpose for which it could not be otherwise used, the conferees reduced the amount of the appropriation from $390,000 to $360,000.

Mr. BURLESON. That is true.

Mr. MANN. Which clearly made the report subject to a point of order by the way of affecting the text. As I understand—and I want to know whether that is the case or not—the original sum of $390,000 was put in the bill in connection with the proposition creating an asphalt plant?

Mr. BURLESON. Yes; the municipal asphalt plant, and not the portable one.

Mr. MANN. And I understand that the latter provision creating the asphalt plant was stricken out in the House on a point of order without changing the original appropriation.

Mr. BURLESON. I will say to the gentleman that when that item was stricken out of the bill it carried with it also the portable plant and we thereby lost the advantage that would accrue to the engineering department of the city by the utilization of the municipal asphalt plant and the portable asphalt plant. The District engineer officer informed us that if he could have the use of a portable asphalt plant he could effect economies by the use of the refuse material or old material that was prized up from the pavements to be replaced by new material. He said he could effect such economies that he would not need the entire amount of money that the bill carried, and for that reason we reduced the amount.

Mr. MANN. I remember that when the provision in the bill for the permanent asphalt plant was stricken out my distinguished friend from Texas [Mr. BURLESON], with some dramatic instinct, rose and offered an amendment increasing by a considerable amount the appropriation in the bill, stating:

> This shows itself that the Chair was wrong in ruling that this proposition did not decrease expenses, because I have got to offer an amendment largely increasing the amount.

Thereupon it was carried, and then it goes into conference and, contrary to all the ordinary rules of practice in conference, the conferees have reduced the amount now because the gentleman has found that the permanent asphalt plant did not make that much change.

Mr. BURLESON. The explanation I have made of expected economies to result from the use of the portable plant accounts for that action. It will effect economies that will attain the same results without the expenditure of so much money.

Now, Mr. Speaker, I ask for a vote on the motion to agree to the conference report.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Texas [Mr. BURLESON] moves to agree to the conference report. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

On motion of Mr. BURLESON, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent to take from the Speaker's table the bill H. R. 24023, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

> H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SIMS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Carolina a question.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the Senate amendments to the House bill 24023—the legislative, executive, and judicial appropriation bill—be disagreed to and a conference asked for. Is there objection?

Mr. MANN. He asked unanimous consent to take the bill from the Speaker's table and do this.

Mr. JOHNSON of South Carolina. I ask unanimous consent, Mr. Speaker, to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. Mr. Speaker, I reserve the right to object in order to ask the gentleman from South Carolina a question. Has the gentleman examined the Senate amendments to the House proposition abolishing the Commerce Court?

Mr. JOHNSON of South Carolina. I will say to the gentleman that I only received a copy of the printed bill this morning and have not had time to examine it closely.

Mr. SIMS. I looked it over this morning casually, and the provisions do not appear to be as they were published in the papers. As I gather from reading the amendments of the Senate to section 10 of the House bill, I think the House would readily concur. I dislike very much to disagree to amendments which I highly favor.

Mr. BURLESON. I think there is one amendment relating to the Commerce Court wholly unnecessary, but that is neither here nor there.

Mr. SIMS. I only wanted to know whether the members of the committee had examined the amendments carefully.

Mr. FITZGERALD. I think it is important that these amendments should be carefully examined.

Mr. SIMS. Yes; they should be. I do not care to make any motion in regard to it.

Mr. HAY. I assume that there is no general legislation on the bill.

Mr. JOHNSON of South Carolina. There is legislation in the bill.

Mr. FITZGERALD. In accordance with the rules of the House.

Mr. HAY. And I hope that the work will not all have to be done over again.

Mr. BARTLETT. The legislation that the gentleman from Tennessee refers to is the abolition of the Commerce Court—the enactment that the court shall be abolished and the office shall be taken away from the judges, or the act repealed which created the court.

Mr. SIMS. That does not seem to be in the bill. The provision abolishing the tenure of office does not appear in the bill, unless it is in some other section.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. MANN. Reserving the right to object, I want a little time.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. Fifteen or 20 minutes.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois be permitted to proceed for 15 minutes.

Mr. MANN. I am perfectly willing to agree to the request of the gentleman from South Carolina that the bill be taken from the Speaker's table and laid before the House, and that the gentleman shall have the right in the House to move to disagree to the Senate amendments, but I want a little time to make some observations.

Mr. FITZGERALD. Pending the request of the gentleman from South Carolina I ask unanimous consent that the gentleman from Illinois be permitted to proceed for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANN. Mr. Speaker, I want to call the attention of the House to Senate amendments in relation to employees in the Senate. I know it is always stated in the House that the House has no jurisdiction over the amount appropriated for Senate employees. I do not know whether it is lucky for me or lucky for the Senate that I am not one of the conferees on the subject, because, unless I should change my mind very decidedly, I never would agree to some amendments which they have inserted and which they have insisted on at different times.

The Senate has added 22 messengers to the various committees of the Senate in this bill, besides a large number of other committee employees. The House appropriates $162,230 for its committee employees, to which may be added $6,480 appropriated for nine committee clerks, and possibly $4,200 appropriated for clerks for the minority leader, making a total of $172,910. The Senate, with the amendments that they have inserted in this bill, appropriates $370,940—$370,000 for the Senate against $172,000 in the House.

It is true that the Senate does not appropriate for private secretaries for 61 Senators, while the House appropriates for clerks for every Member of the House. Now, these Senate committees in the aggregate can have no greater jurisdiction than the House committees. While I know that a Senator represents a larger constituency than a Member of the House, and probably ought to have, as I think he ought to have, more help

than the average Member of the House, I think that either the employees of the committees in the Senate are grossly excessive, or else the employees of the committees in the House are entirely inadequate, possibly both. I am inclined to think that some of the House committees do not have clerks enough, especially judging from some reports that I read where I think more employees would be able to give greater attention to details in some of the bills which are reported from the committees.

But in that distinguished body at the other end of the Capitol, for which I have a profound respect, a respect which sometimes increases when I am absent and do not read the CONGRESSIONAL RECORD for a time, they get into the habit when a chairman of a committee proposes something which he thinks he needs every other chairman falls in line. Because one Senator thought he needed an extra messenger for his committee, they have added 22 extra messengers. Some committees in the Senate that never meet each have two messengers. They had but one each before. I think the House committee, which is responsible to the people for the total of appropriations, ought to say that we can see no reason for this and decline to agree to it.

Mr. JOHNSON of South Carolina. Mr. Speaker, before the gentleman leaves the item just referred to, I would like to ask him a question.

Mr. MANN. Certainly; I yield to the gentleman.

Mr. JOHNSON of South Carolina. Under the rules that obtain between the two Houses how can the conferees on the part of the House question the expenditures that are made by the Senate, when they are made, as it is claimed, for the personal comfort of the Senators?

Mr. MANN. Mr. Speaker, let them put it in a contingent fund. They ought to have no larger contingent fund than the House. Possibly they ought to have as large a contingent fund. What they do with the contingent fund I do not care. If they want to pay for employees for the individual Senators, that is their lookout; but when they ask for specific places and ask us to appropriate for them, we have a right to examine into that matter just as much as we have a right to examine into the clerks in the different departments of the Government.

Mr. Speaker, the House passed a provision to abolish the Commerce Court. The Senate has inserted a provision in another place in the bill to abolish the additional judges which were created when the Commerce Court was created. They have tried to do it in four different ways. Of course, some of us believe that when you create a judge of the Federal court, under the provisions of the Constitution we can not remove that judge from his office during his good behavior.

Mr. BARTLETT. Mr. Speaker, may I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. But we can do as they did in 1802 when the midnight judges were appointed. We can remove the office from the judge.

Mr. MANN. I doubt that. I know that most lawyers believe that that act was unconstitutional. It never was tested.

Mr. BARTLETT. No judge who was appointed at that time ever sought the office. All they did was to make an appeal to the Congress to provide for their salaries or give them work to do. That is as stated by the historians.

Mr. MANN. Certainly. Congress in the last hours of its session, in an expiring administration, provided for the creation of a number of Federal judges. The succeeding Congress and the succeeding administration almost instantly, as soon as it had the power, when Congress met, repealed that law. The judges had been appointed instantly when the law was passed. I take it that they appreciated the fact that it was highly improper for an expiring Congress and an expiring administration to endeavor to load onto the incoming administration and the incoming Congress, of a different political party, a large number of judges, and they acquiesced in the passage of a law which many, and I have no doubt most, lawyers then and now believe to be unconstitutional. But outside of the constitutionality the new law had all the marks of propriety.

Mr. BARTLETT. If the gentleman will pardon me, the act of 1789 did not create any circuit judges. There were 5 United States associate judges of the Supreme Court, whose duty it was to hold court with the district courts in the circuits. This act of 1801 created 16 circuit judges and 16 circuit courts. In 1802, when the Jefferson administration acted, it repealed the act creating the 16 new judges and circuits and reenacted the old law of 1789, and under the repeal of the act of 1801 and the reenactment of the statutes of 1789 all of the 16 judges went out of office.

Mr. MANN. It was done under the conditions which I have stated.

Mr. BARTLETT. Oh, the gentleman has correctly stated the matter, of course.

Mr. MANN. And I think no textbook writer from that time to this has assumed that that act was constitutional. If was not questioned. It met the proprieties. It was highly improper for the Adams administration—I believe that was the administration——

Mr. BARTLETT. Yes.

Mr. MANN. Going out of the office, in the expiring days of its life and of the life of the Congress under it, to create a lot of new Federal judges and appoint them at that time for the purpose of preventing the Jefferson administration, coming in, having been selected by the people, from having any control over the Federal judiciary.

It is quite patent that the distinguished body at the other end of the Capitol did not believe that act was unconstitutional. They provide first in their amendment:

> The five additional circuit judges provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished.

If that is good, that ends it. We created five additional judges, and they say that those five judges are hereby abolished. That is enough to settle it, if that is good. Then they go on and say further:

> And the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed.

That is sufficient by itself, if it is good. They are not willing to stand on abolishing the judgeships, because they think they can not do it. If it can not be done, it is useless to put it in here; and if it can be done, it is useless to go further. Then they provide that this law under which the judges were appointed is repealed. That would be sufficient. They then go ahead further and say:

> And the number of circuit judges is hereby reduced to 29.

That would also be sufficient, if it were good. There are three propositions, any one of which would be sufficient if it were good, and the fact that they do not stop at one in each case shows that they do not believe that one in either case will be sufficient to accomplish the purpose. Then they go ahead further and adopt a fourth method of trying to get rid of these judges by providing that these judges can not hereafter sit. They are endeavoring to repeal the law which authorized these judges to sit in the circuit or district court.

Any one of the four provisions would be sufficient, if it were valid, and the fact that the distinguished body at the other end of the Capitol took four chances at it indicates they did not believe any one chance was very good, but they hoped that some one of the four under the provisions of Almighty Providence would be sufficient.

Mr. FITZGERALD. Is it not more likely that it was to meet the varying views of different gentlemen that they adopted each of the various propositions? Some might have thought one was effective and some another, and they wanted to satisfy everybody.

Mr. MANN. It is perfectly patent that the body acts as a body, and if they would meet all the varying views in the Senate they would have 96 provisions, in all probability.

Mr. SIMS. The fact that the Senate adopted so many provisions in order to get rid of them is certainly conclusive that they did really want to get rid of them.

Mr. MANN. I do not know. I assume they did. I am perfectly willing, so far as I am concerned, for the House in the end, if it wants to, to agree to this provision, because when the President vetoes the bill he will be clearly justified by the people, for they will regard it as an assault upon the integrity of the courts. Here is a proposition that would reduce the number of circuit judgeships from 34 to 29. We have the same authority to say 25 that we have 29. We have the same authority to say 9 that we have 29. With a constitutional provision saying that these judges shall be appointed for life or during good behavior I do not believe that Congress has the power under the Constitution to deprive them from their offices without impeachment, without trial, without any authority of law at all except the mere provision that they are fired.

Mr. SIMS. May I ask the gentleman a further question?

Mr. MANN. Certainly.

Mr. SIMS. Suppose Congress had very foolishly provided for the creation of 500 judges, does the gentleman think the people then would not be willing to adopt some method of getting rid of that unnecessary number? If 5 are unnecessary, 500 would just add to the number of unnecessary judges.

Mr. MANN. I think if Congress provided for 500 judges there would be no difficulty in getting rid of the Congress. [Laughter.]

Mr. SIMS. Not a bit, and there ought to be none.

Mr. MANN. But I do not believe they could get rid of the judges unless those judges resigned.

Mr. SIMS. Then the Constitution ought to be amended.

Mr. MANN. Not at all. If the provision of the Constitution that a judge is appointed for life or during good behavior can be set aside by a majority of the two Houses discharging the judge, then the provision of the Constitution for dismissing a judge by impeachment is of no effect.

Mr. SIMS. It is practically of no effect.

Mr. FITZGERALD. The gentleman recalls the law abolishing the circuit courts and creating an entirely new system of courts——

Mr. MANN. But we did not abolish the circuit court judges.

Mr. FITZGERALD. I think the gentleman is going too far, because outside of the judges of the Supreme Court I have no doubt that Congress can abolish any other court and get rid of the judges.

Mr. MANN. The power of Congress over the Supreme Court is no greater, but is precisely the same as it is over any Federal court. We can increase or decrease.

Mr. FITZGERALD. The commentators on the Constitution seem to have a different view.

Mr. MANN. The gentleman has not read them recently. I have read them recently.

Mr. FITZGERALD. I have read them, but I may not have read the particular one on which the gentleman seems to rely.

Mr. MANN. The gentleman has not read them lately or he would not make that statement.

Mr. FITZGERALD. I have read some lately.

Mr. MANN. The power of Congress over the Supreme Court, as far as the personnel is concerned, is precisely the same as it has over any other court. It can increase the number of Supreme Court judges. Congress can increase the number of Supreme Court judges, and it can decrease the number of Supreme Court judges, but we can not dismiss a number of judges on the bench when we decrease it. Now, the Constitution does not say how many judges shall be on the Supreme Court. The same power exactly exists under the law. I do not believe, Mr. Speaker, and I am not prepared to take that position in this day and in these hours when there is so much discussion—I do not believe that the Federal judiciary ought to be made the football of politics in Congress.

Mr. SIMS. Will the gentleman yield for one further question?

Mr. MANN. I will.

Mr. SIMS. The gentleman, I suppose, has no doubt of the constitutionality of the House provision as passed by the House?

Mr. MANN. I do not; I have no doubt of our power to abolish the Commerce Court, not the slightest; but I do not believe it is desirable for the conferees to agree to the Senate amendment, although if they do I hope and believe that the President will veto the bill, and I think the country will sustain him in it. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I only desire a moment or two. The House is not responsible for the provision which the gentleman from Illinois has been criticizing. The House included in this bill a provision which it believed meets practically almost the unanimous sentiment of the country in providing for the abolishment of the Commerce Court. The Senate for a number of various reasons has inserted an amendment providing for legislating out of office the additional circuit court judges who were appointed at the time the Commerce Court was created. This House has no desire either to make a football of the courts or to do that which is not within its power under the Constitution. The conferees have not yet been appointed, and at any rate the committee has not taken the matter up for consideration. Some of the Members of this House who are recognized as very excellent and competent lawyers have been requested to look carefully into the constitutionality of the amendments of the Senate. I am inclined to think the House conferees will not act hastily—will not agree to consent to these provisions to get rid of the judges—if there be any doubt whatever as to the power of Congress to legislate them out of office. This House does not wish to give the President such an excuse for his interference with the right of Congress to abolish a court which has become an obstruction in the administration of justice rather than an aid in the administration of justice. If the President wishes to override the will of the Congress in getting rid of a useless and inefficient court, he will have to do it upon some other ground than that Congress has exceeded its constitutional power.

Mr. SIMS. Mr. Speaker, what I said when I first got the floor had reference only to the amendments touching section 10 in the House bill which abolished the court. I did not have reference to the amendment on page 149, which I had not then seen.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, be taken from the Speaker's table, the Senate amendments be disagreed to, and a conference asked for on the disagreeing votes between the two Houses. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore announced the following conferees: Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. JOHNSON of Kentucky in the chair.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $150,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

I do not have it in mind, so far as consideration of other appropriations is concerned, to move material amendments to this bill. I will move an amendment when we reach fortifications. I desire, however, at this time to call attention to the estimates for the construction of the canal. The appropriations for 1912 were $45,500,000; the estimates for 1913 were $41,622,810. The amount recommended in this bill for construction, and so forth, is $28,780,000. The total decrease in the appropriations is $12,842,810.20 below the estimates, as against the appropriations of last year of $45,560,000. This is not particularly called attention to in the report as to the reason for making this seeming great reduction. It is a reduction apparent on its face, but not in fact real. These appropriations for the construction of the canal are continuing appropriations.

I doubt if they are sufficient for the coming fiscal year. If they are not sufficient, during the short session of Congress the deficiency can be made good. But there is a surplus in round numbers—I am not exactly accurate, but I can be accurate in the statement—in the amount appropriated last year of, say, $6,000,000. That is owing to greater efficiency in this work, greatly to the credit of Congress, but substantially the credit is due to that great man Col. Goethals, who is in charge of this work, supported by Congress and by the administration, and who is commended for his efficiency, that there is, in round numbers, $6,000,000 of the $45,500,000 appropriated for the current year which is not expended; and the appropriation is continuing, available for the coming fiscal year, just as much as it would be if this $28,780,000 was increased by $6,000,000, making it $34,000,000 instead of $28,000,000.

For the purposes of comparison I call the attention of the House to the fact that from the $45,500,000 appropriation for the current year $6,000,000 should be deducted, making, in point of fact, $39,500,000 that has been and will be spent for the current year. Now, if you will take this $6,000,000 which comes over and is available and add it to the $28,780,000 appropriated or recommended by this bill, the amount would be $34,780,000. Substracting that from the $39,500,000 leaves really and in fact a difference between the appropriation for the coming year and the current of $4,720,000 instead of $12,000,000 plus, as a casual reading of the amounts appropriated last year and recommended for this year would lead one to suppose. I am inclined to think—at least I hope—that the amount appropriated for construction in the coming year will be sufficient. It may not be.

It is true also that the constantly improving efficiency of labor and effort on the Isthmus, as well as the less amount of work to be done, furnishes an explanation of the difference of $4,720,000 between the appropriations for the current year and the present year.

You may say, "What of it?" Nothing. And yet I thought proper at this time to call attention to it. The $6,000,000, in round numbers, that comes over as a surplus which is just appropriated for the current year continues for the coming year and the next year. It does not have to be expended in any

fiscal year. That is also true as to the appropriation for the coming year.

That is all I desire to say, and I say it for information and in justice to the last Congress that made this appropriation, I believe, by the consent of both the majority and minority of the Committee on Appropriations, and in justice, also, to those who expended the money, making, so far as I have been able to ascertain, every dollar a real asset and force in the construction of that great work.

Mr. FITZGERALD. Mr. Chairman, the committee in making up these recommendations, acting upon the information in its possession and its experience, recommended such amounts as it believed would be sufficient for the entire fiscal year. Since the bill was reported I have received information from a reliable source to the effect that the total amounts of the appropriations are satisfactory to those in charge of the canal. There may be some little differences of opinion about one item or another, but with the continuance of the 10 per cent interchangeable provision, as it is in the bill, the appropriations are entirely satisfactory.

I wish to repeat that, so far as the majority members of the committee are concerned, they made no effort whatever to make any reductions in the appropriations for the canal in order to lessen the total of appropriations to be made by this Congress. The appropriations in this respect were made for the purpose of enabling the work to be carried forward during the entire year. I do not say that the committee could not have made a mistake, but I repeat that since the bill has been reported I have inquired about the matter and have received information from those connected with the work to the effect that, in their opinion, the total appropriations would be sufficient. I believe, in justice to the committee and everybody concerned in this work, that statement should be made.

Mr. MANN. Mr. Chairman, the appropriations for the Panama Canal stand upon a different footing from the appropriations for any other service of the Government. Every one admits that the sooner the canal is completed and opened for operation, the more economical it is in the end; and the appropriations which are made and the expenditures which are made are reimbursable by the sale of bonds, if a necessity exists therefor. So that the condition of the Treasury should not affect the amount of the appropriations, and the only question should be, How much can be properly expended in the operations incident to the work of construction?

It seems to me that the report of the Committee on Appropriations is a serious reflection upon Col. Goethals and the other officers in charge of the construction work, although I know it is not so intended. It is the first reflection that I have heard made upon those gentlemen. They estimated for $41,000,000. They certainly did not make an estimate without some care and some knowledge. The committee's bill carries an appropriation of $29,000,000, but they say that about $6,000,000 surplus will be carried over from this fiscal year unexpended, and say therefore that the total reduction from the estimates by the bill practically amounts to about $6,000,000. Am I correct in my figures?

Mr. FITZGERALD. I think it is a little less than that.

Mr. MANN. About $6,000,000?

Mr. FITZGERALD. I think it is less than that, because information received later was to the effect that it would be a little lower.

Mr. MANN. The information I give is derived from statements made on the other side of the House by the gentleman to-day.

Mr. FITZGERALD. It is about that. It might be a little lower.

Mr. MANN. It is impossible for me to understand how the engineers in charge of this work, after a series of years and a series of estimates, are unable to come closely to what they need. I can not understand how they are $6,000,000 wrong.

Mr. FITZGERALD. The gentleman will understand that they are engaged in a great construction enterprise. The estimates were prepared in September. As the work progressed the information as to the progress and the cost of the work as it was going on was furnished to the committee, and I hardly think it fair for the gentleman to say that the committee intended to reflect upon Col. Goethals.

Mr. MANN. I say the committee did not intend to reflect upon him, but that the action of the committee is an indirect reflection upon him.

Mr. FITZGERALD. It did not reflect upon him. The information as to the surplus and as to the propriety and the possibility of a reduction in the estimates originated with Col. Goethals himself and not with the committee.

Mr. SHERLEY. If the gentleman will permit, I offer him another suggestion. He says that the estimates, speaking in round figures, were about $41,000,000, and the appropriation is about $29,000,000, being about $12,000,000 less, $6,000,000 of which is explained by a balance coming over, so that even if we have cut the estimates $6,000,000 this year, we have done no more than ought to have been done last year, as is shown by a surplus of $6,000,000 for that time.

Mr. MANN. That may be true. No one knows. But this year nobody can tell whether the surplus will be $6,000,000 or not. But the work of construction is not hampered now by the fear that the money will be running short by the 1st of July. If the gentlemen in charge of this work in last September were not able to come nearer than $12,000,000 as to what the appropriations ought to be, I think they fell down very badly indeed.

Mr. SHERLEY. Oh, well, if the gentleman will permit, it is not a question of coming within $12,000,000; it is a question of coming within $6,000,000, because the estimates do not take into view the balance that will be available.

Mr. MANN. Of course they take into account the balance available.

Mr. SHERLEY. They never do and did not in this instance.

Mr. MANN. The estimate for the amount of work to be done on the canal, to complete the canal, necessarily takes into view the amount of money which is appropriated and which is unexpended.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. FITZGERALD. The gentleman is mistaken, because I know it does not, and that is why the surplus is charged off against the estimate.

Mr. MANN. In the estimates of the expense of the canal originally figured out and always kept in view in making all the estimates, it is necessary to take into consideration all the time the amount of money which has been appropriated and the amount of money which has been expended and the amount of work which is unfinished.

Mr. GARNER. Oh, the gentleman is hedging.

Mr. MANN. No; I am not hedging; I am stating the absolute fact. These gentlemen ought to know what they wanted in September. I know how gentlemen come before the Committee on Appropriations and submit to the sharp cross-examination of bright gentlemen who seek in every way to get them to admit that they can get along with a little less money—quite a proper course to pursue in reference to the departments of the Government, but not a proper course to pursue with reference to the construction of the Panama Canal; a proper course to pursue in reference to the personnel and number of employees, but it will have no effect whatever on the cost of handling the dirt.

Mr. SHERLEY. If the gentleman will permit, he is the first man who has ever suggested that by a skillful cross-examination, or by anything else, anyone could take advantage of the judgment or determination of Col. Goethals in the full performance of his duties.

Mr. MANN. I have seen Col. Goethals before a committee many times, more times than has the gentleman from Kentucky. I know how all these gentlemen are affected when they come before a committee of Congress, especially a great man outside, fearing the extreme greatness here, and of course he meets it in the Committee on Appropriations. I think the canal work ought not to be hampered in any way, and that there ought to be no chances taken in hampering it. It can do no harm to make the appropriation such as Col. Goethals asked for when he was giving his cool, deliberate judgment to it, and before he was called into the private conference in the room of the Committee on Appropriations. I think gentlemen are making a mistake in this regard. Probably it will do no great amount of injury, except to delay the opening of the canal a little. It will have that effect; the work will not progress as rapidly as it otherwise would. They will not have the money, they will not expend the money, and they will commence to curtail the moment the appropriation is passed in this shape, if it passes with the amounts named in this bill.

Mr. FITZGERALD. Mr. Chairman, the statements of the gentleman from Illinois are so absolutely erroneous that I propose to demonstrate it by the statement of Col. Goethals himself. Five minutes' examination of the statement of Col. Goethals would have shown the gentleman from Illinois that he is absolutely in error. The $5,000,000 surplus was $5,000,000 that came over from 1910 and was to the credit of the canal commission on the 1st of July, 1910. For the fiscal year 1910 the estimates were $48,063,524.70. There was appropriated by the Republican Congress $37,855,000, or about $11,000,000 less than Col. Goethals asked for, and at the end of the year they had $5,000,000 they could not expend.

So that there will be no misunderstanding, I will read from the record:

ESTIMATES FOR CURRENT YEAR.

The CHAIRMAN. Your estimates for the current year were $47,920,847.69, and the appropriations were $45,560,000. Will you state first whether you anticipate any deficiencies?

Col. GOETHALS. From the talk that you gave me in Washington, I do not think it would be wise for us to anticipate any deficiencies, and so far as construction and engineering is concerned there will be no deficiencies.

The CHAIRMAN. Will there be any surplus?

Col. GOETHALS. That I doubt.

Mr. MALBY. Not ultimately?

Col. GOETHALS. Not ultimately.

The CHAIRMAN. As far as the present year is concerned?

Col. GOETHALS. No; I do not think there will be as far as the present year is concerned; we have not gone far enough ahead yet to determine what savings there will be, but I am perfectly willing to give you the savings that were on our books in 1911, but nothing more.

The CHAIRMAN. I might state for the record that the estimates for 1911 were $48,063,524.70, and the appropriations $37,855,000. Now, have you any surplus from 1911?

Col. GOETHALS. Yes.

The CHAIRMAN. Will you state the amount of the surplus?

Col. GOETHALS. Salaries in the United States, a balance on hand at the close of the fiscal year June 30, 1911, of $15,000; incidental expenses in the United States, a balance of $29,000; pay of officers and employees on the Isthmus, $416,000; Isthmus pay roll, $1,600,000; miscellaneous, material, purchases on the Isthmus, $3,767,800; that is, supplies of all kinds purchased by the quartermaster's department.

The CHAIRMAN. Which makes how much all told?

Col. GOETHALS. Very nearly $5,000,000.

The CHAIRMAN. Which you will have available in addition to the $45,000,000 appropriated?

Col. GOETHALS. In addition to the $45,000,000 appropriated.

The CHAIRMAN. In preparing these estimates was allowance made for the surplus which you have?

Col. GOETHALS. No; it was not.

The CHAIRMAN. So that regardless of any other considerations we can eliminate about $5,000,000 from your estimates for the next year?

Col. GOETHALS. Yes, sir.

The CHAIRMAN. Can you place in the record a statement showing the amount of transfers made by you under the provisions of law giving you authority to transfer not to exceed 10 per cent or not to increase any appropriation by 10 per cent?

In March or April of this year Col. Goethals for this fiscal year, having but three additional months to run, was able to state that from his own knowledge as to the conduct of the work what saving would be made out of the appropriations made for this year. In making up the sums to be carried in this bill the committee made allowance for the savings of two years.

So that the statement of the gentleman from Illinois may not create a misapprehension in any place, I want to say that the day this bill was reported to the House a copy of it was sent to Col. Goethals in the city of New York for his information, and the only request that came from him relative to changes in the provisions for the canal was to insert the one word "unallotted" before the word "surplus" in the provision turning the surplus earnings of the Panama Canal into the Treasury.

To be certain that there was no question that there was enough money carried in this bill, I inquired from the office in Washington as to whether the committee had recommended sufficient money, and a statement was made that when this bill was reported the details were cabled to the Isthmus, and, so far as the total appropriations were concerned, they were perfectly satisfactory and would be sufficient; that there was some difference of opinion as to the amounts carried in some of the items, but that with the 10 per cent interchangeable provision in the bill, in the shape it is in this year, there will be no embarrassment, no difficulty, and they had all the money and all the authority they needed for the next fiscal year. The gentleman from Illinois [Mr. MANN] is not justified on the facts or the record in attempting to put this side of the House in the position of in any way delaying or preventing the speedy completion of the work upon the Isthmus or the completion of the canal as rapidly as those in charge of it are able to complete it.

Mr. MANN. Mr. Chairman, I have nothing to take back from what I have said, which was all true, but let that go for a moment. May I ask the gentleman about something else? The gentleman has stated, I think, on the floor that the appropriations carried for the canal in this bill made ample provision for the construction of a dry dock or the commencement of the construction of warehouses, docks, wharves, coal yards, and so forth, that are contemplated in the Adamson bill, and that in his opinion the authorities there were authorized to make these constructions under the Spooner Act. Under what appropriation in the bill can that be done?

Mr. FITZGERALD. It comes under several of the items—the engineering and construction items.

Mr. MANN. I do not know what the auditor might do, but I do not see how an auditor could approve accounts for any of those items in this bill under the Spooner Act.

Mr. FITZGERALD. When the committee was on the Isthmus the matter was discussed, and the necessity for inserting some language in the appropriation provisions was considered. The statement was made by those in charge of the work that it was believed that under the provisions of the Spooner Act providing for the construction of the canal and proper terminals, if I recall the language, it included the facilities contemplated which the gentleman has mentioned.

Mr. MANN. I do not know who those gentlemen were who gave the committee that information, but certainly until very recently no one contemplated that under the Spooner Act these works could be constructed, nor do I see how they could be constructed under any provision of the bill. True, the bill carries one provision in reference to the matter.

Mr. FITZGERALD. They could, under the third, fourth, fifth, and sixth items. They would be the appropriations out of which they would be paid. It depends entirely on the accuracy of the construction that is placed upon the Spooner Act.

Mr. MANN. Of course that would depend under the fifth provision on whether the construction of these works is a part of the construction of the Isthmian Canal.

Mr. FITZGERALD. That is true.

Mr. MANN. The same would be true under any other provision, I suppose.

Mr. FITZGERALD. Mr. Chairman, I will call the gentleman's attention to a statement of Col. Goethals:

I should like to state right here that we have prepared an estimate for 1913, including the sum of $3,000,000 for the terminal.

Mr. MALBY. Is that included in your 1913 estimate?

Col. GOETHALS. Yes. We have in our current year's appropriation an estimate of $2,193,000. Also for terminals, and I have authorized, in order not to tie up some of the dredges, the excavation of a certain area at the Pacific entrance of the canal, which I showed you the other afternoon.

So that for the current year in the appropriations made there was the sum of $2,193,000 included.

Mr. MANN. But that is for dredging in the sea.

Mr. FITZGERALD. No; it is for dredging at Balboa, where the dock is to be constructed.

Mr. MANN. Oh, I think the gentleman is mistaken.

Mr. FITZGERALD. No; I remember it distinctly.

Mr. MANN. The gentleman may be correct; but the original provision was for dredging in the sea.

Mr. FITZGERALD. But this item about which Col. Goethals was speaking was the dredging at Balboa, where it was intended to build the slips and docks.

Mr. MANN. There is certainly no authority in the original act to construct a dock down there.

Mr. FITZGERALD. I have sent for the Spooner Act, and I will call the gentleman's attention to the provision under which those in charge of the work and construction insist they have that right.

Mr. MANN. I will say to the gentleman that I served for years on the legislative committee having jurisdiction over this subject, and no one ever pretended they had that authority, and they never have made any such pretense that they have to the members of the committee having legislative jurisdiction of the subject.

Mr. FITZGERALD. That may be true, but this was the situation. The gentleman is familiar with the conditions and the necessity for providing certain terminal facilities.

Mr. MANN. Of course I appreciate the fact that if the Spooner Act authorized these works as a part of the construction of the canal, then the work could be done under the items in the bill; but if the Spooner Act did not authorize the construction of these works as a part of the construction of the canal, then if the gentleman had inserted an item in this bill, that would have been subject to a point of order. However, the House has passed the Adamson bill, providing for the construction of those works. That bill has been reported into the Senate. I think before this bill becomes a law the gentleman ought to endeavor to have put into it in proper language at some place an authorization. I notice the gentleman carries the language on page 168, after the total appropriation, but that is applicable to appropriations hereafter made, as well as heretofore made, and would not be construed as an authority.

Mr. FITZGERALD. That is true. Let me call attention to this statement:

Col. GOETHALS. I do not know. We contemplate building a sufficient length of dockage at both ends of the canal to serve the needs of the present commerce, leaving to the future the enlargement or the extension of the system should the necessities require. We contemplate also the construction of a dry dock for commercial purposes and the construction of coaling facilities. In case the canal authorities are authorized to deal in coal, certain terminal facilities will be necessary, even before the canal is completed, to take care of the commercial business that now devolves upon the Panama Railroad; the present appropriation will provide for that, and I am willing to take the responsibility of going ahead, but we need some authority from Congress in the matter.

The CHAIRMAN. Is there any statute or anything in any of the laws regarding the construction of the canal by which authority can be had to construct terminals?

Col. GOETHALS. Yes; the Spooner Act. What the Spooner Act contemplated by terminals is questionable; whether it included a dry dock or not I do not know. In our estimates for 1908, which contemplated the completion of the canal, we had no idea at that time of a dry dock or a coaling station, our estimates including only the construction of a few docks.

It is upon that statement that I have made the statement I have made several times.

Mr. MANN. A dry dock is necessary, and a coaling station is absolutely necessary. Why not insert after the total amount of appropriation, on page 168, after the word "expended," some such provision as this:

Which sum may be used as far as necessary for the construction of necessary dry dock, coaling plant, etc., referred to below.

Mr. FITZGERALD. Mr. Chairman, I have no objection, and I think it would be desirable unless somebody else objects. The work ought to be done, as the gentleman understands, at the present time, when the canal is being constructed.

Mr. MANN. Certainly. Now is the time to do the work. The bill giving authority will become a law. It has already passed the House.

Mr. FITZGERALD. As far as I am concerned, I believe it is desirable, if there be any doubt, to have the matter settled, so that there will be no holding up of expenditures because of lack of authority.

Mr. MANN. Of course this would not increase the appropriation.

Mr. FITZGERALD. No; and the amounts required for that purpose are included in the present year's appropriations, and are included in the amounts carried for the next year.

Mr. MANN. I suggest to the gentleman, after the word "expended," in line 11, to insert some such provision as I have intimated.

Mr. FITZGERALD. I will have an amendment prepared when we reach that if it is the desire of the committee to put it in.

Mr. MANN. All right.

The Clerk read as follows:

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranesmen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, $11,000,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 165, line 10, after the figures "$11,000,000" insert the following:

"*Provided*, That so much of this appropriation as may be necessary, not to exceed $15,000, shall be expended in soil improvement and agricultural development, in accordance with the recommendations and conclusions submitted in Report No. 95, United States Department of Agriculture, entitled 'The agricultural possibilities of the Canal Zone.'"

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not think it is subject to the point of order. It is drawn on lines corresponding to those of the paragraph which has just been passed and does not contemplate any change in expenditure.

Mr. FITZGERALD. Does the gentleman wish to discuss the point of order?

Mr. MOORE of Pennsylvania. I want to discuss the merits.

Mr. FITZGERALD. I will make the point of order.

Mr. MOORE of Pennsylvania. No; I do not care to discuss the point of order, but I would like to have a vote upon the amendment. I do not think it is subject to the point of order.

Mr. FITZGERALD. I do. Let us dispose of the point of order, and if the gentleman wishes to speak to his amendment——

Mr. MOORE of Pennsylvania. May I ask the gentleman what his point of order is?

Mr. FITZGERALD. It is that it is not authorized by law, it is legislation, it is not germane to this bill, and there are three or four other reasons which I could give if necessary.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item is as germane to the bill as paragraph 3 on page 164. The provision as drawn is in exactly the same language as the proviso on page 164, and it contemplates no change in expenditure, but simply makes a reservation of a certain amount of the appropriation for a certain purpose.

Mr. MANN. May I ask the gentleman from Pennsylvania whether his amendment is for carrying on the work of the construction of the canal under the so-called Spooner Act? The gentleman will notice that items of appropriation follow the language, to continue the construction of the Isthmian Canal to be expended in accordance with the terms of an act entitled, and so forth, which is the Spooner Act. I do not recall any provision in that act other than for the construction of the canal and the acquirement of the necessary land. I do not recall any provision in it in regard to cultivating the soil, and I call the attention of the gentleman to ask whether there is any such provision.

Mr. MOORE of Pennsylvania. I have not gone very thoroughly into the relation of the Spooner Act to this particular amendment. But I observe that provision is made in the paragraph, to which I propose to attach this amendment, for dairymen and for subsistence, and if those two features can be regarded as coming within the provisions of the Spooner Act for the continuation of the construction of the canal, if the milking of cows is in line with the construction of the canal and the providing of food for those employed on the construction of the canal, then this amendment is equally in line with the Spooner Act. If it can be held that provision can be made in this bill for employing men to do the work of dairying and that is in line with the construction of the canal, then surely this amendment is germane.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Then, Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD on this subject.

The CHAIRMAN. Without objection, leave will be granted. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Fifth. For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Isthmian Canal, including not exceeding $50,000 for the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, which may be compromised by agreement between the claimant and the chairman of the commission without the intervention of a joint commission for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and for a permanent administration building, $12,000,000.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Kentucky [Mr. SHERLEY], if I may have his attention, that in line 3, page 166, coming after the word "commission," there should be a comma.

Mr. SHERLEY. What page?

Mr. MANN. Page 166. Without the comma the way the language reads is "joint commission for the departments of construction and engineering."

Mr. SHERLEY. I think there ought to be a comma. Mr. Chairman, I move to insert after the word "commission," in line 3, page 166, a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 166, line 3, after the word "commission," insert a comma.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The President is authorized and directed to detail officers and enlisted men of the Regular Army, not to exceed four companies, in manner and form as he may prescribe, to police the Canal Zone and perform the duties of peace officers therein under the laws thereof; and for the purposes hereof the President is empowered to use so much as may be necessary of the moneys appropriated by this act for the departments of civil administration and law.

Mr. CULLOP. Mr. Chairman, I make the point of order against the paragraph for the reason it is new legislation.

Mr. FITZGERALD. Mr. Chairman, I think if the gentleman understood the provision he would not make the point of order. We have on the Isthmus at the present time about 1,000 soldiers. There is nothing for them to do. The people in charge of the construction of the canal state that if they can be utilized in this way they would be utilized in some useful occupation and we would save $200,000 a year.

It is purely in the interest of economy and efficiency and simply to enable the utilization of soldiers who are on the Isthmus, for whom there is no work, for which no occupation can be found, to do this policing of the canal at a saving of $200,000 a year.

Mr. CULLOP. Well, I do not understand, Mr. Chairman, that the argument of the gentleman from New York has been directed against the point of order, but has been directed in support of the policy proposed by the amendment. The President has the power now to withdraw the troops that are there if he cares to exercise it.

Mr. FITZGERALD. The President will not withdraw the troops. While the canal is being constructed there is nothing for them to do. There are a thousand men on the Isthmus with no occupation, with no means for occupying their time, and they can be utilized in policing the canal at the saving of $200,000 a year.

The CHAIRMAN. The Chair will say to the gentleman from New York [Mr. FITZGERALD] and the gentleman from Indiana [Mr. CULLOP] that he will be glad to hear the question discussed, not upon the merits but relative to the point of order, and in that discussion he would like them to treat of the question as to whether or not the President, as Commander in Chief of the Army and Navy, has the right to send troops there with or without this section and can use them for that purpose. Recently the troops were used for similar purposes, if the Chair is informed, on the border of Texas.

Mr. FITZGERALD. I was not discussing the point of order, Mr. Chairman. I was making a statement to the gentleman from Indiana before we came to the discussion of the point of order.

Mr. MANN. I would like to ask some gentleman whether it is the plan now to make the Canal Zone a mere military reservation?

Mr. CANNON. I hope so.

Mr. HAY. I will say to the gentleman that the Secretary of War, in a hearing before the Committee on Military Affairs stated it was the purpose of the War Department to send to the Canal Zone about 7,000 troops, and if that is done I take it that would make it very largely a military reservation.

Mr. MANN. Mr. Chairman, when we passed the Adamson bill through the House——

Mr. CULLOP. Will the gentleman permit me just a moment as to the discussion of the point of order?

Mr. MANN. Certainly.

Mr. CULLOP. Instead of making a point of order just now, I will reserve it, in order to open up the discussion some of the gentlemen wish to have on it. I beg pardon for interrupting the gentleman from Illinois [Mr. MANN].

Mr. MANN. The fact is, I saw the gentleman from Indiana and the gentleman from New York trying to reach an agreement, and pending that I thought I would try to get some information.

Mr. FITZGERALD. Mr. Chairman, this provision was inserted after consultation with the officers in charge of the construction of the canal. A thousand soldiers have been sent to the Isthmus. They have no occupation, no way of occupying their time, no kind of amusement or entertainment. If they could be utilized in this way, they would be kept out of mischief and they will be paid the extra-duty pay, and after that pay is given to them we would still save $200,000 a year in the policing of the canal. Those in charge of the construction of the canal believe that as time goes on it is much more desirable to utilize the troops that are there for the policing of the various parts of it rather than to rely upon civilians. It seemed a way to utilize troops that were there with no occupation. It was believed it would improve the efficiency of the policing of the canal and would result in this saving and the committee believed, under all those circumstances, that it was highly desirable and a wise thing to include this provision in the bill. It is done simply and purely in the interests of economy and efficient protection in the policing of the canal. As soon as the canal is completed I understand the intention is to have it controlled by a military power. We simply advance a year or two and get the benefit of the saving. The committee hopes that under the circumstances, with the facts before the committee, objection will not be made to the provision.

The CHAIRMAN. The Chair has not heard the point of order discussed.

Mr. CULLOP. Mr. Chairman, after what the gentleman from New York has said about the purpose of this provision, even though it be new legislation, I am not disposed to insist on the point of order. I am convinced that it is necessary and should be enacted at this time.

Mr. MANN. I reserve a point of order, Mr. Chairman.

Mr. HAY. Mr. Chairman, I desire to offer an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment as soon as this matter is disposed of.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman from Virginia [Mr. HAY] may have reported for the information of the committee the amendment which he suggested.

Mr. HAY. I understood the gentleman from Illinois [Mr. MANN] reserved a point of order.

Mr. MANN. I reserved it for the purpose of obtaining information. I reserved it, and I am disposed to insist upon it.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Virginia [Mr. HAY].

The Clerk read as follows:

After the word "officers"——

Mr. MANN. After the word "officers" where?

Mr. HAY. In line 3.

The Clerk read as follows:

After the word "officers," in line 3, page 167, insert the following: "in accordance with the provisions of existing law."

Mr. CULLOP. Mr. Chairman, that would apply only to officers and not to enlisted men. It seems to me that should belong after the word "Army."

Mr. HAY. We do not want it to apply to anybody except the officers. Enlisted men are not detailed. It is the officers who are detailed, and what I desire to do is to provide that these officers detailed under this provision in the bill should be detailed just as other officers are detailed from their commands—that is, for four years.

Mr. CULLOP. Then if the gentleman leaves the amendment at that place he will see that in reading it it is ambiguous.

Mr. HAY. I do not see how it should apply to others than the officers. It would read:

The President is hereby authorized and directed to detail officers in accordance with the provisions of existing law and enlisted men of the Regular Army.

Mr. CULLOP. Is there not going to be some punctuation or something after it?

Mr. MANN. That covers it.

Mr. Chairman, as I understood the gentleman, he is under the impression now on the Canal Zone as police instead of civil police without interfering with the present arrangement of the companies incident to the military occupation there. It must be perfectly patent to anyone that the enlisted men and officers of these companies located in camp are not in a situation to act as policemen on the zone and that you would practically have to break camp and locate them in the towns, which you could not ask enlisted men to do unless you paid them extra for it, with no provision or authorization for paying them extra for it.

Mr. FITZGERALD. Under the law they would get the extra-duty pay.

Mr. MANN. Extra-duty pay, yes; but here is a man who is subsisted by the Government in camp. He can not remain in camp down there and perform the duty at night in Colon and other towns in Panama.

Mr. FITZGERALD. The intention is to have these men located in different places. There is ample provision for them.

Mr. MANN. If you locate a company, that means a military camp in that place and it would cost more than the police cost now.

Mr. FITZGERALD. That is in accordance with the belief that is entertained down there.

Mr. MANN. Let us be frank about it. The opinion of the people there is that the matter of expense cuts no ice. They have reached the conclusion—and perhaps they are right about it—that no private citizen has any right to be anywhere on the Canal Zone and that it ought to be policed by the military authorities for the purpose of keeping people back at the point of the bayonet, not merely by police officers. The Adamson bill that came into the House, representing their views, expressly provided that it should be a misdemeanor or a crime for any person to be found on the Canal Zone without special authority.

Mr. SHERLEY. If the gentleman will permit, without questioning whether or not it shall be the ultimate intention of these gentlemen to have practically a military reservation there, the matter of using these soldiers for police duty came up entirely apart from any question of that kind, and, as I now recall, it came up as the result of a suggestion made by some member of the committee.

It was then stated that it was believed that it could be done and effect a saving, and the economical side was the side that was chiefly discussed and considered.

Mr. MANN. As a matter of fact, the men on the Canal Zone are not the Army at all.

Mr. SHERLEY. I had in mind Col. Goethals, who has not only acted there in charge of the actual construction, but I think also has the viewpoint that the gentleman has expressed, of having the military side of the canal not lost sight of in the future.

Mr. MANN. The people who represent us on the military arm there are the marines.

Mr. SHERLEY. Technically, yes; but we were not speaking of that. The point I want to make is that the consideration of this was quite apart from the more fundamental question of framing the government that is to be maintained there.

Mr. MANN. That may be a part of it, but not on the part of the people of the Canal Zone.

Mr. SHERLEY. I am quite sure it was, because the suggestion discussed by the committee was from the standpoint of economics and not of policy.

Mr. MANN. I doubt very much whether this is economical.

Mr. FITZGERALD. The estimate was reduced upon the calculation made, and there were two reasons. The economy of this was not the only reason. It was important not only in the towns, but they are getting to the point in the completion of the locks and other works where the statement was made that it would be very desirable to have them policed and controlled by soldiers.

Mr. MANN. That may be important; I do not know that it is not; but I think there is no hurry about that.

Mr. FITZGERALD. I will say this to the gentleman, that provision was made for a certain number of special officers—plain-clothes men——

Mr. MANN. I think whoever has authority of the Canal Zone, in charge as the chief officer, ought to have control over the police in any event.

Mr. FITZGERALD. He ought to have it now.

Mr. MANN. You take it a great deal further away from him by this provision. The chief engineer of the canal would have absolutely no control over the police on the zone and no control over the enforcement of the regulations. It would be determined purely by the military officers, who are unaccustomed to enforcing the civil law. I do not think it is desirable.

Mr. SHERLEY. The gentleman will observe that in lines 6 and 7 it is proposed that they shall perform the duties of peace officers under the laws thereof, the idea being that thereby they would be subject, as the present officers are, to the head authority of the zone.

Mr. MANN. Not at all; that does not mean that. It means that they could arrest a man for violating the law. Mr. Chairman, I make the point of order.

Mr. FITZGERALD. If I thought that it was going to take away the control from the man that had charge of the construction, I would not be in favor of it.

Mr. MANN. I think that perhaps when the canal is completed something of this sort ought to be had, but the Adamson bill provides for a reorganization, and I think it is quite sufficient, and it will soon be a law.

Mr. MOORE of Pennsylvania. Mr. Chairman, has this paragraph been held to be in order?

The CHAIRMAN. The Chair has not ruled on it yet, but is prepared to rule. The Chair is of the opinion that while the paragraph is meritorious it is against the rule of the House, and therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, was the point of order made against the paragraph or the amendment of the gentleman from Virginia?

The CHAIRMAN. The amendment of the gentleman from Virginia was only read for information.

Mr. MOORE of Pennsylvania. Then the point of order was to the paragraph?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. I offer the following amendment, which I send to the desk, as a new paragraph.

The Clerk read as follows:

Page 167, line 2, after the figures "$300,000," insert the following new paragraph:

"The President is authorized and directed to create a commission, to consist of one member of the Isthmian Canal Commission, three members of the Chamber of Commerce of the United States, and the Secretary of the Department of Commerce and Labor, to inquire into and report upon the most approved ways and means of utilizing the Panama Canal and the territory adjacent thereto within the Canal Zone; to foster, promote, and develop the mining, manufacturing, shipping, and fishery industries, the labor interests, and transportation facilities of the United States; and to secure for the commerce and industry of the United States a fair and full return upon the investment made by the United States in the construction of the canal; and for the purposes hereof the President is empowered to use so much as may be necessary of the moneys appropriated by this act from the departments of civil administration and law."

Mr. SHERLEY. Mr. Chairman, I make or reserve for a few moments the point of order.

Mr. MOORE of Pennsylvania. I want to address the committee for a few moments.

Mr. SHERLEY. Does the gentleman desire to discuss the point of order?

Mr. MOORE of Pennsylvania. I will not discuss the point of order, in view of the ruling of the Chair.

Mr. SHERLEY. I am willing to reserve a point of order, and permit the gentleman to address the Chair.

Mr. MOORE of Pennsylvania. Mr. Chairman, why did we build the Panama Canal? Was it to provide a passageway for our warships to get hastily from one ocean to the other? Was it to improve our commercial intercourse with foreign nations? Did we intend that it should serve equally for commerce and war? Or was it a philanthropic enterprise? The Adamson bill, providing for the government of the Canal Zone, does not adequately answer these questions, and the sundry civil bill, now under consideration, makes provision for fortifications and maintenance and practically gives notice to commerce that it must look out for itself. There is no provision to encourage commerce or agriculture in this bill.

On several occasions during the discussion of the Adamson bill I endeavored to obtain light upon the interest which agriculture, commerce, and industry have in the canal without any very great amount of satisfaction. It was not made clear by anyone that the trade of the United States was to have any special benefit as a result of the construction of the canal, except as it would arise from the preference given to American ships—a preference with which I fully agree. But it seemed clear that the Canal Zone was to be amply fortified and was to be made a military reservation. That impression has been confirmed during the discussion of the present or sundry civil bill. The distinguished chief engineer of the canal and a majority of his associates of the Isthmian Canal Commission supported the fortifications plan, and their recommendations have thus far been potent with Congress. Hence the inquiry: Why did we build the Panama Canal?

AN ENGINEERING MASTER STROKE.

No one who has visited the Isthmus will deny the monumental character of the work. The construction of the canal is conceded to be the engineering master stroke of the century. We may differ regarding the purpose of it or as to the methods of utilizing it, but there has been no dissenting voice, in the United States at least, as to the glory of its achievement. Political contentions and differences made difficult the work of organization under the great civil engineers who first took up the stupendous task after its abandonment by the French, but with due credit to Wallace, Shonts, and Stevens we all agree in paying tribute to the Isthmian Canal Commission as at present constituted for the skill, efficiency, and integrity with which it has forwarded the project now approaching completion. The practical accomplishments of the commission have fully justified the faith of the country in the United States Army engineers. We agree that the War Department and the country were fortunate in the selection of Col. George W. Goethals as the chief engineer of the commission. In his more than five years of firm and intelligent direction of the canal project Col. Goethals has justly earned the plaudits of Congress and the people. His fine generalship has frequently been commented upon in the House.

THE BUILDERS OF THE CANAL.

Associated with him in the commission were men of exceptional ability who are not so well known to the public, but the quality of whose service has been such as to make effective the splendid organization that now prevails.

These men knew how to take orders as well as to give them. In this they have contributed to discipline and efficiency in one of the most trying assignments ever imposed upon officers of the Government. They went to their work in hip boots, and they wore them in the jungle and the mud. They took their families with them, and they stood by their guns in torrid weather and in rain until now their great work is almost done.

With their distinguished leader they will finish the work and turn it over to the United States. Lieut. Col. H. F. Hodges, the energetic and devoted second in command; Lieut. Col. D. D. Gaillard, of the central division, who directed the work through the great Culebra Cut; Lieut. Col. W. L. Sibert, of the Atlantic division, who constructed the Gatun Dam; the Navy's representative on the commission, H. H. Rousseau, assistant to the chief engineer; the famed Col. William C. Gorgas, head of the department of sanitation; and the Hon. Maurice H. Thatcher, head of the department of civil administration. These are the leaders into whose hands the Government entrusted the great responsibility of completing this work of the centuries triumphantly and without scandal. And to our everlasting credit as a Nation they are doing it as directed.

THE GLORY IN COMMERCE, NOT WAR.

If time permitted and the list were not so long, I should like also to speak of the chiefs of the various subdivisions of the work. The scientists who have devoted themselves to the prevention of disease, the guardians and distributors of supplies, the mechanical geniuses who have made new strides in engineering and labor-saving devices, the conservitors of domestic peace and order, and the persistent and patriotic mechanics who have taken "a home pride" in their work on the Isthmus. Whether they cut through the jungle, labored along the railroad or on the dredges; whether in the shops or out in the open; whether they tended the sick or conducted the burial rites; they all participated in the consummation which has made Americans proud of them. Devol, Williamson, Wilson, Smith, and Feuille

are amongst the names that are now familiarly associated with the Panama Canal.

But thousands of workmen who played a noble part in the great work will soon return to their homes and to new employment in the States. Will the glory of their service be in the consciousness that they reared fortifications to show the Nation's fighting qualities, or will it be in the knowledge that they have opened up a new avenue of commercial communication with the world? What was our purpose in sending them to build the Panama Canal? To involve us in war or to improve and extend the blessings of peace? If it was to show our fighting qualities, we need not have spent so much of our blood and treasure, for a much easier way could have been found to have the chip knocked off our shoulder. If we built it to add to the Nation's commercial prestige, then we should demand the commercial advantages which belong to the United States by virtue of its undertaking. It is fair and desirable that we should police the canal, that we should be prepared to defend it on land or sea, but there is no war in sight, except a trade war in which the odds are already with our competitors.

HAMPERED BY TREATIES.

We have had a generous discussion of treaty obligations, engineering problems, questions of toll, the necessity for courts and administrative offices, as well as of fortifications and military and naval supervision and oversight, all of which, with the exception of tolls, will require expenditure on the part of the Government; but we have had scant information as to any of the methods by which we are to derive revenue from the canal or make it of advantage to the agricultural, the commercial, and the industrial interests. We have thrashed over the Clayton-Bulwer treaty of 1850, and we have generally agreed, I think, notwithstanding the conditions which induced us to make that treaty in 1850, that it has proven to be about as foolish an agreement as the United States ever made with any nation. No matter what the circumstances of its making, the outcome of that treaty was to place the United States in the position of being unable to own and operate a canal in its own name without inviting every other nation to use the canal on equal terms. In that treaty we told Great Britain, in effect, that if we ever spent $400,000,000, or any other amount, upon a canal linking up the two oceans, she and all other nations would forever be our guests in the use of it, while we would maintain and keep it in order for their benefit. The Hay-Pauncefote treaty of 1901 was an effort to have Great Britain yield us some leeway in order that we might at least become the owners and constructors of the canal, but the general question of our right to use it for our own benefit was left substantially as wide open as it was in the treaty of 1850. The great lawyers of Congress have differed as to the terms of the treaties and as to the meaning and effect of presidential proclamations and agreements with Colombia and Panama, but there is still reason to believe that there are many and important problems to be solved before the people of the United States fully realize their responsibility in the ownership and operation of the canal.

ORGANIC LAW HAD COMMERCE IN VIEW.

In the endeavor to ascertain the purpose for which the canal was built we must recur to the act of Congress which authorized it—the so-called Spooner Act of June 29, 1902. This important piece of legislation, which was enacted after the Spanish-American War and the celebrated cruise of the *Oregon* around the Horn, was entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans." And the second section of it which authorized the President to acquire the canal strip provided that the canal to be constructed should be—

of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use from the Carribean Sea to the Pacific Ocean.

And section 3 amplified the foregoing provision somewhat by providing as follows:

Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he—

The President—

shall also cause to be constructed such safe and commodious harbors at the termini of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

These extracts from the organic law of the canal give us the most authentic clue as to the purpose of it, and I respectfully submit that the inference to be drawn from the language of the act is that it was to provide for ships of commerce and that fortifications, such as are now proposed, were not contemplated, since the original cost of the canal, fixed by the act, was limited to $130,000,000 instead of the $375,000,000 since spent upon it.

GOVERNMENT ORGANIZING FOR BUSINESS.

At the time of the passage of the act we were closing up a foreign war and were returning to the problems of peace. We were beginning to talk about the expansion of trade resulting from our great success in manufactures. Our food products were going abroad, and while our home market was undeniably great, we were rapidly becoming an export nation. Great Britain, regardless of her free-trade proclivities, and Germany, with a decided inclination toward protection, were rivals for supremacy in the markets of South America, and we were beginning to open our eyes to the wisdom of entering the competition with them. The business men of the country, and particularly such organizations as the National Association of Manufacturers, were feeling their way in European and Asiatic markets, and they renewed with vigor the agitation for the creation of a department of commerce, or some similar body, with a seat at the Cabinet table of the President, which could speak for trade, as the Department of Agriculture had spoken for the great farming interests of the country. The agitation for the passage of an Isthmian Canal bill went hand in hand in many respects with the agitation which resulted in the passage of the act of February 14, 1903, creating the Department of Commerce and Labor. With the organization of this arm of the Government bringing together various disjointed and floating bureaus for the common purpose of improving the commercial and industrial conditions, it seemed as if the one great incentive for cutting a canal through the Isthmus had been duly launched.

WANTED TO PROMOTE TRADE.

The Panama Canal act provided that the purpose of the canal was—

To afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

Not war vessels, which are built for speed and fighting purposes, but vessels of the "largest tonnage" of this and future generations. And when we speak of the tonnage of a vessel we ordinarily refer to her commerce or her commerce-carrying capacity.

So, considering the Panama Canal act in conjunction with the organic law of the Department of Commerce and Labor enacted eight months later, we find Congress following up the broadening commercial purpose of the one by a well-defined and well-organized effort to derive the advantages which were expected to ensue from the other. It was intended that the business man of the country should be put in a position to improve his trade relations with foreign countries. The purpose of the Department of Commerce and Labor as set out in the organic law fully supports this contention:

It shall be the province and duty of said department—

Says the act of February 14, 1903—

to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

A SETBACK FOR MANUFACTURES.

With the passage of an act so directly promising to the substantial growth of business it was believed that the Government had at last taken the initiative in a systematic development of trade, as it had already taken it in the development of agriculture. We are all familiar with the history of the Department of Commerce and Labor, of the daily grind of its dull routine in matters of navigation, immigration, corporation and steamboat and boiler inspection, coast and geodetic work, and the accumulation of labor statistics, and we have noted the efforts of several of the excellent Secretaries of the department to carry into effect the purpose of the organic law which was to "foster, promote, and develop the foreign and domestic commerce." It is no reflection upon any of the four Secretaries who have been at the head of the department to say that thus far, apart from the deadening details which the work of the bureau has imposed upon them and the one or two attempts to organize commercial bodies, no great or signal work of promotion has been undertaken. Special agents have been sent abroad to inquire into trade conditions and to make report for the benefit of the American producer, but all this has been dependent upon the will of Congress, which has not been generous to the department in this respect. The very entering wedge, if any great promotion work was to be done by the department, was the Bureau of Manufactures, the purpose of which

is so comprehensive as to have been made ridiculous by the paltry appropriation which was allotted to it when it was finally authorized to begin business in 1905.

The Bureau of Manufactures was charged—

to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law.

My recollection is that Congress permitted the organization of this bureau by authorizing for its use in its comprehensive undertakings the munificent (?) sum of $11,400. Certain statistical and editorial work involving a much larger expense was subsequently turned over to the bureau, but in the legislative, executive, and judicial bill recently brought in and passed by the Democratic majority of the House no provision was made for the Bureau of Manufactures, nor for the very important Bureau of Statistics, which has been of long and useful service to the Government and to the business community. A consolidation of bureaus has been proposed, but the high purposes of the Bureau of Manufactures are ignored, and this one promising stepping stone for promotion in the Department of Commerce and Labor is eliminated.

A TREMENDOUS MAINTENANCE COST.

Now, Mr. Chairman, in thus drawing attention to the purposes of the Department of Commerce and Labor I am not drifting very far away from the Panama Canal. The Departments of Agriculture and of Commerce and Labor represent, in theory at least, the breadwinners of the Nation, the wealth producers, the employers, and the employed. The Government derives its revenue from these sources, and most of the other departments of the Government are dependent upon them. Not only the soldiers and the sailors must look to these sources for revenue, but also the pensioners, whom it is our constant duty to sustain. It is not only fair but timely, therefore, since we are going into the fortification business, which means a great maintenance cost on the Canal Zone, to inquire whether the canal itself is to bear a portion of this expense. I am familiar with the answer about tolls. We are going to give free passage to American ships, and, whether it involves us in complications with foreign nations or not, we intend to levy a toll upon foreign ships.

The best estimate of tonnage through the canal, both foreign and domestic, however, does not exceed 10,000,000 tons, and that is believed to be a very high estimate, indeed. If we get $1 a ton on that proportion of the tonnage which is foreign, we will still have to provide for the cost of maintenance, commissary, sanitation, and subsistence from $3,000,000 to $4,000,000 per annum, and from $25,000,000 to $30,000,000, if we fortify and arm the canal, as proposed. Since the problem of "making both ends meet" thus forcibly presents itself, I hope it may not be unstatesmanlike to direct attention to the wisdom of so starting this great American enterprise that it will bring back to the people of the United States some return commensurate with the investment they have made. Most of them, I believe, will not take kindly to a program which means that we are to operate the canal at our expense for the benefit of other nations and get nothing out of it for ourselves. And how are we going to do this without encouraging commerce and agriculture?

CUTTING OUT AGRICULTURE.

I know the agricultural prospects of the Isthmus are not as attractive as they are in the Middle West, but the major part of the 10-mile strip will be above water and is capable of cultivation. The 2,500 men who will remain to operate the canal, and their families, in addition to the soldiery, estimated to number from 5,000 to 8,000 men, will have to be fed. The hospital patients will continue to need fresh milk and vegetables.

And since all food, with slight exceptions, is now forwarded from the States and is necessarily storage food, why not encourage the raising of fresh food—vegetables and fruits at least—upon the Isthmus? To that query the Adamson bill gives answer that it is undesirable even to have inhabitants upon the zone. If found anywhere within the 10-mile strip they are to be arrested subject to suspicion of intent to blow up the works.

Mr. Chairman, I have no immediate fear that anyone is going to blow up the Panama Canal. It is not likely that any foreign nation would thus want to spite its own face, and it is inconceivable that anyone in the environment of Panama would want to attempt it or would be permitted to do it. On the contrary, there is reason to believe that cultivation of the Isthmus and the encouragement of population under proper regulations would add to the security of the canal. Col. Gorgas, in his testimony before the Interstate and Foreign Commerce Committee, said the cultivation of the zone would help sanitation rather than hinder it. The commission conducts a large dairy near the Ancon Hospital and also an experimental vegetable garden.

With the view of giving agriculture a further foothold on the Isthmus I offered to the sundry civil bill item of $11,000,000 for skilled and unskilled labor on the Isthmus, the following amendment:

Provided, That so much of this appropriation as may be necessary, not to exceed $15,000, shall be expended in soil improvement and agricultural development in accordance with the recommendations and conclusions submitted in report No. 95, United States Department of Agriculture, entitled "The agricultural possibilities of the Canal Zone."

I wanted to see if the committee was willing to permit of the use of $15,000 of the $11,000,000 to enable the people on the Isthmus to help provide food for themselves. The experts of the Department of Agriculture had said it was feasible. They made a reconnoissance survey in October, 1911, which indicated that while there were agricultural possibilities on the zone, and cattle and poultry thrived there, fertilization as we understand it in the States had never been attempted. My own inquiries as to the fine herd whose milk supplies the patients at the Ancon Hospital, showed that they were dependent upon the artificially watered coarse grasses of the vicinity, and that there had been no experiments in the use of clover or alfalfa or other pasture grasses so familiar to us. But my amendment to extend the usefulness of the commission on these lines was promptly objected to and ruled out by the Chair, indicating that for the present the policy of depopulating the zone is to be sustained, and that, except as to the canal and fortifications, the 10-mile strip is to remain a jungle.

NO COMMERCE INQUIRY.

When we reached the item authorizing the President to detail officers and enlisted men of the Regular Army, not to exceed four companies, to aid in policing the zone, I offered another amendment. This time it had to do with the broad problem of commerce, and was as follows:

And the President is also authorized and directed to create a commission, to consist of one member of the Isthmian Canal Commission, three members of the National Chamber of Commerce, and the Secretary of the Department of Commerce and Labor, to inquire into and report upon the most approved ways and means of utilizing the Panama Canal and the territory adjacent thereto within the Canal Zone, to foster, promote, and develop the mining, manufacturing, shipping, and fisheries industries, the labor interests, and transportation facilities of the United States, and to provide for the commerce and industry of the United States a fair and full return upon the investment made by the United States in the construction of the canal. For the purposes hereof the President is empowered to use so much as may be necessary of the moneys appropriated by this act from the departments of civil administration and law.

The purpose of this second amendment was to obtain some recognition, if possible, for the commercial interests through the Department of Commerce and Labor, but it was also objected to and ruled out by the Chair.

Now, Mr. Chairman, in view of the contemplated coordination of the canal and commerce, it would seem as if we ought to provide in some way for the business man who wants to do business on or through the canal. It is patent to anyone who visits the zone and stops overnight at the Tivoli Hotel that foreign nations have their representatives on the ground. It is obvious also that, so far as they have been able to do so, they have made Panama a basis for operations in the contest for the commerce of South America. We are already buying extensively from those foreign agents ourselves.

HELP OUR OWN MERCHANTS.

To what extent have we encouraged American business interests to make business by or through the canal? We know that Germany and Great Britain are already entrenched in the countries south of Panama, and that they have been more successful in making friends with the 60,000,000 of people there than we have. What warehouse facilities have we offered Americans? What banking factors or means of exchange? What opportunities to study the language and customs of South Americans or to show our samples? I do not insist that it is the business of the Government to do all these things for the individual business man, but I do believe that by our decision to make the zone a military reservation we are helping to shut the door in his face. We have certainly prepared to take away from him the small incentive we threw him in 1903, when the Bureau of Manufactures was created in the Department of Commerce and Labor. The bureau never had a fair show to do things, but with the proper spirit directing it and fair support from Congress, it could have been made a guiding star through the Panama Canal to the trade of South America. That, among other things, is what we hoped it would be, but now when the great trade channel of the world is to be opened under American auspices our official promoter is to be taken away and commerce is to do business through the War Department.

All this may work out to the satisfaction of Congress and the people. I do not say it will not, for the majority of the House has spoken; but I believe it was due to Congress and the country that in providing for the government and maintenance of

the canal we should have had more light upon its possibilities for the fostering, promotion, and development of the trade and commerce of the United States. In this the producer, the consumer, and the taxpayer of the country have a mutual interest.

Mr. SHERLEY. Mr. Chairman, the land over which we have jurisdiction on the Isthmus of Panama is about 40 miles long and 10 miles wide. More than half of that will be under water after the canal is finished, and more than half of what remains is a jungle and always will be and ought to be. I do not think the history of the United States in regard to tropical countries, together with the amount of undeveloped land in our country, is such as to warrant us in any very extravagant expenditure of money looking to the development of agriculture on the Isthmus of Panama. Provision has not been made to exclude all of the proper trade conditions that will arise as a result of the canal. Conditions have not been made and are not contemplated that will create such a military situation as will destroy the benefits that are to be derived from the canal commercially; but a common-sense view has been taken by nearly everyone I have ever seen who has visited the canal and who knows something of the conditions of climate and people there that it is far from wise to expend any great amount of money in a Utopian effort to create there a civilization such as people living in this Temperate Zone know or desire.

The matter being foreign to the bill, I now make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Twelfth. For material, supplies, equipment, construction, and repairs of buildings, medical aid and support of the insane and of indigent persons permanently disabled, while in the line of duty and in the employ of the Isthmian Canal Commission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, $500,000: *Provided*, That no part of this appropriation shall be used for or toward the construction of a new quarantine station.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I again call the attention of the gentleman from New York to the discussion we had some while ago as to the necessity of making these appropriations available for those works that were carried in the recent Adamson bill.

Mr. FITZGERALD. Mr. Chairman, I will offer the following amendment to take care of that situation.

The Clerk read as follow:

Amend, page 168, after line 9, by inserting:

"The foregoing sums, so far as necessary, shall be available for necessary dry dock, coaling plant, shops, and other facilities for repairing and supplying vessels and necessary wharves, sheds, and other terminal facilities, and for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest, as may be determined by the chairman of the Isthmian Canal Commission."

Mr. MANN. Mr. Chairman, I would like to know whether that will authorize the use of these appropriations for those public works which are contemplated or included in the Adamson bill.

Mr. FITZGERALD. I believe so; yes; and as that bill will probably become a law after the appropriation bill, it is to make the two fit together.

Mr. MANN. That is what I understood.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service or lay-over days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment, to strike out the last paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after line 20, page 169.

Mr. BUCHANAN. Mr. Chairman, it seems to me, in view of the climatic conditions in Panama, that this longevity pay should not be stricken out. That is all I desire to say, but it does seem to me there ought to be some incentive or extra reward paid to men who work on the canal under the conditions as they are there.

Mr. FITZGERALD. Mr. Chairman, I only wish to say this: The compensation of employees on the canal is from 40 to 75 per cent in excess of what it is in this country. They are furnished with quarters, light, fuel, ice at cost, medical treatment, and assistance free, and certain transportation free, and leave of absence with pay. They are the best cared for and the best paid employees in the world. This matter was thrashed out thoroughly a few years ago, and as the result of the investigation made Congress determined not to permit the extension of longevity and lay-over pay.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. WILSON of Pennsylvania. Is it not true in the early days of the work on the canal that it was difficult to obtain sufficient men to do the work, and that the promise of longevity pay was made by the department in order to get the men to go there?

Mr. FITZGERALD. No; I do not believe that is true.

About 1909 longevity and overtime pay was given to three or four classes of employees. An investigation disclosed it would cost, I do not recall exactly, but I think it would have added 25 per cent to the cost of the building of the canal. It was a gross injustice to give to the steam-shovel men, the railroad men, and some other classes of employees that which was not given to other classes. Congress had to do one thing or the other—treat the employees all alike by extending the longevity and lay-over-time privileges to all or else stop. It decided in view of the extraordinarily favorable conditions under which men were working on the canal to stop it at the point indicated.

Mr. WILSON of Pennsylvania. It could scarcely have cost 25 per cent for building the canal. I think the total amount for longevity pay at the highest point it reached was only 12 per cent and that only applied to a certain class of labor on the canal, and it certainly could not have reached the rate of 25 per cent.

Mr. FITZGERALD. Under Executive order longevity pay was allowed until the employee reached a rate of compensation 25 per cent in excess of the basis of the employment in which he was engaged. The reason it only reached 12½ per cent of the pay roll of those who were enjoying it was because they had not all enjoyed it a sufficient length of time to obtain the maximum of longevity. The employees of the canal—and I speak with accurate knowledge—are the best treated and the best paid employees in the world. I have three times visited the canal and I know such to be so.

Mr. BUCHANAN. Is it not a fact that treatment and good pay has secured the most efficient men to do work of that kind which has contributed much to the successful construction of the canal?

Mr. FITZGERALD. Oh, yes; they are selected men, and there is a long waiting list in Washington. I have dozens of applications from desirable mechanics in my district who are anxious to go there and who can not. The men who have been there have remained a long time. They have come back to the States, some of them, in comfortable circumstances.

I think it would be a gross injustice to the people of the United States to attempt to reestablish that system and take out of the Treasury unnecessarily, I think, something in the neighborhood of $40,000,000 additional to what is now being paid—that is, it would add to the cost of the canal about 25 per cent of the labor cost.

Mr. WILSON of Pennsylvania. This bill only provides an appropriation of about $11,000,000, I think, for skilled and unskilled labor for the fiscal year. Twelve per cent being the highest longevity, it would not amount to the sum the gentleman stated.

Mr. FITZGERALD. Oh, but the gentleman overlooks that this Executive order is still in force, and the minute this provision is stricken out of this bill the employees would be entitled to the accumulated longevity pay since 1909, and it would increase by 25 per cent the compensation of men who now receive from 40 to 75 per cent in excess of the same compensation of the same line of work in the United States in addition to the innumerable other advantages which they receive. They have their quarters; they have their food practically at cost; light, fuel, churches are maintained for them, clergymen are maintained for them, clubhouses are maintained for them, lodge rooms are maintained for them; they have free schools for their children, free medicines, and medical attendance. They receive treatment for their families at a cost of $1 a visit from the physicians.

If they wish to send them to the hospitals, the pay is insignificant compared with the pay in the United States. They receive transportation across the Isthmus once a month. They receive transportation to and from the Isthmus on their annual leave. Those on the monthly roll receive six weeks' leave with pay, and those on the per diem roll now receive two weeks with pay. They simply purchase their food and clothing. They buy their food practically at cost. A line of hotels is maintained by the Canal Commission and furnishes excellent food more cheaply than it can be furnished in the United States.

Mr. BUCHANAN. Is it not due to the fact that they are not at the mercy of a trust there, only so far as the Government having to buy food from it?

Mr. FITZGERALD. I believe the Government has been liberal and has treated its employees well. It was necessary for it to do so. We have a splendid aggregation of employees there, but I do not believe we will be justified in adding this burden to the Treasury for their benefit.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN. I want to ask the gentleman if it is not a fact that the supply houses there, departments of the Government, although they are furnishing supplies to the employees of the canal cheaper than they can be bought in the United States, add a sufficient amount for those supplies to pay for all their buildings and cold-storage houses, and the employees there are really paying for all the expense the Government has gone to in regard to them?

Mr. FITZGERALD. I think not.

Mr. BUCHANAN. I was so informed when I was down there.

Mr. FITZGERALD. Food supplies are sold at some increase over what they are purchased for, but the Government of the United States is purchasing supplies to feed an army of 40,000 people, and so they purchase in great quantities and can do it cheaper than an individual.

Mr. BUCHANAN. It is a sufficient amount to cover the cost of these buildings.

Mr. FITZGERALD. Even so, it is much less than the individual could purchase the supplies for elsewhere.

Mr. SABATH. The Government does not charge any rental for the buildings nor for light nor coal——

Mr. FITZGERALD. It furnishes quarters.

Mr. SABATH. And if I am not mistaken, only the cost of help is added to the cost of the materials sold to employees.

Mr. FITZGERALD. I think a little more.

Mr. SABATH. About 1 per cent or 2 per cent more.

Mr. BUCHANAN. I was informed, and I never heard it denied, that they did charge a sufficient amount to pay for all those cold-storage buildings down there.

Mr. SHERLEY. I think the gentleman is accurate to this extent, that there is a charge that will in time cover the cost; that is a direct incident of the commissary department. They not only do that, but they ought to do that. But, as a result of their efforts, they are giving to the workmen their food at a price less than it could be bought for here in the States.

Mr. BUCHANAN. That is true; but I am also informed they have paid all the expense of those buildings.

Mr. SHERLEY. If that is true, then there will be an instant reduction in the cost of food.

Mr. BUCHANAN. It has been made, I understand.

Mr. SHERLEY. In other words, the cost of the food has been figured mathematically at what it costs the Government plus the administration of taking it there and delivering it to the purchasers.

Mr. SABATH. That is about all.

Mr. FITZGERALD. I ask for a vote.

The CHAIRMAN. In order to avoid any technicality, the Chair will call attention to the fact that the amendment proposes to strike out all after line 20 on page 169. The Chair takes it for granted that the gentleman from Illinois [Mr. BUCHANAN], who introduced the amendment, did not mean thereby to strike out all the rest of the page.

Mr. BUCHANAN. The paragraph on page 169.

The CHAIRMAN. The Chair is making the suggestion out of an abundance of caution. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Seacoast batteries: For construction of seacoast batteries on the Canal Zone, $1,000,000, and any balances of the appropriation for the construction of seacoast batteries on the Canal Zone made by the act of March 4, 1911.

Mr. SHERLEY. Mr. Chairman, I call attention to the misspelling of the word "seacoast," on line 11, the first word on the line, and ask to have it amended by the insertion of the letter "a" after the letter "o." That is the first word of line 11, page 170.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Field fortifications and camps: For the construction of field fortifications and the preparation of camp sites on the Canal Zone, $200,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment, to constitute an additional paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 170, after line 23, by inserting the following paragraph:

"For the construction on the Panama Canal Zone of accommodations for 3 regiments of Infantry, 1 squadron of Cavalry, 1 battalion of Field (mountain) Artillery, and 12 companies of Coast Artillery, including water, sewer, and lighting systems, roads, walks, and refrigerating plant, $3,587,500."

Mr. CANNON. Mr. Chairman, this is in pursuance of a supplemental estimate, forwarded in due form through the Treasury Department, by the Secretary of War. I shall content myself with reading House Document No. 689, second session of the Sixty-second Congress, and incorporate it in the RECORD, without objection. It is as follows:

WAR DEPARTMENT,
Washington, April 6, 1912.

The honorable SECRETARY OF THE TREASURY.

SIR: I have the honor to forward herewith, for transmission to Congress, an additional estimate of an appropriation of $3,587,500 required by the War Department for the service of the fiscal year 1913 for the construction on the Panama Canal Zone of accommodations for 3 regiments of Infantry, 1 squadron of Cavalry, 1 battalion of Field (mountain) Artillery, and 12 companies of Coast Artillery, including water, sewer, and lighting systems, roads, walks, and refrigerating plant.

The imperative necessity for the submission of this estimate and the reason for its omission from the regular annual estimates submitted in October last are explained in the footnote to the estimate and in the accompanying memorandum of the Chief of Staff, which is made a part of the estimate.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, March 29, 1912.

Relative to the estimate for $3,587,500, barracks and quarters necessary for the garrison (Coast Artillery and mobile army) on the Isthmus of Panama, I have recommended, and you have approved, a reduction of the proposed Infantry garrison from four regiments to three, the Cavalry from one regiment to one squadron, and the Field Artillery from one regiment to one battalion, all at full strength, and certain sanitary troops. The Coast Artillery garrison will be 12 companies. The mobile garrison has been reduced to the smallest force which can perform the duties required of that garrison on the Isthmus. It was thought at one time that the canal buildings would become vacant in such numbers that they could be used to quarter a large portion of the garrison for a number of years, but as this was not certain the estimate for barracks and quarters of permanent construction was included in the original estimate for the fortification, which was approved by the President, and on which Congress has already made an appropriation for fortifications. This estimate for a barracks and quarters ($3,587,500) is a part of that estimate (fortifications). We were able to secure canal buildings for one regiment of Infantry only, when it was found that practically no more buildings will be available until the spring of 1914, at which time the canal will be about completed and the garrison should be established on the Isthmus, so that the question of further use of the canal buildings had to be given up. There are also other reasons why it is inadvisable to attempt to use these buildings. The first is that the cost of moving sufficient buildings for a regiment, including their demolition, transfer, and reerection, and the subsequent installation of water, plumbing, the construction of roads, walks, etc., will, according to the estimate of Col. Hodges, of the Isthmian Canal Commission, amount to $300,000 per regiment, whereas the estimates for new buildings of permanent concrete construction, of suitable type, with proper sanitary arrangements, will cost, together with officers' quarters, less than $600,000 per regiment. It can be seen that it would not be economical to utilize the temporary buildings, even if they were to be promptly available, in view of their costing practically 50 per cent of what the permanent buildings would cost, and for the further reason that their life would not be more than 10 or 12 years, as they are most of them old buildings. Finally, there is an even stronger reason than that of economy: Col. Gorgas, the chief sanitary officer of the commission, has urgently recommended that no more troops be sent to the Isthmus until permanent camps, properly drained, with permanent buildings, have been prepared.

For the above reasons, the board has decided that it is best to commence at once the erection of permanent buildings.

After careful consideration a camp site has been selected at a point on high ground, opposite Culebra. The Panama Railroad passes through a section of the tract, and supplies can be economically forwarded. The location is healthful, and one of the coolest on the Isthmus. Such grading as has to be done can be accomplished at a relatively small cost by the use of spoil taken from canal excavation work near at hand.

LEONARD WOOD,
Major General, Chief of Staff.

NOTE.—This estimate is submitted in accordance with instructions of the Secretary of War, conveyed in memorandum of March 14, 1912, from the Chief of Staff, and covers the construction on the Panama Canal Zone of the accommodations required for the Coast Artillery and mobile troops deemed necessary to be stationed within said zone.

The buildings for barracks and quarters are to be of a type suitable for a hot climate, but with the minimum space which it is believed is possible in order to accomplish satisfactory results, the barracks to be of reenforced concrete, under the concentration plan; officers' quarters to be stucco or plaster walls. It is believed that these buildings can be constructed for the sum now asked for by purchasing material and hiring the labor, and will supply the needs of the garrison under normal conditions.

Stables and storehouses have been reduced to a minimum in accordance with instructions, and this estimate has been prepared on the

assumption that electric current for power and lighting purposes can be obtained from the plant to be operated for the use of the Panama Canal.

The receipt so recently of the necessary final data and authority rendered it impracticable to include this with the annual estimates submitted for the fiscal year 1913, and the case is too important to admit of another year's delay.

J. B. ALESHIRE,
Quartermaster General United States Army.

I desire also to read from the hearings touching this proposed appropriation. The passage I shall read is to be found on page 1951. I shall not read all the passage, but will read a part of it, and insert such other portions as are material in connection with my remarks. I read:

The CHAIRMAN. Would it not, therefore, be wise to utilize the accommodations that are there now, if they be adequate, for a period of time and until it can be determined as to what would be the best location for these buildings?

Gen. WOOD. Well, we have the statistics, of course, of all the years of operation, and we have studied pretty carefully the different sites. The board finally considered two sites; one was what is known as the savanna country near Panama; you are familiar with that; and the other was the high midland country. It then took up the question of the cost of the various tracts, and it was the feeling that if we went down into the savanna country the area selected might be located in a way which would involve the possible transfer of property to the Republic of Panama, a strip connecting the city with the rest of the country to the south; and then came the question of possible yellow fever or contagious diseases in Panama, and the constant source of danger from being so near to the city; everything considered, we looked upon the highland site as being the best to be used. Frankly, and answering your question without any reservation, I think from a military standpoint and the standpoint of ultimate economy, it would be best to put the whole garrison together. We can undoubtedly use these buildings when they are available, but, as I say, I think the site we have determined upon would be the better place for the troops.

The matter under discussion was the estimate now pending, which I have just read.

Col. Goethals intervenes here:

Col. GOETHALS. The great objection to the use of the buildings is that they would all be on the wrong side of the canal.

Gen. WOOD. And it will cost more in the end to do it.

Mr. SHERLEY. What about the cost of building your barracks with the force now at hand as compared with the cost of building them subsequently when that force is no longer there?

Col. GOETHALS. It would be more economical now than later on.

Gen. WOOD. Twenty per cent at least.

Col. GOETHALS. Yes, sir.

Mr. SHERLEY. Would it be a sufficient economy to outweigh any saving by virtue of the use of the old buildings for a period of 5 or 10 years?

Col. GOETHALS. Oh, yes.

These buildings on the site that has been chosen are on the south side of the canal at Culebra. The buildings that were referred to are on the north side of the canal.

I do not care to talk longer about it, but it seems to me that now that the labor is there, and under the estimate of the Secretary of War, duly forwarded, and under the official statement of the Chief of Staff, as well as that of the Quartermaster General, and under the statement on examination in the hearings of Gen. Wood and the statement of Col. Goethals, this appropriation ought to be made now. Therefore I move to insert it by amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. If all of the recommendations and estimates of the War Department were to be granted, it would be impossible to supply the money for such purpose, even if the revenues were greatly increased over what they are at present.

We have at present at the Canal Zone in the neighborhood of 5,000 white employees who are American citizens. We have accommodations for them there, suitable quarters, which it has been contemplated could be utilized by the Army after the completion of the canal. In the estimate submitted for fortifications of the canal for the current fiscal year, among the balances to be submitted at some future time, is one for barracks and quarters amounting to $3,687,000. Then, in a note appended by Capt. Embick, of the general staff of the Panama fortification board, is this statement:

Experience with the durability of wooden buildings on the Canal Zone indicates that buildings erected in connection with the construction of the canal can probably be utilized for the accommodation of the permanent garrison for the Canal Zone for a period of about 10 years after the completion of the canal. For this reason an appropriation covering the item of $3,687,000 for barracks and quarters will not be needed for a number of years, but the amount was included in the above table in order to show the total ultimate cost of the project for the fortification of the canal.

When the committee made its investigation this spring as to the sums required for the fortification purposes it was then stated that an estimate would be submitted subsequently for a sum necessary to provide quarters and storehouses for certain troops in the Canal Zone, and that estimate was transmitted on the 8th of April, 1912, aggregating $3,587,500.

After the canal is completed there will be a permanent operating force of about 2,500 men. Among the statements made by those advocating this appropriation at this particular time, I wish to read one brief statement which stands out so prominently as to emphasize the fact that it is unnecessary at this time to take any action to provide these quarters:

The CHAIRMAN. Will there not be sufficient buildings at Gatun, Colon, and Ancon, outside of the flooded districts, in which, by dividing the force at the outset, the troops could be accommodated without the expense incident to the removal of the buildings?

Gen. WOOD. What do you think about that, Col. Goethals?

Col. GOETHALS. I think there would be; there are accommodations now for about 7,000 Americans, and our force would be reduced to 2,500.

What necessity is there to appropriate three and a half million dollars to provide for accommodations for troops when there will be ample accommodations on the completion of the canal for the greater part of those who will be necessary to defend it? Why should these buildings be abandoned? They are suitable and adequate for the American citizens who are building the canal. What objections can be raised against them for housing the troops who are to defend the canal? Who can say that they will not be sufficient and adequate for 10 years? A thousand American soldiers are there now and are occupying quarters built by the French 20 years ago. All of the buildings erected by the Americans since their control of the work are of a better type and more satisfactory than those built by the French.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for three minutes more.

Mr. CANNON. I hope the gentleman will take five minutes and let me ask him a question.

The CHAIRMAN. The gentleman from New York asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. In view of the fact that originally it was contemplated to put the great bulk of troops that were to be there out on the savannas, the other side of the city of Panama, that a change of policy has resulted in plans to concentrate them in the neighborhood of Culebra, and the fact that in the present uncompleted condition of the canal, it may be desirable hereafter to make some other change in the location, it seems to me highly desirable to wait a short time longer, or several years longer, until we can know what policy will be finally determined upon as the permanent policy of the department rather than to embark now on an expenditure of over $3,000,000 for quarters when there will be ample quarters for all troops to be sent to the zone for some time.

My attention has been called to the fact that the department has already selected a distinguished architect in the city of New York and sent him to the Canal Zone for the purpose of planning and designing these quarters. My attention was called to such a statement carried in the daily papers. I hope we are not to have a repetition of what has so frequently happened in these matters, that as soon as it becomes known that a large sum of money is to be expended for barracks and quarters at some place some distinguished architect's services become apparently inevitable, with the resulting criticism, condemnation, and dissatisfaction. For the present, Mr. Chairman, it seems to me that we can well wait until we know definitely and accurately that the present buildings will not suffice. The mere fact that it would save money to put up these barracks now rather than to wait 10 years from now would be a very bad policy on which to proceed.

Mr. CANNON. Mr. Chairman, the gentleman read what Col. Goethals said, and I also read what he said at page 1951. From what page did the gentleman read?

Mr. FITZGERALD. I read from page 1950.

Mr. CANNON. That was a partial statement and from one standpoint.

Mr. FITZGERALD. It was sufficient for the purpose I had in mind.

Mr. CANNON. Yes; but on page 1951 there is the final statement, down near the bottom of the page. First we had Gen. Wood and then Col. Goethals. There is perfect agreement that this work ought to be done and done now. Of course the gentleman has that same admiration for Col. Goethals that I have.

Mr. FITZGERALD. Col. Goethals is of the opinion, and I think correctly, that if we are to construct the reservation with barracks and necessary equipment, that would cost eventually $3,500,000 or more, it would be cheaper to do it now than at the end of 10 years; but he also makes the statement that at Gatun and Colon and Ancon there will be ample accommodations for at least 5,000 men. I do not see the very great advantage that would result from this expenditure at this time and the concentration at one point of these many troops rather than the accommodation of them at the three points indicated. They would have to be transported from one place to another at any rate, and I can not justify the policy that contemplates

the destruction of entire villages and towns, because there will be no use for them when we will have use for them for these troops unless we incur this very large expenditure at this time. During the coming fall, Mr. Chairman, when the committee visits the canal again, it will be able to take up more carefully the suggestions of the department, to examine more closely their proposed plans, and ascertain accurately for themselves whether the accommodations there will not be sufficient, and then to determine whether it is advisable to enter upon any such expenditure. In view of the information I have of the situation I do not believe we should authorize the work at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 10, noes 30.

So the amendment was rejected.

The Clerk read as follows:

Armament of fortifications: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for the manufacture at the arsenals, to cost ultimately not to exceed $2,324,000, $500,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word to make one remark. The vote of the committee touching the amendment that I offered a moment ago was against the amendment. The Secretary of War, the Chief of Staff, the sanitary officer, Col. Gorgas, and Col. Goethals are all agreed from every standpoint of economy and from the standpoint of labor that this work ought to proceed during the coming fiscal year. I apprehend, without knowing what amendments may be placed upon this bill elsewhere, that in the end this appropriation will be made, and I am quite sure it ought to be. But I am in the minority, and of course it would not do any good to issue a defy or to threaten to resign, or do any other outrageous thing. [Laughter.] I think it would not do a bit of good, and therefore I am content that the Clerk should read.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

There was no objection.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $575,000.

Mr. BATHRICK. Mr. Chairman, I rise to ask the gentleman's construction of the word "ammunition." Does it include powder?

Mr. SHERLEY. It does.

Mr. BATHRICK. Then, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend page 171 by adding at the conclusion of line 7 the following: "*Provided*, No smokeless powder shall be purchased with moneys herein appropriated."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on the amendment.

Mr. BATHRICK. Mr. Chairman, this matter was all thrashed out during the consideration of the Navy bill, wherein it was decided that our means of manufacturing smokeless powder are entirely adequate to supply all that is required. I notice that the Senate has amended the naval appropriation bill by providing a large sum of money to extend our facilities in this respect. We have been manufacturing smokeless powder, I desire to remind the committee, at a cost of approximately 43 cents, and we have been paying about 60 cents for it when we got it from private manufacturers. Aside from this, it has been shown in the hearings before the Naval Affairs Committee and the Military Committee that we had a large quantity on hand, a large surplus. For this reason, without going into all this matter that has been thrashed over here so frequently, I desire to have the amendment prevail. I do not believe it is necessary for us to purchase any powder for this particular purpose.

Mr. SHERLEY. Mr. Chairman, in the interest of expediting the bill I withdraw the point of order and ask for a vote.

Mr. FITZGERALD. Mr. Chairman, I do not remember the discussion about this matter. This particular ammunition is authorized at this time so as to be available for the defense of the Panama Canal. I have not had time to look into the matter of whether we can furnish all the smokeless powder needed, but I do not believe that we should take any chance in the matter.

Mr. BUCHANAN. Mr. Chairman, I want to say that there is information from officials to be had in the hearings before the Military Affairs Committee and the Naval Affairs Committee that the Government powder mills are operated only one-third of the time. In other words, they can produce two-thirds more powder than they are now producing.

Mr. FITZGERALD. That is, they are working one shift of 8 hours instead of three shifts of 24 hours.

Mr. BUCHANAN. They are working one shift, and if they need more powder all they have to do is to work more shifts. There is no question but what they can produce this powder at a less expense. The amendment ought to be adopted if you want to save money for the Government, and if you want to give big profits to the Powder Trust the amendment ought to be defeated.

Mr. SIMS. What is there now on the Canal Zone with which to use this powder? Are there any guns or fortifications?

Mr. FITZGERALD. No.

Mr. SIMS. Then why provide the powder?

Mr. FITZGERALD. We are providing for the defenses, and ammunition is one of the provisions we make for that purpose.

Mr. SIMS. There is no probability of fortifications being completed by the end of one year from now which would call for the use of any smokeless powder.

Mr. FITZGERALD. I do not know. It is put in here because it is believed to be imperatively necessary to provide it at this time.

Mr. SIMS. There is no sign of any war there or anywhere else that I can see.

Mr. MANN. Mr. Chairman, I was not here when the naval bill was under consideration, but I heard the discussion of this subject during the consideration of the fortification bill and the Army bill. I am inclined to think that the Government establishment for the manufacture of smokeless powder will have a good deal more than it can do in supplying the powder that is already expected to be supplied from that quarter. I believe the Naval Committee in the Senate intends to increase the appropriation for the Government establishment to a very considerable degree in order to carry out the policy announced by the House. Of course we have not a very large attendance here. There are not very many Members here, and we have been running through these bills without these questions being interjected into them. I do not propose to have a question like this interjected into this bill without a quorum in the House.

Mr. SHERLEY. Oh, I suggest to the gentleman that there is no probability of the amendment prevailing. I did not discuss it because I was sure of that fact.

Mr. MANN. I supposed that the gentleman was going to agree to it.

Mr. SHERLEY. I was not; but I was so sure that it was not going to be agreed to that I decided not to speak to it, and thought in that way to get ahead with the consideration of the bill.

Mr. MANN. I accept the statement of the gentleman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BUCHANAN) there were—ayes 26, noes 27.

So the amendment was rejected.

The Clerk read as follows:

In all, specifically for fortifications and armament thereof for the Isthmian Canal, $2,806,950.

Mr. SHERLEY. Mr. Chairman, the other day there were certain remarks made in general debate touching the policy of fortifying the canal and the cost that would result from the adoption of that policy. I shall not delay the committee now, but I have in my possession certain data touching the cost of fortifications, and I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] No objection is heard.

The Clerk read as follows:

SEC. 2. The chairman of the Isthmian Canal Commission is authorized to establish a division of records and, as the requirements of the service permit, to consolidate in the custody thereof the files of papers and other records which have accumulated or which may accumulate during the period of the construction of the Isthmian Canal; and he is directed to carefully preserve, properly index, and arrange for use all papers needed or useful in the transaction of current business or having a permanent value or historical interest; and he is authorized to destroy or otherwise dispose of duplications in the files and other papers which are not needed or useful in the transaction of current business and have no permanent value or historical interest and which have been recommended to him for destruction or other disposition by a committee of three competent persons who have personally examined the papers and in connection with their recommendation have submitted a concise statement of the condition and character thereof.

Mr. CULLOP. Mr. Chairman, I make the point of order against this paragraph and whole section, because it is new legislation on an appropriation bill.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will reserve his point of order——

Mr. CULLOP. I will reserve the point of order if the gentleman desires to be heard.

Mr. FITZGERALD. Mr. Chairman, there is on the Isthmus now a great mass of important papers and documents, and so forth, relating to the Isthmian Canal. They are scattered from one end of the Canal Zone to the other in various offices. It is of the utmost importance that these papers be collated and arranged and indexed and the unnecessary and useless duplicates destroyed and those that are of any value, either historically or otherwise, put in such shape as to make possible their utilization by those desiring them. This provision does not add to the cost of the work. It simply gives the chairman of the Isthmian Canal Commission authority to appoint three persons to pass preliminarily upon the value or necessity of preserving certain papers so that the unnecessary and useless ones may be eliminated and those that are of value preserved in such manner as will make them of value. Provision is being made for the construction of an administration building, which will cost about $250,000, in which these records will be stored. Unless in some way they can be straightened out and adjusted they will be packed in there in a useless heap and never be available for use. This work should be done at this time and be finished by the completion of the canal, or it never will be done in the future satisfactorily.

Mr. SIMS. Let me ask the gentleman if he does not think it better to have these three persons appointed by the Secretary of War and not by the chairman of the commission.

Mr. FITZGERALD. I think not, because the chairman of the commission will merely designate three persons in the employ of the canal to act as this committee to make their recommendations, and then the commission will pass on those recommendations. If the Secretary of War does it, he will probably appoint three persons simply for the purpose of giving them the places.

Mr. SIMS. Here is the point to which I had reference. Of course, I do not mean to question the fact that the commission would not do what is right. In regard to the question of what papers ought to be preserved and what destroyed it seems to me they are more interested than anybody else, and while they ought to be consulted it seems to me proper that somebody else should be consulted also.

Mr. FITZGERALD. The Secretary of War would depend upon some one else, some subordinate official, and the man best fitted to finally determine the question is the man who is in charge of the construction of the canal and has been for some time.

Mr. SIMS. I did not mean that they should take no part in this. It should be done in cooperation with them. For instance persons are in charge of a work which involves large expenditures, and does not the gentleman think that they ought to be free from any charge that might possibly be made that they had destroyed papers that would throw light on something that might in the future come up to be examined? Of course, I do not intimate that anything relating to these gentlemen will arise.

Mr. FITZGERALD. All the expenditures are audited here in the War Department; those records are here.

Mr. SIMS. I do not care whether it is the War Department or not, but should not some person who is not interested in the work do it?

Mr. FITZGERALD. All expenditures for the canal are audited here by the Auditor for the War Department, and those records could not be affected. They are the ones which will disclose whether there has been any impropriety in regard to expenditures.

Mr. SIMS. I only have reference to the records that are to be destroyed. The gentleman knows that in investigations of corporation records it has often been found that records were destroyed and charges made that they had been purposely destroyed, and I think, as a protection to these men, there ought to be some means devised by which that could not occur.

Mr. FITZGERALD. These records are all here in the office of the Auditor for the War Department.

Mr. SIMS. What is it you want to destroy, then?

Mr. FITZGERALD. Why, there is a mass of routine correspondence duplicated in three or four offices, some of it of no value at all; an order issued directing certain things to be done sometimes has to be filed in several offices. They are all preserved. They want to eliminate a lot of this useless material.

Mr. SIMS. They want to get rid of that which is absolutely useless and get the benefit of the other?

Mr. FITZGERALD. That is it. The other records they desire to bring to one place and have them filed in an orderly manner. If anybody wishes to use the records for any purpose they will be of some value to them. No one could go to the Canal Zone now and attempt to make an examination of the records for the purpose of obtaining information.

Mr. SIMS. The commission has no authority to do what is sought to be given them?

Mr. FITZGERALD. No.

Mr. SIMS. I only know that such a thing ought to be done, and wanted to see that it was guarded properly.

Mr. FITZGERALD. All the expense accounts under the law must be audited by the Auditor for the War Department, and the auditor's office will have the records which cover expenditures. But there are a lot of papers, for instance—specifications and detailed drawings of various numbers of works—which, because of the number of different gangs that have been occupied on identical work, have been multiplied enormously, and there is a great mass of useless material there that should be cleaned out.

Mr. MANN. There are great quantities of duplicate blue prints.

Mr. SIMS. I have no doubt there is much in what the gentleman says. But I heard Col. Goethals once say, more or less jocularly, that before the canal is 15 years old Congress would have a committee appointed to investigate what was done with the money. That is why I thought these records ought to be preserved.

Mr. FITZGERALD. The one thing to protect the men on that work was the auditing of the accounts by the Auditor of the War Department.

Mr. MANN. If the gentleman will permit, if these papers could be transmitted to the War Department in Washington they could be destroyed practically by a clerk.

Mr. CULLOP. If the gentleman from Illinois [Mr. MANN] will permit, I just understood the chairman to say that most of the papers were here now in the War Department.

Mr. MANN. Not any of those that are to be destroyed.

Mr. FITZGERALD. The papers affecting the expenditures are in the auditor's office of the War Department. Some of them will be of value for one purpose or another, but the great duplication of blue prints, specifications, various drawings, routine correspondence, of no value whatever, encumbering every office in the zone, should be destroyed.

Mr. STEPHENS of Texas. Will that apply to the legal papers that are being used there for the condemnation of the lands that are to be covered by the artificial lake?

Mr. FITZGERALD. They will be a part of the court records. They could not destroy them.

Mr. STEPHENS of Texas. Then, this resolution would not cover any part of any court records?

Mr. FITZGERALD. No.

Mr. SIMS. It leaves the commission to determine absolutely what shall be destroyed or what shall be preserved.

Mr. FITZGERALD. It does not relate to court records at all. It says the files of papers that have accumulated or which may accumulate.

Mr. MANN. Whether it does or not, you have got to leave it to somebody, and either let all of our records go to pieces or else have some one determine those which shall be not kept and indexed.

Mr. STEPHENS of Texas. Does the gentleman think it safe to destroy any records that might be used in the condemnation of land?

Mr. FITZGERALD. Those to be destroyed under this provision are duplicates.

Mr. SHERLEY. Not only is that so, but if you do not destroy useless papers you will have great trouble in getting hold of any useful papers that you may desire.

Mr. STEPHENS of Texas. I understood the gentleman from New York [Mr. FITZGERALD] to say it did not apply to legal papers. In view of the fact, I have no objection.

Mr. CULLOP. In view of the fact that legislation is in process of adoption by this Congress which will make a change at the completion of the canal and in the operation of it when it is completed, and when that law takes effect, as it will soon, and this new management of the business of the canal goes into operation, it will be the better time then to determine what papers ought to be destroyed and what papers ought to be preserved, and how they should be compiled. And I think it, therefore, not the proper nor opportune time to pass legislation of this kind; and, in addition to that, this legislation belongs properly to another committee. If the committees are to overlap each other in the legislation that they bring in on the same subjects or businesses connected with the Government, there will probably come a conflict between them, and a multiplica-

tion and a complication that would bring confusion into the departments. This being new legislation, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. It is true, as the gentleman from New York [Mr. FITZGERALD] says, that the paragraph carries no appropriation. Nevertheless the Chair is of opinion that it is legislation, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

That until the close of the fiscal year 1913, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Isthmian Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him; and the President is authorized, in his discretion, to sell and convey to the Republic of Panama the building situated in the city of Panama known as "the Administration Building," together with the ground on which the same is located, for a sum of not less than $80,000, and the proceeds of such sale, if made, shall be covered into the Treasury of the United States.

Mr. CULLOP. Mr. Chairman, I make a point of order against that part of the paragraph which commences in line 18 with the word "and," after the semicolon, and ending with the word "States," at the bottom of the page, and all the matter included therein. It is new legislation, and I make the point of order against it for that reason, it being included in an appropriation bill.

Mr. FOSTER. May I ask the gentleman from Indiana [Mr. CULLOP] if this building is located on property owned by the Government of the United States or on that owned by the Republic of Panama?

Mr. CULLOP. I am not able to state as to that, as to whether it is located on the ground of the United States or on that of the Republic of Panama.

Mr. FOSTER. Is it the gentleman's idea that this building is to be used after the canal is completed?

Mr. CULLOP. My idea is that the provision does not belong to this bill. It belongs as a part of the work of another committee. But, further, this is not the time to dispose of the building while they are talking about fortifying the Panama Canal with large appropriations asked for that purpose. This may be of very great service to the Government, and the retention of this building may hereafter save a much larger expenditure out of the Public Treasury. At least for the present I do not think we ought to dispose of it.

Mr. FOSTER. Does the gentleman think the Government needs this building?

Mr. CULLOP. I am not advised whether or not it will be needed under the new management authorized by the legislation now pending. It may be needed or it may not be needed. If it is necessary hereafter to sell it, I suppose that can be done under the new administration.

Mr. FOSTER. Is not this just giving authority now to sell this building?

Mr. CULLOP. That is what is proposed to be done.

Mr. FOSTER. If we do not need the building, why not sell it?

Mr. CULLOP. They might need it hereafter. They might find out later that they do not need it, and in that case it could be sold.

Mr. FOSTER. It could be provided for in this bill just as well as by another committee, it seems to me.

Mr. CULLOP. I do not think it is opportune just now to enact this legislation until the new administration and management comes into power under the legislation now pending, which will evidently be enacted at this session of Congress and which makes radical changes in the management of the Panama Canal.

Mr. FOSTER. The disposal of this building, as I understand, was authorized by a bill coming from the Committee on Interstate and Foreign Commerce.

Mr. SIMS. There was a special act.

Mr. FITZGERALD. Mr. Chairman, a bill authorizing the sale of this building, at the price fixed in this bill, to the Republic of Panama unanimously passed the House during the membership of the gentleman from Indiana [Mr. CULLOP]. The building is located in the city of Panama.

Mr. CULLOP. If the gentleman will permit me, I will say it was before I was a member of the Committee on Interstate and Foreign Commerce. No such bill has been reported or considered since I have been a member of that committee.

Mr. FITZGERALD. The gentleman was a Member of the House, though, and it passed the House unanimously.

Mr. JOHNSON of South Carolina. The gentleman's committee would not have jurisdiction of a building in the city of Panama. It is not on the Canal Zone.

Mr. CULLOP. It must have been done before I was a member of that committee and before the Sixty-second Congress. No such action has been proposed during this Congress.

Mr. FITZGERALD. I simply state that it was authorized in a bill reported by the Committee on Interstate and Foreign Commerce, which passed the House unanimously. The building is located in the city of Panama. It is of no value whatever to the United States. It can not be utilized by the United States for any purpose. The Republic of Panama can utilize it as a public building. Our officials believe that if we can get $80,000 for it we will be doing very well. In a desire both to accommodate the Republic of Panama, and at the same time sell useless property at a very good price, the committee, with the knowledge that the matter had passed the House unanimously on a former occasion, thought that perhaps it might help get the legislation through by incorporating it in the bill.

Mr. SIMS. What did the building cost the Government?

Mr. MANN. Nobody knows. We bought it from the French, for which we paid $40,000,000 with all the other property.

Mr. FITZGERALD. It was utilized by the French, and I think when we first took possession of the work it was used as an administration building. It was a part of the $40,000,000 purchase.

Mr. SIMS. It is not one of the new buildings built by the American Government?

Mr. FITZGERALD. No; our people believed it was desirable not to have located in the city of Panama, under the jurisdiction of a foreign government, the employees or any part of the working force of the canal, and removed them into the Canal Zone and erected an administration building. This building has been idle for a long time; it is too large to be utilzed by any private enterprise, but the Republic of Panama could utilize it as a public building, and is willing to pay for it.

Mr. MANN. The gentleman said that the House passed the bill by unanimous consent for the sale of this building. Has the gentleman the date of that? I thought that that bill became a law. My impression is that the House twice has passed a bill covering this item.

Mr. SIMS. How does the gentleman arrive at the decision that it is worth more than $80,000? I know nothing about the building.

Mr. MANN. I can say to the gentleman that from my recollection, before the bill was reported from our committee—and, I think, while the gentleman from Tennessee was a member; and I know the gentleman from Georgia [Mr. ADAMSON], as well as the gentleman from Georgia [Mr. BARTLETT], were members—a bill was reported to sell this building. There had been some negotiations between the canal men and the officials of the Republic of Panama, and it was believed that it could be sold to the Republic of Panama, and that it might be some favor to them to sell it to them. It is absolutely useless to the United States. We long ago abandoned the use of the building, partly because it was not suitable, in our view, for the housing of the clerks and other employees down there. It was a building acquired from the French with the rest of the property connected with the Panama Zone.

Mr. CULLOP. I would like to ask the gentleman a question.

Mr. MANN. I will yield to the gentleman.

Mr. CULLOP. The gentleman says, if I understand him correctly, that the House, previous to the Sixty-second Congress, passed a bill twice authorizing the sale of this building.

Mr. MANN. I know that it passed one bill, and I was under the impression that the same item was afterwards included in another bill, but I may be mistaken.

Mr. CULLOP. In view of the gentleman's thorough knowledge about the Panama Canal, which he obtained during his chairmanship of the Committee on Interstate and Foreign Commerce, I want to ask him if he knows anything about the use of this building by the United States Government?

Mr. MANN. The Government has no use for it whatever.

Mr. CULLOP. How long since it has been used by the Government of the United States?

Mr. MANN. It has been a number of years since any practical use was made of it. Whether there has since been anything stored in it or not I do not know.

Mr. CULLOP. Has it ever been used by this Government as a part of the executive department in the Canal Zone?

Mr. MANN. It was when we first commenced work on the canal. I visited this building when it was being used by the Government. The city of Panama is rather a hot place in summer time, and the building itself is not very well suited, according to our notions, for that work, and so our people were moved out of the building and an administration and other buildings built where they are now, and this one was abandoned.

Mr. CULLOP. How long since the Government has used this building?

Mr. MANN. Several years.

Mr. FITZGERALD. I do not think it has been used since Col. Goethals has been chairman of the commission. I think they moved out of it before that.

Mr. MANN. The first time I was down there Mr. Wallace was the chief engineer, and at that time the Government was using it.

Mr. FITZGERALD. But they afterwards moved the administration headquarters to Culebra.

Mr. BARTLETT. When I was there, in 1909, they were not using it for any Government purpose whatever.

Mr. CULLOP. Could the Government use the building in any way during the operation of the canal as proposed under the new legislation?

Mr. MANN. It could not. It is a building that is absolutely useless.

Mr. CULLOP. Mr. Chairman, under that view of it I shall withdraw the point of order, as I am convinced from what has been said here that it is for the best interest of the public that this provision remain in the bill. However, I desire to say I do so with some reluctance, for the reason that another committee, that of Interstate and Foreign Commerce, has jurisdiction of the legislation on this subject, and I believe it a bad practice for one committee to assume the functions of another committee. Confusion is sure to follow such a practice, and conflict in the performance of duties must necessarily occur under such circumstances.

Mr. SIMS. Mr. Chairman, I want to state that these points of order, so far as I am concerned, have been made in this way: The gentleman from Georgia [Mr. ADAMSON], who is chairman of the Committee on Interstate and Foreign Commerce, has been called home on account of the serious illness of Mrs. Adamson. The gentleman from Georgia [Mr. HARDWICK] requested me to make the point of order that the gentleman from Indiana has made, together with others, as being desired by the chairman of the Committee on Interstate and Foreign Commerce. Personally I have no objection to legislation on appropriation bills and never have made points of order against legislation on appropriation bills where they are in line with the appropriation, but under the circumstances it seems to me that the chairman's wishes ought to be respected by his fellow members on the committee. If a bill has passed this House to sell this building at a time when Mr. ADAMSON was a member of the committee——

Mr. MANN. It met his approval, I will say to the gentleman.

Mr. SIMS. His attention no doubt was called to it. Yesterday I requested the gentleman from New York, the chairman of the Committee on Appropriations, to wire Mr. ADAMSON and see if he was not willing to have these points of order withdrawn or not made. In view of the fact that the gentleman states that a bill was reported by the committee of which Mr. ADAMSON was the ranking member and is now the chairman, I do not feel like insisting upon the point of order.

Mr. MANN. Mr. Chairman, I will say to the gentleman from Tennessee that the gentleman from Georgia, the chairman of the Committee on Interstate and Foreign Commerce, and myself are on very friendly terms, growing in part out of our services on that committee. I discussed with the gentleman the items in the bill in regard to which points of order might be made. I do not recall discussing this particular item with him. I do not think he called it to my attention. I do not think he would have insisted or would insist, if he were here, upon the point of order, because I know this met his approval when we reported it before.

Mr. BARTLETT. He voted for it in the House and in the committee.

Mr. SIMS. This bill was brought to me marked for points of order by the gentleman from Georgia [Mr. HARDWICK].

Mr. MANN. This item is new in the bill, and I presume that is why it is marked.

Mr. CULLOP. Mr. Chairman, in view of the statements made and the showing upon the matter, it seems to me that this provision ought to be retained in the bill. I shall not insist upon the point of order nor ask that it should be sustained.

The CHAIRMAN. Without objection, the point of order will be withdrawn and the Clerk will read.

There was no objection.

Mr. WILLIS. Mr. Chairman, it will be observed that in this section—section 4—there is the following provision:

That until the close of the fiscal year 1913, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Isthmian Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

I am one of those who hope that the equipment and material, so far as it will be available, which is now in use in the construction of the Panama Canal will not be sold, but will be retained by the Government for use in another great enterprise which I believe the Government will undertake. I understand that an effort has already been made to sell some of this equipment and that it has been found that bids submitted were about 10 per cent only of what the equipment was regarded as being actually worth. It is quite apparent that if Alaska is to be developed, some one will be compelled to build a railroad from tidewater to the interior of Alaska. In my judgment the Government of the United States should build and operate this railroad and should use the extra equipment from Panama for that purpose. As is well known, there are several measures pending looking to some provision of that kind, and it seemed to me in this connection it would be interesting to have inserted in the RECORD certain correspondence with the Quartermaster General of the Isthmian Canal Commission relative to the disposition of this material. I therefore ask unanimous consent to insert in the RECORD two letters to which I have referred.

The CHAIRMAN. Without objection, leave will be granted.

There was no objection.

The letters are as follows:

THE AMERICAN MINING CONGRESS,
Washington, D. C., May 23, 1912.

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: At the suggestion of the Secretary of the Interior, Mr. Callbreath and the writer called upon Col. C. A. Devol, chief quartermaster, Isthmian Canal Commission, to inquire as to his availability as a witness before your committee.

We found that the colonel was leaving that day for his post of duty, but after explaining to him the importance of his making such a statement he very kindly prepared for us a letter, of which the inclosed is a copy, which I hasten to forward to you as a matter of particular interest.

Faithfully, yours,

H. HANIMAN,
Acting Chairman Alaska Committee.

ISTHMIAN CANAL COMMISSION,
PURCHASING DEPARTMENT,
Washington, D. C., May 20, 1912.

J. F. CALLBREATH, Jr.,
Secretary the American Mining Congress,
Munsey Building, Washington, D. C.

SIR: Replying to your verbal inquiry of this date in regard to using the plant equipment and tools now on the Panama Canal construction work for the construction of part of a railway system in Alaska, please be advised as follows: I turned over a complete list of all plant equipment, such as locomotives, steam shovels, cranes, rails, etc., to Secretary Fisher on his visit to the Canal Zone some months since. This is an itemized list, showing in detail all the articles now carried, giving the date purchased, original cost, condition at present, and probable date of release from work on the canal. In addition there is being prepared a list of shop tools, which will be turned over to the Secretary of the Interior at an early date.

Although the gauge of the Panama Railroad is 5 feet, all cars, steam shovels, etc., can be reduced to a standard gauge, or 4 feet 8½ inches, at a very moderate cost. About 24 locomotives can also be remodeled, but the greater number are so constructed that there is not sufficient room to set the tires and driving wheels in to the standard gauge.

We have on the Isthmus two large repair shops—one to repair steam shovels and one on repair of locomotives and car equipment—and all equipment is kept in first-class condition, none of it being allowed to deteriorate. Should a transfer of the surplus equipment be directed, it could all be put through the shops before leaving and be in good, serviceable condition on arrival in Alaska.

We have employed on the Isthmus at the present time about 5,000 American citizens, the greater number of whom have been identified with the construction work on the canal for a number of years. They have learned of the proposed legislation in regard to the railway in Alaska, and they are already talking the matter over and many of them are eager to go. They are accustomed to the Government service, accustomed to our methods, and entirely familiar with all the various articles of equipment that are to be shipped from the Isthmus; in other words, a portion of the canal organization, including accountants, mechanics, engineers, and all classes of men, with the appliances, with which they are entirely familiar, could be transplanted to Alaska and go to work at once under the system entirely familiar to them. There would be no loss of time incident to the formative stages of the organization; the men would know each other and would know their immediate superiors, and it would seem that the best of results should obtain.

It is presumed that a wage scale for this force would be authorized similar to the wage scale on the canal, as good men would not be induced to live in either Panama or Alaska for the same amount of wages that are paid in the United States.

Arrangements could be made to ship the equipment just as fast as it is released, and this probably would fit in with the construction work in Alaska. The transport *Buford*, now on the Pacific coast, possibly might be used to effect this transfer and therefore minimize the cost.

An attempt has been made recently to sell some of the surplus equipment, with very discouraging results; steam shovels, for instance, only bringing 10 per cent of the original cost, and unless some special project can be found it is not believed any better prices will be obtained in the future. It would therefore effect a very decided saving to the Government to put this plant, the total value of which amounts to about $16,000,000, into service elsewhere.

Yours, very respectfully,

C. A. DEVOL,
Chief Quartermaster, Isthmian Canal Commission.

The Clerk read as follows:

SEC. 5. That hereafter no payments shall be made for maintenance or other charge in connection with the Toro Point Light, Isthmus of Panama, out of moneys of the United States or of the Panama Railroad Co.

Mr. MANN. Mr. Chairman, I reserve the point of order. Why should we provide in this bill for the officials down there if they think it necessary not to maintain a lighthouse?

Mr. FITZGERALD. It is under a so-called concession. The Toro Light is of absolutely no value to the Panama Railway Co. or to the men who navigate its ships.

Mr. MANN. If it is of no value, why do they maintain the light?

Mr. FITZGERALD. They do not. This light is maintained by certain gentlemen residing in Panama under a so-called concession, and the United States is being mulcted in the sum of about $30,000 a year for the maintenance of the light, and we have been assured that is of absolutely no value whatever.

Mr. MANN. Why is it maintained?

Mr. FITZGERALD. They have a concession under which all vessels shall pay a toll.

Mr. MANN. "They" have? Why not be specific?

Mr. FITZGERALD. I do not recall the names of the people, but they are certain residents of the city of Panama. They obtained this concession from Colombia.

Mr. MANN. What is the concession?

Mr. FITZGERALD. It is a concession to maintain this light and to charge all vessels entering the port of Colon certain fees. The Panama Railroad Co. strenuously protested against the payment of the fees. They do not use the light, but to avoid a little difference of opinion with certain persons in Panama it was decided to acquiesce.

Mr. MANN. Where is Toro Point?

Mr. FITZGERALD. It is on the Atlantic side.

Mr. MANN. I understand, but where is it from Colon?

Mr. BURLESON. It is where that jetty projects from.

Mr. FITZGERALD. It is where the new breakwater projects. There is another light, which is used by the masters of the vessels in reaching the port.

Mr. MANN. For the life of me, looking at it, I do not see how vessels can get in there without a light on that point.

Mr. FITZGERALD. All that I know is that the masters of these vessels state that it is absolutely useless to them, and they do not go by it or rely upon it. They pick up another light.

Mr. BURLESON. The captain of the *Ancon* told me that he never had used it, and he always protested against the payment of these fees.

Mr. FITZGERALD. I think we pay about $30,000 a year. It is the only gold mine on the Isthmus.

Mr. MANN. Is the light on our territory?

Mr. FITZGERALD. My recollection is it is within the Canal Zone.

Mr. MANN. If they have a right to charge these vessels, how can you stop it?

Mr. FITZGERALD. It is very doubtful if they have that right. We went into the matter pretty extensively. There was a unanimity of opinion respecting it.

Mr. MANN. I do not know very much about it, but I will withdraw the point of order.

The Clerk read as follows:

SEC. 6. That all surplus earnings of the Panama Railroad Co. shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.

Mr. CULLOP. Mr. Chairman, I make the point of order against the paragraph on the ground that it is new legislation.

Mr. FITZGERALD. Mr. Chairman, if the point of order had not been made, I intended to offer as an amendment, before the word "surplus," the word "unapplied." It appears that the Panama Railroad Co. has accumulated a surplus of about $1,800,000, which is largely profit made out of the work of building the Panama Canal.

Mr. FOSTER. Can the gentleman tell us what that money is being used for now?

Mr. FITZGERALD. Yes. That is why I desire to offer this amendment. It is being utilized to construct a new hotel at Colon, and certain docks. All of the stock of this company is owned by the United States, the board of directors consisting of certain officials of the Army and other officials of the United States and one or two civilians, accumulating a surplus in the operation of the road, very largely from the charges made against the Government in the construction of the canal. It has about $1,800,000 on deposit in the banks of New York, subject to the disposition of this board of directors, with no supervision or control exercised by Congress. They are contemplating the purchase of property in the State of New Jersey for terminal facilities that will cost from half a million to a million dollars.

It seemed to the committee that so long as Congress, whenever necessary, was required to appropriate the money that the Panama Railroad Co. needs for any purpose, if it does not have the money for boats or terminals, or whatever the railroad had to have to keep it in condition, that as we appropriate the money out of the Treasury, in the interest of good administration, we should take this surplus, the unapplied portion, at least, and put it in the Treasury of the United States where it belongs.

Mr. FOSTER. Then, I understand from the gentleman's statement that the Government buys what is necessary—has been doing it—for the Panama Railroad Co. in the way of steamers, and such as that. Then, when they make a surplus they keep the surplus and spend it for what they deem necessary for the organization. Is that the situation?

Mr. FITZGERALD. We bought some boats for the company.

Mr. FOSTER. I think we bought two three or four years ago.

Mr. MANN. The Government owns four out of six.

Mr. FITZGERALD. The last two we bought.

Mr. MANN. We own four out of six.

Mr. FITZGERALD. The other two belong to the Panama Steamship Co., all the stock of which belongs to the Government.

Mr. SIMS. I would like to ask the gentleman if the Panama Railroad Co. proposes to build terminals at any place?

Mr. FITZGERALD. They are building at Colon a hotel that will cost, as I recall, something like half a million dollars. They are also building certain docks there.

Mr. SIMS. Without authority of Congress?

Mr. FITZGERALD. Why, certainly, the board of directors decided to build the hotel and docks.

Mr. SIMS. And the board of directors are United States officials.

Mr. FITZGERALD. Not all of them.

Mr. SIMS. And they are going along and building it without a law authorizing them to do so.

Mr. FITZGERALD. They have a law; they are officers of a corporation.

Mr. SIMS. Well, the Government owns the corporation, does it not?

Mr. FITZGERALD. My own opinion is, being somewhat familiar with the laws of the State of New York, under which the Panama Steamship & Railroad Co. is incorporated, that it would be very difficult to find any authority under the laws of that State for a corporation organized for the purpose of building and operating a steamship line and a railroad to build a hotel. I think it is clearly ultra vires.

Mr. SIMS. It has always been a remarkable thing to me that the Government has to do its business in this fictitious way. If we own that railroad company, why not operate it as a Government facility and not permit it to be operated under the fiction of a corporation?

Mr. FITZGERALD. I think everybody realized that in the construction of the canal that in retaining this corporation certain business could better be done under a corporate form than if done by the Government. I believe it has worked out beneficially. Having accumulated this surplus, which is, I have no doubt, the result of payments to the company by the canal officials for the work it has done for the commission, this surplus lying to the credit of the company in private banking institutions, it seemed to the committee desirable that these surplus earnings should go into the United States Treasury.

Mr. SIMS. These directors authorized these deposits in private banks without any law of Congress.

Mr. FITZGERALD. No; as a corporation they properly deposited their money in banks, because if they put it in the Treasury they could not get it out. It is not desired to interfere with the corporation using its revenues to meet its current expenses, but any surplus earnings, it was believed, should be covered into the Treasury.

My attention has been called to certain conditions which require modifications in the provision. Contracts are in existence for the construction of a hotel and certain docks, and a portion of the surplus has been allotted or applied for that purpose, and to that extent this surplus fund should not be covered into the Treasury, but should continue available to carry out existing contracts.

Mr. SIMS. Now, right there: Is this railroad going ahead and undertaking enterprises that are not a part of the construction, operation, and maintenance of the canal?

Mr. FITZGERALD. Well, I think so; it does a commercial business.

Mr. SIMS. Does not the gentleman think we had better have a little legislation on that subject?

Mr. FITZGERALD. I think it is of great importance that the corporation be preserved for the present.

Mr. SIMS. But building hotels and other structures that are not necessary for the building of the canal—does the gentleman think——

Mr. FITZGERALD. I am not discussing that.

Mr. BARTLETT. Mr. Chairman, it is a fact that the United States Government owns all the stock of this corporation?

Mr. FITZGERALD. Oh, yes.

Mr. BARTLETT. While some of the officers own enough stock to qualify them to be officers, the United States owns all the stock.

Mr. FITZGERALD. It is all in the Treasury.

Mr. BARTLETT. It is all in the Treasury, and have not we the right to do as we please with our own money?

Mr. CULLOP. In other words, the Government owns the railroad, practically?

Mr. BARTLETT. Owns all the stock which the railroad represents.

Mr. CULLOP. Now, then, if the Government officials are taking the money and using it in the building of hotels or other enterprises, they are misappropriating the funds. Now, in the new canal bill provision is made for all the surplus earnings there.

Mr. BARTLETT. Does not the gentleman think——

Mr. CULLOP. It provides over and above the operating expense except certain of the stores there, which must be replenished from time to time, but everything else is to be covered into the Treasury, which, in my judgment, is wise, and also safeguards the Government money.

Mr. BARTLETT. The bill the gentleman speaks of may not become a law.

Mr. CULLOP. Oh, it will become a law at this session. It will, in all probability, become a law before this bill will become a law, when under this bill all these things, in my judgment and that of the committee at the time they prepared it, will be amply taken care of. This is a part of the purpose for its early enactment.

Mr. FITZGERALD. We all agree that it is something that should be done.

Mr. CULLOP. Yes, indeed; I agree with the committee fully that some legislation ought to be had to correct this matter and safeguard the rights of the public, as there is really room for abuse as it now exists, and such legislation should be had at this session of Congress to secure a remedy, because it is imperatively demanded. Public policy requires it, in my judgment, but under the new bill it is well taken care of.

Mr. MANN. If the gentleman will permit a slight interruption, I think the first Panama Canal bill that I reported into the House—it was an early one anyhow—provided for practically abolishing the Panama Canal Railroad Co. and putting it under the control of the Government.

Mr. CULLOP. That ought to be done and would be wise.

Mr. MANN. I believe it ought to be there. That bill was not passed, and I was firmly convinced that my motion was somewhat erroneous. We could not have carried on the work of the canal without making use of the canal railroad. While I would not be in favor of it as a permanent policy, as a temporary expedient on the Canal Zone, owing to the harsh environment, it was big enough down there to enable the Panama Canal Railroad Co. to do things which the Government officials directly could not do, and I think it ought to be continued that way until permanent legislation goes into effect in reference to the control of the Panama Canal.

Mr. CULLOP. I fully agree with the gentleman from Illinois on that. I think it is advisable. And under this new law or legislation that is proposed and now pending, if it is adopted, that matter will be amply taken care of under the new management.

Mr. MANN. Without being in this bill?

Mr. CULLOP. Without being in this bill; and as provided in that bill the new management can amply care for it and correct this abuse as it now exists, as the gentleman says it does, at this time.

Mr. MANN. I do not think it is being abused. I think it has been used very well and usefully down there up to the present time.

Mr. CULLOP. I do not agree with the gentleman that the management of this railroad ought to take the surplus earnings of it and build hotels or any other enterprise down there without the consent of some supervisory power. It ought not to do that. It ought not to expend the surplus earnings without authority from Congress or from some other authority. A policy of that kind should not be tolerated. In such a practice abuses are likely to occur.

Mr. MANN. Does not the gentleman believe it was a wise thing to build the bakeries down there, and the laundries down there, and the eating houses down there?

Mr. CULLOP. Oh, yes.

Mr. MANN. Well, that was all done by the Panama Canal Railway Co.—every dollar of it.

Mr. CULLOP. But it was done more under the direction or advice of Congress.

Mr. MANN. It was not done by the advice of Congress at all. It was done by the same officials that were managing the construction of the canal. It was done through a form of law which we could not undertake and make applicable throughout the United States, and ought not to, as a permanent thing. But it was useful down there and was done in that way. That is the way they get their meat and vegetables down there as well as other supplies.

Mr. CULLOP. I think the gentleman from Illinois will concede this, while that was all done wisely and justly, still a policy of that kind continued without some restriction around it, and for any great length of time would be subject and liable to great abuse, because the license is unbridled.

Mr. MANN. I agree with the gentleman that it ought not to be the permanent policy, but I think it ought to be pursued until the canal is finished.

Mr. CULLOP. Until it is finished and under the management provided by the new legislation, and ready for operation. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate; and

Second, the number of persons, if any, employed and the rates of compensation paid each, and the amounts expended for each other object or class of expenditures out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Mr. MANN. Mr. Chairman, I make a point of order on that paragraph. How is it practicable to comply with the provisions of that paragraph?

Mr. FITZGERALD. It is very easy. We get one part of the information now in one way, and the balance of the information is furnished during the course of the investigation. If it were all furnished when the estimates are submitted, it would be of immense value to the committee. We have, for instance, a provision which requires to be stated under certain lump-sum appropriations the manner in which the money is expended during the preceding fiscal year. In making up the estimates for the ensuing fiscal year the proposed expenditures are always classified in the same way. If such information were included in the Book of Estimates, so that the two columns could be printed together, the committee would have the advantage of it in advance of the examination instead of having it submitted after the examination is completed. It would be of very great service.

Mr. MANN. Mr. Chairman, I will withdraw my point of order, owing to the dulcet tones of my friend from New York.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. Hereafter no specific or indefinite appropriation made in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in act" approved June 24, 1874, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

Mr. MANN. The gentleman had better tell why it goes in first.

Mr. FITZGERALD. The amendment is to correct a date.

Mr. MANN. There will be no trouble about that if it stays in.

Mr. Chairman, I asked the gentleman the other day in reference to the act that was passed recently concerning the covering-in act, and then another joint resolution or act that we passed exempting certain things from the operation of the other act. We have had at least three acts on this subject; two in the last couple of years, I think. Has the gentleman examined this?

Mr. FITZGERALD. I have examined it. This has no reference to it. Under the covering-in act there are six classes of appropriations that are not covered in at the expiration of the two years.

Mr. MANN. Those are the six named here? No; there are five named here. What is the other one?

Mr. FITZGERALD. The other class is what are called permanent specific appropriations. The Treasury Department has construed a number of appropriations to be permanent appropriations, to continue available until used. For instance, I can illustrate in this way: In 1893 an appropriation of $50,000 was made to enable certain services to be employed in connection with some suits affecting the Pacific railroads. A part of the appropriation was used, and the balance remained unexpended for a number of years. About 1908 the Comptroller of the Treasury construed that appropriation to be a permanent specific appropriation, and some others persons were employed under it. This year, the appropriation giving out, an estimate was submitted for additional money, and it was discovered that out of this appropriation, made in 1893 for one purpose, during the last three or four years certain other services were being paid of which Congress had no knowledge whatever. That is an illustration.

Mr. MANN. I know, but that might happen under any of these appropriations or under any appropriation that was made available until expended.

Mr. FITZGERALD. It was not made available until expended.

Mr. MANN. I understand, but it might happen under any appropriation that was made available until expended. They construed it to be available until expended.

Mr. FITZGERALD. The purpose of this is to prevent such action. I will cite another class of cases. We frequently make specific appropriations for surveying public lands in certain States. No one that I know of or have consulted with ever knew until this year that the Comptroller of the Treasury construed those to be permanent specific appropriations.

No one that I have consulted with knew that the Comptroller of the Treasury construed those to be permanent and specific appropriations; so that they were not available only for the specific year, but until the money was expended.

Mr. MANN. I have heard that statement made several times on the floor.

Mr. FITZGERALD. I never have known it, and I have been connected with the work for some time.

Mr. MANN. The gentleman has no public land in his State to be surveyed.

Mr. FITZGERALD. No; but I have had gentlemen from States that have public land within their borders furnish me with about all the possible available information upon the subject.

Mr. MANN. The gentleman remembers that a short time ago we passed an act affecting the covering-in act liable to hold up all the river and harbor appropriation.

Mr. FITZGERALD. That was in 1909, and it grew out of this situation: During the Spanish War an appropriation of $3,000,000 was made to meet unforeseen emergencies that might arise in the War Department. In 1908 it was found that there were several million dollars unexpended in that appropriation, and the Comptroller of the Treasury construed it to be a permanent specific appropriation, and it was used to pay certain expenses in connection with the Brownsville investigation. Then Congress passed this act:

SEC. 10. The Secretary of the Treasury shall cause all unexpended balances of appropriations which remained on the books of the Treasury on the 1st day of July, 1904, except permanent specific appropriations, judgments and findings of courts, trust funds, and appropriations for fulfilling treaty obligations with the Indians, to be carried to the surplus fund and covered into the Treasury: *Provided*, That such sums of said balances as may be needed to pay contracts existing and not fully discharged at the date of this act shall remain available for said purposes. For the purposes herein declared no appropriation made prior to July 1, 1904, shall be construed to be a permanent specific appropriation unless by its language it is specifically and in express terms made available for use until expended.

That was in the sundry civil act of March 4, 1909.

Mr. MANN. That went through with a statement something like this, and it caused lots of trouble.

Mr. FITZGERALD. My attention is called to the fact that it was a provision put on in the Senate as an amendment, and was not discussed here. It was discovered later that in certain river and harbor work there were unexpended balances that would be affected that it was not contemplated should be covered by the act, and on the 25th of June it was provided that that act should not be construed as applying to the unexpended balances of river and harbor appropriations, the use of which might be essential in the judgment of the Secretary of War in the further maintenance and prosecution of the work.

The reason for that was that the river and harbor appropriations made for improvements sometimes included authority for maintenance. The estimates for the river and harbor work for the next ensuing fiscal year had been based on the fact that there were unexpended balances out of appropriations made prior to 1904 for river and harbor improvements. If they were not excepted, additional sums would have to be appropriated for that purpose. That was the only place that it worked out in a way that had to be corrected.

Mr. MANN. This provision reads:

SEC. 8. Hereafter no specific or indefinite appropriation made in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year, unless it belongs to one of the following five classes.

Of course this would not apply to any permanent, indefinite, or specific appropriation made heretofore——

Mr. FITZGERALD. It would not apply to any appropriation made heretofore that may have been construed as a permanent specific appropriation.

Mr. SHERLEY. It is not retroactive.

Mr. MANN. It is retroactive. It says hereafter it shall not be construed so and so.

Mr. FITZGERALD. The trouble is that they have all been construed.

Mr. MANN. That would not make any difference; this would not permit them to be construed that way hereafter.

Mr. FITZGERALD. In this bill and other appropriation bills we make appropriations available until used.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. I offer the following amendment.

The Clerk read as follows:

Page 175, in line 7, strike out the word "twenty-fourth" and insert in lieu thereof the word "twentieth."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. After June 30, 1912, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, and chiefs of field parties are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July 1, 1912, no fee or money paid for the services herein described shall be paid or reimbursed by the United States.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order on that paragraph. It has no relevancy to the Canal Zone.

Mr. MANN. No; this is general legislation.

Mr. FITZGERALD. Mr. Chairman, it has been ascertained that travel vouchers, which must be verified, are sworn to before all sorts of officials, and fees are collected that amount to about $60,000 a year. This is to give authority to certain designated officials of the United States to administer such oaths and compel the oaths to be made before such officials whenever it is feasible rather than to employ outside persons and incur expense.

Mr. MOORE of Pennsylvania. Certain of those officials are specified in this paragraph. How does the gentleman explain "the chief of field parties"? How would you locate him?

Mr. FITZGERALD. That is a well-recognized term. For instance, the Geological Survey has field parties, and one person is designated as the chief. This is to give him the authority to administer an oath rather than to have men hunt all over the country for somebody who under the law is empowered to administer oaths.

Mr. MOORE of Pennsylvania. May I ask why it was advisable to insert such a paragraph in this bill?

Mr. FITZGERALD. It is designed to prevent the expenditure of about $60,000 to reimburse officers for fees they have paid for these travel vouchers. It is in the interest of economy and efficiency. If a man is out in the field and he gets to a point where he has to put in a travel voucher, a chief of that party is authorized to administer the oath. Otherwise the man might be compelled to go a considerable distance to find some official who is authorized to administer the oath.

Mr. MOORE of Pennsylvania. And it has been shown to the committee that there is a necessity for this legislation?

Mr. FITZGERALD. We think it is a very desirable thing. It will not only facilitate business, but will prevent the expenditure unnecessarily of fifty or sixty thousand dollars a year.

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

SEC. 10. All of the records relating to naturalization or declarations of intention to become citizens of the United States and all certificates

of naturalization filed, recorded, or issued prior to an act to validate certain certificates of naturalization approved June 29, 1906, in or from the police court of Louisville, Ky., shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. SHERLEY. Mr. Chairman, the paragraph is subject to a point of order. The purpose of it is simply to cure the question of whether the police court of Louisville—its proper name is the city court of Louisville—was a court authorized to naturalize aliens. There are some ten or fifteen thousand certificates that were issued under the old naturalization law under the belief that the court was a court having jurisdiction to naturalize aliens. The only effect of this provision, if agreed to, would be to cure that question. It does not validate any naturalization papers that are subject to attack because of any other reason such as fraud or noncomplince with the law in any particular. It is similar to remedial legislation that was passed in one of the courts of Cook County, Ill.

Mr. MOORE of Pennsylvania. Does not the gentleman think that a matter of this kind should have gone before the Committee on Immigration and Naturalization?

Mr. SHERLEY. I think that it is a matter of such plain understanding and is one that every principle of equity would warrant action being had, and that the committee was justified in placing it here. It is subject to a point of order.

Mr. MOORE of Pennsylvania. I thought it would be fair for the gentleman to make his explanation. I do not see the chairman of the Committee on Immigration and Naturalization present, but I think it ought to be said that there are other questions of this kind coming before that committee and that that is the proper place for this legislation to go.

Mr. MANN. If the gentleman will permit, this proposition is on all fours with the proposition which I presented to the House coming from Cook County, at one time. The law then in force in reference to naturalization, it was determined, did not cover the criminal court of Cook County, which for years, being a court of record, had been naturalizing citizens. In fact, it was almost the favorite court for that purpose. It was finally determined that there was some doubt about it, and finally, that probably no one of the people naturalized there were properly naturalized. I presented a bill and it went to the Committee on Immigration and Naturalization. It was reported with a unanimous report, together with a good deal of information in connection with the report. The bill passed the House and became a law. This is identically like that, and the same question has arisen.

Mr. MOORE of Pennsylvania. The gentleman will agree that where committees of the House are regularly constituted to consider special legislation, those committees ought to be considered. I do not know whether the chairman of the committee has been consulted about the matter. It seems to me that this is a matter that should go to the proper committee.

Mr. SHERLEY. Of course, the chairman of the committee would be no more the person to consult than any other member of the committee. The matter was referred to the officials of the Bureau of Naturalization. It plainly shows upon its face that the only effect of it is to validate the power of the court to issue naturalization papers. It was a police court having a limited criminal jurisdiction, a court with a seal, and a court that was supposed to have jurisdiction. It is not a matter that requires any intricate investigation, and I have in my hand here a letter from the Acting Secretary of the Department of Commerce and Labor saying there is no objection to the legislation.

Mr. MANN. Of course, this is practically asking unanimous consent for the consideration of the proposition, but the gentleman has managed to get it where it comes in in this way. The person who is really interested is the man who wants to be a citizen.

Mr. MOORE of Pennsylvania. Some of the committees of this House are much more powerful than other committees, and some gentlemen who happen to get upon these powerful committees have much more influence than gentlemen who are on committees of less importance.

Mr. MANN. But the gentleman should remember that he may be on the most powerful committee himself before a very great while.

Mr. MOORE of Pennsylvania. I had not heard of that. But, Mr. Chairman, this is a matter of legislation which, I think, should have gone to the Committee on Immigration and Naturalization, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 11. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1913, and all laws or parts of laws in conflict with the provisions of this act are repealed.

Mr. SIMS. Mr. Chairman, I want to ask the gentleman if the repealing provision is not pretty broad?

Mr. FITZGERALD. Oh, no; it is the same as is carried every year.

Mr. Chairman, this concludes the reading of the bill. There were several places which were passed over. On page 21 the paragraph from lines 17 to 21, inclusive, were passed over to ascertain whether the committee would offer an amendment relative to a central power plant. I have no amendment that I wish to offer at this time.

Mr. SISSON. Was not a point of order reserved on that power-plant proposition?

Mr. FITZGERALD. It is not in here. We passed this point so that the committee might, if it desired, return to permit an amendment to be offered. I shall not offer any amendment. It was understood that if an amendment were offered no Member would lose his right to make the point of order if the amendment proposed were subject to the point of order. But this provision was not subject to a point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of explanations that have just been made to me, I ask unanimous consent to withdraw the point of order made by me a moment ago against the item affecting the naturalization court at Louisville.

The CHAIRMAN. Without objection, the point of order will be withdrawn. [After a pause.] No objection is heard.

Mr. SHERLEY. Mr. Chairman, I desire to offer the following amendment to that section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 176, line 6, strike out the words "police court at Louisville" and insert the words "Louisville city court, sometimes called the Louisville police court."

Mr. MOORE of Pennsylvania. Will the gentleman state the reason for that amendment?

Mr. SHERLEY. I am just trying to give the accurate title of the court. As printed it is "police court of Louisville," and the actual title of the court is "Louisville city court."

Mr. MOORE of Pennsylvania. It is a clerical correction?

Mr. SHERLEY. Absolutely.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I desire leave to print with my remarks a letter from the district attorney of the western district of Kentucky and one from the Acting Secretary of the Department of Commerce and Labor touching the matter just disposed of.

The CHAIRMAN. Without objection, that leave will be granted. [After a pause.] No objection is heard.

The letters are as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY,
WESTERN DISTRICT OF KENTUCKY,
Louisville, May 23, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am just in receipt of yours of the 20th, referring to your correspondence with Mr. Tincher, touching the status of certain foreign-born residents of Louisville, who undertook to be naturalized in the Louisville police court, and the validity of whose naturalization papers has been questioned.

Undoubtedly, in my judgment, the police court was without jurisdiction to issue naturalization papers under the old law, as it did not have common-law jurisdiction, although it had the other requisites—a clerk and a seal.

Tincher informs me that he counted the list in the police court, and ascertained that there were somewhere between ten and twelve thousand orders made admitting aliens to citizenship. The certificates were issued upon printed blanks, which recite that the Louisville police court was a court having common-law jurisdiction, a clerk and a seal, half of which was perhaps true. In other words, the Louisville city court perpetrated a fraud upon the applicants for naturalization. These people, being themselves misled as to their status, clearly come within the last proviso of the first subsection of section 4 of the present act (Naturalization Laws Pamphlet of 1911, p. 4), which was added by the act of June 25, 1910, and they are entitled to make application and obtain their final papers under that proviso.

It seems to me that, while of course great numbers of those naturalized have moved away from here or died, it is a hardship to compel these people to incur the expense and trouble of again obtaining their final papers, and that they might very well be put upon an equality with persons who obtained certificates of naturalization from the criminal court of Cook County, Ill. (Act of June 29, 1906, 34 Stats., p. 630; Naturalization Pamphlet, p. 18, sec. 2, at foot of page.)

I can see no reason why Congress should make fish of the Chicago people, who were naturalized in a court which had not jurisdiction by virtue of having common-law jurisdiction, and fowl of the Louisville aliens in like condition.

I may add that Mr. Frederick W. Weber, United States naturalization examiner, of Chicago, who usually attends the hearings here of

applicants for naturalization, with whom I had some talk on this subject the last time he was here, seemed to fully agree with me as to the propriety of adopting an act similar to the one relating to the criminal court of Cook County, Ill., and applicable to the "Louisville city court, called the Louisville police court."

Very respectfully,

GEORGE DU RELLE,
United States Attorney.

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DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, June 11, 1912.

Hon. SWAGAR SHERLEY,
Representative in Congress, Washington, D. C.

MY DEAR SIR: The department has to acknowledge the receipt of your letter of the 10th instant, addressed to the Chief of the Division of Naturalization, inclosing a letter addressed to you by the United States attorney at Louisville, Ky., in relation to certificates of naturalization issued by the police court at Louisville prior to the passage of the naturalization act of June 29, 1906.

It is noted from the said inclosure that somewhere between ten and twelve thousand orders were made by the said court admitting aliens to citizenship, and that many of the persons so naturalized have since moved from Louisville or died.

It would appear that the same situation exists with regard to the persons so naturalized as in the case of those aliens who had been admitted to citizenship by the criminal court of Cook County, Ill. In both instances the persons naturalized have been the victims of an error upon the part of the said courts in assuming a jurisdiction which they were not by law authorized to exercise. Recognizing this situation apparently, the act of June 29, 1906, entitled "An act to validate certain certificates of naturalization," was passed, which validated all certificates theretofore issued by the said criminal court of Cook County, Ill., so far as lack of jurisdiction was concerned, but no further.

The department can see no reason why similar action should not be taken on behalf of those persons who have been admitted to citizenship by the police court of Louisville. In fact it sees no other means by which injustice to such of the persons so naturalized as were qualified to become citizens may be avoided.

In compliance with your request, the letter addressed to you by Mr. Du Relle is herewith returned.

Very truly, yours,

BENJ. S. CABLE,
Acting Secretary.

Mr. SHERLEY. Mr. Chairman, I ask to return to page 55, and I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 55, after line 1, insert:

"The Secretary of War is authorized and directed to grant and lease in the manner hereinafter provided, for a period of 25 years, such surplus water of the United States within the limits of or pertaining to the military reservation of Schofield Barracks (Waianae Uka), island of Oahu, Territory of Hawaii, as may not be needed for the supply of the military post and troops on said reservation; and he is further authorized and directed to include in such grant or lease authority to the grantee or lessee thereunder to enter upon such reservation and make surveys thereon for, and construct and maintain, dams, reservations, canals, ditches, flumes, tunnels, and pipe lines for the purpose of diverting and conducting from the reservation the water covered by such grant or lease at such places on said land as said grantee or lessee may select, subject to the approval of the Secretary of War; and to include also the right to said grantee or lessee to take from the lands of the United States adjacent thereto, subject to the approval of the Secretary of War, earth and stone necessary for such construction and maintenance: *Provided*, That said grant or lease shall be made to or entered into with the highest responsible bidder for such surplus water, under sealed proposal, after public advertisement of the terms and conditions thereof for a period of not less than 30 days in a newspaper or newspapers of general circulation published at Honolulu, in the Territory of Hawaii; such terms and conditions to be fixed by the Secretary of War when not inconsistent with the provisions of this act: *Provided further*, That the right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. KAHN. Mr. Chairman, I make the point of order.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. SHERLEY. If the gentleman will reserve the point of order, I think it is due to the House that a statement be made as to why the committee recommended this legislation.

Mr. KAHN. The Delegate from Hawaii is not present in the House, and I understand he is opposed to this legislation.

Mr. SHERLEY. I think the gentleman is misinformed. The Delegate from Hawaii, though we had very elaborate hearings, did not in any way indicate that he was interested in it at all, and I can not imagine that the Delegate from Hawaii is interested in a proposition that is in some respects a question between rival companies. It is not a question involving the Hawaiian Islands at all.

Mr. KAHN. I understand that it is a question between rival companies that ought to be adjudicated by the courts, but if the gentleman desires I will reserve the point of order.

Mr. SHERLEY. I think it is only due to the House that it should know what occurred and why we proposed this legislation.

Mr. MANN. Will the gentleman yield for a moment?

Mr. SHERLEY. Certainly.

Mr. MANN. I would like to ask the gentleman from New York whether he expects to finish this bill to-night?

Mr. FITZGERALD. Yes; I desire to finish it.

Mr. MANN. It does not look to me as though it would be possible.

Mr. FITZGERALD. Oh, I think it is possible; we have only a few more items.

Mr. MANN. Well, there are a number of other items, and I will say frankly to the gentleman at the proper time——

Mr. FITZGERALD. There are four or five more, and we can finish, I think, by 6 o'clock. It would be a matter of great personal convenience to me.

Mr. MANN. It would be a matter of great personal convenience to me if you did not.

Mr. FITZGERALD. Well, I think the gentleman and myself can arrange this so as to accommodate ourselves.

Mr. SHERLEY. Mr. Chairman, the Waianae-Uka tract of land, situated in Oahu, contains the military reservation of Schofield Barracks, consisting of about 14,000 acres. There are certain rights to the waters that rise upon this military reservation and lands adjoining them. Some of those rights occur as a result of the ancient water rights of the Kingdom. Others occur as a result of certain leases which were granted from the Crown at one time and which expired in 1912. In 1909 the Congress of the United States, at the instance of a water company, passed an act giving them a right of way to the extent of the ground covered by water impounded by the company, and so forth. The act is as follows:

That the Wahiawa Water Co. (Ltd.), a corporation organized under the laws of the Territory of Hawaii for the purpose of irrigation, be, and is hereby, granted the right of way through the lands of the United States to the extent of the ground occupied by the water of the reservoirs and canals of said company and their laterals, and 50 feet on each side of the marginal limits thereof, including that portion of said company's irrigation works located within the limits of the military reservation made by the order of the President July 20, 1899, setting aside a portion of Waianae-Uka, in the island of Oahu, Territory of Hawaii, and as published in the general orders of the War Department No. 147, and dated August 10, 1899, and including also the right to take from the lands of the United States adjacent to the line of the canals earth and stone necessary to the consiruction thereof, the said reservoir sites, canals, and laterals, and waterways being now occupied under an outstanding lease from the former authorities of said Territory to said company and so recognized in said general orders: *Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and when the movement of field artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That during the occupation of said military reservation by troops the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and, in case an electric power plant is erected by said company, it will furnish power to the United States, if required, and, if it be obtainable without interference with the irrigation supply, at not to exceed 1 cent per kilowatt hour, measured at the dynamos.

It is the contention of this company that by that act they were granted in perpetuity the right to the surplus waters of the south branch of this stream. Now, I do not desire to go into an elaborate legal discussion of the proposition, except to state this fact for the consideration of the gentleman from California and then let him, if he feels that he should make the point of order, make it. The failure to act by Congress in this matter is in effect an adjudication in behalf of this company whereby, in my judgment, water that is worth as much as $40,000 a year is given without the payment of one cent.

The committee, after an elaborate hearing that lasted a whole day, after a consideration of briefs of eminent counsel, came to the conclusion that there was not the slightest basis for their claim of title to these surplus waters, and that the nonaction by Congress was simply to permit them to use water that was of this great value without compensation, and that, therefore, inasmuch as the War Department had asked that action be taken, we were warranted, and, in fact, it was our duty, to present the proposition to the House. I suggest to the gentleman from California [Mr. KAHN] that inasmuch as the failure to act at all by Congress is actually for the benefit of these people, the proper procedure is to let the whole matter come before this committee. Let him, if he desires to present the proposition this company has to offer, offer it as an amendment to the proposition offered by the committee, and then let Congress act on it. But we ought not, by failure to act, continue to permit these people to enjoy this water without compensation, if the position of the committee is a correct one.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question. They have a right to dig canals and build dams and reservations. What is meant by the word "reservation"?

Mr. SHERLEY. It means reservations in lands being used to impound the water.

Mr. KAHN. It practically means reservoirs.

Mr. SHERLEY. Practically.

Mr. KAHN. Has the gentleman concluded?

Mr. SHERLEY. Yes; I have no desire to go into an elaborate discussion of the matter for nothing if the point is to be made.

Mr. KAHN. This controversy is a fight between two sugar plantation companies as to rights to use the water. I think it is a matter of sufficient importance to go before the Committee on Military Affairs that would have jurisdiction of this matter, and it ought to be taken up in a separate bill and ought to be thoroughly discussed. I insist on the point of order.

Mr. SHERLEY. The Committee on Military Affairs has no jurisdiction, and could not have any jurisdiction of the bill.

Mr. KAHN. I think the Committee on Military Affairs would have jurisdiction.

Mr. WILLIS. I understood this was a fight between two companies. As I heard the reading of the amendment it simply proposes the right of the Government should be put up and sold to the highest bidder. Why is it a fight, then, between two companies?

Mr. KAHN. I was in Honolulu last summer and heard much about the conflicting interests. There is a company there that expended something like three or four hundred thousand dollars to put up a dam to impound the water. And they agreed to furnish, free of cost to the Government, all the water the Government desired. They offered to expend something like $200,000 in putting in a reservoir to supply the Government needs in that direction. They offered to furnish the Government all the electric power it might desire. They offered the Government to build, free of cost to the Government, the bridges across the ditches and across the gullies where this water is impounded.

There is a disposition to divert the water from the plantation that is now using it, the Waialua, to the Oahu plantation, on the other side of the island, and the matter is in such shape that I think the rights of the company that is now using the water ought to be judicially determined. I insist on the point of order.

Mr. SHERLEY. If the gentleman will permit just a moment, I desire to say this: The committee is not presenting the claim of one company as against the other. The committee believed there was a plain right in the Government to this surplus water; that there was no reason on earth why the Congress should voluntarily becloud the Government's own title, which is what this company desires Congress to do. Knowing these waters were of value, the testimony of the Judge Advocate General of the War Department being that he estimated them to be worth $40,000 a year, we felt it was incumbent upon Congress to provide for the sale of these water rights to the highest bidder.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. MANN. How did the matter come to the committee?

Mr. SHERLEY. It came from the two alternative propositions that the War Department submitted.

Mr. MANN. Why should that go to the Committee on Appropriations?

Mr. SHERLEY. The Committee on Appropriations makes appropriations for barracks and quarters, and this was in connection with the water supply of the Schofield Barracks; and I might say to the gentleman that the Government, realizing absolutely there was no cloud upon its title, is proceeding now, at this very moment, to build a reservoir to impound the waters for its own use at the Schofield Barracks. This was simply to use the surplus waters.

Mr. KAHN. The Judge Advocate General, in a decision rendered September 20, 1909, I believe, says that this company that is using the water has rights.

Mr. SHERLEY. Yes; that Judge Advocate General reversed himself and has since been reversed by the present Judge Advocate General and the Secretary of War; and I think it would be demonstrable to any lawyer in five minutes that a grant is not contained in the proviso, and it is undisputed that when they came here and asked permission to go upon the Government land they were not asking for and did not think that they would obtain thereby a right to this water. But now they claim that the Government having placed certain limitations on the grant that was given to them they thereby acquired a right to this water.

Mr. KAHN. But the Judge Advocate General held that they had a right; and that in itself would show, it seems to me, that there is some judicial question involved, and it ought to be decided in a judicial way.

Mr. MANN rose.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I want to yield, first, to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I wanted to inquire about the jurisdiction of the committee. I could see how the committee took jurisdiction of this matter in connection with barracks and quarters. I believe that the Committee on Appropriations has jurisdiction over Army barracks and quarters. As a legislative proposition would the Committee on Military Affairs have jurisdiction of this, or would the Committee on Territories have it?

Mr. SHERLEY. I did not catch what the gentleman said.

Mr. MANN. I asked if, as a legislative proposition, the Committee on Military Affairs would have jurisdiction over this subject, or whether the Committee on Territories would have it?

Mr. SHERLEY. I think unquestionably the Committee on Military Affairs would not have jurisdiction. I am inclined to think the Committee on Territories would.

Mr. KAHN. Then it ought to go to that committee and be fully thrashed out. It ought to be brought into the House as a separate proposition, so that all the facts can be placed before the Members. I insist, Mr. Chairman, on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offered an amendment on page 57, to which a point of order was reserved by the gentleman from Illinois [Mr. MANN]. I do not wish to detain the committee any further than to say that I have here an opinion by the Attorney General in which he construes this identical language to be a limitation merely upon the appropriations that are contained in the bill. The amendment covers lines 20 to 23. The Attorney General says:

> There are certain reasons why I am of opinion that the proviso is properly to be construed as applicable only to the appropriations carried by the act in which it appears, notwithstanding the fact that the language of the clause, not being in terms explicitly limited, is, standing alone, open to the other construction.

That was the opinion of the Attorney General.

Mr. MANN. I believe, then——

Mr. FITZGERALD. It was on his opinion, delivered in 1910, that I relied in the statement I made that the provision was in order.

Mr. MANN. But the gentleman does not contend that it was not subject to a point of order?

Mr. FITZGERALD. I would not if it had not been for the opinion of the Attorney General, who was able to hold and rule in that extraordinary way.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

Mr. MANN. That is not fair after having the paragraph passed for another purpose, not for the purpose of preparing an amendment.

Mr. FITZGERALD. Oh, I passed it over for the purpose of getting this decision, which was challenged.

Mr. MANN. You will never pass over another paragraph in that way. You passed it over in order to get an amendment prepared.

Mr. FITZGERALD. It adds only the word "herein."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

> On page 57, after line 19, insert "No part of any appropriation herein for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. MANN. There was only one "aye."

Mr. FITZGERALD. But the "aye" was a big one.

The CHAIRMAN. Is a division asked for?

Mr. FITZGERALD. No.

Mr. MANN. I did not ask for it.

The CHAIRMAN. The "ayes" have it, and the amendment is adopted.

Mr. FITZGERALD. The next amendment is on page 92, line 21, and line 5 on page 93.

The Clerk read as follows:

> Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

Mr. SIMS. Mr. Chairman, I reserved the point of order on the whole paragraph. I do not know that I will make it, but I want to discuss it. I reserved the point on the entire paragraph, but it was on account of the proviso only.

Mr. SISSON. Mr. Chairman, I want to reserve the point of order on the whole paragraph.

Mr. SIMS. I reserved it on the whole paragraph, but what I cared about chiefly was the latter part; that is, the legislative provision that makes the Speaker of the House a part of the commission to investigate and purchase this land. I know it has been general heretofore, and I understand the reason for it in some respects. They put the Vice President on and the Speaker of the House on, but I think there is a reason that goes beyond what is on the surface. Gentlemen who want to get up these deals want men upon the commission that it would be embarrassing to Members of the House to differ with in their judgment. It is not that I lack any confidence in the Speaker that we have, or have had, or perhaps will have, but it seems evident that the present Speaker of the House will not be in the House very long and can not serve as such commissioner, and could not, like the present ex-Speaker, remain on the commission. I think it is a rather indelicate thing for Members to be forced if they disagree with the purchasing commission in their judgment to have to criticize or differ with the presiding officer of the House. I have not thought it was a good thing to do so. I always opposed the commission, and for that reason I do not think the office of Speaker of the House ought to be involved in this way.

I do not mean to reflect at all upon the present Speaker, or any Speaker. I think it would be better to make the chairman of the Committee on Appropriations, or some member of that committee, a member of the commission rather than to have the Speaker of the House.

Mr. FITZGERALD. I hope the relations of the other Members of the House are not more unfriendly to the chairman of the Committee on Appropriations than they would be to the Speaker of the House.

Mr. SIMS. Oh, we can scrap with the chairman of the Committee on Appropriations, and he always takes it in good humor.

Mr. FITZGERALD. He has the advantage of the Speaker in that respect, for he can give and take.

Mr. SIMS. And for that very reason, that the Speaker can not give and take, we dislike to criticize him or differ with him while he is presiding over the House. I do not think that the Speaker of the House ought to be put on any purchasing commission.

Mr. FITZGERALD. It never has interfered with gentlemen on the floor in recent times in indulging in such criticisms as they wished.

Mr. CANNON. If the gentleman from Tennessee will allow me, I have been Speaker of the House for a number of years and for many years chairman of the Committee on Appropriations. Let me say that the chairman of the Committee on Appropriations, who is something of a power on the floor and in the preparation of these bills, can give any of the Speakers cards and spades in influencing legislation.

Mr. SIMS. I have no reference to influencing legislation or anything of that kind, but I should feel a delicacy in opposing something that even the gentleman from Illinois, the ex-Speaker, should favor.

Mr. MANN. I have never noticed that.

Mr. CANNON. I have not any feeling of that kind.

Mr. FITZGERALD. I do not think the gentleman from Illinois should disparage the power and importance of the Speaker, whether he exercise more power in one place or another. There is a reason for putting the Speaker of the House on this commission. In reference to the grounds surrounding the Capitol, where Congress meets, it was believed that the Speaker, representing the House, and the Vice President, representing the Senate, should more properly than any other persons be on the commission. I do not believe their exalted position would protect them from criticism if occasion required it.

Mr. SIMS. I do not believe the Speaker would exercise any improper influence, but it is the feeling Members have in deference to the Speaker on matters of judgment, and it seems to me that the Speaker ought not to be on the commission. I know that the ex-Speaker discharged his duties well, and he got his training on the Appropriations Committee. I have no criticism to make of what he has done, and I am perfectly willing for him to stay on the commission. But I do think that we ought not, at least, to cause Members to feel a hesitancy in criticizing a matter on which the Speaker has made a report in a matter that does not belong to his office.

Mr. FITZGERALD. Sometimes Members are glad of an excuse to criticize the Speaker.

Mr. SIMS. That might be, but I am opposed to the purchase of this land and to the whole business and always have been.

Mr. FITZGERALD. Is the gentleman going to make the point of order?

Mr. SIMS. I am willing to leave it to the House, and therefore I move to amend by striking out "the Speaker" and inserting "the chairman of the Committee on Appropriations."

Mr. FITZGERALD. Mr. Chairman, I shall object to that.

Mr. SISSON. Will the gentleman yield?

Mr. SIMS. I notified the gentleman that I only want to substitute for the Speaker the chairman of the Committee on Appropriations.

Mr. SISSON. I do not want to lose any of my own rights.

The CHAIRMAN. The gentleman will not lose his rights.

Mr. SIMS. Mr. Chairman, I will state to the gentleman that as far as I am concerned I only wanted to bring this matter up and move to amend it, and so far as I am concerned I do not care to insist upon the point of order.

Mr. CANDLER. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. CANDLER. I understand the gentleman to say that he is opposed to this whole proposition?

Mr. SIMS. I am opposed to buying the land.

Mr. CANDLER. And because he is opposed to this proposition he has reserved the point of order and offered this amendment to substitute somebody in place of the Speaker.

Mr. SIMS. I reserved it only as to the proviso.

Mr. CANDLER. I thought the gentleman was opposed to the whole proposition. I am opposed to it all.

Mr. SIMS. We can vote it down.

[Mr. SISSON addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, touching the legislation to condemn or purchase the property between the Capitol and the Union Station, so far as I recollect I had nothing to do with it. It may be that I voted for it. I do not know. I will say that if I had been voting, I should have voted for it, because I believe that property ought to be acquired by the United States. The gentleman from Mississippi [Mr. SISSON], after the legislation is enacted and after $1,100,000 worth of this property has been condemned, talks for the better part of an hour against purchasing any more of it.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. SISSON. I will say to the gentleman that I made an effort at the special session of Congress, before any of this property had been condemned, to get a resolution considered instructing the commissioner not to proceed to the purchase of any of this property.

Mr. CANNON. Well, the gentleman's effort seemingly, with his party friends, did not materialize. He is a little bit in the position that I was once as a young lawyer when I failed to win. I cussed the court.

Mr. SISSON. Mr. Chairman, I will say that I am not responsible for what any of my colleagues on that committee did.

Mr. CANNON. O Mr. Chairman, the gentleman has had his time. I want to make a statement. This act was passed and became a law. Five hundred thousand dollars was appropriated, and a provision was enacted that there should be $500,000, I believe, appropriated every year. The commission, under the provisions of the law, was to try to purchase the property at private sale, and the law was careful to have in it this proviso:

Provided, That they shall not purchase any property above its fair actual value.

I happened to be Speaker at the time, and under the law I was a member of the commission and still am. The Superintendent of the Capitol Building and Grounds is a member, and the Vice President is a member. We instructed one member of the commission, the superintendent, to advertise. He did so. He got bids. We instructed him to find out whether those bids were put in at a fair value or at less than a fair value. After an investigation we found, so far as we could ascertain, that the bids that were made voluntarily were not put in at their fair value or less than the fair value of the property, but rather above. I did not suppose for a moment the offers ever would be made at a fair value; and I want to say that I would have hesitated long before I would have purchased this property or voted to buy it at private sale as the law authorized, for the very reason that some gentlemen in the House or somebody abounding in the newspapers would get up and say that it was bought at two or three times its assessed value. We did not know who owned it. What difference does it make who owned it—whether it was owned by a lord or a pauper, whether by a rich man or a poor man, whether by a trust company or a railroad company? What difference does it make? Yet I knew, and I think the commission knew, that if we purchased this property or tried to purchase, it would have been subject to all kinds of criticism. We did not purchase because we did not

consider it was offered at its fair value. I do not suppose that there ever will be purchased at private sale by any commission under this law any part of this property, because I apprehend it will not be offered at its fair value. I want to say further, in view of what the gentleman from Mississippi says, that I would never voluntarily place myself in a position where I would be criticized. I doubt if any Members of the House would place himself in that position.

It was our duty, as we did not purchase at private sale, to condemn the property. I never examined the decree of the court. I never had anything to do with it except to sign a request to the Department of Justice to proceed to condemn two squares under the law. We thought we had money enough, so far as we could ascertain, to purchase two squares. Condemnation proceeded, and in the fullness of time was concluded. I never saw the decree, and I do not suppose I ever will see the decree. As a matter of information, I will state that I have been told that the witnesses for the Government in court valued the property and improvements at about $900,000. The witnesses for the parties who owned the property valued it at $1,500,000 or $1,600,000. I am not precisely accurate in these figures. The commissioners found its value to be about $1,100,000. I have never seen the decree of the court, but I have been informed that the court confirmed the judgment of the commissioners. That is all I know about it, and it is all I care about it.

The gentleman from Mississippi is strong and virile and forceful and industrious, and I have great respect for him, but I wondered at my friend to know just where he was trying to go. He says that the cabin or the house of a man is his castle. He complains that a great Government comes to turn the man out and then the gentleman turns around and claims that he is turned out by that great Government at a price greatly above the value of the property. He says that nobody has approached him to say that they were sorry that they were being sold out or condemned, and finally he comes around to the point of saying that after all he was not for this legislation and he does not believe in taking this property.

I am aware that he was not for it, because he said so. I did not know until long after that he was not for it, because I never examined the roll. The gentleman from Tennessee [Mr. SIMS] says that he was not for it. Men differ about these things. I am for it. I believe that the balance of this property should be condemned and that the Government should acquire it. I believe it can acquire it at a less price under condemnation proceedings now than ever hereafter.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GARNER. Let us take the instance of where a Member opposed the legislation in its original passage. Does the gentleman think he is under any obligation now, since Congress has passed the law and undertaken to take that property, to vote for an appropriation for that purpose? What is the gentleman's view upon that?

Mr. CANNON. Oh, I can not enter the domain of morals. I never criticize anybody's motives for voting against an appropriation or for it, against a law or for it.

Mr. GARNER. But I thought this, since the Government had already passed a law and has undertaken to take this property now, is it not the duty of Congress to continue to carry out that contract?

Mr. CANNON. I apprehend if the Congress appropriates the money and the law is not repealed that this property will be acquired. I apprehend so, yet far be it from me to criticize any gentleman who believes this law ought to be repealed. That is up to him.

Mr. SISSON. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. SISSON. I want to state, Mr. Chairman, I do not know that anybody could have done any better upon the commission than my friend from Illinois. It is not my purpose in any way to criticize him or to criticize the action of this commission. I do not want the gentleman to have that idea at all, because it is not in my mind. While I am on my feet I would like to ask him what construction he places upon the law that you can not condemn this property until the money is appropriated?

Mr. CANNON. That is my opinion. Some others hold a different opinion. It is merely my opinion. I did not take the opinion of anybody else. Now, in my judgment, this property should be acquired, and if I have the opportunity I shall vote for the appropriation.

Mr. SIMS. Mr. Chairman, I heartily agree with the course that the commission took in having the property condemned. I think like the gentleman from Illinois, the ex-Speaker, that there might have been criticism, but I do not think public officials ought to be placed in a position where it is necessary for them to do a certain thing, and that they then should be put in such position as to be assailed and attacked. I was opposed to the acquiring of the property myself. We did not need it. I can not imagine why this Capitol Square here which now has artistic shape ought to be destroyed to open up a vista to the Union Station, and take in a lot of property between the Peace Monument and the Union Station so that anybody coming up Pennsylvania Avenue can get a glimpse of the Union Station. I think it absolutely destroys its symmetry, and I was opposed to acquiring it at all.

Mr. GARNER. If Congress refuses to make this appropriation, do I understand the people who own that property will remain in statu quo?

Mr. SIMS. They have got their property and they will still have it.

Mr. MANN. The gentleman will not claim they are in the position——

Mr. SIMS. No. If you make it mandatory on the Government to buy a piece of property it advances the price of that property, whether it is procured by condemnation or any other way. When we passed a law authorizing the acquiring of property on which to build the House Office Building, just before that time a house which was sold opposite the Varnum Hotel at public auction was sold for about six thousand some odd dollars. The purchaser failed to comply with the terms of the sale and the parties entitled to the proceeds brought suit to make him comply with the terms of sale.

During that litigation a bill was passed to acquire that property, and then all at once he sought to comply with the sale and the beneficiary brought suit to keep him from complying with the sale, and that house and lot, which sold at public auction and brought only $6,000, was valued under condemnation proceedings at between $12,000 and $13,000. It would not under any circumstances have brought any such price if Congress had not passed a law to acquire that property. Now, why is it necessary for us to do this now when we are refusing to make appropriations for actual necessaries on account of the condition of the Treasury? We will not build battleships, which I heartily indorse, on account of the condition of the Treasury, but here we are going to acquire this property for which there is no immediate necessity. The criticism I made on the point of order a while ago is another matter. I think the whole paragraph ought to be stricken out by a vote. Well, people will say, here is a law passed for us to acquire this property, but it is not mandatory on us to acquire it. I think this is a good time to stop with what we have already done until we have more money to acquire property which we do not need now. I think we ought not to appropriate the money. I think there is no need for the property, no immediate need for it, and there is great immediate need of protecting the Treasury against the taking of half a million dollars out of it just at this time.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling on the point of order.

Mr. KAHN. I hope the gentleman will not——

Mr. FITZGERALD. I am going to offer an amendment and close debate in a very brief time. We have had over an hour on this.

The CHAIRMAN. The Chair will say that as yet no point of order has been made.

Mr. SISSON. Mr. Chairman, I reserved the point of order. I make it now.

Mr. KAHN. I hope the gentleman will not make the point of order until——

Mr. FITZGERALD. The gentleman will make it now or never make it.

Mr. SISSON. I make the point of order. It was reserved for the purpose of discussion. I have no desire to cut any gentleman off from whatever remarks he wishes to make. But I now make the point of order.

The CHAIRMAN. Taking the paragraph as a whole, the Chair finds that the appropriation is authorized by act of Congress, which is to be found in volume 36 of the United States Statutes at Large, on page 738. Under that statute three officials are named to acquire the property, namely, the Vice President of the United States, the Speaker of the House of Representatives, and the Superintendent of the Capitol Buildings and Grounds. Later that act was amended. The amendment is found in the same volume, on page 1414, and says, after the proviso:

> That the persons designated in said act to acquire said land described therein for the purposes stated, etc.

The original act creates a commission of not three persons or individuals in that capacity to acquire the land, but it does create a commission composed not of individuals named, but

officials, described by the positions which they then held. If the act of March 4, 1911, went no further than to refer to these officials as persons, then the Chair could, perhaps, upon that ground sustain the point of order. But the draftsman of the act of March 4, 1911, staggered around and finally gave such a description of the persons as let them come in under the original description of officials. Upon that ground the Chair will construe the act contrary to the principle that each act shall speak for itself, but give it the intention——

Mr. SISSON. I desire to call the Chair's attention to the fact that there is a provision there as to what constitutes a quorum.

The CHAIRMAN. The Chair has not reached that yet.

Instead of construing the statute upon the old principle that it must speak for itself, the Chair will give the statute the benefit of whatever doubt there may be concerning it and construe it according to intention. The intention, badly expressed, seems to have been to continue the officials who first constituted the commission by designating them as "persons." The point of order as to that is overruled. We now have before us for determination the point of order as to the proviso, which reads in these words:

Provided, That in addition to the persons named in the said sundry civil act, the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and shall be competent to transact the business devolving upon them.

The original act created a commission of three officials. The amendment to that act continued, as I have just held, those same men in office as commissioners. That act makes two a quorum. Under this proviso, the Chair is of the opinion that there are two pieces of legislation in it—the addition of the present Speaker of the House of Representatives to that commission and the change of a quorum from two to three.

The Chair holds these to be legislation, and therefore sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 92, insert, after line 20, the following:

"Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act for enlarging the Capitol Grounds, $500,000."

Mr. FITZGERALD. Mr. Chairman, I do not wish to take up much time. The acquisition of these grounds was authorized by Congress. I am one of those who believe they should be acquired. At the time the Union Depot legislation was pending a great many gentlemen protested violently against the plaza being 800 feet across in front of the depot and wished it narrowed to 200 feet. No one now would advocate any such restricted plaza.

Between the Capitol and between the Senate Office Building and the Union Station is property that properly should be part of the Capitol Grounds. It is useless for us to look at this matter from the viewpoint of the situation of to-day. It means the permanent beautification of the city of Washington. The property referred to should properly be included in the Capitol Grounds. It will cost large expenditures from time to time to keep the city of Washington in that shape in which the Capital of the United States should be maintained. I know of no one who ever visits this city who begrudges the expenditures for proper improvements in this city. There is not a man in Congress to-day who would not regret, 10 years from now, the failure of Congress to acquire this property at this time if, during that period, upon this intervening property there were erected a class of houses similar to those now upon that property between the Capitol and the Union Depot. They should be cleaned out. Furnished-room houses should not occupy any such place. We should have between the entrance to the city and the Capitol an approach that would appeal to the artistic sentiments not only of our own people but of visitors from all over the world.

I do not know who owns the property. I do not care. I remember when the legislation originally enacted was passed. I doubted then the wisdom of one feature of it, and that was the limitation of $500,000 a year upon the amount that could be purchased. I have had some experience in the practice of law in connection with condemnation proceedings, and there is no doubt that unless the law be modified so as to permit the institution of a proceeding to condemn the entire tract at one time that as each particular tract is condemned it will enhance the value of the remaining tracts. It would be economical and an advantage to change the law so as to enable one proceeding to be initiated and payments to be made for the property from time to time, as the proceedings might be completed.

I believe it is a wise and proper thing to continue the acquisition of the property. We have acquired now under the condemnation proceedings the two squares directly north of the Capitol Grounds, which are improved. There is considerable vacant property. Some portions of that which is to be acquired, if I were to determine the matter, I should eliminate, but I should prefer to take all that the law provides rather than to stop and permit the property between the Capitol and between the Senate Office Building and the Union Station to be "improved" by the erection of nondescript buildings, cheap houses, hotels, and eating houses, instead of becoming part of an attractive and beautiful approach to the Capitol from the Union Depot. [Applause.]

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. There is an amendment pending.

Mr. SISSON. I offer it as a substitute for the amendment offered by the gentleman from New York.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Mississippi [Mr. SISSON] to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

That so much of an act approved June 25, 1910, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," and the act approved March 4, 1911, amending said act, as refers to enlarging the Capitol Grounds, be, and the same is hereby, repealed, said portion of said act being as follows, to wit:

"Enlarging the Capitol Grounds: It is hereby declared to be the purpose of Congress to ultimately acquire all of squares Nos. 632, 633, 634, 680, 681, 682, 683, 684, 685, 721, 722, and 723, in the city of Washington, D. C., for the enlargement of the Capitol Grounds, and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly foundation in said Plaza. The Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise, and to expend for that purpose not more than $500,000 in any one fiscal year, commencing with the year 1911, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, chap. 837). For the execution of the foregoing, $500,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. MANN. I make a point of order, Mr. Chairman, or reserve it.

Mr. SISSON. Mr. Chairman, I prepared that amendment to offer as an amendment to the bill. The purpose was to repeal the entire act carried in the sundry civil bill. I ask unanimous consent to modify the caption of the amendment—that is, to strike out that the amendment is a substitute for that of the amendment of the gentleman from New York and put in the caption which is "to repeal so much of an act making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1911, and for other purposes, as relates to enlarging the Capitol Grounds."

Mr. MANN. That would make no difference as to the point of order. I wish the gentleman would state briefly what his purpose is, and then I hope that the committee may rise.

Mr. FITZGERALD. This is to repeal the provision.

Mr. MANN. Well, Mr. Chairman, I make the point of order.

Mr. SISSON. The purpose is to repeal the entire act.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that he offered his amendment as a substitute, and the Chair followed the reading of that substitute and it is an exact copy of the statute.

Mr. SISSON. Yes, Mr. Chairman; and now I want to repeal the entire act. My contention is that this item went into the appropriation bill in the sundry civil act, and under the Holman rule I contend it is in order, because it saves money.

The CHAIRMAN. If the Chair correctly understands the gentleman from Mississippi, it is this: He at first offered an exact copy of the statute as a substitute for the amendment offered by the gentleman from New York. Now the gentleman from Mississippi wishes to add to that amendment which he has already offered a repealing provision.

Mr. SISSON. Yes, Mr. Chairman. I thought when I offered the amendment that it was in that form, but upon just looking at it at the Clerk's desk I noticed that the repealing provision was stricken out.

Mr. MANN. Is it not a fact that the language which the gentleman has offered is the language in the existing law which the gentleman desires to repeal?

Mr. SISSON. Yes.

Mr. MANN. Well, I make the point of order, and I hope that the committee will rise.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had reached no conclusion thereon.

FIXING HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow.

Mr. MANN. Reserving the right to object, which I shall not do, I take it that when we get through with the sundry civil bill to-morrow, and I apprehend that we will get through with it early in the day, under the rule we will proceed with the call of the Private Calendar.

Mr. HAWLEY. Pensions.

Mr. MANN. The pension proposition the other day excepted Mondays, Wednesdays, and Fridays.

The SPEAKER. The recollection of the Chair is—of course the RECORD will show—that when we get through with the appropriation bills somebody had the next day after.

Mr. MANN. The gentleman from Missouri [Mr. RUSSELL] asked unanimous consent that the first day following the disposition of the sundry civil bill, except Monday and Wednesday, be substituted for pension day, and at my request, made on the floor, Friday was excepted. Of course that would provide that the Private Calendar would be called to-morrow and pensions on Saturday.

Mr. FITZGERALD. My object in asking for an early meeting to-morrow is to make it possible that the greater part of to-morrow may be available for the Private Calendar.

Mr. MANN. Mr. Chairman, I think we ought to be able to take up both the Private Calendar and the Pension Calendar this week.

Mr. FITZGERALD. I think so.

Mr. MANN. For that purpose I hope the request may be agreed to.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation, Cal.; and

H. R. 16493. An act to correct the military record of William Z. Norman.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. To make certain about a question that was raised here to-day, the Chair appoints the following conferees on the part of the House on the legislative, executive, and judicial appropriation bill (H. R. 24023), whom the Clerk will announce.

The Clerk read as follows:

Mr. JOHNSON of South Carolina, Mr. BURLESON, Mr. GILLETT.

ADJOURNMENT.

Then, on motion of Mr. FITZGERALD (at 5 o'clock and 56 minutes p. m.), the House adjourned until Friday, June 21, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 17323) for the relief of Henry A. V. Post, reported the same with amendment, accompanied by a report (No. 916), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOOD of Virginia: A bill (H. R. 25451) providing for the erection of a public building in the city of Buena Vista, Va.; to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 25452) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: A bill (H. R. 25453) for the extension of Eighteenth Street east from Benning Road to K Street north; to the Committee on the District of Columbia.

Also, a bill (H. R. 25454) for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue; to the Committee on the District of Columbia.

By Mr. GREEN of Iowa: A bill (H. R. 25455) providing an appropriation to check the inroads of the Missouri River in Mills County, Iowa; to the Committee on Rivers and Harbors.

By Mr. CURRY: A bill (H. R. 25456) for the purchase of a site and erection of a Federal building at Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: Memorial of the Legislature of the State of New Mexico, asking for the return of the Spanish and American archives relating to the State of New Mexico; to the Committee on the Library.

By Mr. GOLDFOGLE: Memorial of the Legislature of the State of New Mexico, asking for the return of the Spanish and American archives relating to New Mexico; to the Committee on the Library.

By Mr. CURRY: Memorial from the Legislature of the State of New Mexico, calling for the return of Spanish and American archives relating to New Mexico which are now in the hands of the Librarian of Congress; to the Committee on the Library.

By Mr. FULLER: Memorial from the Legislature of the State of New Mexico, calling for the return of Spanish and American archives relating to New Mexico which are now in the hands of the Librarian of Congress; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX of Indiana: A bill (H. R. 25457) granting a pension to Elizabeth Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25458) granting an increase of pension to William H. Knapp; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25459) granting a pension to Frank Gravins; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 25460) for the relief of Patrick Hughes; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25461) granting an increase of pension to George H. Allen; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25462) to remove the charge of desertion from the military record of Peter Poole; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 25463) granting a pension to John Storms; to the Committee on Pensions.

Also, a bill (H. R. 25464) granting a pension to William Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25465) for the relief of the heirs of Caleb Mullins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25466) for the relief of the heirs of Even Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25467) to add to the records of the War Department the name of James B. Partin; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 25468) granting a pension to Avery Dalton; to the Committee on Pensions.

By Mr. TRIBBLE: A bill (H. R. 25469) granting a pension to Pow A. Wooten; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Ladies of St. Eugene Society, No. 117, Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Milwaukee Chamber of Commerce, relative to investigation of all foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Civil Service Reform Association, protesting against the proposed five-year tenure of office for employees of the District of Columbia; to the Committee on Appropriations.

Also, petition of the Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of Trenton, N. J., protesting against construction of bridge south of Trenton, as proposed by the Pennsylvania Railway Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Alfred D. Whitehouse, Brooklyn, N. Y., favoring passage of House bill 1339, for increasing pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of Brooklyn Chapter of the American Institute of Architects, New York, relative to engaging architects for building Government buildings; to the Committee on Appropriations.

By Mr. DICKINSON: Paper to accompany bill (H. R. 25247) for the relief of the heirs of Nancy Wilson, deceased, late of Cass County, Mo.; to the Committee on War Claims.

By Mr. DANIEL A. DRISCOLL: Memorial of St. Aloysius Society, No. 391, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of the Order of Railroad Conductors, Division No. 175, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the High School Teachers' Association of New York City, favoring passage of the Page bill for Federal aid to vocational education; to the Committee on Agriculture.

Also, petitions of Jacob S. Bernharmir & Bro., of New York, against passage of House bill 16844, relative to manufacturers placing their name on goods, and of Mrs. Gervaise Graham, of Chicago, Ill., and the Association of American Advertisers, of New York, against passage of the Richardson bill (H. R. 14060), relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York Branch of the Polish Socialist Alliance, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, memorial of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kops Bros., of New York City, against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

Also, petition of Julius Mile Sons & Co. and Silas W. Driggs Warehouses, of New York City, against passage of the Works bill relative to license in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of the Thomas Davis Club, the Pat O'Donnell Club, the Limerick Guards, the Samuel McAllister Club, the John Mahoney Club, the D. H. Comber Club, and citizens of Philadelphia, Pa., against passage of the Burton-Littleton bill relative to celebrating 100 years of peace with England, etc.; to the Committee on Industrial Arts and Expositions.

By Mr. O'SHAUNESSY: Petition of the Daughters of Liberty, of Providence, R. I., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5458, relative to construction of bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Pennsylvania Civil Service Reform Association, against clause in House bill 24023 relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. REDFIELD (by request): Petition of citizens of the United States, favoring passage of Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of St. Adabert Society, No. 211, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bills 2925 and 5991, relative to construction of a Navy memorial in Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. REYBURN: Memorial of St. Joseph's Society, No. 403, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Barker & Co., of Philadelphia, Pa., favoring passage of the Sulzer apple package and grade bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia, Pa., against passage of the Burton-Littleton bill relative to celebration of 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Order of Railway Conductors of America, Division No. 175, of Memphis, Tenn., against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Pennsylvania State Association of the American Institute of Architects, at Pittsburgh, Pa., against the repeal of the Tarsney Act by the sundry civil bill; and of the Pennsylvania Civil Service Reform Association, against section 5 of House bill 24023, relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. SCULLY: Petition of the Daughters of Liberty of Harmony, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Sacred Heart Society, No. 199, South Amboy, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of C. A. Burrows, Lancaster, Pa., favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petition of the Los Angeles Cham[illegible] of Commerce, favoring free use of the Panama Canal by [illegible]erican ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Order of Railroad Conductors, Division No. 175, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. TRIBBLE: Petition of James Carter and others of Hart County, Ga., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.